

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF NEW BERLIN, TEXAS; ESTABLISHING THE CITY OF NEW BERLIN MUNICIPAL COURT; PROVIDING FOR AN OFFICIAL COURT SEAL; PROVIDING FOR THE APPOINTMENT, TERM, QUALIFICATIONS, DUTIES, COMPENSATION AND REMOVAL OF A MUNICIPAL COURT JUDGE, A MUNICIPAL COURT CLERK, AND A MUNICIPAL COURT PROSECUTOR; THE ORGANIZATIONAL STRUCTURE OF THE MUNICIPAL COURT; AND PROVIDING FOR: REPEAL OF CONFLICTS, SEVERABILITY, A SAVINGS CLAUSE, MEETING OPEN TO THE PUBLIC AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of New Berlin, Texas is a Type A general law City incorporated and functioning as such under the provisions of Chapter 11, Title 28, Revised Civil Statutes of Texas, 1925, as amended; and

**WHEREAS**, Chapter 29 of the Texas Government Code provides for the creation, jurisdiction and operation of a municipal court; and

**WHEREAS**, the City Council of New Berlin, Texas finds that the creation of a Municipal Court is necessary to protect the public health, safety, and welfare of the City; and

**WHEREAS**, the City Council of New Berlin, Texas finds that the creation of a Municipal Court is necessary for the proper conduct of the business of the City and therefore is in the best interest of the City; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BERLIN, TEXAS:**

**SECTION 1. SHORT TITLE.**

This Ordinance shall be known as the Municipal Court Ordinance.

**SECTION 2. CREATION OF MUNICIPAL COURT.**

In order to protect the public health, safety, and welfare of the City of New Berlin, Texas, the Municipal Court of the City of New Berlin Texas ("Municipal Court") is hereby created under Chapter 29 of the Texas Government Code.

**SECTION 3. JURISDICTION OF MUNICIPAL COURT.**

The Municipal Court shall have the original and concurrent jurisdiction as defined by Chapter 29 of the Texas Government Code.

**SECTION 4. MUNICIPAL COURT SEAL.**

The Official Seal of the of the Municipal Court is hereby adopted as presented and attached hereto as attachment "A" and incorporated for all purposes to this Ordinance.

**SECTION 5. MUNICIPAL COURT JUDGE.**

**A. Appointment**

The City Council of New Berlin, Texas shall appoint the Municipal Court Judge by Ordinance as an officer of the municipality pursuant to the laws of the State of Texas and in particularly Chapter 22 of the Texas Local Government Code and Chapter 29 of the Texas Government Code. Each subsequent appointment or re-appointment of a Municipal Court Judge shall be by Ordinance.

**B. Term**

The term of each appointed or re-appointed individual serving as the Municipal Court Judge shall be for no more than two (2) consecutive years. In the event of a vacancy, the City Council may appoint another individual only for the remainder of the unexpired term.

**C. Qualifications**

A person must meet the following minimum standards to qualify for appointment by the City Council to serve as the Municipal Court Judge:

1. Licensed attorney in active and good standing with the State Bar of Texas and two (2) years of licensed legal experience; OR
2. Nine (9) years of professional experience with knowledge of Texas law and have successfully completed a 32-hour judicial training course which meets the minimum requirements established in the Rules of Judicial Education as adopted by the Court of Criminal Appeals, pursuant to Texas Government Code Chapter 56.

**D. Continued Training**

Each appointed Municipal Court Judge shall annually complete a 12-hour judicial training course which meets the minimum requirements established in the Rules of Judicial Education as adopted by the Court of Criminal Appeals, pursuant to Texas Government Code Chapter 56.

**E. Duties**

The person appointed as the Municipal Court Judge shall faithfully perform the powers and duties as specifically prescribed by the laws of the State of Texas, the Texas Code of Judicial Conduct and the following essential duties as hereby prescribed:

1. Coordinate with all other Municipal Court staff to develop and maintain policies and procedures to ensure the efficient operations of the Municipal Court;
2. Supervise and coordinate the preparation of an annual Municipal Court budget and direct the implementation of said budget; and
3. Performance of such other duties as prescribed in the Ordinance appointing the individual and those such other duties as delegated by the City Mayor that are not inconsistent with the duties as prescribed by State Law or the Texas Code of Judicial Conduct.

**F. Temporary Judge(s)**

In the absence of the Municipal Court Judge the City Council may appoint one or more temporary associate judge(s) by Ordinance to serve only in the absence of the appointed Municipal Court Judge. Each temporary associate judge must meet the qualifications stated herein this Ordinance and shall perform the duties as stated herein during the absence of the Municipal Court Judge.

**G. Compensation**

The compensation of each Municipal Court Judge and temporary associate judge shall be determined by the City Council and set in the Ordinance appointing each individual.

**H. Removal**

A Municipal Court Judge may be removed from office as provided by Section 22.077 of the Texas Local Government Code for incompetency, corruption, misconduct, malfeasance in office, or if the governing body lacks confidence in the Municipal Court Judge.

**SECTION 6. MUNICIPAL COURT CLERK.**

**A. Appointment**

The City Council of New Berlin, Texas shall appoint the Municipal Court Clerk by Ordinance as an officer of the municipality pursuant to the laws of the State of Texas and in particularly Chapter 22 of the Texas Local Government Code and Chapter 29 of the Texas Government Code. Each subsequent appointment or re-appointment of a Municipal Court Clerk shall be by Ordinance.

