

YOLANDA FORD
Mayor

VASHAUNDRA EDWARDS
Councilmember at Large Position No. 1

CHRIS PRESTON
Mayor Pro Tem
Councilmember at Large Position No. 2



CHERYL STERLING
Councilmember District A

JEFFREY L. BONEY
Councilmember District B

ANTHONY G. MAROULIS
Councilmember District C

FLOYD EMERY
Councilmember District D

CITY COUNCIL SPECIAL MEETING AGENDA

Notice is hereby given of a Special City Council Meeting to be held on **Monday, August 3, 2020, at 5:34 p.m.** at: **City Hall, Council Chamber, 2nd Floor**, 1522 Texas Parkway, Missouri City, Texas, 77489, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

NOTICE REGARDING PUBLIC PARTICIPATION

Due to the COVID 19 Disaster and the Center for Disease Control's recommendation regarding social distancing measures, the public will not be allowed to be physically present at this meeting.

The meeting will be available to members of the public and allow for two-way communications for those desiring to participate. Any person interested in speaking on any item on the agenda must notify the City by one of the following methods **before 4:00 p.m. on the day of the City Council meeting**:

1. Email or call the City Secretary at CSO@missouricitytx.gov or 281-403-8686; or,
2. Submit a "Public Comment Form" to the City Secretary from the following webpage: <https://bit.ly/39pw73Q>.

The request must include the speaker's name, address, email address, phone number and the agenda item number.

To livestream the meeting, the public may access the following link:
<https://www.missouricitytx.gov/780/MCTV>.

To access the meeting agenda packet in PDF format, the public may access the following link:
<https://www.missouricitytx.gov/407/City-Council>.

1. CALL TO ORDER

2. DISCUSSION/POSSIBLE ACTION

- (a) Discuss amending Chapter 62, Municipal Court, of the Missouri City Code, to provide duties for the presiding judge.
- (b) Presentation of the Proposed Fiscal Year 2021 Budget by Assistant City Manager Atkinson and Director of Financial Services Portis.

3. CLOSED EXECUTIVE SESSION

The City Council may go into Executive Session regarding any item posted on the Agenda as authorized by Title 5, Chapter 551 of the Texas Government Code. Notice is hereby given that the City Council may go into Executive Session in accordance with the following provision of the Government Code:

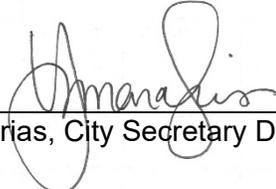
Texas Government Code, Section 551.074 – Deliberations concerning the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: the city manager and city attorney.

4. **RECONVENE** into Special Session and consider action, if any, on items discussed in Executive Session.
5. **ADJOURN**

In compliance with the Americans with Disabilities Act, the City of Missouri City will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Maria Jackson, City Secretary, at 281.403.8686.

CERTIFICATION

I certify that a copy of the August 3, 2020, agenda of items to be considered by City Council was posted in a place convenient to the public in compliance with Chapter 551 of the Texas Government Code on July 30, 2020, at 4:00 p.m.



Yomara Frias, City Secretary Department



**CITY COUNCIL
SPECIAL MEETING AGENDA ITEM COVER
MEMO**

August 3, 2020

To: Mayor and City Council
Agenda Item: 2(a) Municipal Court Judge Ordinance
Submitted by: E. Joyce Iyamu, City Attorney

SYNOPSIS

The City Council authorized staff to prepare an ordinance establishing a single panel of the municipal court to provide the presiding judge with specific authority over municipal court proceedings. This item is being presented, as requested, to provide the City Council with the City's municipal court judges' input on the City's proposed municipal court operations ordinance.

