

CHAPTER 3
(1850,2390,3340)

JUDICIAL ADVISORY BOARD

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2-3-1: CREATION OF BOARD:

There is hereby created a citizen Board to be known as the Judicial Advisory Board. Board members shall serve without salary or compensation. (3340)

2-3-2: PURPOSE OF BOARD:

The purpose of the Judicial Advisory Board is to recommend to the City Council the best qualified persons to become City Magistrates, and to evaluate the performance of appointed Magistrates and advise the City Council about retaining them. (3340)

2-3-3: MEMBERSHIP:

(A) The Board shall be composed of seven (7) persons, as follows: (3340)

1. The Presiding Judge of the Arizona Superior Court for Maricopa County, or designee; (3340)
2. An Arizona Appellate Court Judge to be appointed by the Chief Justice of the Arizona Supreme Court; (3340)
3. An active member of the State Bar of Arizona who shall reside in the City of Mesa and who shall be appointed by the Mayor, with the concurrence of the City Council, from among three (3) nominees recommended by the State Bar's Board of Governors; (3340)
4. A member of the Maricopa County Bar Association who shall reside in the City of Mesa and who shall be appointed by the Mayor, with the concurrence of the City Council, from among three (3) nominees recommended by the Association's Board of Directors; (3340)
5. Three (3) Mesa electors who are not City employees, Judges in any official capacity, retired Judges, nor members of the State Bar of Arizona, but who have distinguished themselves through their public service, impartiality, and objectivity. (3340)

- (B) Subject to the concurrence of the City Council, the Mayor shall appoint the members of the Board for staggered terms of three (3) years each. At the time of the initial appointment, the Mayor shall designate the length of term for each such member to provide for staggered terms. (3340)
- (C) No member of the Board shall serve for more than two (2) complete consecutive terms; however, a member may be reappointed after the lapse of three (3) years from the end of the previous term. (3340)
- (D) Absences of any member from meetings of the Board shall, at the discretion of the City Council, render such member liable for immediate removal from the Board by the Council. Any member absent from three (3) consecutive meetings without being excused by the chairperson shall be considered as having vacated his or her appointment. (3340)

2-3-4: BOARD OFFICERS:

- (A) The Board's officers shall consist of a chairperson and vice chairperson, each selected by the Board from the Board's members. (3340)
- (B) Board officers shall serve one- (1-) year terms. No member shall serve more than two (2) terms as chairperson or two (2) terms as vice chairperson, not including any term filled for the remainder of another member's unexpired term. (3340)

2-3-5: BOARD REPRESENTATION:

- (A) Pursuant to Administrative Order 93-17 of the Arizona Supreme Court, and such subsequent orders as may issue which address this objective, in selecting Judicial Advisory Board members, the appointing authorities shall be sensitive to representation reflecting the racial, ethnic, gender, and political diversity of the community served by the Mesa City Court. (3340)
- (B) The appointing authority for each Advisory Board member shall advise each Board member they appoint that the Board member's responsibilities include recruitment of qualified Magistrate applicants, including qualified minority and women applicants, who may not otherwise apply. (3340)

2-3-6: BOARD MEETINGS:

- (A) Promptly upon learning of a City Magistrate vacancy, anticipated vacancy, the expiration of the existing term of a City Magistrate, or the need for a continuing appointment of a Pro Tempore Magistrate, the chairperson of the Board shall issue a call for a meeting of the Board. (3340)
 1. A continuing appointment of a Pro Tempore Magistrate refers to a Magistrate who is anticipated to work on a regular basis over an extended period of time and not just in response to emergencies. (3340)
 2. The Presiding Magistrate, with the approval of the City Manager, may appoint Magistrates Pro Tempore who do not work pursuant to a continuing appointment but, instead, are needed on an emergency basis, such as to fill in temporarily for regular Magistrates who are ill, on vacation, or attending training. (3340)
- (B) All Board meetings shall comply with the Arizona Open Meeting Act (A.R.S. 38-431 et seq.) and Public Records Law (A.R.S. 39-121 et seq.), as amended. (3340)
- (C) The City Clerk's Office and the Personnel Office shall jointly act as secretary to the Board by preparing notices of meetings, minutes, sending information packets to members, and fulfilling all other clerical responsibilities of the Board. (3340)

2-3-7: APPOINTMENT AND REAPPOINTMENT PROCESS:

