

CITY OF FLAGSTAFF STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Donald Jacobson
Court Administrator, 774-1401 #215
djacobso@courts.az.gov

Date: August 12, 2011

Meeting Date: August 23, 2011



TITLE: CONSIDERATION OF APPOINTMENT OF PRESIDING MAGISTRATE AND MAGISTRATES

RECOMMENDED ACTION: Discuss in Executive Session and make appointments at the Council meeting.

ACTION SUMMARY:

- Appoint Thomas L. Chotena as Presiding Magistrate of the Flagstaff Municipal Court for a two year term; appoint Micheal Araujo and Charlotte Beyal as Magistrates of the Flagstaff Municipal Court for a two year term.
- Policy Decision or Reason for Action:
 - As required by charter and state statute the Flagstaff City Council has established and supported a Municipal Court for the City of Flagstaff. The Municipal Court hears and disposes of criminal, local code and traffic violations that occur within the city limits. In order to accomplish it's mandates the Court requires experienced and qualified judges on the bench.
- Connection to Council Goal:
 - The Municipal Court is a key player in the criminal justice system within the Flagstaff community. It's role is crucial to public safety concerns.
- Options
 - If the Council chose not to appoint any of these individuals it would create a vacant judicial position at the Municipal Court that would need to be filled through a public application process.
- Financial Impact
 - Appointments are for approved and budgeted positions and will require no changes to the City general funds.


 Division Director (Acknowledgment that all reviews have been completed and required approvals initialed below.)

ADDITIONAL INFORMATION:

Background/History:

- The Flagstaff Municipal Court is responsible for the adjudication and disposition of all criminal misdemeanor, criminal traffic, local code violations and civil traffic cases that occur within the Flagstaff City limits in a prompt, judicious and effective manner. The Court is accountable to the Arizona Supreme Court through the Superior Court of Coconino County in judicial and operational matters and reports to the City regarding financial and administrative matters not unique to Court operations. The magistrates that serve in the Flagstaff Municipal Court are appointed by the City Council and serve for a two year term. By Arizona State Constitution the compensation or appointment of judges may not be modified during their term unless for cause and through a public hearing process.

Key Considerations:

- These judges are to be appointed as either Presiding Magistrate or Magistrate under Flagstaff City Code 1-15-001-0002 for a 2 year period beginning August 1, 2011 and ending July 31, 2013.

Community Benefits and Considerations:

- Continued public safety for the community is supported by judges being able to process cases brought before them.

Community Involvement:

- All candidates were chosen through an open recruitment process that included interviews and review of qualifications by court judicial and administrative staff from courts within Coconino County. Each candidate was interviewed and their qualification reviewed by the City Council and were appointed by the City Council. Candidates up for re-appointment have served in the Municipal Court for many years and have had their performance reviewed by their peers, previous City Councils, members of the bar that work in the court and others who have had opportunity to work with these judges. All candidates have had their records with the Arizona Commission on Judicial Conduct reviewed and no complaints, sanctions or other actions by the Commission are on record for any of the candidates. Judicial decisions of the judges are subject to review by special action or through the appellate process and operations of the court are reviewed by the Arizona Supreme Court to guarantee compliance with statutes, code of judicial administration, administrative orders and rules of court.

Financial Implications:

- Salaries for all magistrates are budgeted under account number 001-6507-570-1001, Regular Pay. The costs for these positions are budgeted in the regular ongoing budget of the Flagstaff Municipal Court for these approved positions.

INITIALS	RESPONSIBILITY	DATE	INITIALS	RESPONSIBILITY	DATE
_____	BIDS/PURCHASES	_____	_____	FINANCE/BUDGET	_____
_____	GRANTS	_____	_____	CONTRACTS	_____
_____	LEGAL	_____	_____	IGAS	_____
_____	_____	_____	_____	_____	_____

DATE OF COUNCIL APPROVAL: _____