

ORDINANCE NO. 2016-29

AN ORDINANCE OF THE CITY COUNCIL OF LEAGUE CITY, TEXAS, ESTABLISHING THE MUNICIPAL COURT IN LEAGUE CITY, TEXAS, AS A MUNICIPAL COURT OF RECORD, PROVIDING FOR THE TERM AND APPOINTMENT OF A JUDGE OF THE MUNICIPAL COURT OF RECORD; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPOINT A MUNICIPAL COURT CLERK; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND A REPEALER CLAUSE; PROVIDING FOR CODIFICATION, PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of League City, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Chapter 30 of the Texas Government Code authorizes League City to establish its municipal court as a municipal court of record; and

WHEREAS, the City Council of the City of League City deems it necessary to establish a municipal court of record to provide a more efficient disposition of cases arising in the City; and

WHEREAS, the City Council wishes to provide for a more effective means to enforce the ordinances and laws of League City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. The City Council hereby establishes the League City Municipal Court as a municipal court of record in order to provide a more efficient disposition of cases arising in the City, and in order to more effectively enforce the ordinances of the City. The municipal court shall become a court of record from and after the 1st day of October, 2016, and shall be known as The Municipal Court of Record in the City of League City.

Section 2. This municipal court of record is established pursuant to the authority granted in Subchapter A, Chapter 30, of the Government Code of the State of Texas, known as the Uniform Municipal Courts of Record Act, and the terms set forth therein are hereby adopted governing the operation of said court.

Section 3. The court shall have concurrent jurisdiction with any justice court in any precinct in which the City of League City is located in criminal cases that arise within the City and are punishable only by fine.

Section 4. The municipal court of record shall be presided over by a municipal judge who shall be appointed by the City Council for a term of two (2) years. The municipal judge must be a licensed attorney in good standing in the State of Texas, and must have two or more years of

experience in the practice of law in Texas. The judge must be a citizen of the United States and of the State of Texas.

Section 5. The city manager or his designee shall appoint a clerk of the Municipal Court of Record who shall perform duties in accordance with state law, the City Charter and City ordinances. During proceedings of the court, the clerk and other court personnel shall serve at the direction of the municipal court judge. At all other times they shall serve at the direction and supervision of the city manager who shall have the authority to remove the court clerk or other court personnel according to rules set forth in the City's personnel policies.

Section 6. The municipal judge shall continue in office through the expiration of his current term.

Section 7. The city manager shall appoint a court reporter who must meet the qualifications provided by law for official court reporters. The court reporter or court staff may use written notes, transcribing equipment, video or audio recording equipment, or a combination of those methods to record the proceedings of the court. The court reporter or court staff are not required to record testimony in any case unless the judge or one of the parties requests a record in writing, and files the request with the court before trial. If a record is made, it shall be kept for the twenty (20) day period beginning the day after the last day of the court proceeding, trial, or denial of motion for new trial, whichever occurs last. The court reporter is not required to be present during proceedings of the municipal court of record, provided that proceedings that are required to be recorded are recorded by a good quality electronic recording device.

Section 8. The municipal judge shall supervise and control the operation and clerical functions of the administrative department of the municipal court, including the court's personnel, during the proceedings or docket of the court. At all other times, the operation and clerical functions of the administrative department of the municipal court shall be under the supervision and direction of the city manager or his designee.

Section 9. The municipal judge shall supervise the selection of persons for jury service.

Section 10. In the event of an appeal, the appellant shall pay a transcript preparation fee in the amount of Twenty-five Dollars (\$25.00). The transcript preparation fee does not include the fee for an actual transcript of the proceedings. The clerk shall note the payment of the fee on the docket of the court. If the case is reversed on appeal, the fee shall be refunded to the appellant. In addition to the transcript preparation fee, the fee for the actual transcript of the proceedings and statement of facts must be paid by the appellant, pursuant to Government Code §30.00014 and §30.00019.

Section 11. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 12. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court

of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 13. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 14. Codification. It is the intent of the City Council of the City of League City, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 15. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance. The Ordinance shall become effective October 1, 2016.

PASSED on first reading the 9th day of August, 2016.

PASSED on second reading the \_\_\_\_ day of \_\_\_\_\_, 2016.

PASSED AND ADOPTED on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
PAT HALLISEY,  
Mayor

ATTEST:

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DIANA M. STAPP,  
City Secretary

APPROVED AS TO FORM:

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NGHIEM V. DOAN,  
City Attorney