

ORDINANCE NO. 13-024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARLIN, TEXAS, ESTABLISHING A JUVENILE CASE MANAGER FEE; CREATING A JUVENILE CASE MANAGER FUND; AUTHORIZING CREATION OF JUVENILE CASE MANAGER POSITION; AUTHORIZING APPOINTMENT OF JUVENILE CASE MANAGER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Section 102.0174 of the Code of Criminal Procedure authorizes municipalities, by ordinance, to create a “juvenile case manager fund” (the “Fund”) requiring defendants convicted of fine-only misdemeanor offenses to pay a case manager fee not to exceed five dollars (\$5.00) into such Fund, as a cost of court, if the municipality employs a juvenile case manager, and providing the purposes for which the Fund may be use;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLIN, TEXAS:

SECTION 1:

- A. There is hereby created a Juvenile Case Manager Fee (the “Fee”), as authorized by Article 102.0174 of the Texas Code of Criminal Procedure. The Fee shall be in the amount of \$5.00.
- B. Except as otherwise herein provided, a defendant who is convicted of a fine-only misdemeanor offense in Municipal Court shall pay the Fee as a cost of court. A person is considered convicted of an offense if:
 - Judgment, sentence, or both are imposed on the person;
 - The person is placed on deferred disposition; or
 - The court defers final disposition or imposition of the judgment and sentence.
- C. The Municipal Judge may waive the Fee in cases of demonstrated financial hardship on the part of a convicted defendant if the defendant is indigent, has insufficient resources or income to pay the fee, or is otherwise unable to pay all or part of the underlying fine or costs.
- D. All Fees collected by the Municipal Court shall be deposited into the Juvenile Case Manager Fund (the “Fund”) established under this ordinance.
- E. The Fund may be used only 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 or co-employed by the City under Articles 45.056(a) and 45.057 of the Code of Criminal Procedure. The Fund may not be used to supplement the income of an employee whose primary role is not that of a juvenile case manager.

SECTION 2: The City Council of the City of Marlin, Texas hereby authorizes the Municipal Court to create a juvenile case manager position and to employ a juvenile case manager (all in conjunction with the Marlin Independent School District, and in accordance with the co-employment arrangement set forth in that certain Interlocal Cooperation Agreement by and between the City of Marlin, Texas and Marlin Independent School District) to provide services in cases involving juvenile offenders before the Court consistent with the Court's statutory powers. The City Council further authorizes the use of the Fund to finance the salary, benefits, training, travel expenses, office supplies, and other necessary expenses relating to the position of juvenile case manager.

SECTION 3: If any provision, section, subsection, sentence, clause, or phrase of this ordinance, of the application of same to any person or set of circumstances, for any reason is held to be unconstitutional, void or invalid, or for any reason unenforceable, the validity of the remaining portions of this ordinance of the application thereby shall remain in effect, it being the intent of the City Council of the City of Marlin, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any portion or provision.

SECTION 4: This ordinance shall be published and become effective in accordance with state law.

FIRST READING PASSED this 16 day of May, 2013 by a vote of 6 AYES to 0 NAYS with 1 Absentions.



Elizabeth Nelson
Elizabeth Nelson, Mayor

Sandra Herring
Sandra Herring, City Secretary

SECOND READING PASSED this 11th day of June, 2013 by a vote of 6 AYES to 0 NAYS with 1 Absentions.



Elizabeth Nelson
Elizabeth Nelson, Mayor

Sandra Herring
Sandra Herring, City Secretary