

## COURTS

Section 12-1.	Municipal Judge.	to service; qualifications.
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Cross reference: Administration, Ch. 2; as to Municipal Judge salary and benefits see § 2-26; State law reference: Municipal courts, NMSA 1978, §§ 35-14-1 through 35-14-12; State administrative code reference: Municipal court records retention, NMAC, § 1.19.9.

### **Section 12-1. Municipal judge.**

(a) *Election.* The Municipal Judge shall be elected, for terms of four years, at a regular municipal election. Any vacancy shall be filled by the Governing Body to serve until the next regular municipal election.

(b) *Qualifications.* The Municipal Judge shall be a registered, qualified elector of the village and shall reside within the corporate limits of the village.

(c) *Training.* The 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 state court administrator, unless exempt from this requirement by the Chief Justice of the Supreme Court. No Municipal Judge holding office after December 31, 1973, shall receive any salary until he has successfully completed or been exempted from the required judicial training program.

(d) *Bond and oath.* The Municipal Judge shall be covered by the corporate surety bond covering all municipal officials, such bond to be conditioned upon the faithful performance of his duties and to the paying over to the village all fines, forfeited bonds and other money which comes into his hand by virtue of his office. The Municipal Judge shall take the oath of office as required in NMSA 1978, § 3-10-2.

(e) *Records and reports.* The Municipal Judge shall keep or cause to be kept a record of every traffic complaint, uniform traffic citation and other form of traffic charge filed in his court and every official action and disposition of the charge by his court. Within ten days after disposition of every charge of violating the traffic code of the village, the Municipal Judge shall, upon forms furnished by the commissioner of motor vehicles, prepare, certify as correct, and forward to the state department of motor vehicles an abstract of the record. A report need not be made of any convictions involving illegal parking or standing of a vehicle except when a uniform traffic citation is used. When the uniform traffic citation is issued, the form of the abstract on the back of the officers first copy containing the above information shall be used. The failure or refusal of the Municipal Judge to comply with the provisions of this section is misconduct in office and grounds for removal. Each Municipal Judge shall make monthly written reports to the Governing Body of all money collected by him. The reports shall be filed and the money collected paid to the municipality not later than the tenth day of the month following collection.

(f) *Duties.* In addition to those duties set forth in the laws of the state, the Municipal Judge shall hold court at such times as may be reasonably necessary to facilitate the performance of his duties. The Municipal Judge shall be available at all reasonable hours for the issuance of warrants and summons.

(g) *Salary.* See section 2-26.  
*History: Ord. No. 164, § 1, adopted 9-8-86; Ord. No. 308 (5-2-6), adopted 1-27-98.*

### **Section 12-2. Assistant municipal judges.**

(a) The Mayor shall appoint not less than one nor more than three assistant municipal judges within two weeks of the Mayor taking office. The term of the assistant municipal judges shall be one year or until the assistant municipal judge resigns. If an assistant municipal judge resigns, another assistant municipal judge shall be appointed, in the manner described in this section, within one month of the date such resignation takes effect.

(b) If the Mayor with the advice and consent of the Governing Body has not appointed an assistant municipal judge or assistant municipal judges within the times described in subsection (a) of this section, the Governing Body shall appoint not less than one nor more than three assistant municipal judges, whose terms shall be as described in subsection (a) of this section. If the Governing Body declares a vacancy as provided by NMSA 1978, § 10-3-1, it shall appoint one of the assistant judges as temporary municipal judge to serve until a successor municipal judge has been duly appointed by the Governing Body pursuant to NMSA 1978, § 35-14-4.

*History: Ord. No. 164, § 2, adopted 9-8-86; Ord. No. 225, § A, § C, adopted 11-27-89.*

### **Section 12-3. Temporary municipal judge - call to service; qualifications.**

(a) Whenever the Municipal Judge determines that he will be temporarily unable or unavailable to perform the duties of municipal court judge, whether by reason of recusal, disqualification, prohibition by a district court, absence, sickness, or other incapacity, he shall notify the court clerk and instruct the court clerk to obtain one of the assistant municipal judges to stand in the place of the Municipal Judge. If there is more than one assistant municipal judge, the Municipal Judge has the discretion of determining which of the assistant municipal judges shall stand in his place and to notify the Village Administrator when the Municipal Judge is able to resume his duties.

(b) The temporary municipal judge shall be a registered qualified elector of the village and shall reside within the corporate limits of the village.

*History: Ord. No. 164, § 1, § 4, adopted 9-8-86; Ord. No. 225, § B, § E, adopted 11-27-89.*

### **Section 12-4. Same [temporary municipal judge] - Oath of office.**

Before assuming the duties of temporary municipal judge, a temporary municipal judge shall take the oath of office as required by NMSA 1978, § 3-1-2. Once a qualified elector has taken the oath of office as temporary municipal judge, he shall not be required to repeat the oath on subsequent appointments. Upon taking the oath of office, the temporary municipal judge shall be covered by the corporate surety bond covering all municipal officials.

*History: Ord. No. 164, § 3, adopted 9-8-86; Ord. No. 225, § D, adopted 11-27-89.*