

**CITY OF SAN ANTONIO
OFFICE OF THE CITY ATTORNEY
CITY COUNCIL AGENDA MEMORANDUM**

TO: Mayor and City Council

FROM: Martha Sepeda, Acting City Attorney

SUBJECT: Ordinance Amending Chapter 20 of the City Code for Municipal Court

DATE: May 5, 2005

SUMMARY AND RECOMMENDATIONS:

This ordinance amends the City Code, Chapter 20, Municipal Court, by repealing outdated regulations and adopting comprehensive regulations setting out the Court's authority, operations, and procedures. The amended ordinance also clarifies duties, budgetary input and staffing for the Judiciary, creates certain funds and provides for effective dates. These improvements support staff and judicial efforts to remove confusion regarding procedures and streamline processes in the Courts. Staff recommends approval of this ordinance.

BACKGROUND INFORMATION:

The proposed amendment to the San Antonio City Code is the result of efforts to create one source describing our municipal courts of record. Although the current sections of Chapter 20 cross-reference state law and the applicable sections of the City Charter, these five provisions are outdated. A comparison of the City's current one-page regulations to those of other major cities in Texas shows that our provisions lack detail regarding authority, appointment, duties imposed on the Judges, Clerk and staff at Municipal Court. This lack of detail has invited legal challenges.

The proposed ordinance was drafted by the Interim Municipal Court Director, the City Attorney's Office, the Presiding Judge, and the Acting Court Clerk. The proposed regulations represent many hours of research reviewing state law, other large cities' operations and the history of San Antonio's municipal courts. This legislation repeals current provisions of Chapter 20 and replaces them with new provisions that comply with charter requirements and state law. The City Code will now have sections stating our municipal court of record's:

- creation and authority;
- structure;
- division of operations;
- laws regulating criminal procedures;
- judicial and administrative staffing; and
- formal creation of certain funds.

In addition to rectifying the lack of structure and guidance, the ordinance provides for more input by the judiciary during the budgetary process.

POLICY ANALYSIS:

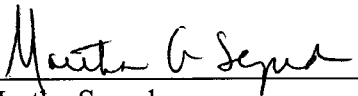
The revision to Chapter 20 of the City Code brings the City of San Antonio regulations into compliance with the City Charter, as well as state and local law, and supports a comprehensive effort by the judiciary and staff to provide clarification of procedures and duties for the benefit of the judges, staff, legal personnel and public.


FISCAL IMPACT:

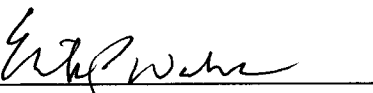
No current fiscal impact.

COORDINATION:

This item has been coordinated with the City Attorney's Office, Municipal Courts Department, Finance Department, and the Office of Management and Budget.


Martha Sepeda
Acting City Attorney


Melissa Byrne Vossmer
Assistant City Manager

for 
J. Rolando Bono
Interim City Manager