

ORDINANCE NO. 2022-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING THE BASTROP CITY CODE OF ORDINANCES, CHAPTER 7 "MUNICIPAL COURT", ADDING SECTION 7.05 MUNICIPAL JURY FUND; AS ATTACHED IN EXHIBIT A; PROVIDING FOR: FINDINGS OF FACT, ENACTMENT, REPEALER, SEVERABILITY, EFFECTIVE DATE, CODIFICATION, AND PROPER NOTICE AND MEETING

WHEREAS, the Legislature of the State of Texas has enacted legislation allowing the governing body of a municipality to create, by ordinance, a municipal jury fund; and

WHEREAS, pursuant to Texas Local Government Code Section 134.103, the City may assess a local consolidated court fee with 0.7143 percent of the fee for a municipal jury fund; and

WHEREAS, pursuant to Texas Local Government Code Section 134.151, money allocated under section 134.103 must be maintained in a separate account and used only for the purpose provided by this subchapter; and

WHEREAS, pursuant to Texas Local Government Code Section 134.154, money allocated under section 134.103 for municipal jury must be used only to fund juror reimbursements and otherwise finance jury services; and

WHEREAS, the City Council of the City of Bastrop, Texas desires to create such a municipal jury fund.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AS FOLLOWS:

SECTION 1: The City of Bastrop, Texas hereby creates a municipal jury fund, pursuant to Section 134.154 of the Texas Local Government Code. Defendants convicted of a misdemeanor offense in the Bastrop Municipal Court shall pay a local consolidated fee that includes the municipal jury fee, as found in appendix A, section A7.05.002 of the City of Bastrop Code of Ordinances.

SECTION 2. If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 3. This ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas.

SECTION 4. Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or

administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

SECTION 5. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

READ & APPROVED on First Reading on the 13th day of September 2022.

READ & ADOPTED on the Second Reading on the 20th day of September 2022.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

ARTICLE 7.05 MUNICIPAL JURY FUND

Sec. 7.05.001 Created.

There is created a municipal jury fee, as set forth in Sec. 134.154 Local Government Code.

Sec. 7.05.002 Assessment of fee.

All defendants convicted in a trial for a misdemeanor offense (except for parking ticket offenses) in the municipal court shall be required to pay, in addition to such other fines, fees and costs assessed, a security fee as provided for in the fee schedule found in appendix A, section A7.02.002, as cost of court. A person is considered convicted for purposes of this section if a sentence is imposed on the person, the person receives community supervision, including deferred adjudication, or the court defers final disposition of the person's case. The security fee shall be collected by the municipal court clerk and paid to the city director of finance, for deposit in the municipal court building security fund.

Sec. 7.05.004 Collection of fee; use.

- (a) The municipal court clerk shall collect the fee and pay it to the city treasurer to be kept in a separate fund known as the "municipal jury fund."
- (b) The fund may be used only to fund juror reimbursements and otherwise finance jury services (Sec. 134.154, Local Government Code)

Sec. 7.05.005 Administration.

The fund shall be administered by or under the direction of the City Council.