

**CITY OF SURPRISE**  
**Judicial Selection Advisory Commission Meeting**  
**16000 N. Civic Center Plaza**  
**Surprise, AZ 85374**

Thursday, March 19, 2020 @ 6:00 PM  
Council Chamber Overflow Room



CANCELLED MARCH 18, 2020 AT 1:15 PM

- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Current Events and Reports
- E. Staff Reports
- F. Judicial Selection Advisory Commission Agenda

**CALL TO THE PUBLIC:**

**INSTRUCTIONS:** In order to address the Board\Commission, you will need to fill out a Call to the Public Form available at the front counter, and then turn it in to the Secretary before the meeting begins.

Note: A.R.S. 38-431.01(H) - During this time members of the public may address the Board\Commission only on issues within the jurisdiction of the Board\Commission which are not an item on the agenda. At the conclusion of the open call, the Board\Commission may respond to criticism, may ask staff to review the matter or may ask that the matter be put on a future agenda. No discussion or action shall take place on any item raised.

**CONSENT AGENDA:**

- |    |          |   |                 |
|----|----------|---|-----------------|
| 1. | Citywide | Consideration and action pertaining to approval of the March 14, 2019 Judicial Selection Advisory Commission meeting minutes. | None            |
|    |          |   | Human Resources |

**REGULAR AGENDA ITEM - NON-PUBLIC HEARING:**

- |    |          |   |                 |
|----|----------|---|-----------------|
| 2. | Citywide | Consideration and action pertaining to the election of a chair and vice-chair for the Judicial Selection Advisory Commission. | Human Resources |
| 3. | Citywide | Discussion and review pertaining to the Judicial Selection Advisory Commission Procedural Rules.                              | None            |
|    |          |   | Human Resources |

- G. Other Business and Future Agenda Items  
Discussion and action pertaining to setting a meeting date in January 2021 to begin the Associate Judge reappointment process.
- H. Executive Session

For information purposes: Upon a public majority vote of a quorum ("Commission"), the Commission may hold an executive session, which will not be open to the public, but for only the following purposes: discussion or consideration of records exempt by law from public inspection (A.R.S. §38-431.03(A)(2));

or discussion or consultation for legal advice with the attorney or attorneys of the public body (A.R.S. §38-431.03(A)(3)).

Confidentiality Requirements: Pursuant to A.R.S. §38-431.03(C)(D), any person receiving executive session information pursuant to A.R.S. §38-431.02 shall not disclose that information except to the Attorney General or County Attorney or by agreement of the Commission, or as otherwise ordered by a court of competent jurisdiction.

The Commission may vote to hold an executive session for the purpose of obtaining legal advice from the Commission's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

I. Adjournment

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SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: 1st posting: March 3, 2020 at 10:30 AM  
2nd posting - CANCELLED on March 18, 2020 at 1:15 PM

**SPECIAL NOTE: PERSONS WITH SPECIAL ACCESSIBILITY NEEDS, INCLUDING LARGE PRINT MATERIALS OR INTERPRETER, SHOULD CONTACT THE CITY CLERK'S OFFICE @ 623.222.1200 OR TTY 623.222.1002, BY NO LATER THAN 24 HOURS IN ADVANCE OF THE REGULAR SCHEDULED MEETING TIME.**



**CITY OF SURPRISE**  
**Judicial Selection Advisory Commission Meeting**

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Council Meeting Date: March 19, 2020  
Submitting Department: Human Resources  
Staff Recommendations: None

Contact Person:  
District: Citywide

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Consent: Yes      Regular: No      Public Hearing: No      Report/Discussion: No

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**Agenda Wording:**

Consideration and action pertaining to approval of the March 14, 2019 Judicial Selection Advisory Commission meeting minutes.

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**Motion:**

I move to approve the March 14, 2019 Judicial Selection Advisory Commission meeting minutes.

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**Background:**

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**Objective Analysis:**

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**Policy Compliant:**

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**Financial Impact:**

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**Budget Impact:**

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**FTE Impact:**

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**ATTACHMENTS:**

1. JSAC Meeting Minutes 2019.03.14
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**CITY OF SURPRISE**  
**JUDICIAL SELECTION ADVISORY COMMISSION (JSAC) MINUTES**

16000 N. Civic Center Plaza

Surprise, AZ 85374

Thursday, March 14, 2019 at 6:00 p.m.

