

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD APRIL 26, 2011, AT 4 P.M., AT THE CITY COUNCIL CHAMBERS BUILDING, 826 NORTH MAIN STREET, COTTONWOOD, ARIZONA.

CALL TO ORDER AND ROLL CALL

Mayor Joens called the special meeting to order at 4:00 p.m. Roll call was taken as follows:

COUNCIL MEMBERS PRESENT

Diane Joens, Mayor
Karen Pfeifer, Vice Mayor
Linda Norman, Council Member
Tim Elinski, Council Member
Darold Smith, Council Member
Terence Pratt, Council Member
Duane Kirby, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager
Marianne Jiménez, City Clerk
Steve Horton, City Attorney
Iris Dobler, Human Resources Manager
A. Douglas LaSota, City Magistrate

CONSIDERATION & REVIEW OF THE COTTONWOOD JUDICIAL REVIEW AND APPOINTMENT ADVISORY BOARD'S ASSESSMENT OF THE PERFORMANCE OF THE CITY'S FULL-TIME MAGISTRATE, A. DOUGLAS LASOTA

Mayor Joens asked Judge LaSota if he had received his letter asking if he wanted to hold his review under executive session or public session.

Judge LaSota stated he would allow the Council to go into executive session.

Mr. Horton stated some of the materials in the Council's packets pertaining to Judge LaSota were segregated into public materials, confidential material but probably public, and material that was confidential and not subject to disclosure. If the Council were to discuss the confidential material not subject to disclosure they might consider doing it in executive session.

Council Member Pratt stated if the Judge did his presentation here and when the Council got to discuss it and perhaps have to talk about some of the confidential information they would be better off going into executive session.

Mayor Joens noted that the chair of the Judicial Review Board was present, Mr. Robert Oliphant, and also Justin Vaughn who was a member of the commission was also present.

Judge LaSota stated the Judicial Advisory Board's report was pretty complete in most respects. An important point to note, and the Judicial Review Board noticed too, was the fact there had been no complaints by victims about the court or himself, or complaints by attorneys, and no complaint by observers. He then reviewed his and the court department's accomplishments during his two-year tenure as magistrate for the city's municipal court.

Mr. Oliphant stated on behalf of the Board he would like to thank Mr. Horton for his terrific assistance with them in their work, which they appreciated. The Board also wanted to thank Iris Dobler, who was surely one of the finest employees in the City of Cottonwood. Other than that this was an employment situation, so the Board worked very hard to focus on objective information that was before it and to not guess, or speculate, or surmise. They did the best they could to provide them with the information that was developed over many hours, including about two and half hours interviewing the Judge, so the report spoke for itself.

Council Member Pratt moved to convene into executive session. The motion was seconded by Council Member Elinski, and carried with dissenting votes by Council Members Elinski and Kirby.

At the conclusion of the executive session the Council returned to the dais and Council Member Elinski moved to reconvene the special meeting. The motion was seconded by Council Member Norman, and carried unanimously.

Mayor Joens asked if there were any questions or comments from the Council on the Judge's performance or on any of the reports they had received.

Council Member Pratt stated after reviewing everything the Judge and the Board submitted, he supported the Board's vote of five to one to reappoint the Judge.

Vice Mayor Pfeifer suggested the Judge slow his speech when he speaks so he was more understandable. Otherwise, the report was great, the revenues were up and she did not have any problems.

Mayor Joens stated she had taken note of all of the things he has done. It seemed everyone was pleased with the manner in which they were treated by this Judge. Everybody is human and not everyone is perfect. She further stated she appreciated the very good job the Judge had done.

Discussion ensued regarding the amount of pay increase the Judge should receive, and the general consensus was a five percent increase was in order.

Judge LaSota stated as far as percentages were concerned, his staff members at the time

some were getting five or six percent, so whatever they felt was fair. He also requested they consider what to do with the one year period. What they could do is put an amount after that next year of what it would elevate up to in lieu of doing a review or do a review at one year.

Mayor Joens stated she thought a review would be good because they did not know what the city's finances would be at that time, so just to automatically give one, other employees might not be getting one.

Council Member Pratt suggested five percent would be in lieu of the last year.

RESOLUTION NUMBER 2587—APPOINTING THE PRESIDING MAGISTRATE FOR THE CITY'S MUNICIPAL COURT & CONSIDERATION OF AN EMPLOYMENT AGREEMENT

Council Member Pratt then moved to approve Resolution Number 2587 appointing A. Douglas LaSota to a two-year term as city magistrate of the City of Cottonwood and include a new employment agreement for two-years beginning on April 24 amending his salary to \$89,250 per year.

Judge LaSota stated he thought they were going to April 13.

Council Member Pratt amended his motion to read April 13.

The motion was seconded by Mayor Joens, and carried with a dissenting vote by Council Member Elinski.

Council Member Elinski stated he knew the Judge had done a stellar job running the court and he fully trusted the Commission's recommendations. He just believed there was spillovers that were of concern and he thought the Judge had made some poor decisions. He knew the Judge was running the court very well and he did appreciate that.

The motion carried.

Mayor Joens requested the City Clerk read Resolution Number 2587 by title only.

RESOLUTION NUMBER 2587

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, RE-APPOINTING A. DOUGLAS LASOTA AS CITY MAGISTRATE AND ESTABLISHING HIS NEW TERM OF OFFICE.

ADJOURNMENT

Mayor Joens moved to adjourn. The motion was seconded by Vice Mayor Pfeifer, and carried unanimously. The special meeting adjourned at 5:15 p.m.

Diane Joens, Mayor

ATTEST:

Marianne Jiménez, City Clerk

CERTIFICATION OF MINUTES

I hereby certify that the attached is a true and correct copy of the minutes of a special meeting of the City Council of the City of Cottonwood held on April 26, 2011. I further certify that the meeting was duly called, and that a quorum was present.

Marianne Jiménez, City Clerk

Date