

1 **IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

2
3 **March 18, 2022**

4
5 **NO. 22-8500-015**

6
7 **IN THE MATTER OF THE**
8 **ADOPTION OF THE NEW MEXICO**
9 **BUDGET COMMITTEE CHARTER**

10
11 **ORDER**

12 WHEREAS, this matter came on for consideration upon recommendation to
13 adopt the New Mexico Budget Committee Charter dated March 9, 2022, and the
14 Court having considered the recommendation and being sufficiently advised, Chief
15 Justice Michael E. Vigil, Justice C. Shannon Bacon, Justice David K. Thomson,
16 Justice Julie J. Vargas, and Justice Briana H. Zamora concurring;

17 NOW, THEREFORE, IT IS ORDERED that the recommendation is
18 ADOPTED, and the New Mexico Budget Committee Charter, attached and
19 incorporated as **Exhibit A**, is APPROVED nunc pro tunc, effective **March 9, 2022**.

20 IT IS SO ORDERED.



WITNESS, the Honorable Michael E. Vigil, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 17th day of March, 2022.

Sally A. Paez, Acting Clerk of Court
Supreme Court of New Mexico

A handwritten signature in black ink that reads "Sally A. Paez".

Sally A. Paez, Acting Chief Clerk of the Supreme Court
of the State of New Mexico

NEW MEXICO BUDGET COMMITTEE CHARTER

I. MISSION

The Budget Committee (“committee”) will develop an overall framework for funding the judiciary through a statewide, equitable analysis of needs that will serve both the courts and the community.

II. PURPOSE

The committee promotes fiscal responsibility by ensuring that budget requests are based on validated, accurate, and detailed cost estimates; are equitable and consistent with approved priorities and needs; and that there is a uniform process for reviewing budgetary matters and making recommendations to the Supreme Court. The committee members’ focus must be on the statewide goals of the judiciary and the unified budget, not on individual interests.

III. MEMBERSHIP

- A. **Members:** The committee shall consist of the chair and eight (8) at-large members, who must all be judicial officers or judicial branch employees.
- B. **Terms of appointment:** Committee members shall be appointed by the Supreme Court for a term of three (3) years. The appointments shall be based on the skill, training, and experience of the judicial officer or staff member. Upon the departure of a committee member, the New Mexico Judicial Council and committee shall solicit applications and make recommendations to the Supreme Court for appointment. The Supreme Court will appoint a member to fill a partial term created by the departure of a committee member. No committee member shall serve for more than two (2) full three (3)-year terms unless ordered by the Supreme Court. The Supreme Court may re-appoint a committee member upon recommendation of the chair.
- C. **Chair:** The chair will be appointed by the Supreme Court and will not have a specific term, but shall serve until replaced by the Supreme Court or resignation of the chair. The chair may appoint one or more subcommittees, as deemed necessary, to develop recommendations for consideration by the committee. The members of a subcommittee may include members from the committee and other individuals with experience and expertise the chair determines would be helpful to the work of the subcommittee. If the chair cannot attend a scheduled

budget meeting, the chair shall designate a committee member to serve as the chair.

- D. **Staggering of terms:** Upon appointment, the Supreme Court clerk is authorized to randomly assign the initial committee members one (1), two (2), and three (3)-year terms to achieve a staggering of terms. Committee members who are initially assigned a one (1) or two (2)-year term, or who are appointed to complete the remainder of an unexpired term of a prior member, may be reappointed to two (2) full three (3)-year terms thereafter.
- E. **Non-voting members:** The director of the Administrative Office of the Courts (AOC) shall attend and actively participate in meetings and the functions of the committee consistent with the director's duties and obligations under NMSA 1978, Section 34-9-3. The chief financial officer of the AOC or designee shall attend and actively participate in meetings and the functions of the committee.
- F. **Supreme Court liaison:** The Supreme Court shall designate a justice to serve as a liaison to the committee. The liaison justice may participate in discussions and matters of general policy, and may facilitate communication between the committee and the Supreme Court. The liaison justice is not a voting member of the committee.
- G. **Voting:** All members are voting members of the committee. The chair shall not vote, except in the event of a tie vote of the members. Proxies by members are allowed if given to another member, excluding the chair, in writing and delivered to the chair prior to the meeting or vote. Committee members shall not hold more than one proxy for any given meeting or vote. Voting by proxy is not permitted at Budget Hearings.
- H. **Quorum:** Six (6) voting members, which shall not include the chair, shall constitute a quorum for a regular or special meeting. The chair or the chair's designee must be present. A quorum includes any member who is present in person, by telephone, by videoconference, by other electronic communication, or by general proxy. A quorum shall be present and vote before any committee business may be adopted and recommended to the Supreme Court. Prior to calling a quorum, all proxies shall be announced by the committee member holding the proxy. The member shall indicate the general or specific nature of the proxy. Subcommittees may meet and discuss matters without a quorum present.

