



# JUDICIAL ADVISORY BOARD MINUTES

October 19, 2020

The Judicial Advisory Board of the City of Mesa met via a virtual format streamed into the lower level meeting room of the Council Chambers, 57 East 1st Street, on October 19, 2020 at 7:48 a.m.

## BOARD PRESENT

Gordon Sheffield, Chairman\*  
Charles Wirken, Vice Chairman\*  
Kent Cattani\*  
Carolyn Finley\*  
Kevin Humphrey  
Daniel Kiley\*  
Wade Swanson\*

## BOARD ABSENT

None

## STAFF PRESENT

Nicole Fazzio \*  
Agnes Goodwine  
Alfred Smith\*

(\*Boardmembers and staff participated in the meeting through the use of video conference equipment.)

(Boardmember Humphrey participated in the meeting through the use of telephonic equipment.)

### 1. Meeting called to order.

Each Boardmember introduced themselves and provided a short synopsis of their professional background.

### 2. Elect Chair and Vice Chair.

It was moved by Boardmember Kiley, seconded by Boardmember Humphrey, that Boardmember Sheffield be appointed Chairman of the Judicial Advisory Board.

Upon tabulation of votes, it showed:

AYES – Sheffield-Wirken-Cattani-Finley-Humphrey-Kiley-Swanson  
NAYS – None

Carried unanimously.

It was moved by Boardmember Swanson, seconded by Boardmember Humphrey, that Boardmember Wirken be appointed as Vice Chairman of the Judicial Advisory Board.

Upon tabulation of votes, it showed:

AYES – Sheffield-Cattani-Finley-Humphrey-Kiley-Swanson

NAYS – Wirken

Chairman Sheffield declared the motion carried by majority vote.

3. Items from citizens present.

There were no items from citizens present.

4. Hear an update on the Mesa City Court from Presiding Magistrate John Tatz.

Presiding Magistrate John Tatz displayed a PowerPoint presentation about the State of the Court. He recapped his professional experience for the newly appointed Board members. **(See Attachment 1)**

Judge Tatz recognized Court Commissioner Judge Richard Garcia, who passed away in May; recently retired employees Judge Craig Fuji, Judge Matt Tafoya, and Court Administrator Paul Thomas; and the excellent court staff that have kept things running during the closure. (See Page 2 of Attachment 1)

Judge Tatz discussed the specialty court programs that are available at the Mesa Municipal Court and gave examples of how each specialty court benefits all those involved. (See Page 3 of Attachment 1)

Judge Tatz reviewed the challenges that came up in court operations due to the pandemic while ensuring that citizens' constitutional rights are not violated. He remarked that staff had to balance those challenges to make sure cases were still proceeding. (See Page 4 of Attachment 1)

Judge Tatz provided the timeline for court operations, stating that between March through June the court was effectively shut down. He added beginning in June the court slowly began to increase items on the court calendar with many of those being done telephonically in an attempt to resolve cases. He mentioned staff are still working on ways to resume jury trials safely. (See Pages 5 and 6 of Attachment 1)

Judge Tatz explained, per Supreme Court order, the Mesa Municipal Court must have an operations plan in place to avoid having to close in the event of another outbreak. He mentioned the biggest challenges were physical distancing and case management. (See Page 7 of Attachment 1)

Judge Tatz presented numbers comparing court visitors; court filings; resolved DUIs, misdemeanors, civil traffic issues; as well as protective orders for the years 2019 to 2020. (See Pages 8 through 13 of Attachment 1)

Judge Tatz noted customer service has increased and services have shifted to online or telephone. He commented that staff have been more productive while working from home. He

reported staff have taken the challenges presented by the pandemic and used them as opportunities to utilize technological means to handle cases. He mentioned Mesa Municipal Court continues to be at the forefront of court automation and community programs. (See Pages 14 and 15 of Attachment 1)

Judge Tatz summarized while there are some challenges and hurdles to overcome, the state of the court is strong. He mentioned there are two magistrate openings that will need to be filled. He thanked the Boardmembers for their time and effort serving on the Judicial Advisory Board (JAB).

