

NOTICE OF ORDINANCE

NOTICE IS HEREBY GIVEN that on the 6th day of November, 2023, the governing body of the City of Hobbs adopted an ordinance amending Section 2.12 of the Hobbs Municipal Code relating to the Municipal Judge. A summary of the ordinance is contained in its title and is described as follows:

CITY OF HOBBS
ORDINANCE NO. 1156
AN ORDINANCE AMENDING SECTION 2.12 OF
THE HOBBS MUNICIPAL CODE

WHEREAS, NMSA 1978, § 35-14-3 states, “The qualifications of municipal judges, bond required and salary received shall be provided by ordinance of the municipality.”; and

WHEREAS, NMSA 1978, § 35-14-2 states, “Each municipal court has jurisdiction over all offenses and complaints under ordinances of the municipality and may issue subpoenas and warrants and punish for contempt.”; and

WHEREAS, the City of Hobbs previously enacted an ordinance establishing the salary, duties, administration, and training of the Hobbs Municipal Judge in 1995; and

WHEREAS, the ordinance establishing the salary, duties, administration, and training of the Hobbs Municipal Judge was subsequently amended in 2001, 2009, 2010, and 2018; and

WHEREAS, many of the past amendments have addressed the salary and duties of the Hobbs Municipal Judge; and

WHEREAS, the current salary of the Hobbs Municipal Judge is set at “one thousand three hundred ninety-eight dollars and fifty cents (\$1,398.50) per week “for

pay periods that coincide with the City of Hobbs' pay periods" which is an annual salary of \$72,722.00; and

WHEREAS, since 2018 the current duties of the Hobbs Municipal Judge have changed substantially in that the Hobbs Municipal Court hears over 6,000 hearings a year, now hears DWI 2nd, and DWI 3rd cases, and works an additional 30 hours bi-weekly; and

WHEREAS, since 2018, the Municipal Judge has had an exponential amount of complex cases, which warrant multiple hearings, a vast amount of research and an increased amount of pleadings filed by the court. The Municipal Judge has also added additional hearing dates to his weekly schedule for the review of adjudicated matters based on violations or economic hardship; and

WHEREAS, the current salary of the Hobbs Municipal Judge is currently far below municipal judges for similarly sized New Mexico municipalities including: Clovis Municipal Judge (\$104,998.85); Roswell Municipal Judge (\$92,822.45); Farmington Municipal Judge (\$111,175.25); and

WHEREAS, the proposed changes would require the Hobbs Municipal Judge to conduct arraignments on the weekends and would increase the annual salary of the Hobbs Municipal Judge by \$38,453.25 thereby setting the Hobbs Municipal Judge's annual salary at \$111,175.25; and

WHEREAS, time spent completing the required judicial training program will not require the utilization of paid time off.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that Section 2.12 of the Hobbs Municipal Code, is hereby amended as more specifically described as follows:

2.12.030 Salary—Duties—Administration—Training.

A. The salary of the Municipal Judge shall be increased by thirty-eight thousand four hundred fifty-three dollars and twenty-five cents (\$38,453.25). The annual salary shall be one hundred and eleven thousand one hundred seventy-five dollars and twenty-five cents (\$111,175.25) and shall be payable in a manner that coincides with the payroll dates of the City. No payment shall be made when the Municipal Judge is not available and is failing to render services in violation of the anti-donation provision of the New Mexico Constitution except for the twenty (20) days per year of paid time off set forth in Section 2.12.040.

B. The Municipal Judge shall devote full time and attention to the office, including such hours on weekends and holidays as may be necessary, in order to fully and efficiently discharge the duties of such office as they may be set forth under the law of the United States, the State of New Mexico and the ordinances of the City. In order to comply with the rules of procedure related to pretrial detention set forth in Article II, Section 13 of the New Mexico Constitution and Rule 8-401 NMRA and Rule 8-403 NMRA, and Rule 8-501, the Municipal Judge shall conduct pretrial release hearings and arraignments on weekends, holidays, and after the regular hours of operation of the Hobbs Municipal Court. The Municipal Judge shall preside over all hearings at every stage of any proceeding concerning violation of this code or any other ordinances of the City and administer the community service program as provided in Section 2.16.050. The Municipal Judge shall also conduct additional hearings as needed. The Municipal Judge shall comply with the Code of Judicial Conduct and all rules of procedure for the Municipal Courts as promulgated by the State Supreme Court.

C. Any attorney serving as the elected or appointed Municipal Judge is prohibited from engaging in the practice of law, nor shall any elected or appointed Municipal Judge or Alternate Judge hold political office during the time served as the Municipal Judge.

D. The Municipal Judge shall be responsible for providing to the Finance Director a reconciliation of accounts receivable and bond payable accounts in the current court software system to the general ledger balance beginning the first month after system

compatibility is resolved and the reconciliation is brought current. Until such time as this reconciliation is possible, the Municipal Judge shall provide details of current monthly accounts receivable and bond payable account activity in a timely manner to the Finance Director in connection with the required monthly reports in paragraph E. of this section.

E. The City Finance Department shall make monthly reports of monies collected by the Municipal Court and shall be submitted to the Administrative Office of the Courts and the New Mexico Judicial Education Center. The reports shall include an itemized statement showing the different amounts collected for the fees due to the respective entities. Such reports shall be reviewed and signed by the Municipal Judge prior to their filing. The monies collected in connection therewith shall be paid by the City Finance Director not later than the tenth day of the month following collection pursuant to New Mexico statutes.

F. The elected or appointed Municipal Judge shall annually, as a condition of discharging the duties of that office, successfully complete a judicial training program conducted under the authority, or with the approval of, the court administrator of the New Mexico Administrative Office of the Courts, unless exempted from this requirement by the Chief Justice of the Supreme Court. An Alternate Judge is not required to complete annual judicial training programs as required of the Municipal Judge. No elected or appointed Municipal Judge shall receive a salary until such judge has successfully completed, or been exempted from, the required judicial training program. (Section 35-14-10, N.M.S.A. 1978.)

2.12.040 Vacation, sick leave and employee benefits.

The Municipal Judge shall receive up to twenty (20) days paid time off each year. The paid time off shall not be accrued but made available on March 10 of each year, with no carryover year to year. The elected or appointed Municipal Judge shall attend the annual required judicial training and shall be reimbursed for reasonable expenses connected with said annual training. The Municipal Judge may elect to pay into and receive medical insurance and life insurance coverage; and the Municipal Judge may participate in the retirement plan.

A full copy of the ordinance is available to interested persons during regular business hours in the Office of the City Clerk, City Hall, 200 East Broadway, Hobbs, New Mexico. The ordinance is also available for viewing online at www.hobbsnm.org.

/s/ Jan Fletcher
Jan Fletcher, City Clerk