



**1111 Bayou Road
La Marque, Texas
409-938-9202**

Mayor Bobby Hocking

Mayor Pro- Tem Keith Bell- District A

Councilmember Chris Lane- District B

Councilmember Robert Michetich- District C

Councilmember Casey Mc Auliffe- District D

**CITY OF LA MARQUE
SPECIAL CALLED CITY COUNCIL
AGENDA
of
August 26, 2019**

Notice is hereby given that the City Council of the City of La Marque, Texas will conduct a Special Called Meeting on **Monday, August 26, 2019**, beginning at 6:00 p.m. at 1109-B Bayou Road for the purpose of considering the following agenda:

(1) CALL MEETING TO ORDER

(2) ROLL CALL

(3) PUBLIC HEARING (S)

- a. Conduct **Second** Public Hearing to hear public input regarding the proposed La Marque FY 2019-2020 tax rate of 0.550764 – Finance Director S. Kou
- b. Conduct Public Hearing to hear public input regarding Ordinance No. **O-2019-0013**, establishing City Wide Parks User Fees to be assessed in conjunction with all City Utility accounts; amending Appendix A of the Code of Ordinances, City of La Marque to reflect the amount of such user fee
- c. Conduct Public Hearing to hear public input regarding Ordinance No. **O-2019-0015**, establishing the Juvenile Case Manager Fee at \$5.00 per conviction, and adding a new Juvenile Case Manager position to the Municipal Court

(4) OLD BUSINESS

- a. Discussion/possible action regarding adopting Ordinance No. **O-2019-0013**, establishing City Wide Parks User Fees to be assessed in conjunction with all City Utility accounts; amending Appendix A of the Code of Ordinances, City of La Marque to reflect the amount of such user fee – City Manager C. Jackson
THIS IS THE SECOND AND FINAL READING

- b. Discussion/possible action regarding adopting Ordinance No. **O-2019-0015**, establishing the Juvenile Case Manager Fee at \$5.00 per conviction, and adding a new Juvenile Case Manager position to the Municipal Court – Municipal Court Administrator R. Bell **THIS IS THE SECOND AND FINAL READING**

(5) REQUESTS AND ANNOUNCEMENTS

Requests by Mayor and Council Members or City Manager for items to be placed on future City Council agendas and announcements on city events/community interests TEX. GOV'T CODE §551.415. (b), "items of community interest" includes:

- (1) expressions of thanks, congratulations, or condolence;*
- (2) information regarding holiday schedules;*
- (3) an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;*
- (4) a reminder about an upcoming event organized or sponsored by the governing body;*
- (5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality or county; and*
- (6) announcements involving an imminent threat to the public health and safety of people in the municipality or county that has arisen after the posting of the agenda.*

(6) ADJOURNMENT

CERTIFICATION:

I hereby certify that the above notice of meeting was posted at 1109-B Bayou Road, La Marque, Texas on or before August 23, 2019, before 5:30 p.m.

Robin Eldridge, TRMC
City Clerk

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This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or
interpretive services must be made 48 hours prior to this meeting. Please contact the City Clerk's office at (409) 938-
9259, or Fax (409) 935-0401, or e-mail cityclerk@cityoflamarque.org for further information.
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CITY COUNCIL AGENDA FORM

Meeting Date: August 26, 2019

Prepared by: Charlene Warren/
Charles Jackson

Agenda item: _____

Reviewed by: Charlene Warren/
Charles Jackson

Department: Administration

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding adopting Ordinance No. **O-2019-0013**, amending the Code of Ordinances, City of La Marque, Texas by adding Chapter 4, entitled City Wide Parks User Fees, establishing City Wide Parks User Fees to be assessed in conjunction with all City Utility accounts; amending Appendix A of the Code of Ordinances, City of La Marque, Texas, to reflect the amount of such user fee; providing a severability clause and repealing clause; and providing an effective date. **THIS IS THE SECOND AND FINAL READING**

☒

ATTACHMENTS FOR REFERENCE

1. Proposed Ordinance
2. Draft – Parks Master Plan RFQ

STAFF BRIEFING:

- Providing citizens with new, renovated and well-maintained park amenities add to the overall quality of life for all citizens.
- Parks and maintenance of park facilities are critical in the role of preserving natural resources, which has real economic benefits for the community.
- Assessing user fees for park facilities will increase funds for park improvements, which may entice more residents and attract/retain more businesses.
- A \$2 per month per account user fee is proposed to accomplish the above goals.
- Estimated revenue of \$150,000 would allow the city to acquire a bond of approximately \$2 million, repaid over 15 years, allowing immediate major improvements.
- According to Texas Parks and Wildlife Service (TPWS), the average park lifespan is 25 years.
- To be eligible for grants from TPWS, a Parks Master Plan is required.
- Funding for Parks Master Plan is included in the FY 2020 proposed budget.
- City Attorney has reviewed.
- Finance Director has been involved in discussions.

HISTORY: N/A

TARGET IMPLEMENTATION: After adoption of a proposed ordinance on First Reading, conducting a Public Hearing, and adoption of the ordinance on the Second Reading.

SIGNIFICANT ACTION DATES:

6/20/2019 - Parks Board discussed necessity of a Parks Master Plan

8/12/2019 - City Council approved first reading of ordinance



CITY COUNCIL AGENDA FORM

ACTION:

- | | |
|--|---|
| ☒ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☐ Other | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:

Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name(s)	
Line Item #	
Other Funding	

STAFF'S RECOMMENDATION: Motion to adopt Ordinance No. **O-2019-0013**, amending the Code of Ordinances, City of La Marque, Texas by adding Chapter 4, entitled City Wide Parks User Fees, establishing City Wide Parks User Fees to be assessed in conjunction with all City Utility accounts; amending Appendix A of the Code of Ordinances, City of La Marque, Texas, to reflect the amount of such user fee; providing a severability clause and repealing clause; and providing an effective date. **THIS IS THE SECOND AND FINAL READING**

FISCAL IMPACT: Based on the current number of utility accounts, estimated revenue would be \$150,000.

ORDINANCE NO. O-2019-0013

AN ORDINANCE OF THE CITY OF LA MARQUE, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF LA MARQUE, TEXAS BY ADDING CHAPTER 4, ENTITLED CITY WIDE PARKS USER FEES, ESTABLISHING CITY WIDE PARKS USER FEES TO BE ASSESSED IN CONJUNCTION WITH ALL CITY UTILITY ACCOUNTS; AMENDING APPENDIX A OF THE CODE OF ORDINANCES, CITY OF LA MARQUE, TEXAS, TO REFLECT THE AMOUNT OF SUCH USER FEE; PROVIDING A SEVERABILITY CLAUSE AND REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, providing the citizens with new, renovated and well-maintained park amenities adds to the overall quality of life for all citizens; and

WHEREAS, parks and maintenance of park facilities are critical in the role of preserving natural resources that have real economic benefits for communities; and

WHEREAS, assessing user fees for park facilities will increase funds for park improvements, which may entice more residents and attract more businesses to either stay in or relocate to La Marque; and

WHEREAS, it is now the desire of City Council of the City of La Marque, Texas, to approve and implement a standard user fee, to be assessed as a component of each utility account within the City boundaries, for accomplishment of the above stated purposes; **NOW, THEREFORE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS:

SECTION 1:

That the Code of Ordinances, City of La Marque, Texas, is hereby amended by adding a new Chapter 4, City Wide Park User Fees, which shall read as follows:

“CHAPTER 4. CITY WIDE PARK USER FEES.

SECTION 4-1. PARKS USER FEE - ASSESSMENT

Each holder of a utility account within the City of La Marque shall be assessed a \$2.00 monthly park user fee as a part of their monthly bill. The fees are non-refundable and shall be considered as part of the full utility bill for the purposes of late charges.

Funds collected from this user fee shall be held in a separate revenue line item from other utility revenue funds.

Page 2, Ordinance No. O-2019-0013
Park User Fees

Funds from the Parks Improvement line item may be budgeted directly by the City Council for park construction, renovation and/or maintenance, or, may be set aside with Council approval for payment of bonds issued for park projects.”

SECTION 2.

That Appendix “A” of the Code of Ordinances, City of La Marque, Texas, is hereby amended by adding a new subsection to Water and Sewer Rates, which subsection shall read as follows:

“(c) In addition to the charges set out above, each customer shall pay \$2.00 as a monthly city-wide parks user fee.”

SECTION 3.

SEVERABILITY. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

SECTION 4.

REPEAL. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

SECTION 5.

EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage on the Second and Final reading and publication as required by law.

PASSED, and APPROVED by the City Council of the City of La Marque, Texas on FIRST READING this **12th** day of **August** 2019.

