

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

CITY CLERK DEPT
2017 JUN -1 PM 12:19

DEPARTMENT: Office of the City Manager
AGENDA DATE: June 13th, 2017
CONTACT PERSON/PHONE: Dr. Mark Sutter, Deputy City Manager Financial & Public Health Services, 212-1063

DISTRICT(S) AFFECTED: All

SUBJECT:

Ordinance amending title 2 (Administration and Personnel), Chapter 2.44 (Courts), Section 2.44.010 (Created), to amend subsection E to abolish the dual role of Municipal Clerk as City Clerk and Municipal Court Clerk, and to establish the separate role and duties of the Municipal Court Clerk; and to amend section 2.44.020 (Court of Appeals) by adding subsection C to identify the City Clerk as the Municipal Appellate Court Clerk.

BACKGROUND / DISCUSSION:

The City now wishes to reorganize the two divisions of the Municipal Clerk's Department, to abolish the dual role position of Municipal Clerk, and to establish the position of the Municipal Court Clerk with roles and duties distinct from that of the City Clerk.

PRIOR COUNCIL ACTION:

In 2002, the City of El Paso (the "City") designated by ordinance the position of Municipal Clerk as being and assuming the roles and duties of both the City Clerk and the Municipal Court Clerk under the Municipal Clerk's Department.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD:



ORDINANCE NO. _____

ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.44 (COURTS), SECTION 2.44.010 (CREATED), TO AMEND SUBSECTION E TO ABOLISH THE DUAL ROLE OF MUNICIPAL CLERK AS CITY CLERK AND MUNICIPAL COURT CLERK, AND TO ESTABLISH THE SEPARATE ROLE AND DUTIES OF THE MUNICIPAL COURT CLERK; AND TO AMEND SECTION 2.44.020 (COURT OF APPEALS) BY ADDING SUBSECTION C TO IDENTIFY THE CITY CLERK AS THE MUNICIPAL APPELLATE COURT CLERK.

WHEREAS, in 2002, the City of El Paso (the “City”) designated by ordinance the position of Municipal Clerk as being and assuming the roles and duties of both the City Clerk and the Municipal Court Clerk under the Municipal Clerk’s Department; and

WHEREAS, the City now wishes to reorganize the two divisions of the Municipal Clerk’s Department, to abolish the dual role position of Municipal Clerk, and to establish the position of the Municipal Court Clerk with roles and duties distinct from that of the City Clerk.

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

Section 1. That Section 2.44.010 (Created), subsection E, of the El Paso Municipal Code is amended as follows:

Section 2.44.010 — Created.

- A. The municipal court established by the City Charter shall be styled the El Paso Municipal Court of Record No. 1.
- B. There are created under the authority of Chapter 30, Texas Government Code, and successor statutes, four additional municipal courts which shall be styled respectively: the El Paso Municipal Court of Record No. 2; the El Paso Municipal Court of Record No. 3; the El Paso Municipal Court of Record No. 4; and the El Paso Municipal Court of Record No. 5.
- C. The municipal courts of the city are established as courts of record in accordance with the terms and provisions, powers, duties and limitations as set forth in Chapter 30, Government Code, and successor statutes.
- D. Each municipal court shall be presided over by a municipal judge and one or more substitute associate judges.
- E. The city manager shall appoint a municipal court clerk to serve as the clerk of the municipal courts of record who shall perform the duties and manage the administrative operations of the municipal courts in accordance with state law, the City Charter and city ordinances. Deputy clerks may be appointed by the city manager or designee as deemed necessary for the proper and efficient operation of the courts. The municipal court clerk shall provide all support services and personnel required for the judicial operations of the court. The

municipal court clerk shall have custody of all papers, books and documents belonging and pertaining to the court, shall receive, prepare and file all complaints and docket each case, and shall discharge the duties attendant upon that position as prescribed by applicable state law and by the city council.

Section 2. That Section 2.44.020 (Court of Appeals), of the El Paso Municipal Code is amended by adding subsection C as follows:

Section 2.44.020 — Court of appeals.