BACKGROUND

On March 12, 2019, former City Manager Anthony Snipes, Interim City Manager Bill Atkinson, Municipal Court Division Director Brittany Rychlick and the Legal Division met with Judge Debra Sinclair at her request. Judge Sinclair requested additional consideration of the duties of the presiding judge of the City of Missouri City Municipal Court. The City Council previously discussed the duties of its municipal court judges on May 1, 2017, January 28, 2019, February 18, 2019, March 18, 2019, April 1, 2019, and April 15, 2019. Draft language was provided to the City Council on July 6, 2020. City Councilmembers did not provide additional comments at that time. The first reading of the ordinance was presented on July 20, 2020, at which time members of the City Council requested input from the judges. The judges were contacted by email on July 20, 2020, and were asked to provide comments by Monday, July 27, 2020. The judges' comments and preferred language on the proposed Council ordinance is attached. At the request of Councilmember Edwards, the City's judges were invited to attend the August 3, 2020 meeting.

Whether the City Council decides to establish one municipal court panel or maintain the existing three court panels is a decision of the City Council. The Charter of the City of Missouri City has provided for a municipal court since the first charter in 1974. Before 1986, the Charter provided for a single judge and a single court. The Charter was amended in 1986 to allow the City Council, by ordinance, to divide the court into two or more panels or divisions. Pursuant to Ordinance No. O-88-1, the Missouri City Municipal Court has consisted of three panels or divisions since 1988. In addition to creating divisions of the court, Ordinance No. O-88-1 established duties and responsibilities of the presiding judge and specifically allowed the presiding judge to "direct the arrangement and trial of cases and order any judge to exchange benches and preside in any municipal court." Both state law and the City Charter provide that if a city divides its municipal court into two or more panels or divisions, one panel shall be presided over by a presiding judge and each additional panel or division shall be presided over by an associate judge who has the *same* powers as the presiding judge. On May 3, 2010, the City adopted an ordinance to remove the specific authority granted to the presiding judge, making the City's ordinances consistent with the Charter and state law.

In addition to the requested changes provided by the judges, staff has also provided a revised ordinance that attempts to incorporate certain changes requested by the judges. The revised ordinance language includes the following:

- Reinstates the three panels of municipal court;
- Prescribes duties for the presiding judge; and
- Deleted the penalty provision from the ordinance.

BUDGET ANALYSIS

Funds are not being requested at this time.

SUPPORTING MATERIALS

1. Judges' proposed ordinance
2. Document showing judges' changes to the July 20, 2020 proposed ordinance
3. Judge Robert Rosenberg's letter related to the penalty provision
4. Staff's revised proposed ordinance
5. Document showing comparison between July 20, 2020 and July 29, 2020 proposed ordinances

STAFF'S RECOMMENDATION

ACTION IS DISCRETIONARY: This matter is fully within the discretion of the City Council.

Director Approval:

E. Joyce Iyamu, City Attorney

**JUDGES' AGREED PROPOSED
ORDINANCE LANGUAGE**

ORDINANCE NO. O-20-__

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING
CHAPTER 62, MUNICIPAL COURT, OF THE MISSOURI CITY CODE;
PROVIDING DUTIES FOR THE PRESIDING JUDGE; AND PROVIDING FOR
SEVERABILITY.

* * * * *

WHEREAS, pursuant to Section 4.03 of the Charter of the City of Missouri City (the "Charter"), a municipal court for the trial of misdemeanor offenses must be established and maintained; and

WHEREAS, pursuant to the Charter, the municipal court may, by ordinance, be divided into two (2) or more panels or divisions, one of which shall be presided over by the presiding judge; and

WHEREAS, pursuant to Ordinance O-88-1, the City of Missouri City divided the municipal court into three (3) panels; and

WHEREAS, the City Council has found that providing for duties of the Presiding Judge of the municipal court may result in more uniform procedures; and

WHEREAS, the City Council of the City of Missouri City now deems it appropriate to amend ordinances regarding the municipal court; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The Missouri City Code is hereby amended by deleting Section 62-4 of Chapter 62 thereof and substituting therefor new Section 62-4 to provide as follows:

Chapter 62 - MUNICIPAL COURT

Sec. 62-4. - Office of judge established.