Page 3, Ordinance No. O-2019-0013
Park User Fees

PASSED, APPROVED AND ADOPTED by the City Council of the City of La Marque, Texas on **SECOND AND FINAL READING** this ____ day of _____, 2019.

CITY OF LA MARQUE, TEXAS

Bobby Hocking, Mayor

ATTEST:

Robin Eldridge, TRMC, City Clerk

APPROVED AS TO FORM:

Ellis J. Ortego, City Attorney

Ao;6/17/2019;Z:\Cities\La Marque\parkuserfeeord.doc

REQUEST FOR PROPOSALS

City of La Marque, Texas Parks Master Plan

PURPOSE: City of La Marque is accepting proposals for a Professional Planning Consulting Service to create a comprehensive Parks Master Plan for the City of La Marque, the purpose of which is to establish a strategic plan for its park system that will guide future decisions regarding operations, maintenance, and capital improvements over the next twenty years.

SCOPE OF WORK: The Scope of Work summarizes the tasks and the required product of the project. The description of the task is included to clarify the nature of the work that is expected to be performed by the selected consulting group. Proposers are urged to use this information as the basis for preparing their detailed approach to the work.

A. Statement of Intent

A comprehensive parks master plan is necessary to reflect community goals and objectives and formulate implementation strategies. The plan will serve as a decision-making tool to assist in annual budgeting and future development of facilities, infrastructure, and programming. Recreation in La Marque has a strong emphasis on use of City-owned and operated facilities and infrastructure, City partnerships with County resources, and trail systems.

B. Project Objectives

1. Translate community vision into a realistic, strategic, and comprehensive planning tool. Identify the value and importance that recreation, activities, and parks play in residents' lives, value to the community, and potential for development.
2. Address the City's role in meeting the recreational needs of the City of La Marque, its residents and visitors alike.
3. Promote best practices and innovative strategies for improvements to parks, operations, and organization.
4. Provide a realistic guide for decision-making with regard to park, building, and facility usage; policy; operations; short and long-term maintenance costs; and future capital improvement expenses.
5. Assessment of existing facilities and programs, identify potential opportunities to improve usage or expand programming, address rehabilitation needs, prioritize and develop time-line for improvements.

6. Facilitate participatory process for citizen input and involvement in the development of the Parks Master Plan to ensure the City's future efforts align and community needs and priorities in terms of programming and facilities.
7. Address the City's future parks and recreational needs, provide recommendations for prioritizing acquisitions and staffing augmentation to meet future needs.

C. Site and Current Descriptions

1. Bayou City Park, 217 Bayou Road – Basketball court; playground
2. Bird Sanctuary, 317 Bayou Road – Park benches
3. Mac McGaffey Highland Bayou Park, 1991 Getty Road – Pavilion; lake; tennis courts; playgrounds
4. Jaycee Park, 2706 Magnolia Drive – Playground; open play area
5. Lagana Park, 1322 Yupon Street – Playground; open play area
6. Martin Luther King, Jr. Memorial Park, 416 Apricot Street; Half basketball court; playground
7. Mahan Park, 2701 Woodland Street – Football/soccer field; baseball fields; playground, and boat ramp
8. Walter Feigle Park, 1009 Bayou Road – Gazebo; open play area
9. Westlawn Park, 3010 Melody Drive – Playground; open play area
10. Proposed Pocket Park, Saltgrass Point Boulevard

D. Major Work Elements

The City anticipates the following work elements will be necessary to develop this Strategic Plan:

1. Evaluation of existing public and private recreational facilities and programs serving the City of La Marque and surrounding areas.
2. Analysis of current City of La Marque park facilities including an evaluation of specific maintenance needs for each facility.
3. Analysis of future development or rehabilitation opportunities for each park, including the development of alternative conceptual site plans and renderings, as appropriate, for future improvements.
4. Evaluation of current parks and facility usage trends to include analysis of possibility of decentralizing or duplicating popular activities to other park/facility locations.
5. Evaluation of Parks budget, staffing, and park maintenance operations.

6. Citizen engagement efforts including the residents of La Marque in, at a minimum, the following elements:
 - Stakeholders interviews (to include elected officials, senior City staff, park and facility users, local volunteer organizations, private providers, and other organizations as identified)
 - A minimum of three status meetings with the Parks Board as appointed by the City of La Marque City Council
 - Multiple public community meetings in the parks
 - Survey options that produce a representation from all ages and community sectors the result in actionable items
 - Interviews geared toward gaining input from the youth of the community and surrounding areas
 - Project updates for publication on the City's website
 - City Council presentations including:
 - o Initial presentation
 - o Final presentation

E. Key Deliverables

The following are to be furnished to the City of La Marque by the selected consultant:

1. Recommendations for on-going maintenance and operations for the parks/facilities utilizing current level of City investment and an accelerated investment level over five (5), ten (10), and twenty (20) years.
2. Recommendations for improvements including ADA elements to existing park properties comprising a prioritized list of capital projects with cost and construction estimates.
3. Conceptual site plans and renderings depicting future development and expansion opportunities for each park, including trails in Highland Bayou Park and Mahan Park, and trail connections between parks or area trails, based upon citizen engagement effort.
4. Recommendations on best practices and innovative strategies for improvements to parks, operations, and organization based on successes and best practices of other similar communities.
5. Viable funding alternatives tied to specific projects, if needed, for an accelerated investment level over five (5), ten (10), and twenty (20) years, i.e. grants, loans, etc.

6. Mapping Deliverables (in GIS and .pdf format):

- Existing public and private recreational/activity related facilities
- Service areas for existing recreational/activity related facilities
- Proposed greenways and paths within each park/facility and connections between
- Proposed system-wide improvement plans to illustrate system scope and balance, priorities for improvement , and connections

7. Plan Deliverables:

- Electronic copy of final plan
- Electronic copy of all renderings/conceptual plans
- Twelve (12) printed color copies of final plan in three-ring binders

The following will be provided by the City of La Marque to selected consultant:

1. Maps and aerial photography of incorporated City of La Marque identifying parks and recreation facilities and streets.
2. Summary of existing parks/facilities.
3. Contact information of organizations involved in recreation and parks activities.
4. Inventories of existing facilities and major events held at each.

GENERAL CONSIDERATIONS

Proposed Schedule

Release of RFP: August 21, 2019

Question Period: August 21, 2019 through September 3, 2019

Responses to Questions: September 10, 2019

RFP Deadline: September 18, 2019, 10:00 a.m. CST

NOTE: Sealed proposals will be accepted until **10:00 a.m., Wednesday, September 18, 2019**, at which time all proposals will be publicly acknowledged in City of La Marque Council Chambers, located at 1109-B Bayou Road, La Marque, Texas.

Six printed copies and one digital copy on a flash drive of the proposal must be submitted and enclosed in a sealed envelope and plainly marked on the outside of the envelope which clearly identifies it as being an RFP (Ex: “RFP Enclosed - **RFP 20-01**”).

FLASH DRIVE WILL NOT BE RETURNED.

CITY OF LA MARQUE DOES NOT ACCEPT FAXED OR EMAILED PROPOSALS.

Proposals must be addressed to and delivered to:

**City of La Marque
Attn: City Clerk's Office
1111 Bayou Rd.
La Marque, Texas 77568**

Evaluation and Selection Criteria

City of La Marque will review all proposals submitted. The City, in its discretion, may award the contract to the responsible and responsive proposer submitting the proposal which is deemed to be the most advantageous to the City, price and other factors being considered. The following are the evaluation criteria the City will consider in determining which proposal is most advantageous:

1. Project Understanding and Approach – 30 points
Successful proposers will demonstrate an understanding of the magnitude of the task, the constraints, and desired outcomes for the project.
2. Similar Experience – 20 points
Successful proposers will have experience completing similar projects which should be demonstrated by providing case studies (of no more than two pages each) describing three projects that best match the scope and desired outcomes for this project. Each case study should highlight similarities to the proposed City of La Marque project. For each case study, a reference and contact information should be provided. The City may request samples of the comparative works during the proposal review process.
3. Project Personnel – 30 points
Successful proposers will provide information on personnel to be assigned to this project. Personnel should have experience from similar projects and/or fields necessary to complete the proposed scope of work.
4. Cost – 20 points
Provide a detailed cost proposal in a SEPARATE SEALED ENVELOPE. The cost proposal should be based on the tasks and deliverables described in the above Scope of Work. Once all the proposals have been evaluated, scored, and shortlist compiled, the City will open the cost proposals of the shortlist firms. Costs will be considered as part of the final selection process. The City of La Marque may discuss revisions to the Scope and Deliverables in the final contract with the successful proposer.

