



**Office of the City Clerk**  
**BOARDS, COMMITTEES & COMMISSIONS**

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

**CREATED BY:**

Tucson Code, Chapter 8, §8-2.1

Ordinance 4815, adopted May 22, 1978

\* Ordinance 11599, Adopted December 4, 2018

**MEMBERSHIP / QUALIFICATIONS:**

Membership shall consist of nine (9) members as follows:

- Four attorney members appointed by the County Bar Association not more than two of whom shall be of the same political party.
- Five non-attorney members: \*All five of whom shall be selected by members of the Governing Body. Of the five non-attorney members not more than three shall be of the same political party.
- None of the attorney or non-attorney members of the Commission shall hold any other elective or appointive public office, and no attorney member shall be eligible for appointment to a magistrate's office until one year after he ceases to be a member of the Commission

**FUNCTIONS:**

**New appointments:** Within ninety (90) days from the occurrence of a vacancy in the office of magistrate or at the request of the Mayor and Council, the Commission shall recommend to the Mayor and Council the names of not more than three (3) persons, in ranked order, to fill the position of magistrate or satisfy such request. Any candidate shall be: 1) Of good moral character, 2) a resident of Arizona for one year immediately preceding recommendation, and 3) admitted to the practice of law in Arizona for five years immediately preceding recommendation.

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**Reappointments:** No later than nine months prior to the expiration of their term, a magistrate may apply for reappointment in writing to the Mayor and Council. Upon such notice, the Magistrate Merit Selection Commission shall review the term of the magistrate and submit a written report of its findings to the Mayor and Council, which shall include a recommendation as to the reappointment. Such report shall be submitted at least ten days prior to the expiration of the term.

**Special Magistrates:** Upon request of the presiding judge of the Superior Court and subject to the appointment procedures set for the regular magistrates, the Mayor and Council may appoint special magistrates, as needed, to assist in the timely adjudication of City court cases.

Special magistrates shall serve a four-year term of office, and may be reappointed.

**Limited Special Magistrates:** Subject to the appointment procedures set for the regular magistrates, the Mayor and Council may appoint limited special magistrates to provide for the expeditious enforcement of civil violations and civil infractions of the Tucson Code and civil traffic violations under state law.

Limited special magistrates shall be full time, shall serve a four-year term of office, and may be reappointed.

### **QUORUM:**

A quorum shall consist of five (5) members.

### **TERMS OF OFFICE:**

All members shall serve four-year terms.

### **APPLICABILITY OF TUCSON CODE CHAPTER 10A, ARTICLE XIII:**

- \* All provisions of TCC Chapter 10A, Article XIII are applicable. T.C. § 10A-134(c) Appointees, except for advisory members and members of the technical code committees named herein, may not serve on more than two (2) bodies at a time.

### **OPEN PUBLIC MEETING LAW REQUIREMENTS:**

This public body is defined as an advisory committee and must comply with all of the provisions of the Open Public Meeting Law.

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### SUPPORTING DEPARTMENT:

City Clerk's Office

791-4213

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#### *Historical Notes:*

May 22, 1978 – Mayor and Council adopted **Ordinance No. 4815** establishing the CMMSC consisting of four attorney members appointed by the County Bar Association, and five non-attorney members, three of whom shall be selected by members of the governing body who represent the political party in the majority and two of whom shall represent the minority.

August 7, 1978 – Mayor and Council adopted **Ordinance No. 4866** amending the methods of appointment of magistrates and qualifications, “.... four attorney members appointed by the County Bar Association, two of whom shall be registered Republicans and two of whom shall be registered Democrats, .... “

December 18, 1978 – Mayor and Council adopted **Ordinance No. 4919** changing the length of time a candidate shall have been admitted to the practice of law in Arizona from five years to two years.

November 6, 1988 – Mayor and Council adopted **Ordinance No. 7305** changing the length of time the Magistrate Merit Selection Commission has to make a recommendation for filling a vacancy.

November 19, 1990 - Mayor and Council adopted **Ordinance No. 7513** amending Tucson Code Section 8-2 by amending Section 8-2.1, Methods of Appointment of Magistrates and Qualifications; Adding Section 8-2.2, Methods of Appointment and Reappointment of the Chief City Magistrate and Qualifications; and adding Section 8-2.3, Procedures for demotion of Chief City Magistrate; and amending Tucson Code Section 8-4, Chief Magistrate; Appointment and Reappointment; Term; Compensation; Administrative Duties and Responsibilities.

April 25, 1994 - Mayor and Council adopted **Ordinance No. 8254** amending Tucson Code Section 8-2.1 (c), Changing Requirements for City Magistrate.

September 5, 1995 - Mayor and Council adopted **Ordinance No. 8254** amending Tucson Code Section 8-2.1(d), Relating to Magistrates, “No later than ninety (90) days prior to the expiration of his term ....”

*Historical Notes:*

*October 21, 1996 – Mayor and Council adopted **Ordinance No. 8767** relating to City Commissions; membership on City Magistrate Merit Selection Commission; amending Tucson Code, Chapter 8, Article I, by amending Section 8-2.1 “appointments composed of four attorney members appointed by the county bar association, not more than two of whom shall be of the same political party. . . .”*

*October 11, 2004 Mayor and Council adopted **Ordinance No. 10062** relating to City Court; Amending the Tucson Code, Chapter VIII, Article I, Section 8-2.1 Methods of Appointment of Magistrates and Qualifications; Establishing Senior Special Magistrate Status and Compensation; Section 8-4 Magistrates; Powers and Duties; Section 8-4.1 Authorizing assignment of an Associate Presiding Magistrate, Term, Compensation.*

*October 11, 2004 Mayor and Council adopted **Ordinance No. 10063** relating to City Court; Amending the Tucson Code, Chapter VIII, Article I, Section 8-2.2 Appointment of Special Magistrates; Terms of Office; Compensation; Powers; Duties; Qualifications; Section 8-2.3 Appointment of Limited Special Magistrates; Term; Powers; Duties; Qualifications; Compensation.*

*January 5, 2016 Mayor and Council adopted **Ordinance No. 11335** relating to Boards and Commissions; Amending the Tucson Code Section 8-2.1 to allow the Mayor and Council as a body to appoint the Magistrate Merit Selection Commission’s Five Non-attorney Members, while requiring that not more than three of those non-attorney members shall be of the same political party.*

*\* December 4, 2018 – Resolution 11599, amended the Tucson Code, Chapter 10A-134(c) allowing members to serve on up to two (2) BCC’s Simultaneously.*