

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: January 30, 2024
PUBLIC HEARING DATE: February 13, 2024

CONTACT PERSON(S) NAME AND PHONE NUMBER: Lilia Worrell. (915) 212-5822

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: 2 – Set the Standard for a Safe and Secure City

SUBJECT:

An Ordinance amending TITLE 2 (Administration and Personnel), Chapter 2.44 (Courts), Section 2.44.030 (Judges) to update and clarify the process of filling vacancies in the positions of Municipal Court Judge or Substitute Associate Municipal Court Judge.

BACKGROUND / DISCUSSION:

This ordinance amendment is to update and clarify the process for the appointment of Municipal Court judicial vacancies. All qualified candidates will be scheduled for an interview by members of city council prior to city council appointment.

PRIOR COUNCIL ACTION:

None

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

PRIMARY DEPARTMENT: Municipal Court

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



Lilia Worrell, Municipal Court

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.44 (COURTS), SECTION 2.44.030 (JUDGES) TO UPDATE AND CLARIFY THE PROCESS OF FILLING VACANCIES IN THE POSITIONS OF MUNICIPAL COURT JUDGE OR SUBSTITUTE ASSOCIATE MUNICIPAL COURT JUDGE.

WHEREAS, Section 2.44 of Chapter 30 of the City Code discusses the process for the municipal courts of the city are established as courts of record in accordance with the terms and provisions, powers, duties, and limitations as set forth in Chapter 30, Government Code, and successor statutes; and

WHEREAS, the City of El Paso wishes to amend Title 2, Chapter 2.44, Section 2.44.030 to update and clarify the process of filling vacancies in the positions of municipal court judge or substitute associate municipal court judge.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

SECTION 1. That Title 2 (Administration and Personnel), Chapter 2.44 (Courts), Section 2.44.030 (Judges), is hereby amended to read as follows:

2.44.030 Judges.

- A. In addition to the qualifications prescribed in the City Charter, the presiding municipal judge shall be a licensed attorney at law who has practiced law in Texas at least five years prior to his or her election by a majority of the municipal judges.
- B. The term of office for the elected judges shall be as provided in the City Charter.
- C. The city council will appoint one or more substitute associate municipal judge to four-year terms, on full-time or part-time basis as necessary based on the advice of the city manager through the municipal court clerk, to sit, under the discretion and supervision of the presiding judge, for the regular judge of any municipal court when such regular judge is temporarily unable to act for any reason, or for any sub-court described in Section 2.44.010(B). Each substitute associate municipal judge shall possess the same qualifications required of the regular municipal judges and shall have all the powers and duties of the judge for whom such substitute associate municipal judge is sitting while so acting.
- D. The term of office for the substitute associate municipal judges is four years. The term of office for any substitute associate municipal judge appointed by the council for a term beginning in June 2003, and who was automatically reappointed in 2005 by operation of law, shall expire in June 2007. Thereafter, appointments to the positions with terms expiring in June 2007 shall be for four-year terms. The term of office for substitute associate municipal judges appointed by the council for a term beginning in June 2005 shall be for four years.

- E. When a vacancy arises in a position of municipal court judge or substitute associate municipal court judge, or new appointments of judges are necessary, the following selection process will be utilized.
1. The municipal court clerk will notify the city manager, mayor, and members of the city council of the vacancy or need for the council to make appointments.
 2. The Human Resources department will post a public notice in the same manner as city council agendas are posted, announcing the acceptance of resumes of interested candidates requesting to be considered in the selection process and will set a deadline for candidates to submit those resumes to the Human Resources department.
 3. The Human Resources department will ensure all candidates qualify for the position posted.
 4. The municipal court clerk will forward the names and resumes of the candidates to the city manager, mayor, and members of the city council no later than ten days after the deadline set for the submission of resumes.
 5. The municipal court clerk will place an appropriate item on the city council agenda to enable the city council to interview qualified candidates and make the appropriate appointments.
- F. Any substitute associate municipal judge appointed pursuant to subsection C of this section may be assigned to serve as arraignment judge, magistrate, or over a temporary court established under Section 2.44.010(B) under the supervision of the presiding municipal judge. The duties of magistrate shall be those prescribed by the laws of the state, particularly the Code of Criminal Procedure, at the discretion of the presiding judge.
- G. A vacancy in the office of elected judge is filled by appointment by the city council and the person appointed serves until the next regular municipal election, at which time his successor shall be elected. An appointee may succeed himself or herself.
- H. A vacancy in the office of substitute associate judge is filled by appointment by the city council and the person appointed serves the remainder of the expired term.

SECTION 2. Except as herein amended, Title 2 of the El Paso City Code shall remain in full force and effect.

(Signatures begin on following page)

ADOPTED this ____ day of _____, 2024.

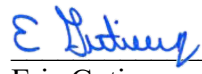
CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

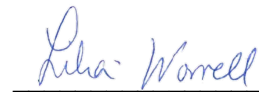
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Eric Gutierrez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Lilia Worrell, Director
Municipal Court

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 3. The Human Resources department will ensure all candidates qualify for the position posted.
 - ~~34. Each member of the city council may submit the names of one or more candidates to the city manager for consideration in the selection process. The municipal court clerk will forward the names and resumes of the candidates to the city manager, mayor, and members of the city council no later than ten days after the deadline set for the submission of resumes.~~
 45. ~~The city manager will compile a list of the candidates and as soon as practicable,~~ The municipal court clerk will place an appropriate item on the city council agenda to enable the city council to interview qualified candidates and make the appropriate appointments.
- F. Any substitute associate municipal judge appointed pursuant to subsection C of this section may be assigned to serve as arraignment judge, magistrate, or over a temporary court established under Section 2.44.010(B) under the supervision of the presiding municipal judge. The duties of magistrate shall be those prescribed by the laws of the state, particularly the Code of Criminal Procedure, at the discretion of the presiding judge.
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