
CITY OF TEMPE
REQUEST FOR COUNCIL ACTION**Council Meeting Date: 05/26/2016**
Agenda Item: 6C6

ACTION: Hold the second and final public hearing to adopt an ordinance amending Chapter 2, Article II, Division 2, Tempe City Code, Section 2-26 relating to the appointment and qualifications of judges, and Section 2-34 relating to the appointment and qualifications of commissioners. (Ordinance No. O2016.31)

FISCAL IMPACT: There is no direct cost to the City from the proposed amendments.

RECOMMENDATION: Adopt Ordinance No. O2016.31.

BACKGROUND INFORMATION: The proposed amendments will: conform the code to reflect current practice related to the length of terms of office for judges; and, makes the length of terms of office for court commissioners consistent with the terms of office for judges.

Tempe City Code Section 2-26 applies to judges, who are Council appointees. Tempe City Code Section 2-34 applies to commissioners (who hear and adjudicate civil offenses as well as criminal offenses on an as needed basis) who are appointed by the Presiding Judge. These code sections state the length of terms for each office. After consultation with the City Attorney's Office, the proposed amendments to the judicial appointment code section would conform the language to Council practice established in 2008. The proposed amendments to the commissioner appointment code section would conform the language to the judicial section.

The language in Section 2-26 states that the length of term for judges "shall be a minimum of two years," giving Council the discretion to appoint for more than two years if Council decided to do so. Since 2008, Council has appointed new judges to an initial term of two years and a maximum of four years for each subsequent term. This practice accomplishes two things: 1) it gives Council the opportunity to remove a judge in a fairly quick period of time if after an initial appointment, it is deemed necessary; and, 2) four-year terms were agreed to because it was recognized that typically, if there is a problem with the judge, this is going to appear within the first two years. Subsequent longer terms afford everyone with more consistency. The majority of limited jurisdiction courts utilize this practice and in fact, it is the same for an elected justice of the peace (whose first term is also four years.)

The proposed language changes will not affect the very thorough process of reappointment, which includes random surveys, juror surveys, surveys by staff and all attorneys appearing before the judge, request for input from the public, a public meeting for commentary and a review of all of these materials by the Judicial Advisory Board.

ATTACHMENTS: Ordinance

STAFF CONTACT(S): Debi Schaefer, Court Administrator, (480) 350-8252

Department Director: MaryAnne Majestic, Presiding Judge
Legal review by: Kara Stanek, Assistant City Attorney
Prepared by: Kimberly Sotelo, Management Assistant