

ORDINANCE NO. 23-042

AN ORDINANCE ESTABLISHING THE MUNICIPAL COURT AS A DEPARTMENT OF THE CITY AND ESTABLISHING THE SUPERVISORY AUTHORITY AND RESPONSIBILITIES OF THE PRESIDING MUNICIPAL JUDGE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the City Council may establish administrative departments and distribute the work of divisions; and

WHEREAS, the City Council wishes to establish the Municipal Court as a Department of the City and establish the Presiding Municipal Judge as the department head of the Municipal Court;

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

SECTION 1: That the Presiding Municipal Judge shall be the department head of the Municipal Court.

SECTION II. That the Presiding Municipal Judge shall supervise and control the operation and clerical functions of the administrative department of the municipal court, including the court's personnel subject to the City Manager. The Presiding Municipal Judge shall have the authority to remove court personnel according to the rules set forth in the City's employee personnel policies.

SECTION III. That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair

the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

SECTION IV. That the Code of Ordinances of the City of Killeen, Texas, as amended, and all other ordinances passed by the City of Killeen shall remain in full force and effect, save and except as amended by this ordinance.

SECTION V. That this ordinance shall be effective immediately after its passage and approval.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 9th day of May 2023, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

APPROVED


DEBBIE NASH-KING, MAYOR

ATTEST:


Laura J. Calcote, CITY SECRETARY

APPROVED AS TO FORM:


Holli C. Clements, CITY ATTORNEY



CITY COUNCIL MEMORANDUM FOR ORDINANCE

DATE: May 9, 2023
TO: Kent Cagle, City Manager
FROM: Holli Clements, City Attorney
SUBJECT: Establish the Municipal Court as a Department and establish the Presiding Municipal Judge as Department Head

BACKGROUND AND FINDINGS:

In 2002, the City of Killeen established the Municipal Court as a Court of Record. Since then, the City has reorganized several times and the Municipal Court of Record is currently a division of the Finance Department.

During the recent evaluation of the Municipal Judge, supervisory authority and responsibilities of the Municipal Judge were discussed. The Presiding Municipal Court Judge requests that the Municipal Court be established as a department and the Municipal Judge be established as the department head of the Municipal Court.

THE ALTERNATIVES CONSIDERED:

The alternatives are:

1. Approve the ordinance establishing the Municipal Court as a Department of the City and establishing the Presiding Municipal Judge as Department Head;
2. Do not approve the ordinance establishing the Municipal Court as a Department of the City and establishing the Presiding Municipal Judge as Department Head.

Which alternative is recommended? Why?

Based on Council discussion, it is recommended that City Council approve the ordinance establishing the Municipal Court as a Department of the City and establishing the Presiding Municipal Judge as Department Head.

CONFORMITY TO CITY POLICY:

This action conforms to City policy.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

N/A

Is this a one-time or recurring expenditure?

N/A

Is this expenditure budgeted?

N/A

If not, where will the money come from?

N/A

Is there a sufficient amount in the budgeted line-item for this expenditure?

N/A

RECOMMENDATION:

Based on Council discussion, it is recommended that City Council approve the ordinance establishing the Municipal Court as a Department of the City and establishing the Presiding Municipal Judge as Department Head.

DEPARTMENTAL CLEARANCES:

Legal
City Manager

ATTACHED SUPPORTING DOCUMENTS:

Ordinance