

**CITY OF SANDY OAKS, TEXAS**

**ORDINANCE NO. 2018-120**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS PROVIDING FOR THE APPOINTMENT OF THE MUNICIPAL JUDGE, PROVIDING FOR A TERM, COMPENSATION, QUALIFICATIONS, AND DUTIES, PROVIDING FOR PROCEDURES FOR A TEMPORARY REPLACEMENT AND FILLING A VACANCY, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Sandy Oaks, Texas (the "City") is a Type A General Law Municipality incorporated and organized under the laws of the State of Texas; and

**WHEREAS**, Chapter 29 of the Government Code provides for the creation of a municipal court in each municipality with the mayor as ex officio judge of the municipal court unless the municipality by ordinance authorizes the election of the judge or provides for the appointment and qualifications of the judge;

**WHEREAS**, the City Council for the City desires to provide for the appointment and qualifications of a municipal judge as provided by Chapter 29 of the Government Code; and

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS:**

**SECTION 1. FINDINGS.** The City Council finds the statements made in the preamble above are true and correct.

**SECTION 2. APPOINTMENT OF MUNICIPAL JUDGE.** The City Council hereby provides for the appointment of the Municipal Judge. The Municipal Judge shall be appointed by the Mayor, subject to approval of City Council.

**SECTION 3. TERM OF MUNICIPAL JUDGE.** The judge of a municipal court serves for a term of two years which shall run concurrently with the office of the Mayor, except that the first appointed judge of the City serves until the expiration of the Mayor's term. A Municipal Judge who is not reappointed by the 91st day following the expiration of his or her term, absent action by the City Council, shall continue to serve for another term beginning on the date the previous term expired.

**SECTION 4. COMPENSATION OF MUNICIPAL JUDGE.** The compensation of the Municipal Judge shall be determined by the City Council and may not be diminished during the Judge's term. Compensation may not be based directly or indirectly on fines, fees, or costs collected by the Court.

**SECTION 5. QUALIFICATIONS.** The Municipal Judge must be a citizen of the United States, a resident of the State of Texas, at least 18 years of age, a licensed attorney in good standing and at least 2 years' experience in the practice of law in the State of Texas and shall not have been convicted of a felony or a crime involving moral turpitude.

**SECTION 6. GENERAL DUTIES OF THE MUNICIPAL JUDGE.** The Judge of the Municipal Court shall perform the duties as prescribed by the laws of the State. The Judge shall be responsible for setting the time for the trial of cases.

**SECTION 7. TEMPORARY REPLACEMENT OF MUNICIPAL JUDGE.** If the Municipal Judge is temporarily unable to act, the Mayor may appoint one or more persons meeting the qualifications as provided by Section 5 to sit for the Municipal Judge, subject to the approval of City Council. The Temporary Appointee has all powers and duties of the Municipal Judge and is entitled to compensation as set by the City Council. The Mayor, at all times, shall act as the Temporary Judge in the absence of any appointment of a Temporary Judge as provided by this Section.

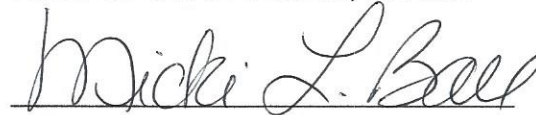
**SECTION 8. FILLING VACANCY IN POSITION OF MUNICIPAL JUDGE.** If a vacancy exists in the position of Municipal Judge, the Mayor shall fill the vacancy by appointment, subject to City Council approval, for the remainder of the unexpired term. The Mayor, at all times, shall act as Judge in the absence of any appointment to fill the vacancy as provided by this Section.

**SECTION 9. SEVERABILITY.** If any section, paragraph, sentence, clause, phrase or word of this Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such portions remaining despite invalidity or unconstitutionality.

**SECTION 10. EFFECTIVE DATE.** This Ordinance shall be effective immediately upon its passage.

**PASSED AND APPROVED THIS 13<sup>TH</sup> DAY OF DECEMBER 2018.**

**CITY OF SANDY OAKS, TEXAS**

  
Micki L. Ball, Mayor

**ATTEST:**

  
Katherine Yelton, City Clerk