

MEMORANDUM

TO: Mayor Rudy Durham
Mayor Pro Tem Brandon Jones
Deputy Mayor Pro Tem Bob Troyer
Councilman R Neil Ferguson
Councilman TJ Gilmore
Councilman Brent Daniels

FROM: Brian Holman

DATE: December 12, 2018

SUBJECT: **Consideration of an Ordinance of the Lewisville City Council Appointing the Municipal Judge and Alternate Judges of the Municipal Court of Record No. 1 in the City of Lewisville to Two-Year Terms; Designating a Presiding Judge; Providing a Repealer; Severability; Providing an Effective Date; and Declaring an Emergency.**

BACKGROUND

Chapters 29 and 30 of the Texas Government Code require that municipal courts of record be presided over by judges who are appointed by ordinance. Such ordinance authorizes municipal judge judges to serve for a designated term of two years and is to be submitted for consideration to the council biennially. In the event the ordinance not renewed, and no affirmative action is taken to appoint a new judge or judges, the previously appointed judge or judges continue to serve in a hold-over capacity.

Current presiding judge is Brian Holman and the alternate, or part-time, judges are Holly Fox, Kristine Primrose, Robin Ramsay and Kimberly Lafferty. Judge Lafferty was recently appointed by ordinance on November 19, 2018. Alternate judges provide magistration services in the city jail on weekends and holidays and assist with court and other ministerial duties during periods of vacation, illness or when administrative duties require the presiding judge's absence. Judge Robin Ramsay recently accepted a position with Denton County to serve as the Criminal District Court Magistrate. However, he has requested to continue to serve in a limited role as an alternate judge.

ANALYSIS

The proposed ordinance appoints Brian Holman to serve as presiding judge for a period of two-years and provides him with the authority to select from the list of appointed alternate judges to provide coverage for the court and the jail during his absence. Although the alternate judges follow a set schedule, the presiding judge has the discretion to decide which judge to schedule for a specific docket and/or duty.

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Currently, Holly Fox is assigned to presiding over the Lewisville/Flower Mound Teen Court and this will likely continue. Given his new responsibilities with Denton County, Judge Ramsay will not be scheduled any specific docket or date. He will be used only in unusual circumstances when all other judges are unavailable.

The proposed ordinance, if aproved, would coincide with the oaths of office that are required to be renewed by each judges biennially.

RECOMMENDATION

That the City Council approve the ordinance as set forth in the caption above.