



ROSWELL MUNICIPAL COURT

Joseph H. Seskey
Municipal Judge

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May 12, 2025

Mayor, Members of City Council
City of Roswell, New Mexico

Honorable Mayor and Members of Council,

Thank you for the opportunity to provide you with our proposed budget for Municipal Court for the fiscal year 2026. I appreciate the time you will take to review and discuss our budget needs. The Court respectfully submits its budget directly to the governing body, members of the Roswell City Council. (*1)

The Municipal Court, a co-equal branch of government, representing the City's Judicial Branch is led by the Municipal Judge, an elected official, and full-time support staff composed of a Court Administrator, Deputy Court Clerks, a Court Bailiff and a Court Compliance Officer.

The Court operates with integrity and we hold ourselves to the highest standards of performance, transparency, accountability and ethical conduct. The Municipal Court respectfully request the funds being sought. They have been asked for after thoughtful and careful deliberation and are determined to be necessary and reasonable expenses in the performance of our assigned judicial duties. (*2)

(*1) There can be no requirement that the Judicial Branch first submit its budget request to the Executive Branch NMSC, Mowrer v. Rusk, (1980), citing **Judicial Financial Autonomy and Inherent Power**, 57 Cornell L. Rev. 975 (1972)

(*2) NMSC Mowrer v. Rusk, 1980 citing **Smith v. Miller**, 153 Colo. 35, 384 P.2d 738 (1963).

The Court is committed to constantly evaluating our processes with an intent to reduce overall cost to our fullest extent. The Court is responsible for cost related to the operations of court functions including cost related to the constitutional legal requirements expressly required of the office. Examples include personnel and benefit cost, training and travel expenses, contracts with indigent counsel and professional services and information technology cost required to operate, maintain and secure court data. This memorandum addresses budget items responsible to the Municipal Judge.

Municipal Court Budget

The Municipal Court budget can be broken down into four categories. Salary and Benefits, Court Operations, Facilities/Building and Corrections/Defendant Housing.

Salary and Benefits

The Court is requesting funding to maintain current employee salary schedules, language certification pay and employee benefits. The Court currently employs a Court Administrator, four Deputy Court Clerks, a Bailiff, and one Court Compliance Officer. With this budget submission we are currently operating fully staffed with no current position vacancies.

The salary of the Municipal Judge is set by city ordinance and is a percentage of the salary of State Magistrate judges. It is noted that with the passage of HB 2 there is an expected increase for Magistrate judges this year of four percent effective the first full pay period in July. (*3)

Additionally, the salary and benefit estimates in the Court's budget considers funding for a four percent cost of living increase consistent with the proposal being presented by the city manager for regular employees.

Language Certification Pay-Court Clerks

The Supreme Court of New Mexico requires that defendants requesting and/or requiring translation that the translator/interpreter be a court certified language specialist. If the offense the defendant is charged with is a jailable offense the interpreter is required to have an advanced level of certification. The Court has experienced a shortage of available court certified language specialist and those that we have contracted with are charging extraordinarily high fees and often require minimum time requirements for their services.

The Court is often confronted with defendants with translation/interpreter needs. Spanish speakers comprise the biggest need. The Court is fortunate to have employees fluent and proficient in Spanish. In a logistics and cost saving measure the Court has instituted a language certification pay stipend for employees who obtain different levels of Court Interpreter Certification from the NM Supreme Courts Administrative Office of the Courts.

This training and certification provide staff members with a strong ethical and professional foundation that will enable them to use their bilingual abilities to enhance court services.

The Court is pleased to acknowledge that four court employees have recently completed the six-week training program and successfully passed testing requirements and are now recognized as court certified language specialist.

One court employee has completed the requirements and has qualified for testing to receive advance level certification. It is anticipated that the employee will be completing testing for certification within the next few months. Employees with these certifications are compensated at a rate of one dollar per hour consistent with recommendations from the Administrative Office of the Courts.

Court Operations

The Court is seeking funding for general operating cost. Line items include contractual obligations for indigent counsel representation, court interpreters, employee travel and training, alternate judge cost, vehicle maintenance and fuel cost, software subscriptions and maintenance, mailing and postage cost, printing and publication cost, subscriptions and membership dues, mobile telephones, general office supplies and computer hardware replacements.

The Court is working with the City Finance Director regarding budget changes re-aligning responsibilities of budget line items back to individual departments. These include various utilities and other cost that had in the past been paid out of other accounts. In addition, the Court will be assuming responsibility for managing its own IT needs and all associated cost relieving City staff of this responsibility.