INQUIRIES AND CORRECTIONS

All inquiries relating to this request shall be addressed in writing to:

City of La Marque
Attn: Charlene Warren, Assistant to City Manager
1111 Bayou Road
La Marque, Texas 77568
Phone: 409-938-9225
Email: c.warren@Cityoflamarque.org

If a proposing firm submitting a Proposal finds discrepancies in or omission from the Request for Proposal (RFP), or should require additional clarification of any part thereof, a written request for interpretation of or change made to the RFP will be made by written addendum and will become part of the Request for Proposal and of any contract awarded. City of La Marque will not be responsible for the accuracy of any other ORAL EXPLANATIONS, INTERPRETATIONS, OR REPRESENTATIONS. All inquiries shall be made in writing and all responses received will be provided in writing in an addendum. To be given consideration, inquiries must be received at least eight (8) calendar days prior to the date established for submission of the Proposal.

Contact information: Charlene Warren, Assistant to City Manager, may be contacted for any questions or clarification on proposal. She may be reached at 409-938-9225 or c.warren@Cityoflamarque.org

All Proposals must be received at City of La Marque City Hall, 1111 Bayou Road, La Marque, Texas, 77568, prior to **10:00 a.m. CST, Wednesday, September 18, 2019**. Proposals must be submitted in a sealed envelope plainly marked "REQUEST FOR PROPOSALS Parks Master Plan for City of La Marque", and addressed to the City Clerk.



CITY COUNCIL AGENDA FORM

Meeting Date: August 26, 2019

Prepared by: Rosemary Bell

Agenda item: _____

Reviewed by: Charlene Warren/

Charles Jackson

Department: Municipal Court

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding adopting Ordinance No. **O-2019-0015**, establishing the Juvenile Case Manager Fee at \$5.00 per conviction, and adding a new Juvenile Case Manager position to Municipal Court. **THIS IS THE SECOND AND FINAL READING**

X

ATTACHMENTS FOR REFERENCE

1. Ordinance O-2019-0015
2. Municipal Juvenile/Minor Chart
3. Juvenile Case Manager job description

STAFF BRIEFING:

- In 2005, Texas Legislature passed an optional fee of up to \$5.00 which can only be used for salary and benefits of a Juvenile Case Manager.
- If approved, the fee would be assessed to **ALL** cases (adult and juvenile) filed that end with a conviction.
- Juvenile Case Manager will serve as liaison between juvenile defendants, along with their parents, and the judge/court.
- Juvenile Case Manager may be an advocate for the juvenile to reach compliance prior to their 17th birthday to eliminate risk of incarceration.
- Importance of Juvenile Case Manager role include:
 - o Assist and monitor progress of juveniles moving through various programs to satisfy violations incurred.
 - o Assure communication between juvenile, parent(s) and court.
 - o Communicating orders to DPS regarding juveniles in non-compliance.
 - o Assist juveniles who must complete state required alcohol & tobacco awareness classes as terms of compliance.
 - o Help the warrant function to increase compliance through active communication.

HISTORY:

July 24, 2018 – Budget workshop discussion regarding Juvenile Case Manager position and related fee

TARGET IMPLEMENTATION: October 1, 2019

SIGNIFICANT ACTION DATES:

July 24, 2018 – Budget workshop discussion regarding Juvenile Case Manager position and related fee

August 12, 2019 – City Council approved ordinance on First Reading



CITY COUNCIL AGENDA FORM

ACTION:

- | | |
|--|---|
| ☒ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☐ Other | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:

Budgeted	-0-
Actual Bid	
Estimated Expenditure	-0-
Acct. Name(s)	
Line Item #	
Other Funding	

STAFF'S RECOMMENDATION: Motion to adopt Ordinance No. **O-2019-0015**, establishing the Juvenile Case Manager Fee at \$5.00 per conviction, and add a new Juvenile Case Manager position to the Municipal Court **THIS IS THE SECOND AND FINAL READING**

FISCAL IMPACT: Minimal for fiscal year 2019.

ORDINANCE NO. O-2019-0015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, AMENDING CHAPTER 44, MISCELLANEOUS OFFENSES AND PROVISIONS OF THE CODE OF ORDINANCES, CITY OF LA MARQUE, TEXAS, BY ADDING A NEW SECTION TO ESTABLISH A JUVENILE CASE MANAGER FEE/FUND; PROVIDING FOR A SEVERANCE AND SAVINGS CLAUSE, PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in its 79th Regular Legislative Session, the Texas Legislature amended the Texas Code of Criminal Procedure, by adding a new Section 102.0174 thereto, which amendment authorizes municipalities, by ordinance, to create a "Juvenile Case Manager Fund" ("Fund") and require defendants convicted of 'fine-only misdemeanor offenses' to pay a case manager fee of up to five dollars (\$5.00) into such Fund, as a cost of court; and

WHEREAS, the City Council has considered the implementation of such a Fund, related to the City's Municipal Court, and has determined that the Fund would benefit the operations of the Municipal Court, as well as the health, safety and welfare of the La Marque community at large, by providing the youth of the City with access to a juvenile case manager for the court.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS:

SECTION 1:

That Chapter 44, Miscellaneous Offenses and Provisions, of the Code of Ordinances of the City of La Marque, Texas, is hereby amended by addition a new Section 44-26, Juvenile Case Manager Fee, which shall read as follows:

"Sec. 44-26 - Juvenile Case Manager Fee/Fund.

- (a) There is created a juvenile case manager fee, as set forth in the Texas Code of Criminal Procedure, Article 102.0174 ("Fee").
- (b) A defendant convicted of a 'fine-only misdemeanor offense' in Municipal Court shall pay a Juvenile Case Manager Fee of five dollars (\$5.00), as a court cost. The Fee does not apply to parking citations. For purposes of this section, a person is considered to be 'convicted' if:
 - (1) A sentence is imposed on the defendant by the Court; or

- (2) The defendant receives deferred disposition from the Court, including deferred proceedings under Article 45.052 or 45.053 of the Texas Code of Criminal Procedure.
- (c) The Municipal Court Judge is authorized to waive the Juvenile Case Manager Fee in cases of demonstrated financial hardship on the part of a convicted defendant. For example, the Municipal Court Judge may waive the Fee if the Judge has determined that 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) The Municipal Court clerks shall collect the Fee and pay it to the City treasurer to be kept in a separate fund known as the "Juvenile Case Manager Fund."
- (e) The Fund may be used to finance the salary and benefits of a juvenile case manager that is employed by the Municipal Court under Texas Code of Criminal Procedure, Article 45.056.
- (f) The Fund shall be administered by or under the direction of the City Council.
- (g) The juvenile case manager Fee shall be charged to and applied only to conduct that occurs on or after January 1, 2020."

SECTION 2:

If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision of this ordinance be given full force and effect for its purpose.

SECTION 3: EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage on the Second and Final reading and publication as required by law.

PASSED AND APPROVED by City Council of the City of La Marque, Texas on FIRST READING this **12th** day of **August** 2019.

PASSED, APPROVED AND ADOPTED by City Council of the City of La Marque, Texas on SECOND and FINAL READING this ____ day of _____, 2019.

CITY OF LA MARQUE, TEXAS

APPROVED:

Bobby Hocking, Mayor

ATTEST:

Robin Eldridge, TRMC, City Clerk

APPROVED AS TO FORM:

