ORDINANCE NO.

AN ORDINANCE ORDERING AN ELECTION TO BE HELD IN THE CITY OF AUSTIN ON MAY 13, 2006, FOR THE PURPOSE OF SUBMITTING A PROPOSED CHARTER AMENDMENT TO THE VOTERS; AND PROVIDING FOR THE CONDUCT OF THE ELECTION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. A charter amendment election shall be held in the City on May 13, 2006, at which the ballot shall be prepared to permit voting "yes" or "no" on the following proposition:

> Shall the City Charter be amended to increase the term served by a municipal court judge from two years to four years?

PART 2. If this proposition is approved by the majority of the voters voting at the election, Section 2 of Article VI (*Municipal Court*) of the City Charter is amended to read:

§ 2. JUDGE OF THE MUNICIPAL COURT.

The municipal court shall be presided over by a magistrate who shall be known as the judge of the municipal court. He or she shall be appointed by the council for a <u>four-year</u> [~~two-year~~] term beginning on January first of even numbered years. He or she shall be removed only for cause or disability as defined in the State Constitution. He or she shall have been admitted to practice law in the State of Texas for not less than two (2) years and shall have resided in the city for a period of not less than two (2) years immediately preceding his or her appointment.

In the event the judge of the municipal court is unable to act for any reason, the council shall appoint an attorney possessing the qualifications required above to act in his or her place. The judge, or anyone acting in his or her place, shall receive such compensation as may be set by the council.

The council shall have the power to create and establish additional municipal courts, and to appoint more than one judge of each municipal court, whether one or more, each of whom shall be a magistrate and shall have the qualifications and serve the term of office prescribed in the first paragraph of this section.

If any judge of a municipal court announces candidacy, or in fact becomes a candidate, in any general, special, or primary election, for any elective public office, at a time when the unexpired term of the judge's office exceeds one year, *the judge's announcement or candidacy is an automatic resignation of the office of municipal judge.*

PART 3. The election shall be conducted as provided in Ordinance No. 20060302-002. The provisions of Ordinance No. 20060302-002 relating to the conduct of the election are incorporated by reference as part of this ordinance.

PART 4. This ordinance takes effect on _____, 2006.

PASSED AND APPROVED

§
§
_____, 2006   §   _____
Will Wynn
Mayor

APPROVED: _____   ATTEST: _____
David Allan Smith   Shirley A. Gentry
City Attorney   City Clerk