



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

**SPECIAL MEETING
Thursday, March 26, 2015
6:00 P.M.**

**Council Chambers
202 N. State Route 89
Chino Valley, Arizona**

AGENDA

- 1) CALL TO ORDER; ROLL CALL**
- 2)** Council may vote to hold an executive session, which will not be open to the public, pursuant to A.R.S. § 38-431.03(A)(1) for discussion or consideration of employment, assignment, appointment, or salaries of Cathy Kelley as Interim Presiding Magistrate of the Chino Valley Municipal Court. (Phyllis Smiley, Town Attorney)
- 3)** Consideration and possible action to: (i) appoint an Interim Presiding Magistrate Judge; and (ii) provide direction to Staff regarding continuing research into options for alternative magistrate court providers and/or recruitment process for a permanent Presiding Magistrate. (Phyllis Smiley, Town Attorney)

Recommended Action:

- (i) Appoint _____ to serve as Interim Presiding Magistrate for the Town of Chino Valley for a period not to exceed ____ months and direct Staff to prepare a contract with _____ for approval by Council at its meeting on April 14, 2015; and
- (ii) Direction to staff to continue research into options for alternative magistrate court providers and provide Council with staff's findings at Council's April 28, 2015 meeting.

4) ADJOURNMENT

Dated this 25th day of March, 2015.

By: **Jami C. Lewis, Town Clerk**

The Town of Chino Valley endeavors to make all public meetings accessible to persons with disabilities. Please call 636-2646 (voice) or 711 (Telecommunications Arizona Relay Service) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting.

Supporting documentation and staff reports furnished to the Council with this agenda are available for review on the Town website at <http://www.chinoaz.net/clerk/townagenda.shtml>, and in the Public Library and Town Clerk's Office.

CERTIFICATION OF POSTING

The undersigned hereby certifies that a copy of this notice was duly posted at Chino Valley South Campus, Chino Valley Post Office, and Chino Valley North Campus in accordance with the statement filed by the Town Council with the Town Clerk.

Date: _____ Time: _____ By: _____
Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Special Meeting

Item No. **2.**

Meeting Date: 03/26/2015
Contact Person: Phyllis Smiley, Town Attorney
Department: Town Attorney
Estimated length of Staff Presentation: None
Physical location of item: n/a

Information

AGENDA ITEM TITLE:

Council may vote to hold an executive session, which will not be open to the public, pursuant to A.R.S. § 38-431.03(A)(1) for discussion or consideration of employment, assignment, appointment, or salaries of Cathy Kelley as Interim Presiding Magistrate of the Chino Valley Municipal Court. (Phyllis Smiley, Town Attorney)

SITUATION & ANALYSIS:

N/A

Attachments

No file(s) attached.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Special Meeting

Item No. **3.**

Meeting Date: 03/26/2015
Contact Person: Phyllis Smiley, Town Attorney
Department: Town Attorney
Item Type: N/A
Estimated length of staff presentation: 5 minutes
Physical location of item: N/A

Information

AGENDA ITEM TITLE:

Consideration and possible action to: (i) appoint an Interim Presiding Magistrate Judge; and (ii) provide direction to Staff regarding continuing research into options for alternative magistrate court providers and/or recruitment process for a permanent Presiding Magistrate.

RECOMMENDED ACTION:

- (i) Move to appoint _____ to serve as Interim Presiding Magistrate for the Town of Chino Valley for a period not to exceed ____ months and direct Staff to prepare a contract with _____ for approval by Council at its meeting on April 14, 2015; and
- (ii) Direction to Staff to continue research into options for alternative magistrate court providers and provide Council with Staff's findings at Council's May 12, 2015 meeting.

SITUATION AND ANALYSIS:

Issue Statement

As of March 27, 2015, the Chino Valley Magistrate Court will be without a Presiding Magistrate due to the resignation of John Walker. A new or interim presiding magistrate needs to be appointed prior to that date to assure the continuing operation of the Court.

Applicable "Policy"

Satisfaction of "Policy"

Summary of Issues and Staff Rationale

Staff was contacted by Judge Pro Tem Cathy Kelley regarding the coming vacancy of the Presiding Magistrate position. Ms. Kelley indicated that Yavapai County Superior Court administrator Rolf

Eckels had advised her that if the Town does not appoint a new or interim magistrate prior to the effective date of Judge Walker's resignation, Yavapai County Superior Court will take over the operation of the Chino Valley Court. Judge Kelley also indicated that she cannot continue as Pro Tem Judge after the effective date of Judge Walker's resignation because she was appointed by him and her appointment is tied to his service as Presiding Magistrate.

The Town Attorney contacted Mr. Eckels who advised that Judge Mackey, Yavapai County Superior Court Presiding Judge, is concerned about the situation in Chino Valley and that as long as the Town is making progress toward resolving the issues and finding a permanent solution, the County will not step in. A pro tempore judge may continue to act as a pro tempore judge, but may not act as the presiding magistrate unless the Town Council appoints him or her to do so. A presiding magistrate has certain duties related to running the court, that cannot be performed by a pro tempore judge.

Due to the short time between now and the effective date of Judge Walker's resignation, there is not enough time to complete a recruitment process for a new presiding magistrate. In order to ensure the efficient functioning of the court until such time as a recruitment can be completed, Staff recommends Council appoint an interim presiding magistrate effective March 27, 2015.

Prior to Judge Walker's resignation, Council directed Staff to review the Town's options regarding efficient and cost-effective means of providing magistrate court services to the Town. Options include contracting with another municipality or the justice of the peace for court services or operating the magistrate court on a non-full time basis. Staff's research on these options is not complete at this time. Staff anticipates making a presentation of its findings and recommendations to Council at the second Council meeting in April. Staff recommends that Council not appoint a permanent presiding magistrate until the information is presented to Council and Council has had an opportunity to consider the Town's options and determine which option is best for the Town.

Findings of Fact

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

Funding Source:

Attachments

No file(s) attached.