Chairperson Sheffield thanked Judge Tatz for the presentation.

5. Review and discuss 2020-2021 schedule and appointment process related to the upcoming reappointment of City Magistrate Boyer-Wells for a 4-year term.

Senior Human Resources Analyst Nicole Fazio highlighted that the application period for reappointment would be late December, early January. She stated the application will be forwarded to Judge Boyer-Wells in November and the JAB reappointment process will begin in early 2021.

In response to a question from Chairman Sheffield regarding whether the City will advertise for both magistrate openings, Ms. Fazio explained the opening has been posted for approximately two weeks and is advertised for one vacancy; however, future vacancies may be filled from the list through June of 2021.

6. Review and discuss 2020-2021 schedule and appointment process related to the appointment of a new City Magistrate.

In response to a question posed by Chairman Sheffield, Ms. Fazio advised the same appointment schedule process will be followed as previous appointments.

Deputy City Attorney Alfred Smith emphasized the workplan provides the detail of what will be occurring at the different meetings. He added there will be two tiers running consecutively: the reappointment for Judge Boyer-Wells, along with the appointment of the new magistrate.

Ms. Fazio commented the December 16 meeting will most likely be a full day for the interview process, at which point the Board will make their recommendations for Council.

Chairman Sheffield clarified that the first part of the schedule is working on the replacement magistrate, and the latter part of the year will focus on the reappointment process. He noted if approval is granted for the second magistrate, the schedule could be modified.

Chairman Sheffield thanked staff for the update.

7. Review and discuss Magistrate salaries and make final recommendation for Mayor and Council approval.

Deputy City Clerk Agnes Goodwine informed the Board that magistrate salaries are reviewed every two years. She advised in February 2018 the Board recommended a 9% to 14% salary increase, and Council approved a 10% split increase: 5% in 2018 and 5% in 2019.

In response to a question from Boardmember Swanson about whether this is the right time to discuss and make salary increase recommendations with the uncertainty of the pandemic, Mr. Smith stated the City's financial picture is not as dire as first predicted. He mentioned the budget process begins after the first of the year for the following fiscal year, and the Board could choose to table the discussion until more information is gathered before making a recommendation.

Boardmember Swanson remarked that in reviewing the numbers of other Valley communities, Mesa is on the lower end of the pay scale for magistrates. He stated with the budget uncertainty he is open to tabling the discussion until after the budget numbers are available.

In response to a question from Boardmember Kiley on whether the Board needs to provide a salary recommendation to Council or whether the Board can provide the data gathered supporting a salary increase, Mr. Smith indicated the normal process is that the Board provides a recommendation to Council.

Vice Chairman Wirken indicated he is sensitive to the City's economic problems; however, the City needs to be competitive when filling magistrate positions. He noted the Board makes a recommendation and approval must come from the Council.

Boardmember Humphrey commented he is familiar with the process of a salary review. He advised the City of Mesa does not want to be at the top or the bottom of the salary range but should at least be somewhere in the mid-range. He mentioned the salaries for the presiding magistrate and magistrate positions are lower than the 50th percentile and would expect the salaries to be increased.

In response to a question from Chairman Sheffield, Ms. Fazio confirmed that Tempe magistrate positions have a salary range, whereas many of the other municipalities have a fixed salary. She advised her interpretation of utilizing the salary range is that the newer magistrates begin at the lower range and as experience is gained move up the salary range.

In response to a question from Boardmember Humphrey regarding whether the City Council determines the use of a base salary or implementing a range, Mr. Smith reported the historical practice for the City of Mesa has been to appoint a fixed salary.

Boardmember Humphrey commented that a benefit of moving to a salary range would be allowing more flexibility in providing higher salaries for experience and would not require large changes across the board.

