

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO. 23-037-00

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING ARTICLE 7.02, JUDGE, OF THE CODE OF ORDINANCES OF THE CITY OF LEANDER, TEXAS, BY ADDING TO THE PROVISIONS FOR THE APPOINTMENT AND TERM OF THE JUDGE, REMOVING A PROVISION REGARDING REMOVAL OF THE JUDGE, AND ADDING QUALIFICATION FOR HOLDING THE OFFICE OF JUDGE; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A SAVINGS CLAUSE, PROVIDING AN EFFECTIVE DATE, PROVIDING AN OPEN MEETINGS CLAUSE, AND PROVIDING FOR OTHER RELATED MATTERS.

WHEREAS, the City Council of the City of Leander, Texas (the, “City”) desires to remove conflicts between the City’s Home Rule Charter Section 7, adopted in 2005, and Article 7.02, of the City’s Code of Ordinances, adopted in 2003; and

WHEREAS, the City desires to add criteria for the qualifications for holding the office of Judge.

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

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. Amendment of Ordinance. Article 7.02, Judge, of the City of Leander, Texas, Code of Ordinances, is hereby amended and replaced in its entirety to read as set forth in **Exhibit A** attached hereto and incorporated herein for all purposes.

Section 3. Severability. If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

Section 4. Effective Date. This Ordinance will become effective upon its adoption, passage by the City Council in accordance with the procedures on the date of passage as required and publication as required by law.

Section 5. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this 6 day of July, 2023.

ATTEST:

CITY OF LEANDER, TEXAS

Dara Crabtree, City Secretary

By: _____
Christine DeLisle, Mayor

EXHIBIT A

ARTICLE 7.02 JUDGE

§ 7.02.001. Office created.

There is hereby created the office of judge of the municipal court, who shall have all the powers and authority of this city and shall perform all the duties as required by state law and the ordinances of this city.

§ 7.02.002. Appointment; term.

- (a) The municipal judge and the number of associate judges authorized by the city council in the budget shall be appointed and removed by the City Manager. The municipal judge and associate judges shall take office immediately following appointment and taking the oath of office required by the state constitution and state laws.
- (b) The municipal judge shall be appointed for a term of two (2) years.
- (c) The associate judges shall serve at the will of the City Manager.

§ 7.02.003. Compensation.

The municipal judge shall be compensated for his/her services at a rate set by the city council, which shall be commensurate with the time involved in electing [executing] his/her duties.

§ 7.02.004. Continuing education.

The municipal judge shall each year meet the annual continuing judicial education requirements of the state Government Code.

§ 7.02.005. Presiding Judge Qualifications

- (a) Citizen of United States, age 25 or older;
- (b) Resident of Williamson or Travis County or a county adjacent to either for at least 2 years;
- (c) A licensed attorney who has practiced law or served as a judge in the state of Texas for 4 years;
- (d) Has not been suspended, voluntarily resigned, or been removed from the office of Judge as a result of an investigation by the Texas State Commission on Judicial Conduct; and
- (e) Has not been the subject of an Order for Additional Education, Private Sanction, or Public Sanction, as a result of an investigation by the Texas State Commission on Judicial Conduct in the previous three years prior to consideration for appointment.

§ 7.02.006. Oath.

The judge of the municipal court, prior to taking office, shall take the oath of office required by the state constitution and state laws.