City of Santa Fe, New Mexico

memo

Date: October 20, 2015

To: Mayor and Councilors

Via: Brian K. Snyder, City Manager BKS

From: Oscar S. Rodriguez, Finance Director

Re: Municipal Judge's Salary Review

Background and Summary:

This memo recommends a salary increase for the municipal judge.

The City Charter requires a review of the salary for the municipal judge every four years. Based on the prescribed formula for setting this salary, I would recommend a 5% increase. Please see the attached memo from the City Attorney explaining the basis and calculations for this increase. This increase would be effective after the municipal elections in March, so the impact on the budget can be accommodated within the existing budget for the few months that will remain in the fiscal year after that point. We will ensure that the new salary is included in the budget proposal for FY 2016-17.

I am happy to answer any questions you may have.

Recommended Action:

Approval of salary increase for the municipal judge.

City of Santa Fe, New Mexico

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Javier M. Gonzales, Mayor

Councilors:
Peter N. Ives, Mayor Pro Tem, Dist. 2
Patti J. Bushee, Dist. 1
Signe I. Lindell, Dist. 1
Joseph M. Maestas, Dist. 2
Carmichael A. Dominguez, Dist. 3
Christopher M. Rivera, Dist. 3
Ronald S. Trujillo, Dist. 4
Bill Dimas, Dist. 4

Memorandum

To: Oscar Rodriguez
Finance Director

From: Kelley Brennan
City Attorney

Re: Municipal Judge Salary Review

Date: October 14, 2016

Section 7.07 of the City of Santa Fe Municipal Charter requires the Governing Body to "...review and set the salary for the municipal judge at least every four years."

On January 11, 2012 the Governing Body adopted Ordinance 2012-001 amending Santa Fe City Code § 2-3.3 to set the Municipal Judge's salary at "...90% of the salary set for New Mexico state district court judges per annum..." Prior to that, the Judge's salary had been a fixed dollar amount. Code § 2-3.3 also provides for the Governing Body to review and set the Municipal Judge's salary at least every four years.

The adoption of Ordinance 2012-001 simplified the Governing Body's four-year review and salary-setting process by adopting the salary set by the legislature for District Court Judges as a basis for setting the Municipal Judge's salary.

In the 2014 legislative session, the New Mexico Legislature appropriated funds in two separate sections increasing salaries for judges and justices of the New Mexico state judiciary. Subsequently Governor Martinez used her partial veto authority to strike one of the sections before signing the Appropriations Act into law, apparently in the belief that she was vetoing both increases. The matter was subsequently litigated and in December 2014 the New Mexico Supreme Court held that only one of the sections had been stricken by the Governor's veto and that the other remained in effect. See *State ex rel. Cisneros v. Martinez*, 2015-NMSC-001, 340 P.3d 597 (2014).

In accordance with *Cisneros*, the annual salary for District Court Judges was increased by 5% and is now set at $118,384.81. Ninety percent of that equals $106,546.33, a 5% increase over the Municipal Judge's current salary of $100,467.90.

The salary set under Code § 2-3.3 (C) is mandatory, unless the ordinance is modified by the Governing Body to provide for a different formula.

With this memorandum, I am requesting that you ask the Governing Body to review and set the Municipal Judge's salary for the next four-year period, commencing at the time the Municipal Judge elected in March 2016 is sworn in. As the City Prosecutor appears before the Municipal Judge, I can advise you as to current law on the subject of the Judge's salary, but cannot take the matter before the Governing Body.

I have attached a copy of the "New Mexico Judicial Branch, Administrative Office of the Courts, Classification & Compensation Plan, Fiscal Year 2015", "Judges Job Classification Schedule & Pay Schedule FY 2015" table, for your reference.

New Mexico Judicial Branch

Administrative Office of the Courts
Classification & Compensation Plan
Fiscal Year 2015

Includes Fiscal Year 2014 Summary Report

Honorable Barbara Vigil, Chief Justice
New Mexico Supreme Court

Arthur W. Pepin, Director
Administrative Office of the Courts

Lynette Paulman-Rodriguez, HR Director
Administrative Office of the Courts

Published October 2014

Judges Job Classification Schedule & Pay Schedule FY2015

Spec #	Job Title	Hourly Rate	Biweekly Rate	Annual Rate
9846	Chief Justice	$64.03	$5,122.09	$133,174.31
9844	Associate Justices	$63.06	$5,045.17	$131,174.31
9845	Chief Court of Appeals	$60.82	$4,865.98	$126,515.59
9843	Court of Appeals Judges	$59.91	$4,792.91	$124,615.59
9839	Chief District Judge	$57.78	$4,622.69	$120,189.81
9842	District Judges	$56.92	$4,553.26	$118,384.81
9565	Chief Metro Judge	$54.89	$4,391.55	$114,180.32
9566	Metropolitan Judges	$54.07	$4,325.60	$112,465.57
9840	Presiding Magistrate Judges	$41.17	$3,293.66	$85,635.24
9841	Magistrate Judges	$40.55	$3,244.20	$84,349.18
9847	Special Commissioners	Up to $45.53	Up to $3,642.61	Up to $94,707.85
9179	Child Support Hearing Officers	Up to $45.53	Up to $3,642.61	Up to $94,707.85
1100JB	Domestic Relations Hearing Officers	Up to $45.53	Up to $3,642.61	Up to $94,707.85

Based on 2080 hours.

	Calculation
Chief Justice	+ $2,000
Associate Justices	Target Base per Statute
Chief Court of Appeals	95% of Chief Justice
Court of Appeals Judges	95% of an Associate Justice
Chief District Judge	95% of Chief Court of Appeals Judge
District Judges	95% of Court of Appeals Judge
Chief Metro Judge	95% of Chief District Judge
Metropolitan Judges	95% of District Court Judge
Presiding Magistrate Judges	75% of Chief Metro Judge
Magistrate Judges	75% of Metropolitan Judge
Special Commissioners	Up to 80% of District Court Judge
Child Support Hearing Officers	Up to 80% of District Court Judge
Domestic Relations Hearing Officers	Up to 80% of District Court Judge