- A. The El Paso Municipal Court of Appeals is established in accordance with the terms and provisions, powers, duties and limitations as set forth in Chapter 30, Government Code, and successor statutes.
- B. The El Paso Municipal Court of Appeals shall be presided over by an appellate judge who shall be selected in accordance with the terms and provisions, powers, duties and limitations as set forth in Chapter 30, Government Code, and successor statutes.
- C. In accordance with Chapter 30, Government Code, and successor statutes, and in addition to other duties associated with the position, the city clerk shall serve as the appellate court clerk.

Except as herein enumerated, Title 2 (Administration and Personnel) of the City Code shall remain in full force and effect.

APPROVED this _____ day of _____, 2017.

CITY OF EL PASO

Mayor

CITY CLERK DEPT.
2017 JUN -1 PM 12: 20

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Elizabeth Ruhmann
Assistant City Attorney

APPROVED AS TO CONTENT:



Mark Sutter, Deputy City Manager
Financial & Public Health Services

CITY CLERK DEPT.
2017 JUN - 1 PM 12:21

ORDINANCE NO. _____

ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.44 (COURTS), SECTION 2.44.010 (CREATED), TO AMEND SUBSECTION E TO ABOLISH THE DUAL ROLE OF MUNICIPAL CLERK AS CITY CLERK AND MUNICIPAL COURT CLERK, AND TO ESTABLISH THE SEPARATE ROLE AND DUTIES OF THE MUNICIPAL COURT CLERK; AND TO AMEND SECTION 2.44.020 (COURT OF APPEALS) BY ADDING SUBSECTION C TO IDENTIFY THE CITY CLERK AS THE MUNICIPAL APPELLATE COURT CLERK.

WHEREAS, in 2002, the City of El Paso (the "City") designated by ordinance the position of Municipal Clerk as being and assuming the roles and duties of both the City Clerk and the Municipal Court Clerk under the Municipal Clerk's Department; and

WHEREAS, the City now wishes to reorganize the two divisions of the Municipal Clerk's Department, to abolish the dual role position of Municipal Clerk, and to establish the position of the Municipal Court Clerk with roles and duties distinct from that of the City Clerk.

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- C. The municipal courts of the city are established as courts of record in accordance with the terms and provisions, powers, duties and limitations as set forth in Chapter 30, Government Code, and successor statutes.
- D. Each municipal court shall be presided over by a municipal judge and one or more substitute associate judges.
- E. ~~The office of the municipal court clerk is established as a division of the municipal clerk's department to serve as clerk of all of the El Paso municipal courts of record. The appointment of the municipal court clerk and the hiring, direction, supervision and removal of court personnel shall be governed by the City Charter, the rules of the Civil Service Commission and the Compensation and Classification Ordinance of the city. The position of the municipal court clerk shall be classified as municipal clerk, who shall serve as the head of the~~

~~department. The appointment of the municipal clerk shall constitute the appointment of the city clerk as required under Section 3.7(C) of the City Charter. The municipal clerk shall be, for all purposes stated in the City Charter, city ordinances and under state law, both the city clerk and the municipal court clerk.~~ The city manager shall appoint a municipal court clerk to serve as the clerk of the municipal courts of record who shall perform the duties and manage the administrative operations of the municipal courts in accordance with state law, the City Charter and city ordinances. Deputy clerks may be appointed by the city manager or designee as deemed necessary for the proper and efficient operation of the courts. The municipal court clerk shall provide all support services and personnel required for the judicial operations of the court. The municipal court clerk shall have custody of all papers, books and documents belonging and pertaining to the court, shall receive, prepare and file all complaints and docket each case, and shall discharge the duties attendant upon that position as prescribed by applicable state law and by the city council.

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- C. In accordance with Chapter 30, Government Code, and successor statutes, and in addition to other duties associated with the position, the city clerk shall serve as the appellate court clerk.

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ATTEST:

Richarda Duffy Momsen
City Clerk

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