

Chapter 16

MUNICIPAL COURTS

ARTICLE I. IN GENERAL

Sec. 16-1. Municipal courts ~~judicial department~~ created; director.

(a) There is hereby created the municipal courts ~~judicial department~~ of the city, which shall consist of the municipal judges and their staff.

(b) ~~The~~ There is hereby created the office of presiding judge of the municipal courts, who shall be appointed and designated by the mayor and city council from among the municipal courts judges.

(c) The presiding judge shall be the director of the municipal courts ~~judicial department~~ and shall perform the duties of that office as provided by law and as assigned by the mayor and city council.

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Sec. 16-9. - Juvenile case manager fund.

(a) As authorized by section (b) of article 102.0174 of the Texas Code of Criminal Procedure, there is hereby created a juvenile case manager fund ("fund"), which shall be administered under the direction of city council and may only be used to finance the salary and benefits of a juvenile case manager employed under Article 45.056 of the Texas Code of Criminal Procedure.

(b) Each defendant convicted of a fine-only misdemeanor offense shall be assessed a juvenile case manager fee of \$3.00 as a cost of court, which shall be collected by the chief clerk of the court or his designee and paid to the city controller for deposit into the fund. A person is considered "convicted" for purposes of this section under any of the circumstances provided in article 102.0174(e) of the Texas Code of Criminal Procedure.

(c) The juvenile case manager fee may be waived upon a showing of financial hardship under the procedures established by the municipal courts department ~~Municipal Court Judicial Department~~.

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Sec. 16-11. Municipal court security officers.

(a) There is hereby created the classification of municipal court security officer within the civil service system established under article Va of the City Charter. ~~Municipal court security officers shall be employees of the municipal courts administration department.~~

(b) Municipal court security officers shall perform duties relating to the orderly and efficient administration of the municipal courts consistent with the directives of the presiding judge ~~and other duties as determined by the director of the municipal courts administration department.~~

(c) Municipal court security officers shall not be peace officers, nor shall they be regarded as police officers or as municipal courts marshals. Furthermore, they shall not be entitled to classification under chapter 143 of the Texas Local Government Code or any of the other benefits that are specially afforded to peace officers, police officers and city marshals under state laws and city ordinances.

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ARTICLE II. CLERK

Sec. 16-21. Position Department created; appointment, term and duties director.

(a) There is hereby created the position of municipal courts administration department of the city, ~~which shall consist of the chief clerk of the municipal courts and his staff.~~

~~—(b) There is hereby created the position of chief clerk of the municipal courts, who shall be appointed by the presiding judge. The chief clerk of the municipal courts shall serve at the pleasure of the presiding judge. The chief clerk of the municipal courts shall be the director of the municipal courts administration department.~~

(b) The ~~chief~~ clerk of the municipal courts shall be the official clerk for each of the municipal courts created in this chapter and shall discharge all of the duties attendant upon that position as prescribed by this chapter and the laws of the state and the charter and ordinances of this city; provided, however, that all of the duties shall be carried out under the direction and supervision of ~~in cooperation and consultation with the presiding judge~~, and further provided that each respective municipal judge shall have control over the deputy clerk clerks serving his or her court ~~for purposes relating to the operation of the court.~~

(c) The duties of the ~~chief~~ clerk of the municipal courts shall be, in part, to administer oaths and affidavits, make certificates, affix the seal of the courts thereto, keep minutes of the proceedings of the courts, issue all processes and to do generally and perform all things and acts usually or necessarily performed by clerks of courts in

connection with the business thereof. He shall do and perform any additional duties as may be required of him by the city council.

(d) The chief clerk of the municipal courts also shall, under the direction and supervision of ~~in cooperation and consultation with~~ the presiding judge of the municipal courts, perform the following duties:

- (1) Maintain a central docket for all cases filed in the municipal courts.
- (2) Keep for the period required by law permanently all dockets, books, papers, and other records of the municipal courts and to make the records available for inspection at all reasonable times by any interested party.
- (3) Maintain as part of the records of the municipal courts an index of municipal courts judgments.
- (4) Where necessary for the proper functioning of the municipal courts, provide for the preservation by microfilm of the records of the courts.

(e) The duties of the chief clerk of the municipal courts shall include other duties as are prescribed by applicable law.

Sec. 16-22. Oath.

The chief clerk of the municipal courts shall be required to take an oath to faithfully perform the duties of the office.

Sec. 16-23. Reports.

The chief clerk of the municipal courts shall make a daily report of all cases brought before the municipal courts, tried and dismissed, showing the number of each case, the name of the defendant, the nature of the offense and the reasons for the dismissal or acquittal.

Sec. 16-24. Deputy clerks.

(a) In cooperation with the presiding judge, the chief clerk, within the number of authorized deputy clerks established by the city council, shall employ a sufficient number of deputy clerks to ensure the proper operation of the respective municipal courts. The deputies shall assist the chief clerk in performing his duties hereunder.

