

ACTION SHEET
ITEM FROM FINANCE COMMITTEE MEETING OF 01/13/16
FOR CITY COUNCIL MEETING OF 01/04/16

ISSUE:

5. Request for Approval of an Ordinance Amending Section 2-3 SFCC 1987 to Have the Governing Body Set the Salary for the Municipal Judge Every Four Years in Conjunction With the Prescribed Term; and Providing Guidance on the Level at Which the Salary Shall Be Set. (Councilors Bushee and Lindell) (Oscar Rodriguez)

Committee Review:

City Council (request to publish) (scheduled)	01/13/16
City Council (public hearing (scheduled)	02/10/16

Fiscal Impact – Yes

FINANCE COMMITTEE ACTION:

Approved as Discussion item.

FUNDING SOURCE:

SPECIAL CONDITIONS OR AMENDMENTS

STAFF FOLLOW-UP:

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR TRUJILLO	Excused		
COUNCILOR RIVERA	X		
COUNCILOR LINDELL	X		
COUNCILOR MAESTAS		X	
CHAIRPERSON DOMINGUEZ	Excused		

4-13-15

City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY

Bill No. 2016-2

Municipal Court Judge's Salary

SPONSOR(S): Councilors Bushee and Lindell

SUMMARY: The proposed bill amending Section 2-3 SFCC 1987 to have the governing body set the salary for the municipal judge every four years in conjunction with the prescribed term; and providing guidance on the level at which the salary shall be set.

PREPARED BY: Rebecca Seligman, Legislative Liaison Assistant

FISCAL IMPACT: No

DATE: December 11, 2015

ATTACHMENTS: Bill
FIR

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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2016-2

INTRODUCED BY:

Councilor Patti Bushee

Councilor Signe Lindell

AN ORDINANCE

AMENDING SECTION 2-3 SFCC 1987 TO HAVE THE GOVERNING BODY SET THE SALARY FOR THE MUNICIPAL JUDGE EVERY FOUR YEARS IN CONJUNCTION WITH THE PRESCRIBED TERM; AND PROVIDING GUIDANCE ON THE LEVEL AT WHICH THE SALARY SHALL BE SET.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Section 2-3 SFCC 1987 (being Ord. #1972-5 (as amended)) is amended to read:

2-3 MUNICIPAL COURT

2-3.1 Municipal Court Established; Judge.

There is created the "municipal court" for the city, which court shall be presided over by the "municipal judge." The municipal judge shall be elected pursuant to municipal elections in accordance with state law.

2-3.2 Municipal Court Jurisdiction.

The municipal court has jurisdiction over all offenses and complaints under ordinances of

1 the city and may issue subpoenas and warrants and punish for contempt, and has such other
2 jurisdiction as may be prescribed by state law.

3 **2-3.3 Qualifications and Salary of the Municipal Judge.**

4 The municipal judge shall:

5 A. Be a registered voter who resides in the city of Santa Fe and is a licensed member
6 of the New Mexico Bar;

7 B. Take the oath prescribed by subsection 2-7.1, SFCC 1987, and furnish a surety
8 bond in the sum of twenty-five thousand dollars (\$25,000.). Such bond shall be conditioned on
9 the faithful performance of the judge's duties. The premium of the bond shall be paid by the city;
10 and

11 C. Receive an annual salary, in an amount [~~equal to ninety percent (90%) of the~~
12 ~~salary set for New Mexico state district court judges per annum]~~ to be set by the governing body,
13 less mandatory deductions including but not limited to FICA, federal withholding tax and any
14 other voluntary deductions such as insurance. As set forth in Section 7.07 of the Santa Fe
15 Municipal Charter, the governing body shall review and set the salary for the municipal judge at
16 least every four (4) years in conjunction with the prescribed term for the municipal judge as set
17 forth in Section 2-3.4(A) SFCC 1987. The governing body shall use the salary set for New
18 Mexico state district court judges as a guide in determining an appropriate salary for the
19 municipal judge. In no event shall the salary be set at a level less than what it was in the
20 preceding term.

