

ORDINANCE NO 1041

AN ORDINANCE REPEALING THE EXISTING CHAPTER 16: MUNICIPAL COURT OF THE CODE OF ORDINANCES AND ADOPTING A NEW CHAPTER 16: MUNICIPAL COURT OF THE CODE OF ORDINANCES.

WHEREAS, the existing Chapter 16: Municipal Court of the Code of Ordinances is out of date and has largely been replaced by new state laws so that said chapter needs to be repealed and replaced with a new Chapter 16.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASTLE HILLS, TEXAS that the existing Chapter 16: Municipal Court of the Code of Ordinances is hereby repealed and the new Chapter 16: Municipal Court of the Code of Ordinances attached hereto is hereby adopted in the place of the existing Chapter 16.

PASSED and APPROVED this 8th day of December, 2009.

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney

CHAPTER 16: MUNICIPAL COURT

Section

- Creation, Jurisdiction, Officers and Costs of Court*
- 16.101 Creation
- 16.102 Jurisdiction
- 16.103 Judge
- 16.104 Court Administrator
 - 16.104.1 Duties
- 16.105 City Prosecutor and Alternate City Prosecutor
 - 16.105.1 Appointment and Terms of City Prosecutors

- 16.201 Municipal Court Technology Fund
- 16.202 Municipal Court Building Fund

16.101 CREATION

There is created and established a court to be known as the Municipal Court of this city.

16.102 JURISDICTION

The Municipal Court shall have jurisdiction within the territorial limits of the city in all criminal cases arising under this code and the ordinances of the city and shall also have concurrent jurisdiction with the Justice of the Peace in the county precinct in which this city is situated in all criminal cases arising under the criminal laws of the state in which punishment is by fine only, and where the maximum of such fine may not exceed the limits as set forth in TEX GOV'T CODE § 29.003. The Municipal Court shall also have jurisdiction of all other cases in which applicable state or federal law permits municipal courts to adjudicate the cases.

16.103 JUDGE

The City Council shall appoint a Presiding Judge to preside over the Municipal Court and one or more Alternate Judges to preside during the absence of the Presiding Judge. The Municipal Court Judges shall serve for two (2) year terms and shall serve until their successors have been appointed and qualified.

16.104 COURT ADMINISTRATOR AND COURT CLERK

A Court Administrator shall be appointed by the City Manager. The Court Administrator shall also fulfill the statutory functions of a Municipal Court Clerk except that the Court Administrator when performing the statutory functions of a Court Clerk shall not be governed by the term of office provisions of state law. The Court Administrator may also appoint Deputy Clerks, subject to the approval of the City Manager, as necessary to assist with the administration of the Court.

16.104.1 DUTIES

The Court Administrator shall have the following duties and responsibilities, in addition to other duties and responsibilities assigned to the Court Administrator by the City Council and the City Manager from time to time:

- Maintain the records of the Municipal Court.
- Issue Municipal Court process.
- Coordinate Court activities among Judges, Prosecutors, Police Department and defendants.
- Develop, prepare and coordinate court dockets.
- Coordinate the collection and disbursement of fines and court fees in conformance with state statutes.
- Coordinate the efficient management of the court budget and expenditures to meet budget goals and requirements.
- Identify deficiencies in the proper administration of justice in the Municipal Court and recommend procedural and administrative corrections.
- Monitor changes in the law applicable to municipal courts and implement updated procedures when appropriate.
- Recommend long range goals for the Municipal Court.
- Monitor court rules, laws and policies to foster compliance with applicable law.
- Assist the City Manager, Municipal Court Judges and City Prosecutors in the efficient flow of non jury and jury cases through the Court system.

16.105 CITY PROSECUTOR

Prosecutions in the Municipal Court of the City of all cases arising under this code and the ordinances of the City, and under the laws of the state over which the Municipal Court has jurisdiction, shall be conducted by the City Prosecutor or Alternate City Prosecutor, each of whom shall be members in good standing of the state bar, and residents of Bexar County. The City Prosecutor or Alternate City Prosecutor shall present prosecutions at the court sessions when requested by the City Manager.

16.105.1 APPOINTMENT AND TERMS OF CITY PROSECUTORS

The City Prosecutor and one (1) or more Alternate City Prosecutors shall be appointed by the City Council to serve at the pleasure of the City Council. The mayor is authorized to appoint one (1) or more special prosecutors to prosecute unusual cases.

16.201 MUNICIPAL COURT TECHNOLOGY FEE

A defendant convicted of a misdemeanor will be required to pay a fee of \$4.00 as a municipal court cost. This fee will be used only to finance the purchase of or to maintain technological enhancements for the City of Castle Hills Municipal Court as authorized by state law, including but not limited to:

1) computer systems; 2) computer networks; 3) computer hardware; 4) computer software; 5) imaging systems; 6) electronic kiosks; 7) electronic ticket writers; and 8) docket management system.

16.202 MUNICIPAL BUILDING SECURITY FUND

A defendant convicted of a misdemeanor will be required to pay a fee of \$3.00 as a municipal court cost. This fee will be used as authorized by state law to security personnel or other items when used for the purpose of providing security services for the building housing the municipal court, as appropriate, including but not limited to: 1) the purchase or repair of x-ray machines and conveying systems; 2) handheld metal detectors; 4) identification cards and systems; 5) electronic locking and surveillance equipment; 6) bailiffs, or contract security personnel during times when they are providing appropriate security services; 7) signage; 8) confiscated weapon inventory and tracking systems; 9) locks, chains, alarms, or similar security devices; 10) the purchase or repair of bullet-proof glass; and 11) continuing education on security issues for court personnel and security personnel.