



**AGENDA**  
**STAYTON CITY COUNCIL**  
**Monday, September 16, 2024**  
 Stayton Community Center  
 400 W. Virginia Street  
 Stayton, Oregon 97383

**HYBRID MEETING**

The Stayton City Council will be holding a hybrid meeting utilizing Zoom video conferencing software. The meeting will be in-person but can also be live streamed on the City of Stayton's YouTube account. Please use the following option to view the meeting:

City Council Regular Session – <https://youtube.com/live/bUyCXZQ77A8>

**Public Comment and Public Hearing Testimony:** Meetings allow for in-person, virtual, or written public comment. If a community member has a barrier which prevents them from participating via one of the methods below, they should contact City staff at [citygovernment@staytonoregon.gov](mailto:citygovernment@staytonoregon.gov) **no less than three hours prior to the meeting start time** to make arrangements to participate.

Comments and testimony are limited to three minutes. All parties interested in providing public comment or testifying as part of a public hearing shall participate using one of the following methods:

- **In-Person Comment:** Parties interested in providing in-person verbal public comment shall fill out a "Request for Recognition" form available at the meeting. Forms must be filled out and submitted to the Assistant City Manager or designee prior to the meeting start time.
- **Video or Audio Conference Call:** Parties interested in providing virtual public comment shall contact City staff at [citygovernment@staytonoregon.gov](mailto:citygovernment@staytonoregon.gov) **at least three hours prior to the meeting start time** with their request. Staff will collect their contact information and provide them with information on how to access the meeting to provide comments.
- **Written Comment:** Written comment submitted to [citygovernment@staytonoregon.gov](mailto:citygovernment@staytonoregon.gov) **at least three hours prior to the meeting start time** will be provided to the public body in advance of the meeting and added to the City Council's webpage where agenda packets are posted.

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**1. CALL TO ORDER**

**2. FLAG SALUTE**

**3. ANNOUNCEMENTS**

- a. Additions to the agenda
- b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.

**4. PUBLIC COMMENT**

**5. CONSENT AGENDA**

- a. August 19, 2024 City Council Joint Session Minutes
- b. August 19, 2024 City Council Regular Session Minutes

**6. PRESENTATIONS**

- a. Summer Reading Update – Janna Moser
- b. Safety Town Update – Janna Moser and Gwen Johns

**7. PUBLIC HEARING****8. GENERAL BUSINESS**

- 1. Ordinance No. 1068, Amending Stayton Municipal Code Chapter 2.20 and Repealing Chapter 9.36 Relating to Municipal Court** **ACTION**
  - a. Staff Report – Gwen Johns
  - b. Public Comment
  - c. Council Discussion
  - d. Council Decision
- 2. Resolution No. 1115, Municipal Judge Contract Addendum** **ACTION**
  - a. Staff Report – James Brand
  - b. Public Comment
  - c. Council Discussion
  - d. Council Decision
- 3. Quarter 4 Finance Report** **INFORMATIONAL**
  - a. Staff Report – James Brand
  - b. Public Comment
  - c. Council Discussion

**9. COMMUNICATION FROM CITY STAFF****10. COMMUNICATION FROM MAYOR AND COUNCIL****11. ADJOURN**

*The meeting location is accessible to people with disabilities. A request for an interpreter for the hearing impaired or other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting. If you require special accommodations, contact City Hall at (503) 769-3425.*

## CALENDAR OF EVENTS

SEPTEMBER 2024					
Monday	September 16	City Council	7:00 p.m.	<a href="https://youtube.com/live/bUyCXZQ77A8">https://youtube.com/live/bUyCXZQ77A8</a>	
Wednesday	September 18	Library Board	6:00 p.m.	Stayton Public Library	
Monday	September 30	Planning Commission	7:00 p.m.	Stayton Community Center	
OCTOBER 2024					
Tuesday	October 1	Parks and Recreation Board	6:00 p.m.	Public Works / Planning Offices	
Monday	October 7	City Council	7:00 p.m.	<a href="https://youtube.com/live/xRkV_sAoEv0">https://youtube.com/live/xRkV_sAoEv0</a>	
Wednesday	October 16	Library Board	6:00 p.m.	Stayton Public Library	
Monday	October 21	City Council	7:00 p.m.	<a href="https://youtube.com/live/bFFjQQ_J9VQ">https://youtube.com/live/bFFjQQ_J9VQ</a>	
Monday	October 28	Planning Commission	7:00 p.m.	Stayton Community Center	
NOVEMBER 2024					
Monday	November 4	City Council	7:00 p.m.	<a href="https://youtube.com/live/4NtRsKXOWTs">https://youtube.com/live/4NtRsKXOWTs</a>	
Tuesday	November 5	Parks and Recreation Board	6:00 p.m.	Public Works / Planning Offices	
Monday	November 11	<b>CITY OFFICES CLOSED IN OBSERVANCE OF VETERANS DAY HOLIDAY</b>			
Monday	November 18	City Council	7:00 p.m.	<a href="https://youtube.com/live/goRzVbZhbWk">https://youtube.com/live/goRzVbZhbWk</a>	
Wednesday	November 20	Library Board	6:00 p.m.	Stayton Public Library	
Monday	November 25	Planning Commission	7:00 p.m.	Stayton Community Center	
Thursday	November 28	<b>CITY OFFICES CLOSED IN OBSERVANCE OF THANKSGIVING DAY HOLIDAY</b>			
Friday	November 29				
DECEMBER 2024					
Monday	December 2	City Council	7:00 p.m.	<a href="https://youtube.com/live/7CbTDLdwomI">https://youtube.com/live/7CbTDLdwomI</a>	
Tuesday	December 3	Parks and Recreation Board	6:00 p.m.	Public Works / Planning Offices	
Monday	December 16	City Council	7:00 p.m.	<a href="https://youtube.com/live/9pOSKMkR7vc">https://youtube.com/live/9pOSKMkR7vc</a>	
Wednesday	December 18	Library Board	6:00 p.m.	Stayton Public Library	
Tuesday	December 24	<b>CITY OFFICES CLOSED IN OBSERVANCE OF CHRISTMAS HOLIDAY</b>			
Wednesday	December 25				
Monday	December 30	Planning Commission	7:00 p.m.	Stayton Community Center	

**City of Stayton and City of Sublimity  
City Council Special Session Minutes  
August 19, 2024**

**LOCATION:** STAYTON COMMUNITY CENTER, 400 W. VIRGINIA STREET, STAYTON

**Time Start:** 7:05 P.M.

**Time End:** 7:26 P.M.

**MEETING ATTENDANCE LOG**

CITY OF STAYTON		CITY OF SUBLIMITY	
City Council	City Staff	City Council	City Staff
Brian Quigley, Mayor	Julia Hajduk, City Manager	Michael Taylor, Mayor	Myrna Harding, Finance/Office Manager
Ben McDonald	Alissa Angelo, Assistant City Manager	Brian Schumacher	Katie Scott, City Recorder
Jordan Ohrt	James Brand, Finance Director (excused)	Tass Morisson	Steve Donovan, Donovan Enterprises
David Patty	Melanie Raba, Office Specialist	Kerst Bosma	
Steve Sims		Kari Lowe	
David Giglio			

