

**RESOLUTION NO. 2015-05-21B**

**A RESOLUTION OF THE OVERTON CITY COUNCIL  
REAPPOINTING THE MUNICIPAL COURT JUDGE  
AND APPROVING A PROFESSIONAL SERVICES  
AGREEMENT.**

**WHEREAS**, Section 29.04 of the Texas Government Code provides for the appointment of municipal court judges and substitute judges; and

**WHEREAS**, the City Council of the City of Overton wishes to reappoint Carolyn Walters as presiding municipal court judge; and

**WHEREAS**, the City Council of the City of Overton and Carolyn Walters have agreed to the terms and conditions by which Mrs. Walters will preside as the Municipal Court Judge for the City of Overton.

***NOW, THEREFORE, BE IT RESOLVED THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS, THAT:***

**SECTION 1. Appointment of Presiding Judge.** City Council hereby reappoints Carolyn Walters as Municipal Court Judge for the City of Overton, for a two year term commencing on May 21, 2015, consistent with Chapter 33, Section 20 (c) of the Overton Municipal Code of Ordinances.

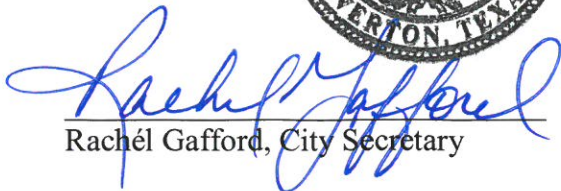
**SECTION 2. The City Council hereby**

- (a) approves the Professional Services Agreement between the City and Carolyn Walters, as presiding Municipal Court Judge, in substantially the form attached hereto as Exhibit A.
- (b) authorizes the Mayor to execute the same on behalf of the City with the approval of the City Attorney.

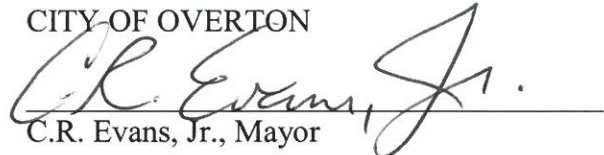
**INTRODUCED, READ AND APPROVED FOR ADOPTION AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS ON THIS THE 21<sup>ST</sup> DAY OF MAY, 2015.**



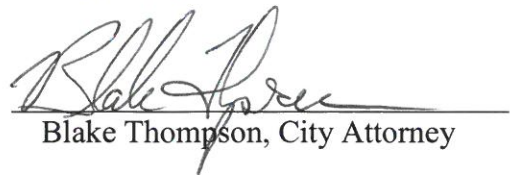
ATTEST:

  
Rachel Gafford, City Secretary

CITY OF OVERTON

  
C.R. Evans, Jr., Mayor

APPROVED AS TO FORM AND  
LEGALITY

  
Blake Thompson, City Attorney

**EXHIBIT A**

**PRESIDING MUNICIPAL COURT JUDGE  
PROFESSIONAL SERVICES AGREEMENT**

**EXHIBIT A**  
**PROFESSIONAL SERVICES AGREEMENT**  
**(Presiding Municipal Court Judge)**

**THIS AGREEMENT** (“Agreement”) is made this 21<sup>st</sup> day of May, 2015 by and between **CAROLYN WALTERS** (the “Presiding Municipal Court Judge”) and the **CITY OF OVERTON, TEXAS** (the “City”), and a statutory subdivision of the State of Texas.

**WHEREAS**, the City is authorized by Section 29.004 of the Texas Government Code to appoint a Presiding Municipal Court Judge to preside over the Municipal Court; and

**WHEREAS**, pursuant to Chapter 33, Section 20 (c) of Ordinance 2014-07-29A, the compensation of the Presiding Municipal Court Judge shall be in such other terms as set by agreement entered into between the City and the Presiding Municipal Court Judge or by the City Council resolution appointing or reappointing the Presiding Municipal Court Judge (the “Appointment Resolution”), as amended from time to time; and

**WHEREAS**, the Presiding Municipal Court Judge desires to accept the appointment under the terms and conditions set forth herein.