Facilities/Building

The Court is seeking funding for facility and maintenance cost. These line items include contractual janitorial/cleaning services, janitorial cleaning supplies, pest control, wayfinding, security and furniture and fixtures and maintenance and repair cost.

Court Window Replacement Need

The need for window replacements was found to be necessary as the metal frames housing the glass are rusting with some leaking and attributing to mold growth. This was identified as an issue in a previous air quality study the Court had completed due to employee complaints of air quality and observable mold in various locations within the facility. Issues documented in the report have been remediated and addressed with the lone exception being the window replacements. The Court has attempted to address these issues in several past budget submissions.

The latest communication to the Court on this topic from city staff was former Finance Director Ms. Janie Davies who indicated that she was going to direct staff to have our

request included in the Capital Projects request submitted through the legislative process for funding in the amount of fifty thousand dollars. The Court was able to confirm with current Finance Director Ms. Toni Gomez that a submission was submitted for ICIP. The Project ID is #43268 and it was ranked 128. It was not funded this year by ICIP.

The Court is again requesting specific funding to address window replacements. It is not recommended that this project be delayed further as the identified leaks continue to contribute to mold and rust conditions. The Court wishes to assume responsibility for completion of this project.

The Court had previously taken the initiative to gather updated estimates and the monies requested are based on quotes from vendors for this specific project. These quotes have now expired and will have to be redone. As a placeholder, the court is requesting \$40,000 dollars be budgeted for this project based on past estimates and quotes.

The Court is additionally requesting budgeted monies to address regular maintenance items and any unforeseen maintenance issues related to the facility.

The Court notes as examples of unforeseen cost previously incurred in past budget cycles by the Court; the need to replace our front door frames and glass which was damaged by high winds (\$5000); the repair and replacement of the courts HVAC units which went down for several weeks over this past summer (\$10,519.90); and the repair and replacement of the sewer drain piping and vent pipe relocation (\$4,795.97).

Corrections/Defendant Housing

The Court is seeking funding for cost related to housing municipal prisoners, the Courts electronic monitoring program, and the cost for lab testing defendants under probation and/or alternative sentencing programs related to substance abuse.

The Municipal Court has a current agreement to house municipal prisoners at the Chaves County Detention Center at a rate of 75.00 per day per defendant.

The court again notes that the passing of HB 139 effective July 1, 2024 eliminated in its entirety the special revenue fund requirements and further voids requirements under City Ordinances Chapter 15, Section 15-12 paragraph B and C (1-3), Chapter 24, Section 24-2 paragraph A (5) and Section 24-4. With the elimination of the special revenue fund these requests are submitted as a line-item in the Court's budget request.

Consistent with guidance to members of Council in previous budget submissions and as a reminder the Court is not in control of what cases are filed or initiated with the Court.

The amount of funding required for housing defendants is always unpredictable and dependent on the nature of the cases filed and whether or not incarceration of the defendant is required. The Court recommends funding for Corrections in the amount of \$325,000.

Municipal Court Revenues

Sources of Revenue/Fines and Fees Collected:

As referenced above, the Court collects fines related to traffic offenses and petty misdemeanors. Fines are set by ordinance. Changes in legislation in 2024 eliminated the future collection of court fees. Previous court fees already assessed to defendants prior to these changes and not previously collected are no longer disbursed to the State when paid by the defendant and these fees are now remitted to the city.

In calendar year 2024, the total amount of fines and fees collected from all sources was \$166,281.

Fines Collected: \$123,869

Corrections Fees collected: \$27,866

Court Automation Fee collected: \$8,364

Judicial Education Fees collected: \$4,169

Other Court Fees (ie: Probation fees, copy fees etc): \$2,013

Statistical Information

Cases may be filed in Municipal Court charging a traffic offense or violation of municipal criminal ordinance occurring in the city limits by police officers, code enforcement officers, animal services officers and fire/building officials.

In calendar year 2024, a total of **3,179** violations of criminal and traffic ordinances combined were initiated and filed in Municipal Court.

Municipal Courts are authorized to perform wedding ceremonies. Municipal Court provides this service at no charge. There were **190** weddings performed in calendar year 2024.

Incarceration and Alternative Sentencing

In some instances, detention or incarceration of defendants awaiting arraignment, trial or serving sentence is required. Defendants are held at the Chaves County Detention Center. As stated previously, in the current agreement with the detention center a fee is assessed of \$75.00 per day per defendant. In some instances, defendants with Municipal Court charges are simultaneously being held on charges by other jurisdictions such as Magistrate and District Court. In these instances, Municipal Court is not charged for their cost of detention. In calendar year 2024, Municipal Court was billed a total of **3,681** days of incarceration at the detention center at a cost of **\$276,075.00**.

