



## CITY COUNCIL SPECIAL MEETING

Monday, June 30, 2025 at 5:30 PM

City Council Chambers | 202 N. Virginia Street, Port Lavaca TX 77979

### MINUTES

STATE OF TEXAS §  
COUNTY OF CALHOUN §  
CITY OF PORT LAVACA §

On this the 30<sup>th</sup> day of June 2025, the City Council of the City of Port Lavaca, Texas, convened in a special meeting at 5:30 p.m. at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas, with the following members in attendance:

#### I. ROLL CALL

Jack Whitlow	Mayor
Daniel Aguirre	Councilman, District 1
Tim Dent	Councilman, District 2
Allen Tippit	Councilman, District 3
Rosie G. Padron	Councilwoman, District 4, Mayor Pro Tem
Rose Bland-Stewart	Councilman, District 5
Justin Burke	Councilman, District 6

And with the following absent:

None

### CITY COUNCIL SPECIAL MEETING

#### II. CALL TO ORDER

- Mayor Whitlow called the meeting to order at 5:37 p.m. and presided.

#### III. COMMENTS FROM THE PUBLIC

*(Limited to 3 minutes per individual unless permission to speak longer is received in advance. You may make public comments as you would at a meeting by logging on with your computer and using "Join Zoom Meeting" information on first page of this agenda).*

- Mayor Whitlow asked for comments from the public and the following citizen spoke:
  - Ishmael Torres, 1816 Jackson Street, Port Lavaca, TX, finishing touches needed on Jackson Street to smooth out construction work.

**IV. ACTION ITEMS** - *Council will consider/discuss the following items and take any action deemed necessary.*

1. **Announcement by Mayor that City Council will retire into closed session:**
  - **To discuss Personnel matters in accordance with Title 5, Section 551.074 of the Texas Government Code (to discuss the appointment, employment, evaluation, duties and responsibilities, reassignment, discipline, or dismissal of an officer or employee, or to hear a complaint or charge against an officer or employee: [Municipal Court Judge]). Presenter is Mayor Whitlow**

Mayor Whitlow announced that Council would retire into closed session at 5:48 p.m.

2. **Return to Open Session and take any action deemed necessary with regard to matters in closed session. Presenter is Mayor Whitlow**

Mayor Whitlow announced that Council was back in open session at 8:01 p.m.

Assistant City Attorney Arriaga presented revisions to the Memorandum of Understanding (MOU) between Municipal Court Judge Raymond B. Perez and the City of Port Lavaca, Texas for Presiding Judge Position as follows:

**Recitals**

Whereas, the City of Port Lavaca (the “City”) hosts a municipal court within its territorial and jurisdictional limits.

Whereas, as part of the hosting process, the City has appointed a municipal court judge to preside over the court system.

Whereas, it is expressly understood that the Presiding Judge is not an employee of the City or a local official. A municipal court judge is a public officer and member of the judiciary of the State of Texas.

Whereas, pursuant to the authority granted to the City Council and the laws of the State of Texas, the City Council of the City of Port Lavaca has previously appointed Raymond B. Perez as Municipal Court Judge, and now appoints him as Presiding Judge of the Municipal Court; and

Whereas, to the extent any paperwork, pre-printed forms or computer-generated forms within the City which are signed by the judge or the City which reference the judge as an “employee” such references should be considered as references to the judicial position and are not to be taken as changing the nature of appointment.

Whereas, the parties desire to enter into a written agreement setting forth all terms, conditions, and obligations of the parties.

**Now Therefore**, in consideration of the mutual covenants and promises, the parties agree as follows:

## Article I. Duties

1.1 Pursuant to Section 6.03 of the City Charter, Raymond B. Perez ~~was appointed as Municipal Court Judge on June 10, 2024 and his term will expire on June 10, 2026 and he will be known from now until the expiration of his term, to be known as~~ has been appointed to the Presiding Judge ~~position by City Council,~~ serving at the will of the City Council, and may be removed from the position by a two-thirds majority of the entire City Council at any time for misconduct, incompetency or malfeasance.

1.2 The Presiding Judge ~~will have~~ has the powers and duties as required by the Texas Government Code, the Code of Criminal Procedure, The Civil Practice and Remedies Code, and all other applicable laws for municipal court judges, including magistration of prisoners accused of violating city ordinances ~~and addressing capias pro fines and shall perform such powers and duties as part of this MOU without further compensation.~~

1.3 The Presiding Judge will comply with State-mandated continuing judicial and mandatory state law continuing legal education requirements and remain current on state and municipal law.

1.4 The Presiding Judge may administer oaths as permitted by state law, including an oath of office to a newly-elected or newly-appointed city official.

1.5 The Presiding Judge is expected to hold court as necessary to accommodate the docket of the court throughout each month, without direction from elected or city officials.

1.6 The Presiding Judge is expected to follow the law, maintain a professional working environment free from unlawful discrimination, and maintain a professional and fair court.

1.7 The Presiding Judge is expected to abide by the State Judicial Cannons as are now adopted or which may be amended in the future.