Boardmember Swanson asked whether the City of Mesa utilizes a third party for payroll and pay range information. He also expressed the desire to have more financial information and more information regarding the specific duties of City of Mesa magistrates before making a recommendation.

Ms. Fazio remarked that the City Manager's Office was contacted and asked whether salary discussions should take place because of the pandemic and the green light was given for the Board proceed.

In response to a question from Boardmember Kiley regarding whether magistrates receive a retirement pension, Ms. Fazio remarked that magistrates, along with all City employees,

participate in the Arizona State Retirement System (ASRS) and have deferred compensation options.

Further discussion ensued among the Boardmembers about additional salary comparison, other municipality caseloads, and duties and pay ranges.

Ms. Fazzio verified she will contact Judge Tatz and follow up with the Board when additional information is received.

It was moved by Boardmember Swanson, seconded by Vice Chairman Wirken, that Item 7 on the agenda be continued to the next meeting.

Upon tabulation of votes, it showed:

AYES – Sheffield-Wirken-Cattani-Finley-Humphrey-Kiley-Swanson  
NAYS – None

Carried unanimously.

8. Scheduling of meetings and general information:

Next meeting:

Wednesday, November 18, 2020, 7:15 a.m.  
Lower Level Council Chambers – Virtual format  
57 E. First Street

9. Adjourn.

Without objection, the Judicial Advisory Board adjourned at 8:55 a.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Judicial Advisory Board meeting of the City of Mesa, Arizona, held on the 19<sup>th</sup> day of October 2020. I further certify that the meeting was duly called and held and that a quorum was present.

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DEE ANN MICKELSEN, CITY CLERK

# State of the Court

John Tatz

Presiding Magistrate

# Court losses

- Judge Richard Garcia – Commissioner
  - Judge David Allen II started as Commissioner 9/21
- Paul Thomas – Court Administrator
  - Also down one Deputy Court Administrator
- Judge Craig Fujii
- Presiding Judge Matt Tafoya

## Mesa court programs

- Veterans Court
- Arraignment Court
- Rule 11 Court
- Community Court

# COVID-19 Considerations

- Constitutional Rights
- Administrative Orders of Arizona Supreme Court
- Administrative Orders of Maricopa County Superior Court
- City of Mesa policies and procedures
- Resources/technology
- Concerns of staff and court participants
- Effect on public safety

# Timeline

- March 17 – June 1
  - In-custody and protective orders only
    - Rule 4.1(a) – IA must occur within 24 hours of arrest or released
  - Limited COP's
- June 1 – July 2
  - Added in arraignments, PTC's, non-jury trials
- July 6 - July 30
  - Back to in-custody, protective orders only, limited COP's

# Timeline (continued)

- August 3 – August 28
  - Arraignments (telephonic) and PTC's outside of court
  - COP's - telephonic and in-person
  - OSC's and PRA's – telephonic
- August 31 – ???
  - Added back non-jury trials
  - Arraignments in person
  - Restarted Community Court, Veterans Court, Rule 11 Court
- Working now on resuming jury trials

