

VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
ORDINANCE NO. 254

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 1, MUNICIPAL COURT, OF THE CODIFIED ORDINANCES.

NOW, THEREFORE, be it ordained by the governing body of the Village of Los Ranchos de Albuquerque (the “Village”), that Chapter 11, Article 1, Municipal Court, is amended as follows:

Section 11.1.1 is hereby deleted in its entirety and the following substituted therefore:

The Village hereby recognizes the Municipal Court as established in NMSA 1978, § 35-14-1 and hereby creates a Municipal Court in the Village of Los Ranchos de Albuquerque. A Municipal Judge shall preside. This ordinance is adopted to implement the operation of the Municipal Court as authorized by state statute.

Section 11.1.2 is hereby amended so as to delete the words “excluding traffic ordinances.”

Section 11.1.3 is hereby deleted in its entirety and the following substituted therefore:

The Municipal Judge must be a registered voter, over 21 years of age, and a resident of the Village and shall continually retain residence within the Village throughout the term of office. A candidate for Municipal Judge shall not have been convicted of a felony or a misdemeanor of moral turpitude in any jurisdiction. The Municipal Judge shall hold no other elective public office during the term for which he or she is elected or appointed. Maintaining “residence” as used herein, shall mean maintaining the primary residence of such individual within the Village and residing in such residence for not less than 200 days during each calendar year.

Section 11.1.4 is hereby deleted in its entirety and the following substituted therefore:

The Municipal Judge shall be elected for a term of four (4) years at a regular municipal election and shall serve until expiration of the four (4) year term. An elected Municipal Judge shall take office the first day following expiration of the term of the sitting Municipal Judge. Any qualified person may have his or her name placed upon an official ballot by filing with the Village Clerk, on a date to be set by the Board of Trustees (“Board”) prior to the date of the election, a notarized declaration of his or her candidacy as provided in the election laws of the State of New Mexico. The official ballot shall be provided by the Village and the candidate receiving the highest number of votes cast shall be declared elected to office.

Section 11.1.5 is hereby amended so as to add the following sentence at the beginning of such section:

In the event that the Municipal Judge resigns, is removed, dies or ceases residence within the municipality, the Mayor shall declare the office of the Municipal Judge vacant.

Section 11.1.6 is hereby amended so as to add “A signed original of” to the beginning of the last sentence.

Section 11.1.8 is hereby deleted in its entirety and the following substituted therefore:

During the temporary incapacity or absence of the Municipal Judge, under circumstances not tantamount to or constituting a vacancy or an abandonment of office, or in the event of a disqualification or recusal of the Municipal Judge, the following procedure is hereby adopted for the purpose of identifying one or more temporary judges to serve as an alternate Municipal Judge in the event of an incapacity or absence as stated above.

(A) **CREATION OF PANEL.** The Board of Trustees shall endeavor to designate up to three (3) individuals (“**Panel**”) who are qualified to serve as a Municipal Judge under Municipal Code § 11.1.3 and who are willing to serve as a temporary Municipal Judge.

(B) **CANDIDATES FOR PANEL.** The Municipal Judge, the Mayor, or any member of the Board of Trustees may submit names of individuals who are qualified to serve as a temporary judge for consideration of the Board of Trustees.

(C) **SELECTION OF PANEL.** The Board of Trustees may conduct such inquiry it believes necessary to obtain information about any potential candidate for a temporary judge to assure that such individual is qualified to serve in such capacity by reason of residence and background. Upon satisfaction with an individual’s qualifications, such individual may be named to the Panel by a majority vote of the Board of Trustees at a regular or special public meeting.

(D) **APPOINTMENT OF TEMPORARY JUDGE.** In the event of an absence, incapacity or other necessity for a temporary judge, the Municipal Judge shall have the authority to appoint a member of the Panel to serve as a temporary judge in specific cases. In the event the Municipal Judge is unwilling or unable to appoint a temporary judge, the Mayor shall have the authority to designate a member of the Panel as temporary judge for specific cases.

(E) **TENURE OF PANEL.** Any member of the Panel may resign at any time and the Board of Trustees shall have the authority to remove any member of the Panel at any time, at its discretion.

