

**ORDINANCE OF THE CITY COUNCIL OF SEGUIN, TEXAS AMENDING THE SEGUIN CODE OF ORDINANCES CHAPTER 30, COURTS, SECTIONS 10, 12, AND 13 TO REVISE ASSOCIATED FEES TO ALIGN WITH THE STATE LOCAL CONSOLIDATED FEE; PROVIDING A SEVERABILITY CLAUSE; AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the Texas Legislature sets the fee structure and maximum amount of fees that the courts, including municipal courts, can charge defendants when convicted of a crime or other violation; and

WHEREAS, in the past Cities charged separate fees allocated into separate accounts for security, technology, and juvenile case managers; and

WHEREAS, the State Legislature has combined all the fees into a single "local consolidated fee" setting a percentage allocation of that fee for specified purposes, including security, technology and juvenile case managers; and

WHEREAS, the proposed Ordinance streamlines the City's code bringing it in line with the Texas Local Government Code while retaining the proper funds for those fees.

NOW THEREFORE BE IT ORDAINED by the City Council of Seguin, Texas:

SECTION ONE. The Seguin Code of Ordinances, Chapter 30, Courts, Section 30-10, Municipal Court Technology Fund, is amended to read as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

(a) Establishment of municipal court technology fund:

(1) There is hereby created and established a municipal court technology fund, herein now known as "the fund", pursuant to Article 102.0172 of the Code of Criminal Procedure.

(2) The fund may be maintained in an interest-bearing account and may be maintained in the general revenue account.

(b) Establishment of amount of the fee and assessment and collection:

(1) Funds shall be designated from the Local Consolidated Fee. The fee shall be \$4.00.

~~(2) The fee shall be assessed and collected from the defendant upon conviction for a misdemeanor offense in the municipal court as a cost of court. A defendant is considered convicted if:~~

~~a. A sentence is imposed of be person;~~

~~b. The person is placed on community supervision, including deferred adjudication community supervision; or~~

~~c. The court defers final disposition of the person's case.~~

~~(3) The fee shall be collected on conviction for an offense committed on or after September 1, 1999~~

~~(2-4)~~The clerk of the court shall collect the fee and pay the fee to the finance director of the City of Seguin, who shall deposit the fee into municipal court technology fund.

(c) Designated use of the fund and administration. The fund shall be used only to finance the purchase of technological enhancements for the municipal court of the City of Seguin, Texas, 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 by or under the direction of the city council of the City of Seguin.

(d) Reserved.

**SECTION TWO.** The Seguin Code of Ordinances, Chapter 30, Courts, Section 30-12, Municipal Building Security Fund, is amended to read as follows (underlining indicates added text, ~~strike through~~ indicates deleted text):

(a) There is hereby created and established a municipal court building security fund (the "fund") pursuant to Article 102.017 of the Code of Criminal Procedure.

~~(b) The municipal court of the City of Seguin, Texas (the "municipal court") is hereby authorized and required to assess a municipal court building security fee (the "fee") in the amount of \$3.00 against all defendants convicted of the misdemeanor offense in municipal court as provided in Article 102.017 of the Code of Criminal Procedure. Each misdemeanor conviction shall be subject to a separate assessment of the fee.~~

~~(c) The municipal court clerk is hereby authorized and required to collect the fee and to pay same to the treasury of the City of Seguin, Texas. All fees so collected and paid over to the treasury of the City of Seguin, Texas, shall be segregated in the fund. Said fund shall be placed in a separate interest bearing account.~~

(b) Funds shall be designated from the Local Consolidated Fee.

~~(c)~~ d) The fund and any earned interest shall be used only for the purpose of financing the purchase of security devices and/or services for the building or buildings housing the municipal court of the City of Seguin, Texas.

~~(d)~~ e) Security devices and/or services shall include any and all items described in Article 102.017(d) of the Code of Criminal Procedure. The fund shall be administered by the finance director and the municipal court clerk of Seguin, Texas.

**SECTION THREE.** The Seguin Code of Ordinances, Chapter 30, Courts, Section 30-13, Establishing a Juvenile Case Manager Fee and Fund, is amended to read as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

**Sec. 30-13.** - Establishing a juvenile case manager ~~fee and~~ fund.

(a) The city council establishes a juvenile case manager fee. Pursuant to the Texas Code of Criminal Procedure, Article 102.0174, ~~the amount of the juvenile case manager fee shall be \$5.00.~~

(b) Funds shall be designated from the Local Consolidated Fee. ~~The fee will be assessed and collected from the defendant upon conviction for a misdemeanor offense in the 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; or (3) The court defers final disposition of the person's case.~~

(c) The clerk of the court shall collect the fee and pay the fee to the director of finance, who shall deposit the fee into the juvenile case manager fund.

**SECTION FOUR.** This Ordinance shall become effective beginning ten days after its passage.

**SECTION FIVE.** If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portions of the Ordinance, which shall continue to have full force and effect.

**SECTION SIX.** City Staff is hereby authorized to submit this Ordinance as a supplement to the Seguin Code of Ordinances.

**PASSED UPON FIRST READING** this 18<sup>th</sup> day of October 2022.

**PASSED UPON SECOND READING** this 1<sup>st</sup> day of November 2022.

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DONNA DODGEN , Mayor

ATTEST:

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Naomi Manski, City Secretary