

**ORDINANCE NO. 2017-02-14-001**

**AN ORDINANCE OF THE CITY OF KEMPNER, TEXAS, TO AMEND IN ITS ENTIRETY, ORDINANCE NO. 1999-09-21-006, AUTHORIZING AND DIRECTING THE COLLECTION OF A COURT TECHNOLOGY FEE; ESTABLISHING A COURT TECHNOLOGY FEE FUND; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, there is a need to amend said Ordinance #1999-09-21-006 in its entirety for authorizing and directing the collection of a court technology fee into a court technology fee fund; and providing for related matters; and

**WHEREAS**, in the operation of the Municipal Court, the City finances the purchase of technological enhancements, including; computer systems, hardware, software, docket management systems, and other electronic systems for the municipal court; and

**WHEREAS**, after the 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 technological 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. Technology Fee.** A \$4.00 technology 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 technology 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 technology fee, and pay such court costs to the city treasurer for all offenses occurring on or after September 1, 1999.

The city treasurer shall deposit the \$4.00 technology fee portion of such court costs into the "Municipal Technology Fund."

Unless otherwise renewed the collection of the funds shall expire February 1, 2023.

**Section 4. Creation of Fund.** There is hereby created a "Municipal Technology 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 102.0172(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 and no earlier than September 1, 1999.

**Section 6. Severability.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of the ordinance are severable and if any phrase, sentence, paragraph or section of the 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 the 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 the Ordinance shall be adjudged by a court of competent jurisdictions to be invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid revision, 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 the 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 14<sup>th</sup> day of February, 2017.

ATTEST:

**CITY OF KEMPNER, TEXAS**

  
Lisa Campanella, City Secretary

  
Carolyn Crane, Mayor