21 D. Have the following programs or such other alternative and equivalent programs
22 as the municipal judge may deem appropriate:

23 (1) Design, implementation, revision and enhancement of a drug court
24 program including but not limited to grant writing, additional training, public speaking,
25 educational and promotional efforts necessary to implement said program.

1 (2) Design, implementation, revision and enhancement of a home detention
2 program intended to economize on municipal expenditures for incarceration.

3 (3) Design, implementation, revision and enhancement of a personal values
4 alternative sentencing program for offenders between the ages of eighteen (18) and
5 twenty-five (25) who plead guilty to any act of violence.

6 (4) Design, implementation, revision and enhancement of other alternative
7 sentencing programs including but not limited to:

8 (a) Puentas course conducted in Spanish designed to instruct non-
9 English speaking motorists of the laws of the state of New Mexico for operating
10 motor vehicles.

11 (b) Options for those who have revoked drivers licenses instructing
12 said persons in alternative means of facilitating mobility while the license is in
13 revoked status.

14 (c) Spanish drivers under the influence program for Spanish
15 speaking offenders convicted of driving under the influence.

16 (5) Implement and oversee screening programs for jailable offenses in order
17 to minimize incarceration and maximize alternative treatment modalities. This includes
18 on-site visits to referral agencies to determine curriculums and treatment by providers.

19 (6) Oversee tracking of and compliance with the community service work
20 program and shall access the needs of recipient non-profit agencies and the community.

21 **2-3.4 Municipal Judge; Election; Term; Vacancy; Temporary Incapacity**
22 **or Absence.**

23 A. Municipal judges shall be elected for terms of four (4) years, at a regular
24 municipal election.

25 B. The governing body may fill vacancies by appointment of a municipal judge to

1 serve until the next regular municipal election.

2 C. During the temporary absence or incapacity of the municipal judge, any
3 registered voter may be appointed by the governing body to the office of municipal judge and
4 may hear all cases that arise under the ordinance. The temporary judge must submit monthly
5 reports in the same manner as the municipal judge.

6 **2-3.5 Reporting by the Municipal Judge.**

7 A. The municipal judge shall make monthly written reports to the governing body of
8 all money collected:

9 (1) The reports shall be filed, and the money collected be paid to the city by
10 the tenth of the month following collection;

11 (2) The report must include the name of the person who paid the money, the
12 amount paid, the purpose of the payment and the date on which the payment was made;
13 and

14 (3) Failure to turn in the required reports or money is punishable pursuant to
15 Section 35-14-9 NMSA 1978.

16 B. The municipal judge shall make a semi-annual state of the court presentation to
17 the governing body. Such presentation shall include, but not be limited to the following:

18 (1) Impact of laws recently adopted by the governing body on court
19 operations;

20 (2) Effectiveness of the laws adopted by the governing body;

21 (3) Summary of municipal court operations;

22 (4) Assessment of municipal court operational needs;

23 (5) Additional information as may be requested by the governing body; and

24 (6) Additional information from the municipal judge, including goals and
25 objectives.

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2-3.6 Judicial Training Required for Municipal Judge.

The municipal judge shall annually, as a condition of discharging the duties of the office, successfully complete a judicial training program conducted under the authority, or with the approval of, the court administrator, unless exempted from this requirement by the chief justice of the New Mexico supreme court. The municipal judge shall not receive salary until he has successfully completed, or been exempted from, the required judicial training program.

2-3.7 Reserved.

APPROVED AS TO FORM:


KELLEY A. BRENNAN, CITY ATTORNEY

**City of Santa Fe
Fiscal Impact Report (FIR)**

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

Section A. General Information

(Check) Bill: X Resolution: _____

(A single FIR may be used for related bills and/or resolutions)

Short Title(s): AN ORDINANCE AMENDING SECTION 2-3 SFCC 1987 TO HAVE THE GOVERNING BODY SET THE SALARY FOR THE MUNICIPAL JUDGE EVERY FOUR YEARS IN CONJUNCTION WITH THE PRESCRIBED TERM; AND PROVIDING GUIDANCE ON THE LEVEL AT WHICH THE SALARY SHALL BE SET.

