

ORDINANCE NO. O-2011-09-09

AN ORDINANCE OF THE CITY OF HALTOM CITY, TEXAS APPOINTING THE JUDGE OF THE MUNICIPAL COURT OF RECORD IN THE CITY OF HALTOM CITY AND PROVIDING FOR COMPENSATION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Haltom City is a home rule city acting 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, the City Council has created a municipal court of record pursuant to Chapter 30 of the Texas Government Code; and

WHEREAS, Chapter 30, Subchapter A, of the Texas Government Code relating to municipal courts of record provides that the judge of the municipal court of record shall be appointed by the City Council by ordinance; and

WHEREAS, the workload of the Haltom City Municipal Court is not large enough to support a full time Municipal Court Judge; and

WHEREAS, it is of great benefit to the City of Haltom City to have an experienced municipal court judge sit on the bench of the municipal court of the City of Haltom City; and

WHEREAS, Section 574.001, Texas Government Code requires that a finding be made by the governing body to the effect that a person who serves as an officer in more than one appointed position has satisfied Article XVI, Section 40, of the Texas Constitution; and

WHEREAS, there is no conflict between the office of municipal judge of the City of Haltom City and the office of municipal court judge in any other municipality in the State of Texas.

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

SECTION 1.

It is hereby found that the office of municipal court judge of the City of Haltom City is of benefit to the State of Texas and to the City of Haltom City and that there is no conflict between the office of municipal judge of Haltom City and the office of municipal judge in any other city.

SECTION 2.

Lorraine Irby is hereby appointed as the Municipal Judge of the municipal court of record in the City of Haltom City, Texas for a two year term that coincides with the term of the Mayor. At the expiration of said term, in accordance with Article 16, Section 17 of the Texas Constitution, Judge Irby shall continue to serve until her successor shall be duly qualified. The City Council shall have the authority to remove the municipal court judge as provided by City Charter.

SECTION 3.

The conditions of employment of the judge shall remain as previously approved by the City Council until revised by contract or resolution. The City Manager is directed to make a record of any compensation Lorraine Irby is to receive from holding the office of municipal judge of the City of Haltom City including salary and any bonus or per diem payments.

SECTION 4.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Haltom City, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such

Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 5

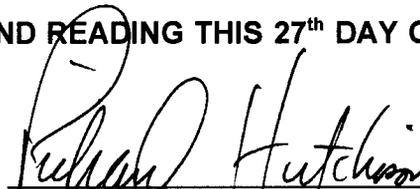
It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6

This ordinance shall be in full force and effect from and after its passage and it is so ordained.

PASSED AND APPROVED ON FIRST READING THIS 13th DAY OF JUNE, 2011.

PASSED AND APPROVED ON SECOND READING THIS 27th DAY OF JUNE, 2011.


MAYOR

ATTEST:


CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:


CITY ATTORNEY

