

ORDINANCE NO. 1707

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPOINTING SARA JANE DEL CARMEN, AS MUNICIPAL COURT JUDGE FOR THE MUNICIPAL COURT OF RECORD FOR THE CITY OF KELLER, TEXAS, FOR A TERM OF TWO (2) YEARS, EFFECTIVE OCTOBER 1, 2014, IN ACCORDANCE WITH CHAPTER 2, ADMINISTRATION, ARTICLE XIV, MUNICIPAL COURT OF RECORD, SECTION 2-1420, SELECTION OF JUDGES; TERM OF OFFICE, OF THE CITY OF KELLER CODE OF ORDINANCES.

WHEREAS, the City of Keller Municipal Court of Record was created pursuant to the General Law, Chapter 30, Subchapter 4, of the Texas Government Code; and

WHEREAS, the General Law for Municipal Courts of Record was revised and amended by the Texas Legislature in 1999; and

WHEREAS, Section 30.006(1) of the Government Code now provides that General Law Municipal Courts of Record must have their Judges appointed by an ordinance of the City Council.

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, Sara Jane del Carmen is hereby appointed as Municipal Court Judge for the Municipal Court of Record for the City of Keller, Texas, for a term of two (2) years, effective October 1, 2014, in accordance with Exhibit "A" attached hereto.

Section 3: THAT, Sara Jane del Carmen shall hereby be appointed and serve as Associate Municipal Court Judge from September 15, 2014 through September 30, 2014.

Section 4: THAT, all other ordinances in conflict herewith are hereby repealed.

AND IT IS SO ORDAINED.

1 Passed and approved by a vote of 7 to 0 on this the 2nd  
2 day September, 2014.

3 CITY OF KELLER, TEXAS

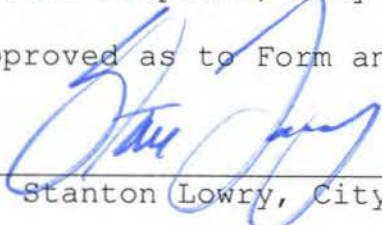
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5 BY:   
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Mark Mathews, Mayor

7 ATTEST:

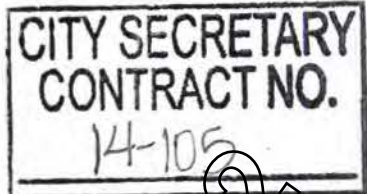
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10 Sheila Stephens, City Secretary

11 Approved as to Form and Legality

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13 L. Stanton Lowry, City Attorney  
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REGIONAL MUNICIPAL COURT JUDGE  
AGREEMENT



On the 2<sup>nd</sup> day of September, 2014, the City Council of the City of Colleyville appointed Sara Jane del Carmen to serve as the Municipal Court Judge for the municipal court of record for the City of Colleyville contingent upon the execution of this Regional Municipal Court Judge Agreement (the "Agreement"). On the 2<sup>nd</sup> day of September, 2014, the City Council of the City of Keller appointed Sara Jane del Carmen to serve as the Municipal Court Judge for the municipal court of record for the City of Keller contingent upon the execution of this Agreement. This Agreement between the City of Colleyville, the City of Keller, and Sara Jane del Carmen shall become effective September 17, 2014 upon the acceptance of the following terms and conditions for such professional services as evidenced by the signature of the parties.

