



## MINUTES

### City of Scottsdale JUDICIAL APPOINTMENTS ADVISORY BOARD Regular Meeting

Tuesday, February 6, 2024

North Corporation Yard – Wrangler Conference Room  
9191 E. San Salvador Drive  
Scottsdale, AZ 85258

### PRESENT

**Board Members:** Susan Galpin-Tyree, Chair  
Tricia Schafer  
John Gilbert  
Judge Joseph Kiefer  
Judge Suzanne Marwil  
Kristina Jensen  
Janice Shimokubo

**Staff:** Stephanie Heizer, Assistant City Attorney  
Monica Boyd, Human Resources Executive Director  
Autumn Asmus, Staff Coordinator

### Call to Order

Chair Galpin-Tyree called the meeting to order at 5:35 p.m.

### Roll Call

Members present as listed above.

### Public Comment

There were members of the public who spoke under the "Public Comment" opportunity listed below.

### **Possible Executive Session**

Chair Galpin-Tyree noted that the Board has the ability to go into executive session with regard to items 7 and 8, if necessary.

#### **1. INTRODUCTION OF NEW BOARD MEMBERS**

Chair Galpin-Tyree introduced new Board Members Kristina Jensen and Janice Shimokubo to the Board.

#### **2. ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON**

JUDGE KIEFER NOMINATED JOHN GILBERT FOR THE POSITION OF CHAIR OF THE JUDICIAL APPOINTMENTS ADVISORY BOARD. JUDGE MARWIL SECONDED THE NOMINATION, WHICH CARRIED SEVEN (7) TO ZERO (0). CHAIR GALPIN-TYREE, BOARD MEMBERS SCHAFFER, GILBERT, KIEFER, MARWIL, JENSEN, AND SHIMOKUBO VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

BOARD MEMBER GALPIN-TYREE NOMINATED JUDGE JOSEPH KIEFER FOR THE POSITION OF VICE CHAIR OF THE JUDICIAL APPOINTMENTS ADVISORY BOARD. BOARD MEMBER GILBERT SECONDED THE NOMINATION, WHICH CARRIED SEVEN (7) TO ZERO (0). CHAIR GALPIN-TYREE, BOARD MEMBERS SCHAFFER, GILBERT, KIEFER, MARWIL, JENSEN, AND SHIMOKUBO VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

JUDGE MARWIL MADE A MOTION THAT, AT THE REQUEST OF THE NEWLY ELECTED CHAIR, OUTGOING CHAIR GALPIN-TYREE CONTINUE AS CHAIR FOR THIS MEETING. VICE-CHAIR KIEFER SECONDED THE MOTION, WHICH CARRIED SEVEN (7) TO ZERO (0). CHAIR GALPIN-TYREE, VICE-CHAIR KIEFER, BOARD MEMBERS SCHAFFER, GILBERT, MARWIL, JENSEN, AND SHIMOKUBO VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

Susan Galpin-Tyree retained her position as chair for the purposes of this meeting. Board Member John Gilbert will assume his new position at the next meeting.

#### **3. APPROVAL OF JANUARY 29, 2022, JUDICIAL APPOINTMENTS ADVISORY BOARD MEETING MINUTES**

BOARD MEMBER SCHAFFER MOVED TO APPROVE THE JANUARY 29, 2022, JUDICIAL APPOINTMENTS ADVISORY BOARD MEETING MINUTES. CHAIR GALPIN-TYREE, VICE-CHAIR KIEFER, BOARD MEMBERS SCHAFFER, GILBERT,

MARWIL, JENSEN, AND SHIMOKUBO VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

**4. APPROVAL OF EXECUTIVE MEETING MINUTES OF JANUARY 29, 2022**

CHAIR GILBERT MOVED TO APPROVE THE JANUARY 29, 2022, EXECUTIVE SESSION MEETING MINUTES. BOARD MEMBER MARWIL SECONDED THE MOTION, WHICH CARRIED SEVEN (7) TO ZERO (0). CHAIR GALPIN-TYREE, VICE-CHAIR KIEFER, BOARD MEMBERS SCHAFFER, GILBERT, MARWIL, JENSEN, AND SHIMOKUBO VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