**NOW, THEREFORE**, in consideration of the mutual undertakings set forth in this Agreement, the City and the Presiding Municipal Court Judge agree as follows:

**SECTION 1. Compensation and Benefits.** As authorized in the Appointment Resolution, the Presiding Municipal court Judge shall be paid the sum of Four Thousand Eight Hundred (\$4,800) per anum in monthly installments of Four Hundred Dollars (\$400.00). The Presiding Municipal Court Judge shall not be considered an employee subject to the City’s personnel code or policies, if any, and therefore the Presiding Municipal Court Judge shall not be entitled to any of the benefits afforded employees of the City. The Presiding Municipal Court Judge shall not be entitled to reimbursement expenses, unless such expenses are approved by the City Council.

**SECTION 2. Appointment.** The governing body of the City shall appoint such assistant and/or substitute judges as are necessary to assure the efficient operation of the municipal court. Prior to such appointment, the City Council shall solicit the input and suggestion of the Presiding Municipal Court Judge, as to appropriate candidates for such appointment.

**SECTION 3. Administrative Support.** The City, through legislative appropriation of funds for operation of the municipal court, shall at all times provide suitable facilities for conduct of the public sessions of municipal court, as well as the administrative functions of the office of the municipal court clerk. The City shall have the exclusive right to designate the courtroom facilities, and the location of the office of the municipal court clerk. The City Council reserves the right to combine functions of a municipal court clerk with the municipal clerk such that the City Manager or City Council (by majority vote) may designate other duties and responsibilities

to the individual serving as the municipal court clerk, provided that the assignment of such additional duties and responsibilities do not materially impair the efficient operations of the municipal court and the interests of justice.

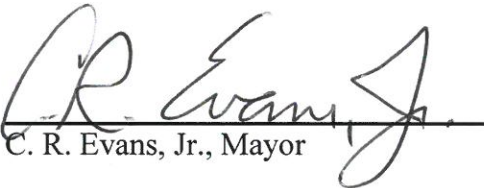
**SECTION 4. Limited Purpose.** This contract is entered into for the limited purposes authorized under Ordinance No. 2014-07-29A, and in no manner shall limit or restrict the powers, duties and prerogatives of the Presiding Municipal Judge under applicable statutes or the other ordinances or regulations of the City of Overton. In the event of such conflict, the offending provision or provisions of this agreement shall be null and void, and entirely severable from the other provisions of this contract.

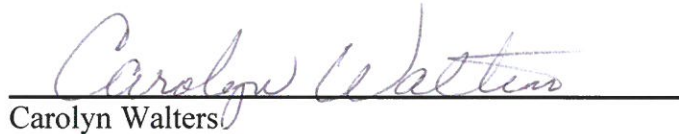
**SECTION 5. Term.** The Term of the Professional Services Agreement shall be two years, commencing on May 21, 2015, as provided in Section 29.004 of the Texas Government Code.

**IN WITNESS WHEREOF,** the City has caused this Agreement to be signed and executed on its behalf by the Mayor and the Presiding Municipal Court Judge has signed and executed this Agreement, both in duplication, as of the day and year first above written.

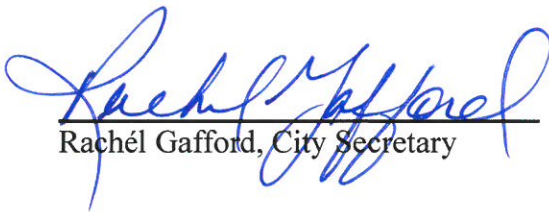
**CITY OF OVERTON**

**PRESIDING MUNICIPAL COURT JUDGE**

  
C. R. Evans, Jr., Mayor

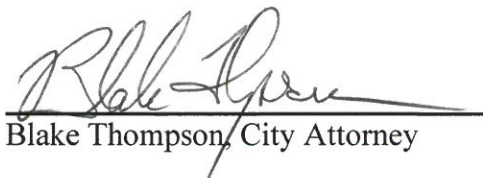
  
Carolyn Walters

ATTEST:

  
Rachél Gafford, City Secretary



APPROVED AS TO FORM AND LEGALITY:

  
Blake Thompson, City Attorney