

**ORDINANCE NO. 1252-2019**

**AN ORDINANCE OF THE CITY OF RIVER OAKS, TEXAS APPOINTING ASSOCIATE JUDGES OF THE MUNICIPAL COURT OF RECORD IN THE CITY OF RIVER OAKS TO SERVE A TERM THAT WOULD CORRESPOND WITH THE JUDGE'S TERM TO EXPIRE BY JUNE 1, 2020; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of River Oaks is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City Council has created a municipal court of record pursuant to Chapter 30 of the Texas Government Code; and

**WHEREAS**, pursuant to the ordinance creating the River Oaks Municipal Court of Record, the City Council has the authority to name judges and/or associate judges to preside over the judicial functions for the River Oaks Municipal Court of Record; and

**WHEREAS**, Section 574.001, Texas Government Code requires that a finding be made by the governing body to the effect that a person who serves as an officer in more than one appointed position has satisfied Article XVI, Section 40, of the Texas Constitution; and

**WHEREAS**, the City Council has determined that there is no conflict between the office of municipal judge of the City of River Oaks and the office of municipal judge or associate municipal judge in any other municipality in the State of Texas; and

**WHEREAS**, pursuant to Sec. 7.02.003 "Municipal court judge" of the River Oaks Code of Ordinances, the city council may appoint one or more similarly qualified persons to serve as alternate or associate municipal judge when the municipal judge is temporarily absent for any reason, or to serve under the direction of the municipal court judge; and

**WHEREAS**, the City Council finds that with the 2-year term for the Judge to expire by June 1, 2020, it would be appropriate for the associate judges to also serve the term that would correspond with the Judge's term to expire by June 1, 2020.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS, TEXAS, THAT:**

**SECTION 1.**

It is hereby found that the office of associate municipal judges of the City of River Oaks is of benefit to the State of Texas and to the City of River Oaks.

**SECTION 2.**

**Jim Minter** is hereby appointed as associate municipal judge of the River Oaks

Municipal Court of Record for the unexpired term to expire June 1, 2020. At the expiration of said term, in accordance with Article 16, Section 17 of the Texas Constitution, Associate Judge Jim Minter shall continue to serve until his successor shall be duly qualified. The City Council shall have the authority to remove the associate municipal judge as provided by City Charter.

**SECTION 3.**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of River Oaks, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

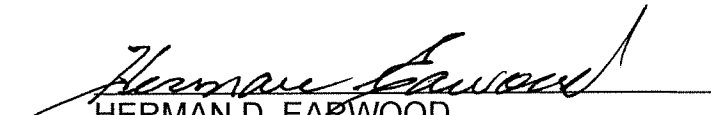
**SECTION 4.**

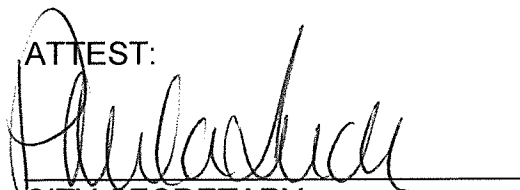
It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 5.**

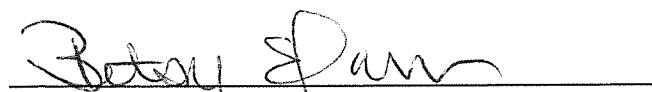
This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

**PASSED AND APPROVED ON THIS 12<sup>th</sup> DAY OF NOVEMBER, 2019.**

  
HERMAN D. EARWOOD  
MAYOR

ATTEST:  
  
CITY SECRETARY

APPROVED AS TO FORM:

  
Betsy Elam, City Attorney