Council Overflow Room

- A. Call to Order at 6:03 p.m.
- B. Roll Call - Members present: Commissioners Hanzel, Jessen, Lang and Stutsman. Vice-Chair Gaunt and Commissioner Carey were excused. Members absent: Chair Swann
- C. Pledge of Allegiance
- D. Current Events and Reports – None
- E. Staff Reports – None
- F. Judicial Selection Advisory Commission Agenda

Call to the Public: No public members were present.

Consent Agenda:

- 1. Consideration and action approving the April 9, 2018 meeting minutes – APPROVED with spelling correction  
M: Jessen 2<sup>nd</sup>: Lang Votes: 3 yes votes; 1 abstain Stutsman

Regular Agenda:

- 2. Election of Chair and Vice-Chair  
Members present re-elected the current chair (Swann) and vice-chair (Gaunt)  
M: Lang 2<sup>nd</sup>: Stutsman Votes: 4 yes votes
- 3. Discussion and review of the Judicial Selection Advisory Commission Procedural Rules – NO ACTION

- G. Other Business and Future Agenda Items
- H. Executive Session
- I. Adjournment M: Jessen 2<sup>nd</sup>: Stutsman Vote: 4 yes votes at 6:12 p.m.

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Peter Swann, JSAC Chair

ATTEST:

\_\_\_\_\_  
Maria Aranda, JSAC Secretary

CERTIFICATION:

I, Maria Aranda, Secretary for the Judicial Selection Advisory Commission of the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Judicial Selection Advisory Commission Meeting of March 14, 2019.

\_\_\_\_\_  
Maria Aranda, JSAC Secretary

DRAFT



**CITY OF SURPRISE**  
**Judicial Selection Advisory Commission Meeting**

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Council Meeting Date: March 19, 2020  
Submitting Department: Human Resources  
Staff Recommendations:

Contact Person:  
District: Citywide

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Consent: No      Regular: Yes      Public Hearing: No      Report/Discussion: No

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**Agenda Wording:**

Consideration and action pertaining to the election of a chair and vice-chair for the Judicial Selection Advisory Commission.

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**Motion:**

No motion. A chair and vice-chair will be elected.

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**Background:**

Pursuant to Chapter 2 - ADMINISTRATION / Article VIII, Section 2-295, Number 11 - BOARDS, COMMITTEES AND COMMISSIONS of the Surprise Municipal Code: Chair/vice-chair; elections. Each body must elect a chair and vice-chair.

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**Objective Analysis:**

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**Policy Compliant:**

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**Financial Impact:**

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**Budget Impact:**

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**FTE Impact:**

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**ATTACHMENTS:**

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**CITY OF SURPRISE**  
**Judicial Selection Advisory Commission Meeting**

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Council Meeting Date: March 19, 2020  
Submitting Department: Human Resources  
Staff Recommendations: None

Contact Person:  
District: Citywide

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Consent: No      Regular: Yes      Public Hearing: No      Report/Discussion: No

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**Agenda Wording:**

Discussion and review pertaining to the Judicial Selection Advisory Commission Procedural Rules.

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**Motion:**

No motion.

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**Background:**

Pursuant to Chapter 30, Article III, Sec. 30-43, subsection (a), of the Surprise City Code: "The commission shall hold no less than one meeting each year for the purpose of reviewing the commission's operating procedures."

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**Objective Analysis:**

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**Policy Compliant:**

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**Financial Impact:**

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**Budget Impact:**

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**FTE Impact:**

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**ATTACHMENTS:**

1. JSAC Procedural Rules
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**City of Surprise  
Judicial Selection Advisory Commission  
Procedural Rules**

Rule 1. Commission Officers

The Commission members shall elect officers as required by city ordinance or by-law. The chairman shall preside at all meetings of the Commission. In the chairman's absence, the vice chairman shall preside over the meetings.

Rule 2. Secretary

The Secretary to the Commission will be as designated by ordinance or rule. The duties of Secretary will include preparing and keeping minutes of all meetings, sending information packets to the members prior to a meeting, ensuring the meetings are duly posted as required and other duties as required to conduct the business of the Commission.

