

CITY OF HIGHLAND HAVEN
ORDINANCE NO. 070 (Revision 1)

January 22, 2013

AN ORDINANCE OF THE CITY OF HIGHLAND HAVEN, TEXAS TO ESTABLISH A COURT OF RECORD IN THE CITY OF HIGHLAND HAVEN AS ADOPTED DECEMBER 15, 2009, PROVIDING FOR ESTABLISHING MUNICIPAL COURT AS A COURT OF RECORD, IN THE MANNER SET OUT BELOW; PROVIDING AN EFFECTIVE DATE AND OTHER RELATED MATTERS.

Whereas, the City of Highland Haven Municipal Court was not a court of record, and the Board of Aldermen desires to designate it as a court of record, Ordinance #070, Revision 0, with provisions and powers set forth by and in Chapter 30 of the Texas Government Code.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HIGHLAND HAVEN, TEXAS:

Section I. CURRENT MUNICIPAL COURT - The current Highland Haven Court, which is not one of record, shall expire and any ordinance authorizing such court is hereby repealed as of the effective date of Ordinance #070, Revision 0. Any matters heard, considered, or decided by the Municipal Court on or after the effective date of Ordinance #070, Revision 0 shall be considered or decided in the Highland Haven Municipal Court of Record Number 1.

Section II. MUNICIPAL COURT OF RECORD

The Municipal Court of the City of Highland Haven, Texas is hereby established.

- 2.1 The Municipal Court of the City of Highland Haven, Texas is hereby established. The Municipal Court shall be a court of record. The court shall be designated as “Highland Haven Municipal Court of Record Number 1”.
- 2.2 Highland Haven Municipal Court of Record Number 1 shall have all of the jurisdiction and power as is authorized in Title 30 of the Local Government Code of the State of Texas for Municipal Courts of Record.

Section III. OFFICE OF JUDGE OF HIGHLAND HAVEN MUNICIPAL COURT OF RECORD NUMBER 1

The office of JUDGE of Highland Haven Municipal Court of Record Number 1 is hereby established.

- 3.1 The Highland Haven Municipal Court of Record Number 1 shall be presided over by a CHIEF JUDGE who shall be appointed by and removed by the Board of Aldermen. The Board of Aldermen shall also appoint one or more ALTERNATE JUDGES, as it deems necessary. (All of whom are hereby referred to herein as JUDGE).
- 3.2 The CHIEF JUDGE and any ALTERNATE JUDGE shall be licensed attorneys in good standing with the State Bar and have two or more years experience in the practice of law in the State of Texas.
- 3.3 The CHIEF JUDGE and any ALTERNATE JUDGE must complete all judicial education courses that are required by law.

Section IV. COURT REPORTER

The position of Municipal Court Reporter is hereby created and shall receive such compensation as may be fixed by the Board of Aldermen.

- 4.1 The Municipal Court Reporter shall be appointed to office by the governing body when necessary and shall be subject to removal by the governing body.
- 4.2 The court reporter must meet the qualifications provided by law for official court reporters.

Section V. RECORDING OF PROCEEDINGS

The Municipal Court of Record shall comply with the recording procedures set forth in Chapter 30 of the Texas Government Code.

- 5.1 Upon request of the municipal judge or upon written request of one of the parties to a trial, proceedings of the municipal court of record, limited to trial testimony and motions before the court, shall be recorded. The proceedings shall primarily be recorded electronically, but may be recorded by a qualified court reporter. The defendant may, at his expense, have a court reporter present in the courtroom during the proceedings.
- 5.2 The recording of municipal court of record proceedings shall be kept and stored for not less than 20 days beginning the day after the last day of the court proceeding, trial, or denial of motion for new trial, whichever occurs last. The proceedings that are appealed shall be transcribed from the recording by a court reporter or other person authorized to transcribe the court of record proceedings. The court reporter or other person transcribing the recorded proceedings is not required to have been present at the proceedings when they were recorded.

- 5.3 The defendant shall pay for any transcription of the recorded proceedings unless the court finds, after a hearing in response to an affidavit by the defendant, that the defendant is unable to pay or give security for the transcription.
- 5.4 Before the recorded proceedings are transcribed, the defendant shall, unless found by the court to be unable to pay for the transcription, post a cash deposit with the municipal clerk for the estimated cost of the transcription. The cash deposit shall be based on the length of the proceedings, as indicated by the amount of tape used to electronically record the proceedings, and the costs of court reporter, typing, and other incidental services. The municipal clerk shall post a current schedule of charges for transcription fees, including deposits. If the cash deposit exceeds the actual cost of the transcription, the municipal clerk shall refund the difference to the defendant. If the cash deposit is insufficient to cover the actual cost of the transcription, the defendant must pay the additional amount before he is given the transcription. If a case is reversed on appeal, the municipal clerk shall refund to the defendant any amounts paid for a transcription.
- 5.5 On proceedings that are appealed, the defendant shall pay a \$25 fee for preparation of the clerk's record. The fee will be refunded to the defendant if the case is reversed and dismissed on appeal.

Section VI. CLOSING PROVISIONS

Effective Date - This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

Open Meetings – It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

PASSED AND APPROVED this the 22nd day of *January 2013* during a scheduled meeting by the Board of Aldermen of The City of Highland Haven, Texas.

Peter E. Freehill, Mayor

ATTEST:

Dana Turner, City Secretary

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