

CITY OF HORSESHOE BAY

ORDINANCE NO. ORD 06-12-12D

Municipal Court Building Security Fund

AN ORDINANCE OF THE CITY OF HORSESHOE BAY, TEXAS, ESTABLISHING A MUNICIPAL COURT BUILDING SECURITY FUND; AND PROVIDING FOR FINDINGS OF FACT; ASSESSMENT AND COLLECTION OF SECURITY FEE; USE AND ADMINISTRATION OF FUND; REPEALER; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING

WHEREAS, Article 102.017 of the Code of Criminal Procedure authorizes the governing body of a municipality to create a municipal court building security fund to finance security personnel or items used for the purpose of providing security services for buildings housing a municipal court; and

WHEREAS, City Council of the City of Horseshoe Bay (“City Council”) has established a municipal court; and

WHEREAS, pursuant to Texas Local Government Code section 51.012, the City may adopt an ordinance, act, law or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the City as a body politic; and

WHEREAS, pursuant to Texas Local Government Code section 51.001, the City Council may adopt an ordinance, rule or police regulation that is for the good government, peace or order of the City or the trade and commerce of the City; and

WHEREAS, the City Council finds that the general health, safety and welfare is promoted by the enactment of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY, TEXAS:

1. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

2. ESTABLISHMENT OF MUNICIPAL COURT BUILDING SECURITY FUND

- A.** There is hereby created and established a Municipal Court Building Security Fund (the “Fund”) pursuant to Article 102.017 of the Code of Criminal Procedure.
- B.** The Fund may be maintained in an interest bearing account and may be maintained in a special revenue account.

3. AMOUNT OF FEE; ASSESSMENT AND COLLECTION

- A.** The Municipal Court of the City of Horseshoe Bay (the “Municipal Court”) is authorized and required to assess a Municipal Court Building Security Fee (the “Fee”) of three dollars (\$3.00) as a cost of court, in addition to any other authorized fees and costs.
- B.** The Fee shall be assessed and collected from a defendant upon conviction for a misdemeanor offense in the Municipal Court. A defendant is considered convicted if:
 - (1) a sentence is imposed on the person;
 - (2) the person receives community supervision, including deferred adjudication; or
 - (3) the court defers final disposition of the person’s case.
- C.** Each misdemeanor conviction shall be subject to a separate Fee assessment.
- D.** The Fee shall be collected on conviction for an offense committed on or after this Ordinance is adopted.
- E.** The clerk of the court shall collect the Fee and pay the Fee to the treasury of the City. All Fees so collected and paid over to the treasury of the City shall be accounted for separately in the accounting records of the City.

4. USE OF FUND; ADMINISTRATION

- A.** The Fund shall be used only to finance security personnel for the Municipal Court or to finance items when used for the purpose of providing security services for buildings housing the Municipal Court, including:
 - (1) the purchase or repair of X-ray machines and conveying systems;
 - (2) handheld metal detectors;
 - (3) walkthrough metal detectors;
 - (4) identification cards and systems;
 - (5) electronic locking and surveillance equipment;
 - (6) bailiffs, deputy sheriffs, deputy constables, or contract security personnel during times when they are providing appropriate security services;
 - (7) signage;
 - (8) confiscated weapon inventory and tracking systems;
 - (9) locks, chains, alarms, or similar security devices;
 - (10) the purchase or repair of bullet-proof glass;
 - (11) continuing education on security issues for court personnel and security personnel; and

(12) as otherwise authorized by law.

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

5. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

6. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

7. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

8. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was 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 of the Texas Government Code.

ADOPTED, PASSED AND APPROVED on this, the 12TH day of DECEMBER, 2006.

CITY OF HORSESHOE BAY, TEXAS

_____/S/_____
Robert W. Lambert, Mayor

ATTEST:

_____/S/_____
Toni Vanderburg, City Secretary