

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: March 24, 2015		DATE SUBMITTED: March 11, 2015	
DEPARTMENT OF ORIGIN: City Sec./Mun. Ct.		SUBMITTED BY: Mary Lynne Stratta	
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			
<p>An ordinance of the City Council of the City of Bryan, Texas, appointing a Presiding Municipal Court Judge and an Associate Municipal Court Judge, effective June 1, 2015, for the Bryan Municipal Court of Record and setting length of term of appointment.</p>			
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 judges of a Municipal Court of Record be appointed by ordinance. The attached ordinance confirms the appointment of current Associate Judge Albert Navarro as the new Presiding Judge and appoints current Presiding Judge Latham Boone as an Associate Judge, effective June 1, 2015, per City Council motion, carrying unanimously, made on March 10, 2015. Associate Judges Colleen Batchelor and Michelle Esparza, appointed by Ordinance 2080, adopted December 3, 2014, will still continue to serve as Associate Judges.			
STAFF ANALYSIS AND RECOMMENDATION: 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:			
<ol style="list-style-type: none"> 1. Proposed ordinance 			
FUNDING SOURCE: Judges are paid from the Municipal Court Budget (General Fund).			
APPROVALS: Mary Lynne Stratta 3-11-15; Hugh R. Walker, 03/12/2015			
APPROVED FOR SUBMITTAL: CITY MANAGER SJurica for KRegister 3/16/2015			
APPROVED FOR SUBMITTAL: CITY ATTORNEY LCrawford for KHampton 3/17/2015			

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, APPOINTING A PRESIDING MUNICIPAL COURT JUDGE AND AN ASSOCIATE MUNICIPAL COURT JUDGE EFFECTIVE JUNE 1, 2015, 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; and

WHEREAS, the Honorable Latham Boone III, who has served as Presiding Judge of the Bryan Municipal Court for the past 12 years has announced his retirement from office as Presiding Judge effective June 1, 2015, but has indicated a desire to continue service as an Associate Judge; and

WHEREAS, the Bryan City Council voted unanimously on March 10, 2015, to appoint the Honorable Albert Navarro as the Presiding Judge of the Bryan Municipal Court of Record, after serving five years as Associate Judge, and to appoint the Honorable Latham Boone III as Associate Judge, both appointments to be effective on June 1, 2015; and

WHEREAS, the Bryan City Council expresses its sincere appreciation to Judge Latham Boone III for his distinguished service as Presiding Judge, rendering fair, impartial justice to all who came before him; and

WHEREAS, Judge Latham Boone III has laid the foundation for continued respect of the Bryan Municipal Court of Record in the community;

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

Section 1.

The Honorable Albert Navarro is appointed as Presiding Municipal Judge of the Bryan Municipal Court of Record for a two year term, effective June 1, 2015. The Honorable Latham Boone III is appointed as Associate Municipal Court Judge for a term of two years, effective June 1, 2015.

Section 2.

The Mayor is authorized to enter into a service contract for the performance of judicial duties by the Associate Judge 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 on June 1, 2015.

PRESENTED AND GIVEN first reading the 24th day of March, 2015, 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 14th day of April, 2015, 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