

ORDINANCE NO. 050205-MC

**AN ORDINANCE AMENDING ORDINANCE NO. 071601MC OF THE
CITY OF NIEDERWALD; PROVIDING FOR THE POSITION OF
MUNICIPAL JUDGE; PROVIDING FOR A SAVINGS CLAUSE AND
REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.**

WHEREAS, the City of Niederwald, Texas is a Type A general-law municipality; and

WHEREAS, Chapter 29 of the Texas Government Code governs the creation, organization, and jurisdiction of municipal courts in general-law municipalities; and

WHEREAS, The City Council desires to amend the provisions applicable to the position of the municipal court judge; Now Therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NIEDERWALD,
TEXAS:**

A.

That Section III of Ordinance No. 071601 MC is hereby amended to read as follows:

III. Municipal Judge

The Municipal Court shall be presided over by a judge who shall be known as the Municipal Judge. The Municipal Judge shall have all the powers and authority as granted by state law and the ordinances of this City, and shall perform the duties as required by state law and the ordinances of this City. The City Council shall appoint the Municipal Judge, and the Municipal Judge shall receive compensation as may be set by the City Council. The Municipal Judge shall be appointed for a term of two (2) years and such term shall coincide with the term of the Mayor of the City. A Municipal Judge who is not reappointed by the ninety-first (91st) day following the expiration of a term of office shall, absent action by the City Council, continue to serve for another term of office beginning on the date the previous term of office expired.

B.

That Section IV of Ordinance No. 071601 MC is hereby amended to read as follows:

IV. Municipal Judge - Vacancy; Temporary Absence or Inability to Act

If for any reason a vacancy exists in the office of the Municipal Judge, the Mayor shall serve, without compensation, in the position of Municipal Judge until such time as the City Council appoints another person to fill the vacancy for the remainder of the unexpired term. If the Municipal Judge is temporarily absent or temporarily unable to act for any reason, the Mayor shall serve, without compensation, in the position of Municipal Judge until such time as the City Council appoints another person to perform the powers and duties of the Municipal Judge during the time the regular Municipal Judge is absent or unable to act. The temporary judge shall serve at the pleasure of the City Council, may be removed at will, with or without cause, and shall have the powers and duties of the office of Municipal Judge while serving as the temporary Municipal Judge, and, except for the Mayor, shall be entitled to compensation as set by the City Council.

C.

All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

READ, APPROVED, and ADOPTED on this 2ND day of May,

2005.

Shirley Whisenant
SHIRLEY WHISENANT, MAYOR
City of Niederwald, Texas

ATTEST:

Angie Schulze
ANGIE SCHULZE, CITY SECRETARY
City of Niederwald, Texas



13851 Camino Real
Niederwald, Texas 78640-4807

City of
Niederwald

Tel. 512-398-6338
FAX: 512-376-9966



STATE OF TEXAS}

COUNTY OF HAYS}

I hereby certify, in the performance of the functions of my office, that the attached instrument is a full, true and correct copy of Ordinance No. 050205MC, as the same appears of record in my office and that said document is an official record from the public office of the City Secretary of the City of Niederwald, Hays County, Texas, and is kept in said office.

I further certify that I am the City Secretary of the City of Niederwald, Texas, that I have legal custody of said record, and that I am a lawful possessor and keeper and have legal custody of the records in said office.

In witness whereof I have hereunto set my hand and affixed the official seal of said office this 3rd day of May, 2005.

Angie Schube
City Secretary
City of Niederwald
Hays County, Texas

