

ORDINANCE NO. 116-2009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONE OAK, TEXAS; PROVIDING FOR THE APPOINTMENT AND QUALIFICATIONS OF THE JUDGE OF THE MUNICIPAL COURT OF THE CITY OF LONE OAK; PROVIDING FOR ALTERNATE JUDGES OF THE MUNICIPAL COURT; APPOINTING THE JUDGE OF THE MUNICIPAL COURT; SETTING THE COMPENSATION FOR THE JUDGE OF THE MUNICIPAL COURT; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 29.004 of the TEXAS GOVERNMENT CODE provides that the mayor is the ex officio judge of the municipal court unless the municipality by ordinance authorizes the election of the judge or provides for the appointment and qualifications of the judge; and

WHEREAS, the City Council of the City of Lone Oak desires to provide for the appointment, qualifications and compensation of the Judge of the Municipal Court of the City of Lone Oak, Texas (“Judge of the Municipal Court” or “Municipal Judge”); and

WHEREAS, Section 29.005 of the TEXAS GOVERNMENT CODE provides that the judge of a municipal court serves for a term of office of two (2) years unless the municipality provides for a longer term; and

WHEREAS, the City Council of the City of Lone Oak desires and hereby determines that the office of the Judge of the Municipal Court is to be filled by appointment by the City Council, and that the ordinary term of such office shall be for two (2) years and such term of office shall run concurrently with the term of the Mayor, except that the initial term of office of the Municipal Judge, appointed by this ordinance, shall expire at the end of the current term of office of the Mayor, which term shall expire in May of 2010; and

WHEREAS, the City Council of the City of Lone Oak hereby determines that the compensation and qualifications for the Municipal Judge is to be set by ordinance and such compensation and qualifications for the Municipal Judge shall be set herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONE OAK, TEXAS, THAT:

SECTION 1. INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. JUDGE OF MUNICIPAL COURT AND ALTERNATE JUDGES TO BE APPOINTED BY CITY COUNCIL

The judges for the Municipal Court of the City of Lone Oak, Texas, shall be appointed by the City Council of the City of Lone Oak, Texas ("City Council"). The City Council shall appoint the presiding Judge of the Municipal Court and the City Council may also appoint one or more alternate municipal judges to sit for the presiding Municipal Judge when the presiding Municipal Judge is temporarily unable to act for any reason. The City Council shall set the compensation for the presiding Municipal Judge and for the alternate municipal judge(s).

SECTION 3. QUALIFICATIONS OF MUNICIPAL JUDGES

The presiding Municipal Judge and any alternate municipal court judge must be residents of the State of the State of Texas and a citizen of the United States. They are required to keep abreast of State law and local ordinances, including state mandated fees. Although a recognized function of judicial discretion, the presiding Municipal Court Judge and any alternate judge should endeavor to enforce the law consistently and within suggested state guidelines. The City Council desires uniformity and consistency in the implementation of judicial policy in accordance with State law and local ordinances.

SECTION 4. APPOINTMENT OF MUNICIPAL JUDGES

The City Council of the City of Lone Oak ("City Council") hereby appoints Judge Mary Bardin as the presiding Judge of the Municipal Court for the City of Lone Oak, Texas, for the remainder of the current term which will expire in May of 2010.

SECTION 5. COMPENSATION FOR MUNICIPAL JUDGE

The presiding Municipal Judge or alternate judges for the Municipal Court shall receive compensation in the amount of \$250.00 per court session or as otherwise determined and set by ordinance by the City Council for the term of the appointment.

SECTION 6. CUMULATIVE REPEALER

This ordinance shall be cumulative of all other ordinances or resolutions of the City of Lone Oak, Texas, and shall not repeal any of the provisions of said ordinances or resolutions except as to those instances where there are direct conflicts with the provisions of this ordinance. Ordinances or resolutions or parts thereof in force at the time this ordinance shall take effect and those that are inconsistent with this ordinance are hereby repealed to the extent that they are inconsistent with this ordinance.

SECTION 7. SAVINGS/SEVERABILITY

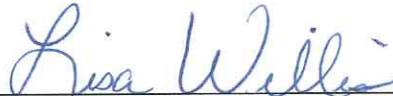
It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance should be declared unconstitutional by the valid

judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 8. EFFECTIVE DATE


This ordinance shall become effective from and after its date of passage and publication as required by law.

DULY PASSED, APPROVED AND ADOPTED by the City Council of the City of Lone Oak, Texas, this the 8th day of June, 2009.



Lisa Willis, Mayor
City of Lone Oak, Texas

ATTEST:



Lisa Brown, City Secretary
City of Lone Oak, Texas

APPROVED AS TO FORM:

Bennett M. Wyse, Assistant City Attorney
City of Lone Oak, Texas