

Staff Summary Report



Council Meeting Date: 7-17-08

Agenda Item Number: _____

SUBJECT: Request approval of the reappointment of MaryAnne Majestic as City Court Judge and approval to enter into an employment agreement under the terms described therein.

DOCUMENT NAME: 20080717mclca01 **COURT ADMINISTRATION (0501-02)**

SUPPORTING DOCS: Yes

COMMENTS: N/A

PREPARED BY: Louraine Arkfeld, Presiding City Judge (350-8614)

REVIEWED BY: Judicial Advisory Board

LEGAL REVIEW BY: Kara Stanek, Assistant City Attorney (350-8458)

FISCAL NOTE: Sufficient funds have been appropriated in cost center 1410.

RECOMMENDATION: That the Mayor and Council reappoint Judge MaryAnne Majestic for a four-year term.

ADDITIONAL INFO: Judge MaryAnne Majestic was first appointed City Judge of the Tempe Municipal Court for a two-year term in September 1994. She was subsequently reappointed in 1996, 1998, 2000, 2002, 2004, and 2006. She is currently eligible for reappointment in September 2008.

The Judicial Advisory Board convened on June 24, 2008 to consider Judge Majestic's reappointment per Tempe City Code. A public hearing was also held on that date.

The Council appointed Board members are:

Dr. Judy Aldrich, Chair

Public Member

Honorable Mark Aceto

Judge, Maricopa County Superior Court

Thomas E. Klobas, Esq.

State Bar of Arizona member

Margaret Stockton

Public Member

Brad Tebow, Esq.

State Bar of Arizona Member

Louraine Arkfeld, Presiding Judge

Ex officio Member

The Judicial Advisory Board reviewed written input from attorneys, defendants, jurors, staff and others; reviewed the written recommendation of the Presiding Judge and the written self-assessment of Judge Majestic; and considered the testimony provided by those persons appearing at the Public Hearing.

Following the above activities, the Judicial Advisory Board deliberated, and then unanimously recommended Judge Majestic for reappointment to a four-year term beginning September 15, 2008.

AGREEMENT

THIS AGREEMENT (Agreement) is entered into the date below, signed by and between MaryAnne Majestic (Employee) and the City of Tempe (City).

I.

The City and Employee desire to enter into a contract for employment by the City of Employee in the position of City Court Judge.

II.

This Agreement is based on the Arizona Constitution's requirement of separation of powers and the necessity of judicial independence to preserve and protect that separation. This Agreement shall set forth the parameters, guidelines, duties and rules of conduct, and compensation during the term of this Agreement. It is agreed as follows:

- 1) TERM. This Agreement shall be effective from September 15, 2008 through September 14, 2012.
- 2) COMPENSATION. Employee shall be paid the annual sum of \$138,891.00, in 26 bi-weekly installments for the period of September 15, 2008 to September 14, 2009 together with all other City benefits which are otherwise available to unclassified, exempt City of Tempe employees. This salary will be reviewed and adjusted annually to keep in accordance with the standard City policy and procedures.
- 3) DUTIES. Employee shall perform the duties of City Court Judge under the administration of the Presiding Judge of the Tempe City Court and pursuant to all laws, ordinances, and rules of the State of Arizona, City of Tempe, and Arizona Supreme Court.
- 4) CONDITIONS OF EMPLOYMENT.
 - a) Employee shall maintain normal work hours of 8:00 a.m. to 5:00 p.m. Monday through Friday except for legal holidays, vacation or other leave as granted by the personnel policies of the City or the Presiding Judge.
 - b) Employee shall preside as Judge over all assigned Court calendar dockets in a timely fashion and shall notify the Presiding Judge, if necessary, in a timely fashion of her inability to preside over any docket in order that the Presiding Judge may secure the service of a Judge Pro Tem.
 - c) Employee shall at all times ensure that her conduct as Judge of the City Court of the City of Tempe does not violate Administrative Orders Revised No. 96-32 of the Supreme Court of Arizona, the Code of Judicial Conduct, Rule 45 of the Rules of the Arizona Supreme Court, and any other Rule or law governing the conduct of judges during the terms of this contract.
 - d) Employee shall not during her term of employment commit any act, which would be grounds for dismissal pursuant to Rule 4 of the Personnel Rules and Regulations of the City of Tempe.
- 5) TERMINATION. During the term of this Agreement, the employee may be removed from office by the City Council of the City of Tempe for violation of this Agreement. Notice of removal of office shall be delivered in writing to the employee and employee shall have the right to request a hearing before the City Council of the City of Tempe. Any such request for

hearing and any hearing shall be in accordance with Rule 1, Section 105(B)(4)(C),(D), and (E) of the Personnel Rules and Regulations of the City of Tempe, except that said hearing shall be before the City Council of the City of Tempe and not the Merit System Board.

DATED this _____ day of _____, 2008

Mayor

ATTEST:

City Clerk

Approved as to form:

City Attorney

Employee