There are hereby created three offices of judge, **one of which is the Presiding Judge.**

Section 3. The Missouri City Code 62-8 is hereby amended by deleting Section 62-8 of **Chapter 62 thereof and substituting therefor new Section 62-8 to provide as follows:**

Chapter 62 - MUNICIPAL COURT

Sec. 62-8. - Conduct and operation of courts; transfer of cases; authority of judges, **DUTIES OF PRESIDING JUDGE** and divisional director of municipal court.

- (a) The divisional director of municipal court shall facilitate the equitable scheduling of dockets. **At the request of the presiding judge, the divisional director of municipal court shall transfer cases and dockets from one judge to another.**
- (b) Each Judge of the Municipal Court shall enter in the docket of the municipal court, over which the municipal judge presides, appropriate notations of the disposition of each case; and
- (c) Each judge of the municipal court shall exercise complete judicial authority over the judgments, orders and process of that judge's court, the trial of cases therein, transfer of cases from one judge to another, and the conduct of persons attending thereon.
- (d) The presiding judge of the municipal court shall:
 - (1) Prescribe **standing orders, and provide notice of same to the associate judges**, if any, for the conduct and operation of the municipal court during the proceedings of the court;
 - (2) Prescribe the conditions under which associate judges, if any, shall sit as judges in the municipal court;
 - (3) Transfer cases from one judge to another;
 - (4) Exchange benches with any judge;
 - (5) **ASSIST THE DIVISIONAL DIRECTOR IN THE SETTING OF CASES WHEN NECESSARY AND PROVIDE FOR THE CREATION OF NEW DOCKETS AS NEEDED.**
 - (6) **REVIEW AND SET FINES FOR OFFENSES WITHIN THE JURISDICTION OF THE MUNICIPAL COURT.**
 - (7) **HAVE THE RESPONSIBILITY OF HANDLING ALL ADMINISTRATIVE DUTIES THAT RELATE TO THE JUDICIAL BRANCH OF THE MUNICIPAL COURT; and**
 - (8) Take judicial notice of state law, ordinances and the corporate limits of the city.

Section 4. This Ordinance shall apply to the City of Missouri City municipal court and its judges upon the final adoption of this Ordinance. Pursuant to Section 4.03 of the Charter of the

City of Missouri City, City of Missouri City judges appointed on or about March 20, 2019, may continue to serve in their respective positions, as set forth in their existing contracts with the City, until the conclusion of their current terms, provided that such service shall be performed in accordance with this Ordinance. **This language may no longer be needed since the language regarding three panels remains.**

Section 5. Repeal. All ordinances or parts of ordinances in conflict herewith, if any, shall be and are hereby repealed only to the extent of such conflict.

Section 6 Severability. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof, other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on first reading this ____ day of _____, 2020.

PASSED, APPROVED and ADOPTED on second and final reading this ____ day of _____, 2020.

Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

E. Joyce Iyamu, City Attorney

JUDGES' AGREED PROPOSED
ORDINANCE LANGUAGE

ORDINANCE NO. O-20-__

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING CHAPTER 62, MUNICIPAL COURT, OF THE MISSOURI CITY CODE; ~~ELIMINATING CERTAIN PANELS OF THE MUNICIPAL COURT; AMENDING REGULATIONS PROVIDING THE CONDUCT AND OPERATIONS OF THE MUNICIPAL COURT;~~ PROVIDING DUTIES FOR THE PRESIDING JUDGE; ~~PROVIDING FOR REPEAL; PROVIDING A PENALTY;~~ AND PROVIDING FOR SEVERABILITY.

* _____ * _____ * _____ * _____ * _____ *
* * * * *

WHEREAS, pursuant to Section 4.03 of the Charter of the City of Missouri City (the “Charter”), a municipal court for the trial of misdemeanor offenses must be established and maintained; and

WHEREAS, pursuant to the Charter, the municipal court may, by ordinance, be divided into two (2) or more panels or divisions, one of which shall be presided over by the presiding judge; and

WHEREAS, pursuant to Ordinance O-88-1, the City of Missouri City divided the municipal court into three (3) panels; and

WHEREAS, the City Council has found that ~~eliminating two (2) panels~~providing for duties of the Presiding Judge of the municipal court may result in more uniform procedures; and

