

ORDINANCE NO. 2019-23

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AMENDING CHAPTER 3 OF THE PEORIA CITY CODE BY REPEALING SECTION 3-58 IN ITS ENIRETY PERTAINING TO THE PUBLIC DEFENDER CONTRACT REVIEW COMMITTEE; BY REPEALING SECTION 3-59 IN ITS ENTIRETY PERTAINING TO THE PUBLIC DEFENDER CONTRACT REVIEW COMMITTEE; POWERS AND DUTIES; BY ABOLISHING THE JUDICIAL SELECTION ADVISORY BOARD AND THE PUBLIC DEFENDER CONTRACT REVIEW COMMITTEE AND CREATING AND ESTABLISHING THE JUDICIAL AND PUBLIC DEFENDER ADVISORY BOARD; BY AMENDING SEC. 3-29 PERTAINING TO JUDICIAL SELECTION ADVISORY BOARD; ESTABLISHMENT AND MEMBERSHIP; POWERS AND DUTIES; OPERATING PROCEDURES; AND RENAMING SECTION 3-29 JUDICIAL AND PUBLIC DEFENDER ADVISORY BOARD; ESTABLISHMENT AND MEMBERSHIP; BY AMENDING SECTION 3-30 PERTAINING TO LIBRARY BOARD; CREATED; AND RENAMING SECTION 3-30 JUDICIAL AND PUBLIC DEFENDER ADVISORY BOARD; POWERS AND DUTIES; AND PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

WHEREAS, the City places a high priority on effective and efficient connection with the community at large. The City of Peoria Boards and Commissions support an open and accessible government and promote an engaged public process. The citizens who volunteer their time and talents on City of Peoria Boards and Commissions are valued and serve an important role in the City of Peoria.

WHEREAS, the consolidation of the City of Peoria Public Defender Contract Review Committee with the City of Peoria Judicial Selection Advisory Board will assist to further accomplish an effective and efficient connection with the City of Peoria and advance a more open, accessible government with an engaged public process.

WHEREAS, the City of Peoria is consolidating the City of Peoria Public Defender Contract Review Committee with the City of Peoria Judicial Selection Advisory Board to create the Judicial and Public Defender Advisory Board.

WHEREAS, the Mayor and Council find it necessary for an effective transition and consolidation of the City of Peoria Public Defender Contract Review Committee with the City of Peoria Judicial Selection Advisory Board to establish a delayed effective date making this Ordinance effective on January 1, 2020.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona as follows:

SECTION 1. Chapter 3 of the Peoria City Code is amended by renaming Section 3-29 Judicial and Public Defender Advisory Board; establishment and membership to establish the Judicial and Public Defender Advisory Board and which shall read as follows:

Sec. 3-29. Judicial Selection and Public Defender Advisory Board; Establishment and membership; powers and duties; operating procedures.

(a) There is hereby created a Judicial Selection and Public Defender Advisory Board to be composed of five-seven (7) members. One (1) additional private citizen member may also serve; however, the additional member's term shall expire no later than July 1, 2020. The members of the board consisting of the following:

- (1) A Judge of the Arizona Superior Court-Maricopa County as designated by the Presiding Judge of that Court;
- (2) Two active members of the State Bar of Arizona, one of whom must be a resident of the City of Peoria and who shall be appointed by the Mayor from among nominees recommended by the State Bar's Board of Governors;
- (3) A member of the Maricopa County Public Defender's Office; Two public members who are nominated by the Mayor and who are residents of the City of Peoria. None of the public members or a member of their immediate family shall be an employee or elected official of the City of Peoria. Immediate family is defined as Spouse, Parent, Child, Sibling, Step Parent, Step Child, Grand Parent, Grand child.
- (4) A prosecutor from the Maricopa County Attorney's Office;
- (5) The President of the Western Maricopa County Bar Association or a member of that association recommended by the President;
- (6) A private citizen who is a resident of the City;
- (7) A private citizen who is a resident of the City whose term shall expire no later than July 1, 2020.

~~(b) All members other than the Judge of Superior Court shall be subject to confirmation by the City Council. The Judicial Selection Advisory Board shall be deemed a non-scheduled board in accordance with Chapter 2 of the Peoria City Code. Members shall serve a term of four years. The members shall serve without salary or compensation.~~

~~(c) The Board's officers shall consist of a chairman and vice-chairman, each selected from the Board's members. Officers shall serve one-year terms. The members shall determine operating procedures for the Board, which shall be kept in writing. The vice-chairman shall preside whenever the chairman is absent or unable to act. The chairman will have the duty to prepare written reports as may be requested by the City Council.~~

~~(d) The Board shall have the following powers and duties:~~

~~(1) To conduct investigations into the background and qualifications of candidates for the office of Presiding Municipal Judge and Associate Municipal Judge, including but not limited to the use of questionnaires, personal interviews, and contacting such individuals and institutions as it deems reasonable to obtain as much background information on the candidate as possible.~~

~~(2) In the case of the appointment of a new Presiding Municipal Judge, or appointment of a successor presiding judge, the Board shall commence the process to review and submit a recommendation to the City Council regarding the appointment of the Presiding Municipal Judge.~~

~~(3) If the position of the Presiding Municipal Judge is vacant, The Board shall review all applications for the position. The Board shall recommend to the City Council, three persons nominated by the Board to fill the vacancy. The vacancy shall be filled by the City Council from the names submitted to the Council by the Board.~~

~~(4) In the case of an Associate Municipal Judge, if the Associate Municipal Judge position is vacant, the Board shall commence the process to review and submit a recommendation to the Presiding Municipal Judge regarding the appointment of an Associate Municipal Judge.~~

