

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

DEPARTMENT: Municipal Clerk

AGENDA DATE: December 13, 2011

CONTACT PERSON NAME AND PHONE NUMBER: Richarda Duffy Momsen
(915) 541-4128

DISTRICT(S) AFFECTED: All

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

An Ordinance relating to the creation of one division of Municipal Court Number Five to create a temporary court for a period of 12 months.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

This Ordinance will constitute the City's approval and action to create one division within the Presiding Judge's Court. This division is a separate temporary court that will be presided over by an Associate Judge, as assigned by the Presiding Judge.

The time period will be from January 1, 2012 to December 31, 2012. As of December 7, 2011, there are approximately 42,000 cases awaiting trials or hearings in Municipal Court. This temporary Court will allow Court #1 to focus exclusively on environmental cases. The temporary court will focus on traffic cases, along with the other four elected courts.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Yes, periodically City Council has created temporary courts to allow for swifter case processing. The most recent action was on August 22, 2006.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

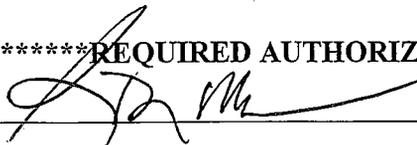
No impact to the City's General Fund. A budget transfer will be processed transferring funds from Environment Services to Municipal Clerks for estimated salary and operating costs totaling \$136,625.78.

Municipal Court Security Fund Dept ID 11150051, Security Fund 15438, Account 502212

Municipal Clerk General Fund Dept ID 11010011, Fund 01101, Account 502215

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

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

CITY CLERK DEPT.

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ORDINANCE NO. _____

**AN ORDINANCE RELATING TO THE CREATION OF A
TEMPORARY DIVISION OF MUNICIPAL COURT NUMBER FIVE**

WHEREAS, State law provides for the creation of divisions within the El Paso Municipal Courts of Record 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, the creation of a temporary division of the current presiding Judge's designated court, Municipal Court Number Five, will allow for a more expeditious adjudication of cases and disposition of the business of the Courts.

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

Section 1. There is hereby authorized the creation of a temporary division of Municipal Court Number Five. Said division will be identified as Court 5 T.

Section 2. Court 5 T shall operate as directed by the Presiding Municipal Judge, pursuant to Texas Government Code Section 30.00128(f). This division of the Court may be in concurrent and continuous session, either day or night or full time or part time, at the discretion of the Presiding Judge. The Presiding Judge may assign and transfer any case pending in his own court or divisions or any of the other courts or divisions. Court 5 T shall operate for the period from January 1, 2012 through December 31, 2012.

Section 3. The Presiding Judge shall assign the various Substitute Associate Municipal Court Judges to Court 5 T in accordance with applicable law.

Section 4. This ordinance shall take effect at 12:00 am, January 1, 2012 and shall automatically expire at 11:59 p.m., December 31, 2012.

ADOPTED THIS 20th day of December 2011.

(signatures appear on the following page)

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

CITY CLERK DEPT.
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