

ORDINANCE NO. 2023 - 003

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, TEXAS; RE-APPOINTING EDUARDO XAVIER ESCOBAR TO SERVE AS THE MUNICIPAL COURT PROSECUTOR FOR THE CITY OF SANTA CLARA, TEXAS; APPROVING THE ATTACHED CITY PROSECUTOR SERVICE AGREEMENT; PROVIDING FOR: SEVERABILITY, A SAVINGS CLAUSE, MEETING OPEN TO THE PUBLIC AND AN EFFECTIVE DATE.

WHEREAS, the City of Santa Clara, Texas is a Type A general law City incorporated and functioning as such under the provisions of Chapter 11, Title 28, Revised Civil Statutes of Texas, 1925, as amended; and

WHEREAS, Chapter 29 of the Texas Government Code provides for the creation, jurisdiction and operation of a municipal court; and

WHEREAS, on February 8th, 2021 the City of Santa Clara, Texas created the Municipal Court; and

WHEREAS, the City Council of Santa Clara, Texas finds that the appointment of a Municipal Court Prosecutor is necessary to protect the public health, safety, and welfare of the City; and

WHEREAS, on February 8th, 2021 the City of Santa Clara, Texas appointed Eduardo Xavier Escobar to serve as the first Municipal Court Prosecutor; and

WHEREAS, the term of the first appointment have expired; and

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

SECTION 1. RE-APPOINTMENT OF MUNICIPAL COURT PROSECUTOR.

Eduardo Xavier Escobar is hereby appointed to serve as the Municipal Court Prosecutor for the City of Santa Clara, Texas.

SECTION 2. SERVICE AGREEMENT; TERM.

The attached Agreement for Legal Services, Municipal Law Prosecution Services (“Service Agreement”), Attachment “A”, is hereby approved and incorporated herein for all purposes as if the terms therein are written directly into this Ordinance. Further, the term of this appointment, in accordance with the Service Agreement, shall be for a period a two years beginning February 1st, 2023 and ending January 31st, 2025.

SECTION 3. SEVERABILITY.

If any section, subsection, paragraph, clause, phrase, or provision of this ordinance or the application of any section, subsection, paragraph, clause, phrase, or provision to any person or

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circumstance is adjudged to be invalid, the invalidity shall not affect other section, subsection, paragraph, clause, phrase, or provision or applications thereof which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 4. SAVINGS CLAUSE.

This Ordinance shall remain in full force and effect, save and except as amended or repealed.

SECTION 5. MEETING OPEN TO PUBLIC.

It is hereby found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that the public notice of the time, place and purpose of said meeting was given as required.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall be effective upon passage and approval.

PASSED, APPROVED and ADOPTED ON the 23 day of January, 2023.

Ayes 4 Nays 0 Abstain N/A



[Signature]
Jeff Hunt, Mayor

ATTEST:

[Signature]

Donna L. White, City Secretary