**5. APPROVAL OF 2022 JAAB ANNUAL REPORT**

BOARD MEMBER SCHAFFER MOVED TO APPROVE THE 2022 JAAB ANNUAL REPORT. BOARD MEMBER MARWIL SECONDED THE MOTION, WHICH CARRIED SEVEN (7) TO ZERO (0). CHAIR GALPIN-TYREE, VICE-CHAIR KIEFER, BOARD MEMBERS SCHAFFER, GILBERT, MARWIL, JENSEN, AND SHIMOKUBO VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

**6. PUBLIC COMMENT**

Judge James Blake spoke in support of the reappointment of Judge Bayardi as Scottsdale's presiding judge. He highlighted her superior organization skills, communication skills, and team player qualities.

Judge Orest Jejna spoke in support of the reappointment of Judge Bayardi as Scottsdale's presiding judge. He echoed comments made by Judge Blake, adding that she is a pleasure to have in court and that she is compassionate and hard working.

Chris Phelps, Court Administrator, spoke in support of the reappointment of Judge Bayardi as Scottsdale's presiding judge. He said that one of the reasons he decided to work in Scottsdale was his experience with Judge Bayardi working with the Veteran's Court. He added that one of the things that sets Judge Bayardi apart from the best judges is that she has passion for what she does, she is able to work with all city departments, make tough administrative decisions, has a commitment to diversity, and makes staff feel comfortable to come to her at any time.

**CLOSE PUBLIC COMMENT**

Chair Galpin-Tyree closed public comment.

**7. DISCUSSION OF JUDICIAL SURVEY RESULTS ON PRESIDING CITY JUDGE MARIANNE BAYARDI**

Chair Galpin-Tyree noted this report was for information and discussion only at this time.

Board Member Keifer said that the statistical analysis results are outstanding.

Board Member Gilbert agreed, noting that he is particularly impressed with the numbers under the "integrity" category.

Chair Galpin-Tyree said that she has experienced the same qualities in her interactions as a citizen with Judge Bayardi as are reflected in the survey results. She opined that the City of Scottsdale is fortunate to have her as the presiding judge.

**8. DISCUSSION OF CONFIDENTIAL RECORDS AND CONFIDENTIAL INFORMATION RELATED TO JUDGE BAYARDI'S PERFORMANCE OR REAPPOINTMENT**

Chair Galpin-Tyree asked if anyone felt the need to go into executive session. Board Members felt there was nothing to discuss that required executive session.

Board Member Marwil said that Judge Bayardi had a greater response to the survey than normal, over 10 percent. She noted that the people she spoke with were uniformly positive and many of them said they had known Judge Bayardi for many years and been involved with her in the City of Phoenix. She got the sense that she is uniformly respected as someone who has integrity and treats people with fairness, which has created an environment in Scottsdale that should be emulated by other cities and has brought the city's reputation further to the forefront. She has not only done new things but also has kept positive things set in place by the previous presiding judge. She has done a lot for the court, which shows in the survey responses.

Board Member Schafer commented about the opportunity Judge Bayardi offered to all board members to tour the courthouse. She said she toured the entire facility and was particularly impressed by the pride Judge Bayardi took in the facility and the new processes.

Board Member Kiefer said his survey results were similar to those of Judge Marwil. Of the people who responded, it was all positive feedback.

Board Member Gilbert noted that he got all positive feedback.

Chair Galpin-Tyree said that one of her survey contacts, an attorney, shared not only his positive comments, but also those of his associates. She noted that they were thrilled to get their feedback on the record.

**9. DISCUSS QUESTIONS FOR INTERVIEW OF JUDGE BAYARDI**

Board members made suggestions and discussed questions that would be asked.

## **10. INTERVIEW OF JUDGE BAYARDI**

Chair Galpin-Tyree invited Judge Bayardi to make a statement.

