RESOLUTION NO. 2017-06-15A

A RESOLUTION OF THE OVERTON CITY COUNCIL EXTENDING THROUGH NOVEMBER 16, 2017 THE APPOINTMENT OF THE MUNICIPAL COURT JUDGE AND CONCOMITTANTLY THE PROFESSSIONAL SERVICES AGREEMENT BETWEEN THE CITY AND JUDGE WALTERS THAT DEFINES THE TERMS AND CONDITIONS OF HER COMPENSATION AS MUNICIPAL COURT JUDGE.

WHEREAS, Section 29.04 of the Texas Government Code provides for the appointment of Municipal Court Judges and Substitute judges; and

WHEREAS, Section 29.05 of the Texas Government Code states that the term of office for the Municipal Court Judge shall be a term of no longer than two (2) years simultaneously with the Mayor; and

WHEREAS, City Council passed Resolution No. 21015-07-16B; under the authority of Senate Bill 733; which moved the City of Overton's General Election from May to November in July of 2015 that was to be effective November 2016; and

WHEREAS, City Council wishes to extend the current appointment of Judge Walters to November 16, 2017 in order to synchronize the appointment of the Municipal Court Judge with election of the Mayor every two years, going forward; and

WHEREAS, the City Council of the City of Overton also wishes to extend (until November 16, 2017) the current Professional Agreement with Judge Walters that specifies the terms and conditions under which she is compensated for her work as 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. Extension of Appointment of Presiding Judge. City Council hereby extends the appointment of Carolyn Walters as Municipal Court Judge for the City of Overton to November 16, 2017.

SECTION 2. Extension of Professional Services Agreement of Judge Walters. City Council hereby:

a.) Amends "**SECTION 5. Term.**" of the Professional Services Agreement currently in force between the City of Overton and Judge Carolyn Walter to read as follows:

> "**SECTION 5. Term.** The Term of the Professional Services Agreement shall be from May 20, 2017 to November 16, 2017".

b.) Authorizes the Mayor to execute same on behalf of the City as shown in EXHIBIT A, that is attached herewith and becomes a part of the Resolution.

INTRODUCED, READ AND APPROVED FOR ADOPTION AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS ON THIS THE 15th DAY OF June, 2017.

CITY OF OVERTON

C.R. Evans, Jr., Mayor

ATTEST:

Rachél Gafford, City Secretary

APPROVED AS TO FORM AND LEGALITY

Blake Thompson, City Attorney

EXHIBIT A
PROFESSIONAL SERVICES AGREEMENT
(Presiding Municipal Court Judge)

THIS AGREEMENT ("Agreement") is made this **15th** day of **June, 2017** 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 annum 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 statures 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 from May 20, 2017 to November 16, 2017.

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

C. R. Evans, Jr., Mayor

PRESIDING MUNICIPAL COURT JUDGE

Carolyn Walters

ATTEST:

Rachél Gafford, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Blake Thompson, City Attorney