## Article II. Term

2.1 The City ~~appointed Judge Perez on June 10, 2024 and his term expires June 10, 2026s the municipal judge to Port Lavaca Municipal Court for a two (2) year term. The date on which the City Council takes action to approve the municipal judge is the date of appointment and the term shall run for two years from the date of appointment.~~ In accordance with Section 29.005 of the Texas Government Code, if the Presiding Judge is not reappointed by the 91st day following the expiration of a term of office, he shall continue to serve for another term of office beginning on the date the previous term of office expired.

~~2.2 The City will appoint one or more Associate Judges of the Municipal Court who shall have the power to perform the same duties as the Presiding Judge, who shall take direction from the Presiding Judge, and who shall fill the duties of the Presiding Judge at any time the Presiding Judge is unavailable or unable to fulfill the duties due to judicial conflicts, scheduling conflicts, or other legal or practical issues.~~

~~2.3~~ 2.2 The City will provide a municipal court facility and adequate staff to allow the court to manage its case load and its docket in a professional, timely and courteous manner, and will provide the needed equipment and supplies including a computer and office supplies at the City's expense.

2.4 2.3 In the event that the municipal court facility should not be available, the City reserves the right to designate days of the week, hours, and alternate locations where the Municipal Court may be held. The City will provide reasonable notice to permit the judge to manage their schedules whenever possible.

### **Article III. Compensation**

3.1 The City agrees to compensate the Presiding Judge a flat rate of \$2,000.00 per month, paid on the first day of each calendar month. The Presiding Judge position is an appointed, contract position and the judge is expected to hold court when necessary and remain until such time as court is adjourned for that day.

3.2 At the request of the Calhoun County Sheriff, the Presiding Judge ~~may~~ shall perform magistration services for prisoners accused of violating state law when County Justices of the Peace are unavailable due to scheduling or other conflicts. In consideration of providing these ~~additional~~ services, the Presiding Judge shall be compensated an addition ~~\$175.00~~ \$100.00 each time that the Presiding Judge serves as magistrate for state law offenses. By way of example, if the Sheriff calls the Presiding Judge to serve as magistrate for state law offenses for more than one prisoner on a single day, the compensation for that day will be ~~\$175.00~~ \$100.00. It is understood and expected that the Presiding Judge will provide magistration to each prisoner presented to the Presiding Judge.

3.3 Given the nature of this position and appointment, the Presiding Judge is responsible for all employment taxes and reporting. It is expressly understood the Presiding Judge is not an employee of the City of Port Lavaca.

~~3.4 — The City will reimburse the Presiding Judge for all expenses incurred in the course of the court's business, including training and education required by the office of court administration, and outside legal counsel as necessary. All expenses are reimbursed to the Presiding Judge at actual cost with no mark up.~~

~~3.5~~ 3.4 The Presiding Judge may not participate in the City's health insurance and benefit plan. The City shall not pay any additional benefits to the Presiding Judge, other than the monthly flat rate and reimbursement of expenses.

### **Article IV. Miscellaneous**

4.1 The term of this appointment begins on \_\_\_\_\_,

Motion made by Councilman District 6 Burke

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS:

THAT, Council hereby approves the revisions to the Memorandum of Understanding (MOU) between Municipal Court Judge Raymond B. Perez and the City of Port Lavaca, Texas for Presiding Judge Position as presented.

Seconded by Councilman District 2 Dent

Voting Aye:

Councilman District 2 Dent, Councilman District 6 Burke

Voting Nay:

Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilwoman District 5 Bland-Stewart

Mayor Whitlow announced the vote was 2 Ayes to 4 Nays; therefore, motion failed.

Motion made by Councilwoman District 4 (Mayor Pro Tem) Padron

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS:

THAT, Council hereby approves the revisions to the Memorandum of Understanding (MOU) between Municipal Court Judge Raymond B. Perez and the City of Port Lavaca, Texas for Presiding Judge Position, with exception to Article III, Compensation, Section 3.2, to state zero additional compensation, as follows:

3.2 At the request of the Calhoun County Sheriff, the Presiding Judge ~~may~~ shall perform magistration services for prisoners accused of violating state law when County Justices of the Peace are unavailable due to scheduling or other conflicts. In consideration of providing these ~~additional~~ services, the Presiding Judge shall be compensated an addition ~~\$175.00 \$100.00 \$0.00~~ each time that the Presiding Judge serves as magistrate for state law offenses. By way of example, if the Sheriff calls the Presiding Judge to serve as magistrate for state law offenses for more than one prisoner on a single day, the compensation for that day will be ~~\$175.00 \$100.00 \$0.00~~. It is understood and expected that the Presiding Judge will provide magistration to each prisoner presented to the Presiding Judge.

Seconded by Councilman District 1 Aguirre

Voting Aye:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilwoman District 5 Bland-Stewart

Voting Nay:

Councilman District 6 Burke

**V. ADJOURN SPECIAL MEETING**

Mayor Whitlow asked for motion to adjourn.

Motion made by Councilwoman District 4 (Mayor Pro Tem) Padron

Seconded by Councilwoman District 5 Bland-Stewart

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilwoman District 5 Bland-Stewart, Councilman District 6 Burke

Special Meeting adjourned at 8:09 p.m.

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Jack Whitlow, Mayor

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Mandy Grant, City Secretary