

City of Cottonwood
Judicial Review and Appointments Advisory Board Meeting Minutes - DRAFT

The City of Cottonwood Judicial Review and Appointments Advisory Board (JRAAB) met Monday, March 28, 2011 at 6:00 PM in the Council Chambers, 826 N. Main Street, Cottonwood, Arizona.

<u>Board Members</u>	<u>Present</u>	<u>Absent</u>
Donna Castillo, Citizen	X	
Randall Garrison, Citizen	X	
Shiloh Hoggard, Attorney	X	
Lindsay Odell, Attorney (Vice Chair)	X	
Robert Oliphant Citizen (Chairperson)	X	
Deborah Schaefer, Designee of Presiding Judge of Arizona Superior Court, Yavapai County		X
Justin Vaughn, Attorney	X	
Iris Dobler, Employee/Recording Secretary	X	

Items of Business

- I. Call to Order – The meeting was called to order by the Chairman, Robert Oliphant, at 6:00 PM.
- II. Roll Call – A quorum of the membership was present. Deborah Schafer, who has excused herself from the current duties of the Board, because of possible conflicts, was not in attendance.
- III. Approval of Minutes of March 4, 2011 Meeting – Minutes were approved and accepted as written.
- IV. Election of Officers (two-year terms) – Chairperson Oliphant asked if anyone would volunteer to be Chair or Vice Chair. No one did. Mr. Oliphant said he would be willing to serve another two-year term. Shiloh Hoggard nominated Robert Oliphant; Donna Castillo seconded. Mr. Oliphant was re-elected unanimously.

Vice Chair – Shiloh Hoggard nominated Lindsay Odell; Robert Oliphant seconded. Ms. Odell was elected unanimously.
- V. Public Hearing Opened: Chairperson Oliphant said he would be moving the “Discussion of Two-year Performance Review of Incumbent Magistrate” portion of the agenda to follow the Executive Session, if no one had objections to that. No one objected.

S. Diane Burke, Prescott, was present and asked to speak on behalf of Judge LaSota. She explained that she had worked as a volunteer at the Cottonwood Municipal Court for eight months, approximately mid-October, 2009 to June, 2010. This was during a

period of staff turnover at the Court, and since she had worked in numerous other courts for many years, she felt she could be of service. Ms. Burke encouraged the Board to reappoint Judge LaSota to a new term.

Justin Vaughn said that since she had worked in many courts, and saw the working style of judges, was there anything she saw that Judge LaSota could improve on? Not really was her reply.

Ms. Burke had submitted a letter (dated 1/27/10) to attorney J. Douglas McVay on behalf of Mr. LaSota. Mr. Oliphant asked whether she would have any problems having it be part of the public record of this matter. Mr. Burke replied she had no problem with that.

Public Hearing Closed.

VI. Interview of Magistrate – Judge LaSota reviewed and explained numerous things about his tenure, including the following:

- He's not afraid to do the right thing.
- Fees, etc., are based on individual circumstances in the case.
- The Judge began a Diversion Program which allows defendants charged with minor offenses to perform Community Service for the City instead of paying fines. Thousands of hours of Community Service are given the City through this program. The offense is against the City, so the Community Service should benefit the City.
- There have been no complaints about him by victims, attorneys, City Council members, etc., during his tenure (except one driver going 85 MPH on Mingus who felt his case should have been dismissed).
- Collections have been made on cases that previously had been left dormant. The Court is handling approximately double the amount of cases as before Judge LaSota's term began, and collecting approximately \$100,000 more per year for the City, compared to the year before he took office.
- A new ticketing system (E-Citation) will be in place within the next two months. The Court is contributing \$6500 toward new software, etc., for this.
- Defendants will be able to pay on-line soon (or at a computer at Walmart, across the country) through a new Justice EZ Track system.
- He has set up a Court Coordinating Committee (which is the only one of its kind in Yavapai County) to share information and discuss how the Court can do things better, and for the Court to explain its policies to attendees. (Comprised of the Presiding Magistrate, Court Administrator; Prosecutor; Court Appointed Contract Attorney, Victim's Advocate, and a representative from the City Police Department.)
- The Court is more efficient and has more coverage than ever before, because they now have two staff members who are Civil Traffic Hearing Officers, and one who is also an Associate Magistrate. This setup has saved thousands of dollars already.
- A new Court building has been opened since he's been the Magistrate. He and his Court Administrator spent many hours on planning courtroom and office setup.
- There were blatant problems with staff following the statutes before he came on board. That has been rectified.

