



**CITY MAGISTRATE MERIT SELECTION  
COMMISSION  
(CMMSC)**

**Legal Action Report**

**Friday, January 29, 2021 at 1:00 p.m.**  
Microsoft Teams meeting

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**MEETING NOTE: Due to the impacts of the COVID-19 pandemic, which have prompted declarations of a public health emergency at the local, state and federal levels, this meeting will be conducted using measures to protect public health. This meeting will be held remotely through technological means, as permitted under Arizona law. In-person attendance by member of the public will be prohibited.**

**1. Call to Order/Roll Call**

Meeting was called to order by Chair James Rappaport at 1:05 pm. Those present and absent were:

**Members Present:**

James Rappaport	Chair
Dina Dieglio	Vice Chair
D. Grady Scott	(Departed at 6:06 pm)
Zaira Livier	
Dee Dee Samet	
Mariam Ferguson	

**Members Absent:**

Suzette Jimenez

**Others Present:**

Bambi Benitez	Office Supervisor, City Clerk's Office
Maria Talamante	Assistant City Clerk, City Clerk's Office

**2. Approval of Minutes for the January 14, 2021 meeting.**

It was moved by Chair Rappaport, duly seconded, and passed by a roll call vote of 6 to 0 (Commissioner Jimenez absent) to approve the minute from January 14, 2021.

**3. Call to the Audience**

The following individuals spoke at Call to the Audience on behalf of Michelle June Harris:

Megan Healy	David Turk
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City Magistrates Merit  
Selection Commission  
P.O. Box 27210  
Tucson, Arizona 85726-7210  
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(520) 791-2639 (TDD)  
(520) 791-4017 (FAX)

**4. Interview Process to fill vacant City Magistrate position**

It was moved by Vice Chair Dieglio, duly seconded, and passed by a roll call vote of 6 to 0, (Commissioner Jimenez absent/excused) to enter into Executive Session for this item as noticed on the agenda.

**RECESS: 1:21 P.M.**

**RECONVIENE: 4:44 P.M.**

**COMMISSION MEMBERS: All present (Commissioner Jimenez absent/excused)**

**STAFF PRESENT: Bambi Benitez and Maria Talamante, City Clerk's Office**

**Executive Session was held from 1:21 p.m. to 4:44 p.m.**

It was moved by Chair Rappaport, duly seconded and passed by a roll call vote of 6 to 0 (Commissioner Jimenez absent/excused) to recommend the following candidates to Mayor and Council in ranking order:

1. Lisa Surhio
2. Michelle June Harris
3. Alexandra Kate Verenna

**5. Discussion and possible action on recommendation to Mayor and Council regarding the reappointments of Judge Wendy Million and Judge Geraldine Hale**

It was moved by Chair Rappaport, duly seconded, and passed by a roll call vote of 6 to 0 (Commissioner Jimenez absent/excused) to enter into Executive Session for this item.

**RECESS: 4:56 P.M.**

**RECONVIENE: 6:01 P.M.**

**COMMISSION MEMBERS: All present (Commissioner Jimenez absent/excused)**

**STAFF PRESENT: Bambi Benitez and Maria Talamante, City Clerk's Office**

**Executive Session was held from 4:56 p.m. to 6:01 p.m.**

It was moved by Chair Rappaport, duly seconded, and passed by a roll call vote of 6 to 0 (Commissioner Jimenez absent/excused), to return to open session.

It was moved by Chair Rappaport, duly seconded, and passed by a roll call vote of 6 to 0 (Commissioner Jimenez absent/excused), to the reappointment of Judge Wendy A. Million for another four-year term as City Magistrate.

It was moved by Chair Rappaport, duly seconded, and passed by a roll call vote of 5 to 0 (Commissioner Jimenez absent, Commissioner Scott absent\*), to not recommend reappointment of Judge Geraldine S. Hale.



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\*Commissioner Scott participated in the Executive Session discussion regarding the reappointment of Judge Hale prior to declaring a conflict of interest immediately prior to the vote. Based on recommendation of the Chair, Commissioner Scott then left the meeting. After consultation with the City Attorney's Office no conflict is deemed to have been demonstrated.

**6. Discussion on filling two (2) Mayor and Council appointed vacancies to the commission.**

Discussion was held, no formal action was taken, regarding the process of filling vacancies.

Chair Rappaport asked if members of the Commission could nominate potential interested candidates to Mayor and Council for consideration.

Bambi Benitez, City Clerk's Office support staff informed the members they could nominate potential interested candidates and/or direct them to the online application form on the Boards and Commissions web page through the City of Tucson website.

**7. Discussion and possible action on the Judicial Applications for future.**

Discussion was held regarding making a change to the City Magistrate Vacancy candidate packet.

It was moved by Commissioner Samet, duly seconded, to include the listing of four (4) opposing attorneys the potential candidate may have practiced against on the City Magistrate Vacancy packet.

An amendment to the motion was made by Chair Rappaport to include the number of jury trials and what type of case the potential candidate has been a part of.

Commissioner Samet accepted the amendment, the motion with the amendment passed by a roll call vote of 5 to 0 (Commissioners Jimenez and Scott absent).

**8. Future Agenda Items**

No items were identified for future agendas.

**9. Adjournment**

Meeting was adjourned at 6:22

\*The City Magistrates Merit Selection Commission may conduct an executive session pursuant to A.R.S. Section § 38-431.03(A)(1) for the purpose of discussion or consideration of appointment to the position of City Magistrate (A)(2) for the purpose of discussion of records exempt by law from public inspection and (A)(3) discussion or consultation for legal advice with attorney staff.