



City of San Antonio

Agenda Memorandum

File Number:15-4538

Agenda Item Number: 3.

Agenda Date: 8/19/2015

In Control: Governance Committee

DEPARTMENT: City Attorney's Office

DEPARTMENT HEAD: Martha G. Sepeda, Acting City Attorney

COUNCIL DISTRICTS IMPACTED: City Wide

SUBJECT:

Briefing and recommendation regarding Municipal Court Advisory Committee

SUMMARY:

A recommendation that the Municipal Court Advisory Committee be reconfigured as a Subcommittee of the Criminal Justice, Public Safety and Services Council Committee composed of two Councilmembers and one citizen to oversee the San Antonio Municipal Court.

BACKGROUND INFORMATION:

The Texas Constitution, City Charter and state law specifically authorize the basic structure of the San Antonio Municipal Court. The Municipal Court hears Class C misdemeanors, fine only criminal offenses that are mostly traffic tickets, code violations and minor state infractions. The Municipal Court handles over 300,000 cases a year and added truancy cases for certain school district to its dockets in 2010 and county-wide truancy cases since 2014. The City Council appoints all of the judges who serve two year terms. By practice, the presiding judge is appointed every odd numbered calendar year and the full time judges are appointed in even numbered years.

On April 2, 2015 Councilmember Ron Nirenberg filed a Council Consideration Request to discuss the judicial appointments and oversight of the San Antonio Municipal Court. On April 15, the Governance Committee directed staff to return to the Committee with a recommendation for the type of oversight best suited for the San Antonio Municipal Court.

Prior to 2003, municipal court operations reported to standing Municipal Court Council Committee composed of five council members. In 2003, a three councilmember Subcommittee of the Council Quality of Life Committee took charge. Both the Committee and Subcommittee met regularly regarding all matters related to Municipal Court, including the appointment of judges. In 2007 City Council created a Municipal Court Advisory Committee composed of a member of the San Antonio Bar Association, a non-Municipal Court judge, two citizens, the Mayor as an ex-officio voting member, and the Presiding Municipal Court judge as ex-officio non-voting member. The Committee has been inactive since 2010. Subsequent judicial appointments resulted from an application process with a subcommittee of City Council members reporting to Governance and then the full City Council.

Staff has studied various practices implemented by other Texas cities to appoint judges and management of municipal court systems. Most cities do not have any type of committee that oversees municipal court. At least one city has a committee that oversees judicial appointments and all operations of its municipal court system.

ISSUE:

Based on the review of practices of representative cities, identify the best option for oversight of the San Antonio Municipal Court system.

ALTERNATIVES:

Assign oversight of Municipal Court to an existing City Council Committee.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

RECOMMENDATION:

Staff recommends the reconfiguration of the Municipal Courts Advisory Committee as a Subcommittee of the Criminal Justice, Public Safety and Services composed of two Council members and one citizen.

The subcommittee will:

1. Review applications for, and recommend the appointment of, Municipal Court Judges to City Council; and
2. Provide direction to the Presiding Judge and Court Clerk on operations of Municipal Court.