

AGENDA ITEM # 18OCTOBER 5, 1999Discuss and take appropriate action on creation of magistrate positions.

County Attorney Gene Taylor discussed magistrate positions continuing with same policy - part-time, hourly paid, non-lawyers.

Creation of each magistrate position is within the discretion of the Williamson County Commissioners Court. Once the Commissioners Court sets the Magistrates' qualifications and salary, the district and statutory county court judges fill the position/s by majority vote. Magistrates should supervise their own staff and maintain their own independent docket. The Magistrates may be removed by majority vote at any time.

Moved: Judge Doerfler

Seconded: Commissioner Hays

Motion: To create magistrate positions at current salaries and recommend to the statutory county court-at-law and district judges that the currently serving magistrates remain in those positions.

Vote: Motion carried 4 - 0 with Commissioner Heiligenstein absent from the dais.

< Clerk copy here >

Eugene D. Taylor

Williamson County Attorney

Wayne Porter, First Assistant
 Carol Collins David Glickler
 Donna King Gafford Dan M. Gattis
 Grant C. Sparks Brandy Byrd
 David Laibovitz Christopher W. Lewis
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 Taylor: 352-3661 FAX: 943-1120

October 5, 1999

Jail Magistrates

The Williamson County Magistrate Act became effective last spring, but we have continued to function under an interlocal agreement using Bartlett Municipal Judges as the jail magistrates. With the beginning of the new fiscal year, the Commissioners Court may wish to use the authority granted by the Legislature to create one or more Williamson County Magistrate positions and end the contract with Bartlett.

Creation of each magistrate position is within the discretion of the Williamson County Commissioners Court. The Court determines how many magistrates should be appointed. For each position, the Court decides whether it is to be full-time or part-time, and what the qualifications should be. For example, the Court may provide that a Magistrate needs to be an attorney or otherwise meet the requirements for judge of a statutory county court. As with any other county officer, the Court sets the Magistrates' compensation. Once the Court creates a position, the district and statutory county court judges fill the position by majority vote. The Magistrate may be removed by majority vote at any time. During their appointment, Williamson County Magistrates are to serve as neutral and impartial judicial officers with many of the same duties and responsibilities as other members of the judiciary. They should supervise their own staff and maintain their own independent docket.

The Williamson County Magistrates will perform a variety of functions. Primarily, they provide judicial admonishments and set bail for persons incarcerated in the county jail. They are required to do this within 24 hours after the prisoner enters the facility. An important adjunct to this power is the ability to issue 30-day Emergency Orders for the protection of alleged victims of domestic violence. In addition, the new Williamson County Magistrates have all other powers of a magistrate under Texas law, such as the power to issue arrest and search warrants, and to order the emergency detention of mentally ill persons. They may be asked to hear certain mental, chemical dependency, and juvenile proceedings for the courts sitting in the county.

Magistrates**2**

A new power under the Act is that the Magistrates, with the consent of the J.P. for the precinct where a nonjailable misdemeanor offense occurs, may now take pleas of guilty or no contest and impose fines and sanctions. The existing municipal judges must release these persons with a promise to appear in front of the J.P. (a promise that is often broken). In addition, a Magistrate who meets the requirements for statutory county court judges may be appointed by one of the County Court at Law judges to hear routine matters pending in that court. A qualified Magistrate could also serve as a Master to hear certain aspects of civil and family cases pending before either the district or county courts. The elected judges could use the Magistrates in a variety of other creative ways, limited mostly by imagination.

I hope this answers your questions. If not, please contact me immediately.

Sincerely,



Dale A. Rye,
Of Counsel to
The County Attorney

Eugene D. Taylor Williamson County Attorney

Wayne Porter, First Assistant
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152

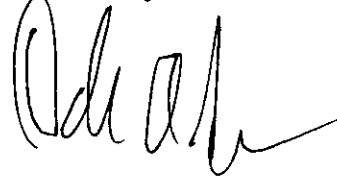
Magistrates

2

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Dale A. Rye,
Of Counsel to
The County Attorney

AGENDA ITEM # 19**OCTOBER 5, 1999**

Consider declaring an emergency and approving a budget amendment from the reserve funds of Self Funding Insurance Fund-885:

to: 885-885-4050

\$91,000.00

Moved: Judge Doerfler

Seconded: Commissioner Heiligenstein

Motion: To declare an emergency and approve a budget amendment from the reserve funds of Self Funding Insurance Fund-885:

to: 885-885-4050

\$91,000.00

Vote: Motion carried 5 - 0

COMMISSIONERS COURT ADJOURNED TO EXECUTIVE SESSION AT 11:37 A.M. ON TUESDAY, OCTOBER 5, 1999.

AGENDA ITEM # 20**OCTOBER 5, 1999*******

Discuss personnel - County Court at Law #3 (EXECUTIVE SESSION REQUESTED as per VTCA Govt. Code sec. 551.074 pertaining to personnel).

No action was taken in executive session.

COMMISSIONERS COURT RECONVENED FROM EXECUTIVE SESSION AT 12:03 A.M. ON TUESDAY, OCTOBER 5, 1999.