

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Department of Municipal Court
AGENDA DATE: Introduction – January 22, 2008
Public Hearing – January 29, 2008

CITY CLERK DEPT.
08 JAN 15 PM 1:54

CONTACT PERSON/PHONE: Richarda Duffy Momsen, Municipal Court Clerk, 541-4127

DISTRICT(S) AFFECTED: ALL

SUBJECT:

An Ordinance amending Ordinance No. 016428 to change the three divisions of Municipal Court Number Four to be divisions of Municipal Court Number Five.

BACKGROUND / DISCUSSION:

On August 28, 2006, the City Council adopted Ordinance No. 016428 to establish three new divisions under Municipal Court No. 4, which was the court of the Presiding Municipal Judge. On January 2, 2008, that judge resigned from office. Pursuant to statute, the remaining four elected municipal judges elected a new presiding judge, Daniel Robledo. This ordinance will move these three court divisions to be under Judge Robledo's Court, Municipal Court No. 5.

PRIOR COUNCIL ACTION:

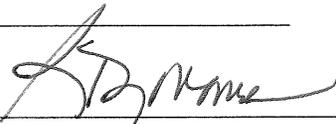
Ordinance No. 01628, creating the three new divisions under Municipal Court No. 4 was adopted by Council on August 28, 2006.

AMOUNT AND SOURCE OF FUNDING:

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____



(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE:

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 016428 TO CHANGE THE THREE DIVISIONS OF MUNICIPAL COURT NUMBER FOUR TO BE DIVISIONS OF MUNICIPAL COURT NUMBER FIVE.

WHEREAS, State law provides for the creation of divisions within the El Paso Municipal Courts by the Presiding Municipal Judge when necessary for the expeditious disposition of the business of the Court and with the approval of the governing body of the city; and

WHEREAS, on August 22, 2006, the City created three divisions of the Presiding Judge's designated court, Municipal Court Number Four, to allow for a more expeditious adjudication of cases and disposition of the business of the Courts; and

WHEREAS, it is now appropriate to move these three divisions to be under the current Presiding Judge's designated court, Municipal Court Number Five.

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

Section 1. The three divisions of Municipal Court Number Four are transferred to be three divisions of Municipal Court Number Five. Said divisions will be renumbered as Courts 5F, 5G, and 5H.

Section 2. Court 5F, 5G, 5H shall operate as directed by the Presiding Municipal Judge, pursuant to Texas Government Code Sec. 30.00128(f). Divisions of the Courts may be in concurrent and continuous session, either day or night, at the discretion of the Presiding Judge. The Presiding Judge may assign and transfer any case pending in any of the courts or divisions or any other of the courts or divisions. These courts shall operate until such time as the Presiding Judge of the Municipal Court decides that the operation of the Court is no longer necessary for the expeditious disposition of the business of the Courts, and the operation of courts 5F, 5G and 5H shall cease individually or collectively upon the date set forth in the Presiding Judge's written notification to the municipal court clerk.

Section 3. Court 5F may, when necessary, operate continuously and on a full time basis as directed by the Presiding Judge of Municipal Court.

Section 4. Court 5G may, when necessary, operate on a temporary basis and during the month of December at such time that the Municipal Courts are in recess, as directed by the Presiding Judge of The Municipal Court.

Section 5. Court 5H may, when necessary, operate continuously and on a full time basis as directed by the Presiding Judge of The Municipal Court.

Section 6. The three division of Municipal Court Number Five shall be assigned, when necessary for the expeditious disposition of the business of the Courts, as directed by the Presiding Judge of Municipal Court. The Presiding Judge shall assign the various Substitute Associate Municipal Court Judges to each of the Courts in accordance with applicable law.

ADOPTED this 29th day of January 2008.

CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:


Elaine S. Hengen
Senior Assistant City Attorney

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