Sponsor(s): Councilor Bushee

Reviewing Department(s): Finance Department

Persons Completing FIR: Oscar Rodriguez Date: 12/28/15 Phone: 955-6530

Reviewed by City Attorney: Kelley A. Brennan Date: 12/28/15
(Signature)

Reviewed by Finance Director: [Signature] Date: 12-28-2015
(Signature)

Section B. Summary

Briefly explain the purpose and major provisions of the bill/resolution:

This bill would amend the guidelines for setting the salary for the municipal judge, and would review the salary in conjunction with the term of the judge.

Section C. Fiscal Impact

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)*

1. Projected Expenditures:

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate: "A" if current budget and level of staffing will absorb the costs
"N" if new, additional, or increased budget or staffing will be required
- c. Indicate: "R" – if recurring annual costs
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

Finance Director: _____

_____ Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY 2015/16	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY 2016/17	"A" Costs Absorbed or "N" New Budget Required	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

Personnel*	\$ 1,742.40	_____	_____	\$ 5,033.60	_____	_____	_____	_____
Fringe**	\$ 398.98	_____	_____	\$ 1,152.62	_____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Professional Services	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Total:	\$ 2,141.38			\$6,186.22				

* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. **For fringe benefits contact the Finance Dept.

2. Revenue Sources:

- a. To indicate new revenues and/or
- b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
Total:	\$ _____		\$ _____			

3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

See attached memo from Finance Director

Section D. General Narrative

1. Conflicts: Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

None

2. Consequences of Not Enacting This Bill/Resolution:

Are there consequences of not enacting this bill/resolution? If so, describe.

Changes would not be made so that the Governing Body could set the salary for the Municipal Judge every four years in conjunction with the prescribed term; and be able to provide guidance on the level at which the salary should be set.

3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None staff is aware of

4. Community Impact:

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

The Governing Body could set the salary for the Municipal Judge every four years in conjunction with the prescribed term; and be able to provide guidance on the level at which the salary should be set.

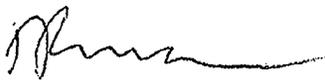
City of Santa Fe, New Mexico

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:

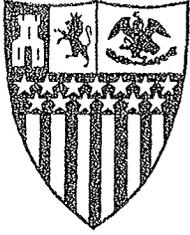
This memo recommends a salary increase for the municipal judge.

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

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

www.santafenm.gov

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

Handwritten signature of Kelley Brennan in black ink.

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.

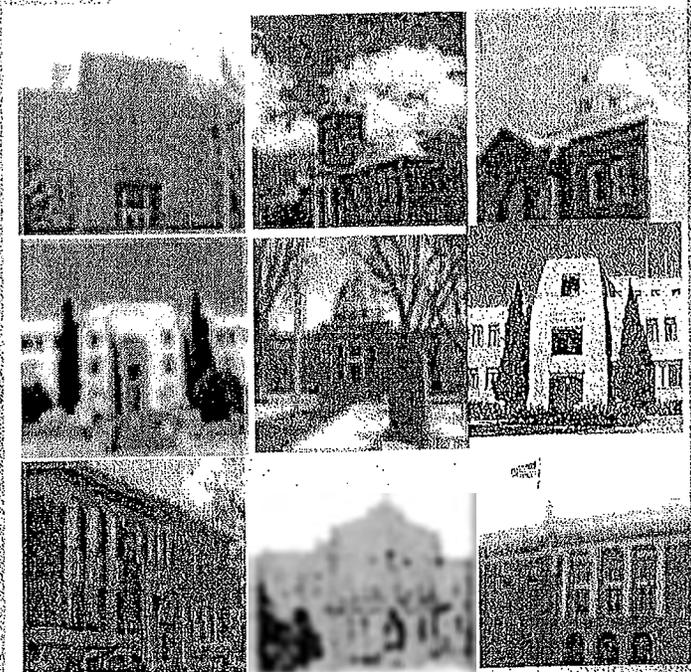
In the 2014 legislative session, the New Mexico Legislature appropriated funds in two separate sections increasing salaries for judges and justices of the New Mexico state judiciary. Subsequently Governor Martinez used her partial veto authority to strike one of the sections before signing the Appropriations 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



Classification & Compensation Plan Fiscal Year 2015
Including Fiscal Year 2014 Summary Data
New Mexico Judicial Branch

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