

ORDINANCE NO. ____

AN ORDINANCE AMENDING AND UPDATING THE CITY OF PFLUGERVILLE CODE OF ORDINANCES, TITLE III. ADMINISTRATION, CHAPTER 37, MUNICIPAL COURT FUNDS BY ADDING A LOCAL CONSOLIDATION FUND, A TRUANCY FUND, AND A MUNICIPAL JURY FUND AND REVISING ALL MUNICIPAL COURT FUND ALLOCATIONS IN ACCORDANCE WITH THE LOCAL CONSOLIDATION FUND PARAMETERS; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR OPEN MEETING AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Pflugerville, Texas, has established municipal court funds in accordance with state law; and

WHEREAS, sections of state law have been revised since the adoption of the City's establishment of court funds; and

WHEREAS, the City Council finds it in the best interests of the City to revise Chapter 37, Municipal Court Funds in accordance with state law provisions regarding administration of collected municipal court funds.

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

Section 1: That the Code of Ordinances, City of Pflugerville, Texas, Title III. Administration, Chapter 37, Municipal Court Funds, is hereby updated and amended as shown in attached Exhibit A, with strikethroughs as deletions and underlines as additions.

Section 2: That the recitals contained in the preamble hereto are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 3. All ordinances or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters herein.

Section 4. Cumulative and Repealer Clause. This ordinance shall be cumulative of all other ordinances of the City of Pflugerville, Texas, and shall not operate to repeal or affect any other ordinances of the City except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed to the extent of such conflict.

Section 5. That it is officially found, determined and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 6: This Ordinance will take effect upon its adoption by the City Council and publication of the caption hereof in accordance with Section 3.15(d) of the City Charter.

PASSED AND APPROVED this ____ day of _____ 2025.

CITY OF PFLUGERVILLE, TEXAS

Victor Gonzales, Mayor

ATTEST:

Trista Evans, City Secretary

EXHIBIT A

§ 37.01 LOCAL CONSOLIDATION FEE ON CONVICTION OF A NON-JAILABLE MISDEMEANOR.

(A) A person convicted of a non-jailable misdemeanor offense, including a criminal violation of a municipal ordinance, shall pay \$14 as a court cost, in addition to all other costs, on conviction.

(B) A person is considered convicted in a case if:

- (1) A judgement, a sentence, or both a judgement and a sentence are imposed on the person;
- (2) The person receives community supervision, deferred adjudication, or deferred disposition; or
- (3) the court defers final disposition of the case or imposition of the judgement and sentence.

(C) The Clerk of the Pflugerville Municipal court shall collect the fee and provide the fees to the municipal treasurer of the city to deposit in the municipal treasury to be deposited as follows:

- (1) 35% into the municipal court building security fund;
- (2) 37.7143% into the local truancy prevention and diversion fund;
- (3) 28.5714% into the municipal court technology fund; and
- (4) 0.7143% into the municipal jury fund.

§ 37.02~~1~~ ESTABLISHMENT OF MUNICIPAL COURT TECHNOLOGY FUND.

(A) There is hereby created and established a Municipal Court Technology Fund, known as the "Technology Fund", pursuant to Article 102.0172 of the Code of Criminal Procedure.

(B) The Technology Fund may be maintained in an interest bearing account and may be maintained in the general revenue account.

(C) The Municipal Court Technology Fund consists of money allocated and deposited as referenced in § 37.01.

§ 37.02 ESTABLISHMENT OF AMOUNT OF THE MUNICIPAL COURT TECHNOLOGY FEE, ASSESSMENT AND COLLECTION.

(A) The Municipal Court Technology Fee ("Technology Fee") shall be in the amount of \$4.00.

(B) The Technology Fee shall be assessed and collected from the defendant upon conviction for a misdemeanor offense in the Municipal Court as a cost of court. A defendant is considered convicted if:

- (1) A sentence is imposed on the person;

~~(2) The person is placed on community supervision, including deferred adjudication community supervision; or~~

~~(3) The court defers final disposition of the person's case.~~

~~(C) The Technology Fee shall be collected on conviction for an offense committed after adoption of this chapter.~~

~~(D) The clerk of the court shall collect the Technology Fee and pay it to the municipal treasurer of the City of Pflugerville, who shall deposit the fee into the Technology Fund.~~

§ 37.03 DESIGNATED USE OF THE TECHNOLOGY FUND AND ADMINISTRATION.

(A) The Technology Fund shall be used only to finance the purchase of technological enhancements and maintenance of technological resources for the Municipal Court of the City of Pflugerville, Texas, including:

- (1) Computer systems;
- (2) Computer networks;
- (3) Computer hardware;
- (4) Computer software;
- (5) Imaging systems;
- (6) Electronic kiosks;
- (7) Electronic ticket writers; or
- (8) Docket management systems.

