

Maya Sanchez
Mayor
Leticia Miranda
Alderson Place 1
David Cantu
Alderson Place 2



Miguel Najera Jr.
Alderson Place 3
Rebecca Martinez-Juarez
Alderson Place 4
George Almanzar
Alderson Place 5

ORDINANCE NO. 1606.03B

AN ORDINANCE RELATED TO THE MUNICIPAL COURT OF THE CITY OF SAN ELIZARIO PROVIDING FOR THE CREATION OF THE OFFICE OF MUNICIPAL COURT JUDGE AND THE POSITION OF MUNICIPAL COURT CLERK; APPOINTMENT OF MUNICIPAL COURT JUDGE AND COURT CLERK; REPEALER; SAVINGS CLAUSE; AND EFFECTIVE DATE.

- WHEREAS, the City of San Elizario (“City”) is a Type A general-law municipality; and
- WHEREAS, Chapter 29 of the Texas Government Code governs the creation, organization, and jurisdiction of municipal courts in general-law municipalities; and
- WHEREAS, Section 29.002, Texas Government Code, created a municipal court in each municipality in the State of Texas, including the City; and
- WHEREAS, Section 29.004(b), Texas Government Code, provides that the mayor of a general-law municipality serves as the *ex officio* judge of the municipal court unless the municipality by ordinance provides for the appointment of the judge of the municipal court; and
- WHEREAS, the Mayor of the City has been serving as the *ex officio* judge of the municipal court pursuant to statutory authority; and
- WHEREAS, the City Council of the City desires to create the office of the municipal judge and the position of municipal court clerk to provide for the appointment and qualifications of the judge and court clerk of the municipal court pursuant to Section 29.004(b), Texas Government Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of San Elizario:

SECTION 1. FINDINGS OF FACT

The foregoing recitals are adopted as facts and incorporated fully herein.

SECTION 2. CREATION OF OFFICE

There is hereby created the Office of Municipal Judge of the Municipal Court of the City of San Elizario which shall have all the powers and authority as granted by state law and the

ordinances of this City, and shall perform the duties as required by state law and the ordinances of this City.

SECTION 3. APPOINTMENT OF JUDGE

- A. The City Council shall appoint the Judge of the Municipal Court of the City.
- B. The Municipal Judge shall be appointed for a term of two (2) years and such term shall coincide with the term of the current mayor of the City.
- C. If the regular Municipal Judge is temporarily unable to act, the City Council may appoint any other qualified person to serve temporarily as the Municipal Judge.
- D. If a vacancy exists in the office of Municipal Judge, the City Council shall by appointment fill the vacancy for the remainder of the unexpired term of office.
- E. The Mayor of the City ceases to be the *ex officio* municipal court judge on the date of appointment of the municipal judge.
- F. The City Council hereby ratifies the appointment of Mario Gonzalez as Municipal Judge of the Municipal Court of the City of San Elizario to be effective as of the date of appointment.

SECTION 4. CREATION OF MUNICIPAL COURT CLERK POSITION AND APPOINTMENT OF CLERK

- A. The position of Municipal Court Clerk is hereby created, and shall receive such compensation as may be fixed by the City Council.
- B. The Municipal Court Clerk shall be appointed to the position by the City Council and shall be subject to removal at any time by the City Council.
- C. The Clerk of the Municipal Court shall keep minutes of the proceedings of the Municipal Court, issue all process, and generally perform the duties for the Municipal Court as required by law.
- D. The City Council hereby ratifies the appointment of Monica Leon as Municipal Court Clerk of the Municipal Court of the City of San Elizario to be effective as of the date of appointment.

SECTION 4. REPEALER AND SEVERABILITY

REPEALER: All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SEVERABILITY: Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or

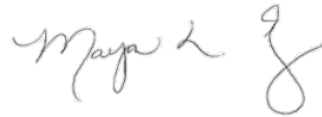
administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

SECTION 4. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage.

PASSED AND APPROVED this, the 28th day of June, 2016, by a vote of 4 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of San Elizario, Texas.

CITY OF SAN ELIZARIO, TEXAS

A handwritten signature in cursive script, appearing to read 'Maya Sanchez', written in black ink.

Maya Sanchez, Mayor