Ellis J. Ortego, City Attorney



MUNICIPAL JUVENILE/MINOR CHART

	Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BUI	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
Jurisdiction	Yes. (See Art. 4.14, C.C.P.; Sec. 29.003, G.C.; Sec. 8.07, P.C.; and Sec. 51.03, F.C.)	Yes. (See Art. 4.14, C.C.P.; Sec. 29.003, G.C.; Sec. 8.07, P.C.; and Sec. 51.03, F.C.)	Yes. (See Art. 4.14, C.C.P.; Sec. 29.003, G.C.; Sec. 8.07, P.C.; and Sec. 51.03, F.C.) Court required to dismiss complaint for failure to attend school if not filed by 7 th day after student's last absence.	Yes. (See Art. 4.14, C.C.P.; Sec. 29.003, G.C.; Sec. 8.07, P.C.; and Sec. 161.256, H.S.C.)	Yes. (See Art. 4.14, C.C.P.; Sec. 29.003, G.C.; Sec. 8.07, P.C.; and Sec. 51.03(f), F.C.) All fine-only offenses.	Yes. (See Art. 4.14, C.C.P.; Sec. 29.003, G.C.; Sec. 51.03, F.C.; and Sec. 729.001(a), T.C.) For exceptions, see section on common offenses.
Waiver of Jurisdiction - Transfer to Juvenile Court¹ Sec. 51.08, F.C.	Sec. 51.08, F.C. Under age 17: • May waive jurisdiction over first and second violations; • Shall waive jurisdiction after two previous convictions of any non-traffic fine-only offenses. •At age 17 or more, after two previous convictions, charge may be enhanced and filed in county court.	Sec. 51.08, F.C. Under age 17: • May waive jurisdiction over first and second violations; • Shall waive jurisdiction after two previous convictions of any non-traffic fine-only offenses. •At age 17 or more, after two previous convictions, charge may be enhanced and filed in county court.	Sec. 51.08, F.C. Under age 17: • May waive jurisdiction over first and second violations; • Shall waive jurisdiction after two previous convictions of any non-traffic fine-only offenses. •Age 17 – court retains jurisdiction.	Sec. 161.257, H.S.C May not waive jurisdiction. Title 3, Family Code (including transfer to juvenile court) does not apply to Subchapter N, H.S.C.	Sec. 51.08, F.C. Under age 17: • May waive jurisdiction over first and second violations; • Shall waive jurisdiction after two previous convictions of any non-traffic fine-only offenses. • Shall waive jurisdiction if there is pending Sexting (section 43.261, P.C.) complaint against a child (under 17 years of age)	Sec. 51.08, F.C. Municipal court may not waive its jurisdiction over traffic violations.
Age Art. 45.058(h), C.C.P.; Sec. 51.02, F.C. Sec. 8.07, P.C.	Sec. 106.01. Definition of a minor - Under age 21. Sec. 51.02, F.C. & Art. 45.058(h), C.C.P. Child defined as at least 10 years of age & younger than age 17.	Sec. 106.01. Definition of a minor - Under age 21. Sec. 51.02, F.C. & Art. 45.058(h), C.C.P. Child defined as at least 10 years of age & younger than age 17.	Sec. 25.085. Compulsory School Attendance • Municipal court has jurisdiction if child at least age 10; • Child under age 6, if previously enrolled in 1st grade, or •At least age 6 and who has not reached his or her 18th birthday. (See Sec. 25.086 for Exemptions.)	Sec. 161.252, H.S.C. Definition of a minor - Under age 18. Sec. 51.02, F.C. & Art. 45.058(h), C.C.P. Child defined as at least 10 years of age & younger than age 17.	Sec. 8.07. Age Affecting Criminal Responsibility under age 17. Sec. 51.02, F.C. & Art. 45.058(h), C.C.P. Child defined as at least 10 years of age & younger than age 17. Defendant must be 17 for municipal court to have jurisdiction. Section 43.261	Sec. 729.001. Operation of Motor Vehicle by Minor- Under age 17. Sec. 51.02, F.C. & Art. 45.058(h), C.C.P. Child defined as at least 10 years of age & younger than age 17.
Common Offenses	•Sec. 106.02. Purchase of Alcohol by Minor; •Sec. 106.025. Attempt to Purchase Alcohol by a Minor; •Sec. 106.04. Consumption of Alcohol by a Minor; •Sec. 106.05. Possession of Alcohol by a Minor; •Sec. 106.07. Misrepresentation of Age by a Minor.	•Sec. 106.041. Driving or Operating Watercraft Under the Influence of Alcohol by a Minor.	•Sec. 25.094. Failure to Attend School; •Sec. 37.102. Rules (Enacted by School Board); •Sec. 37.107. Trespass on School Grounds; •Sec. 37.122. Possession of Intoxicants on School Grounds; •Sec. 37.124. Disruption of Classes; •Sec. 37.126. Disruption of Transportation.	Sec. 161.252 •Possession of cigarettes or tobacco; •Purchase of cigarettes or tobacco; •Consumption of cigarettes or tobacco; •Acceptance of cigarettes or tobacco; •Display false proof of age.	All fine-only offenses.	Sec. 729.001(a), T.C.; Sec. 8.07(a)(2), P.C.; Sec. 51.02(16), F.C. •Ch. 502. Registration of Vehicles, except Secs. 502.282 or 502.412; •Ch. 521. Driver's Licenses, except Sec. 521.457; •Subtitle C. Rules of the Road, except offenses punishable by imprisonment or by confinement in jail; •Ch. 601. Safety Responsibility •Ch. 621. Vehicle Size & Weight; •Ch. 661. Motorcycles & All Terrain Vehicles;



MUNICIPAL JUVENILE/MINOR CHART

	Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BUI	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
						•Ch. 681. Parking, Towing & Storage of Vehicles.
Penalties ²	Sec. 106.071 for offenses under Secs. 106.02, 106.025, 106.04, 106.05, 106.07. 1st conviction •Class C misdemeanor (max \$500); •Mandatory alcohol awareness program, Sec. 106.115; •Mandatory 8-12 hours alcohol-related community service; •DL suspension or denial – 30 days; eff. 11th day after conviction. 2nd conviction •Class C misdemeanor (max \$500); •Optional alcohol awareness program; •Mandatory 20-40 hours alcohol-related community service; •DL suspension or denial – 60 days; eff. 11th day after conviction. 3rd conviction Under age 17: •See waiver provisions in chart. Age 17 & under 21 •Fine \$250 to \$2000 and/or confinement not to exceed 180 days if charge enhanced. Complete alcohol awareness program Court may reduce the fine to half the amount assessed. Failure to complete alcohol awareness program Court may give another 90 days to complete. •1st conviction: court must order DPS to suspend or deny issuance of DL for up to six months. Sec. 106.115(c), A.B.C. •2nd or subsequent conviction: court must order DPS to suspend or deny issuance of DL not to exceed one year.	Sec. 106.041. 1st conviction •Class C misdemeanor (max \$500); •Mandatory alcohol awareness program; •Mandatory 20 to 40 hours alcohol-related community service; •Administrative DL suspension (separate proceeding under Chapters 524 and 724, T.C.—court does not suspend). 2nd conviction •Class C misdemeanor (max \$500); •Optional alcohol awareness program; •Mandatory 40 to 60 hours of alcohol-related community service; •Administrative DL suspension (separate proceeding—Chapters 524 and 724, T.C.). 3rd conviction Under age 17: •See waiver provisions in chart. Age 17 & under 21 •Fine \$250 to \$2000 and/or confinement not to exceed 180 days if charge enhanced. Complete alcohol awareness program Court may reduce the fine to half the amount assessed. Failure to complete alcohol awareness program Court may give another 90 days to complete. •1st conviction: court must order DPS to suspend or deny issuance of DL for up to six	Secs. 25.094, 37.102, 37.107, 37.122, 37.124, 37.126. Class C misdemeanors (max \$500) Sec. 25.094(c)³ – In addition to a fine, a court may order a sanction under Art. 45.054, C.C.P.: •Attend school without unexcused absences; •Attend preparatory class for GED (older child that will not do well in classroom environment) or, if child is 16 or older, take GED exam; •Attend a special program: –alcohol & drug abuse program, –rehabilitation program, –counseling program, –training in self-esteem & leadership, –work and job skills training, –training in parenting, –manners training, –violence avoidance training, –sensitivity training, –advocacy, and –mentoring training; •Attend class for student at risk of dropping out of school (may require parent to attend with child); •Community service; •Participate in tutorial program; •Order DPS to suspend or deny issuance of a DL for a period of time not to exceed 365 days. Court shall dismiss the complaint if individual has successfully complied with the conditions imposed.	Secs. 161.252 and 161.253 1st conviction •A fine not to exceed \$250, but court shall suspend execution of sentence (court costs must still be assessed and imposed) and order tobacco awareness program. Court dismisses charge on completion of course. •If no course available, court shall require 8-12 hours tobacco-related community service. •Failure to complete tobacco awareness course or community service, court required to order DPS to suspend or deny issuance of DL for up to 180 days after date of order. Subsequent offenses (enhanced) •A fine not to exceed \$250; •Court shall suspend execution of sentence and order tobacco awareness course; •Upon completion of course, court may reduce fine to not less than half; •Failure to complete tobacco awareness course or community service, court required to order DPS to suspend or deny issuance of DL not to exceed 180 days after date of order.	Sec. 12.23 Class C misdemeanor (max fine \$500). Under age 17 & two prior convictions, see waiver provisions in chart. Public Intoxication (Sec. 49.02): Persons under age 21 charged with public intoxication, the penalty is under Sec. 106.071, A.B.C.: See penalties for Alcoholic Beverage Code Offenses other than DUI. Art. 45.061, C.C.P. Minor convicted of sexting may be ordered to attend a successfully complete an educational program addressing legal aspects, consequences, and effects of sexting, bullying, cyber-bullying, and harassment.	Secs. 729.001 and 729.002 Penalty same as adult defendant. See general and specific penalty clauses throughout Transportation Code.