AGENDA	ACTIONS
<b>SPECIAL SESSION</b>	
<p><b>General Business</b>  <i>City of Stayton, Resolution No. 1113,</i>  <i>City of Sublimity, Resolution No. 2425-6,</i>  <b>Authorizing a New Ten-Year Agreement for the Acceptance and Treatment of Wastewater from Sublimity to Stayton.</b></p> <ul style="list-style-type: none"> <li>a. Staff Report – City of Stayton and City of Sublimity</li> <li>b. Public Comment</li> <li>c. Council Discussion</li> <li>d. Sublimity Council Decision</li> <li>e. Stayton Council Decision</li> </ul>	<p>Mr. Donovan presented the Sublimity Staff Report.</p> <p>None.</p> <p>Stayton Council and Sublimity Council both expressed thanks for the collaborative work that went into the wastewater treatment facility tour, council meeting, presentation, and intergovernmental agreement.</p> <p>Motion from Councilor Morrison, seconded by Councilor Bosma, to approve Resolution No. 2425-6, authorizing a new ten-year agreement for the acceptance and treatment of wastewater from Sublimity to Stayton.  <b>Motion passes 4:0</b></p> <p>Motion by Councilor Giglio, seconded by Councilor McDonald, to approve Resolution No. 1113, authorizing a new ten-year agreement for the acceptance and treatment of wastewater from Sublimity to Stayton.  <b>Motion passes 5:0</b></p>

APPROVED BY THE STAYTON CITY COUNCIL THIS 16<sup>TH</sup> DAY OF SEPTEMBER 2024, BY A \_\_\_\_ VOTE OF THE STAYTON CITY COUNCIL.

Date: \_\_\_\_\_

By: \_\_\_\_\_

Brian Quigley, Mayor

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

Julia Hajduk, City Manager

**City of Stayton  
City Council Minutes  
August 19, 2024**

**LOCATION:** STAYTON COMMUNITY CENTER, 400 W. VIRGINIA, STAYTON  
**Time Start:** 7:35 P.M. **Time End:** 8:20 P.M.

**COUNCIL MEETING ATTENDANCE LOG**

COUNCIL	STAYTON STAFF
Mayor Brian Quigley	Julia Hajduk, City Manager
Councilor David Giglio	Alissa Angelo, Assistant City Manager
Councilor Ben McDonald	Lance Ludwick, Public Works Director (excused)
Councilor Jordan Ohrt	Gwen Johns, Police Chief
Councilor David Patty	Janna Moser, Library Director (excused)
Councilor Stephen Sims	James Brand, Finance Director (excused)
	Jennifer Siciliano, Community & Economic Development Director(excused)
	Melanie Raba, Office Specialist

AGENDA	ACTIONS
<b>REGULAR MEETING</b>	
<b>Announcements</b>	
a. Additions to the agenda	None.
b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.	None.
<b>Public Comment</b>	Gale Bland spoke regarding limited visibility at Westtown Drive and Brett Court.  Leonard Hays spoke regarding dips in the streets and drainage in the area.
<b>Consent Agenda</b>	
a. August 5, 2024 City Council Regular Session Minutes	Motion from Councilor Patty, seconded by Councilor Sims, to approve the Consent Agenda as presented. <b>Motion passed 5:0.</b>
<b>Presentations</b>	None.
<b>Public Hearing</b>	None.
<b>General Business</b>	
<b>Resolution No. 1114, New Authorizers for MissionSquare 457 Plan</b>	
a. Staff Report – Alissa Angelo	Ms. Angelo reviewed the staff report.
b. Public Comment	None.
c. Council Discussion	Council questioned the possibility of additional unknown existing accounts. Staff responded.

<p>d. Council Decision</p>	<p>Council discussed the procedures adopted for when there are staffing changes. Staff responded.</p> <p>Motion from Councilor McDonald, seconded by Councilor Patty, to approve Resolution No. 1114, New Authorizers for MissionSquare 457 as presented. <b>Motion passed 5:0</b></p>
<p><b>Communications from City Staff</b></p>	<p>Ms. Hajduk read a letter from League of Oregon Cities regarding the omission of ORS195 from their list of legislative priorities.</p> <p>Ms. Hajduk reported on the Water Street bridge closure by ODOT bridge inspectors.</p> <p>Ms. Hajduk announced Republic Services' bulky waste pick up event scheduled for October 26<sup>th</sup>.</p> <p>Chief Johns gave an update on Safety Town, Amendment Code Change for Municipal Court, National Night Out, grant opportunities, Safe Streets Initiative, the upcoming Seat Belt Blitz, and traffic statistics.</p>
<p><b>Communications from Mayor and Council</b></p>	<p>Councilor Ohrt discussed adding a line item for Streets to the General Fund.</p> <p>Councilor Giglio questioned when street selection and funding decisions for street repairs would be taking place. Staff responded.</p> <p>Councilor Ohrt asked for clarity on the process for addressing public safety concerns. Staff responded.</p> <p>Councilor Ohrt spoke regarding a conversation she had with firefighters on the importance of visibility of house numbers at night.</p> <p>Mayor Quigley announced he would not be present at the next council meeting, questioned the plan for the bridge closure, and spoke regarding the Ida Street opening celebration.</p> <p>Mayor Quigley spoke about the various meetings he attended the previous week and spoke on behalf of the Arts Commission to request that business owners in the city be allowed to serve on the commission regardless of resident status.</p> <p>Mayor Quigley reminded staff to keep the Council Charter a priority.</p>

APPROVED BY THE STAYTON CITY COUNCIL THIS 16<sup>TH</sup> DAY OF SEPTEMBER 2024, BY A \_\_\_\_ VOTE OF THE STAYTON CITY COUNCIL.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Brian Quigley, Mayor

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
Julia Hajduk, City Manager





**CITY OF STAYTON**  
**M E M O R A N D U M**

**TO:** Mayor Brian Quigley and the Stayton City Council

**FROM:** Gwen Johns, Chief of Police

**DATE:** September 16, 2024

**SUBJECT:** Ordinance No. 1068, Amending Stayton Municipal Code Chapter 2.20 and Repealing Chapter 9.36 Relating to Municipal Court

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**ISSUE**

Whether or not to adopt an ordinance to amend the Stayton Municipal Code (SMC) Title 2.20, Municipal Court, which makes changes to establish the prosecution of specific misdemeanors in the Stayton Municipal Court and repeal SMC Chapter 9.36, Miscellaneous Offenses.

**ENCLOSURE(S)**

- Proposed Changes to SMC Chapter 2.20
- Proposed Changes to SMC Chapter 9.36
- Ordinance No. 1068 with Exhibits

**STAFF RECOMENDATION**

Staff recommends approval of amendments to SMC Chapter 2.20 as it will amend the title as well as the deletion of 9.36 to reflect the updated operations of the Stayton Municipal Court. Since this is a new project for the City, we would like Council to be aware we realize there may be changes after the Court begins to hear and prosecute misdemeanor cases and we get true data as to how it needs to operate.

