

**ORDINANCE NO. 2005-O-39**

**AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, PROVIDING FOR THE CREATION OF THE OFFICE OF PRESIDING JUDGE OF THE VILLAGE MUNICIPAL COURT; PROVIDING FOR THE CREATION OF THE OFFICE OF MUNICIPAL COURT CLERK; PROVIDING FOR THE APPOINTMENT, QUALIFICATIONS, TERMS AND DUTIES OF THESE VILLAGE OFFICIALS; PROVIDING FOR SEVERABILITY, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the Village of Volente desires to establish the offices of presiding Judge of the Village Municipal Court and the Municipal Court Clerk pursuant to provisions of the Texas Government Code and the Texas Local Government Code to promote the public health, safety, and general welfare of the citizens of the Village of Volente;

**WHEREAS**, the provisions of this ordinance are designed to achieve the purposes set forth in the Texas Local Government Code;

**WHEREAS**, the Village of Volente has complied with the notice and public hearing requirements of the Texas Local Government Code and the Texas Open Meetings Act;

**WHEREAS**, the Village of Volente desires to adopt the following ordinance creating the offices of presiding Judge of the Village Municipal Court and the Municipal Court Clerk;

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS, THAT:**

**Sec.24.401 Municipal Judge;**

- (1) The office of Presiding Judge of the Village Municipal Court is hereby created.
- (2) The Village Council shall appoint the presiding judge of the municipal court.

**Sec.24.402 Terms and Vacancies:** The presiding judge shall serve for a term of two years or until his/her successor is appointed. At the end of the term of office for which a municipal judge is appointed, the Village may appoint the person serving as municipal judge for another two-year term or the governing body of the Village may declare the office of municipal judge vacant. Any vacancy in the office of municipal judge by death, resignation, or otherwise shall be filled in the same manner as original appointments.

**Sec.24.403 Qualifications:** The municipal court judge shall meet all state legal requirements for a municipal court judge.

**Sec.24.404 Jurisdiction:** The jurisdiction of the municipal court judge shall be the jurisdiction established under the Texas Constitution and that the state has provided under state statutes.

**Sec.24.405 Compensation:** The Village Council shall set a salary, if any, for the municipal court judge.

**Sec.24.406 Removal of Office:** The Village Council may not remove a municipal judge from office during the term for which he or she was appointed, except for cause under the same rules that judges of the county courts may be removed from office.

**Sec.24.407 Duties of Presiding Judge:** The presiding judge shall:

- (1) Maintain a central docket of all cases filed in the geographic limits of the Village over which the municipal court of the Village has jurisdiction;
- (2) Distribute cases to associate judges, if necessary;
- (3) Temporarily assign associate judges, when necessary;
- (4) Cause all dockets, books, papers, and other records of the municipal court to be permanently kept, and permit the records to be available for inspection at all reasonable times to any interested persons;
- (5) Maintain as part of the court records, an index to the municipal court judgments, such as county clerks are required by law to prepare for criminal cases arising in county courts;
- (6) Provide for the preservation of the court's records on microfilm, when necessary; and
- (7) Supervise the operations, clerical functions, administration of the municipal court, and all clerical personnel in the administrative department of the municipal court.

**Sec.24.408 Office of Court Clerk Created: Appointment:**

- (1) The office of Municipal Court Clerk is created.
- (2) The Village Council shall appoint the Court Clerk of the municipal court.

**Sec.24.409 Duties of Court Clerk:**

- (1) The Municipal Court Clerk shall have and exercise the authority, jurisdiction, and power conferred by law upon municipal court clerks as described in the Texas Government Code 29.010 as amended.
- (2) The Municipal Court Clerk is authorized to appoint deputy court clerks, as necessary, for the proper discharge of his or her duties. Deputy clerks shall act as official clerks of

the municipal court and shall perform all acts incident to the office.

**Sec.24.410 Construction:** The terms and provisions of this article shall not be construed in a manner to conflict with *The Texas Local Government Code*, and if any term or provision of this article shall appear to conflict with any term, provision or condition of the Texas Local Government Code, such article term or provision shall be read, interpreted and construed in a manner consistent with and not in conflict with such Code, and, if possible, in a manner to give effect to both. The standard and accepted rules of statutory construction shall govern in construing the terms and provisions of this article.

**Sec.24.411 Amendment and Repeal:** All ordinances or parts thereof conflicting or inconsistent with the provisions of this article as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this article and any other code or ordinance of the village, the terms and provisions of this article shall govern.

**Sec.24.412 Severability:** If any provision of this article or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

**Sec.24.413 Effective Date:** This article shall take effect immediately from and after its adoption by the Village Council.


**Sec.24.414 Open Meetings:** It is hereby officially found and determined that the meeting at which the enacting ordinance of this article 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, *Chapter 551 of the Texas Government Code*.

PASSED AND APPROVED on the 15<sup>th</sup> day of February, 2005.



JAN YENAWINE, MAYOR OF THE VILLAGE OF  
VOLENTE

ATTEST:



JENNIFER ZUFELT, CITY SECRETARY