

ORDINANCE NO. 22-B

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, REMOVING CHAPTER 7, COURT, OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS, IN ITS ENTIRETY; REPEALING ORDINANCE 97-K, ORDINANCE 99-CCC; ORDINANCE 03-EEE; ORDINANCE 07-KKK; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

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

Section 1. That Chapter 7, Court, of the Code of Ordinances, City of Alvin, Texas is hereby deleted in its entirety as addressed below and the following ordinances are hereby repealed: 97-K, 99-CCC, and 03-EEE and 07-KKK.

~~ARTICLE I. MUNICIPAL COURT SECURITY FUND~~

~~Sec. 7-1. Municipal court building security fund created.~~

~~There is hereby created a municipal court building security fund which shall be administered under the direction of the city council.~~

~~Sec. 7-2. Fee assessed.~~

~~A defendant convicted in a trial for a misdemeanor offense in municipal court shall pay a security fee in an amount set forth in chapter 28 of this Code, which fee shall be deposited in the city treasury to the credit of the fund. A person is considered convicted if (i) a sentence is imposed on the person; (ii) the person receives community supervision, including deferred adjudication; or (iii) the court defers final disposition of the person's case.~~

~~Sec. 7-3. Fund purposes.~~

~~The municipal court building security fund may be used only to finance the following items when used for the purpose of providing security services for any buildings housing the municipal court of the City of Alvin:~~

- ~~(1) The purchase or repair of x-ray machines and conveying systems;~~
- ~~(2) Hand held metal detectors;~~
- ~~(3) Walk through metal detectors;~~
- ~~(4) Identification cards and systems;~~
- ~~(5) Electronic locking and surveillance equipment;~~
- ~~(6) Bailiffs, deputy sheriffs, deputy constables or contract security personnel during times when they are providing appropriate security services;~~

- ~~(7) Signage;~~
- ~~(8) Confiscated weapon inventory and tracking systems;~~
- ~~(9) Locks, chains, alarms or similar security devices; or~~
- ~~(10) The purchase or repair of bullet proof glass; and~~
- ~~(11) Continuing education on security issues for court personnel and security personnel.~~

~~Sec. 7-4. Municipal court technology fund created.~~

~~That there is hereby created and established a municipal court technology fund (the "fund") pursuant to Vernon's Ann. C.C.P. art. 102.0172. The fund may be maintained in an interest bearing account in the general revenue fund.~~

~~Sec. 7-5. Fee.~~

~~That a fee of four dollars (\$4.00) shall be assessed and collected from a defendant upon conviction of a misdemeanor offense in the Alvin Municipal Court as a cost of court. A defendant is considered convicted if:~~

- ~~(1) A sentence is imposed on the person;~~
- ~~(2) The person is placed on community supervision, including deferred adjudication community supervision; or~~
- ~~(3) The court defers final disposition of the person's case.~~

~~The fee shall be collected on a conviction for an offense committed after the date this section is adopted on final reading. The clerk of the court shall collect the fee and pay the fee to the finance director of the city who shall deposit the fee into the fund.~~

~~Sec. 7-6. Fund purposes.~~

~~That the fund shall be used only to finance the purchase of or to maintain technological enhancements for the Alvin Municipal Court including:~~

- ~~(1) Computer systems;~~
- ~~(2) Computer networks;~~
- ~~(3) Computer hardware;~~
- ~~(4) Computer software;~~
- ~~(5) Imaging systems;~~
- ~~(6) Electronic kiosks;~~
- ~~(7) Electronic ticket writers; or~~
- ~~(8) Docket management systems.~~

~~The fund shall be administered under direction of the city council.~~

~~Sec. 7-7. Juvenile case manager fee/fund.~~

~~There is created a juvenile case manager fee, as set forth in the V.T.C.A., Code of Criminal Procedure art. 102.0174 ("Fee").~~

~~**Sec. 7-8. Fee assessed.**~~

- ~~(a) A defendant convicted of a 'fine only misdemeanor offense' in municipal court shall pay a juvenile case manager fee of five dollars (\$5.00), as a court cost. The fee does not apply to parking citations. For purposes of this section, a person is considered to be 'convicted' if:~~
- ~~(1) A sentence is imposed on the defendant by the court, or~~
 - ~~(2) The defendant receives deferred disposition from the court, including deferred proceedings under V.T.C.A., Code of Criminal Procedure arts. 45.052 or 45.053.~~
- ~~(b) The municipal court judge is authorized to waive the juvenile case manager fee in cases of demonstrated financial hardship on the part of a convicted defendant. For example, the municipal court judge may waive the fee if the judge has determined that the defendant is:~~
- ~~(1) Indigent;~~
 - ~~(2) Has insufficient resources or income to pay the fee; or~~
 - ~~(3) Is otherwise unable to pay all or part of the underlying fine or costs.~~
- ~~(a) The municipal court clerks shall collect the fee and pay it to the city treasurer to be kept in a separate fund known as the "Juvenile Case Manager Fund."~~
- ~~(b) The fund may be used to finance the salary and benefits of a juvenile case manager that is employed by the Municipal Court under V.T.C.A., Code of Criminal Procedure art. 45.056.~~
- ~~(c) The fund shall be administered by or under the direction of the city council.~~
- ~~(d) The juvenile case manager fee shall be charged to and applied only to conduct that occurs on or after January 1, 2008.~~

Section 2. Code of Ordinances. It is the intention of the City Council that this Chapter shall be removed the Code of Ordinances for the City of Alvin, Texas, and may be codified and renumbered therein accordingly.

Section 3. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

Section 4. Effective Date. This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of *Chapter 52 of the Texas Local Government Code and the City of Alvin Charter*.

Section 5. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the 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. Notice was also provided as required by Chapter 52 of the Texas Local Government Code and the City of Alvin Charter.

PASSED and APPROVED on the 3rd day of February 2022.

THE CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary