

## LEGAL NOTICE

NOTICE IS HEREBY GIVEN that on the 4<sup>th</sup> day of January, 2010, at its regular meeting at 6:00 p.m. in the City Commission Chambers at City Hall, 200 East Broadway, Hobbs, New Mexico, the governing body of the City of Hobbs adopted an ordinance which reads as follows:

CITY OF HOBBS

ORDINANCE NO. 1028

AN ORDINANCE REPEALING ORDINANCE No. 1019 AND  
AMENDING CHAPTER 2.12 OF THE HOBBS MUNICIPAL  
CODE REGARDING MUNICIPAL JUDGE

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS,  
NEW MEXICO that Ordinance No. 1019 is hereby repealed. Further, Chapter 2.12 of  
the Hobbs Municipal Code is hereby amended to read as follows:

### **2.12.030 Salary—Duties—Administration—Training.**

A. The salary of the Municipal Judge shall be ~~forty-eight thousand dollars (\$48,000.00) per year~~ one thousand one hundred fifty-five dollars (\$1,155.00) per week for fifty-two (52) weeks per year, payable in twenty-six (26) payments to coincide 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. 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 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 ~~full-time~~ the elected or appointed Municipal Judge is prohibited from engaging in the practice of law, nor shall any ~~such attorney~~ elected or

appointed Municipal Judge or Alternate Judge hold political office or engage in any other business or employment 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 Offices 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 or Alternate Judge shall receive a salary until such judge has successfully completed and received certification of completion from the Administrative Office of the Courts, or has been exempted from the required initial judicial training program.

#### **2.12.040 Vacation, sick leave and employee benefits.**

The Municipal Judge shall receive up to twenty (20) days paid time off each year for absences due to illness, vacation or training. 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.

#### **2.12.050 Temporary vacancy and appointments.**

A. In the event of a temporary incapacity or absence of a duly elected or

appointed Municipal Judge, the Municipal Judge may appoint an acting Municipal Judge to serve during the temporary incapacity or absence of the elected Municipal Judge from a list of registered voters designated by the City Commission as provided in subsection B of this section. The determination of the absence of the Municipal Judge is left to the elected Municipal Judge.

B. Appointments of the acting Municipal Judge shall be made:

1. In writing by the elected Municipal Judge and filed in the office of the City Clerk and in the office of the Municipal Court Clerk;
2. From a list to be prepared ~~in the month of April~~ of each year by the City Commission of persons designated by the City Commission as qualified to act as acting Municipal Judge, which list shall be reflected by motion duly made, passed and adopted, and reflected in the minutes of the City Commission.

C. Compensation for acting Municipal Judges shall be determined by the City Commission annually by resolution at the time the commissioners prepare the list of eligible appointees for acting Municipal Judge.

Copies of the ordinance are available to interested persons during regular business hours in the Office of the City Clerk, City Hall, 200 East Broadway, Hobbs, New Mexico, and also available online at [www.hobbsnm.org](http://www.hobbsnm.org).

/s/ Jan Fletcher  
JAN FLETCHER, City Clerk