WHEREAS, the City Council of the City of Missouri City now deems it appropriate to amend ~~regulations~~ordinances regarding the municipal court; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The Missouri City Code is hereby amended by deleting ~~Sections 62-1, 62-2, 62-3, and~~Section 62-4 of Chapter 62 thereof and substituting therefor new ~~Sections 62-1, 62-2, 62-3, and~~Section 62-4 to provide as follows:

“Chapter 62 - MUNICIPAL COURT

~~Sec. 62-1. -- Division of court.~~

~~Pursuant to Charter § 4.03, the municipal court shall consist of one panel.~~

~~Sec. 62-2. -- General powers and duties.~~

~~The powers and duties of the panel of the municipal court shall be those defined and designated by the laws of the state and the Charter and ordinances of the city.~~

~~Sec. 62-3. -- Jurisdiction. The municipal court shall have and exercise jurisdiction within the city limits, and such jurisdiction shall be the same as is now or hereafter may be conferred upon all municipal courts by the general laws of this state.~~

Sec. 62-4. - Office of judge established.

There ~~is hereby created the office of the judge of the municipal court. The council shall appoint a presiding judge to serve as the judge of the municipal court. One or more associate judges may be appointed to serve as the judge of the municipal court in the absence of the presiding judge.~~ are hereby created three offices of judge, one of which is the Presiding Judge.

Section 3. The Missouri City Code 62-8 is hereby amended by deleting Section 62-8 of Chapter 62 thereof and substituting therefor ~~a new~~ Section 62-8 to provide as follows:

“Chapter 62 - MUNICIPAL COURT

~~.....~~

Sec. 62-8. - Conduct and operation of courts; transfer of cases; authority of judges, DUTIES OF PRESIDING JUDGE and divisional director of municipal court.

- (a) ~~(a) The divisional director of municipal court shall schedule dockets for cases filed within the city over which the municipal court has jurisdiction~~ facilitate the equitable scheduling of dockets. At the request of the presiding judge, the divisional director of municipal court ~~may~~ shall transfer cases and dockets from one judge to another.

- (b) Each Judge of the Municipal Court shall enter in the docket of the municipal court, over which the municipal judge presides, appropriate notations of the disposition of each case; and

- ~~(c)~~ Each judge of the municipal court shall exercise complete judicial authority over the judgments, orders and process of that judge's court, the trial of cases therein, transfer of cases from one judge to another, and the conduct of persons attending thereon.
- (bd) The presiding judge of the municipal court shall:
- (1) ~~(1)~~—Prescribe ~~standard~~standing orders, ~~in consultation with~~ and provide notice of same to the associate judges, if any, for the conduct and operation of the municipal court during the proceedings of the court;
 - (2) ~~(2)~~—Prescribe the conditions under which associate judges, if any, shall sit as judges in the municipal court;
 - (3) ~~(3)~~—Transfer cases from one judge to another;
 - (4) ~~(4)~~—~~Exchange benches with any judge;~~Exchange benches with any judge;
 - (5) ~~(5)~~—~~Enter on the docket of the municipal court, over which the municipal judge presides, appropriate notations of the disposition of each case; and~~
 - (5) ASSIST THE DIVISIONAL DIRECTOR IN THE SETTING OF CASES WHEN NECESSARY AND PROVIDE FOR THE CREATION OF NEW DOCKETS AS NEEDED.
 - (6) REVIEW AND SET FINES FOR OFFENSES WITHIN THE JURISDICTION OF THE MUNICIPAL COURT.
 - (7) HAVE THE RESPONSIBILITY OF HANDLING ALL ADMINISTRATIVE DUTIES THAT RELATE TO THE JUDICIAL BRANCH OF THE MUNICIPAL COURT; and
 - (8) ~~(6)~~—Take judicial notice of state law, ordinances and the corporate limits of the city.
- ~~(c)~~ ~~Any judge of any municipal court shall exercise complete judicial authority over the judgments, orders and process of his court, the trial of cases therein, and the conduct of persons attending thereon."~~

Section 4. This Ordinance shall apply to the City of Missouri City municipal court and its judges upon the final adoption of this Ordinance. Pursuant to Section 4.03 of the Charter of the City of Missouri City, City of Missouri City judges appointed on or about March 20, 2019, may continue to serve in their respective positions, as set forth in their existing contracts with the City, until the conclusion of their current terms, provided that such service shall be performed in accordance with this Ordinance. This language may no longer be needed since the language regarding three panels remains.