(F) **FAILURE TO DESIGNATE MEMBERS OF THE PANEL.** In the event the Board of Trustees is unwilling or is unable to designate individuals to serve on the Panel, the temporary judge shall be appointed by the Presiding Judge

of the District Court of the Second Judicial District of New Mexico. The Municipal Judge is hereby authorized to submit a request, in writing, to the Presiding Judge for appointment of a temporary judge. If the Municipal Judge is unwilling or unable to do so, the Mayor shall be authorized to submit such a request. The temporary judge appointed by the Presiding Judge shall serve as a temporary judge only for the specific case(s) for which the appointment is made.

Section 11.1.9 is hereby amended so as to delete the words “unless the temporary incapacity or absence of the Municipal Judge extends for more than five (5) days beyond what is authorized by the Village” from the last sentence of such section.

Section 11.1.10 is hereby amended so as to add the following sentence:

The Municipal Judge shall maintain the records and issue the documents as are required by state statutes and regulations of the Administrative Office of the Courts.

LIMITATION OF APPLICATION. This ordinance is adopted in accordance with the provisions of NMSA 1978, § 35-14-1, *et seq.*, and is not intended in any way to preclude the Supreme Court or the District Court from exercising superintending or supervisory authority over the Municipal Court of the Village of Los Ranchos de Albuquerque.

SEVERABILITY. If any section, subsection, paragraph, sentence, clause, phrase, or part hereof is for any reason declared unconstitutional or invalid, the validity of the remaining portions hereof shall not be affected since it is the expressed intent of the Board of Trustees to pass each section, subsection, paragraph, clause, phrase and every part thereof separately and independently of every other part.

EFFECTIVE DATE, REPEAL, AND PUBLICATION. This Ordinance shall take effect and be in full force five (5) days after publication of this Ordinance.

COMPILING CLAUSE. This Ordinance shall be incorporated and compiled as part of the codified ordinances of the Village of Los Ranchos de Albuquerque.

APPROVED AND ADOPTED by the Governing Body of the Village of Los Ranchos de Albuquerque this ____ day of _____, 2016.

Larry P. Abraham, Mayor

ATTEST:

Stephanie Dominguez, Village Clerk

CHAPTER 11

MUNICIPAL COURT

ARTICLE 1. Municipal Court

ARTICLE 1. MUNICIPAL COURT

- SECTION 1. Municipal Court
- SECTION 2. Jurisdiction
- SECTION 3. Qualifications of Judge
- SECTION 4. Election of Judge
- SECTION 5. Vacancies
- SECTION 6. Oath of Office
- SECTION 7. Compensation
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- SECTION 9. Compensation for Temporary Municipal Judge
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- SECTION 13. Personnel and Finances

§ 11.1.1 MUNICIPAL COURT

~~There is hereby created a Municipal Court in the Village of Los Ranchos de Albuquerque. A Municipal Judge shall preside.~~ **The Village hereby recognizes the Municipal Court as established in NMSA 1978, § 35-14-1 and hereby creates a Municipal Court in the Village of Los Ranchos de Albuquerque. A Municipal Judge shall preside. This ordinance is adopted to implement the operation of the Municipal Court as authorized by state statute.**

§ 11.1.2 JURISDICTION

The Municipal Court shall have jurisdiction over all offenses and complaints under the Ordinances of the Village of Los Ranchos de Albuquerque, ~~excluding traffic ordinances,~~ and may issue subpoenas and warrants and punish for contempt.

§ 11.1.3 QUALIFICATIONS OF JUDGE

~~The Municipal Judge shall be a resident of the Village of Los Ranchos de Albuquerque, shall be a qualified elector under the laws of the State of New Mexico, and shall hold no other elective public office during the term for which he or she is elected or appointed.~~

The Municipal Judge must be a registered voter, over 21 years of age, and a resident of the Village and shall continually retain residence within the Village throughout the term of office. A candidate for Municipal Judge shall not have been convicted of a felony or a misdemeanor of moral turpitude in any jurisdiction. The Municipal Judge shall hold no other elective public office during the term for which he or she is elected or appointed. Maintaining "residence" as used herein, shall mean maintaining the primary residence of such individual within the Village and residing in such residence for not less than 200 days during each calendar year.



