



CITY OF SURPRISE
Judicial Selection Advisory Commission Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
 Wednesday, May 15, 2024 @ 6:00 PM
 COUNCIL OVERFLOW ROOM

- 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 the approval of the April 27, 2023, Judicial Selection Advisory Commission meeting minutes.* Human Resources

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- 2. Citywide Consideration and action pertaining to the selection of a Chair for the Judicial Selection Advisory Commission. Human Resources
- 3. Citywide Consideration and action pertaining to the selection of a Vice-Chair for the Judicial Selection Advisory Commission. Human Resources
- 4. Citywide Consideration and action pertaining to amending the Judicial Selection Advisory Commission Procedural Rules. Human Resources

- G. Other Business and Future Agenda Items
- 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

KRISTI PASSARELLI, CITY CLERK

POSTED: Thursday, May 9, 2024 @ 4:00 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

Council Meeting Date: May 15, 2024
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Citywide

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

Agenda Wording:

Consideration and action pertaining to the approval of the April 27, 2023, Judicial Selection Advisory Commission meeting minutes.

Motion:

I move to approve the April 27, 2023, Judicial Selection Advisory Commission meeting minutes.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

None.

Budget Impact:

None.

FTE Impact:

ATTACHMENTS:

1. JSAC Meeting Minutes 2023.04.27
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CITY OF SURPRISE
JUDICIAL SELECTION ADVISORY COMMISSION (JSAC) MINUTES

16000 N. Civic Center Plaza

Surprise, AZ 85374

Thursday, April 27, 2023, at 6:00 p.m.

- A. Call to Order – the meeting was called to order by Chair Carey at 6:00p.m.
- B. Roll Call – members present: Chair Carey, Vice-Chair Lang, Commissioners Furuya, Hanzel, Jessen, Stutzman, and Valles.
- 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 comments from public.

Consent Agenda:

- 1. Consideration and action pertaining to the approval of the April 26, 2022, Judicial Selection Advisory Commission meeting minutes – APPROVED

Motion: Stutzman

2nd: Jessen

Votes: 6 Yes Votes; 1 Abstain – Commissioner Furuya

Regular Agenda:

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

Chair Carey provided a brief overview of the yearly appointment and opened the item for discussion/nomination. Vice-chair Lang made a motion that the chair be retained as chair.

Motion: Lang

2nd: Stutzman

Votes: 5 Yes Votes; Abstain: Chair Carey and Commissioner Furuya

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

Chair Carey opened the item for discussion and nomination. Commissioner Jessen nominated Vice-Chair Lang as vice-chair of the commission.

Motion: Jessen

2nd: Carey

Votes: 5 Yes Votes; Abstain: Vice-Chair Lang & Commissioner Furuya

4. Discussion and review of the Judicial Selection Advisory Commission Procedural Rules.

Chair Carey opened the item for discussion. Commissioner Furuya wanted to discuss that under code, something he was not aware of. The qualifications to sit on the commission who one, be a member of the Court of Appeals which he is, under Article 3 section 30-41, subsection B it states that all members shall be residents of Maricopa County. He is a resident of Coconino County. Is there a provision to allow for exception or waiver. If that is not the case, he would not be able to sit on the commission and would have work with the Chief Justice to nominate another appointee.

Chair Carey brought up that the item was noticed as a discussion and not as a consideration and action on the rules. If the City Attorney deems that it is appropriate for the commission to amend code. If vested on the commission it would be noticed on a future meeting.

Staff was directed to contact the City Attorney to determine the modification process if any or if there is a waiver process.

Judge Furuya relayed that it was very disappointing to him as he was excited to serve and is perfectly willing and happy to serve on the commission. In light of this issue, Judge Furuya registered an abstention on all actions.

Staff will get back to the commission after interacting with the City Attorney on the provision if any.

G. Other Business and Future Agenda Items

Staff was directed to agendaize the JSAC procedural rules as a consideration and action item instead of a discussion in the event the commission can amend the rules and is legally permissible.

Staff inquired about another meeting as there is no current judicial appointment or reappointments so the commission would not meet again until next year. Chair Carey suggested planning on the next annual meeting. That another meeting can be noticed at a later time.

Vice-Chair Lang commented that if the commission can do something about the issue, that the commission should have a meeting before next year, otherwise just wait.

Chair Carey inquired about the allowance of an electronic meeting by Zoom. Staff relayed they are in person.

H. Executive Session – NONE

I. Adjournment

Chair Carey commented that there is no other business to discuss and asked for a motion to adjourn.

Commissioner Jessen made the motion to adjourn. Seconded by Vice-Chair Lang. Chair Carey adjourned the meeting at 6:14pm.

Flynn Carey, 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 April 27, 2023.

Maria Aranda, JSAC Secretary



CITY OF SURPRISE
Judicial Selection Advisory Commission Meeting

Council Meeting Date: May 15, 2024
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Citywide

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

Agenda Wording:

Consideration and action pertaining to the selection of a Chair for the Judicial Selection Advisory Commission.

Motion:

I move to elect (name) for the position of Chair of the Judicial Selection Advisory Commission.

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.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Judicial Selection Advisory Commission Meeting

Council Meeting Date: May 15, 2024
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Citywide

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

Agenda Wording:

Consideration and action pertaining to the selection of a Vice-Chair for the Judicial Selection Advisory Commission.

Motion:

I move to elect (name) for the position of Vice-Chair of the Judicial Selection Advisory Commission.

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.

Objective Analysis:

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Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Judicial Selection Advisory Commission Meeting

Council Meeting Date: May 15, 2024
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Citywide

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

Agenda Wording:

Consideration and action pertaining to amending the Judicial Selection Advisory Commission Procedural Rules.

Motion:

I move to amend the Judicial Selection Advisory Commission procedural rules as follows ().

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."

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

- 1. JSAC Procedural Rules

**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

Approved 6/7/10

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.