

ORDINANCE NO. 1630

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, AMENDING THE CITY OF KELLER CODE OF ORDINANCES BY AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE XIV, MUNICIPAL COURT OF RECORD, BY DELETING SECTION 2-1420 PARAGRAPH (b), SELECTION OF JUDGES; TERM OF OFFICE; SECTION 2-1435, ADDING THE POSITION OF ASSOCIATE JUDGE; SECTION 2-1440, CLERK OF COURT; AND SECTION 2-1460, COURT REPORTER, IN THEIR ENTIRETY AND ADDING A NEW SECTION 2-1420, PARAGRAPH (b); SECTION 2-1435; SECTION 2-1440; SECTION 2-1460; AND ADDING THE INCLUSION OF CONTRACT NO. 12-18, INTERLOCAL AGREEMENT FOR COMBINED MUNICIPAL COURT SERVICES FOR THE CITIES OF KELLER AND COLLEYVILLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Keller Municipal Court currently provides a minimum sixty-day written notice of resignation for the municipal judge; and

WHEREAS, the City Council currently may appoint one (1) or more qualified persons to be available to serve as an associate municipal judge; and

WHEREAS, the City of Keller currently may appoint a clerk of the municipal court of record, known as the municipal court clerk; and

WHEREAS, the City of Keller currently may appoint an official court reporter to preserve a record in cases tried; and

WHEREAS, changes to current practices as stated would be in accordance with Contract Number 12-18, Interlocal Agreement for Combined Municipal Court Services for the Cities of Keller and Colleyville, Texas, approved by Resolution No. 3190, on April 3, 2012.

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

Section 1: THAT, the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

Section 2: THAT, Chapter 2, Administration, Article XIV, Municipal Court of Record, of the City of Keller Code of Ordinances, is hereby amended, by deleting Section 2-1420, paragraph (b), in its entirety and adding a new Section 2-1420, paragraph (b) to read as follows:

"Sec. 2-1420. Selection of judges; term of office.

(b) The judges of the municipal court of record shall be appointed in accordance with Contract Number 12-18, Interlocal Agreement for Combined Municipal Court Services for the Cities of Keller and Colleyville, Texas."

Section 3: THAT, Chapter 2, Administration, Article XIV, Municipal Court of Record, of the City of Keller Code of Ordinances, is hereby amended, by deleting Section 2-1435, in its entirety and adding a new Section 2-1435 to read as follows:

"Sec. 2-1435. Appointment of Muncipal Court Judge.

The municipal court judge shall be appointed by the governing body in accordance with Contract Number 12-18, Interlocal Agreement for Combined Municipal Court Services for the Cities of Keller and Colleyville, Texas."

Section 4: THAT, Chapter 2, Administration, Article XIV, Municipal Court of Record, of the City of Keller Code of Ordinances, is hereby amended, by deleting Section 2-1440, in its

entirety and adding a new Section 2-1440 to read as follows:

"Sec. 2-1440. Clerk of Court.

In accordance with Contract Number 12-18, Interlocal Agreement for Combined Municipal Court Services for the Cities of Keller and Colleyville, Texas, a clerk of the municipal court of record, who shall be known as the municipal court clerk shall be appointed."

Section 5: THAT, Chapter 2, Administration, Article XIV, Municipal Court of Record, of the City of Keller Code of Ordinances, is hereby amended, by deleting Section 2-1460, in its entirety and adding a new Section 2-1460 to read as follows:

"Sec. 2-1460. Court reporter.

In accordance with Contract Number 12-18, Interlocal Agreement for Combined Municipal Court Services for the Cities of Keller and Colleyville, Texas, an official court reporter to preserve a record in cases tried shall be appointed. The court reporter is not required to record testimony in a trial unless the judge or one (1) of the parties requests a record."

Section 6: THAT, it is hereby declared the intention of the City Council that if any section, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or otherwise illegal by the valid judgment or decree of any court of competent jurisdiction, such event 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 such unconstitutional or illegal phrase, clause, sentence, paragraph or section.

Section 7: THAT, this Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Keller, Texas, and this Ordinance shall not operate to repeal or affect any of such ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

Section 8: THAT, the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause of this Ordinance as an alternative method of publication provided by law.

Section 9: THAT, this Ordinance shall become effective upon its passage.

AND IT IS SO ORDAINED.

Passed and approved by a vote of 7 to 0 on this the 6th day of November, 2012.

CITY OF KELLER, TEXAS

BY: _____
P.H. McGrail, Mayor

ATTEST:

Sheila Stephens, City Secretary

Approved as to Form and Legality:

L. Stanton Lowry, City Attorney