**Appointment**

- a. The Regional Municipal Court Judge is appointed for a two (2) year term of office to commence on October 1, 2014. During that time, the Regional Municipal Court Judge shall serve as Presiding Judge over the Colleyville and Keller Municipal Courts of Record in accordance with Section 30.00007 of the Texas Government Code. Additionally, Sara Jane Del Carmen shall serve as an Associate Municipal Court Judge beginning September 17, 2014, and through September 30, 2014, to assist in her transition to serving as the Regional Municipal Court Judge. The Regional Municipal Court Judge may be removed from office only as provided by law. The removal of the Regional Municipal Court Judge by either the City of Colleyville or the City of Keller shall be mutually effective to terminate this Agreement. In the event of removal, there shall be no other liability to the Cities of Colleyville and Keller.
- b. The Regional Municipal Court Judge is an appointee of the City Council of Colleyville and the City Council of Keller from whom only broad, general guidance is received. The Regional Municipal Court Judge shall exercise direct supervision over the Associate Municipal Court Judge(s). The Regional Municipal Court Judge shall have all authority vested under law and shall undertake her duties fairly, impartially, independently, and without supervision. The Cities of Colleyville and Keller do not have the right to exercise control over the details of the Regional Municipal Court Judge's work.
- c. The Regional Municipal Court Judge shall be responsible for obtaining the services of an Associate Judge(s) and assigning substitute Judges to act in her absence in accordance with Section 30.00007(a)(4) of the Texas Government Code. The Associate Judge(s) are subject to the appointment by the City Council Committee in accordance with State law. The Associate Judge position shall not be vacant during the term of the Regional Municipal Court Judge for more than 60 consecutive days. All compensation due the Associate Judge(s) will be paid by the Regional Municipal Court Judge.
- d. The Regional Municipal Court Judge and any Associate Municipal Court Judge(s) are required to keep abreast of State law and local ordinances, including State mandated fees, as applicable to Texas Municipal Courts, as well as criminal laws applicable to magistrate duties, and issuance of warrants. Although a recognized function of judicial discretion, the Regional Municipal Court Judge agrees to adjudicate consistently and within all applicable legal standards. The Regional Municipal Court Judge must be an attorney licensed by the Texas Supreme Court, and must remain in good standing with the State Bar of Texas at all



times during the term of this Agreement. The Regional Municipal Court Judge must attend the minimum required Texas Judicial Continuing Legal Education, including, but not limited to, the annual judge's training, at no additional cost to the City of Colleyville and the City of Keller.

- e. For the duration of this Agreement, the Regional Municipal Court Judge shall provide best efforts to respond physically, verbally or electronically within 30 minutes or as may be warranted for purposes of arraignments, warrants, and the like.
- f. The Regional Municipal Court Judge shall fully adhere to the Texas Code of Judicial Conduct and all other statutory and constitutional requirements of office.

#### **Municipal Court**

- a. Court dockets for adult and juvenile cases shall be scheduled as designated by the Regional Municipal Court Judge in coordination with the Municipal Court Administrator in order to facilitate optimal court efficiency in support of the cities of Colleyville and Keller's customer service values. The Regional Municipal Court Judge agrees that she is not required to maintain any specific schedule.
- b. The Regional Municipal Court Judge shall operate court proceedings, including but not limited to, court technology and court security within the allocated budget and staffing as approved by the City Councils of the cities of Colleyville and Keller.
- c. Essential and other responsibilities and duties include, but are not limited to, the following:
  - 1. The Regional Municipal Court Judge shall preside over court dockets and trials (Class C Misdemeanors, City ordinances, traffic violations, criminal misdemeanor, property matters, criminal jury and non-jury trials, pre-trial conferences, juvenile warnings, and other cases appropriately tried in Municipal Court).
  - 2. Preside over jury and non-jury cases and levy fines commensurate with the violation in such manner to preserve equity and uniformity in the application of existing laws and ordinances.
  - 3. Be available (or designated Associate Judge(s)) on a 24/7 basis to review and/or sign search, arrest and blood warrants, appeal bonds, prisoner transfer documentation, etc.
  - 4. Coordinate court activities with Municipal Court Administrator, City Attorney and/or City Prosecutors, and other city departments.
  - 5. Conduct hearings (property, emergency protective order, dangerous dog, etc.).
  - 6. Provide arraignment duties as needed and shall be available for magistrate services within a reasonable time after notice by the Municipal Court Administrator or Police Department.
  - 7. Ensure two (2) daily (AM and PM) arraignments, or as may be needed, at the Regional Holding Facility in Keller.
  - 8. Collaborate with the City Council Committee (as defined in the Interlocal Agreement between the cities of Colleyville and Keller) and applicable city department(s) to ensure policies and orders are within the parameters of state law but also consistent with the values of the communities and needs of other departments.



