

CITY OF LAKEWAY, TEXAS

ORDINANCE NO. 2019-01-22-02

AN ORDINANCE OF THE CITY OF LAKEWAY, TEXAS, REINSTATING THE JUVENILE CASE MANAGER FUND BY AMENDING THE CODE OF ORDINANCES, TITLE I: GENERAL ORDINANCES; CHAPTER 12: LAW ENFORCEMENT AND COURT; ARTICLE 12.02: MUNICIPAL COURT; DIVISION 3: FEES, COSTS AND SPECIAL EXPENSES; SEC. 12.02.113: RESERVED; AND PROVIDING FOR SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.

WHEREAS, pursuant Texas Code of Criminal Procedure Section 102.0174, municipalities are authorized to create, by ordinance, a “juvenile case manager fund” (the “Fund”) and require a defendant convicted of a “fine-only misdemeanor offense” to pay a case manager fee not to exceed five dollars (\$5.00) into such Fund, as a cost of court; and

WHEREAS, the City of Lakeway (the “City”) City Council created such a Fund in 2008 by Ordinance 2008-04-21-05, but repealed the applicable section of the Code of Ordinances in 2012 by Ordinance 2012-06-18-08; and

WHEREAS, the City Council has considered the reimplementation of such a Fund, related to the City’s Municipal Court, and has determined that the Fund would benefit the operations of the Municipal Court, as well as the health, safety, and welfare of the Lakeway community at large, by providing the youth of the City with access to a juvenile case manager for the court.

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

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. AMENDMENT

Title I (General Ordinances), Chapter 12 (Law Enforcement and Court), Article 12.02 (Municipal Court), Division 3 (Fees, Costs and Special Exceptions), Sec. 12.02.113 (Reserved) of the City of Lakeway Code of Ordinances is hereby amended as follows:

“Sec. 12.02.113 Juvenile Case Manager Fund”

- a. There is hereby reinstated a juvenile case manager fund, as provided for in Texas Code of Criminal Procedure Article 102.0174.
- b. A defendant convicted of a “fine-only misdemeanor offense” in Municipal Court shall pay a juvenile case manager fee, not to exceed five dollars (\$5.00), as a court cost. The fee does not apply to parking citations.
- c. For purposes of this section, a person is considered to be “convicted” if:
 - i. A sentence is imposed on the defendant by the Court; or
 - ii. The defendant receives deferred disposition from the Court, including deferred proceedings under Article 45.052 or 45.053 of the Texas Code of Criminal Procedure.
- d. The Municipal Court Judge may waive the juvenile case manager fee in cases of demonstrated financial hardship on the part of a convicted defendant.
- e. The Municipal Court clerks shall collect the fee to be kept in a separate fund known as the “Juvenile Case Manager Fund.”
- f. The Fund may be used to finance the salary, benefits, training, travel expenses, office supplies, and other necessary expenses relating to the position of a juvenile case manager that is employed by the Municipal Court under Texas Code of Criminal Procedure Article 45.056.
 - i. If there is money in the fund after those costs are paid, on approval by the Municipal Court, a juvenile case manager may, with approval of the City Council, direct the remaining money to be used to implement programs directly related to the duties of the juvenile case manager, including juvenile alcohol and substance abuse programs, educational and leadership programs, and any other projects designed to prevent or reduce the number of juvenile referrals to the court.
 - ii. The fund may not be used to supplement the income of an employee whose primary role is not that of a juvenile case manager.
- g. The Fund shall be administered by or under the direction of the City Council.”

3. SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance.

4. REPEALER

All Ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

5. EFFECTIVE DATE

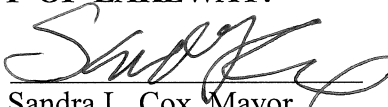
This Ordinance shall be effective immediately upon passage and publication as provided for by law.

6. PROPER NOTICE & MEETING

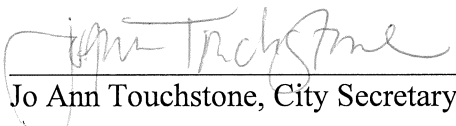
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, and Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the 22nd day of January, 2019, by the City Council of Lakeway, Texas.

CITY OF LAKEWAY:

By: 
Sandra L. Cox, Mayor

ATTEST:


Jo Ann Touchstone, City Secretary