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	Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BUI	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
		months. Sec. 106.115(c), A.B.C. •2 nd or subsequent conviction: court must order DPS to suspend or deny issuance of DL not to exceed one year.	under 45.054, C.C.P., or if the individual presents to the court proof of a high school diploma or equivalency certificate.			
Appearance	Sec. 106.10, A.B.C. •Plea of guilty must be in open court. Art. 45.0215, C.C.P. Under age 17: •Must be in open court; •Parent or guardian required to appear with child; •Court must summon parent or guardian; •Court may waive presence, if unable to locate or compel parent's presence. Art. 45.057, C.C.P. Court should provide notice to the child and parent of child's (under age 17) and parent's obligation to notify the court in writing of the child's current address.	Sec. 106.10, A.B.C. •Plea of guilty must be in open court. Art. 45.0215, C.C.P. Under age 17: •Must be in open court; •Parent or guardian required to appear with child; •Court must summon parent or guardian; •Court may waive presence, if unable to locate or compel parent's presence. Art. 45.057, C.C.P. Court should provide notice to the child and parent of child (under age 17) and parent's obligation to notify the court in writing of the child's current address.	Art. 45.0215, C.C.P. Under age 17: •Must be in open court; •Parent or guardian required to appear with child; •Court must summon parent or guardian; •Court may waive presence, if unable to locate or compel parent's presence. Art. 45.054, C.C.P. Failure to Attend School Proceedings: court required to summon parents to appear with defendant regardless of defendant's age. Art. 45.057, C.C.P. Court should provide notice to the child and parent of child's (under age 17) and parent's obligation to notify the court in writing of the child's current address.	Art. 45.0215, C.C.P. Under age 17: •Must be in open court; •Parent or guardian required to appear with child; •Court must summon parent or guardian; •Court may waive presence, if unable to locate or compel parent's presence. Age 17 – parent's presence not required. Art. 45.057, C.C.P. Court should provide notice to the child and parent of child's (under age 17) and parent's obligation to notify the court in writing of the child's current address.	Art. 45.0215, C.C.P. Under age 17, generally, or under age 18 if charged with Sexting under Section 43.261, P.C.: •Must be in open court; •Parent or guardian required to appear with child; •Court must summon parent or guardian; •Court may waive presence, if unable to locate or compel parent's presence. Art. 45.057, C.C.P. Court should provide notice to the child and parent of child's (under age 17) and parent's obligation to notify the court in writing of the child's current address.	Art. 45.0215, C.C.P. Under age 17: •Must be in open court; •Parent or guardian required to appear with child; •Court must summon parent or guardian; •Court may waive presence, if unable to locate or compel parent's presence. Art. 45.057, C.C.P. Court should provide notice to the child and parent of child's (under age 17) and parent's obligation to notify the court in writing of the child's current address.
Custody ³ Art. 45.058, C.C.P.	•A child at least age 10 and under age 17 may be taken into nonsecure custody. •Child may be: -released to parent, guardian, custodian, or other responsible adult; -taken before a municipal or justice court; -taken to a place of nonsecure custody – held for not more than 6 hours. •If a minor who is a child has been referred to juvenile court under Sec. 51.08(b), F.C., or Art. 45.050, C.C.P., the child may be detained in a juvenile detention facility. •A minor age 17 when offense committed may be handled as an adult.	•A child at least age 10 and under age 17 may be taken into nonsecure custody. •Child may be: -released to parent, guardian, custodian, or other responsible adult; -taken before a municipal or justice court; -taken to a place of nonsecure custody – held for not more than 6 hours. •If a minor who is a child has been referred to juvenile court under Sec. 51.08(b), F.C., or Art. 45.050, C.C.P., the child may be detained in a juvenile detention facility. •A minor age 17 when	•A child at least age 10 and under age 17 may be taken into nonsecure custody. •Child may be: -released to parent, guardian, custodian, or other responsible adult; -taken before a municipal or justice court; -taken to a place of nonsecure custody – held for not more than 6 hours. Sec. 25.094(d-1), E.C. •Order based on probable cause that individual failed to attend school: -A child may be taken into custody. •Individual may be: -released to parent, guardian,	•A child at least age 10 and under age 17 may be taken into nonsecure custody. •Child may be: -released to parent, guardian, custodian, or other responsible adult; -taken before a municipal or justice court; -taken to a place of nonsecure custody – held for not more than 6 hours. •If a minor who is a child has been referred to juvenile court under Sec. 51.08(b), F.C., or Art.	•A child at least age 10 and under age 17 may be taken into nonsecure custody. •Child may be: -released to parent, guardian, custodian, or other responsible adult; -taken before a municipal or justice court; -taken to a place of nonsecure custody – held for not more than 6 hours. •If a child has been referred to juvenile court under Sec. 51.08(b), F.C., or Art. 45.050, C.C.P., the child may be	•A child at least age 10 and under age 17 may be taken into nonsecure custody. •Child may be: -released to parent, guardian, custodian, or other responsible adult; -taken before a municipal or justice court; -taken to a place of nonsecure custody – held for not more than 6 hours. •If a child has been referred to juvenile court under Sec. 51.08(b), F.C., or Art. 45.050, C.C.P., the child may be



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	Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BUI	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
		offense committed may be handled as an adult.	custodian, or other responsible adult; -taken before a municipal or justice court that has venue.	45.050, C.C.P., the child may be detained in a juvenile detention facility. •A minor age 17 when offense committed may be handled as an adult.	detained in a juvenile detention facility.	
Failure to Appear	Sec. 38.10, P.C.—Failure to Appear may be charged. Art. 45.058, C.C.P. Court may issue an order for nonsecure custody. Art. 45.057(h), C.C.P. Child may be charged with the offense of failure to provide written notice of current address. (It is an affirmative defense to prosecution if the child and parent were not informed of their obligation to notify the court of change of address.) Secs. 521.201(8) and 521.294(6), T.C. Court may report failure to appear to DPS.	Sec. 38.10, P.C.—Failure to Appear may be charged. Art. 45.058, C.C.P. Court may issue an order for nonsecure custody. Art. 45.057(h), C.C.P. Child may be charged with the offense of failure to provide written notice of current address. (It is an affirmative defense to prosecution if the child and parent were not informed of their obligation to notify the court of change of address.) Secs. 521.201(8) and 521.294(6), T.C. Court may report failure to appear to DPS.	Sec. 38.10, P.C.—Failure to Appear may be charged. Art. 45.058, C.C.P. Court may issue an order for nonsecure custody. Art. 45.057(h), C.C.P. Child may be charged with the offense of failure to provide written notice of current address. (It is an affirmative defense to prosecution if the child and parent were not informed of their obligation to notify the court of change of address.) Secs. 521.201(8) and 521.294(6), T.C. Court may report failure to appear to DPS.	Sec. 38.10, P.C.—Failure to Appear may be charged. Art. 45.058, C.C.P. Court may issue an order for nonsecure custody. Art. 45.057(h), C.C.P. Child may be charged with the offense of failure to provide written notice of current address. (It is an affirmative defense to prosecution if the child and parent were not informed of their obligation to notify the court of change of address.) Secs. 521.201(8) and 521.294(6), T.C. Court may report failure to appear to DPS.	Sec. 38.10, P.C.—Failure to Appear may be charged. Art. 45.058, C.C.P. Court may issue an order for nonsecure custody. Art. 45.057(h), C.C.P. Child may be charged with the offense of failure to provide written notice of current address. (It is an affirmative defense to prosecution if the child and parent were not informed of their obligation to notify the court of change of address.) Secs. 521.201(8) and 521.294(6), T.C. Court may report failure to appear to DPS.	Sec. 543.009, T.C.—Violation of Promise to Appear may be charged for Subtitle C, Rules of the Road offenses. Sec. 38.10 P.C.—Failure to Appear may be charged for other traffic offenses. Art. 45.058, C.C.P. Court may issue an order for nonsecure custody. Art. 45.057(h), C.C.P. Child may be charged with the offense of failure to provide written notice of current address. (It is an affirmative defense to prosecution if the child and parent were not informed of their obligation to notify the court of change of address.) Sec. 521.3452, T.C. Court shall report failure to appear to DPS.
Violation of a Court Order; Failure to Pay Fine; Art. 45.050, C.C.P.	Art. 45.050, C.C.P. Applies to: children under age 17; children who turn age 17 before contempt proceedings can be held; and persons who failed to obey court order while age 17 or older. Court must provide notice of and conduct a hearing on contempt, before court may: • refer the child to the juvenile court for delinquent conduct for contempt of the municipal court order (if child turns age 17 court may not refer to juvenile court); or • retain jurisdiction and hold child/person in contempt of court - max fine \$500; and/or - order suspension or denial of DL until child/person fully complies with orders. All defendants:	Art. 45.050, C.C.P. Applies to: children under age 17; children who turn age 17 before contempt proceedings can be held; and persons who failed to obey court order while age 17 or older. Court must provide notice of and conduct a hearing on contempt, before court may: • refer the child to the juvenile court for delinquent conduct for contempt of the municipal court order (if child turns age 17 court may not refer to juvenile court); or • retain jurisdiction and hold child/person in contempt of court - max fine \$500; and/or - order suspension or denial	Art. 45.050, C.C.P. Applies to: children under age 17; children who turn age 17 before contempt proceedings can be held; and persons who failed to obey court order while age 17 or older. Court must provide notice of and conduct a hearing on contempt, before court may: • refer the child to the juvenile court for delinquent conduct for contempt of the municipal court order (if child turns age 17 court may not refer to juvenile court); or • retain jurisdiction and hold child/person in contempt of court - max fine \$500; and/or	Art. 45.050, C.C.P. Applies to: children under age 17; children who turn age 17 before contempt proceedings can be held; and persons who failed to obey court order while age 17 or older. Court must provide notice of and conduct a hearing on contempt, before court may: • refer the child to the juvenile court for delinquent conduct for contempt of the municipal court order (if child turns age 17 court may not refer to juvenile court); or	Art. 45.050, C.C.P. Applies to: children under age 17; children who turn age 17 before contempt proceedings can be held; and persons who failed to obey court order while age 17 or older. Court must provide notice of and conduct a hearing on contempt, before court may: • refer the child to the juvenile court for delinquent conduct for contempt of the municipal court order (if child turns age 17 court may not refer to juvenile court); or • retain jurisdiction and hold child/person in contempt of court - max fine \$500; and/or - order suspension or denial of DL until child/person fully complies with orders.	Art. 45.050, C.C.P. Applies to: children under age 17; children who turn age 17 before contempt proceedings can be held; and persons who failed to obey court order while age 17 or older. Court must provide notice of and conduct a hearing on contempt, before court may: • refer the child to the juvenile court for delinquent conduct for contempt of the municipal court order (if child turns age 17 court may not refer to juvenile court); or • retain jurisdiction and hold child/person in contempt of court - max fine \$500; and/or - order suspension or denial of DL until child/person fully complies with orders.