9. Any duties or responsibilities of a municipal court Judge pursuant to and consistent with State law.
- d. All court documents including, but not limited to: disposition sheets, judgment forms, court orders, bond forfeitures must be properly completed. The Regional Municipal Court Judge shall ensure that all documents are properly completed to ensure the enforceability of same and that no information is omitted on judgments, orders, Adult Warning Sheets, Request for Counsel, or other documentation.
- e. The Regional Municipal Court Judge may be called upon to perform all services and duties, as they relate to arraignment customarily performed by the Judge or Magistrate of a municipal court of record in the State of Texas.
- f. The Regional Municipal Court Judge shall become proficient within 90 days of appointment in the use of the Court software(s) and/or technology. The Regional Municipal Court Judge shall be provided a reasonable level of training for such software and technology.
- g. The Regional Municipal Court Judge will serve as an official for the City of Colleyville and the City of Keller and will be afforded all protections of the applicable City Charter and insurance policy(ies). In addition, the Regional Municipal Court Judge shall retain all protections and immunities provided by State Constitution and law.


#### **Compensation and Evaluation**

- a. As compensation for all required services, as outlined herein, the City agrees to pay the Regional Municipal Court Judge \$4,000.00 bi-weekly fee which equates to total annual fees of \$104,000.00. No other compensation or benefits shall be paid to the Regional Municipal Court Judge, and the Regional Municipal Court Judge shall receive no health or death benefits, or accrue sick or vacation leave, or any other benefits.
- b. It is the intention of the parties that the Regional Municipal Court Judge shall be an independent contractor and not an employee of either City for all purposes, including but not limited to, the application of the Federal Insurance Contribution Act, the Social Security Act, the Federal Unemployment Act, provisions of the Internal Revenue Code. The Cities will not pay for or provide Workers Compensation Insurance on the Regional Municipal Court Judge. The Regional Municipal Court Judge shall pay federal self-employment taxes upon amounts received under this Agreement.
- c. Parties shall comply with all provisions of the Internal Revenue Code, as amended.
- d. The term of this Agreement shall be for a period of two years and fifteen days, commencing on the effective date of September 15, 2014, unless otherwise terminated in advance. The compensation provided for above shall cease immediately upon the expiration or termination of this Agreement, the resignation of the Regional Municipal Court Judge, or

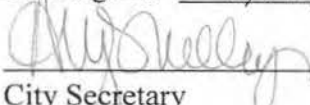
any other circumstance which prevents the Municipal Court Judge from performing their duties.

- e. The Regional Municipal Court Judge shall meet with the City Council Committee on a quarterly basis for the first year and at least annually thereafter on an on-going basis to assess performance and foster communication.
- f. The Regional Municipal Court Judge shall collaborate with the City Council Committee within 90 days of appointment to establish judge specific performance benchmarks regarding the effectiveness and productivity of the court, which may be amended from time to time as needed.
- g. No later than 30 days prior to the annual appointment date, the Regional Municipal Court Judge shall prepare annual self-evaluation performance reviews for examination by the City of Colleyville City Council and the City of Keller City Council.

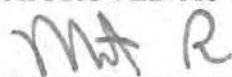
CITY OF COLLEYVILLE

By:   
Mayor David Kelly


Date signed: 09/17/2014

  
City Secretary

APPROVED AS TO FORM AND LEGALITY:

  
City Attorney

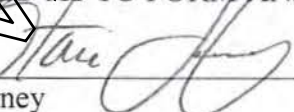
CITY OF KELLER

By:   
Mayor Mark Matthews

Date signed: 09/17/2014

  
City Secretary

APPROVED AS TO FORM AND LEGALITY:

  
City Attorney

REGIONAL MUNICIPAL COURT JUDGE

By:   
Sara Jane del Carmen

Date signed: 9/17/14



ORDINANCE NO. 1707

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WHEREAS, the General Law for Municipal Courts of Record was revised and amended by the Texas Legislature in 1989; and

WHEREAS, Section 30.006(b) of the Government Code now provides that General Law Municipal Courts of Record must have their Judges appointed by an ordinance of the City Council.

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Section 2: THAT, Sara Jane del Carmen is hereby appointed as Municipal Court Judge for the Municipal Court of Record for the City of Keller, Texas, for a term of two (2) years, effective October 1, 2014, in accordance with Exhibit "A" attached hereto.

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Section 4: THAT, all other ordinances in conflict herewith are hereby repealed.

AND IT IS SO ORDAINED.

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4 CITY OF KELLER, TEXAS

5  
6 BY: Mark Mathews

Mark Mathews, Mayor

7  
8 ATTEST:

9 Sheila Stephens  
10 Sheila Stephens, City Secretary

11 Approved as to Form and Legality

12 L. Stanton Lowry  
13 L. Stanton Lowry, City Attorney