§ 11.1.4 ELECTION OF JUDGE

~~The Municipal Judge shall be elected for a term of four (4) years at a regular municipal election and shall serve until his or her successor is duly elected and qualified. The Municipal Judge shall take office the first day following election and qualification. Any qualified person may have his or her name placed upon an official ballot by filing with the Village Clerk, on a date to be set by the Board prior to the date of the election, a notarized declaration of his or her candidacy as provided in the election laws of the State of New Mexico. The official ballot shall be provided by the Village, and the candidate receiving the highest number of votes cast shall be declared elected to office.~~ **The Municipal Judge shall be elected for a term of four (4) years at a regular municipal election and shall serve until expiration of the four (4) year term. An elected Municipal Judge shall take office the first day following expiration of the term of the sitting Municipal Judge. Any qualified person may have his or her name placed upon an official ballot by filing with the Village Clerk, on a date to be set by the Board of Trustees ("Board") prior to the date of the election, a notarized declaration of his or her candidacy as provided in the election laws of the State of New Mexico. The official ballot shall be provided by the Village and the candidate receiving the highest number of votes cast shall be declared elected to office.**

§ 11.1.5 VACANCIES

In the event that the Municipal Judge resigns, is removed, dies or ceases residence within the municipality, the Mayor shall declare the office of the Municipal Judge vacant. Vacancies in the office of Municipal Judge shall be filled by appointment by the Board, at either a regular or special meeting, and Municipal Judges so appointed shall serve until the next regular Village election.

§ 11.1.6 OATH OF OFFICE

The Municipal Judge shall, prior to taking office, take a written oath to uphold the constitution and the laws of the United States of America and the State of New Mexico, and the ordinances of the Village of Los Ranchos, and to faithfully and impartially discharge and perform all of the duties of the office. **A signed original of the oath shall be filed in the office of the Village Clerk.**

§ 11.1.7 COMPENSATION

The compensation of the Municipal Judge shall be determined by ordinance duly adopted by the Board prior to the date of the beginning of the term for which the Municipal Judge is elected or appointed to serve. In the event that the Board fails to adopt an ordinance prescribing the compensation for the Municipal Judge, then the compensation prescribed for the preceding term of office shall continue until such compensation has been changed by ordinance. Compensation for Municipal Judge shall not be changed during the term to which such judge has been elected or appointed.

§ 11.1.8 TEMPORARY MUNICIPAL JUDGE

~~During the temporary incapacity or absence of the Municipal Judge, under circumstances not tantamount to or constituting a vacancy in office, the Municipal Judge before absenting himself or herself, shall select, or upon his or her failure to select, the mayor shall~~



~~select, a qualified person, subject to approval of the Board, to serve as temporary Municipal Judge with all powers of the Municipal Judge until the return of the municipal judge.~~

During the temporary incapacity or absence of the Municipal Judge, under circumstances not tantamount to or constituting a vacancy or an abandonment of office, or in the event of a disqualification or recusal of the Municipal Judge, the following procedure is hereby adopted for the purpose of identifying one or more temporary judges to serve as an alternate Municipal Judge in the event of an incapacity or absence as stated above.

(A) CREATION OF PANEL. The Board of Trustees shall endeavor to designate up to three (3) individuals ("Panel") who are qualified to serve as a Municipal Judge under Municipal Code § 11.1.3 and who are willing to serve as a temporary municipal judge.

(B) CANDIDATES FOR PANEL. The Municipal Judge, the Mayor, or any member of the Board of Trustees may submit names of individuals who are qualified to serve as a temporary judge for consideration of the Board of Trustees.

(C) SELECTION OF PANEL. The Board of Trustees may conduct such inquiry it believes necessary to obtain information about any potential candidate for a temporary judge to assure that such individual is qualified to serve in such capacity by reason of residence and background. Upon satisfaction with an individual's qualifications, such individual may be named to the Panel by a majority vote of the Board of Trustees at a regular or special public meeting.

(D) APPOINTMENT OF TEMPORARY JUDGE. In the event of an absence, incapacity or other necessity for a temporary judge, the Municipal Judge shall have the authority to appoint a member of the Panel to serve as a temporary judge in specific cases. In the event the Municipal Judge is unwilling or unable to appoint a temporary judge, the Mayor shall have the authority to designate a member of the Panel as temporary judge for specific cases.

