

**CITY OF HUMBLE**

**ORDINANCE NO. 16-780**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUMBLE, TEXAS, AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES BY DELETING EXISTING SECTION 26-4, “JUDGES – OFFICE CREATED” IN ITS ENTIRETY AND ADOPTING A NEW SECTION 26-4 ENTITLED “JUDGES”; SPECIFYING THE TERM OF MUNICIPAL COURT JUDGES; ESTABLISHING THE PROCESS OF REMOVAL OF JUDGES FROM OFFICE; AND MAKING OTHER FINDINGS AND PROVISIONS RELATED THERETO.**

WHEREAS, the City of Humble, Texas desire to amend its ordinances regarding the appointment, terms, and removal of Municipal Court Judges in the best interest and public health, safety and welfare of the citizens of Humble, Texas; and

WHEREAS, Article II, Section 1 of the City Charter of the City of Humble, Texas provides that “Other officers of the city shall be .. judge of municipal court ... who shall be appointed by the city manager with approval of the city council;” and

WHEREAS, Texas Local Government Code §29.004 Et seq. permits a home-rule municipality to select municipal court judges; determine the method of selection; establish terms; appoint temporary judges; and fill vacancies; and

WHEREAS, the Municipal Court Judge serves as an officer of the City and is appointed by the City Manager and approved by the City Council; and

WHEREAS, the City Council finds and has determined that the current term of the municipal court judge expires on August 31, 2016; and

WHEREAS, the Municipal Court of the City of Humble is not a court of record;

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

Section 1. Section(s) 26-4 of the Code of Ordinances of the City of Humble, Texas is hereby deleted in its entirety and replaced with a new Section 26-4 to read as follows:

Sec. 26-4 Judges.

(a) *Generally* There is created an office of judge of the municipal court, who shall have all the power and authority as granted by, and shall

perform the duties as required by state law, the City Charter and the City Ordinances. The judge of the municipal court shall be a magistrate and shall have all of the powers and authority prescribed by state law, the charter and ordinances of the city as such.

- (b) *Terms; appointment* The municipal court shall have a two year term beginning on the first day of September of each odd numbered year and extending through August 31<sup>st</sup> of the next following odd numbered year. The municipal court judge shall serve for the specific term, or the unexpired portion thereof, of the municipal court. The municipal court judge shall also serve after the expiration of their respective term of office until their successor is appointed and shall have qualified; provided, however, that any judge who is not reappointed or replaced by the November 30<sup>th</sup> following the end of their term shall, absent action by the Council, continue to serve for another term of office. The City Manager shall appoint the municipal court judge and with the approval of the City Council.
- (c) *Temporary judges.* In the event of the temporary failure, inability or refusal of the municipal court judge to act, a temporary judge may be appointed by the City Manager with the approval of the City Council. The temporary judge must have the same qualifications as the municipal court judge and will have the same powers and duties as that judge. The temporary judge shall serve in that capacity until the municipal court judge returns or the current term of the municipal court expires, whichever occurs first.
- (d) *Oath* The municipal court judge, prior to taking office, shall take the requisite oath of office required by the constitution and state law.
- (e) *Vacancy.* In the event of a permanent vacancy in the office of the municipal court judge, the City Manager shall appoint with approval of the City Council an individual to fill said vacancy for the remainder of the unexpired term of office only.

Section 3.

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 or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Humble, Texas, declares that it would have passed each and 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.

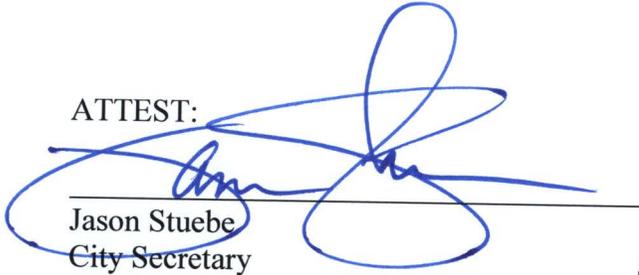
Section 4. That this ordinance shall go into effect immediately upon its passage.

PASSED, APPROVED, AND ADOPTED this 31<sup>st</sup> day of May 2016



Merle Aaron  
Mayor

ATTEST:



Jason Stuebe  
City Secretary

