ORDINANCE NO. 2016-14

AN ORDINANCE OF THE CITY OF BURNET, TEXAS, ADDING SECTION 42.32 (d) ASSOCIATE JUDGE, OF THE CITY OF BURNET CODE OF ORDINANCES. IN IT'S ENTIRETY: PROVIDING FOR AN ASSOCIATE JUDGE TO THE MUNICIPAL COURT OF THE CITY OF BURNET: PROVIDING A SEVERABILITY CLAUSE: OPEN MEETINGS CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Burnet, Texas (the "City") is a home rule city possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of the Texas Local Government Code, and the City's Home Rule Charter; and

WHEREAS, said Home Rule Charter provides, in Section 4.03 E. for the appointment of alternate judges (known herein as associate judges) to serve in the absence of the presiding judge, and

WHEREAS, the City Council of the City of Burnet, Texas (the "City Council") has created a municipal court pursuant to Chapter 30 of the Texas Government Code, and

WHEREAS, the municipal court of the City of Burnet, Texas, (the "Municipal Court") is established by Ordinance codified as Section 4.03 of the City's Code of Municipal Ordinances.

NOW THEREFORE. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET:

Section 1. Findings. That the facts and recitals hereinabove set out are hereby found and declared to be true and correct and are incorporated herein as findings of fact.

Section 2. Amendment. Section 42.32 (d) E. shall be added in its entirety as follows:

(d). Associate Judge.

(1) Appointment: The City Council shall have the power to appoint associate judges who may serve in the temporary absence of the presiding judge.

(2) Compensation: The associate judge will not be compensated by the City for his/her services. Associate judges serve at the pleasure of the City Council.

(3) Training: The City shall not be responsible for payment of the training for associate Judge.

(4) Employee Benefits: The associate judge is not an employee of the City of Burnet and shall not be entitled to participate in the employees' health insurance, retirement or other employee benefits.

(5) Duties:
   i.   Judicial/Administrative duties: Preside over arraignments and prosecutor/defendant plea bargaining; preside over bench and jury trials; and perform other duties associated with the role of Municipal Court Judge (including but not limited to alternative sentencing, issuing court orders and ruling on motions and cases, imposing fines, signing; and issuing warrants of arrest.)
   ii. Post Arrest Arraignments.
   iii. Preside over arraignments of defendants at the Burnet County Jail.

(6) Term of Office: Pursuant to Texas Government Code Sec. 29.005 the associate judge shall serve for two years and if not reappointed by the 91st day following the expiration of a term of office shall, absent action by City Council, continue to serve for another term of office beginning on the date the previous term of office expired. The associate judge's term shall run concurrently with the term of the Mayor. In the event the associate judge is unable to serve the full term, the City Council may appoint an associate judge to fill the unexpired term.

Section 3. Severability

If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.
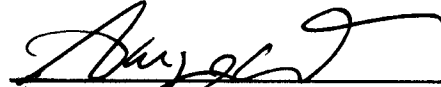
Section 4. Open Meetings

It is hereby officially found and determined that the meeting at which this ordinance was 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. *Chapt. 551. Tex. Gov't Code.*

Section 5. Effective Date.

This ordinance shall be in full force and effect from and after its passage by the City Council.

PASSED AND APPROVED on First Reading on this 24ᵗʰ day of May, 2016.

PASSED AND FINALLY APPROVED on this 14" day of June, 2016.

Gary Wideman, Mayor

ATTEST:

Kelly Dix, City Secretary