- (A) Through the City's Personnel Office, the Board shall advertise notice to the public and licensed attorneys of the vacancy or reappointment. (3340)
1. In the case of a vacancy, the Board members shall actively seek and encourage well-qualified individuals to apply. The Board shall advertise the vacancy in a manner designed to provide reasonable notice of the opening, but shall at least publish notice in a professional newspaper once a week for two (2) successive weeks. (3340)
 2. In the case of a reappointment, the Board shall solicit public and professional comment in a manner designed to elicit constructive appraisals of the Magistrate's performance, but shall at least publish notice of the potential reappointment in a daily newspaper of general circulation in Mesa once a week for two (2) successive weeks. (3340)
- (B) All applicants for appointment or reappointment shall complete an application containing such information as the Board and the Personnel Office deem necessary and appropriate to comply with law and provide relevant information about the ability of the applicant to perform an outstanding job as a City Magistrate. (3340)
1. For all appointments under this Chapter, the Board may use as a guide the "Application for Nomination to Judicial Office," formulated under Rule 7 of the Arizona Supreme Court's Uniform Rules of Procedure for Commissions on Appellate and Trial Court Appointments. (3340)
 2. For all reappointments under this Chapter, the Board may use as a guide all surveys, questionnaires, data forms, and reports, formulated under Rule 6 of the Arizona Supreme Court's Rules of Procedure for Judicial Performance Review in Arizona. (3340)
- (C) Applicants shall be given a meaningful opportunity to supplement their applications with letters of recommendation. (3340)
- (D) The Board shall not limit its investigation of applicants to the applications and letters of recommendation received, but shall hold public hearings, personal interviews, and conduct such investigations into the background, performance, and qualifications of the applicants as the Board deems necessary and appropriate. (3340)
- (E) Consistent with and in addition to the requirements of this Chapter, the Board is authorized to develop such procedures as it deems reasonable to select and retain outstanding City Court Magistrates on the basis of merit. In that regard, at a minimum the Board shall: (3340)
1. Conduct at least one (1) public hearing soliciting public input concerning sitting Magistrates seeking reappointment. (3340)
 2. Personally interview at least six (6) candidates for initial appointment as a City Magistrate, or for a continuing appointment as a Pro Tempore Magistrate. (3340)

2-3-8: RECOMMENDATION PROCESS:

- (A) All Board members shall consider all applicants in an impartial, objective manner, based only on the applicant's merit as a potential or current City Magistrate. (3340)
1. At the earliest possible opportunity, a Board member shall disclose to all members of the Board: (3340)
 - (a) All relationships with an applicant (such as business, personal, or attorney-client) or any possible cause for conflict of interest, bias, or prejudice; (3340)
 - (b) All efforts to recruit a specific applicant; (3340)
 - (c) All applicants who constitute "relatives" under the Arizona Conflict of Interest Laws (A.R.S. 38-501 et seq.), as amended, or those applicants who are at present, or have been in the last ten (10) years, a coworker in the same company or firm as the Board member or the Board member's spouse. (3340)
 2. A Board member shall refrain from voting or otherwise participating in discussing all persons required to be disclosed in paragraph 1, subparagraphs (a) and (c), above. Board members may discuss and vote on applications submitted by persons they recruit to apply, after having disclosed to all Board members the nature of their efforts to recruit the applicant. (3340,3391)
- (B) In considering initial appointments or reappointments, the Board shall consider comment from all interested members of the public at a public hearing or in writing. For reappointments, the Board shall also make inquiry of the Arizona Commission on Judicial Conduct for any adverse rulings against the City Magistrate scheduled for reappointment consideration. (3340)
- (C) Following Arizona Board of Regents v. Phoenix Newspapers, Inc., 167 Ariz. 254, 806 P.2d 348 (1991), or subsequent cases dealing with the same subject, the names of applicants and their applications shall not be disseminated to the public or the media. However, those applicants who both agree to be interviewed and who are selected to be interviewed shall become candidates whose names and applications, without the home addresses and telephone numbers, shall be made available, upon request, to the public and the media. (3340)
- (D) The Board shall interview candidates in accordance with the Arizona Open Meeting Law. The Board shall vote on the candidates in an open meeting. (3340)
1. As soon as possible after the vote of the Board, the Board shall deliver its written recommendation concerning an initial Magistrate or continuing Magistrate appointment to the Mayor and City Council, or an appropriate Subcommittee of the Council. The Board shall identify in alphabetical order the three (3) best qualified candidates for each vacancy and summarize the relative strengths and weaknesses of each final candidate. (3340)
 2. As soon as possible after the vote of the Board, the Board shall also deliver its written recommendation concerning reappointment of a City Magistrate to the Mayor and City Council, or an appropriate Subcommittee of the Council. The Board shall state that the Board does or does not recommend reappointment of the Magistrate, summarizing the reasons therefor. (3340)

2-3-9: COUNCIL DECISION:

The City Council may accept or reject the Board's advice and recommendations. The City Council may also refer a specific appointment or reappointment back to the Board for more investigation and findings. The Council may also refer any judicial matter or issue to the Board for such review as the Council may direct. (3340)