



Legislation Text

File #: 16-1182, **Version:** 1

Consider and take action on an ordinance of the Code of Ordinances of the City of League City establishing the municipal court in League City, Texas, as a municipal court of record (City Attorney)

Council postponed 6-0-0 with 1 absent and 1 out of the room on July 26, 2016.

Approval of this ordinance will establish the municipal court in League City as a municipal court of record. The members of City Council will recall that this is an initiative proposed by the City Attorney to take advantage of the benefits of operating under the state law as a court of record. The advantages of such a change, as well as the concerns over possible disadvantages, were discussed in depth at the Council's work session on March 21, 2016, so the main ones are summarized here. The Deputy City Attorney and City Attorney have met with Judges McCumber and Cope to receive their input throughout this process, including twice since the work session to discuss the empirical data detailed below.

Advantages

1. Proceedings in our court are viewed with more respect, since appeals would be from the record of what happened in our court and no longer be by new trial at the county level.
2. Reduced time off the street and overtime expense of paying officers to appear in court to testify twice, once in our court and again at the county court.
3. Allows the City to receive the fines from cases that are not overturned on appeal, unlike the current procedure where the fines from every case that is appealed go to the county court that handles the appeal.
4. Our court would gain the ability to issue administrative search warrants and to hear unsafe building abatement cases.

Concerns

1. The trials were feared to increase from the change, which would create the need for more court dockets. [Our review of the data from the six area cities that have gone to a court of record (Angleton, Baytown, Galveston, Lake Jackson, Pearland, and Texas City) shows that the number of trials either remain unaffected or that they actually decrease.]
2. Even if the number of trials does not increase, there will still be significant cost resulting from the change to a court of record. [We analyzed the court budgets of the five area cities whose change to court of record occurred within the last 10 years (Pearland changed in 2000), and found the results inconclusive. Two budgets trended upward, two downward, and one was up and down. We suspect the reason to ultimately be the myriad of factors that can impact court budgets.]
3. The number of appeals that we currently have do not warrant the change. [Our court has seen over 100 appeals every year since at least 2010. Our average number of appeals per year (157) is significantly higher than that of all six cities studied (Angleton 30, Baytown 16, Galveston 114, Lake Jackson 9, Pearland 102, Texas City 110), for the two years just prior to their becoming courts of record.]

Attachments:

1. Data Sheet
2. Proposed Ordinance

FUNDING

{ X } NOT APPLICABLE

{ } Funds are available from Account # _____

{ } Requires Budget Amendment to transfer from Account # _____ to Account # _____

