

**CITY OF SEABROOK
ORDINANCE NO. 2017-02**

AMENDMENT TO THE TERM OF OFFICE - MUNICIPAL COURT JUDGE

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 50, "MUNICIPAL COURT", ARTICLE II, "ESTABLISHING THE MUNICIPAL COURT AS A COURT OF RECORD", BY AMENDING SECTION 50-20, "TERM OF JUDGE"; MAKING FINDINGS OF FACT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR NOTICE AND EFFECTIVE DATE.

WHEREAS, Chapter 30 of the Texas Government Code authorizes a city to establish its municipal court as a court of record, and the City Council of the City of Seabrook established the Seabrook Municipal Court as a Court of Record on May 5, 2004, with the adoption of Ordinance 2004-09; and

WHEREAS, City of Seabrook City Charter, Section 9.02, provides that the Municipal Court Judge to be appointed for a three (3) year term, (unless otherwise required by state law), expiring on June 7 of the third year; and

WHEREAS, Section 30.00006(d) of the Texas Government Code states that the term of the municipal court judge must be for a definite term of two (2) or four (4) years; and

WHEREAS, pursuant to Section 9.02 of the Charter, City Council determines and finds that it was the intent of such provision that the municipal court judge shall have been appointed for a 2 or 4 year term consistent with and as directed by Section 30.00006(d) and that the Seabrook Code of Ordinances, Chapter 50, "Municipal Court", Section 50-20 "Term of Judge" shall be amended to reflect appointment of such required definite term pursuant to the subject statute;

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

SECTION 1. FINDINGS OF FACT.

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct and incorporated herein.

SECTION 2. AMENDMENT TO THE CODE.

Chapter 50 "Municipal Court", Article II, "Establishing the Municipal Court as a Court of Record," of the Seabrook Code of Ordinances is amended as follows:

"Sec. 50-20. – Term of Judge.

~~[The current municipal judge shall continue in office through the expiration of his or her current term.]~~

The municipal court judge shall be appointed for a term of four (4) years, beginning June 7, 2017."

SECTION 3. INCORPORATION INTO THE CODE; PENALTY CLAUSE.

This Ordinance is hereby incorporated and made a part of the Seabrook City Code.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, 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.

SECTION 5. SEVERABILITY.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Seabrook, Texas, declares that it would have passed each every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 6. NOTICE

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

SECTION 7. OPEN MEETING COMPLIANCE

That it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required by the Texas Open Meetings Act, Texas Government Code, Chapter 551.

PASSED, AND APPROVED with a quorum present, by an affirmative vote of a majority of Council members present, in accordance with Seabrook City Charter Section 2.10, on first reading this **3th day of January, 2017.**

PASSED, AND APPROVED with a quorum present, by an affirmative vote of a majority of Council members present, in accordance with Seabrook City Charter Section 2.10, on second and **final reading this 17th day of January, 2017**

By: Glenn Royal
Glenn Royal
Mayor

ATTEST:

By: Robin Hicks
Robin Hicks, TRMC
City Secretary



APPROVED AS TO FORM:

Steven L. Weathered
Steven L. Weathered
City Attorney