

**SUMMARY REPORT  
OF COUNCIL ACTION TAKEN AT THE MARCH 31, 2009, SPECIAL MEETING**

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This summary is a statement of legal actions taken by the Cottonwood City Council at a special meeting pursuant to A.R.S. § 38-431.02(D), and is being provided as required by A.R.S. § 38-431.01(D.).

Council Members Present: Mayor Diane Joens, Vice Mayor Karen Pfeifer, Council Members Tim Elinski, Duane Kirby, Linda Norman, and Terence Pratt.

Mayor Joens called the meeting to order at 6:00 p.m.

INTRODUCTION OF MAGISTRATE CANDIDATES TO BE INTERVIEWED

Mayor Joens introduced the four candidates to be interviewed: Michael Carroll, Douglas LaSota, Louis Levin, and Lorrie Miner.

REPORT FROM THE CHAIRMAN OF THE JUDICIAL REVIEW AND APPOINTMENT ADVISORY BOARD REGARDING THE INTERVIEW PROCESS OF THE CANDIDATES THAT WAS CONDUCTED BY THE BOARD

Mr. Bob Oliphant, the chairman of the Judicial Review and Appointment Advisory Board reviewed the process the board used to determine which applicants the board would interview. After the interview process, it was the board's recommendation the council interview all four candidates the board had interviewed as the candidate's final ratings were so close.

INTERVIEW QUESTIONS TO MAGISTRATE CANDIDATES BY CITY COUNCIL

The candidates answered on a rotating basis a series of questions from the Council.

Ms. Terri Messick, the court administrator then asked two questions of the candidates, which they responded to.

QUESTIONS FROM MAGISTRATE CANDIDATES

The four candidates had no questions, but each gave a closing statement as invited to do so by Mayor Joens.

QUESTIONS FROM THE PUBLIC TO THE MAGISTRATE APPLICANTS

Ms. Terri Gage, a Cottonwood resident, questioned the candidates if there might be a time when they might refuse to hear a case, which each candidate responded to.

Mr. Bill Ponath, a resident of Cave Creek and applicant for the position, stated he was disappointed that he was not selected to interview for the position and proceeded to state why he was a better selection for the position and spoke about his references.

Richard Serden, the city magistrate for the last four years, stated after four years of being the presiding magistrate of this court he questioned why he was deemed not qualified to serve in this position. He asked that the staff of the court be taken care of and that there were no negative ramifications for the staff.

DISCUSSION, CONSIDERATION, AND POSSIBLE LEGAL ACTION REGARDING THE APPOINTMENT OF A CANDIDATE FOR THE CITY MAGISTRATE POSITION

Council Member Pratt moved to convene into executive session. Motion was seconded by Council Member Chapman, and carried with a dissenting vote by Council Member Kirby.

Council Member Pratt moved to reconvene into regular session. Motion was seconded by Council Member Norman, and carried unanimously.

Mayor Joens read the scores received by the four candidates through the matrix used by the Council and the Court Administrator as follows: Michael Carroll, 233; Douglas LaSota, 278; Louis Levin, 233; and Lorrie Minor, 249. Mr. LaSota scored as the number one candidate.

POSSIBLE JOB OFFER TO A MAGISTRATE APPLICANT FOR THE POSITION OF CITY MAGISTRATE CONTINGENT UPON NEGOTIATING A CONTRACT AGREEABLE TO BOTH PARTIES, OR POSSIBLE DIRECTION TO STAFF TO RE-ADVERTISE THE POSITION

Council Member Kirby moved to make the job offer to Mr. LaSota for the position of city magistrate contingent upon negotiating a contract agreeable to both parties. Motion was seconded by Council Member Chapman, and carried unanimously.

The council directed the Mayor to work with staff to negotiate a contract with Mr. LaSota.

ADJOURNMENT

Council Member Norman moved to adjourn. The motion was seconded by Vice Mayor Pfeifer, and carried unanimously. Special meeting adjourned at 9:20 p.m.