Section 5. Repeal. All ordinances or parts of ordinances in conflict herewith, if any, shall be and are hereby repealed only to the extent of such conflict.

~~Section 6. Penalty. Any person who violates, or any person who causes or allows another person to violate, any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each occurrence of any violation of this Ordinance shall constitute a separate offense. Each day in which any violation of this Ordinance occurs shall constitute a separate offense.~~ Section 7.6 Severability. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof, other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on first reading this ____ day of _____, 2020.

PASSED, APPROVED and ADOPTED on second and final reading this ____ day of _____, 2020.

Yolanda Ford, Mayor

ATTEST: _____ APPROVED AS TO FORM:

Maria Jackson, City Secretary _____ E. Joyce Iyamu, City Attorney

Yolanda Ford, Mayor

ATTEST: _____ APPROVED AS TO FORM:

Maria Jackson, City Secretary _____ E. Joyce Iyamu, City Attorney

Document comparison by Workshare 9.5 on Monday, July 27, 2020 5:19:17 PM

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Moved cell	
Split/Merged cell	
Padding cell	

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Deletions	45
Moved from	4
Moved to	4
Style change	0
Format changed	0

Total changes	105
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Robert V. Rosenberg
Attorney at Law
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Office: 713.880.9900 Fax: 713.869.8859
BobRoseTx@aol.com

July 26, 2020

Mayor Yolanda Ford,
City Manager Odis Jones, and
Missouri City Council
1522 Texas Parkway
Missouri City, Texas 77489

Re: Proposed City Ordinance

Dear Mayor Yolanda Ford, City Manager Odis Jones, and Councilmembers:

Thank you for providing me with the opportunity to voice my opinion on Council's proposed Ordinance changes. As a judge for the City, I am interested in having an Ordinance which is clear and fair to all parties.

I want to object to Section 6 labeled as "Penalty", referring to those failing to follow the Ordinance.

There are safeguards protecting the City and the public from unlawful, unethical and improper actions by a municipal court judge. The Supreme Court of Texas has enacted the Texas Code of Judicial Conduct. These rules (Canons) address the necessity of judges avoiding improprieties. The Canons address adjudicative responsibilities and require judges to preside in a patient, dignified and courteous manner. Judges must avoid bias and prejudice. The Code also requires judges to discharge their administrative duties in a prompt and diligent manner. The State Commission on Judicial Conduct oversees these rules and provides sanctions ranging from reprimand to removal when the standards are not met.

The Council already has an adequate remedy should a problem arise with Judges not following the Ordinance. The contract that judges have with the City states that, "in accordance with the city Charter, Municipal Court Judge may be replaced at any time, at the discretion of Council, by vote of the entire council."

Creating a misdemeanor crime for non-compliance of these rules will create confusion and a hesitation to act in situations where different interpretations may be applicable.

Thank you for this opportunity to address you.

Sincerely,



Judge Bob Rosenberg
Judge for the Missouri City, Texas



Presiding Judge Debra Sinclair
Judge for the Missouri City, Texas

ORDINANCE NO. O-20-__

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS,
AMENDING CHAPTER 62, MUNICIPAL COURT, OF THE MISSOURI
CITY CODE; AMENDING PROVISIONS PROVIDING FOR THE
CONDUCT AND OPERATIONS OF THE MUNICIPAL COURT;
PROVIDING DUTIES FOR THE PRESIDING JUDGE; PROVIDING FOR
REPEAL; AND PROVIDING FOR SEVERABILITY.**