# Biggest challenges

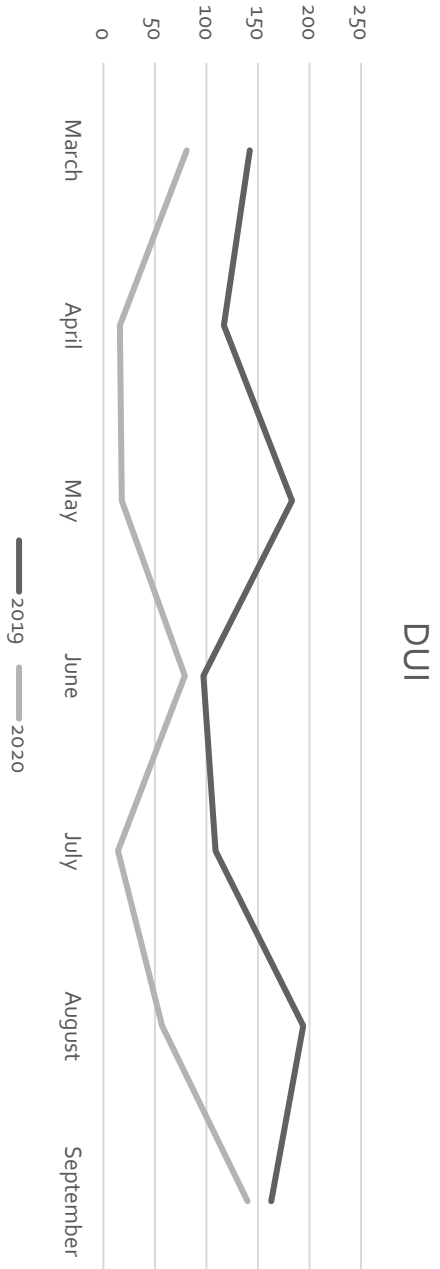
- Per Supreme Court Order:
  - 1. Staffing plan in place to avoid having to close the court in the event of infection or quarantine
    - Example given – Rotate staff working at court and working from home
  - 2. Physical distancing
    - We determined we can have 12 in a courtroom
- Other
  - Backlog, lack of notice to defendants, jury trials

# Court visitors

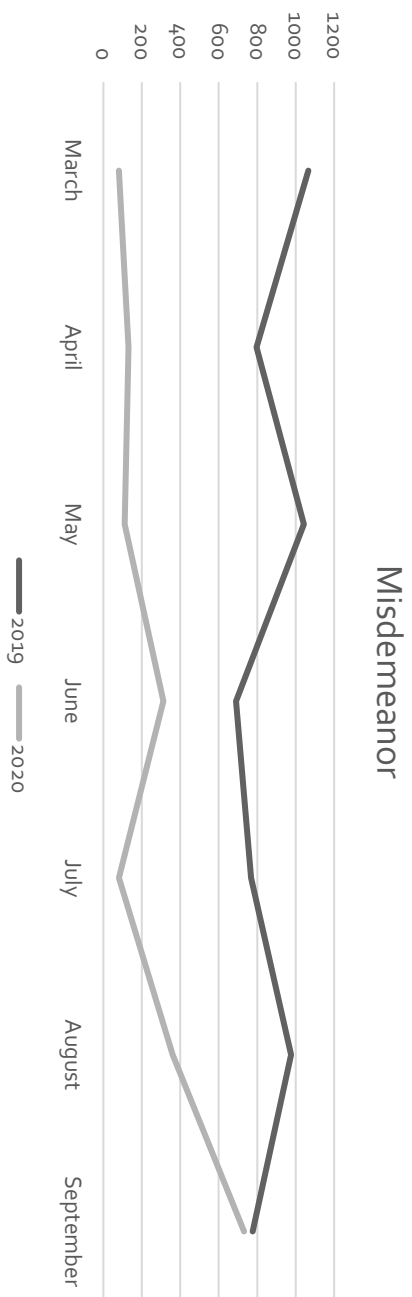
	2019	2020
April	12,843	1,260
May	11,808	562
June	11,432	3,237
July	12,743	683
August	11,448	903

