

**ORDINANCE NO. 1920**

**AN ORDINANCE OF THE CITY OF EULESS, TEXAS APPOINTING THE ASSOCIATE JUDGES OF THE MUNICIPAL COURT OF RECORD IN THE CITY OF EULESS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Euless 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**, Chapter 30, Subchapter A, Section 30.00006, of the Texas Government Code relating to municipal courts of record provides that the governing body shall by ordinance appoint its municipal judges; and

**WHEREAS**, pursuant to Ordinance No. 1384, the City Council shall have the right and authority to name judges and/or associate judges to preside over the judicial functions for the Euless Municipal Court of Record.

**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**, there is no conflict between the office of associate municipal judge of the City of Euless and the office of municipal judge or associate municipal judge in any other municipality in the State of Texas.

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

**SECTION 1.**

It is hereby found that the offices of associate municipal judge of the City of Euless is of benefit to the State of Texas and to the City of Euless.

**SECTION 2.**

Kenneth C. Whitely and Tim Murphy are hereby reappointed as associate municipal judges of the Euless Municipal Court of Record for two-year terms to expire September 30, 2013. At the expiration of said term, in accordance with Article 16, Section 17 of the Texas Constitution, Judge Whitely and Judge Murphy shall continue to serve

until their successor shall be duly qualified. The City Council shall have the authority to remove the associate municipal judges 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 Euless, 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**

**EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its passage, as provided by the Euless City Charter and the laws of the State of Texas.

**PRESENTED AND PASSED ON FIRST AND FINAL READING** at a regular meeting of the Euless City Council on August 30, 2011, by a vote of \_\_\_\_ayes, \_\_\_\_nays, and \_\_\_\_abstentions.

APPROVED:

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Mary Lib Saleh, Mayor

ATTEST:

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Kim Sutter, TRMC, City Secretary

APPROVED AS TO FORM:

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Wayne K. Olson, City Attorney