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	Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BUI	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
	• Failure to complete alcohol awareness course, see section on penalties this chart.	of DL until child/person fully complies with orders. All defendants: • Failure to complete alcohol awareness course, see section on penalties this chart.	- order suspension or denial of DL until child/person fully complies with orders.	• retain jurisdiction and hold child/person in contempt of court - max fine \$500; and/or - order suspension or denial of DL until child/person fully complies with orders. - All defendants: • Failure to complete tobacco awareness course, see section on penalties this chart.	• retain jurisdiction and hold child/person in contempt of court - max fine \$500; and/or - order suspension or denial of DL until child/person fully complies with orders.	
Expunction ⁵	Sec. 106.12, A.B.C. Yes. May apply to municipal court at age 21 if only one conviction under Alcoholic Beverage Code. Sec. 106.12(d), A.B.C. Court shall charge \$30 fee for each application.	Sec. 106.12, A.B.C. Yes. May apply to municipal court at age 21 if only one conviction under Alcoholic Beverage Code. Sec. 106.12(d), A.B.C. Court shall charge \$30 fee for each application.	Art. 45.055(a) • Court must notify child of right; • Court must give copy of Art. 45.055, C.C.P., to defendant and parent Art. 45.055(a) • May apply to municipal court if only one conviction for offense of failure to attend school; • May apply at age 18; • Must submit written request made under oath; • Form of submission determined by applicant; • Must pay \$30 fee. Art. 45.055(e) • Regardless of number of convictions, court shall expunge if individual successfully complied with any conditions imposed under Art. 45.054. • Regardless of number of convictions, court shall expunge if individual presents proof (by age 21) of high school diploma or equivalency certificate. Art. 45.0216, C.C.P. Other fine-only Education Code Offenses:	Sec. 161.255, H.S.C. • May apply to municipal court to have conviction expunged; • Applicant must have completed tobacco awareness course; • May have multiple convictions expunged as long as applicant completed tobacco awareness course for each conviction. • Court shall charge \$30 fee.	Art. 45.0216, C.C.P. • Court must notify child of right; • Court must give copy of Art. 45.0216, C.C.P., to defendant and parent; • Not more than one conviction; • Child may apply on or after age 17; • Apply to trial court; • Child makes request under oath; • Court shall charge \$30 fee.	Ch. 55, C.C.P. Expunction order must be filed in district court.



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	Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BUI	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
			• Court must notify child of right; • Court must give copy of Art. 45.0216, C.C.P.; • Not more than one conviction; • Child may apply on or after age 17; • Apply to trial court; • Child makes request under oath; • Court shall charge \$30 fee.			
Child Turns Age 17 after Failure to Appear	Art. 45.060, C.C.P. Court must have used all available procedures under Chapter 45 to secure appearance while under the age of 17 before proceeding under Art. 45.060, C.C.P. At age 17 or older, court issues an order to appear. Order must have a warning about continuing obligation to appear and that failure to appear may result in a warrant being issued. If person fails to appear after notice, prosecutor may file complaint for violation of obligation to appear under Art. 45.060 and court may issue a warrant of arrest.	Art. 45.060, C.C.P. Court must have used all available procedures under Chapter 45 to secure appearance while under the age of 17 before proceeding under Art. 45.060, C.C.P. At age 17 or older, court issues an order to appear. Order must have a warning about continuing obligation to appear and that failure to appear may result in a warrant being issued. If person fails to appear after notice, prosecutor may file complaint for violation of obligation to appear under Art. 45.060 and court may issue a warrant of arrest.	Art. 45.060, C.C.P. Court must have used all available procedures under Chapter 45 to secure appearance while under the age of 17 before proceeding under Art. 45.060, C.C.P. At age 17 or older, court issues an order to appear. Order must have a warning about continuing obligation to appear and that failure to appear may result in a warrant being issued. If person fails to appear after notice, prosecutor may file complaint for violation of obligation to appear under Art. 45.060 and court may issue a warrant of arrest.	Art. 45.060, C.C.P. Court must have used all available procedures under Chapter 45 to secure appearance while under the age of 17 before proceeding under Art. 45.060, C.C.P. At age 17 or older, court issues an order to appear. Order must have a warning about continuing obligation to appear and that failure to appear may result in a warrant being issued. If person fails to appear after notice, prosecutor may file complaint for violation of obligation to appear under Art. 45.060 and court may issue a warrant of arrest.	Art. 45.060, C.C.P. Court must have used all available procedures under Chapter 45 to secure appearance while under the age of 17 before proceeding under Art. 45.060, C.C.P. At age 17 or older, court issues an order to appear. Order must have a warning about continuing obligation to appear and that failure to appear may result in a warrant being issued. If person fails to appear after notice, prosecutor may file complaint for violation of obligation to appear under Art. 45.060 and court may issue a warrant of arrest.	Art. 45.060, C.C.P. Court must have used all available procedures under Chapter 45 to secure appearance while under the age of 17 before proceeding under Art. 45.060, C.C.P. At age 17 or older, court issues an order to appear. Order must have a warning about continuing obligation to appear and that failure to appear may result in a warrant being issued. If person fails to appear after notice, prosecutor may file complaint for violation of obligation to appear under Art. 45.060 and court may issue a warrant of arrest.
Child Turns age 17 after Failing to Pay Fine; <i>Copias Pro Fine</i> ; Art. 45.045, C.C.P.	Art. 45.045, C.C.P. Court must determine before issuing a <i>capias pro fine</i>: • that person is age 17 or older; • that issuance of <i>capias pro fine</i> is justified (must consider sophistication & maturity, criminal record and history of individual, and the reasonable likelihood of bringing about the discharge of judgment by other procedures); and • that the court has proceeded under Art. 45.050, C.C.P.	Art. 45.045, C.C.P. Court must determine before issuing a <i>capias pro fine</i>: • that person is age 17 or older; • that issuance of <i>capias pro fine</i> is justified (must consider sophistication & maturity, criminal record and history of individual, and the reasonable likelihood of bringing about the discharge of judgment by other procedures); and • that the court has proceeded under Art.	Art. 45.045, C.C.P. Court must determine before issuing a <i>capias pro fine</i>: • that person is age 17 or older; • that issuance of <i>capias pro fine</i> is justified (must consider sophistication & maturity, criminal record and history of individual, and the reasonable likelihood of bringing about the discharge of judgment by other procedures); and • that the court has proceeded under Art. 45.050,	Art. 45.045, C.C.P. Court must determine before issuing a <i>capias pro fine</i>: • that person is age 17 or older; • that issuance of <i>capias pro fine</i> is justified (must consider sophistication & maturity, criminal record and history of individual, and the reasonable likelihood of bringing about the discharge of judgment by other procedures);	Art. 45.045, C.C.P. Court must determine before issuing a <i>capias pro fine</i>: • that person is age 17 or older; • that issuance of <i>capias pro fine</i> is justified (must consider sophistication & maturity, criminal record and history of individual, and the reasonable likelihood of bringing about the discharge of judgment by other procedures);	Art. 45.045, C.C.P. Court must determine before issuing a <i>capias pro fine</i>: • that person is age 17 or older; • that issuance of <i>capias pro fine</i> is justified (must consider sophistication & maturity, criminal record and history of individual, and the reasonable likelihood of bringing about the discharge of judgment by other procedures); and • that the court has proceeded under Art. 45.050, C.C.P.