* * * * *

WHEREAS, pursuant to Section 4.03 of the Charter of the City of Missouri City (the "Charter"), a municipal court for the trial of misdemeanor offenses must be established and maintained; and

WHEREAS, pursuant to the Charter, the municipal court may, by ordinance, be divided into two (2) or more panels or divisions, one of which shall be presided over by the presiding judge; and

WHEREAS, pursuant to Ordinance O-88-1, the City of Missouri City divided the municipal court into three (3) panels; and

WHEREAS, the City Council has found that providing specific duties for the presiding judge may result in more uniform judicial procedures; and

WHEREAS, the City Council of the City of Missouri City now deems it appropriate to provide additional direction regarding the operations of the municipal court; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The Missouri City Code is hereby amended by deleting Section 62-8 of Chapter 62 thereof, and substituting therefor, a new Section 62-8 to provide as follows:

"Chapter 62 - MUNICIPAL COURT

.

Sec. 62-8. - Conduct and operation of courts; transfer of cases; authority of judges and divisional director of municipal court; and duties of the presiding judge.

- (a) The divisional director of municipal court shall manage the system for the filing of complaints so that the case load is equally distributed among the panels. At the request of the presiding judge, the divisional director of municipal court shall transfer cases and dockets from one judge to another.

- (b) The presiding judge of the municipal court shall:
 - (1) Prescribe standing orders and provide notice of such orders to associate judges, if any, for the conduct and operation of the municipal court during the proceedings of the court;
 - (2) Transfer cases from one judge to another;
 - (3) Exchange benches with any judge;
 - (4) At the request of the divisional director, assist the divisional director with assigning judges to scheduled dockets;
 - (5) Except as provided by local law, review and set fines;
 - (6) Facilitate administrative matters that specifically relate to the conduct of the judges in the municipal court; and
 - (7) Take judicial notice of state law, ordinances and the corporate limits of the city.

- (c) Each judge of the municipal court shall:
 - (1) Exercise complete judicial authority over the judgments, orders and process of the judge's court, the trial of cases therein, and the conduct of persons attending thereon; and
 - (2) Enter on the docket of the municipal court, over which the municipal judge presides, appropriate notations of the disposition of each case."

Section 3. *Repeal.* All ordinances or parts of ordinances in conflict herewith, if any, shall be and are hereby repealed only to the extent of such conflict.

Section 4. *Severability.* In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof, other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on first reading this ____ day of _____, 2020.

PASSED, APPROVED and ADOPTED on second and final reading this ____ day of _____, 2020.

Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

E. Joyce Iyamu, City Attorney

ORDINANCE NO. O-20-__

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING CHAPTER 62, MUNICIPAL COURT, OF THE MISSOURI CITY CODE; ~~ELIMINATING CERTAIN PANELS OF THE MUNICIPAL COURT;~~ AMENDING ~~REGULATIONS~~PROVISIONS PROVIDING FOR THE CONDUCT AND OPERATIONS OF THE MUNICIPAL COURT; PROVIDING DUTIES FOR THE PRESIDING JUDGE; PROVIDING FOR REPEAL; ~~PROVIDING A PENALTY;~~ AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, pursuant to Section 4.03 of the Charter of the City of Missouri City (the "Charter"), a municipal court for the trial of misdemeanor offenses must be established and maintained; and

WHEREAS, pursuant to the Charter, the municipal court may, by ordinance, be divided into two (2) or more panels or divisions, one of which shall be presided over by the presiding judge; and

WHEREAS, pursuant to Ordinance O-88-1, the City of Missouri City divided the municipal court into three (3) panels; and

WHEREAS, the City Council has found that ~~eliminating two (2) panels of the municipal court~~providing specific duties for the presiding judge may result in more uniform judicial procedures; and

WHEREAS, the City Council of the City of Missouri City now deems it appropriate to ~~amend regulations~~provide additional direction regarding the operations of the municipal court; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. ~~The Missouri City Code is hereby amended by deleting Sections 62-1, 62-2, 62-3, and 62-4 of Chapter 62 thereof and substituting therefor new Sections 62-1, 62-2, 62-3, and 62-4 to provide as follows:~~