There are several state criminal charges we plan to hear in the Stayton Municipal Court, including:

- Criminal Mischief II
- Criminal Mischief III
- Disorderly Conduct II
- Driving While Suspended (misdemeanor)
- Furnishing Alcohol to a Minor
- Harassment (not sexual or related to a domestic violence incident)
- Offensive Littering

- Telephonic Harassment (not related to a domestic violence incident)
- Trespass I
- Trespass II
- Theft II
- Theft III
- Fail to Carry and Present
- Fail to Appear (class A misdemeanor)

All others will continue to be referred to Circuit Court.

### **BACKGROUND INFORMATION**

Based on previous staff reports, in 2013, Marion County Commissioners voted to abolish an agreement between Marion County and the City of Stayton for Municipal Court Services. The City found the need to amend SMC Title 2.20 in order to re-implement the court in 2014.

At some point, it was suggested to address misdemeanors as violations in the City. This proved problematic for many reasons based upon search and seizure laws, and case laws of stop, detain, and arrest.

Presently, based on an overburdened justice system, we have found the Marion County Circuit Court is often unable to prosecute or move forward on cases involving the above misdemeanors and we believe handling them in Stayton Municipal Court will hold defendants accountable and give victims some justice.

### **OPTIONS AND MOTIONS**

**1. Approve the first consideration of Ordinance No. 1068.**

Motion to approve Ordinance No. 1068, as presented.

*The City Recorder shall call the roll and the names of each Councilor present, and their vote shall be recorded in the meeting minutes. If the vote is unanimous, Ordinance No. 1068 is enacted 30 days from date of adoption.*

*If the vote is not unanimous, Ordinance No. 1068 will be brought before the Council for a second consideration at the October 7, 2024 meeting.*

**2. Approve Ordinance No. 1068 with modifications.**

Motion to adopt Ordinance No. 1068, with the following modifications ... and direct staff to incorporate these changes and present the revised Ordinance to City Council for a second consideration at their next scheduled meeting.

**3. Reject Ordinance No. 1068.**

*No action is required if Council chooses to not approve the Ordinance and recommended changes.*

## TITLE 2. ADMINISTRATION AND PERSONNEL

## CHAPTER 2.20

## MUNICIPAL COURT

SECTIONS

2.20.010	Definitions
2.20.020	Municipal Court
2.20.030	Jurisdiction of Municipal Court
2.20.040	Judge: Jurisdiction
2.20.050	Means to Carry Jurisdiction into Effect
2.20.060	Qualifications and Appointment of Municipal Judge and Pro Tempore.
2.20.070	Disqualification for Prejudice
2.20.080	Rules of Procedure
2.20.090	Violations Bureau; Establishment
2.20.100	Municipal Court Docket
2.20.110	Criminal Procedure Statutes to Govern Generally
2.20.120	Applicability of State Laws
2.20.130	Right to Trial by Jury
2.20.140	Right to Counsel
2.20.150	Court-Appointed Counsel
2.20.160	Compensation and Expenses of Appointed Counsel
2.20.170	Qualifications of Jurors
2.20.180	Master Jury List; Time and Manner of Preparation; Term of Prospective Jurors.
2.20.190	Selection of Additional Names for Master Jury List
2.20.200	Selection of Jury Panel
2.20.210	Juror Questionnaire; Eligibility to Serve as Juror; Discharge from Jury Service
2.20.220	Summons of Jurors
2.20.230	Persons Ineligible for Jury Service; Excuses from Jury Duty
2.20.240	Jury Selection and Peremptory Challenges
2.20.260	Peremptory and Challenges for Cause to Be Exclusive
2.20.270	Compensation of Jurors
2.20.280	Subpoenas
2.20.290	Witness Fees.
2.20.300	Assessment of Court Costs
2.20.310	Sentencing
2.20.320	Transfer of Functions to County Justice Court

## TITLE 2. ADMINISTRATION AND PERSONNEL

## 2.20.010 DEFINITIONS

Unless the context otherwise specifically requires, as used in this Chapter, the following mean:

1. **City Attorney** means the City Municipal Court individual appointed under Chapter 2.12 or that individual's deputy or assistant or a City Prosecutor as designated by the City.
2. **Counsel** means an attorney for a defendant, or an attorney appointed by the Municipal Court to act as a legal advisor to an indigent defendant.
3. **Defendant** means either the person charged with an offense in a proceeding in Municipal Court, or, if the person is represented, that person's counsel.
4. **Judge** means the Municipal Judge or a Municipal Judge pro tempore.
5. **Municipal Court** or **Court** means the Municipal Court of the City of Stayton, or any Judge exercising the power of a judicial officer in the Stayton Municipal Court.
6. **Municipal Judge** means the Municipal Judge holding the appointed office of the City of Stayton.
7. **Offense** means any matter over which the Municipal Court has jurisdiction pursuant to this Municipal Code

## 2.20.020 MUNICIPAL COURT

The Municipal Court is the judicial tribunal of the City of Stayton, and shall exercise jurisdiction over offenses as provided by this Chapter and the laws of the State of Oregon, and over such other matters as provided by this Code. The Municipal Judge is the presiding Judge of the Municipal Court and shall have such judicial authority and such powers as are conferred by this Chapter, the Charter of the City of Stayton, the laws of the State of Oregon and the U.S. Constitution.

2.20.030 JURISDICTION OF ~~MUNICIPAL~~ MUNICIPAL COURT

The Municipal Court shall have jurisdiction over all offenses made punishable under the ordinances of the City of Stayton; all violations and misdemeanors, as defined by ORS; and all traffic offenses, as defined by ORS that are made punishable under the Oregon Revised Statutes, other than felony traffic crimes. The Municipal Court has jurisdiction over every offense created by City's Code. The Court may enforce forfeitures, Injunction Relief, and other penalties created by this Code. The Court may enforce Oregon State statute as permitted by law. The Court may hear and decide Civil hearings as allowed by State Law. The Court also has jurisdiction under state law unless limited by City this Code. This does not preclude the City from sending pertinent cases to the State Circuit Court. The City Council may transfer some or all of the functions of the Municipal Court to a State Court. All proceedings of this Court will conform to state laws governing justices of the peace and justice Courts.

## 2.20.040 JUDGE: JURISDICTION

The Municipal Judge shall exercise original and exclusive jurisdiction of all crimes, offenses, and violations defined and made punishable by this Code or any other ordinance of the City, and of all

## TITLE 2. ADMINISTRATION AND PERSONNEL

actions brought to recover or enforce forfeitures or penalties defined or authorized by this Code or other ordinances of the City, and all state offenses which may be brought in Municipal Court; and, in addition to the powers granted generally by the charter, the constitution of the state, and state statutes shall be vested with all powers of a justice of the peace in matters civil and criminal.