MUNICIPAL JUVENILE/MINOR CHART

	Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BUI	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
		45.050, C.C.P.	C.C.P.	and • that the court has proceeded under Art. 45.050, C.C.P.	by other procedures); and • that the court has proceeded under Art. 45.050, C.C.P.	
Reports	Sec. 51.08(c), F.C. Under age 17 • Juvenile court when case filed; • Juvenile court when case disposed. Secs. 521.201(8) and 521.294(6), T.C. Under age 17 • DPS, if child fails to appear; • DPS, when case adjudicated. Sec. 521.3451, T.C. • DPS, when child found in contempt for failure to pay under Art. 45.050, C.C.P. & court orders suspension or denial of DL; • DPS, when child makes final disposition. Sec. 106.116, A.B.C. • Tex. Alcoholic Bev. Commission, if requested. Sec. 106.117, A.B.C. All minors • DPS, upon conviction or order of deferred. Sec. 106.115(d), A.B.C. All minors • DPS, court order of DL suspension or denial not to exceed six months upon failure to complete alcohol awareness program or community service.	Sec. 51.08(c), F.C. Under age 17 • Juvenile court when case filed; • Juvenile court when case disposed. Secs. 521.201(8) and 521.294(6), T.C. Under age 17 • DPS, if child fails to appear; • DPS, when case adjudicated. Sec. 521.3451, T.C. • DPS, when child found in contempt for failure to pay under Art. 45.050, C.C.P. & court orders suspension or denial of DL; • DPS, when child makes final disposition. Sec. 106.116, A.B.C. • Tex. Alcoholic Bev. Commission, if requested. Sec. 106.117, A.B.C. All minors • DPS, upon conviction, order of deferred, and acquittal under 106.041. Sec. 106.115(d), A.B.C. All minors • DPS, court order of DL suspension or denial not to exceed six months upon failure to complete alcohol awareness program or community service.	Sec. 51.08(c), F.C. Under age 17 • Juvenile court when case filed; • Juvenile court when case disposed. Secs. 521.201(8) and 521.294(6), T.C. Under age 17 • DPS, if child fails to appear; • DPS when case adjudicated. Sec. 521.3451, T.C. • DPS, when child found in contempt for failure to pay under Art. 45.050, C.C.P. & court orders suspension or denial of DL; • DPS, when child makes final disposition.	Sec. 161.254, H.S.C. All minors • DPS, if defendant fails to present evidence of completion of tobacco-related program or community service. Court required to order DL suspended or denied for a period not to exceed 180 days. Secs. 521.201(8) and 521.294(6), T.C. Under age 17 • DPS, if child fails to appear; • DPS when case adjudicated. Sec. 521.3451, T.C. • DPS, when child found in contempt for failure to pay under Art. 45.050, C.C.P. & court orders suspension or denial of DL; • DPS, when child makes final disposition.	Sec. 51.08(c), F.C. Under age 17 • Juvenile court when case filed; • Juvenile court when case disposed. Secs. 521.201(8) and 521.294(6), T.C. Under age 17 • DPS, if child fails to appear; • DPS when case adjudicated. Sec. 521.3451, T.C. • DPS, when child found in contempt for failure to pay under Art. 45.050, C.C.P. & court orders suspension or denial of DL; • DPS, when child makes final disposition. Sec. 15.27, P.C. • Upon conviction, prosecutor required to notify school of conviction of assault and possession of drug paraphernalia.	Sec. 543.203, T.C. • Convictions reported to DPS. Sec. 521.3452, T.C. Under age 17 • Court required to report failure to appear. Secs. 521.201(7) and 521.294(5), T.C. • DPS, if child fails to appear; • DPS when case adjudicated. Sec. 521.3451, T.C. • DPS, when child found in contempt for failure to pay under Art. 45.050, C.C.P. & court orders suspension or denial of DL; • DPS, when child makes final disposition.
Parents	Art. 45.0215, C.C.P. • Court required to issue summons for parents. • Failure to appear with child in court is a Class C misdemeanor. Art. 45.057(a), C.C.P. • Parent includes a person standing in parental relation, a managing conservator, or a custodian. Art. 45.057(g), C.C.P. • Failure to appear with child in court is a Class C misdemeanor.	Art. 45.0215, C.C.P. • Court required to issue summons for parents. • Failure to appear with child in court is a Class C misdemeanor. Art. 45.057(a), C.C.P. • Parent includes a person standing in parental relation, a managing conservator, or a custodian. Art. 45.057(g), C.C.P.	Art. 45.0215, C.C.P. • Court required to issue summons for parents. • Failure to appear with child in court is a Class C misdemeanor. Sec. 25.093, E.C. • May be charged with the offense of Parent Contributing to Nonattendance, a Class C misdemeanor. Art. 45.054, C.C.P.	Art. 45.0215, C.C.P. • Court required to issue summons for parents. • Failure to appear with child in court is a Class C misdemeanor. Art. 45.057(a), C.C.P. • Parent includes a person standing in parental relation, a managing conservator, or a custodian.	Art. 45.0215, C.C.P. • Court required to issue summons for parents. • Failure to appear with child in court is a Class C misdemeanor. Art. 45.057(a), C.C.P. • Parent includes a person standing in parental relation, a managing conservator, or a custodian.	Art. 45.0215, C.C.P. • Court required to issue summons for parents. • Failure to appear with child in court is a Class C misdemeanor. Art. 45.057(a), C.C.P. • Parent includes a person standing in parental relation, a managing conservator, or a custodian. Art. 45.057(g), C.C.P. • Failure to appear with child in court is a Class C misdemeanor.



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	Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BUI	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
	Art. 45.057(h), C.C.P. •Failure to notify the court in writing of the child's current address is a Class C misdemeanor. Art. 45.057, C.C.P. Court may order: •Attend a parenting class. •Attend child's school classes & functions. •Pay up to \$100 for special program for child. •Parent to do an act or refrain from doing an act that will increase likelihood that child will comply. Sec. 106.115(d), A.B.C. •Court may order parent to do any act or refrain from an act to increase likelihood that minor will complete alcohol awareness program after child fails to complete program.	•Failure to appear with child in court is a Class C misdemeanor. Art. 45.057(h), C.C.P. •Failure to notify the court in writing of the child's current address is a Class C misdemeanor. Art. 45.057, C.C.P. Court may order: •Attend a parenting class. •Attend child's school classes & functions. •Pay up to \$100 for special program for child. •Parent to do an act or refrain from doing an act that will increase likelihood that child will comply. Sec. 106.115(d), A.B.C. •Court may order parent to do any act or refrain from an act to increase likelihood that minor will complete alcohol awareness program after child fails to complete program.	•Order parent to attend a class for students at risk of dropping out of school. Art. 45.057(a), C.C.P. •Parent includes a person standing in parental relation, a managing conservator, or a custodian. Art. 45.057, C.C.P. Court may order: •Attend a parenting class. •Attend child's school classes & functions. •Pay up to \$100 for special program for child. •Parent to do an act or refrain from doing an act that will increase likelihood that child will comply. Art. 45.054(d), C.C.P. •Failure to comply with summons to appear with child charged with failure to attend school is a Class C misdemeanor. Art. 45.057(h), C.C.P. •Failure to notify the court in writing of the child's current address is a Class C misdemeanor.	Art. 45.057(g), C.C.P. •Failure to appear with child in court is a Class C misdemeanor. Art. 45.057, C.C.P. Court may order: •Attend a parenting class. •Attend child's school classes & functions. •Pay up to \$100 for special program for child. •Parent to do an act or refrain from doing an act that will increase likelihood that child will comply. Art. 45.057(h), C.C.P. •Failure to notify the court in writing of the child's current address is a Class C misdemeanor.	Art. 45.057(g), C.C.P. •Failure to appear with child in court is a Class C misdemeanor. Art. 45.057, C.C.P. Court may order: •Attend a parenting class. •Attend child's school classes & functions. •Pay up to \$100 for special program for child. •Parent to do an act or refrain from doing an act that will increase likelihood that child will comply. Art. 45.057(h), C.C.P. •Failure to notify the court in writing of the child's current address is a Class C misdemeanor. Art. 45.061, C.C.P. • Parent (or defendant) must pay for court-ordered educational program for child convicted of sexting.	Art. 45.057, C.C.P. Court may order: •Attend a parenting class. •Attend child's school classes & functions. •Pay up to \$100 for special program for child. •Parent to do an act or refrain from doing an act that will increase likelihood that child will comply. Art. 45.057(h), C.C.P. •Failure to notify the court in writing of the child's current address is a Class C misdemeanor.