~~**"Chapter 62 -- MUNICIPAL COURT**~~

~~**Sec. 62-1. -- Division of court.**~~

~~Pursuant to Charter § 4.03, the municipal court shall consist of one panel.~~

~~Sec. 62-2. – General powers and duties.~~

~~The powers and duties of the panel of the municipal court shall be those defined and designated by the laws of the state and the Charter and ordinances of the city.~~

~~Sec. 62-3. – Jurisdiction.~~

~~The municipal court shall have and exercise jurisdiction within the city limits, and such jurisdiction shall be the same as is now or hereafter may be conferred upon all municipal courts by the general laws of this state.~~

~~Sec. 62-4. – Office of judge established.~~

~~There is hereby created the office of the judge of the municipal court. The council shall appoint a presiding judge to serve as the judge of the municipal court. One or more associate judges may be appointed to serve as the judge of the municipal court in the absence of the presiding judge.~~ Section 3. — The Missouri City Code is hereby amended by deleting Section 62-8 of Chapter 62 thereof, and substituting therefor, a new Section 62-8 to provide as follows:

“Chapter 62 - MUNICIPAL COURT

. . . .

Sec. 62-8. - Conduct and operation of courts; transfer of cases; authority of judges and divisional director of municipal court; and duties of the presiding judge.

- (a) The divisional director of municipal court shall ~~schedule dockets for cases filed within the city over which the municipal court has jurisdiction~~manage the system for the filing of complaints so that the case load is equally distributed among the panels. At the request of the presiding judge, the divisional director of municipal court ~~may~~shall transfer cases and dockets from one judge to another.
- (b) The presiding judge of the municipal court shall:
- (1) Prescribe ~~standard~~standing orders, ~~in consultation with~~ and provide notice of such orders to associate judges, if any, for the conduct and operation of the municipal court during the proceedings of the court;
 - (2) ~~Prescribe the conditions under which associate judges, if any, shall sit as judges in the municipal court;~~
 - ~~(3) Transfer cases from one judge to another;~~
 - ~~(4) Exchange benches with any judge;~~
 - (4) At the request of the divisional director, assist the divisional director with assigning judges to scheduled dockets;

- (5) ~~Enter on the docket of the municipal court, over which the municipal judge presides, appropriate notations of the disposition of each case; and~~ Except as provided by local law, review and set fines;
- (6) Facilitate administrative matters that specifically relate to the conduct of the judges in the municipal court; and
- (7) Take judicial notice of state law, ordinances and the corporate limits of the city.

- (c) ~~Any~~ Each judge of ~~any~~ the municipal court shall ~~exercise:~~
- (1) Exercise complete judicial authority over the judgments, orders and process of ~~his~~ the judge's court, the trial of cases therein, and the conduct of persons attending thereon; and
 - (2) Enter on the docket of the municipal court, over which the municipal judge presides, appropriate notations of the disposition of each case."

~~Section 4.— This Ordinance shall apply to the City of Missouri City municipal court and its judges upon the final adoption of this Ordinance. Pursuant to Section 4.03 of the Charter of the City of Missouri City, City of Missouri City judges appointed on or about March 20, 2019, may continue to serve in their respective positions, as set forth in their existing contracts with the City, until the conclusion of their current terms, provided that such service shall be performed in accordance with this Ordinance.~~
Section 5.3. Repeal. All ordinances or parts of ordinances in conflict herewith, if any, shall be and are hereby repealed only to the extent of such conflict.

~~Section 6. *Penalty.* Any person who violates, or any person who causes or allows another person to violate, any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each occurrence of any violation of this Ordinance shall constitute a separate offense. Each day in which any violation of this Ordinance occurs shall constitute a separate offense.~~
Section 7.4. Severability. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof, other

than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on first reading this ____ day of _____, 2020.

PASSED, APPROVED and ADOPTED on second and final reading this ____ day of _____, 2020.

Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

E. Joyce Iyamu, City Attorney

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