

ORDINANCE NO. 2072

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS AMENDING THE CODE OF ORDINANCES OF THE TOWN OF HIGHLAND PARK CHAPTER 7, MUNICIPAL COURT, RELATING TO THE ESTABLISHMENT AND ALLOCATION OF COURT COSTS; AMENDING THE CODE OF ORDINANCES OF THE TOWN OF HIGHLAND PARK CHAPTER 1, ADMINISTRATION, RELATING TO COLLECTION OF CREDIT CARD REIMBURSEMENT FEES; PROVIDING A VALIDITY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Highland Park, Texas ("Town"), is a Home Rule municipality having full powers of self-government and may enact ordinances relative to its citizens' health, safety, and welfare that are not inconsistent with the Constitution and laws of the State; and

WHEREAS, Senate Bill 346 of the 86th Legislature ("SB 346") consolidated and allocated criminal court costs contained in current law; and

WHEREAS, SB 346 has a preemptive effect on ordinances adopted prior to its effective date of January 1, 2020; and

WHEREAS, the Town Council finds and determines that the fees and costs adopted by this ordinance are in compliance with the provisions and intent of SB 346, and are thus, revenue neutral to the greatest extent possible; and

WHEREAS, all statutory and constitutional requirements for the passage of this ordinance have been adhered to, including but not limited to the Open Meetings Act;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS:

SECTION 1. That, the statements contained in the preamble to this ordinance are hereby adopted as findings of fact and as a part of the operative provisions hereof.

SECTION 2. That the Code of Ordinances of the Town of Highland Park CHAPTER 7, MUNICIPAL COURT, ARTICLE 7.02, FEES, is amended and replaced and shall read as follows:

ARTICLE 7.02 COURT COSTS

Sec. 7.02.001 Municipal jury fund

- (a) There is hereby created a municipal jury fund.
- (b) The Municipal jury fund consists of money allocated to the funds under Texas Local Government Code Section 134.103.

- (c) The money deposited in the municipal jury fund may be used to the extent permissible under state law.

Sec. 7.02.002 Municipal Court building security fund

- (a) There is hereby created a Municipal Court building security fund.
- (b) The Municipal Court building security fund consists of money allocated to the funds under Texas Local Government Code Section 134.103.
- (c) The money deposited in the Municipal Court building security fund may be used to the extent permissible under state law.

Sec. 7.02.003 Municipal Court technology fund

- (a) There is hereby created and established a Municipal Court technology fund.
- (b) The Municipal Court technology fund consists of money allocated to the funds under Texas Local Government Code Section 134.103.
- (c) The money deposited in the Municipal Court technology fund may be used to the extent permissible under state law.

Sec. 7.02.004 - Juvenile case manager; local truancy prevention and diversion fund

- (a) The Municipal Court is authorized to employ one or more juvenile case managers who:
 - (1) shall assist the court in administering the court's juvenile docket and in supervising its court orders in juvenile cases; and
 - (2) may provide prevention services to a child considered at-risk of entering the juvenile justice system and intervention services to juveniles engaged in misconduct prior to cases being filed, excluding traffic offenses.
- (b) There is hereby created a local truancy prevention and diversion fund.
- (c) The local truancy prevention and diversion fund consists of money allocated to the funds under Texas Local Government Code Section 134.103.
- (d) A fund created under this section may be used to the extent permissible under state law.

SECTION 3. That the Code of Ordinances of the Town of Highland Chapter 1 General Provisions, Article 1.02 Administration, Section 1.02.032 is amended and replaced, which shall read as follows:

Sec. 1.02.032 Reimbursement fee

In accordance with chapter 132, Texas Local Government Code, any municipal officer of the Town is hereby authorized and directed to assess a reimbursement fee equal to the percentage charged by the credit card vendor, but not to exceed 5% of the amount of the fee, fine, court cost, or other charge being paid by the use of a credit card, as an amount reasonably necessary and related to the expense incurred by the Town, as authorized by section 132.003(b) of chapter 132, Texas Local Government Code.

SECTION 4. That, all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect.

SECTION 5. That, should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part thereof decided to be unconstitutional, illegal, or invalid, and the same shall not affect the validity of the Code of Ordinances of the Town of Highland Park as a whole.

SECTION 6. Incorporation. That, this ordinance shall be deemed to be incorporated into the Code of Ordinances of the Town of Highland Park, Texas.

SECTION 7. That, this ordinance shall take effect immediately following its passage, approval, and publication as provided by law, and it is accordingly so ordained.

PASSED AND APPROVED by the Town Council of the Town of Highland Park, Texas, on this 3rd day of November 2020.

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
Town Attorney

APPROVED:

Margo Goodwin
Mayor

ATTEST:

Joanna Mekeal
Town Secretary