



**City of Scottsdale
JUDICIAL APPOINTMENTS ADVISORY BOARD
Regular Meeting Minutes
Monday, October 4, 2021**

Virtual Public Hearing

PRESENT

Board Members:

Robert Gruler, Chair
Susan Galpin-Tyree, Vice Chair
Brian Adamovich
Laura Ingegneri
Joseph Kiefer
Tricia Schafer

Absent:

Suzanne Marwil

Staff:

Stephanie Heizer, Assistant City Attorney
Donna Brown, Human Resources Executive Director
Autumn Asmus, Staff Coordinator

CALL TO ORDER

Chair Gruler called the meeting to order at 5:36 p.m.

ROLL CALL

Members present as listed above.

Possible Executive Session

1. APPROVAL OF MAY 5, 2021 JUDICIAL APPOINTMENTS ADVISORY BOARD MEETING MINUTES

VICE-CHAIR GALPIN-TYREE MOVED TO APPROVE THE MAY 5, 2021 JUDICIAL APPOINTMENTS ADVISORY BOARD MEETING MINUTES. BOARD MEMBER INGEGNERI SECONDED THE MOTION, WHICH CARRIED SIX (6) TO ZERO (0). CHAIR GRULER, VICE-

CHAIR GALPIN-TYREE, BOARD MEMBERS ADAMOVICH, KIEFER, INGEGNERI, AND SCHAFFER VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

2. REAPPOINTMENT OF VICE-CHAIR

Chair Gruler congratulated Vice-Chair Susan Galpin-Tyree for her reappointment to JAAB.

3. PRESENTATION BY HUMAN RESOURCE STAFF REGARDING ADVERTISING NOTICE TO THE PUBLIC AND LICENSED ATTORNEYS REGARDING THE VACANCY CREATED BY THE RETIREMENT OF THE PRESIDING JUDGE

Chair Gruler invited Human Resources staff to make a presentation regarding advertising notice to the public and licensed attorneys regarding the vacancy created by the retirement of the Presiding Judge.

Donna Brown, Human Resources Executive Director, provided an overview of the appointment and reappointment process. She said that in consultation with JAAB attorney, Stephanie Heizer, it has been agreed that the process is consistent with Scottsdale Revised Code and Rule 7 of the Arizona Supreme Court's rules of procedures for commissions and appellate and trial court appointments. The appointment process is replacing Scottsdale's current Presiding Judge, Joseph Olcavage, and the reappointment process used to consider the reappointment of City Judge Stacia Hendrix. The terms of both Presiding Judge Olcavage and Judge Hendrix end March 9, 2022. Because of this unique situation, Ms. Brown presented suggestions on how to successfully navigate both processes simultaneously.

The City Judge appointment process requires candidates to submit an employment application as well as a resume, cover letter, professional references, and letters of recommendation. The City of Scottsdale has consistently used executive recruitment companies for City Council appointed positions. Most recently, a recruitment company was used as part of the City Clerk and City Treasurer appointments. Ms. Brown suggested that, to keep consistent, an executive recruitment firm be used to design the recruitment brochure, source qualified candidates, collect completed application materials, and conduct a detailed background check on the qualified candidates. JAAB members will be part of the background investigation process by conducting the due diligence on the qualified candidates. JAAB's responsibilities will conclude and judicial conduct letters will be sent to applicable agencies by the end of January or early February.

Board Liaison Autumn Asmus has completed most of the administrative work for the reappointment process for Associate Judge Hendrix. Judge Hendrix's application was received, her background check completed, and research and information specialists have been notified to conduct the initial survey of the candidate. Due diligence assignments will be provided to JAAB Board members in December. A JAAB meeting will be scheduled in January to discuss survey results, judicial conduct letters, and public comments. Recommendation letters will go out in January. Ms. Brown anticipates that the reappointment interview will be scheduled in mid-January and a recommendation sent to City Council in late January or early February.

Staff is proposing that because both terms end in March 2022, the appointment and reappointment processes be consolidated in the JAAB meeting schedule. The schedule will consist of three meetings, the first of which is today's meeting to approve the plan. The second meeting, tentatively scheduled for January 11, 2022, will be a review of qualified candidates for

City Judge, the due diligence review of presiding judge candidates and Associate Judge Hendrix, and review of public comments. The third and final meeting and possible executive session, tentatively scheduled for January 25, 2022, will be an interview of qualified presiding judge candidates and Judge Hendrix's reappointment. Upon completion of the three meetings, JAAB will provide three or more recommendations to City Council for the next presiding judge appointment as well as a recommendation on the reappointment of Judge Hendrix. Human Resources will work with the City Clerk to prepare presiding judge interview packets for City Council. Presiding judge appointment interviews will be tentatively scheduled for City Council on February 9th and 10th 2022. City Council executive session and Presiding City Judge appointment announcement will be tentatively scheduled for February 22, 2022. The associate judge reappointment will be placed on the consent agenda for the same meeting.

