

ORDINANCE NO. 19-_____

AN ORDINANCE OF THE CITY OF WEBSTER, TEXAS, AMENDING CHAPTER 54, MUNICIPAL COURT, OF THE CODE OF ORDINANCES OF THE CITY OF WEBSTER; PROVIDING FOR THE TERM, APPOINTMENT AND REMOVAL OF ASSOCIATE JUDGES OF THE MUNICIPAL COURT OF RECORD; AUTHORIZING THE RECORDING OF COURT PROCEEDINGS TO PRESERVE COURT RECORDS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND A REPEALER CLAUSE; PROVIDING FOR CODIFICATION, AND AN EFFECTIVE DATE THEREOF.

WHEREAS, the City of Webster, Texas is a home rule city under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, City Council has established its municipal court as a municipal court of record; and

WHEREAS, Section 30.00006 of the Texas Government Code requires the appointment of municipal judges by Ordinance; and

WHEREAS, Kerri M. Foley resigned from her position as Associate Judge on November 15, 2018; and

WHEREAS, Section 30.00010 requires a municipal court of record to provide a court reporter to preserve a record of cases tried before the court or provide that court proceedings be recorded by a good quality electronic recording device,

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

Section 1. Chapter 54, Municipal Court, Section 4, of the Code of Ordinances of the City of Webster, Texas, is amended as follows:

Section 54.04. Associate Judges.

- (a) An associate judge shall meet all of the qualifications of the municipal court judge as set forth in this chapter.
- (b) An associate judge shall be entitled to a salary from the city, the amount of which is determined by the city council, and may not be diminished during the judge's term of

office.

- (c) The term of office for the associate judge shall be two years.
- (d) ~~One of~~ The associate judges ~~are~~ is David J. Salinsky and Kerri M. Foley who ~~were~~ was appointed ~~to~~ for a two year terms on the 15th day of November, 2017 and ~~their~~ his terms of office shall expire on the 14th day of November, 2019.
- (e) One of the associate judges is Shari Goldsberry who was appointed for a two year term on the 19th day of September, 2018 and her term of office shall expire on the 18th day of September, 2020.
- (f) One of the associate judges is James Stephen Tittle who was appointed for a two year term on the 19th day of September, 2018 and his term of office shall expire on the 18th day of September, 2020.

Section 2. Chapter 54, Municipal Court, of the Code of Ordinances of the City of Webster, Texas, is amended by adding Section 54.05 as follows:

Section 54.05. Clerk; Court Reporter.

- (a) The city manager or his designee shall appoint a clerk of the Municipal Court of Record who shall perform the duties in accordance with state law, the City Charter, and City ordinances. The Court Clerk is Patty B. Stav. During proceedings of the court, the clerk and other court personnel shall serve at the direction of the municipal court judge. At all other times, they shall serve at the direction and supervision of the city manager who shall have the authority to remove the court clerk or other court personnel according to rules set forth in the City's personnel policies.
- (b) The city manager shall appoint a court reporter who must meet the qualifications provided by law for official court reporters, or, as an alternative, provide that the court proceedings are recorded by a good quality electronic recording device to preserve a record in cases tried before the municipal court of record. The court reporter or court staff may use written notes, transcribing equipment, video or audio recording equipment, or a combination of those methods to record the proceedings of the court. The court reporter or court staff are not required to record testimony in any case unless the judge or one of the parties request a record in writing, and files the request with the court before trial. If a record is made, it shall be kept for the twenty (20) day period beginning the day after the last day of the court proceeding, trial, or denial of motion for new trial, whichever occurs last. The court reporter is not required to be present during proceedings of the municipal court of record, provided that proceedings that are required to be recorded are recorded by a good quality electronic recording device.
- (c) In the event of an appeal, the appellant shall pay a transcript preparation fee in the amount of twenty-five dollars (\$25.00). The transcript preparation fee does not include the fee for an actual transcript of the proceedings. The clerk shall note the payment of

the fee on the docket of the court. If the case is reversed on appeal, the fee shall be refunded to the appellant. In addition to the transcript preparation fee, the fee for the actual transcript of the proceedings and statement of facts must be paid by the appellant, pursuant to Government Code §30.00014 and §30.00019.

Section 3. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall affect the validity of the remaining portions thereof.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 6. It is the intent of the City Council of the City of Webster, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 7. This Ordinance shall become effective following approval and adoption upon second and final reading.

PASSED AND APPROVED on first reading this 15th day of January, 2019.

PASSED, APPROVED AND ADOPTED on second and final reading this 5th day of February, 2019.

Donna Rogers, Mayor

ATTEST:

Crystal Roan, City Secretary