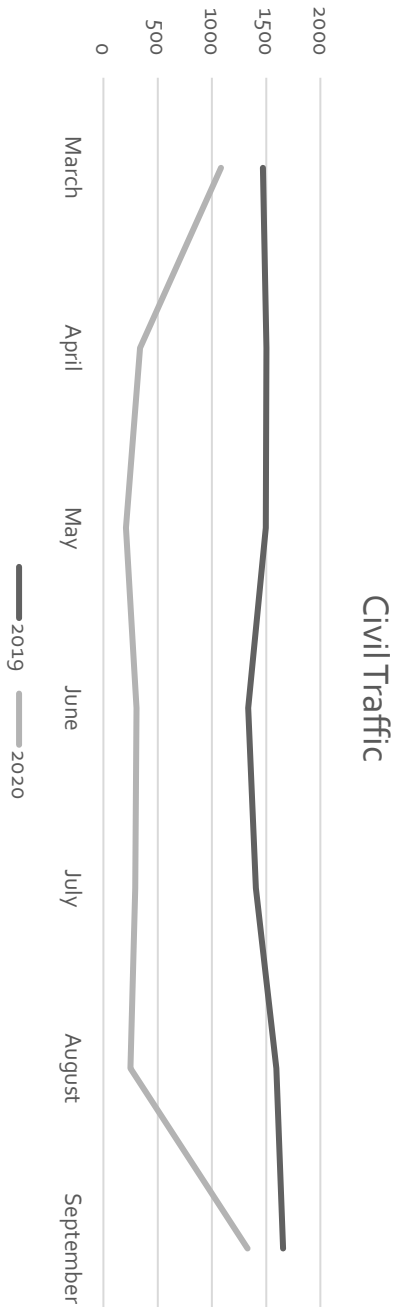
# Court filings

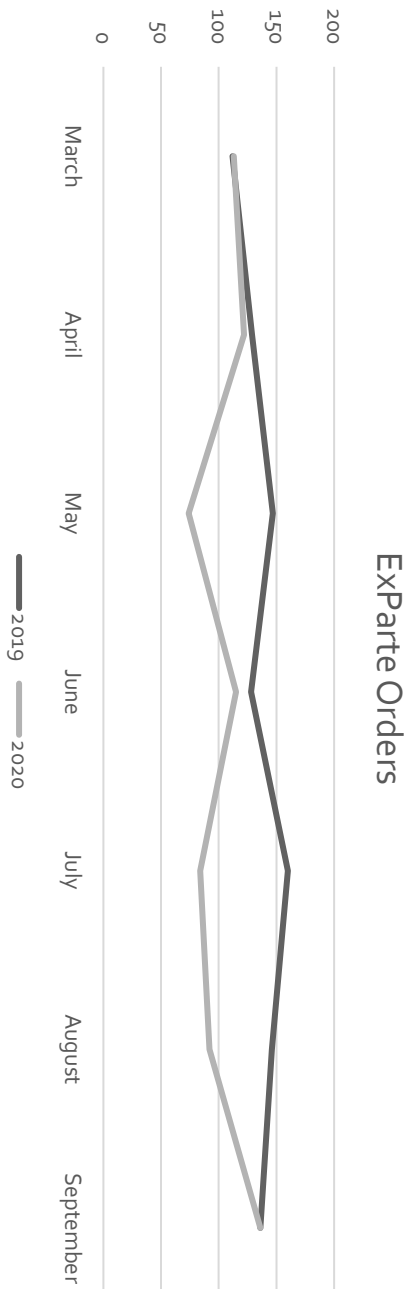
	2019	2020
April	10,464	6,786
May	9,412	3,971
June	9,096	7,852
July	9,199	5,098
August	8,485	5,315



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# Customer service

- Payments online, telephone (IVR or person), mail or dropbox
- Average calls per month
  - To an agent increased from appx. 6000 to 7000 per month
  - IVR increased from appx. 13,000 to 15,000 per month
  - CTHO's can handle a great deal of civil traffic cases over the phone or via email
- Many call agents working from home and production increased
  - Decrease in abandoned calls despite increase in calls

# Challenges = opportunities

- Utilize technology to appear in uncontested hearings
  - Video and telephonic
  - “Paper” hearings
- Continue to take advantage of being at the forefront of court automation
  - Allows for working from home
  - Public court proceedings without the public appearing in court
- Mesa PD used Cares Act money to obtain hotel shelters for the homeless
  - Allows them to connect with services
  - Often diverted into Community Court to give added incentive to take advantage of services