

ORDINANCE NO. 2014-1

AN ORDINANCE OF THE CITY OF BEACH CITY, TEXAS, PROVIDING FOR THE CREATION OF THE OFFICE OF PRESIDING JUDGE OF THE BEACH CITY MUNICIPAL COURT; PROVIDING FOR THE CREATION OF THE OFFICE OF MUNICIPAL COURT CLERK; PROVIDING FOR THE APPOINTMENT, QUALIFICATIONS, TERMS AND DUTIES OF THESE BEACH CITY OFFICIALS; PROVIDING FOR SEVERABILITY, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the Beach City desires to establish the offices of presiding Judge of the Beach City Municipal Court and the Municipal Court Clerk pursuant to provisions of the Texas Government Code and the Texas Local Government Code to promote the public health, safety, and general welfare of the citizens of the Beach City;

WHEREAS, the provisions of this ordinance are designed to achieve the purposes set forth in the Texas Local Government Code;

WHEREAS, the Beach City has complied with the notice and public hearing requirements of the Texas Local Government Code and the Texas Open Meetings Act;

WHEREAS, the Beach City desires to adopt the following ordinance creating the offices of presiding Judge of the Beach City Municipal Court and the Municipal Court Clerk;

NOW, THEREFORE, BE IT ORDAINED BY THE BEACH CITY COUNCIL OF BEACH CITY, TEXAS, THAT:

Sec. 1 Municipal Judge:

(1) The office of Presiding Judge of the Beach City Municipal Court is hereby created.

(2) The Beach City Council shall appoint the presiding judge of the municipal court.

Sec. 2 Terms and Vacancies: The presiding judge shall serve for a term of two years or until his/her successor is appointed. At the end of the term of office for which a municipal judge is appointed, the Beach City Council may appoint the person serving as municipal judge for another two-year term or the governing body of the Beach City may declare the office of municipal judge vacant. Any vacancy in the office of municipal judge by death, resignation, or otherwise shall be filled in the same manner as original appointments.

Sec. 3 Qualifications: The municipal court judge shall meet all state legal requirements for a municipal court judge.

Sec. 4 Jurisdiction: The jurisdiction of the municipal court judge shall be the jurisdiction established under the Texas Constitution and that the state has provided under state statutes.

Sec. 5 Compensation: The Beach City Council shall set a salary, if any, for the municipal court judge.

Sec. 6 Removal of Office: The Beach City Council may not remove a municipal judge from office during the term for which he or she was appointed, except for cause under the same rules that judges of the county courts may be removed from office.

Sec. 7 Duties of Presiding Judge: The presiding judge shall:

- (1) Maintain a central docket of all cases filed in the geographic limits of Beach City over which the municipal court of Beach City has jurisdiction;
- (2) Distribute cases to associate judges, if necessary;
- (3) Temporarily assign associate judges, when necessary;
- (4) Cause all dockets, books, papers, and other records of the municipal court to be permanently kept, and permit the records to be available for inspection at all reasonable times to any interested persons;
- (5) Maintain as part of the court records, an index to the municipal court judgments, such as county clerks are required by law to prepare for criminal cases arising in county courts;
- (6) Provide for the preservation of the court's records on microfilm, when necessary; and
- (7) Supervise the operations, clerical functions, administration of the municipal court, and all clerical personnel in the administrative department of the municipal court.

Sec. 8 Office of Court Clerk Created: Appointment:

- (1) The office of Municipal Court Clerk is created.
- (2) The Beach City Council shall appoint the Court Clerk of the municipal court.

Sec. 9 Duties of Court Clerk:

- (1) The Municipal Court Clerk shall have and exercise the authority, jurisdiction, and power conferred by law upon municipal court clerks as described in the Texas Government Code 29.01 0 as amended.

(2) The Municipal Court Clerk is authorized to appoint deputy court clerks, as necessary, for the proper discharge of his or her duties. Deputy clerks shall act as official clerks of the municipal court and shall perform all acts incident to the office.

Sec. 10 Construction: The terms and provisions of this article shall not be construed in a manner to conflict with *The Texas Local Government Code*, and if any term or provision of this article shall appear to conflict with any term, provision or condition of the Texas Local Government Code, such article term or provision shall be read, interpreted and construed in a manner consistent with and not in conflict with such Code, and, if possible, in a manner to give effect to both. The standard and accepted rules of statutory construction shall govern in construing the terms and provisions of this article.


Sec. 11 Amendment and Repeal: All ordinances or parts thereof conflicting or inconsistent with the provisions of this article as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this article and any other code or ordinance of Beach City, the terms and provisions of this article shall govern.

Sec. 12 Severability: If any provision of this article or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

Sec. 13 Effective Date: This article shall take effect immediately from and after its adoption by the Beach City Council.


Sec. 24.414 Open Meetings: It is hereby officially found and determined that the meeting at which the enacting ordinance of this article is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551 of the Texas Government Code*.

INTRODUCED, READ, AND PASSED by the affirmative vote of a majority of Aldermen of Beach City present, a quorum being present at a duly posted meeting of the City Council, on this 6th day of AUGUST, 2014.



BILLY COMBS, Mayor
City of Beach City, Texas

ATTEST:



Evonne Donnelly, City Secretary
City of Beach City, Texas