- I. **Resignation:** Any committee member may resign at any time during the member's term by informing the chair in writing. The resignation shall be reported to the Supreme Court, in writing, by the chair or committee staff.
- J. **Committee participation required:** All committee members are expected to actively participate in committee business and regularly attend committee meetings. Upon a committee member's absence from a committee meeting, the committee member is advised that a second consecutive absence shall be deemed to be a resignation from the committee under the provisions of this paragraph. A member cannot attend consecutive meetings by general proxy. The resignation shall be reported to the Supreme Court, in writing, by the chair or committee staff. The chair or committee staff may recommend to the Supreme Court that a committee member not be required to resign under the provisions of this rule due to exceptional circumstances. For purposes of this paragraph, an absence shall be defined as:
1. failing to attend a regularly scheduled committee meeting for any reason; or
 2. contributing to the lack of a quorum that results in the cancellation of a regularly scheduled committee meeting.
- K. **Removal:** The committee may remove a member for cause upon a majority vote of the committee and approval of the Supreme Court.

IV. RELATIONSHIP TO SUPREME COURT

The committee shall work at the direction of the Supreme Court and in collaboration with the New Mexico Judicial Council. All committee recommendations or proposed actions shall be communicated to the Supreme Court by the chair or by written submission of the chair. The chair shall provide the New Mexico Judicial Council regular updates regarding committee recommendations and proposed actions.

V. SCOPE OF ASSIGNMENT

- A. **Long-Term Strategic Plan and Budget Priorities:** The committee will utilize the long-term strategic plan as set by the Supreme Court and the New Mexico Judicial Council to support budget priorities and establish a comprehensive set of budget development guidelines.
- B. **Review and Recommendations:** The committee will conduct annual hearings regarding the budget submissions for each individual judicial entity that is part

of the unified budget. Following the hearings, the committee will complete an extensive review of the individual budget submissions and make detailed recommendations to the Supreme Court in the form of a written report. After review of the Committee recommendations, the decision of the Supreme Court will be final. The committee will make recommendations regarding distribution of unforecasted funding provided to the AOC for the judiciary as directed by the Supreme Court as or requested by the director of AOC.

- C. **Performance Review:** The committee will conduct an overall performance review regarding the implementation of the unified budget. This review will include a detailed assessment of all of the individual courts and judicial entities including their historical budgetary performance and previous requests. The performance review will be provided annually by a written report to the Supreme Court, the New Mexico Judicial Council, and the individual judicial entity on or before December 31.

- D. **Projection and Transition of Long-Term Strategic Plan:** The committee will provide a detailed review of the strategic plan and recommend updates, and a future analysis of the operational priorities and availability of resources. The report will set out clear objectives and develop a transitional action plan for the completion of the current strategic plan and transition to the next long-term strategic plan. This report shall be completed biennially or by request of the chair or Supreme Court. The Budget Committee will also make recommendations to the Supreme Court regarding vacancy savings and the creation and/or elimination of new FTEs.

VI. *MEETINGS*

- A. The committee shall meet monthly, unless the chair determines that a meeting is unnecessary.

- B. Budget hearings shall not be canceled except under extraordinary circumstances and as authorized by the Supreme Court.

- C. Special Meetings may be called by and at the discretion of the chair or chief justice.

VII. RULES OF PROCEDURE

The committee may create and maintain standard operating procedures and forms as necessary to accomplish the committee's purpose and to complete the committee's assignments.

VIII. TRAINING

The committee shall establish and conduct general training on the state and judiciary's budget processes for presentation to chief judges, committee members, court executive officers, chief financial officers, and others as identified by the committee.

IX. STAFFING

The director of the AOC, in consultation with the chair, shall assign two (2) staff members whose primary responsibilities are to assist the committee in fulfilling its duties and responsibilities. The chair shall designate one (1) staff member to perform the administrative functions of the committee. The other staff member shall be designated to assist with technical analysis, preparation of committee reports and recommendations, research, and other tasks as reasonably requested by the chair or committee.