2.20.050 MEANS TO CARRY JURISDICTION INTO EFFECT; ADOPTION OF SUITABLE PROCESS OR MODE OF PROCEEDING.

When jurisdiction on a matter is conferred on the Municipal Court, all the means to carry such jurisdiction into effect is also given to the Municipal Judge; and in the exercise of such jurisdiction, if the rules of procedure are not specifically identified or made applicable to the Municipal Court under this Chapter, any suitable process or mode of proceeding may be adopted by the Municipal Judge which may appear most conformable to the exercise of such jurisdiction.

2.20.060 QUALIFICATIONS AND APPOINTMENT OF MUNICIPAL JUDGE AND MUNICIPAL JUDGES PRO TEMPORE.

1. The Mayor shall appoint and may remove a Municipal Judge with the consent of the Council. A Municipal Judge will hold Court in the City at such place as the Council directs.
2. The City of Stayton may have a two-year contract with the Municipal Judge. The contract may be renewed for two additional terms after the first, for a total of six years.
3. To be eligible to the position of Municipal Judge or Municipal Judge Pro Tempore, a person must be at least 21 years of age, a citizen of the United States, and an active member in good standing of the Oregon State Bar.
4. Oath of Office. Before entering upon the duties of Municipal Judge or Municipal Judge Pro Tempore, the person must take and subscribe, and submit to the City Recorder, an oath in the following form:

I, \_\_\_\_\_, do solemnly swear or affirm that I will support the Constitution of the United States, the Constitution of the State of Oregon, and the Charter, Code, and Ordinances of the City of Stayton, and that I will faithfully and impartially discharge the duties of Judge of the Municipal Court of the City of Stayton, according to the best of my ability.

5. The Municipal Judge may:
  - a. Render judgments and impose sanctions on persons and property;
  - b. Order the arrest of anyone accused of an offense against the City;
  - c. Commit to jail or admit to bail anyone accused of a City offense;
  - d. Issue and compel obedience to subpoenas;
  - e. Compel witnesses to appear and testify and jurors to serve for trials before the Court;
  - f. Penalize Contempt of Court;
  - g. Issue processes necessary to enforce judgments and orders of the Court, including injunction relief;

## TITLE 2. ADMINISTRATION AND PERSONNEL

- h. Issue search warrants; and
- i. Perform other judicial and quasi-judicial functions assigned by ordinance.
- j. Authority to Administer Oaths. In addition to such other powers as may be conferred by law, any Judge of the Municipal Court has the power to administer oaths in an action, suit or proceeding pending therein, and in all other cases where it may be necessary in the exercise of its powers or the performance of its duties.

## 2.20.070 DISQUALIFICATION FOR PREJUDICE.

No Judge of the Municipal Court shall hear or try any action, matter or proceeding if a party thereto, or an attorney appearing therein, moves the Court for a change of Judge on grounds of prejudice. The motion shall be supported by an affidavit stating that the Judge before whom the action, matter or proceeding is pending is prejudiced against the party or attorney, and that the affiant or the client of the affiant cannot, or believes that the affiant or the client of the affiant cannot, have a fair and impartial trial or hearing before the Judge, and that such motion is made in good faith and not for the purpose of delay. The motion shall be filed before, or within five days after, a question of fact arises in the action, matter or proceeding is to be tried or heard, or within ten days after the assignment, appointment and qualification or election and assumption of office of another Judge to preside over such action, matter or proceeding. No party or attorney shall make more than one application in any action, matter or proceeding.

## 2.20.080 RULES OF PROCEDURE

1. The Municipal Judge may adopt rules necessary for the prompt and orderly conduct of the business of the Municipal Court. Rules adopted by the Municipal Judge pursuant to this section shall be consistent with the provisions of the ORS, and any rules adopted by the Oregon Supreme Court pursuant to ORS.
2. Any rule proposed by the Municipal Judge shall be presented to City Council for adoption by Resolution and if adopted filed with the City Recorder and shall be published upon the City's website.

## 2.20.090 VIOLATIONS BUREAU; ESTABLISHMENT; AUTHORITY OF VIOLATIONS CLERK.

1. In addition to, and not in lieu of, any authority conferred upon the Municipal Court of the City of Stayton under ORS, the Municipal Judge may establish a Violations Bureau and designate the Clerk or deputy Clerk of the Municipal Court or any other appropriate person to act as a Violations Clerk for the Violations Bureau. The Violations Clerk shall serve under the direction and control of the Municipal Judge.
2. The Municipal Judge shall by order specify the violations that are subject to the authority of the Violations Clerk.
3. Except as otherwise provided in SMC, the Violations Clerk shall accept:
  - a. Written appearance, waiver of trial, plea of guilty and payment of fine, costs and assessments for violations that are subject to the authority of the Violations Clerk; and,
  - b. Payment of base fine amounts for violations that are within the authority of the

## TITLE 2. ADMINISTRATION AND PERSONNEL

## Violations Clerk.

4. The Municipal Judge shall establish schedules, within the limits prescribed by law and upon review and approval of the Stayton City Council, of the amounts of penalties to be imposed for first, second and subsequent violations, designating each violation specifically or by class. The order of the Municipal Judge establishing the schedules shall be prominently posted in the place where penalties established under the schedule are paid and on the City's website. All amounts must be paid to, received by and accounted for by the Violations Clerk in the same manner as other payments on money judgments are received by the City of Stayton.
5. Any person charged with a violation within the authority of the Violations Clerk may:
  - a. Upon signing an appearance, plea of guilty and waiver of trial, pay the violations Clerk the penalty established for the violation charged, including any costs and assessments authorized by law.
  - b. Pay the Violations Clerk the base fine amount established for the violation. Payment of the base fine amount constitutes consent to forfeiture of the base fine amount and disposition of the violation by the Violations Clerk as provided by the rules of the Municipal Court. Payment of the base fine amount is not consent to forfeiture of the base fine amount if the payment is accompanied by a plea of not guilty or a request for hearing.
6. A person who has been found guilty of, or who has signed a plea of guilty or no contest to one or more previous offenses in the preceding 12 months within the jurisdiction of the Municipal Court shall not be permitted to appear before the Violations Clerk unless the Municipal Judge, by general order applying to certain specified offenses, permits such appearance.
7. Referenced in this Chapter, "violation" means any violation, as defined by this SMC and ORS, over which the Municipal Court has jurisdiction

## 2.20.100

## MUNICIPAL COURT DOCKET

The Municipal Court shall maintain a docket, which may be maintained in electronic form. The Clerk of the Court shall enter the following information in the docket:

1. The title of every action or proceeding commenced in the Court, with the names of the parties thereto and the time of commencement thereof.
2. The date of making or filing any pleading.
3. An order allowing a provisional remedy, and the date of issuing and returning the summons or other process.
4. The time when each party appears, or a party's failure to do so.
5. If defendant waived counsel, the fact of such waiver and the basis for the Court's conclusion that such waiver was knowing and voluntary.
6. Every postponement of a trial or proceeding, upon whose application and to what time.
7. The demand for a jury, if any, or the waiver of the right to jury trial, and by whom made.

