

**Antonio Araujo**  
Mayor  
  
**Leticia Miranda**  
Aldersperson Place 1  
  
**David Cantu**  
Aldersperson Place 2



**Miguel Najera Jr.**  
Aldersperson Place 3  
  
**Maria Covernali**  
Aldersperson Place 4  
  
**George Almanzar**  
Aldersperson Place 5

**ORDINANCE NO. 1812.03**

**AN ORDINANCE OF THE CITY OF SAN ELIZARIO, TEXAS PROVIDING FOR A MUNICIPAL COURT BUILDING SECURITY FUND; PROVIDING FOR ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT BUILDING SECURITY FEE; PROVIDING FOR A MUNICIPAL COURT TECHNOLOGY FUND; PROVIDING FOR ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT TECHNOLOGY FUND FEE; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, ADOPTION, ENACTMENT, REPEALER, SEVERABILITY, AND EFFECTIVE DATE.**

**RECITALS**

**WHEREAS,** Article 102.0 of the Code of Criminal Procedure provides for the establishment of a Municipal Court Building Security Fund; and

**WHEREAS,** Article 102.0172 of the Code of Criminal Procedure provides for the establishment of a Municipal Court Technology Fund;

**WHEREAS,** The City Council of the City of San Elizario finds that establishing a municipal court building security fee and a municipal court technology fund fee is a fair and appropriate way to acquire funding for these important purposes, as is authorized by state law.

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

**ORDINANCE I. FINDINGS OF FACT**

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

**ORDINANCE II. ADOPTION AND ENACTMENT**

The City Council hereby adopts and enacts the Ordinance, the "Building Security Fund and Technology Fund Ordinance" attached hereto as "Attachment A" and incorporated fully herein this Ordinance for all intents and purposes.

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All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

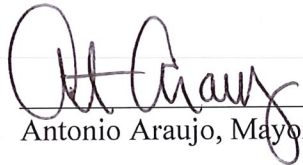
SEVERABILITY: Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not construed to affect any other valid portion of this Ordinance.

**ORDINANCE IV. EFFECTIVE DATE**

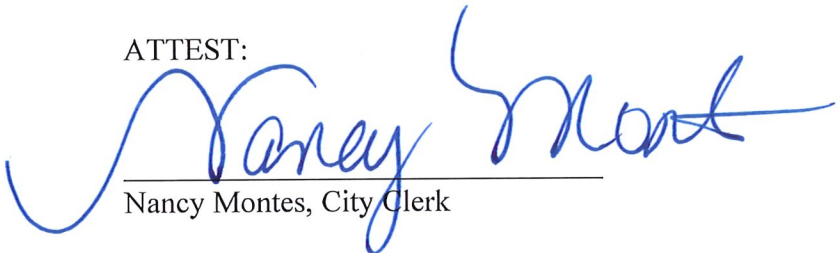
This Ordinance shall be effective immediately upon passage.

**PASSED AND APPROVED** this, the 14 day of August, 2018, 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

  
Antonio Araujo, Mayor

ATTEST:

  
Nancy Montes, City Clerk

## **Attachment A**

### **SAN ELIZARIO MUNICIPAL COURT BUILDING SECURITY FUND AND TECHNOLOGY FUND ORDINANCE**

#### **A. Municipal Court Building Security Fund.**

1. There is hereby created and established a Municipal Court Building Security Fund (the “Building Security Fund”) pursuant to Article 102.017 of the Code of Criminal Procedure.
2. The Municipal Court of the City of San Elizario, Texas is hereby authorized and required to assess a Municipal Court Building Security Fee (the “Building Security Fee”) in the amount of \$3.00 against all Defendants convicted of a misdemeanor offense by the Municipal Court. Each misdemeanor conviction shall be subject to a separate assessment of the Building Security Fee.
3. A person is considered to have been convicted in a case if:
  - (a) a sentence is imposed on the person;
  - (b) the person receives community supervision, including deferred adjudication; or
  - (c) the Court defers final disposition of the person's case.
4. The Building Security Fee shall be collected on convictions for offenses committed on or after this ordinance is adopted.
5. The Building Security Fee is to be collected by the clerk of the court and remitted to the municipal treasurer for deposit in a fund to be established and known as the municipal court building security fund. Money in the fund may be used only to finance those items as specified in V.T.C.A., Code of Criminal Procedure, Article 102.017 when used for the purpose of providing security services for buildings housing a municipal court.
6. The Building Security Fund will be administered by or under the direction of the governing body of the city.

#### **B. Municipal Court Technology Fund.**

1. There is hereby created and established a Municipal Court Technology Fund (the “Technology Fund”) pursuant to Article 102.0172 of the Code of Criminal Procedure.
2. The Municipal Court of the City of San Elizario, Texas is hereby authorized and required to assess a Municipal Court Technology Fee (the “Technology Fee”) in the amount of \$3.00 against all Defendants convicted of a misdemeanor offense by the Municipal Court. Each misdemeanor conviction shall be subject to a separate assessment of the Technology Fund Fee.
3. A person is considered to have been convicted in a case if:
  - (a) a sentence is imposed on the person;



- (b) the person receives community supervision, including deferred adjudication; or
- (c) the Court defers final disposition of the person's case.

4. The Technology Fee shall be collected on convictions for offenses committed on or after this ordinance is adopted.
5. The Technology Fee is to be collected by the clerk of the court and remitted to the municipal treasurer for deposit in a fund to be established and known as the municipal court building security fund. Money in the fund may be used only to finance those items as specified in V.T.C.A., Code of Criminal Procedure, Article 102.0172 when used for the purpose of providing security services for buildings housing a municipal court.
6. The Technology Fund will be administered by or under the direction of the governing body of the city.