Judge Bayardi said the department has made some great strides and it has been a pleasure to develop relationships with her fellow judges, administrators, leadership team, and staff. She said that developing those relationships and taking time to figure out how the court works and where it can go has been instrumental in the court's progress. She noted appreciation for the collaboration and eagerness of people both within and outside of the court to work together to help make Scottsdale a better community. She would appreciate the opportunity to continue in this work for another four years.

Board Member Kiefer commented on the changes Judge Bayardi has instituted and improvements that have been made over the past two years and asked what plans she has moving forward. Judge Bayardi said that there are a lot of things that have been started that are not yet finished, including the Community Intervention Court. She explained that the Community Intervention Court is one meeting away from relaunching the program. She explained the purpose of the Community Intervention Court, noting that the program will continue to evolve over time. Another thing that is in the works is with regard to court call and how that relates to the jail court situation. The goal is to remodel jail court, but it has been delayed because they have to wait to get Via Linda ready to act as a substitute court for in-custodies while the jail court is being redone. She said they will be able to leverage Court Call as a new, more efficient platform for remote appearances. She said the firearms project that is underway is a program that relates to orders of protection and limited circumstances where the court can order that a person transfer their firearms to the police department during the pendency of the order.

Board Member Marwil asked Judge Bayardi to talk about what she thinks are her greatest challenges facing the court over the next four years. Judge Bayardi said that some of the challenges are budget constraints that could be enhanced by laws recently passed by the legislature that will impact the City's finances, including the elimination of the residential rental tax and the flat tax. She noted that Scottsdale City Court is unique in that it operates in the black, which is unusual compared to many other city courts. She is already in discussion with the Council and the Mayor regarding how to manage the budget losses. She has confidence in her team to adapt and manage the budget and avoid catastrophic consequences. The Court Call platform will help streamline the court appearance process, because it offers an opportunity to switch between different conference rooms, offers the ability to sign documents in real time, and soon could offer a fingerprint component. She said that finding effective and efficient ways to adjudicate cases for people who are not local residents is always a challenge. She talked about her personal challenges with maintaining work/life balance and the benefits of Scottsdale judges' being involved in the community and being able to intervene on ideas

that would be negative to the court as well as supporting ideas that would benefit the community.

Board Member Gilbert asked what the requirements are for Community Intervention Court. Judge Bayardi explained that there are therapeutic courts (specialty courts) throughout the state and community intervention court is not unique to Scottsdale. The first priority of the Community Intervention Court is to assist unhoused people who have been charged with a crime and includes folks who either have a mental health issue and/or a substance abuse issue. Once a person is submitted for consideration, the Community Intervention court goes through a vetting process to ensure the person is appropriate for the program. The goal of the program is to help the community by helping individuals.

#### **11. DISCUSSION OF AND REAPPOINTMENT RECOMMENDATION REGARDING JUDGE BAYARDI**

BOARD MEMBER GILBERT MOVED TO REAPPOINT JUDGE BAYARDI TO THE POSITION OF CITY OF SCOTTSDALE PRESIDING JUDGE. CHAIR GALPIN-TYREE SECONDED THE MOTION, WHICH CARRIED SEVEN (7) TO ZERO (0). CHAIR GALPIN-TYREE, VICE-CHAIR KIEFER, BOARD MEMBERS SCHAFER, GILBERT, MARWIL, JENSEN, AND SHIMOKUBO VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

A brief discussion was held about drafting a letter to City Council with the Board's recommendation. Chair Galpin-Tyree volunteered to be present at the Council meeting to answer questions.

Board Member Marwil commented regarding specialty courts throughout Maricopa County that address a variety of issues seen by the courts. Cities work in tandem to address issues. She said that Judge Bayardi is involved in committees that discuss what cities need and if there is overlap between programs.

#### **12. FUTURE AGENDA ITEMS**

Ms. Asmus noted that Judge Jejna's review will be in April of 2025 and Judge Blake's review will be in September of 2025.

#### **ADJOURNMENT**

No motion was made.

With no further business to discuss, being duly moved and seconded, the meeting adjourned at 6:28 p.m.

Recorded and Transcribed by eScribers, LLC.