

**City of Houston, Texas, Ordinance No. 20\_\_ - \_\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 16-3 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO TERM LIMITS FOR MUNICIPAL COURT JUDGES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**WHEREAS**, Section 30.00006 of the Texas Government Code provides that the City Council shall provide by ordinance for the term of office of its municipal judges, for a definite term of two or four years; and

**WHEREAS**, retention of experienced and knowledgeable judges benefits the efficient operation of the municipal courts;

**WHEREAS**, continued efficient operation of the municipal courts and maintaining sufficient judicial resources affect the public safety;

**WHEREAS**, to benefit the continued efficient operation of the municipal courts and to conserve resources involved in the reappointment of full-time judges, the Municipal Courts Department recommends amending the term of its full-time judges to four years; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:**

**Section 1.** That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2.** That Subsection (c) of Section 16-3 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(c) Each full-time municipal judge shall be appointed by the mayor and confirmed by the city council for a term of four years, which term shall begin as of the date the appointment is confirmed by the city council. Each substitute judge shall be appointed by the mayor and confirmed by the city council for a term of two years, which term shall begin as of the date the appointment is confirmed by the city council. A municipal judge shall continue in office after his term has expired until he is reappointed or his successor has been appointed and qualified; provided, that no holdover period, regardless of duration, shall ever be deemed a reappointment of any municipal judge. If any office becomes vacant during a term, then a

qualified person shall be appointed and confirmed for a new term beginning on the date of appointment.”

**Section 3.** That the City Attorney is hereby authorized to direct the publisher of the Code of Ordinances, Houston, Texas, (the “Code”) to make such nonsubstantive changes to the Code as are necessary to conform to the provisions adopted in this Ordinance, and also to make such changes to the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Code.

**Section 4.** That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 5.** That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 201\_.

APPROVED this \_\_\_ day of \_\_\_\_\_, 201\_.

\_\_\_\_\_  
Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is \_\_\_\_\_.

\_\_\_\_\_  
City Secretary

Prepared by Legal Dept. \_\_\_\_\_

TBC:cm 11/19/2015

  
Senior Assistant City Attorney

Requested by Barbara E. Hartle, Presiding Judge, Municipal Courts Department

L.D. File No. 0441500013001

**Sec. 16-3. Judges.**

(a) The city shall have both full-time and substitute municipal judges. A substitute municipal judge shall be classified as an "Associate Judge of Municipal Courts."

(b) Each municipal judge shall meet the qualifications for that office that are prescribed by state law. Additionally, each municipal judge shall at the time of appointment and qualification be required to be a resident of the city.

(c) Each full-time municipal judge shall be appointed by the mayor and confirmed by the city council for a term of ~~two~~ four years, which term shall begin as of the date the appointment is confirmed by the city council. Each substitute judge shall be appointed by the mayor and confirmed by the city council for a term of two years, which term shall begin as of the date the appointment is confirmed by the city council. A municipal judge shall continue in office after his term has expired until he is reappointed or his successor has been appointed and qualified; provided, that no holdover period, regardless of duration, shall ever be deemed a reappointment of any municipal judge. If any office becomes vacant during a term, then a qualified person shall be appointed and confirmed for a new ~~four-year~~ term beginning on the date of appointment.

(d) Municipal judges shall be subject to removal from office as provided by state law.

(e) Full-time municipal judges shall be entitled to compensation as provided or authorized by ordinance. Substitute municipal judges shall be compensated on a per diem basis for services rendered, as provided in section 16-5 of this Code.