(B) The Technology Fund shall be administered by or under the direction of the City Council of the City of Pflugerville, Texas.

§ 37.04 ESTABLISHMENT OF MUNICIPAL COURT BUILDING SECURITY FUND.

(A) There is hereby created and established a Municipal Court Building Security Fund, known as the Building Security Fund, pursuant to Article 102.017 of the Code of Criminal Procedure.

(B) The Building Security Fund may be maintained in an interest bearing account and may be maintained in the general revenue account.

(C) The municipal court technology fund consists of money allocated and deposited as referenced in § 37.01.

~~§ 37.05 ESTABLISHMENT OF AMOUNT OF THE MUNICIPAL COURT BUILDING SECURITY FEE, ASSESSMENT AND COLLECTION.~~

~~(A) The Municipal Building Security Fee (the “Building Security Fee”) shall be in the amount of \$3.00.~~

~~(B) The Building Security Fee shall be assessed and collected from the defendant upon conviction for a misdemeanor offense in the Municipal Court as a cost of court. A defendant is considered convicted if:~~

~~(1) A sentence is imposed on the person;~~

~~(2) The person is placed on community supervision, including deferred adjudication community supervision; or~~

~~(3) The court defers final disposition of the person’s case.~~

~~(C) The Building Security Fee shall be collected on conviction for an offense committed after adoption of this chapter.~~

~~(D) The clerk of the court shall collect the Building Security Fee and pay it to the municipal treasurer of the City of Pflugerville, who shall deposit the fee into the Municipal Court Building Security Fund.~~

§ 37.056 DESIGNATED USE OF THE BUILDING SECURITY FUND AND ADMINISTRATION.

(A) The Building Security Fund shall be used only to finance the purchase of security devices or services for the buildings that house the Municipal Court of the City of Pflugerville, Texas including:

(1) The purchase or repair of x-ray machines and conveying systems;

(2) Handheld metal detectors;

(3) Walkthrough metal detectors;

(4) Identification cards and systems;

(5) Electronic locking and surveillance equipment;

(6) Bailiffs, deputy sheriffs, deputy constables, or contract security personnel during times when they are providing appropriate security services;

(7) Signage;

(8) Confiscated weapon inventory and tracking systems;

(9) Locks, chains, alarms, or similar security devices;

(10) The purchase or repair of bullet-proof glass; or

(11) Continuing education on security issues for court personnel and security personnel.

(B) The Building Security Fund shall be administered by or under the direction of the City Council of the City of Pflugerville, Texas.

§ 37.067 EXPIRATION PROVISION AND ADMINISTRATION OF FUNDS.

This chapter shall remain in effect in accordance with Articles 102.0172 and 102.017 of the Code of Criminal Procedure, and if the assessment and collection of the Technology Fee or Building Security Fee should expire, the purpose and the use of any funds remaining in the Technology Fund or Building Security Fund shall continue to be used and administered as required by this chapter and for that purpose, this ordinance shall remain in effect.

§ 37.07 ESTABLISHMENT OF LOCAL TRUANCY PREVENTION AND DIVERSION FUND.

(A) There is hereby created and established a Local Truancy Prevention and Diversion Fund.

(B) The Local Truancy Prevention and Diversion Fund consists of money allocated and deposited as referenced in § 37.01.

§ 37.08 DESIGNATED USE OF LOCAL TRUANCY PREVENTION AND DIVERSION FUND.

(A) Money in the Local Truancy Prevention and Diversion Fund may be used to finance the salary, benefits, training, travel expenses, office supplies, and other necessary expenses relating to the position of the Juvenile Case Coordinator employed under Tex. Code of Criminal Procedure, Article 45A.451(a)(2).

(B) If there is money in the Local Truancy Prevention and Diversion Fund after the costs under division (A) are paid, subject to the direction of the City Council and with approval of the Pflugerville Municipal Court, the Juvenile Case Coordinator may direct the remaining money to be used to implement programs directly related to the duties of the juvenile case coordinator, including juvenile alcohol and substance abuser programs, educational and leadership programs, and any other projects designed to prevent or reduce the number of juvenile referrals to the Pflugerville Municipal Court.

(C) Money in the Local Truancy Prevention and Diversion Fund may not be used to supplement the income of an employee whose primary role is not that of a Juvenile Case Coordinator.

(D) The Local Truancy Prevention and Diversion Fund shall be administered by or under the direction of the City Council.

§ 37.09 ESTABLISHMENT OF MUNICIPAL JURY FUND.

(A) There is hereby created a Municipal Jury Fund.

(B) The Municipal Jury Fund consists of money allocated and deposited as referenced in § 37.01.

§ 37.10 DESIGNATED USE OF MUNICIPAL JURY FUND.

(A) Money in the Municipal Jury Fund may only be used to fund juror reimbursements and otherwise finance jury services.