## TITLE 2. ADMINISTRATION AND PERSONNEL

8. The order for a jury and the time appointed for trial.
9. The return of an order for a jury, the names of the persons impaneled and sworn as a jury and the names of all witnesses sworn and at whose request.
10. The verdict of the jury and when given or, if the jury disagrees and is discharged without giving a verdict, a statement of such disagreement and discharge.
11. The judgment of the Court and when given.
12. The date on which any judgment is docketed in the docket.
13. The fact of an appeal having been made and allowed, and the date thereof, with a memorandum of the undertaking, and the justification of the sureties.
14. Satisfaction of the judgment or any part thereof.
15. A memorandum of all orders relating to security release.
16. All other matters that may be material or specially required by the SMC or any statute.

## 2.20.110

## CRIMINAL PROCEDURE STATUTES TO GOVERN GENERALLY.

1. Except as otherwise specifically provided in ORS, this Chapter, and the criminal procedure statutes of the State of Oregon, a violation proceeding in Municipal Court shall be commenced and shall proceed to final determination, and the judgment therein shall be enforced, in the manner provided in ORS and this Chapter.
2. Except as specifically provided in this Chapter, a misdemeanor proceeding in Municipal Court shall be commenced and shall proceed to final determination, and the judgment therein shall be enforced, in the manner provided in the criminal procedure statutes of the State of Oregon.
3. Notwithstanding subsection (1) and (2) of this section, the procedures described in this section shall not apply to violations that govern the parking of vehicles and that are created by ordinance or administrative rule, and the Municipal Judge shall adopt rules for the conduct of such proceedings.

## 2.20.120

## APPLICABILITY OF STATE LAWS

Except as otherwise provided by City Charter, ordinance, or SMC, proceedings in the Municipal Court for the violations designated by SMC, State statute, or ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice Courts.

## 2.20.130

## RIGHT TO TRIAL BY JURY

1. In all prosecutions for any crime or offense defined and made punishable by any jail term or by the Charter or by any City ordinance or by the SMC, and tried before the Municipal Judge, the defendant is entitled to be tried by a jury, if the defendant requests a jury in accordance with applicable Court rules.



## TITLE 2. ADMINISTRATION AND PERSONNEL

2. The Court shall advise the defendant of the right to trial by jury at the time of arraignment and shall ask whether the defendant wishes to waive the right. The defendant may elect to waive trial by jury and agree to a trial by a Judge alone, provided the election is in writing and has been approved by the Judge as a knowing and voluntary waiver.
3. The jury shall consist of six persons selected in the manner prescribed in this Chapter. The verdict of the jury shall be unanimous, and shall be in writing, and signed by the foreperson.

2.20.140

## RIGHT TO COUNSEL

1. Any person charged in the Municipal Court with an offense for which a sentence of imprisonment may be imposed have the right to counsel.
2. If the defendant appears for arraignment without counsel, the defendant shall be informed by the Court that the defendant has a right to have counsel before being arraigned and shall be asked if the defendant desires the aid of counsel.
3. If the defendant indicates a desire to obtain counsel, the Court shall allow the defendant a reasonable time and opportunity to obtain counsel. If the defendant wishes to waive counsel, the Court shall determine whether the defendant has made a knowing and voluntary waiver of counsel. If the Court determines the defendant has made a knowing and voluntary waiver of counsel, such fact shall be noted on the Municipal Court docket for the matter.

2.20.150

## COURT-APPOINTED COUNSEL

1. Suitable counsel for a defendant shall be appointed by the Municipal Court if:
  - a. The defendant has been charged with an offense for which a sentence of imprisonment may be imposed or is before the Court in any proceeding concerning an order of probation where a sentence of imprisonment may be imposed, including, but not limited to, revoking or amending the order of probation; and,
  - b. The defendant requests aid of counsel; and,
  - c. The defendant provides the Court with a written and verified financial statement; and,
  - d. It appears to the Court that the defendant is financially unable to retain adequate representation without substantial hardship in providing basic economic necessities to the defendant or the defendant's dependent family. In making such determination, the Court may question the defendant, under oath, regarding the defendant's verified financial statement and any matter bearing upon the defendant's inability to pay for counsel.
2. Appointed counsel may not be denied to any defendant merely because the defendant's friends or relatives have resources adequate to retain counsel or because the defendant has deposited or is capable of depositing security for release. However, appointed counsel may be denied to a defendant if the defendant's spouse has adequate resources which the Court determines should be made available to retain counsel.
3. The defendant's financial statement under subsection (a) of this section shall include, but not be limited to:
  - a. A list of bank accounts in the name of defendant or defendant's spouse, and the

## TITLE 2. ADMINISTRATION AND PERSONNEL

- balance in each;
- b. A list of defendant's interests in real property and those of defendant's spouse;
  - c. A list of vehicles and other personal property of significant value belonging to defendant or defendant's spouse;
  - d. A list of debts in the name of defendant or defendant's spouse, and the total of each; and,
  - e. A record of earnings and other sources of income in the name of defendant or defendant's spouse, and the total of each.
4. Unless otherwise ordered by the Court, the appointment of counsel shall continue during all criminal proceedings resulting from defendant's arrest through acquittal or the imposition of punishment. The Court may not substitute one appointed counsel for another, except pursuant to the policies, procedures, standards and guidelines adopted by the Public Defense Services Commission under ORS.
  5. If, at any time after counsel has been appointed, the Court finds that the defendant is financially able to pay, or to make partial payment, for counsel, the Court may terminate the appointment of counsel and require payment or partial payment for counsel and order the defendant to pay the City such amounts as the City has paid for assistance of counsel to the person. If, at any time during the criminal proceedings, the Court finds that the defendant is financially unable to pay counsel whom the defendant has retained, that Court may appoint counsel as provided herein.
  6. In addition to any criminal prosecution, a civil proceeding may be initiated by the City Attorney or City Prosecutor within two years of judgment if the City has expended moneys for the defendant's legal assistance and the defendant was not qualified for legal assistance in accordance with this section. Any such civil proceeding shall be subject to the exemptions from execution as provided by Oregon law.

## 2.20.160

## COMPENSATION AND EXPENSES OF APPOINTED COUNSEL

1. Counsel appointed pursuant to this Chapter shall be paid fair compensation by the City for representation in the case.
2. Compensation payable to appointed counsel under subsection (1) of this section may not be less than \$50 per hour.
3. A person determined to be eligible for appointed counsel is entitled to necessary and reasonable fees and expenses for investigation, preparation and presentation of the case for trial, negotiation and sentencing.
4. Non-Routine Fees; Preauthorization.
  - a. The defendant or the counsel for that person shall upon written request secure preauthorization to incur fees and expenses that are not routine to representation but are necessary and reasonable in the investigation, preparation and presentation of the case, including but not limited to non-routine travel, photocopying or other reproduction of non-routine documents, necessary costs associated with obtaining the attendance of witnesses for the defense, investigator fees and expenses, expert witness fees and expenses and fees for

## TITLE 2. ADMINISTRATION AND PERSONNEL

interpreters and assistive communication devices necessary for the purpose of communication between counsel and a defendant or witness in the case.

