

ORDINANCE NO. 1999-09-21-005

AN ORDINANCE OF THE CITY OF KEMPNER, TEXAS, AUTHORIZING AND DIRECTING THE COLLECTION OF A MUNICIPAL COURT BUILDING SECURITY FEE; ESTABLISHING A MUNICIPAL COURT BUILDING SECURITY FEE FUND; AND PROVIDING FOR RELATED MATTERS.

Whereas, the City of Kempner, Texas (the "City"), has established a municipal court for the City;

Whereas, in the operation of the municipal court, the City finances the purchase of bailiffs, locks, chains or other security hardware systems for the municipal court; and

Whereas, after review, inquiry and the opportunity for citizen participation, the City Council has found that the establishment of a fund to pay the costs associated with the security needs of the municipal court is reasonable and necessary to defray the costs of operating the municipal court from the funds of the City to the offenders convicted in municipal court;

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Security Fee. A \$3.00 security fee is hereby established and imposed as a court cost to be paid by every person convicted of a misdemeanor in the municipal court. The security fee shall be charged for each separate case, matter or charge upon which any person is convicted in the municipal court.

For the purpose of this ordinance a person shall be deemed to have been convicted if the municipal court imposes any penalty or sentence, the person receives community service, supervision or deferred adjudication, or the Court defers final disposition of the case.

Section 3. Collection and Deposit. The clerk of the municipal court shall collect such court costs, including the security fee, and pay such court costs to the city treasurer.

The city treasurer shall deposit the \$3.00 security fee portion of such court costs into the "Municipal Court Building Security Fund".

Section 4. Creation of Fund. There is hereby created a "Municipal Court Building

Security Fund" (the "Fund") which shall be maintained and reported as a separate fund of the City. All technology fees collected shall be deposited in the Fund which shall be administered by the City Council. No expenditures or withdrawals shall be made from the fund except to finance eligible items listed in Section 102.017(d), Code of Criminal Procedure, and as authorized by a majority vote of the City Council.

Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City, as required by law and shall become effective after publication as provided by law.


Section 6. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity 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 invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

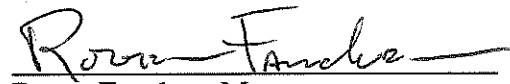
Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 511, Tex. Gov't. Code.*

PASSED AND APPROVED on this 21st day of September, 1999.

Attest:

CITY OF KEMPNER, TEXAS


Frances Spinney, City Secretary


Roger Fancher, Mayor

THIS ORDINANCE BECOMES EFFECTIVE JANUARY 17, 2000.
SEE SECTION 5. EFFECTIVE DATE.

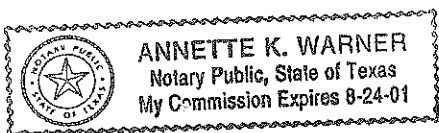
PUBLISHER'S AFFIDAVIT

I solemnly swear that the attached notice was published in the **Lampasas Dispatch Record**, a newspaper of general circulation which has been continuously and regularly published for a period of not less than one year preceding the dates of publication of the attached notice, that the said notice was published in the issue(s) of such newspaper on the day(s) of January 4th, 7th, 2000.

Fred Lowe
**Publisher, Fred E. Lowe
or James F. Lowe**

SWORN TO AND SUBSCRIBED BEFORE ME BY Fred E. Lowe

this the 10th day of February, 2000, to certify which witness my hand and seal of office.



Annette K. Warner
Notary Public, State of Texas

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