

ORDINANCE NO. 2010-09
12/14/10

**AN ORDINANCE OF THE CITY OF MEADOWLAKES, TEXAS
ESTABLISHING A MUNICIPAL COURT TECHNOLOGY FUND AND A
MUNICIPAL COURT BUILDING SECURITY FUND; PROVIDING FOR
THE ASSESSMENT AND COLLECTION OF APPLICABLE MUNICIPAL
COURT FEES; PROVIDING FOR AN EFFECTIVE DATE AND
PROVIDING FOR RELATED MATTERS.**

WHEREAS, Article 102.0172 of the Code of Criminal Procedure provides for the establishment of a Municipal Court Technology Fund; and,

WHEREAS, Article 102.017 of the Code of Criminal Procedure provides for the establishment of a Municipal Court Building Security Fund;

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

Section 1. Establishment of Municipal Court Technology Fund.

There is hereby created and established a Municipal Court Technology Fund, herein referred to as the "Technology Fund", pursuant to Article 102.0172 of the Code of Criminal Procedure to be maintained as permitted.

Section 2. Establishment of Municipal Court Building Security Fund.

There is hereby created and established a Municipal Court Building Security Fund, herein referred to as the "Security Fund", pursuant to Article 102.017 of the Code of Criminal Procedure to be maintained as permitted.

Section 3. Establishment of Amount of the Technology Fund Fee and Assessment and Collection.

- a. The fee shall be in the amount of four dollars (\$4.00) per convicted offense. The fee may only be increased or decreased as ordered by the Texas Comptroller of Public Accounts.
- b. The fee shall be assessed and collected from the defendant upon conviction for a misdemeanor offense in the Municipal Court as a cost of court. A defendant is considered convicted if:
 - i) a sentence is imposed on the person;
 - ii) the person is placed on community supervision, including deferred adjudication community supervision; or
 - iii) the court defers final disposition of the person's case.
- c. The fee shall be collected on conviction for an offense committed on or after passage of this ordinance. Any increases or decreases in fees as ordered by the Texas Comptroller

of Public Accounts will become effective upon the effective date of the Comptroller's order.

- d. The clerk of the court shall collect the fee and pay the fee to the City Treasurer of the City of Meadowlakes, who shall deposit the fee into the Municipal Court Technology Fund.

Section 4. Designated Use of the Technology Fund and Administration.

- a. The Technology Fund shall be used only to finance the purchase of technological enhancements for the Municipal Court of the City of Meadowlakes, including:
 - i) computer systems;
 - ii) computer networks;
 - iii) computer hardware;
 - iv) computer software;
 - v) imaging systems;
 - vi) electronic kiosks;
 - vii) electronic ticket writers; or
 - viii) docket management systems.
- b. The Fund shall be administered by or under the direction of the City Council of the City of Meadowlakes.

Section 5. Establishment of Amount of the Security Fund Fee and Assessment and Collection.

- a. The fee shall be in the amount of three dollars (\$3.00) per convicted offense. The fee may only be increased or decreased as ordered by the Texas Comptroller of Public Accounts.
- b. The fee shall be assessed and collected from the defendant upon conviction for a misdemeanor offense in the Municipal Court as a cost of court. A defendant is considered convicted if:
 - i) a sentence is imposed on the person;
 - ii) the person is placed on community supervision, including deferred adjudication community supervision; or
 - iii) the court defers final disposition of the person's case.
- c. The fee shall be collected on conviction for an offense committed on or after passage of this ordinance. Any increases or decreases in fees as ordered by the Texas Comptroller of Public Accounts will become effective upon the effective date of the Comptroller's order.
- d. The clerk of the court shall collect the fee and pay the fee to the City Treasurer of the City of Meadowlakes, who shall deposit the fee into the Municipal Court Security Fund.

Section 6. Designated Use of the Security Fund and Administration.

- a. The Security Fund shall be used only to finance the purchase of enhancements/additions relating to courthouse security for the Municipal Court of the City of Meadowlakes, including:
- i) Security Personnel, services, and items related to buildings that house the operations of municipal courts;
 - ii) repair of x-ray machines and conveying systems;
 - iii) handheld metal detectors;
 - iv) walkthrough metal detectors;
 - v) identification cards and systems;
 - vi) electronic locking and surveillance equipment;
 - vii) bailiffs, deputy sheriffs, deputy constables, or contract security personnel during times when they are providing appropriate security services;
 - viii) signage;
 - ix) confiscated weapon inventory and tracking systems;
 - x) locks, chains, alarms, or similar security devices;
 - xi) the purchase or repair of bullet-proof glass; and
 - xii) continuing education on security issues for court personnel and security personnel.
- b. The Fund shall be administered by or under the direction of the City Council of the City of Meadowlakes.

Section 7. Severability.

If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Meadowlakes, Texas, in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any portion or provision.

Section 8. Repealing Conflict.

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

Section 9. Publishing and Effective Date.

This ordinance shall be published in accordance with the requirement of publishing all ordinances and becomes effective in accordance with state law upon passage.

Section 10. Proper Notice of Meeting.

The meeting at which this Ordinance was adopted was open to the public and 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, APPROVED, AND ADOPTED this the 14TH day of DECEMBER, 2010.

*/s/ Don Williams*_____

Don Williams, Mayor

Attest:

*/s/ Linda A. Wendling*_____

Linda A. Wendling, City Secretary