(b) Each deputy clerk of the municipal courts shall act for and on behalf of the chief clerk of the municipal courts in the discharge of the duties of that office and shall perform any other duties as may be assigned by the chief clerk, with the advice and consent of the presiding judge and in cooperation with the judge in whose court any

particular deputy clerk may be assigned. The deputy clerks shall take the oath of office and give the bond as may be required by law.

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ARTICLE III. PRACTICE AND PROCEDURE

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Sec. 16-46. Docket.

The chief-clerk of the municipal courts, under the direction of the presiding judge, shall keep a docket in which he shall enter the proceedings in each trial, which docket shall show:

- (1) The style of the action.
- (2) The nature of the offense charged.
- (3) The date the warrant was issued and the return made thereon.
- (4) All pleas, written motions and orders of the court.
- (5) The jury charge and verdict, if the trial is by jury.
- (6) The judgment of the court.
- (7) Motion for new trial, if any, and the decision thereon.
- (8) If an appeal was taken.
- (9) The time when, and the manner in which the judgment was enforced.

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Sec. 16-50. Fines to be paid to clerk or officer.

All fines assessed by the municipal courts shall be paid to the chief-clerk of the municipal courts or some officer designated by the presiding judge to receive the same. No person is to be imprisoned for nonpayment of a fine except as set out in section 16-51 of this Code.

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Sec. 16-52. Remittance of fine and court costs.

In all cases mentioned in section 16-51 of this Code, or in any other case resulting in a judgment from a municipal court, where it appears from the facts and circumstances surrounding the particular case that justice has not been served, or that an unjust or excessive fine has been imposed in the case, or for other just cause, the presiding judge of the municipal courts shall have the authority to remit all or any part of the fines and costs of the court associated with any ~~the~~ judgment. The action of the presiding judge, on a proper form, shall be transmitted to the ~~chief~~ clerk of the municipal courts to be entered upon the municipal courts docket by the ~~chief~~ clerk and to the controller who shall authorize a refund of so much of the fine and costs as the presiding judge, in his sole discretion, in each particular case, shall so designate.

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Sec. 16-55. Rules of practice and procedure.

The presiding judge may recommend to the city council the adoption of ordinances establishing rules and regulations concerning the practice and procedure in the municipal courts. The rules and regulations and amendments thereto, if any, shall not constitute a part of this Code. Copies thereof shall be maintained for public inspection and copying in the city secretary's office and the ~~office of the chief clerk of the~~ municipal courts. With the consent of the presiding judge, the ~~chief~~ clerk of the municipal courts may cause copies thereof to be published and make the same available at a cost that is equivalent to the cost of publication, provided that no fee shall be imposed for the first copy supplied to any indigent defendant who makes an affidavit that he is unable to pay the cost thereof.

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ARTICLE IV. ADJUDICATION OF PARKING CITATIONS

Sec. 16-61. Jurisdiction.

The municipal courts ~~judicial~~ department shall have original jurisdiction over cases involving violations of city ordinances enumerated in articles II, IV and VI and division 1 of article III of chapter 26 of this Code and of offenses involving the parking or stopping of a vehicle that arise under the Fire Code of the city.

Sec. 16-62. Procedures.

The director of the municipal courts ~~judicial~~ department shall establish and implement appropriate procedures to effect the policy of this article.

Sec. 16-63. Adjudication hearing officers.

(a) The municipal courts~~-judicial-~~department shall employ one or more adjudication hearing officers who shall be appointed by the mayor. Staff required for the support of the adjudication hearing officer's functions shall be provided by the clerk of the municipal courts.

(b) Adjudication hearing officers shall have the authority to administer oaths and to issue orders compelling the attendance of witnesses and production of documents.

(c) An order compelling the attendance of witnesses or production of documents may be enforced by the municipal courts~~-judicial-~~department.

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Sec. 16-67. Appeal.

(a) A person who is found liable after an administrative adjudication hearing may appeal that finding of liability to the municipal courts by filing a notice of appeal with the ~~chief-clerk~~ of the municipal courts. The notice of appeal must be filed not later than ten days after the date on which the adjudication hearing officer entered the finding of liability and shall be accompanied by the payment of a nonrefundable appellate filing fee of \$10.00 for the first citation and \$5.00 for each additional citation that is appealed. Unless the person, on or before the date of filing of the notice of appeal, posts a bond in the amount of the civil penalty and any late fees, an appeal does not stay the enforcement of the civil penalty. An appeal shall be decided by the municipal court under the substantial evidence rule and on the basis of the evidence adduced at the hearing before the adjudication hearing officer. The clerk ~~chief-clerk's office~~ shall provide or cause to be provided a copy of the record to the municipal court. If the municipal court finds the record to be materially incomplete, the court may upon its own motion or upon the motion of the defendant or the prosecuting attorney refer the case back to the adjudication hearing officer for further proceedings; however, no evidence may be adduced at the appeal hearing.

(b) The municipal court shall not reverse the adjudication hearing officer's decision unless it is determined to be:

- (1) In violation of the law;
- (2) Not reasonably supported by substantial evidence, based upon a review of the reliable and probative evidence in the record as a whole; or
- (3) Arbitrary and capricious or characterized by an abuse of discretion.