- b. The request must be in the form of a motion to the Court. The motion must be accompanied by a supporting affidavit that sets out in detail the purpose of the requested expenditure, the name of the service provider or other recipient of the funds, the dollar amount of the requested expenditure that may not be exceeded without additional authorization and the date or dates during which the service will be rendered or events will occur for which the expenditure is requested.
- c. Entitlement to payment of non-routine fees and expenses is dependent upon obtaining preauthorization from the Court. Preauthorization to incur a fee or expense does not guarantee that a fee or expense incurred pursuant to the preauthorization will be determined to be necessary or reasonable when the fee or expense is submitted for payment.

## 5. Review by Court; Certification; Payment

- a. Upon completion of all services, the appointed counsel shall submit to the Court a statement of all necessary and reasonable fees and expenses of investigation, preparation and presentation and legal representation, supported by appropriate receipts or vouchers and certified by the appointed counsel to be true and accurate.
- b. The total fees, expenses and verification submitted by appointed counsel are subject to the review of the Court. The Court shall determine whether the amount submitted is necessary and reasonable reimbursement for fees and expenses for representation in the case. After such review and determination, the Court shall certify to the Finance Director the amount that the Court determines was necessary and reasonable and that the amount is properly payable out of public funds. Upon the receipt of such certification, the amount of the fees and expenses certified by the Court shall be paid to the appointed counsel by the City.

## 2.20.170 QUALIFICATIONS OF JURORS.

To act as a juror in Municipal Court, the person shall:

- 1. Qualify to serve as a juror in a Circuit Court proceeding as prescribed in ORS, and must have been a resident of the City of Stayton for not less than three months preceding the date the person is summoned for jury service.
- 2. No Mayor, Council member, City officer, or City employee shall be allowed to serve as a juror while in office or employed.

## 2.20.180 MASTER JURY LIST; TIME AND MANNER OF PREPARATION; TERM OF PROSPECTIVE JURORS.

- 1. The City Administrator shall, at least once a year, make a list containing the names of not less than 50 nor more than 250 persons by selecting names by lot from the voter registration list used at the last preceding general City election. Said list shall be known as a "Master Jury List."
- 2. The City Administrator shall then delete from the Master Jury list the names of those persons known not to be qualified by law to serve as jurors, and the remaining names shall constitute

## TITLE 2. ADMINISTRATION AND PERSONNEL

the Master Jury List.

3. The names of those persons deleted from the Master Jury List shall be placed on a separate list known as rejected prospective jurors, and opposite each name the reason for removing the name shall be stated.
4. The Master Jury List shall be placed on public record in the City Administrator's office within ten (10) days from the time it is prepared.
5. The Master Jury list shall be prepared and certified once each year prior to the last day of January, unless circumstances make such preparation not feasible, in which case the Master Jury List shall be prepared as soon thereafter as possible. The jury service term shall be the period of time between the filing of the Certification of Master Jury List and the date of the next such filing.
6. Any person whose name is selected for the Master Jury List shall be subject to service as a juror from the effective date of the List until the effective date of next term's Master Jury List, even though the date set for trial may be after certification of the next term's Master Jury List.
7. When the Master Jury List is complete, and the Municipal Judge is satisfied that there are no persons thereon who the Municipal Judge knows to be incompetent to serve as jurors, the Municipal Judge shall certify that Master Jury List in substantially the following form:
 

I, (name of Municipal Judge), certify that I am the duly appointed and acting Municipal Judge of the City of Stayton, Oregon; and that the foregoing Master Jury List is composed of the names of persons selected in accordance with the provisions of the Stayton Municipal Code. DATED this day of , 20\_\_.
8. Upon certification of the Master Jury List, the Municipal Judge shall cause the same to be filed in the records of the Municipal Court, at which time, the List shall become effective.

## 2.20.130

## SELECTION OF ADDITIONAL NAMES FOR MASTER JURY LIST.

1. The Municipal Judge may, at any time in the Municipal Judge's discretion, and shall, whenever the number of the names on the Master Jury List falls below 50, cause the names of additional persons to be selected as a supplement to the Master Jury List. The additional names shall be selected using the same source Lists and in the same manner as the Master Jury List.
2. Upon selection of additional names as provided in subsection (1) of this section, the Municipal Judge shall certify the supplement to the Master Jury List of those additional names and file the List in the Municipal Court records. From the date of such filing, the jurors may be chosen to serve during the jury service term of the Master Jury List.

## 2.20.200

## SELECTION OF JURY PANEL AND SIX PERSON TRIAL JURY

1. If trial by jury has not been waived, the Clerk of the Court shall generate by means of electronic equipment or other random selection method, a Preliminary Jury List of not less than twelve persons from the Master Jury List, who shall comprise the jury panel for a particular date.
2. The jury shall consist of six persons. An alternate may be chosen if the Judge deems it appropriate.

## TITLE 2. ADMINISTRATION AND PERSONNEL

## 2.20.210 JUROR QUESTIONNAIRE; ELIGIBILITY TO SERVE AS JUROR; DISCHARGE FROM JURY SERVICE

1. A person whose name is included on the preliminary jury List shall be notified that they have been selected for jury service. Before or at the time a person is scheduled to appear for jury service, a Judge or the Clerk of the Court shall question the person as to the person's competency to act as a juror. If a Judge or Clerk of the Court determines that a person so questioned is incompetent to act as a juror, the person shall be discharged from jury service.
2. A person may be questioned about the person's competency to act as a juror either in person or by mail.
  - a. To question a person "in person" about the person's competency to act as a juror, a Judge or the Clerk of the Court shall first require the person to declare by oath or the affirmation that the answers to the questions about the person's competency to act as juror shall be truthful.
  - b. To question a person by mail about the person's competency to act as a juror, the Judge may cause to be mailed or delivered, with or without a juror's summons, a juror questionnaire along with instructions for completion of the questionnaire and return of the completed questionnaire by mail or personal delivery to the Clerk of the Court. A completed juror questionnaire shall contain the questioned person's signed declaration that the responses to the questions on the form are true to the best of the person's knowledge. Notarization of a completed questionnaire shall not be required.
  - c. Copies of completed questionnaires shall be provided to counsel at the time of trial. The specific address of the juror shall be redacted from the questionnaire before distribution, but sufficient information shall be provided to allow counsel to identify the area of the City where the juror resides.
3. A person who knowingly makes a false statement of material fact in response to a question regarding the person's competency to serve as a juror may be punished for contempt.
4. If a person fails to return a properly completed juror questionnaire as instructed, the Municipal Judge may direct the person to appear forthwith and properly complete a questionnaire. If the person fails to appear as directed, the Municipal Judge may order the person to appear and show cause for that failure. If the person fails to appear pursuant to the order or appears and fails to show good cause, the person may be punished for contempt.
5. Before or at the time a person reports for jury service, or at the time jurors are being examined by counsel pursuant to this Section, the Municipal Judge or the Clerk of the Court may discuss with the person any questions on the juror questionnaire and the grounds for any incompetency of the person to act as a juror. Any pertinent information so acquired may be noted on the form.

