

ORDINANCE O-2010-175

AN ORDINANCE OF THE CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS CREATING THE OFFICE OF MUNICIPAL COURT JUDGE AND ALTERNATE JUDGE; PROVIDING FOR THE APPOINTMENT OF THE MUNICIPAL COURT JUDGE AND ALTERNATE JUDGE BY THE CITY COUNCIL; AND DEFINING THE RESPONSIBILITIES AND DUTIES OF THE MUNICIPAL COURT JUDGE AND ALTERNATE JUDGE; AND MAKING OTHER FINDINGS AND PROVISIONS

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

WHEREAS, the Texas Government Code provides for the appointment and qualifications of a Judge for the Municipal Court by Ordinance; and,

WHEREAS, there may be times when the Municipal Court Judge may be unable to preside over court due to illness or other factors; and,

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

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

1. The City Council of the City of Magnolia having reviewed the findings of fact and conclusions as herein set out and adopts the same for inclusion in this ordinance if the same had been repeated verbatim herein.
2. The municipal court of the city shall be presided over by a judge and alternate judge appointed by the city council.
3. Duties and jurisdiction of judge. The judge and alternate judge of the municipal court shall perform the duties and have the jurisdiction prescribed by state law and this article.
4. Term of office of judge and alternate judge. The municipal court judge and alternate shall be appointed for a term of two years running concurrently with that of the mayor.
5. Compensation of judge. The municipal court judge and alternate judge shall receive such compensation as the city council shall establish from time to time.
6. Bond of judge. The municipal court judge and alternate judge shall furnish such surety bond as may be required by the city council. The premium of such bond shall be paid by the city.

7. Vacancy in office of judge. In case of a vacancy in the office of municipal judge, the office shall be filled for the unexpired term by the city council.

8. Severability clause. 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.

9. Repealing clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

10. It is hereby officially found and determined that notice of the meeting at which this ordinance is adopted was given as required by the Texas Open Meetings Act, and that such meeting has been open to the public at all times when this ordinance as discussed and acted on.

11. Effective Date. This Ordinance shall be effective on the date of its passage.

PASSED AND APPROVED ON May 17, 2010.

CITY OF MAGNOLIA, TEXAS



Todd Kana, Mayor

ATTEST:

BY: Debra Brent
Debra Brent, City Secretary

APPROVED AS TO FORM:

BY: Leonard V. Schneider
Leonard V. Schneider, City Attorney

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