- There is a new, professional staff on board; no insubordination, and they follow the Rules of Conduct.
- They have several Pro Tems now, one of whom they pay mileage only for his services. Also, when Diane Burke volunteered with the Court, they paid her mileage only, also.
- The Court staff is more diversified than previously.

Chairperson Oliphant then opened the meeting to questions from Board members.

Donna Castillo – What number of hours do you work per week? Response: The AOC (Arizona Office of Courts) has no binding hours a magistrate is required to work, but he's there fulltime, Monday – Friday. *When does he use Pro Tems? Response:* They step in for him if he's not available. *There is no extra salary for staff handling these matters? Response:* No there isn't.

Lindsay Odell – Have the issues you had with the former staff been resolved with the new staff? Response: Yes. The Judge also gave an explanation of why the former staff members left. He also mentioned the former staff was doing some things wrong, and he'd always have to prove to them why they were wrong. There were some personality conflicts.

Shiloh Hoggard – What is the most positive thing or thing you've enjoyed most during your tenure? Also, the least enjoyable? Response: Least was the staff problems in August, 2009. Most is the interaction with defendants and those who come into the Court. *You recently applied for a Yavapai County Superior Court position. Was that motivated by any negative experience with this Court? Response:* It was to get a feel for things; to become familiar with the process if he decided to try again down the road.

Justin Vaughn – What situation did you handle that in hindsight you wish you had handled differently? Response: This is something I'd like to discuss in Executive Session. *What element of your character would you most want to improve as a Judge? Response:* How much to push staff on getting work done, without having them feel they're overworked or stressed. *What are your observations as a resident of the Verde Valley? What is the greatest need for Cottonwood? Response:* More things for kids to do (example: a decent movie theater, instead of having to go to Sedona).

Randy Garrison – Your job is a two-sided job: judicial and supervisor. The survey addressed some complaints or concerns with your supervisory role. Are you comfortable with that portion of your job, and have you done a good job, or are there things you need to improve? Response: Things are good in that area now; there are no problems with the current staff. We are still two positions short because of the hiring freeze. Getting those two positions filled will help handle caseloads more efficiently. There will be more traffic citations with the new E-Citation system going into place. He had never experienced with level of insubordination he did with the former staff.

Shiloh Hoggard – Who compiled the 2010 Judicial Performance Evaluation his office sent out? Response: His staff. He gathered the form/questions from the Phoenix Court.

Robert Oliphant – You mentioned your accomplishments earlier. One you didn't discuss at this meeting was the script you use to notify defendants of their rights. Tell us about that. Response: We started using it so all defendants hear/know the same thing. It's better/fairer for all. There is some concern on responses to Question #17 of the survey. It seems that others view your interaction differently than you do. Response: Depends on who's rating me. You don't see my staff leaving; they're all staying.

VII. Executive Session – Confidential Employment Issues

- City Attorney Steve Horton asked Judge LaSota whether he had received a 24-hour written notice of the Executive Session and his rights. Judge LaSota said no. Steve Horton asked whether Judge LaSota would waive his right to this notice. He responded yes.
- Randall Garrison moved to go into Executive Session; Donna Castillo seconded. All were in favor. The Board plus the following individuals will be a part of this Executive Session: Judge LaSota; City Attorney Steve Horton; Board Secretary Iris Dobler.

Chairperson Oliphant announced the Executive Session was now in session.

Chairperson Oliphant announced the Executive Session was now closed, and the open portion of the meeting was again in session.

Judge LaSota was again in attendance, and Mr. Oliphant addressed these comments to him. The Board found there have been some spectacular successes for the Court over the Magistrate's two-year tenure, but some of the downside issues are just as startling. A main concern is the Magistrate's relationships with his staff. The Board will recommend that the Council retain the Magistrate.

Chairman Oliphant explained the next steps to the Judge:

- The draft recommendation letter will be sent to the JRAAB Recording Secretary, who will email it to the Board members (reminder that there is to be no discussion on the document by Board members until the next meeting).
- A Board meeting will be scheduled for next week to discuss the draft letter.
- City Attorney Steve Horton was asked whether he could be available by phone, if needed, during the next Board meeting. His response was yes.

Mr. Oliphant thanked the Judge for meeting with the Board and responding to their questions.

VIII. Set date and time of next board meeting: April 4, 2011, 9:00 AM

IX. Adjournment – Shiloh Hoggard moved to adjourn the meeting; Donna Castillo seconded; motion passed. Meeting adjourned at 8:56 PM.

Respectfully Submitted,

Iris Dobler, Recording Secretary