## 2.20.220 SUMMONS OF JURORS

1. The Court shall issue a summons for each person on the final jury panel. Not less than twenty days prior to the date set for trial, the Clerk of the Court shall cause the summons to be served on each person on the Preliminary Jury panel by first class mail, or by forwarding the summons to the Chief of Police together with an order signed by the Court Municipal Judge commanding the Chief of Police to cause personal service to be made upon the person identified on the summons, and make true return thereupon.

## TITLE 2. ADMINISTRATION AND PERSONNEL

2. Any person summoned to appear as a juror may be punished by the Court for contempt of Court if:
  - a. The person fails to appear before the Court as required or fails to give a valid excuse for not appearing;
  - b. The person fails to give attention to matters before the jury;
  - c. The person leaves the Court without permission of the Court while the Court is in session; or,
  - d. The person fails to complete jury service without valid excuse.
  - e. If a person duly summoned to attend the Municipal Court as a juror fails to attend as required or to give a valid excuse therefore, that person may be fined by the Municipal Judge in a sum not to exceed twenty-five dollars (\$25.00)

## 2.20.230 PERSONS INELIGIBLE FOR JURY SERVICE; EXCUSES FROM JURY DUTY

1. When it is found by the Court that the person called for jury service is dead or lacks the qualifications to serve as a juror, as established by this Chapter, the person's name shall be removed from the Preliminary Jury Panel and another name may be selected from the Master Jury List to replace such person.
2. The Court may excuse a person from jury service upon a showing of undue hardship or extreme inconvenience to the person, the person's age, the person's family, the person's employer or the public served by the person. In granting excuses, the Court shall carefully consider and weigh both the public need for juries that are representative of the full community and the individual circumstances offered as a justification for being excused from jury service.
3. If the person is dead or lacks the qualifications to serve as a juror, that person's name shall be removed from the Master Jury List; in all other cases, the person's name shall remain on the Master Jury List and may later be called for jury service.

## 2.20.240 PROCEDURES FOR JURY SELECTION AND PEREMPTORY CHALLENGES

The procedure for jury selection and peremptory challenges will be set by Court Rule.

## 2.20.270 COMPENSATION OF JURORS

Jurors who appear at the trial and serve as jurors shall receive such compensation for their services as is provided by state statute

## 2.20.280 SUBPOENAS

1. It shall be the duty of any person subpoenaed in any proceeding pending before the Municipal Court to appear and testify in accordance with such subpoena.
2. Any person who refuses to appear or to testify as required by subsection (1) Court may issue a warrant for the arrest of such person, and, on being brought before the Court, unless the person shows good cause why the person was unable to attend or testify, the Court shall impose one or more of the sanctions.

## TITLE 2. ADMINISTRATION AND PERSONNEL

## 2.20.290 WITNESS FEES

Witness fees and mileage shall be paid by the City as provided by ORS.

## 2.20.300 ASSESSMENT OF COURT COSTS

1. There shall be assessed Court costs fee in each case or matter brought before the Municipal Court. The amount is set by the City's Municipal Court Fees and Charges Resolution.
2. The Municipal Judge has the power to assess any other reasonable Court costs against any person found guilty in a criminal or civil penalty case or against the losing party in any civil case, not exceeding any actual sum expended by the City for juror, witness, or mileage fees.
3. Court costs shall be assessed against each defendant being cited into the Municipal Court for any violation of the SMC or State Statute which may be prosecuted in Municipal Court, whether the defendant answers, fails to appear, or is convicted after a trial, except for violations of the SMC pertaining to motor vehicle parking violations and regulations, unless a warrant is issued to enforce the defendant's appearance.
4. Court costs shall be distinct from any fine or other penalty imposed for any violation prosecuted in the Municipal Court. They shall be considered statutory in nature and may not be suspended or otherwise disposed of. Monies collected as Court costs under this section shall be disposed of and handled in the same manner in which other fines and penalties accruing from other matters in the Municipal Court are handled.
5. All defendants posting bail shall be required, prior to their release, to post the additional sum of Court costs as provided in this section. If the defendant is acquitted after a trial on the merits or if the case is dismissed for any cause, the court costs paid by the defendant must be reimbursed to the defendant.
6. The Court shall, upon conviction, collect any costs authorized by law.
7. Except in the circumstances set forth in ORS, the Court, only in the case of a defendant for whom it enters a judgment of conviction, may include in its sentence thereunder a provision that the convicted defendant pay as costs expenses specially incurred by the City in prosecuting the defendant. Costs include a reasonable attorney fee for counsel appointed pursuant to SMC and Court Rules and a reasonable amount for fees and expenses incurred pursuant to preauthorization under SMC. A reasonable attorney fee is presumed to be the amount certified to the Finance Director under SMC. Costs do not include expenses inherent in providing a constitutionally guaranteed jury trial or expenditures in connection with the maintenance and operation of the Court that must be made by the public irrespective of specific violations of law.
8. The Court may not sentence a defendant to pay costs under this section unless the defendant is or may be able to pay them. In determining the amount and method of payment of costs, the Court shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose.
9. A defendant who has been sentenced to pay costs under this Section and who is not in willful default in the payment of costs may at any time petition the Court that sentenced the defendant for remission of the payment of costs or of any unpaid portion of costs. If it appears to the satisfaction of the Court that payment of the amount due will impose manifest hardship on the defendant or the immediate family of the defendant, the Court may waive all or part of the amount due in costs, or modify the method of payment according to SMC.

## TITLE 2. ADMINISTRATION AND PERSONNEL

10. Fee for Dishonored Payments. The Court shall, in the event a defendant who makes a payment that is dishonored, collect the fee authorized by ORS,

## 2.20.310

## SENTENCING

1. The Municipal Judge may, as a condition of sentence, place any convicted person upon probation to the Court for a period not to exceed one (1) year. The Court further may, as a condition of any penalty of imprisonment imposed, direct that the defendant be required to work upon the streets or other City projects or in service of an approved registered non-profit organization, in which case the defendant shall receive credit for two (2) days' imprisonment for each day so employed. The Court further may, as a condition of probation, require the defendant to work upon public property or in service of an approved registered non-profit, provided that the defendant may not be required to work in excess of one (1) day for each two (2) days' imprisonment provided by the maximum penalty for the offense for which that person was convicted.
2. The Municipal Judge may, upon conviction of an offense bearing a penalty of imprisonment, order the convicted party imprisoned in any jail within or without the City which the City may operate or in which, by contract, the City prisoners may be housed.
3. When a defendant is sentenced to pay a fine or costs, the Court may grant permission for payment to be made within a specified period of time or in specified installments. If no such permission is included in the sentence, the fine shall be payable immediately.
4. When a defendant sentenced to pay a fine or costs is also placed on probation or imposition or execution of a sentence is suspended, the Court may make payment of the fine or costs a condition of probation or suspension of sentence.

