

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON APPOINTING TYLER ATKINSON AS PRESIDING JUDGE FOR THE CITY OF DENTON MUNICIPAL COURT OF RECORD; ESTABLISHING A TWO-YEAR TERM OF OFFICE FOR THE PRESIDING JUDGE COMMENCING ON THE 1ST DAY OF OCTOBER 2022 AND EXTENDING THROUGH THE 30TH DAY OF SEPTEMBER 2024; PROVIDING SEVERABILITY AND REPEALER CLAUSES; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, on July 13, 2020, the City Council appointed Tyler Atkinson as the Presiding Municipal Judge of the City of Denton by Ordinance No. 20-1253; and

WHEREAS, on August 17, 2021, the City Council reappointed Tyler Atkinson as the Presiding Municipal Judge of the City of Denton by Ordinance No. 21-1781; and

WHEREAS, the City Council desires to reappoint Tyler Atkinson as Presiding Municipal Judge to preside over the judicial functions of the Municipal Court of Record for the City of Denton, to establish two-year terms of office for Presiding Judge, said appointment commencing on the 1st day of October 2022 and ending on September 30, 2024; and

WHEREAS, Tyler Atkinson desires to be appointed as Presiding Municipal Judge for the term stated above to preside over the judicial functions of the Municipal Court of Record for the City of Denton; and

WHEREAS, the Article XI, Section 11 of the Texas Constitution, and Chapters 29 and 30 of the Texas Government Code requires that the Council shall establish two (2) year terms of office.

WHEREAS, Section 30.00006 of the Government Code provides that a governing body shall appoint one or more Judges to preside over a municipal court of record; and

WHEREAS, Chapter 30.00007 of the Government Code requires the governing body of a municipality to appoint a presiding judge if there is more than one municipal judge appointed in the municipality; and

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

WHEREAS, under Article VI, Section 6.03 of the Denton City Charter, as well as Article II, Section 19-36 of the Code of Ordinances for the City of Denton, the Presiding Municipal Judge shall be appointed in even-numbered years; and

WHEREAS, the City Council believes is in the best interest of the City of Denton and its citizens to reappoint Judge Atkinson for the term stated above.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings set forth in the above preamble to this Ordinance are true and correct and are hereby adopted.

SECTION 2. Tyler Atkinson is hereby appointed as the Presiding Judge for the Municipal Court of Record for the City of Denton commencing on the 1st day of October 2022 and ending on September 30, 2024.

SECTION 3. The City of Denton therefore appoints and designates Tyler Atkinson as Presiding Municipal Judge and Magistrate for, and under the laws of the State of Texas, with all the powers, rights and duties of said appointment for a two (2) year terms of office. As provided for in Section 29.005 of the Texas Government Code, if no action is taken by the City Council for the City of Denton, Texas by the 91st day following the expiration of the term of office provided for herein, the term of Presiding Municipal Judge will continue for a two year period beginning on the date the previous term of office expired.

SECTION 4. The City Council does not appoint to the Municipal Court any person not specifically appointed in this ordinance, or for any term not expressly stated in this ordinance.

SECTION 5. This Ordinance shall supersede and replace any prior ordinance of the City of Denton appointing a presiding municipal judge.

SECTION 6. Compensation for the Presiding Judge is provided for by an agreement entered into by the City of Denton and Tyler Atkinson.

SECTION 7. The Presiding Judge shall not be removed during the above stated term except as provided for in Article V, Section 1-a (6) the Texas Constitution, Section 30.000085 of the Texas Government Code, Subchapter B, Chapter 21, of the Local Government Code, or City Charter.

SECTION 8. Should any portions or provisions of the City Code or City Charter for the City of Denton conflict with state law, the Texas Constitution and Chapter 30 of the Texas Government Code shall control regarding the terms of appointment, re-appointment, qualifications, or removal of a municipal court judge as appointed herein.

SECTION 9. The City Council shall monitor the municipal judge's term of office and the Director of Human Resources shall be responsible to bring an item to City Council no later than June 30, 2024, or as otherwise directed by City Council to provide sufficient time for City Council consideration and subsequent reappointment.

SECTION 10. If any section, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance, or the application thereof to any person or under any circumstances is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council of the City of Denton, Texas, hereby declares it would have enacted such remaining portions despite any such invalidity.

SECTION 11. Any provision of a prior ordinance of the City of Denton, whether codified or uncodified, in conflict with any provision of this ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

SECTION 12. This Ordinance shall become effective immediately upon its passage and approval.

The motion to approve this Ordinance was made by _____ and seconded by _____, the Ordinance was passed and approved by the following vote [____ - ____]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Jesse Davis, District 3:	_____	_____	_____	_____
Alison Maguire, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Chris Watts, At Large Place 6:	_____	_____	_____	_____

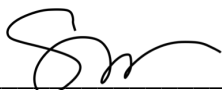
PASSED AND APPROVED this the _____ day of _____, 2022.

GERARD HUDSPETH, MAYOR

ATTEST:
ROSA RIOS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY:  _____

