

ORDINANCE NO: 598

AN ORDINANCE FOR THE CITY OF WEST COLUMBIA, TEXAS, AMENDING ARTICLE VI OF THE CODE OF ORDINANCES OF THE CITY OF WEST COLUMBIA, TEXAS, ENTITLED MUNICIPAL COURT OF CHAPTER 2 ENTITLED ADMINISTRATION PROVISIONS FOR THE EMPLOYMENT OF A JUVENILE CASE MANAGER, THE CREATION OF A JUVENILE CASE MANAGER FUND, AND THE ASSESSMENT OF A JUVENILE CASE MANAGER FEE IN ALL FINE-ONLY MISDEMEANOR OFFENSES IN THE MUNICIPAL COURT; PROVIDING FOR THE REPEAL OF ALL ORDINANCES, RESOLUTIONS, OR INFORMAL POLICIES OF THE CITY WHICH ARE IN ANY MANNER INCONSISTENT OR IN CONFLICT WITH THIS ORDINANCE; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article 45.056 of the Texas Code of Criminal Procedure provides that upon approval by a City Council, a Municipal Court may employ a case manager to provide services in cases involving juvenile offenders to work primarily on cases brought under sections 25.093 and 25.094 of the Texas Education Code; and

WHEREAS, the City Council wishes to authorize the Municipal Court to hire a juvenile case manager and to create a fund, pursuant to article 102.0174 of the Texas Code of Criminal Procedure, to finance the salary and benefits of that juvenile case manager; and

WHEREAS, the City Council wishes to require each defendant convicted of a fine-only misdemeanor offense in the Municipal Court to pay a juvenile case manager fee in the amount of Five Dollars (\$5.00) as a cost of court as provided in article 102.0174(b) which fees shall be imposed as additional court costs in accordance with section 102.121 of the Texas Government Code.

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

Section One

Article VI entitled Municipal Court of Chapter 2 entitled Administration of the Code of Ordinances of the City of West Columbia, Texas, shall be and is hereby amended by the addition of the following sections:

Sec. 2-361. Authorization and Creation of Juvenile Case Manager.

The Municipal Court, upon approval by the City Council and the City Manager, may, from time to time, employ a case manager to provide services in cases involving juvenile offenders consistent with the statutory powers of the Municipal Court of the City, as is more fully set forth in and in accordance with article 45.056 of the Texas Code of Criminal Procedure. The juvenile case manager shall work primarily on cases brought under sections 25.093 and 25.094 of the Texas Education Code.

Sec. 2.362. Creation of Juvenile Case Manager Fund.

There is hereby created a juvenile case manager fund from which the salary and benefits of the juvenile case manager shall be paid. The juvenile case manager fund shall be created and maintained in accordance with the provisions and requirements of article 102.0174 of the Texas Code of Criminal Procedure.

Sec. 2.363. Fee Assessed.

Each defendant convicted of a fine-only misdemeanor offense in the Municipal Court shall pay, in addition to all other costs, a juvenile case manager fee in the amount of five dollars (\$5.00). All fees collected by the Municipal Court shall be paid to the City Treasurer to be kept in a separate fund known as the "Juvenile Case Manager Fund".

Sec. 2.364. Waiver of Fee.

The Judge in the Municipal Court may, on a case by case basis, waive the juvenile case manager fee upon a finding of financial hardship on the part of the defendant.

Sec. 2.365. Definition of Conviction.

A defendant is considered convicted for the purposes of the juvenile case manager fee if (a) a sentence is imposed on the defendant or (b)

the defendant receives deferred disposition.

Section Two

Any rules, ordinances, police regulations, resolutions, and/or policies of the City of West Columbia, whether written, or otherwise, which are in any manner in conflict with or inconsistent with this ordinance, shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

Section Three

It is hereby declared to be the intention of the City Council that the several provisions of this article are severable, and if any court of competent jurisdiction enters a final order which holds that any section, sub-section, sentence, clause, phrase, or other portion of this article is invalid, illegal, or otherwise unenforceable, then any such portion shall be deemed a separate, distinct and independent provision, and any such ruling shall not affect any other provisions of this article which are not specifically designated as being illegal, invalid, or unenforceable.

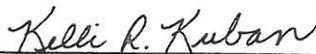
Section Four

This ordinance shall be effective and applicable upon its passage and approval by the City Council of the City of West Columbia.

PASSED AND APPROVED this the 11th day of
July, 2011.


LAURIE B. KINCANNON, Mayor

ATTEST:



Kelli Kuban
City Secretary