Board Member Kiefer asked for clarification on the purpose of each of the three meetings. Ms. Brown said the first meeting is today; the second meeting is to review City Judge candidate applications, review due diligence for both City Judge candidates and the Associate City Judge, and public comments; the third meeting is to interview candidates, possibly hold executive session to discuss findings, and make final recommendations. All three meetings will be open to the public.

Stephanie Heizer, Assistant City Attorney, explained that all meetings are required to be public with exception to the executive sessions. As outlined in City Code Section 2-352, the Board will be provided with all applications that meet the expressed qualifications for review. Board members will discuss information they have obtained during the due diligence process. She noted that the Board is required to interview a minimum of six candidates for the Presiding Judge position.

Board Member Kiefer asked if the executive recruitment firm would be used to generate interest or to vet candidates. He opined that there will be a strong number of candidates interested in the presiding judge position. Ms. Brown explained that the recruitment firm will provide an executive recruitment brochure, vet candidates, send postings and conduct extensive background checks. The City of Scottsdale is under contract with an executive recruitment firm and will pay the associated fees.

Board Member Kiefer expressed support for using an executive recruitment firm. He asked if there were any issues in identifying a minimum of six candidates for interview during the last appointment process. Ms. Brown said that the most recent appointment process was years ago and prior to any of the involvement of current City staff.

Chair Gruler asked what information the City provides to the recruiting firm. Ms. Brown said that the City will send them the job description and the recruitment firm will contact the City to obtain additional information as needed. All applications will be submitted directly to the recruitment firm for review. Qualified candidates will be forwarded to the City Human Resources department.

Board Member Kiefer asked about the statement under the licensing section of the job posting, requiring that candidates live in the City of Scottsdale or the State of Arizona. Ms. Brown explained that the successful candidate for the Presiding Judge position is required to relocate to the City of Scottsdale within six months of appointment. All City of Scottsdale employees are required to live in the State of Arizona.

Ms. Brown requested that the Board approve the recruitment plan as presented.

Chair Gruler called for a vote.

VICE-CHAIR GALPIN-TYREE MOVED TO APPROVE THE RECRUITMENT PLAN AS PRESENTED, INCLUDING THE TIMELINES, APPLICATION MATERIALS, RECRUITMENT PROCESS, AND THE COMBINATION OF PUBLIC MEETINGS FOR THE APPOINTMENT AND THE REAPPOINTMENT PROCESSES. BOARD MEMBER INGEGNERI SECONDED THE MOTION, WHICH CARRIED SIX (6) TO ZERO (0). CHAIR GRULER, VICE-CHAIR GALPIN-TYREE, BOARD MEMBERS ADAMOVICH, KIEFER, INGEGNERI, AND SCHAFFER VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

4. DISCUSS AND REVIEW THE CURRENT APPLICATION PROCESS AND TIMELINE added a link FOR A NEW PRESIDING JUDGE

Ms. Heizer asked if items 4 and 5 were combined. Ms. Brown asked that both agenda items be considered as one presentation.

Chair Gruler noted for the record the Board received a presentation and held discussion regarding advertising notice to the public and licensed attorneys regarding the vacancy created by the retirement of the presiding judge as well as the current application process and timeline added a link for a new presiding judge as part of agenda item 3. A vote was taken approving the recruitment plan.

5. JUDGE STATIA HENDRIX JUDICIAL REAPPOINTMENT TIMELINE

Autumn Asmus said that Board members were provided with information on Judge Stacia Hendrix judicial reappointment timeline. She noted that she combined the process into the same meetings as the presiding judge process.

Chair Gruler said that the agenda timeline is acceptable.

6. FUTURE AGENDA ITEMS

Chair Gruler asked if there were any suggestions for future agenda items.

Ms. Asmus asked if the Board was interested in creating a set of bylaws for the Judicial Appointments Advisory Board. Board Member Kiefer asked if other City boards and commissions have bylaws.

Ms. Brown explained that most City boards and commissions have standard rules of operation. Examples are available on the City's website.

Board Member Kiefer requested that Ms. Asmus provide a link to the sample bylaws for the Board to review.

Chair Gruler asked if it would be reasonable to include a bylaws discussion on one of the upcoming meeting agendas. Ms. Asmus felt that the agendas would be very full and suggested

that if the board wishes to have a discussion, it be tabled until the appointment and reappointment process has been completed.

The board agreed that they would like to review the sample bylaws and will decide whether or not to have further discussion on the topic in 2022.

Chair Gruler asked that staff send calendar invites for the January 11, 2022 and January 25, 2022 tentative meetings.

ADJOURNMENT

BOARD MEMBER SCHAFER MOVED TO ADJOURN THE MEETING. BOARD MEMBER ADAMOVICH SECONDED THE MOTION, WHICH CARRIED SIX (6) TO ZERO (0). CHAIR GRULER, VICE-CHAIR GALPIN-TYREE, BOARD MEMBERS ADAMOVICH, KIEFER, INGEGNERI, AND SCHAFER VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

With no further business to discuss, being duly moved and seconded, the meeting adjourned at 6:08 p.m.

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