Rule 3. Duties of Commission Members

- (A). A Commission member shall consider each application for judicial office in a fair, impartial and objective manner.
- (B). Any Commission member who knows of any fact which may cause or appear to cause a conflict of interest with an applicant shall report such facts to the Commission for its determination of whether the member should deliberate concerning the applicant.
- (C). A Commission member shall discourage any person or organization attempting to influence him/her with facts or opinions other than those relevant to the judicial qualifications of the applicant.

Rule 4. Commission Meetings

- (A). All meetings of the Commission shall comply with the Arizona Open Meeting Law.
- (B). Once a year the Commission shall review the Commission's procedural rules.
- (C). The chairman shall issue a call for a meeting promptly upon being advised of the existence or anticipated existence of a judicial vacancy that has to or will have to be filled.
- (D). A quorum for the Commission shall be four (4) members. The Commission may act on any matter by a majority vote of the members present and voting on the matter.

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(E). Any Commission member who is absent from three consecutive meetings without being excused by the chairman shall be considered to have abandoned their appointment and shall be removed from the Commission.

#### Rule 5. Recruitment of Applicants

Commission members shall actively seek and encourage qualified individuals to apply for judicial office. Commission members should be mindful that qualified persons often will not seek judicial appointment and, thus, it is incumbent on members to seek well-qualified persons and encourage them to apply.

#### Rule 6. Procedure for Recommendation for Reappointment

(A). The chairman shall notify the Commission in writing once apprised about the expiration of an existing term of a city judge.

(B). The Commission shall hold a meeting to determine whether to recommend the reappointment of a city judge whose term will be expiring.

(C). All interested members of the public are encouraged to comment on the reappointment of city judges.

(D). The process for reappointment is outlined in section 30-44 of Ordinance #09-41.

(E). The Commission's written recommendation concerning the reappointment of a city judge shall be delivered to the city council as required by the ordinance.

#### Rule 7. Preliminary Screening of Applicants for New Vacancies

(A). Upon receipt of the applications packets, the Commission shall meet in executive session for the purpose of reviewing the qualifications of the applicants.

(B). Those applicants who are selected to be interviewed shall become candidates. The names and applications of candidates will be made available pursuant to Arizona Supreme Court Rule 123 and the public records law.

#### Rule 8. Investigation of Applicants

Commission members shall conduct investigations into the background and qualifications of the applicants. Using the Application for Judicial Office as a guide, the Commission shall conduct a due diligence inquiry of those individuals, organizations and institutions mentioned in the application. The Commission, however, need not limit itself to the

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application but may contact other individuals, institutions and organizations as it deems reasonable in its effort to obtain as much background information on an applicant as is reasonable.

Rule 9. Selection of Nominees.

(A). The Commission shall interview each candidate in accordance with the Arizona Open Meeting Law. The Commission shall vote on the candidates in the public meeting.

(B). Before proceeding to vote on the candidates, the Commission may elect to meet in executive session to discuss a candidate's qualifications for judicial office.

Rule 10. Transmittal to the Presiding Judge

Recommendations regarding the initial appointment of associate judges shall be made to the Presiding Judge as required by Section 30-45 of Ordinance #09-41.



**CITY OF SURPRISE**  
**Judicial Selection Advisory Commission Meeting**

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Council Meeting Date: March 19, 2020  
Submitting Department: Human Resources  
Staff Recommendations: None

Contact Person:  
District: Citywide

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Consent: No      Regular: No      Public Hearing: No      Report/Discussion: No

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**Agenda Wording:**

Discussion and action pertaining to setting a meeting date in January 2021 to begin the Associate Judge reappointment process.

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**Motion:**

I motion to set the meeting date to begin the Associate Judge reappointment process to be January \_\_\_\_, 2021.

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**Background:**

Pursuant to City Code, Chapter 30, Sec. 30-4 Judges, the initial term under this chapter shall end on June 30th *following* the end of the applicable term.  
This item will set the date to begin the Associate Judge reappointment process.

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**Objective Analysis:**

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**Policy Compliant:**

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**Financial Impact:**

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**Budget Impact:**

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**FTE Impact:**

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**ATTACHMENTS:**

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