

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, PROVIDING FOR THE CREATION OF TWO TEMPORARY ASSOCIATE MUNICIPAL COURT JUDGE POSITIONS AND THE APPOINTMENT OF TWO TEMPORARY ASSOCIATE MUNICIPAL COURT JUDGES ON A SHORT-TERM BASIS ONLY IN ORDER TO ASSIST THE EXISTING MUNICIPAL COURT JUDGES WITH THE NUMBER OF CASES PENDING AND VARIOUS ADMINISTRATIVE TASKS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bryan hosts a municipal court of record within its territorial and jurisdictional limits; and

WHEREAS, as part of the hosting process, the City has appointed one or more municipal court judges to preside over the court system; and

WHEREAS, it is expressly understood each municipal court judge is not an employee of the City or a local official. Each municipal court judge is a public officer and member of the judiciary of the State of Texas.

WHEREAS, due to a variety of factors, including but not limited to a pandemic which prevented the municipal court from holding court for certain times, orders from the Texas Supreme Court which restricted in-person court proceedings for a time, illnesses of various associate judges, and the current shortage of the availability of various associate judges, the municipal court is currently understaffed as it relates to available associate judges given the current number of pending cases; and

WHEREAS, the City of Bryan City Council finds that it should create two temporary associate judge positions to assist the existing associate judges with various judicial and administrative tasks.

The two temporary associate judge positions shall be the Temporary Associate and Administrative Judge position and the Secondary Temporary Associate Judge position; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS the following:

**I.
POSITIONS**

- 1.** The City Council hereby creates two temporary associate judge positions to assist the existing associate judges with various judicial and administrative tasks. The two temporary associate judge positions are the Temporary Associate and Administrative Judge position and the Secondary Temporary Associate Judge position. The term of each is set by the ordinance.
- 2.** Both temporary associate judge positions shall report directly to the senior most municipal judge for the City of Bryan for purposes of all judicial activity.
- 3.** The Temporary Associate and Administrative Judge position shall also provide guidance and act as an administrative liaison with the City Council for purposes of the City Council reviewing applications and appointing any regular associate judge positions. By acting in this role, the Temporary Associate and Administrative Judge position and the Secondary Temporary Associate Judge position are not eligible to apply for and cannot be appointed to a regular associate judge position during this fiscal year or the next fiscal year.

4. Pursuant to the City Charter, like all municipal judge positions, the Temporary Associate and Administrative Judge position and the Secondary Temporary Associate Judge position serve at the will of the City Council and may be removed from the position at any time. Further, the position itself is considered to be temporary and may be eliminated at any time, pursuant to state law requirements.
5. The Temporary Associate and Administrative Judge and the Secondary Temporary Associate Judge position possess all the authority of any associate judge and are also magistrates.
6. The Temporary Associate and Administrative Judge and the Secondary Temporary Associate Judge position are not employees of the City of Bryan.
7. The Temporary Associate and Administrative Judge and the Secondary Temporary Associate Judge position may not participate in the City's health insurance and benefit plan. The City shall not pay any additional benefits to the judge, other than the judge's hourly rate and expenses.
8. All municipal court judges are expected to follow the law, maintain a professional working environment free from unlawful discrimination, and maintain a professional and fair court.
9. All municipal court judges are expected to abide by the State Judicial Cannons as are now adopted or which may be amended in the future.
10. The City may remove any municipal court judge consistent with the laws of the State of Texas and applicable City ordinances.

**II.
APPOINTMENTS**

1. The City Council appoints Ryan Henry, with the Law Offices of Ryan Henry, PLLC, as the Temporary Associate and Administrative Judge. The Mayor is authorized to execute the memorandum of understanding with Ryan Henry.
2. The City Council appoints Joshua Galicia, with the Law Offices of Ryan Henry, PLLC, as the Secondary Temporary Associate Judge. The Mayor is authorized to execute the memorandum of understanding with Joshua Galicia.

**III.
CUMULATIVE CLAUSE**

That this Ordinance shall be cumulative of all provisions of the City of Bryan, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

**IV.
SEVERABILITY**

That it is hereby declared to be the intention of the City Council of the City of Bryan that the phrases, clauses, sentences, paragraphs, and sections of these Ordinances are severable, and if any phrase, clause, sentence, paragraph or section of these Ordinances should 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 or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in these Ordinances of any such unconstitutional phrases, clause, sentence, paragraph or section.

V.
PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

VI.
EFFECTIVE DATE

This ordinance shall go into effect on November 1, 2021.

PASSED, ADOPTED AND APPROVED on the 29th day of October, 2021 at a special meeting of the City Council of the City of Bryan, Texas, by a vote of _____ yeses and _____ noes.

ATTEST:

CITY OF BRYAN, TEXAS:

Mary Lynne Stratta, City Secretary

Andrew Nelson, Mayor

APPROVED AS TO FORM:

Thomas A. Leeper, Interim City Attorney