

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: December 2, 2014		DATE SUBMITTED: November 14, 2014	
DEPARTMENT OF ORIGIN: City Sec./Mun. Ct.		SUBMITTED BY: M. Stratta/L. Boone	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1ST READING	<input checked="" type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> STATUTORY		<input type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input type="checkbox"/> INFRASTRUCTURE
			<input type="checkbox"/> QUALITY OF LIFE
AGENDA ITEM DESCRIPTION: Ordinance – Appointment of Municipal Court Judges			
An ordinance of the City Council of the City of Bryan, Texas, appointing municipal court judges for the Bryan Municipal Court of Record and setting length of term of appointment.			
SUMMARY STATEMENT: The Bryan Municipal Court became the Bryan Municipal Court of Record when the City Council adopted Ordinance No. 1941, effective January 1, 2012. State law requires that judges of a Municipal Court of Record be appointed by ordinance. Judge Boone has visited with the City Council about the need to add an additional associate judge to the Court. The attached ordinance continues in place Presiding Judge Boone and Associate Judges Albert Navarro and Colleen Batchelor, and adds new Associate Judge Michelle Esparza.			
STAFF ANALYSIS AND RECOMMENDATION: Judge Boone has already rendered a recommendation to the City Council that the two (2) existing Associate Judges continue and that Ms. Esparza be added as a new Associate Judge. State law sets out that judges of a Court of Record are appointed for either two (2) or four(4) year terms. Ordinance No. 1941, previously adopted by the Bryan City Council, established the term for the Bryan Municipal Court of Record judges as two (2) years. The work of the Bryan Municipal Court of Record addresses the City Council's strategic initiative of public safety.			
OPTIONS (In Suggested Order of Staff Preference):			
<ol style="list-style-type: none"> 1. Adopt the ordinance. 2. Delay action. 3. Take no action. 			
ATTACHMENTS: Ordinance			
FUNDING SOURCE: Associate Judges are paid from the Municipal Court Budget. General Fund.			
APPROVALS: Mary Lynne Stratta 12-14-2014			
APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 11-24-2014			
APPROVED FOR SUBMITTAL: CITY ATTORNEY			

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, APPOINTING MUNICIPAL COURT JUDGES FOR THE BRYAN MUNICIPAL COURT OF RECORD AND SETTING LENGTH OF TERM OF APPOINTMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING THAT THE MEETINGS AT WHICH THIS ORDINANCE WAS PASSED WERE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bryan, 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 Texas Local Government Code; and

WHEREAS, Ordinance No. 1941 adopted by the Bryan City Council on December 13, 2011, created the Bryan Municipal Court of Record; and

WHEREAS, the Bryan Municipal Court of Record was established pursuant to the authority granted in Subchapter A, Chapter 30, Texas Government Code, with all jurisdictional powers set out in Section 30.00005, Jurisdiction, and the Uniform Municipal Courts of Record Act; and

WHEREAS, Ordinance No. 1941 established that the Bryan 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 years and who shall meet all requirements for service as set forth in Section 30.00006, Texas Government Code; and further provides that Associate Judges shall meet the same qualifications as the Municipal Judge;

NOW, THEREFORE, BE IT ORDAINED BY THE BRYAN CITY COUNCIL, THAT:

Section 1.

The Honorable Latham Boone III is appointed as Presiding Municipal Judge of the Bryan Municipal Court of Record for a two year term. The Honorable Albert Navarro, the Honorable Colleen Batchelor and the Honorable Michelle Esparza are appointed as Associate Municipal Court Judges, each for a term of two (2) years.

Section 2.

The Mayor is authorized to enter into service contracts for the performance of judicial duties by the Presiding and Associate Judges named in Section 1 above.

Section 3.

If any section, paragraph, sentence, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end, the provisions of this ordinance are declared to be severable.

Section 4.

That it is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Chapter 551, Texas Government Code, and that advance public notice of the time, place and purpose of said meetings was given.

Section 5.

This ordinance shall go into effect immediately upon its second and final reading and passage.

PRESENTED AND GIVEN first reading the 2nd day of December, 2014, at a regular meeting of the City Council of the City of Bryan, Texas; and given second and final reading, **PASSED AND APPROVED** on the 3rd day of December, 2014, by a vote of _____ yeses and _____ noes at a regular meeting of the City Council of Bryan, Texas.

ATTEST:

CITY OF BRYAN, TEXAS:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney