



**City of Cottonwood  
Approved  
Judicial Review and Appointments Advisory Board Meeting Minutes**

The City of Cottonwood Judicial Review and Appointments Advisory Board (JRAAB) met Thursday, January 22, 2009 at 5:00 PM in the City of Cottonwood Public Safety Building Conference Room, 199 S. 6th Street.

**Board Members**

**Present**

**Absent**

Donna Castillo, Citizen	X	
William Fischbach, Attorney	X	
Randall Garrison, Citizen	X	
Shiloh Hoggard, Attorney	X	
Robert Oliphant, Citizen	X	
Deborah Schaefer, Designee of Presiding Judge of AZ Superior Court, Yavapai County	X	
Justin Vaughn, Attorney	X	
Iris Dobler, Employee/Recording Secretary	X	
Marianne Jiménez, Employee/City Clerk	X	

**Items of Business**

- I. Call to Order - The meeting was called to order by the City Clerk, Marianne Jiménez, at 5:08 PM.
- II. Roll Call – All members were present.
- III. Review of the Purpose and Function of the Board – Marianne Jiménez referred to Ordinance Number 533, Section 2.108.010 Purpose of the Board, and Section 2.108.060 Recommendation Process to familiarize the Board with their purpose and function.

The members discussed how quickly the Council would like them to make a recommendation of magistrate candidates. Marianne stated Judge Serden had agreed to stay on as interim magistrate and had been appointed as such by the Council. The Council did not need the board to rush through the review process. She mentioned that she needs documents at least seven working days prior to Council meetings to have them included in the agenda and packets. The earliest Council meeting the Board might have a recommendation ready to be put on the agenda will be February 17, 2009. Or, the Council can call a special meeting, if needed.

The short list of applicants will each need to complete the Waiver of Confidentiality and Release of Information form (on Page 15 of the Application for Nomination to Judicial office, Application instructions handout).

Discussion was held on 2.108.080 Reappointment. Some of the Board members felt this section required them to interview the incumbent Magistrate; others felt it did not. Marianne will check with the City attorney for a ruling on this. In order to keep costs to a minimum, the Board decided to defer the question until after applications are screened. If the incumbent Magistrate is selected for an interview based upon his application, then no attorney clarification will be required. An attorney opinion would only be necessary if the incumbent Magistrate is screened out of the process based upon his application.

Executive Sessions were briefly discussed. Candidates must be given 24 hours prior notice of an Executive Session if it will involve them, and they have the option of requesting an open meeting.

Marianne indicated the Board must determine where they'll post meeting notices. They must be posted on the City website, as well as wherever else they're posted – 24 hours prior to meetings.

Justin Vaughn moved to stay consistent with current policy of posting notices at the City Hall bulletin board, Council Chambers Building and the Library bulletin board. Randall Garrison seconded the motion. Motion passed unanimously.

In review of the Open Meeting Law, Marianne mentioned Board members are not allowed to email, phone, or have any type of correspondence with each other regarding the board and/or candidates.

The City attorney, Steve Horton, can answer questions the Board might have.

- IV. Election of a Chairperson – Donna Castillo asked how the two-year term for officers would work if a Board member was named for only a one-year term (see 1.208.030). Randall Garrison recommended members serving a one-year term not be selected for either of the officer positions.

Mr. Garrison nominated Donna Castillo for Chairperson. There was no second to this motion. Then, Shiloh Hoggard nominated Robert Oliphant for Chairperson and Donna Castillo as Vice Chairperson; Justin Vaughn seconded. Motion carried unanimously.

- V. Election of a Vice Chairperson - See IV, above.

- VI. Election of a Secretary - Robert Oliphant said that Ordinance Number 533 does not provide for a Secretary to be elected, and suggested that the Human Resources Manager be the Recording Secretary.

Donna Castillo stated it indicated in the Ordinance creating the Board that the Human Resources Director would assist with clerical and administrative responsibilities of the board.