~~(5) If the position of the Associate Municipal Judge is vacant, The Board shall review all applications for the position. The Board shall recommend to the Presiding Municipal Judge, three persons nominated by the Board to fill the vacancy. The vacancy shall be filled by the Presiding Municipal Judge from the names submitted by the Board.~~

~~(e) The Board may consider the diversity of the community in making its recommendations. However, in submitting its recommendations for candidates for~~

~~appointment or reappointment to the office of Presiding Municipal Judge or Associate Municipal Judge, the Board shall make such recommendations without regard for race, religion, political affiliation or sex of the candidate.~~

~~§ The chairman of the Board shall issue a call for a meeting promptly upon learning of the existence or anticipated existence of a vacancy in the office of judge of the City Court. The Board shall, whenever practical, hold public meetings designed to permit interested parties and groups to submit and recommend persons for consideration.~~

SECTION 2. Chapter 3 of the Peoria City Code is amended by renaming Section 3-30 the Judicial and Public Defender Advisory Board; powers and duties and which shall read as follows:

Sec. 3-30. Library Board; created Judicial and Public Defender Advisory Board; powers and duties.

~~The library board is established.~~

(a) The board shall have the following powers and duties:

(1) To conduct investigations into the background and qualifications of candidates for the office of Presiding Municipal Judge and Associate Municipal Judge, including but not limited to the use of questionnaires, personal interviews, and contacting such individuals and institutions as it deems reasonable to obtain as much background information on the candidate as possible.

(2) In the case of the appointment of a new Presiding Municipal Judge, or appointment of a successor presiding judge, the Bboard shall commence the process to review and submit a recommendation to the City Council regarding the appointment of the Presiding Municipal Judge.

(3) If the position of the Presiding Municipal Judge is vacant, the board shall review all applications for the position. The Bboard shall recommend to the City Council up to three (3) persons nominated by the Bboard to fill the vacancy. The vacancy shall be filled by the City Council from the names submitted to the Council by the board.

(4) In the case of an Associate Municipal Judge, if the Associate Municipal Judge position is vacant, the Bboard shall commence the process to review and submit a recommendation to the Presiding Municipal Judge regarding the appointment of an Associate Municipal Judge.

(5) If the position of the Associate Municipal Judge is vacant, the board shall review all eligible applications for the position. The board shall recommend to the Presiding Municipal Judge up to three (3) persons nominated by the board to

fill the vacancy. The vacancy shall be filled by the Presiding Municipal Judge from the names submitted by the board.

(6) Review proposals for selection of public defender and alternative defender services and recommend the award of contracts to the City Council.

(7) Review proposed contracts for public defender and alternative defender services and recommend the inclusion of appropriate terms and conditions in such contracts.

(8) Conduct annual reviews for all city public defenders.

(9) Make recommendations to the City Council pertaining to the provisions of public defender services.

(10) Perform such other duties as may be prescribed by the City Council.

SECTION 3. Chapter 3 of the Peoria City Code is amended by repealing Section 3-58 in its entirety pertaining to Public Defender Contract Review Committee and designating Section 3-58 as a reserved section and which shall read as follows:

Sec. 3-58. – Reserved. Public defender contract review committee.

~~(a) There is established the Public Defender Contract Review Committee. The committee shall consist of five members appointed by the mayor and confirmed by the council. The members of the committee shall consist of:~~

~~(1) A member of the Maricopa County Public Defender's Office.~~

~~(2) The President of the Western Maricopa County Bar Association or a member of that association recommended by the President.~~

~~(3) One private person who shall be an active member in good standing of the State Bar of Arizona.~~

~~(4) Two private citizens who are residents of the City.~~

~~(b) All members shall serve without pay. However members may be reimbursed their actual expenses incurred in connection with their duties upon authorization or ratification by the council.~~

~~(c) Members shall be appointed in accordance with Section 3-6 of this Code, with the initial terms being staggered to meet the requirements of that section.~~

~~(d) Notwithstanding subsection (a) of this section, any member of the board may be removed by a majority vote of the council upon motion of any member of the council.~~

SECTION 4. Chapter 3 of the Peoria City Code is amended by repealing Section 3-59 in its entirety pertaining to Public Defender Contract Review Committee; powers and duties and designating Section 3-59 as a reserved section and which shall read as follows:

Sec. 3-59. – Reserved. ~~Public defender contract review committee; powers and duties.~~

~~The Committee shall have the following powers and duties.~~

~~(a) — Review proposals for selection of public defender and alternative defender services and recommend the award of contracts to the city council.~~

~~(b) — Review proposed contracts for public defender and alternative defender services and recommend the inclusion of appropriate terms and conditions in such contracts.~~

~~(c) — Assist in the preparation of the annual budget for public defender services and submit the budget in the manner and method as other city budgets are submitted.~~

~~(d) — Make recommendations to the council and city manager pertaining to the provisions of public defender services.~~

~~(e) — Perform such other duties as may be prescribed by the Council.~~

SECTION 5. Providing an Effective Date. This ordinance shall become effective on January 1, 2020 in the manner provided by law. This ordinance shall have no application or effect prior to January 1, 2020.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona this 1st day of October, 2019.


Cathy Carlat, Mayor

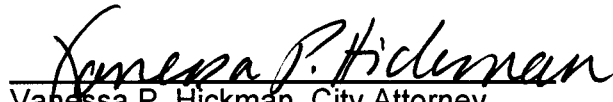
10-7-19
Date Signed

ATTEST:


Rhonda Geriminsky, City Clerk



APPROVED AS TO FORM:


Vanessa P. Hickman, City Attorney

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