

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 096-021

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 2 ("ADMINISTRATION") OF THE CODE OF ORDINANCES OF THE CITY BY AMENDING SECTION 2-209 RELATING TO THE REQUIREMENT OF A COURT REPORTER TO RECORD THE PROCEEDINGS OF THE MUNICIPAL COURT OF RECORD BY PROVIDING THAT SUCH PROCEEDINGS MAY BE RECORDED BY AN ELECTRONIC RECORDING DEVICE; AMENDING SECTION 2-219 REGARDING THE STATEMENT OF FACTS TO BE INCLUDED IN THE RECORD ON APPEAL; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 1993 the Texas Legislature amended Section 30.658 of the Texas Government Code relating to the method of keeping a record of the proceedings in the Municipal Court of the Town of Addison, Texas and Section 30.666 relating to the statement of facts to be used for purposes of appeal from the Municipal Court; and

WHEREAS, with respect to keeping a record of the proceedings, Section 30.658 now provides that, instead of providing a court reporter at a Municipal Court trial, the City Council may provide that the proceedings in the Municipal Court be recorded by a good quality electronic recording device.

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

Section 1. Chapter 2 ("Administration") of the Code of Ordinances of the Town of Addison, Texas (the "City") is hereby amended in the following particulars, and all other chapters, sections, subsections, paragraphs, sentences, phrases and words of the said Code are not amended but are hereby ratified, verified, approved and affirmed:

A. Section 2-209 ("Court reporter of court") is hereby amended so that it shall hereafter read as follows:

"Sec. 2-209. Preserving court record. ~~Court reporter of court~~

(a) For the purpose of recording the proceedings and preserving a record in all cases tried before the municipal court of record, a good quality electronic recording device shall be used. When the recording device is used, a transcriber need not be present at the trial to certify the statement of facts. Proceedings of the court that are appealed shall be transcribed from the recording by an official court reporter, clerk of court, deputy clerk of court, or a notary public. The

recording shall be kept and stored for a 20 day period beginning the day after the last day of the proceeding, trial, or denial of motion for new trial, whichever occurs last.

(b) In lieu of a good quality electronic device and as deemed necessary by the municipal judge, a court reporter appointed by the court clerk shall preserve the record. the city council authorizes the municipal judge to provide an official court reporter for each proceeding, which must have the qualifications required by general law for official court reporters. The court reporter may use written notes, transcribing equipment, audio recording equipment, or a combination of these methods to prepare a transcript of the proceedings of the municipal court of record. The court reporter shall keep the record for a 20 day period beginning the day after the last day of the court proceeding, trial, or denial of motion for new trial, whichever occurs last. The court reporter shall certify the official record. The court reporter is not required to record testimony in a trial unless the judge deems it necessary or one (1) of the parties makes a written request for a record."

B. Section 2-219 ("Statement of Facts") is hereby amended so that it shall hereafter read as follows:

"Sec. 2-219. Statement of facts.

A statement of facts included in the record on appeal must contain:

- (1) in instances where a court reporter is used to preserve the record in a trial, a transcript of all or part of the municipal court of record proceedings that are shown by the notes of the court reporter to have occurred before, during, or after the trial, if the transcript is requested by the defendant;
- (2) a brief statement of the facts of the case proven at trial as agreed to by the defendant and the prosecuting attorney;
- (3) a partial transcript and the agreed statement of the facts of the case; or
- (4) a transcript of all or part of the municipal court of record proceedings in the case that is prepared from mechanical or videotape recordings of the proceedings, if the transcript is requested by the defendant."

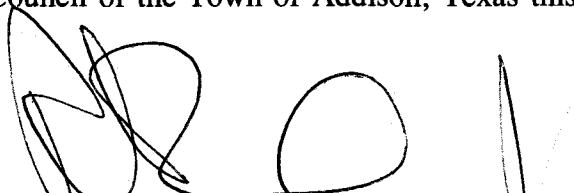
~~The statement of facts consist of transcription of the testimony of witnesses and bills of exception. The court reporter shall prepare a statement of facts at the request of the court or the written request of any party and shall immediately notify all parties in writing if a request is made. The reporter shall provide each party with a copy of the statement and shall file one (1) copy with the clerk of the municipal court of record for immediate transmission to the appellate court clerk. The transcription shall be in narrative form unless a party gives written objection~~

~~to the use of narrative form not later than the fifth day after receiving notice of the request for a statement of facts. The court report shall omit from the statement of facts matters that are not essential to the decision or the questions presented in the motion for new trial. The reporter may abridge any document by omitting or abbreviating a form or portion of the document and shall exclude formal parts of exhibits and more than one (1) copy of any document. The judge does not need to approve the statement of facts if it is agreed to by the defendant or the defendant's attorney and the city attorney or assistant city attorney. The party requesting a statement of facts, other than the state or city, shall pay the cost of preparation of the statement of facts. The defendant recovers the costs he paid for the statement of facts if the case is overturned or dismissed on appeal. The defendant or the defendant's attorney and the city attorney or assistant city attorney may grant a brief statement of the case and facts proven at trial for use by the appellate court. That statement must be included in the transcript instead of the proceedings at trial.~~

Section 2. Savings. This Ordinance shall be cumulative of all other ordinances of the City affecting the municipal court of record and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance.


Section 3. Effective date. This Ordinance shall become effective from and after its date of passage as provided by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 28th day of May, 1996.



Rich Beckert, Mayor

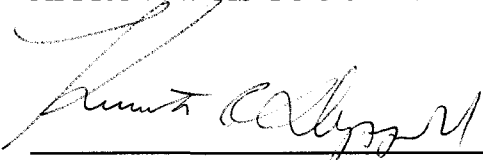
ATTEST:



Carmen Moran, City Secretary

[SEAL]

APPROVED AS TO FORM:



Ken Dippel, City Attorney

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10/31/96