- VII. Discussion and Determination of Rules of Procedures for Conduct of Meetings - Mr. Oliphant recommended following Robert's Rules of Order for Board meetings. Justin Vaughn offered to give policy support, if needed.
- VIII. Discussion and Selection of Potential Questions to be used for the City Magistrate Interviews – Justin Vaughn said he believes every interviewee is different; creative interview questions that may not be a standard questionnaire should be able to be used. Such things as biggest attribute; shortcomings; what question would you least like me to ask you, etc., might be asked.

Board members began reviewing possible questions in the Application for Nomination to Judicial Office pamphlet that Ms. Jiménez had handed out earlier.

P. 3, #13 & #14 – Would like to know about periods of unemployment, as well as employment history.

William Fischbach asked whether the written questionnaire would be given to the short list of applicants, or only the actual interviewees. Randall Garrison wondered if the same set of questions, in the same format, has to be asked of each candidate. Deborah Schaefer said the candidate needs to be able to manage the court; someone with business experience, supervisory experience.

Justin Vaughn moved to table the questions until it is decided what criteria will be set, after the short list of candidates has been decided upon. Will Fischbach seconded the motion. Discussion followed: Mr. Oliphant suggested having each member come to the next meeting with a candidate in mind that the member can say what they liked and didn't like for criteria. The Board needs to focus on what the City is looking for; focus on the job description; and what the ARS and Constitution says regarding City Magistrate requirements. The motion carried with Donna Castillo opposed.

- IX. Discussion of Possible Use of Scoring Instrument – Robert Oliphant suggested a 5 point scale, and the use of a scoring instrument. Shiloh Hoggard thought scoring should be used during the interviews. Perhaps a Yes/No/Maybe could be used for the first review. Randy Garrison suggested everyone come to the next meeting with a list of 5–7 candidates for the short list.

Justin Vaughn suggested the following six areas to be scored:

- Judicial experience
- Knowledge of the law
- People skills
- Problem solving
- Ethics
- Level of commitment
- Leadership/management skills

Randy Garrison moved to approve the six-part matrix that Mr. Vaughn suggested for the interview process, using a 1-5 scale. Deborah Schaefer seconded. Motion passed unanimously.

Mr. Vaughn withdrew his prior recommendation of six areas to be scored on a matrix. He then moved to have each member come to the next meeting with five candidates they want to interview. After the Board discusses each member's list of five, they should agree on the total number of applicants they want to interview. Motion seconded by Randy Garrison.

Then, Justin Vaughn suggested a revised list of criteria, listed below:

- Legal experience
- Judicial experience
- Management experience
- Education
- Community Service (commitment to the welfare of others)
- How closely applicant meets job description

A rating scale of 1-10 would be used for each of the first five criteria, and a scale of 1-20 for the sixth item.

Mr. Vaughn moved to adopt the new list of matrix criteria, with each member to be prepared to discuss candidates at the next meeting. Will Fischbach seconded. Motion passed unanimously.

X. Discussion and Determination of Procedures to be Used to Select Candidates for Interviews – Some of this was already discussed along with item IX.

Donna Castillo asked that City Attorney, Steve Horton, give the Board advice on whether Richard Serden has to be interviewed or not. Mr. Oliphant said to wait and see how Mr. Serden comes out on the initial review.

Mr. Oliphant requested the Recording Secretary to email the following to all Board members:

- Matrix for first review of applicants
- List of applicants with a number/letter system with which to refer to them in the future
- Job description for Presiding Magistrate
- Minutes of today's meeting

XI. Setting a Date and Time of the Next Board Meeting – Wednesday, February 4, 2009 at 5:00 PM, same location.

Agenda should include the following:

- Identify any conflicts of interest
- Summary of current events
- Call to public (5 minutes maximum per person)
- Short List of candidates from each Board member
- Determine follow-up procedures

Deborah Schaefer mentioned she might be a few minutes late, due to another meeting prior to this one and that she could call and participate in the meeting over the phone until she arrived.

The Board questioned if there was a phone available for Debbie to call in. Marianne Jiménez said there was a phone available for use.

- XII. Adjournment – Deborah Schaefer made a motion to adjourn. Shiloh Hoggard second; motion passed. Meeting adjourned at 7 p.m.

Respectfully Submitted,

Iris Dobler  
Recording Secretary