

CITY OF HAWK COVE, TEXAS

ORDINANCE NO. 99-6

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWK COVE, TEXAS, ESTABLISHING A MUNICIPAL COURT; PROVIDING FOR A JUDGE OF THE COURT; PROVIDING FOR A CLERK OF THE COURT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 29 of the Texas Government Code creates a municipal court in each municipality; and

WHEREAS, in a general law City, the mayor is ex officio judge of the municipal court unless the municipality authorizes the election of the judge or provides for the appointment and qualifications of the judge; and

WHEREAS, upon the appointment of the judge, and the passage of the ordinance authorizing same, the mayor ceases to be the judge; and

WHEREAS, the City Council has determined that it is in the best interest of the health, safety and general welfare of the public to establish a Municipal Court to enforce the rules, ordinances and police regulations of the City, to the extent of its statutory jurisdictional authority.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HAWK COVE, TEXAS, THAT;

SECTION 1

That all of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2

By and through this ordinance, the "Municipal Court for the City of Hawk Cove," is hereby established as follows:

"Municipal Court

Sec. 1.01. Municipal Court Established.

There shall be established and maintained a court designated as the Municipal Court for the City of Hawk Cove for the trial of misdemeanor offenses, with all such powers and

duties as are now, or may hereafter be, prescribed by laws of the State of Texas relative to municipal courts.

Sec. 1.02. Jurisdiction.

The Municipal Court for the City of Hawk Cove shall have the jurisdiction assigned to municipal courts and/or corporation courts of the State of Texas as provided by law, as amended.

Sec. 1.03. Judge

- (A) **Appointment.** The judge shall be appointed by a majority vote of the City Council. If the judge is temporarily unable to act, the City Council may appoint one or more persons meeting the qualifications for the position to sit for the regular municipal judge during said unavailability. The appointee has all the powers and duties of the office and is entitled to compensation as set by the City Council.
- (B) **Title.** The judge shall be known as the Judge of the Municipal Court.
- (C) **Term of Office.** The judge shall be appointed for a term of two years. The judge may be re-appointed upon majority vote of the City Council.
- (D) **Qualifications.** The judge shall:
 - (1) be an attorney duly licensed to practice law in the State of Texas; and/or
 - (2) have judicial experience equivalent to three (3) years in a court of concurrent or superior jurisdiction and have satisfied the certification requirements of the State of Texas for municipal court judges.
- (E) **Salary.** The judge shall receive such salary as fixed by the City Council by resolution or letter agreement.

Sec. 1.04. Clerk of the Court.

- (A) **Appointment.** The Clerk of the Court shall be appointed by the Mayor. The City Secretary shall act as an interim Clerk of the Court in the absence of an appointed Clerk of the Court.
- (B) **Salary.** The Clerk of the Court shall receive such salary as fixed by the City Council.

- (C) **Duties.** The Clerk of the Court shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court hereto, and generally do and perform any and all acts usually and necessarily performed by clerks and deputies of courts. The Council shall require that the Clerk of the Court, before entering the duties of the office, execute a good and sufficient surety company bond, in such amount as the Council may demand, payable to the City and conditioned upon the faithful performance of the duties of the office, the premium of such bond to be paid by the City.

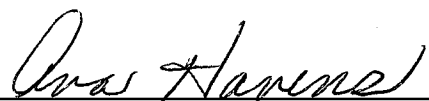
SECTION 3

If any section, subsection, clause, phrase or provision of this ordinance is for any reason held unconstitutional or void by a court of competent jurisdiction, such holding shall not effect any valid portion of this or any other ordinance of the City of Hawk Cove, Texas.

SECTION 4

This ordinance shall take effect and be in full force from and after its passage, approval and adoption.

PASSED, APPROVED AND ADOPTED THIS 31st DAY OF AUGUST, 1999.



Ava Havens, Mayor

ATTEST:



City Secretary

APPROVED AS TO FORM:

Robert F. Brown, City Attorney

CITY OF HAWK COVE, TEXAS

ORDINANCE NO. 99-6

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWK COVE, TEXAS, AMENDING ORDINANCE NO. 99-6 REGARDING THE QUALIFICATIONS OF A MUNICIPAL COURT JUDGE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Hawk Cove created by Ordinance the office of Municipal Court Judge and prescribed the qualifications of such officeholder; and

WHEREAS, the City desires to amend the qualifications of the office as set out in Ordinance No. 99-6; and

WHEREAS, the City Council has determined that it is in the best interest of the health, safety and general welfare of the public to revise the qualifications of the Municipal Court Judge to enforce the rules, ordinances and police regulations of the City, to the extent of its statutory jurisdictional authority.

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

SECTION 1

That all of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2

Section1-03, Judge, is amended to read as follows:

Ordinance No. 99-6, "**Sec. 1.03. Judge**

- (A) ***Appointment.*** The judge shall be appointed by a majority vote of the City Council. If the judge is temporarily unable to act, the City Council may appoint one or more persons meeting the qualifications for the position to sit for the regular municipal judge during said unavailability. The appointee has all the powers and duties of the office and is entitled to compensation as set by the City Council.
- (B) ***Title.*** The judge shall be known as the Judge of the Municipal Court.
- (C) ***Term of Office.*** The judge shall be appointed for a term of two years. The judge may be re-appointed upon majority vote of the City Council.

(D) ***Qualifications.*** The judge shall:

- (1) possess a high school diploma or its equivalent;
- (2) within six (6) months of appointment, be able to satisfy the certification requirements of the State of Texas for municipal court judges through the Texas Municipal Courts Education Center;
- (3) preferably, have judicial experience equivalent to six (6) months in a court of concurrent or superior jurisdiction.

(E) ***Salary.*** The judge shall receive such salary as fixed by the City Council by resolution or letter agreement."

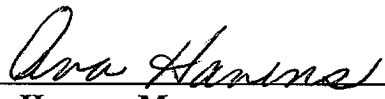
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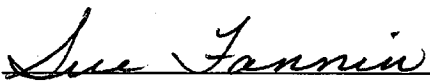
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Ava Havens, Mayor

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Robert F. Brown, City Attorney