**B. Term**

The term of each appointed or re-appointed individual serving as the Municipal Court Clerk shall be for no more than two (2) consecutive years. In the event of a vacancy, the City Council may appoint another individual only for the remainder of the unexpired term.

**C. Qualifications**

A person must meet the following minimum standards to qualify for appointment by the City Council to serve as the Municipal Court Clerk:

1. Texas Municipal Court Clerk Certification and one (1) year professional experience as a court clerk; OR
2. Five (5) years of professional experience as a Court Clerk.

**D. Continued Training**

Each appointed Municipal Court Clerk shall annually complete a minimum of eight (8) hours of continued court clerk training.

**E. Duties**

The person appointed as the Municipal Court Clerk shall faithfully perform the powers and duties as specifically prescribed by the laws of the State of Texas, and the following essential duties as hereby prescribed:

1. Coordinate with all other Municipal Court staff to develop and maintain policies and procedures to ensure the efficient operations of the Municipal Court;
2. Coordinate with the Municipal Court Judge for the preparation of an annual Municipal Court budget; and
3. Performance of such other duties as prescribed in the Ordinance appointing the individual and those such other duties as delegated by the City Mayor that are not inconsistent with the duties as prescribed by State Law.

**F. Support Staff**

The City Council may from time to time authorize additional support staff for the Municipal Court Clerk's office provided the City Council determines there is a need for such support staff and amends the Municipal Court budget to account for the additional expense of personnel.

**G. Compensation**

The compensation of each Municipal Court Clerk shall be determined by the City Council and set in the Ordinance appointing each individual.

**H. Removal**

A Municipal Court Clerk may be removed from office as provided by Section 22.077 of the Texas Local Government Code for incompetency, corruption, misconduct, malfeasance in office, or if the governing body lacks confidence in the Municipal Court Clerk.

**SECTION 7. MUNICIPAL COURT PROSECUTOR.**

**A. Appointment**

The City Council of New Berlin, Texas shall appoint the Municipal Court Prosecutor by Ordinance as a Deputy City Attorney for the municipality pursuant to the laws of the State of Texas and in particularly Article 45.201 of the Texas Code of Criminal Procedure and Chapter 22 of the Texas Local Government Code. Each subsequent appointment or re-appointment of a Municipal Court Prosecutor shall be by Ordinance.

**B. Term**

The term of each appointed or re-appointed individual serving as the Municipal Court Prosecutor shall be determined by the city Council and set in the Ordinance appointing the individual.

**C. Qualifications**

To qualify for appointment by the City Council to serve as the Municipal Court Prosecutor a person must be a licensed attorney in active and good standing with the State Bar of Texas.

**D. Continued Training**

Each appointed Municipal Court Prosecutor shall annually complete the minimum continued legal education as determined by the State Bar of Texas.

**E. Duties**

The person appointed as the Municipal Court Prosecutor shall faithfully perform the powers and duties as specifically prescribed by the laws of the State of Texas, the State Bar of Texas and the following essential duties as hereby prescribed:

1. Coordinate with all other Municipal Court staff to develop and maintain policies and procedures to ensure the efficient operations of the Municipal Court;
2. Coordinate with the Municipal Judge for the preparation of an annual Municipal Court budget and direct the implementation of said budget; and
3. Performance of such other duties as prescribed in the Ordinance appointing the individual and those such other duties as delegated by the City Mayor that are not inconsistent with the duties as prescribed by State Law or the State Bar of Texas.

**F. Compensation**

The compensation of each Municipal Court Prosecutor by the City Council and set in the Ordinance appointing each individual.

**G. Removal**

A Municipal Court Prosecutor may be removed from office as provided by Section 22.077 of the Texas Local Government Code for incompetency, corruption, misconduct, malfeasance in office, or if the governing body lacks confidence in the Municipal Court Prosecutor.

**SECTION 8. CONFLICT.**

All Ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 9. SEVERABILITY.**

If any section, subsection, paragraph, clause, phrase, or provision of this ordinance or the application of any section, subsection, paragraph, clause, phrase, or provision to any person or circumstance is adjudged to be invalid, the invalidity shall not affect other section, subsection, paragraph, clause, phrase, or provision or applications thereof which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 10. SAVINGS CLAUSE.**

This Ordinance shall remain in full force and effect, save and except as amended or repealed.

**SECTION 11. MEETING OPEN TO PUBLIC.**

It is hereby found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that the public notice of the time, place, and purpose of said meeting was given as required.

**SECTION 12. EFFECTIVE DATE.**

This Ordinance shall be effective upon passage and approval.

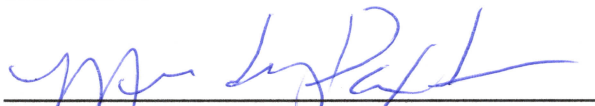
PASSED, APPROVED and ADOPTED ON the 21 day of November 2022.

Ayes 5 Nays 0 Abstain 0



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Walter C. Williams Jr, Mayor

ATTEST:



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Mindy Paxton, City Secretary

