

ORDINANCE O-2010-167

AN ORDINANCE OF THE CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS CREATING THE MUNICIPAL COURT TECHNOLOGY FUND; PROVIDING FOR THE COLLECTION AND PROPER ADMINISTRATION OF THE FUND; AND DEFINING THE RESPONSIBILITIES AND DUTIES OF THE MUNICIPAL COURT CLERK AND CITY STAFF WITH REGARD TO THE MANAGEMENT OF THE MUNICIPAL COURT TECHNOLOGY FUND

WHEREAS, the population of the City of Magnolia is increasing, bringing more traffic to the City, bringing more cases to the municipal court; and,

WHEREAS, Texas state law authorizes the collection of a Municipal Court Technology Fee to be used in accordance with State law;

WHEREAS, it is necessary and in the best interests of the City of Magnolia that an ordinance be passed creating the Municipal Court Technology Fund,

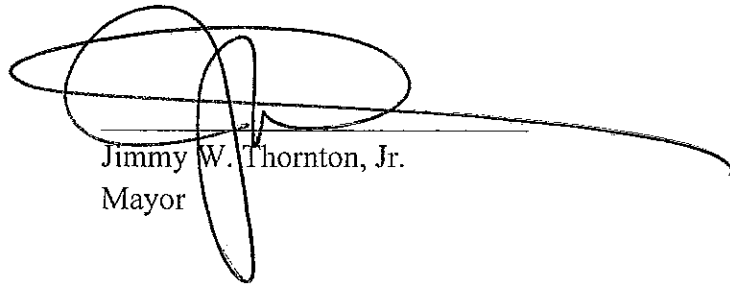
NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, COUNTY OF MONTGOMERY, STATE OF TEXAS:

1. A municipal court technology fund is hereby created. The municipal court technology fund shall be used only to finance the purchase of and/or to maintain technological enhancements for the municipal court of the city in accordance with the provisions of Article 102.0172 of the Texas Code of Criminal Procedure, and as that Article may from time to time be amended.
2. Any defendant convicted in the City of Magnolia Municipal Court of a misdemeanor offense committed on or after the effective date of this ordinance shall pay a four dollar (\$4.00) technology fee as a cost of court. For purposes of this subsection, "convicted" includes the court's imposition of sentence, grant of deferred disposition, grant of driver's safety course, and deferral of final disposition in a case.
3. The Municipal Court Clerks for the City of Magnolia shall collect the four dollar (\$4.00) technology fee and shall pay such costs to the treasurer of the city for deposit into the municipal court technology fund.
4. The fund shall be administered by or under the direction of the City Council of the City of Magnolia, Texas. The fund shall be administered and used in accordance with the provisions of Article 102.0172 of the Texas Code of Criminal Procedure, and as that Article may from time to time be amended.

5. THAT if any section, sub-section, sentence, phrase, or clause of this Ordinance is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of the Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provision or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality or invalidity of any section, sub-section, sentence, phrase, or clause, portion, provision, or regulation of the Ordinance.
6. THAT all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
7. THAT this Ordinance shall be effective on the date of its passage.

PASSED AND APPROVED ON February 22, 2010.

CITY OF MAGNOLIA, TEXAS



Jimmy W. Thornton, Jr.
Mayor

ATTEST:

BY: Debra Brent
Debra Brent
City Secretary

APPROVED AS TO FORM:

BY: _____
Leonard V. Schneider
City Attorney