

INTERLOCAL AGREEMENT BETWEEN BURNET COUNTY AND THE CITY OF BURNET

AGREEMENT ACKNOWLEDGING AND OUTLINING THE DUAL ROLE OF THE MAGISTRATE FOR CITY OF BURNET AND THE BURNET COUNTY JAIL MAGISTRATE WHEN PERFORMING MAGISTRATION DUTIES AT THE BURNET COUNTY JAIL

WHEREAS, the Texas Interlocal Cooperation Act (Tex. Gov't Code Ch. 791) permits local governments to contract with one another to carry out governmental functions and services; and,

WHEREAS, Burnet County is a local government responsible for the maintenance of a county jail for the housing of accused persons arrested within Burnet County; and,

WHEREAS, all persons arrested of a crime have the legal right (Tex. Code of Crim Procedure Art. 14.06) to be taken within 48 hours before a magistrate of the county of arrest or any other magistrate of any other county of the State of Texas to be provided warnings (Tex. Code of Crim Procedure Art. 15.17); and,

WHEREAS, Burnet County is authorized by Texas statute (Tex. Gov. Code 54.1501 – 54.1505 & recognized under Tex. Code of Crim Procedure Ch 2A.151(6) (B)) to appoint a Burnet County Jail Magistrate to provide warnings (Tex. Code of Crim Procedure Art. 15.17), amongst other magistrate duties, to individuals arrested of a crime inside of Burnet County; and,

WHEREAS, the City of Burnet is a municipality located within the confines of Burnet County. Inside said city, arrests of accused individuals occur frequently, and such persons are routinely taken and potentially housed via an unrelated interlocal agreement between the same parties at the Burnet County Jail; and,

WHEREAS, the City of Burnet is authorized to maintain a municipal court (Tex. Gov't Code Ch. 29 & 30). A Texas municipal court judge is recognized to be a Texas magistrate (Tex. Code of Crim Procedure Ch 2A.151 (14)); and,

WHEREAS, the City of Burnet and Burnet County previously entered into an interlocal agreement authorizing a Burnet County Jail Magistrate to also serve in the role of an Associate City Magistrate for the City of Burnet; and,

WHEREAS, Texas Code of Criminal Procedure 17.027(a)(2) outlines specific conditions where a Texas Gov't Code Ch 54 authorized magistrate may not conduct the magistration of an arrested individual; and,

WHEREAS, the prohibitions outlined under Texas Code of Criminal Procedure 17.027(a)(2) do not apply to a municipal court judge, as such magistrates are not statutorily created under Tex. Gov. Code Ch 54 but under Tex. Gov't Code Ch 29 & 30; and,

WHEREAS, it is the intent of the parties to formalize an understanding that shall apply when an individual holds the positions of the Burnet County Jail Magistrate and as either the City of Burnet Municipal Judge or an Associate Judge of the City of Burnet Municipal Court; and, **WHEREAS**, the parties agree that when conducting a magistration of an arrested individual, a Burnet County Jail Magistrate shall simultaneously serve as the Burnet Municipal Judge or Associate Judge, thus serving both capacities in a singular judicial proceeding.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. The previously entered interlocal agreement authorizing an employed Burnet County Jail Magistrate to also serve as an Associate City Magistrate in the City of Burnet, dated February 14, 2017 and attached hereto as Attachment A for reference purposes, is hereby recognized to continue in full force and effect.
2. At any time that a Burnet County Jail Magistrate (currently Judge Tamara Tinney and Judge Kristen Tice) is also employed or appointed to serve as either a City of Burnet Municipal Judge (currently Judge Tamara Tinney) or as an Associate Judge for the City of Burnet Municipal Court (currently Judge Kristen Tice), then said person(s) shall be recognized as simultaneously exercising their authority vested under Texas Government Code Ch. 54 and under Texas Government Code Ch 29 when conducting a magistration and/or conducting a bond setting of an arrested individual.
3. This agreement becomes effective upon execution by both parties and shall remain in effect until terminated by either party with 45 days' written notice to be provided by the other party. Unless said written termination occurs, any time that a Burnet County Jail Magistrate ceases to simultaneously hold the position of either a City of Burnet Municipal Judge or Associate Judge, then this agreement shall survive as dormant until said precedent conditions recur.
4. These authorizations are recognized by the parties as a benefit to each, increasing efficiency and cost savings for Burnet County and the City of Burnet.

IN WITNESS WHEREOF, the governing bodies of both Burnet County and the City of Burnet have approved and adopted this Agreement and have caused its execution.

AGREED and ADOPTED by the City of Burnet on this _____ day of _____, 2025.

Mayor Gary Wideman

City Manager David Vaughn

AGREED and ADOPTED by Burnet County on this day of _____ day of _____, 2025.

Burnet County Judge Bryan Wilson

Burnet County Clerk Vicinta Stafford