

CITY OF FLAGSTAFF STAFF SUMMARY REPORT



To: The Honorable Mayor and Council
From: Donald Jacobson, Court Administrator
774-1401; Ext. 215
Date: July 7, 2010
Meeting Date: July 27, 2010

TITLE: CONSIDERATION OF APPOINTMENT OF ON-CALL MAGISTRATES

RECOMMENDED ACTION: Discuss in Executive Session and make appointments at the Council meeting.

ACTION SUMMARY:

Appoint Paul Christian, Warren Sanford, Sandra Wagner, Susan Slasor, Gerald McCafferty, Jennifer Nagel and Thomas Miller as On-Call Magistrates for the Flagstaff Municipal Court to serve in a part time capacity in agreement with the court orders signed by Hon. Mark Moran, Presiding Judge.

DISCUSSION:

Background/History:

The Flagstaff Municipal Court performs an initial appearance hearing before a magistrate within 24 hours after the arrest of an individual or that person must be immediately released from custody. In order to accommodate this mandate the court performs initial appearance hearings every day of the year including weekends and holidays. We have an agreement with Flagstaff Justice Court, Williams Municipal Court and Williams Justice Court to combine our weekend and holiday initial appearances to decrease duplication and costs on the part of all the courts and to ease prisoner transfer issues on the part of the jail and police departments. This agreement involves the use of judges who are also appointed by the city as On-Call Magistrates, thus becoming able to handle city cases. The above individuals have been appointed by the county for this purpose and are requested to be cross appointed by the city.

The Flagstaff Municipal Court also has need to provide additional judicial resources throughout the regular court calendar. By appointing these additional judges we are able to maximize the use of court facilities, thus providing improved services to the community. When a magistrate is ill or takes a vacation these individuals are available to fill in those slots as well thus keeping our court calendar moving in a quick and efficient manner.

Key Considerations:

These judges are appointed as On-Call Magistrates under Flagstaff City Code 1-15-001-0002 for a 2 year period beginning August 1, 2010 and ending July 31, 2012.

Community Benefits and Considerations:

The combined weekend initial appearance court held at the Municipal Court provides for speedy and efficient handling of cases avoiding duplication between the four courts that participate. The appointment of On-Call Magistrates allows the court to maintain a full schedule even when judges are unavailable due to vacation or illness.

Community Involvement:

All candidates for On-Call Magistrates were chosen through an open recruitment process that included interviews and review of qualifications by court judicial and administrative staff from both Municipal and Justice Courts within Coconino County. Each candidate was then submitted for approval by the Presiding Judge of Coconino County after which they are referred to the city councils and Board of Supervisors as candidates for appointment.

Financial Implications:


Salary for all part time judges are budgeted under account number 001-6501-570-1001 Regular Pay. The costs for these positions are budgeted in the regular ongoing budget of the Flagstaff Municipal Court for these approved positions.

Current pay rate for Pro Tem judges is \$47.07 per hour at the Municipal Court and is comparable to the rate at other courts within the county.

Options and Alternatives:

Not appointing the On-Call Magistrates would require the Municipal Court to perform all weekend initial appearances and not allow for the sharing of resources. Without On-Call Magistrates to provide coverage the court would need to continue events and hearings due to a lack of judicial resources and would face the possibility of not meeting legal time requirements on some cases.

Attachments/Exhibits:



Department Head *(Acknowledgment that all reviews have been completed and required approvals initialed below.)*

INITIALS	RESPONSIBILITY	DATE	INITIALS	RESPONSIBILITY	DATE
_____	BIDS/PURCHASES	_____	_____	FINANCE/BUDGET	_____
_____	GRANTS	_____	_____	CONTRACTS	_____
<u>JKK</u>	LEGAL	<u>7/20/10</u>	_____	IGAS	_____
_____	_____	_____	_____	_____	_____

DATE OF COUNCIL APPROVAL: _____