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¹Art. 45.056, C.C.P., provides authority for municipal courts to employ case managers for juvenile cases. Sec. 51.08, F.C., provides that a court that has implemented a juvenile case manager program under Art. 45.056, C.C.P., may, but is not required to, waive its original jurisdiction under subsection (b)(1) of Section 51.08, F.C. Article 102.0174, C.C.P., provides that cities may adopt an ordinance creating a juvenile case manager fund and collect a fee of up to \$5 to fund a juvenile case manager.

²Art. 45.057, C.C.P. – When a child who is at least 10 years old and younger than age 17 is charged with a fine-only offense, the court may, in addition to a fine, order the following sanctions: 1) Refer the child or child's parent for services under Sec. 264.302, F.C.; 2) Require child to attend a special program that is in best interest of child, including rehabilitation, counseling, self-esteem and leadership, work and job skills training, job interviewing and work preparation, self-improvement, parenting, manners, violence avoidance, tutoring, sensitivity training, parental responsibility, community service, restitution, advocacy or mentoring program; 3) Require parents to do an act or refrain from an act that will increase the likelihood that the child will comply with court orders, including attending a parenting class or parental responsibility program and attending the child's school classes or functions; 4) Order the parents of a child required to attend a special program to pay an amount not greater than \$100 for the costs of the program; 5) Require both the child and parent to submit proof of attendance. (If program involves the expenditure of county funds, county must approve child's attendance.)

Deferred Disposition

- If the court grants deferred for all Alcoholic Beverage Code offenses except DUI, the court must require the defendant to perform the community service requirements and attend an alcohol awareness course; for DUI, the court must require an alcohol awareness course.
- If defendant charged with the offense of public intoxication is under age 21, and the court grants deferred, the court must order the community service requirements under Sec. 106.071, A.B.C., and attendance at an alcohol awareness course.

³ A dispositional order under Art. 45.054, C.C.P., is effective for the period specified by the court in the order but may not extend beyond the 180th day after the date of the order or beyond the end of the school year in which the order was entered, whichever period is longer.

⁴Art. 45.059, C.C.P., Children Taken into Custody for Violation of Juvenile Curfew or Order: 1) Release person to parent, guardian or custodian; 2) Take person before a justice or municipal court; or 3) Take person to juvenile curfew processing office (similar to nonsecure custody and not held for more than six hours).

⁵Art. 45.0216, C.C.P., provides that proceedings under Art. 45.051, C.C.P. (Deferred Disposition), and proceedings under Art. 45.052, C.C.P. (Teen Court), may be expunged under Art. 45.0216, C.C.P.

⁶Under Sec. 25.093(f), E.C., when a court grants deferred disposition to a parent charged with parent contributing to nonattendance, the court may require the defendant to attend a program that provides instruction designed to assist the parent in identifying problems that contribute to his or her child's absence from school and strategies for resolving those problems.

ATTENTION

H.B. 961, passed in the 82nd legislature, replaces procedures for nondisclosure with procedures that conditionally make particular criminal case records confidential. Article 45.0217 provides that all records and files, including those held by law enforcement and all electronically stored information, relating to a child who is convicted of an offense has satisfied the judgment for a fine-only misdemeanor offense other than a traffic offense are confidential. Confidential records may not be released to the public, but they can be inspected by judges, court staff, a criminal justice agency for a criminal justice purpose, DPS, the defendant, the defendant's attorney, a prosecuting attorney, or the defendant's parent, guardian, or managing conservator. Like nondisclosure orders, this new confidentiality protection only applies to cases in which a conviction is obtained. This means there is no confidentiality for records related to a case where a child defendant receives deferred disposition and the case is subsequently dismissed or where a child gets a dismissal from successful completion of teen court. Unlike nondisclosure, this new confidentiality does not attach to records until the judgment is satisfied. H.B. 961 applies to convictions before, on, or after the effective date of the act. All cases subject to an existing nondisclosure order will still be subject to the nondisclosure order.

JUVENILE CASE MANAGER

JOB PURPOSE AND SUMMARY

To direct, manage, supervise, coordinate, and advocate the programs and activities of the La Marque Municipal Court juvenile cases, including juvenile crime prevention, counseling, and detention; to coordinate assigned activities with other County departments, divisions, and outside agencies; and to provide highly responsible and complex administrative support to the Court Administrator and Municipal Court Judge.

The Juvenile Case Manager receives supervision and administrative direction from the Court Administrator and Municipal Judge.

KEY OR TYPICAL TASKS AND RESPONSIBILITIES:

- Assumes management responsibility for all services and activities of the Juvenile cases. Works as a liaison between parent, juvenile and the court.
- Manages and participates in the development and implementation of goals, objectives, policies, and priorities for assigned programs including the management, maintenance and operation of the volunteer services, and other programs within the Municipal Court Juvenile program; recommends, within Court policy, appropriate service and staffing levels; recommends and administers policies and procedures.
- Continuously monitors and evaluates the efficiency and effectiveness of service delivery methods and procedures; assesses and monitors work load, administrative and support systems, and internal reporting relationships; identifies opportunities for improvement and reviews with the Court Administrator and Judge; implements improvements.
- Plans, directs, coordinates, and reviews the work plan for Juvenile case services and programs; meets with staff to identify and resolve problems; assigns work activities projects, and programs; monitors work flow; reviews and evaluates work products, methods, and procedures.
- Develops and participates in the administration of the Juvenile case annual budget; directs the forecast of additional funds needed for staffing, equipment, materials, and supplies.
- Serves as a liaison for the Municipal court on Juvenile cases with other County departments, divisions, and outside agencies; negotiates and resolves significant and controversial issues. Advocate juvenile defendants

of their rights and judicial procedures. Explain terms of court orders to defendants and parents.

- Prepare recommendations and referrals to state mandated programs and community resources by developing creative alternatives to sentencing that will increase awareness, decrease delinquent behavior, and reducing repeat offenders.
- Provides responsible staff assistance to the Municipal Court Judge; prepares and presents staff reports and other necessary correspondence to the Court Administrator and Judge.
- Conducts a variety of organizational studies, investigations, and operational studies; recommends modifications to Juvenile Case programs, policies, and procedures as appropriate.
- Participates on a variety of boards and commissions when needed; attends and participates in professional group meetings; stays abreast of new trends and innovations in the field of juvenile services.
- Notifies Court Administrator and Judge of difficult and sensitive citizen inquiries and complaints that relates to juveniles.
- Develops programs for juvenile offenders within jurisdiction of the Municipal Court; negotiates contracts with outside agencies for delivery of services; prepares grants to provide funding for additional resources and services.
- Assures juvenile's understanding of obligations with respect to conditions of the Court's order and monitors compliance with the terms and conditions of deferral. Addresses violations of court orders by taking appropriate action. Coordinates case management with representatives of the school and social service agencies.
- Works with and in support of the Warrant Division to ensure efficiency and staffing support as needed.
- Performs related duties as assigned.

KNOWLEDGE, SKILLS AND ABILITIES:

- Knowledge of program regulations, guidelines, and requirements.
- Knowledge of applicable funding sources and City policies and procedures.
- Knowledge of the community and its needs.

- Ability to make initial determination of services needed by clients and make proper referrals.
- Ability to organize and prioritize assignments.
- Ability to document clearly and concisely pertinent information.
- Ability to communicate clearly and effectively, both verbally and in writing.
- Ability to establish and maintain effective working relationships with public agencies, City departments, and the general public.
- Ability to communicate clearly and effectively, both verbally and in writing.
- Ability to exercise considerable individual judgment and initiative in completing the necessary operations within the program.
- Ability to prepare Juvenile court orders.
- Ability to maintain and prepare complex records, insuring confidentiality.

GUIDELINES FOR TRAINING:

Attend yearly training with TMCEC

Attend JCMA (Juvenile Case Managers Association) meetings to establish contacts with other Juvenile Case Managers.