

Town of Chino Valley
AD HOC MAGISTRATE EVALUATION COMMITTEE MINUTES

JANUARY 19, 2012

4:00 PM

The **AD HOC MAGISTRATE EVALUATION COMMITTEE** of the Town of Chino Valley, Arizona convened for a meeting on **Thursday, January 19, 2012 at 4:00PM** in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona.

Linda Hatch called the meeting to order at 4:00PM

Members present: Councilmember Linda Hatch (Chair), Mayor Chris Marley, Darryl Croft

Staff present: Town Magistrate John Walker, Court Coordinator Rhonda Apolinar

2) Review and discussion with regard to developing a process for a performance evaluation of the Town Magistrate, including, but not limited to:

•State and local codes, rules and regulations relative to the Magistrate position provided by the State Administrative Office of Courts, Town Code, Job Description and Magistrate Employment Contract.

Linda Hatch provided an attachment of guidelines published by the Supreme Court for cities and towns regarding the necessity of having a town magistrate or a contracted position. The topics discussed were:

- o Budget and finance issues
- o The presiding municipal judge's authority over the budget
- o Contract renewal -Judge can't be fired but Town can refuse to renew contract without cause
- o Salary – Cannot be reduced during the term of office
 - Town manager and the Court relationship
 - Magistrate supervises court personnel
 - Budgeting policies
 - An ordinance stating specifically what the Town Manager is allowed to do in respect to the court.
 - Town can require court personnel to abide by personnel policies and can set a reasonable budget for court to operate within
- o The proper method of evaluating a municipal judge and who should be on the committee.
- o Who fills in when magistrate has a conflict or if the judge should become disabled.
- o Submission of a court activities report to Council – State vs. Town guidelines
- o Court fees ordinance, which modifies collection procedures.
 - Indigent person fees
 - Fee collection - Town is allowed to add additional fees. Linda Hatch suggested the court give a report on fee allocation.
 - Addition of a Conflict of Laws section as Town code could conflict with the State or Judicial code.
- o Job description
- o employment agreement
 - Minimum hours and time spent on the bench.
 - Conflict in the term agreement between the Town and State law.
- o John Walker advised every July 1st an Engineering News Record Index goes into effect automatically it applies to local ordinance fees, and traffic case processing fees, which are subject to increase based on an accelerator done by ordinance.

- **Proposed timeline for review and performance evaluation of Magistrate.**

Linda Hatch presented a calendar of events covering Magistrate issues, evaluation process, selection process, and review process, which needs to be addressed in the following six (6) months.

February - Finalized magistrate evaluation question – available for Council.

March - Finalize proposed changes in town code, get evaluation questions ready

April – Council reviewing and decision to reappoint the current magistrate or run a hiring ad.

May - Acceptance or reappointment of magistrate

June – Interviews and appointment

- **Letter from the Town Magistrate dated January 9, 2012 and Magistrate 2011 Year-End Report.**

John Walker presented suggestions for the evaluation and selection of the Magistrate. He provided an End of Year report from the court, which provided information on past activities and future plans of the Municipal court.

- Greater security for the court staff and public

- **Review process and possible participants.**

- o John Walker suggested competing for the position when his term is up
- o Mid-term evaluation
- o Setting goals
- o Present an annual report
- o Judge Mackey as a process resource
- o Administrative Offices of the Court (AOC)

Linda Hatch will contact AOC

- **Questions to develop as part of evaluation of Magistrate's current service.**

- **Policies pertaining to appointment of pro tem judges and procedures in the event of disability of the Magistrate.**

While AZ judicial code law does not require a judge to be a licensed attorney the Town's code requires a licensed attorney. It also requires the Pro Tem Magistrate be a licensed attorney. Need a policy for appointment of judge in the event of the disability of the presiding magistrate. John Walker advised the magistrate court could not appoint a pro tem. He suggested Council appointing a limited magistrate for the same term as the magistrate. Rhonda advised she would provide a list of all the judges and their information.

John Walker advised the committee is important as a bridge between the court and Council. He would like to see this committee on standby so if there are important items to be addressed the committee could hold a special meeting.

Committee members and Council are invited to a meet and greet with court staff scheduled on February 23 at 4:00pm. Darryl Croft will invite the Chamber to attend.

Next committee meeting date 4:30 PM on February 9, 2012

3) ADJOURN

Mayor Marley moved; Councilmember Darryl Croft seconded. Passed. Adjournment at 4:50 PM

Dated this 25th day of January, 2012.

By: Liz Hart, Town Clerk assistant