(E) TENURE OF PANEL. Any member of the Panel may resign at any time and the Board of Trustees shall have the authority to remove any member of the Panel at any time, at its discretion.

(F) FAILURE TO DESIGNATE MEMBERS OF THE PANEL. In the event the Board of Trustees is unwilling or is unable to designate individuals to serve on the Panel, the temporary judge shall be appointed by the Presiding Judge of the District Court of the Second Judicial District of New Mexico. The Municipal Judge is hereby authorized to submit a request, in writing, to the Presiding Judge for appointment of a temporary judge. If the Municipal Judge is unwilling or unable to do so, the Mayor shall be authorized to submit such a request. The temporary judge appointed by the Presiding Judge shall serve as a temporary judge only for the specific case(s) for which the appointment is made.

§ 11.1.9 COMPENSATION FOR TEMPORARY MUNICIPAL JUDGE

During the temporary incapacity or absence of the Municipal Judge, the temporary Municipal Judge shall be paid the same compensation as is paid the Municipal Judge on a pro-rata basis. Compensation paid the temporary Municipal Judge shall not be deducted from the authorized salary of the Municipal Judge unless the temporary incapacity or absence of the Municipal Judge extends more than five (5) days beyond what is authorized by the Village.



§ 11.1.10 DUTIES GENERALLY

The Municipal Judge shall preside over all hearings at every stage of any proceeding concerning a violation of any provision of the Ordinances of the Village. **The Municipal Judge shall maintain the records and issue the documents as are required by state statutes and regulations of the Administrative Office of the Courts.**

§ 11.1.11 REPORTS AND REMITTANCES

The Municipal Judge shall furnish written reports to the Board of all moneys collected by him or her not later than the tenth (10th) day of each month following collection and all moneys collected shall be paid to the Village Treasurer on the date of the filing of the report. All reports shall include an itemized statement showing the different amounts collected, the purpose of collection, the name of the person paying, and the date of payment.

§ 11.1.12 INITIATION OF PROCEEDINGS

(A) A defendant may be brought into Municipal Court for trial by any of the following methods:

(1) Arrest for violation of a municipal ordinance committed in the presence of the arresting officer;

(2) Arrest, or citation or summons, pursuant to a warrant based on the sworn complaint of any person having reasonable grounds to believe the defendant is guilty of violating a specified ordinance;

(3) Citation or summons; or

(4) Arrest pursuant to a warrant issued by the Municipal Judge for failure to appear to answer a citation or summons.

(B) Any citation or summons issued for violation of an ordinance shall require the party charged to appear before the Municipal Court at a specified time.

(1) If a citation is issued, the party charged shall sign the citation promising to appear before the Municipal Court at the time specified in the citation.

(2) If a summons is issued, it shall be served as provided by the Rules of Procedure for the Municipal Courts.

§ 11.1.13 PERSONNEL AND FINANCES

All personnel of the Municipal Court shall be employed or provided by the Village, and appropriations for the Court shall be controlled and budgeted for in the same manner as any other Village department.

Ordinance and State Law References regarding Chapter 11, Article 1 (f/k/a Chapter 18):

Ordinance #11, adopted August 2, 1961;

Ordinance #23, approved November 1, 1972, amending Ordinance No. 11;

Ordinance #62, effective date July 1, 1985 (replacing ORD #11);

Ordinance #63 effective September 27, 1985;

Ordinance #134, enacted Feb. 14, 1996, codifying Ordinances 62 and 63 as Chapter 18, with modifications.

Rules of Procedure for the Municipal Courts SCRA 1986, Rules 8-101, *et seq.*;

Service of Summons SCRA 1986, Rule 8-204;



Rules Governing Judicial Education, SCRA 1986, Rule 25-101, *et seq.*;
Citation in Lieu of Arrest Without a Warrant: § 31-1-6 NMSA 1978;
Municipal Courts § 35-14-1, *et seq.*, NMSA 1978;
Violations of Municipal Ordinances § 35-15-1, *et seq.*, NMSA 1978.

