

**ORDINANCE NO. 2020-04**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, DELETING DIVISION 2, MUNICIPAL COURT TECHNOLOGY FUND, OF ARTICLE II OF CHAPTER 28, MUNICIPAL COURT, OF THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS; DELETING SECTION 28-34, MUNICIPAL COURT BUILDING SECURITY FUND, OF ARTICLE II OF CHAPTER 28, MUNICIPAL COURT, OF THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS; DELETING DIVISION 3, JUVENILE CASE MANAGER FUND, OF ARTICLE 28 OF CHAPTER 28, MUNICIPAL COURT, OF THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS; PROVIDING FOR THE INCORPORATION OF PREAMBLE; SPECIFICALLY REPEALING ORDINANCE NUMBER 2010-12, AS CODIFIED AS DIVISION 2, MUNICIPAL COURT TECHNOLOGY FUND AND SECTION 28-34, MUNICIPAL COURT BUILDING SECURITY FUND, OF ARTICLE II OF CHAPTER 28, MUNICIPAL COURT, OF THE CODE OF ORDINANCES; SPECIFICALLY REPEALING ORDINANCE 2014-02, AS CODIFIED AS DIVISION 3, JUVENILE CASE MANAGER FUND, OF ARTICLE II OF CHAPTER 28, MUNICIPAL COURT, OF THE CODE OF ORDINANCES; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE AND AN EFFECTIVE DATE.**

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**WHEREAS**, On June 21, 2010, by Ordinance Number 2010-12, the City Council of the City of Tomball, Texas, created a Municipal Court Technology Fund pursuant to Article 102.0172, as amended, of the Texas Code of Criminal Procedure, to assess and collect a Municipal Court Technology Fee, and such Ordinance was codified as Division 2, Municipal Court Technology Fund, of Article II, of Chapter 28, Municipal Court, of the Code of Ordinances of the City of Tomball, Texas; and

**WHEREAS**, On June 21, 2010, by Ordinance Number 2010-12, the City Council of the City of Tomball, Texas, created a Municipal Court Building Security Fund pursuant to Article 102.017, as amended, of the Texas Code of Criminal Procedure, to assess and collect a Municipal Court Building Security Fee, and such Ordinance was codified as Section 28-34, Municipal Court Building Security Fund, of Article II, of Chapter 28, Municipal Court, of the Code of Ordinances of the City of Tomball, Texas; and

**WHEREAS**, On January 6, 2014, by Ordinance Number 2014-02, the City Council of the City of Tomball, Texas, created a Juvenile Case Manager Fund pursuant to Article 102.0174, as amended, of the Texas Code of Criminal Procedure to assess and collect a Juvenile Case Manager Fee, and such Ordinance was codified as Division 3, Juvenile Case Manager Fund, of Article II, of Chapter 28, Municipal Court, of the Code of Ordinances of the City of Tomball, Texas; and

**WHEREAS**, Senate Bill 346, adopted during the 86<sup>th</sup> Legislative Session and which became effective January 1, 2020, essentially deletes Chapter 102 of the Texas Code of Criminal Procedures as of January 1, 2020, and moves these provisions to Chapter 134 of the Texas Local Government Code; and

**WHEREAS**, effective January 1, 2020, Section 134.103 of the Texas Local Government Code established a Local Consolidated Fee of \$14.00 as court costs to be collected upon conviction of all nonjailable misdemeanor offenses, including a criminal violation of a municipal ordinance (“Local Consolidated Fee”); and

**WHEREAS**, the Local Consolidated Fee includes the Municipal Court Technology Fee, the Municipal Court Building Security Fee and the Juvenile Case Manager Fee, and consequently, the City is no longer required to have an ordinance adopted in order to assess and collect the Municipal Court Technology Fee, the Municipal Court Building Security Fee and the Juvenile Case Manager Fee; and

**WHEREAS**, the City Council hereby finds that Division 2, Municipal Court Technology Fund, of Article II, of Chapter 28, Municipal Court, of the Code of Ordinances should be deleted in its entirety, and Ordinance 2010-12, that was codified as Division 2, should be specifically repealed;

**WHEREAS**, the City Council hereby finds that Section 28-34, Municipal Court Building Security Fund, of Article II, of Chapter 28, Municipal Court, of the Code of Ordinances should be deleted in its entirety, and Ordinance 2010-12, that was codified as Section 28-34, should be specifically repealed;

**WHEREAS**, the City Council hereby finds that Division 3, Juvenile Case Manager Fund, of Article II, of Chapter 28, Municipal Court, of the Code of Ordinances should be deleted in its entirety, and Ordinance 2014-02, that was codified as Division 3, should be specifically repealed; now therefore

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:**

**Section 1.** The facts and matters contained in the preamble to this ordinance are hereby found to be true and correct.

**Section 2.** Division 2, Municipal Court Technology Fund, of Article II, of Chapter 28, Municipal Court, of the Code of Ordinances is hereby deleted in its entirety and shall be reserved for future use.

**Section 3.** Article 28-34, Municipal Court Building Security Fund, of Article II, of Chapter 28, Municipal Court, of the Code of Ordinances is hereby deleted in its entirety and shall be reserved for future use.

**Section 4.** Division 3, Juvenile Case Manager Fund, of Article II, of Chapter 28, Municipal Court, of the Code of Ordinances is hereby deleted in its entirety and shall be reserved for future use.

**Section 5.** Ordinance 2010-12, duly passed and approved on June 21, 2010, and codified as Division 2, Municipal Court Technology Fund, of Article II, of Chapter 28,

Municipal Court, of the Code of Ordinances of the City of Tomball, Texas is hereby repealed in its entirety.

**Section 6.** Ordinance 2010-12, duly passed and approved on June 21, 2010, and codified as Section 28-34, Municipal Court Building Security Fund, of Article II, of Chapter 28, Municipal Court, of the Code of Ordinances of the City of Tomball, Texas is hereby repealed in its entirety.

**Section 7.** Ordinance 2014-02, duly passed and approved on January 6, 2014, and codified as Division 3, Juvenile Case Manager Fund, of Article II, of Chapter 28, Municipal Court, of the Code of Ordinances of the City of Tomball, Texas is hereby repealed in its entirety.

**Section 8.** All provisions of the ordinances of the City of Tomball, Texas, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed and all other provisions of the ordinances of the City of Tomball, Texas, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**Section 9.** In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**Section 10.** The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinances at the time of passage of this Ordinance.

**Section 11.** This Ordinance shall become effective immediately upon its passage.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 2<sup>ND</sup> DAY OF MARCH 2020.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>ABSENT</u>
COUNCILMAN KLEIN QUINN	<u>AYE</u>

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 16<sup>TH</sup> DAY OF MARCH 2020.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN KLEIN QUINN	<u>AYE</u>

Gretchen Fagan  
Gretchen Fagan, Mayor

ATTEST:

Doris Speer  
Doris Speer, City Secretary