While a sentence to jail is an option the Court may consider when sentencing defendants who have pled or been found guilty, the Roswell Municipal Court employs several alternative sentencing strategies in lieu of incarcerating defendants. Community service,

probation and house arrest are helpful in reducing recidivism and reducing cost to the city related to incarceration. The Court offers several on-line offender education programs which are available in both traffic and criminal matters.

Court Compliance

The Court Compliance Office is responsible for supervising defendants sentenced to community service, pre-trial supervision, probation, home confinement/house arrest and alternative sentencing programs. In calendar year 2024; the compliance office;

- monitored **180** defendants participating in community service programs with Defendants completing a total of **1,865.25** hours of community service

- monitored **52** Defendants on supervised probation conditions

- monitored **26** Defendants reporting for pre-trial Supervision.

House Arrest is an option in lieu of serving time confined to the Chaves County Detention Center. It allows the defendant to have some flexibility to maintain employment and address the immediate needs of their personal or family obligations. Persons on house arrest are monitored by an electronic device attached to their ankle and their location can be tracked at all times.

- The compliance office monitored **41** defendants confined to house arrest imposed by the Court

- A total of **748** days was served by defendants on house arrest and under electronic monitoring. Had these persons been incarcerated in the Chaves County Detention Center, the City would have incurred a cost of approximately **\$56,100.00**. The Court expended **\$3,462.91** using electronic monitoring.

Municipal Court Highlights

The Court continues to address the return of bond monies to individuals who posted appearance bonds for defendants in now closed cases. The Court has identified multiple cases in which these bond monies were not returned to the posting person once the case was adjudicated and closed. Some of these cases were found to be as far back as 1996 and were posted by third parties not directly affiliated with the case. The use of our Lexis-Nexis software has been a valuable resource used to locate these individuals. The Court has been successful in locating the responsible parties and has thus far been able to **return** a total of **\$10,248.00** owed to these individuals. Later this summer, the court will be working towards the process of turning over unclaimed bond monies to the city's general fund. A total of **\$17,043** is thus far still unclaimed.

The Court continues to evaluate, assess and update internal processes and forms currently approved for use by the New Mexico Supreme Court.

The Court is currently working with Assistant City Attorney Mr. Narin-Mahan assessing **2,811** outstanding warrants for their viability for prosecution with a goal of clearing out old files.

Roswell Municipal Court continues to be a model court for training other courts throughout the State of New Mexico. The Court was visited and observed by court employees from the City of Gallup and the City of Las Cruces.

Roswell Municipal Court is prominently featured in the 2024 NMML Municipal Court Annual Report highlighting our recognition of Law Day.

Court Administrator Ron Garcia travelled to Farmington Municipal Court to participate in training related to the court's software programs.

Court Compliance Officer Maria Ordonez received special recognition from the Administrative Office of the Courts for her past participation in the language/interpreter program.

Deputy Court Clerks Vanessa Flores and Janessa Solis recently completed a six-week workplace defensive tactics/de-escalation course.

Judge Seskey continues to serve on the Board of Directors for the NM Judges Association.

Judge Seskey continues to serve with JWELL as a judicial coaching resource for Judges throughout the State of New Mexico.

Judge Seskey recently completed a two-year term representing the City of Roswell along with twelve other municipalities as District 5 Director of the New Mexico Municipal League.

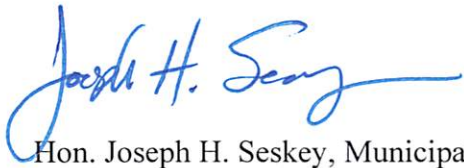
Judge Seskey continues to serve the New Mexico Supreme Courts Court Education Institute (CEI) as a faculty judge for newly appointed and elected municipal judges throughout the State.

Judge Seskey was a presenter at the Annual Judges Conference training held this year in Albuquerque.

Judge Seskey is assigned as a mentor judge to the municipalities of Ruidoso, Ruidoso Downs, Vaughn, Santa Rosa, Fort Sumner, Capitan, Tularosa, Cloudcroft and the Village of Milan.

In Conclusion

On behalf of the staff of Municipal Court, we appreciate your time and attention in reviewing our budget request.



Hon. Joseph H. Seskey, Municipal Judge