

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REAPPOINTING THE HONORABLE ANN POSTON, THE HONORABLE CYNTHIA BURKETT, THE HONORABLE KIMBERLY LAFFERTY, AND THE HONORABLE HYATTYE SIMMONS EACH AS ASSISTANT JUDGE FOR THE CITY OF DENTON MUNICIPAL COURT OF RECORD FOR A TWO (2) YEAR TERM BEGINNING DECEMBER 31ST, 2025, AND ENDING DECEMBER 30, 2027; APPOINTING ALISSA JANKE, AS ASSISTANT JUDGE FOR THE CITY OF DENTON MUNICIPAL COURT OF RECORD FOR A TWO (2) YEAR TERM BEGINNING DECEMBER 31, 2025, AND ENDING DECEMBER 30, 2027; AUTHORIZING EXPENDITURE OF FUNDS; AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR THE DESIGNATED TERM OF OFFICE FOR EACH JUDGE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, Section 6.03 of the Charter of the City of Denton and Chapter 19 of the Code of the City of Denton, Texas, authorize the City Council to appoint Assistant Municipal Court Judges to preside over the judicial functions of the Municipal Court of Record for the City of Denton in the absence of the Presiding Judge; and

WHEREAS, Chapters 29 and 30 of the Texas Government Code provide that a governing body shall appoint one or more judges by ordinance to preside over a municipal court of record and to serve for a term of office of two years unless the municipality provides for a longer term pursuant to Article XI, Section 11, of the Texas Constitution; and

WHEREAS, appointed judges are not employees of the City of Denton, but instead are independent contractors providing judicial and magistration services as an assistant municipal court judge; and

WHEREAS, Section 19-36 of the Code of the City of Denton, Texas, provides assistant judges are appointed in odd numbered years, serve in the absence of and have all the authority of the presiding municipal court judge as provided by state law and the city charter, and serve a two (2) year term from the date of appointment; and

WHEREAS, Chapter 29 of the Local Government Code provides that a municipal court judge who is not reappointed by the 91st day following the expiration of a term of office shall, absent action by the appointing authority, continue to serve for another term of office beginning on the date the previous term of office expired; and

WHEREAS, beginning in October 2021, the Court implemented evening arraignments for individuals detained in the city's jail facility and for which the assistant judges have the primary responsibility to conduct; and

WHEREAS, there are currently four (4) assistant judges (Cynthia Burkett, Kimberly Lafferty, Ann Poston, and Hyattye Simmons) who are serving current two (2) year appointments that expire December 30, 2025; and

WHEREAS, as assistant judges are not guaranteed any minimum number of hours, and appointing one (1) additional assistant judge will help to ensure coverage for all municipal court dockets and arraignments; and

WHEREAS, the Presiding Judge has determined that Cynthia Burkett, Kimberly Lafferty Ann Poston, Hyattye Simmons, and Alissa Janke are well versed and knowledgeable in the law, and have demonstrated the character necessary to maintain the dignity and professionalism of both a magistrate and assistant judge of the Denton Municipal Court; NOW THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

Section 1. The findings and recitations contained in the preamble of this ordinance are incorporated herein by reference as true and as if fully set forth in the body of this ordinance.

Section 2. Hyattye Simmons, is hereby appointed as an Assistant Municipal Judge for the Municipal Court of Record for the City of Denton, Texas for a two (2) year Term of Office beginning on the 31st day of December, 2025, and continuing through December 30th, 2027.

Section 3. Cynthia Burkett, is hereby appointed as an Assistant Municipal Judge for the Municipal Court of Record for the City of Denton, Texas for a two (2) year Term of Office beginning on the 31st day of December, 2025, and continuing through December 30th, 2027.

Section 4. Kimberly Lafferty is hereby appointed as an Assistant Municipal Judge for the Municipal Court of Record for the City of Denton, Texas for a two (2) year Term of Office beginning on the 31st day of December, 2025, and continuing through December 30th, 2027.

Section 5. Ann Poston, is hereby appointed as an Assistant Municipal Judge for the Municipal Court of Record for the City of Denton, Texas for a two (2) year Term of Office beginning on the 31st day of December, 2025, and continuing through December 30th, 2027.

Section 6. Alissa Janke is hereby appointed as an Assistant Municipal Judge for the Municipal Court of Record for the City of Denton, Texas for a two (2) year Term of Office beginning on the 31st day of December, 2025, and continuing through December 30th, 2027.

Section 8. The City of Denton therefore appoints and designates the aforementioned persons as assistant municipal judges for, and under the laws of, the State of Texas with all the powers, rights and duties of said appointment, including the duties of magistrate, each for a two (2) year term of office.

Section 9. City expenditures provided for in the Contract for Services are hereby authorized.

Section 10. The Mayor is hereby authorized to execute on behalf of the City of Denton a contract for services in substantial conformance with the contract template attached hereto as Exhibit A with each Assistant Judge, providing for the terms of compensation for each assistant municipal court judge.

The motion to approve this Ordinance was made by \_\_\_\_\_ and seconded by \_\_\_\_\_. This Ordinance was passed and approved by the following vote [\_\_\_ - \_\_\_]:

|                                        | <b>Aye</b> | <b>Nay</b> | <b>Abstain</b> | <b>Absent</b> |
|----------------------------------------|------------|------------|----------------|---------------|
| Mayor Gerard Hudspeth:                 | _____      | _____      | _____          | _____         |
| Vicki Byrd, District 1:                | _____      | _____      | _____          | _____         |
| Brian Beck, District 2:                | _____      | _____      | _____          | _____         |
| Suzi Rumohr, District 3:               | _____      | _____      | _____          | _____         |
| Joe Holland, District 4:               | _____      | _____      | _____          | _____         |
| Brandon Chase McGee, At Large Place 5: | _____      | _____      | _____          | _____         |
| Jill Jester, At Large Place 6:         | _____      | _____      | _____          | _____         |

PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
GERARD HUDSPETH, MAYOR

ATTEST:  
INGRID REX, INTERIM CITY SECRETARY BY:

\_\_\_\_\_

APPROVED AS TO LEGAL FORM:  
MACK REINWAND, CITY ATTORNEY

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