ORDINANCE NO. ___3856___

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MESQUITE BY ADDING NEW SECTIONS 2-107, 2-108 AND 2-109, THEREBY PROVIDING FOR THE CREATION OF THE OFFICE OF ASSISTANT MUNICIPAL JUDGE AND FOR THE APPOINTMENT OF AN ASSISTANT MUNICIPAL JUDGE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the orderly judicial process within the City of Mesquite may require the appointment of an Assistant Municipal Judge to assist the Judge of the Municipal Court in providing judicial services; and

WHEREAS, Section 29.004 of the Texas Government Code provides for appointment of municipal judges pursuant to a municipality's charter provisions; and

WHEREAS, the City's Charter provides for such appointment by the City Council.

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

SECTION 1.   That Chapter 2 of the Code of the City of Mesquite, Texas, is hereby amended by adding new Sections 2-107, 2-108 and 2-109 to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

Sec. 2-107. Assistant Municipal Court Judge – creation.

There is hereby created the office of Assistant Municipal Court Judge.

Sec. 2-108. Appointment of Assistant Municipal Court Judge, qualifications.

The City Council may appoint one person to serve as Assistant Municipal Court Judge. Any person appointed to such office shall be a resident of the City of Mesquite, Texas, and shall hold such office as provided by state law and the City Charter.

Sec. 2-109. Duties of Assistant Municipal Court Judge.

The Assistant Municipal Court Judge shall supplement, and assist the Judge of the Municipal Court appointed under the provisions of City Charter Article IV, Sec. 27 in the provision of all judicial services. Such Assistant Municipal Court Judge shall have all the powers and duties of the presiding City Judge while so acting.
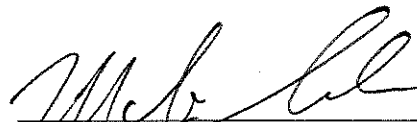
SECTION 2.   That the initial Assistant Municipal Court Judge appointed shall be Warren F. Nystrom.

SECTION 3. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 4. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 5. That the fact that the Code of the City of Mesquite, Texas, is inadequate to provide sufficient judges for the orderly judicial process within the City creates an urgency and an emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.
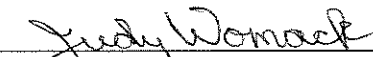
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 5th day of March, 2007.

Mike Anderson
Mayor

ATTEST:

Judy Womack
City Secretary

APPROVED:

B. J. Smith
City Attorney