

Office of the City Secretary

Memorandum

To: Honorable Mayor Bill Agan and members of the Richland Hills City Council
From: Cathy Bourg, City Secretary
Date: December 1, 2015
Subject: Consideration of Ordinance 1302-15, appointing the Municipal Court Judge and Associate Judges

City Council Action Requested:

Approve Ordinance 1302-15, appointing J. Stewart Bass as Municipal Court Judge and Lorraine Irby and Wendy Cooper as Associate Municipal Court Judges for two-year terms to expire December 31, 2017.

Background Information:

The current terms of the Municipal Court Judge and Associate Judges will expire on December 31, 2015. The original appointment dates for all judges are as follows:

- J. Stewart Bass, Municipal Court Judge - June 13, 2006
- Lorraine Irby, Associate Judge – January 10, 2012
- Wendy Cooper, Associate Judge – June 13, 2006

Board/Citizen Input:

N/A

Attachments:

Ordinance 1302-15

Staff Contacts:

Cathy Bourg, City Secretary
817-616-3810
cbourg@richlandhills.com

ORDINANCE NO. 1302-15

AN ORDINANCE OF THE CITY OF RICHLAND HILLS, TEXAS APPOINTING THE JUDGE OF THE RICHLAND HILLS MUNICIPAL COURT OF RECORD; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richland Hills is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council has created a municipal court of record pursuant to Chapter 30 of the Texas Government Code; and

WHEREAS, pursuant to Chapter 30 of the Texas Government Code, the City Council has the authority to name judges and/or associate judges to preside over the judicial functions for the Richland Hills Municipal Court of Record; and

WHEREAS, Section 574.001, Texas Government Code requires that a finding be made by the governing body to the effect that a person who serves as a officer in more than on appointed position has satisfied Article XVI, Section 40, of the Texas Constitution; and

WHEREAS, the City Council has determined that there is no conflict between the office of municipal judge of the City of Richland Hills and the office of municipal judge or associate municipal judge in any other municipality in the State of Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS:

SECTION 1.

It is hereby found that the office of municipal judge and associate judge of the City of Richland Hills is of benefit to the State of Texas and to the City of Richland Hills.

SECTION 2.

J. Stewart Bass is hereby reappointed as municipal judge of the Richland Hills Municipal Court of Record for a two-year term to expire December 31, 2017. At the expiration of said term, in accordance with Article 16, Section 17 of the Texas Constitution, Judge Bass shall continue to serve until his successor shall be duly qualified. The City Council shall have the authority to remove the municipal judge as provided by City Charter.

SECTION 3.

Lorraine Irby and Wendy Cooper are hereby reappointed as associate judges of the Richland Hills Municipal Court of Record for a two-year term to expire December 31, 2017. At the expiration of said term, in accordance with Article 16, Section 17 of the Texas Constitution, Judge Irby and Judge Cooper shall continue to serve until their successors shall be duly qualified. The City Council shall have the authority to remove the associate judges as provided by City Charter.

SECTION 4.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Richland Hills, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 5.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6.

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 1ST DAY OF DECEMBER, 2015.

THE HONORABLE BILL AGAN, MAYOR

ATTEST:

CATHY BOURG, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

BETSY ELAM, CITY ATTORNEY