## 2.20.320

## TRANSFER OF FUNCTIONS TO COUNTY JUSTICE COURT

The Stayton City Council may, upon agreement, transfer any or all functions of the Municipal Court and Municipal Judge to the county justice Court and the county justice Court Judge as set forth in this chapter.



## TITLE 9. PUBLIC PEACE AND WELFARE

~~CHAPTER 9.36~~~~MISCELLANEOUS OFFENSES~~SECTIONS~~9.36.010 Throwing Objects~~~~9.36.020 Miscellaneous Violations~~~~9.36.010 THROWING OBJECTS~~

- ~~1. No person shall throw, drop, propel, release, or deposit any object or substance likely to cause injury, do damage, or create a hazard, at or upon any person or property.~~
- ~~2. The unlawful objects and substances defined in this section include, but are not limited to, rocks, snowballs, eggs, water balloons, and paint.~~
- ~~3. The unlawful acts defined in this section include, but are not limited to throwing objects or substances at moving or stationary vehicles or the persons within those vehicles, throwing objects or substances at persons or property from a concealed position, and throwing or leaving objects or substances in or upon a public thoroughfare or waterway in a manner likely to create a hazardous condition. (Ord. 711, November, 1992)~~

~~9.36.020 Miscellaneous Violations~~

- ~~1. If a Stayton Police Officer has probable cause to believe any of the following list of offenses has occurred, such offenses shall be treated as violations in the Stayton Municipal Court without penalty of jail time. The definition for each offense will be defined by Oregon Revised Statutes:~~
  - ~~a. Criminal Mischief III~~
  - ~~b. Disorderly Conduct II~~
  - ~~c. Driving While Suspended Misdemeanor~~
  - ~~d. Furnishing Alcohol to a Minor~~
  - ~~e. Harassment Non Sexual and Non Domestic Violence Related ONLY~~
  - ~~f. Offensive Littering~~
  - ~~g. Telephonic Harassment that is not related to a Domestic Violence incident~~
  - ~~h. Trespass II~~
  - ~~i. Throwing of burning Material from a Vehicle~~
  - ~~j. Sale, Possession and Use of Fireworks (illegal fireworks)~~
  - ~~k. Failure to Return Suspended Registration (Ord. 1012, August 2017)~~
- ~~2. Exception: The officer shall treat the offenses as a misdemeanor if:~~
  - ~~a. The officer has a reasonable belief that an arrest is necessary to prevent a public safety risk;~~
  - ~~b. The officer has a reasonable belief that an arrest is necessary to prevent an ongoing or escalating public disturbance; or~~
  - e.a. ~~The offender has been cited for the same or similar offense three times within the prior ninety days. (Ord. 977, December 2014)~~



**ORDINANCE NO. 1068  
AMENDING STAYTON MUNICIPAL CODE 2.20, MUNICIPAL COURT,  
AND REPEALING STAYTON MUNICIPAL CODE 9.36, MISCELLANEOUS OFFENSES**

**WHEREAS**, due to an overburdened justice system, we have seen where property crime misdemeanors may often not be prosecuted at the Circuit Court level;

**WHEREAS**, the impact of these misdemeanors is directly to our citizens and businesses, it is important to have some accountability for the defendant and justice for the victim;

**WHEREAS**, the City Council has expressed interest in the City of Stayton prosecuting certain set misdemeanors in Municipal Court for local accountability;

**WHEREAS**, the FY25 budget was adopted with the assumption misdemeanors will be prosecuted; and

**WHEREAS**, Stayton Municipal Code must be updated to allow prosecution of these misdemeanors in Stayton Municipal Court.

**NOW THEREFORE, THE STAYTON CITY COUNCIL ORDAINS AS FOLLOWS:**

**SECTION 1.** Stayton Municipal Code Chapter 2.20, Municipal Court, is hereby amended as set forth in Exhibit 1.

**SECTION 2.** Stayton Municipal Code Chapter 9.36, Miscellaneous Offenses, is repealed in its entirety.

**SECTION 3.** This Ordinance shall take effect 30 days after adoption by the Stayton City Council.

**ADOPTED BY THE STAYTON CITY COUNCIL THIS 16<sup>TH</sup> DAY OF SEPTEMBER 2024.**

Signed: \_\_\_\_\_, 2024      BY: \_\_\_\_\_  
Brian Quigley, Mayor

Signed: \_\_\_\_\_, 2024      ATTEST: \_\_\_\_\_  
Alissa Angelo, Assistant City Manager

## TITLE 2. ADMINISTRATION AND PERSONNEL

## CHAPTER 2.20

## MUNICIPAL COURT

SECTIONS

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2.20.040	Judge: Jurisdiction
2.20.050	Means to Carry Jurisdiction into Effect
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2.20.320	Transfer of Functions to County Justice Court

## TITLE 2. ADMINISTRATION AND PERSONNEL

## 2.20.010 DEFINITIONS

Unless the context otherwise specifically requires, as used in this Chapter, the following mean:

1. **City Attorney** means the City Municipal Court individual appointed under Chapter 2.12 or that individual's deputy or assistant or a City Prosecutor as designated by the City.
2. **Counsel** means an attorney for a defendant, or an attorney appointed by the Municipal Court to act as a legal advisor to an indigent defendant.
3. **Defendant** means either the person charged with an offense in a proceeding in Municipal Court, or, if the person is represented, that person's counsel.
4. **Judge** means the Municipal Judge or a Municipal Judge pro tempore.
5. **Municipal Court** or **Court** means the Municipal Court of the City of Stayton, or any Judge exercising the power of a judicial officer in the Stayton Municipal Court.
6. **Municipal Judge** means the Municipal Judge holding the appointed office of the City of Stayton.
7. **Offense** means any matter over which the Municipal Court has jurisdiction pursuant to this Municipal Code

## 2.20.020 MUNICIPAL COURT

The Municipal Court is the judicial tribunal of the City of Stayton and shall exercise jurisdiction over offenses as provided by this Chapter and the laws of the State of Oregon, and over such other matters as provided by this Code. The Municipal Judge is the presiding Judge of the Municipal Court and shall have such judicial authority and such powers as are conferred by this Chapter, the Charter of the City of Stayton, the laws of the State of Oregon and the U.S. Constitution.

## 2.20.030 JURISDICTION OF MUNICIPAL COURT

The Municipal Court shall have jurisdiction over all offenses made punishable under the ordinances of the City of Stayton; all violations and misdemeanors, as defined by ORS; and all traffic offenses, as defined by ORS that are made punishable under the Oregon Revised Statutes, other than felony traffic crimes. The Municipal Court has jurisdiction over every offense created by City's Code. The Court may enforce forfeitures, Injunction Relief, and other penalties created by this Code. The Court may enforce Oregon State statute as permitted by law. The Court may hear and decide Civil hearings as allowed by State Law. The Court also has jurisdiction under state law unless limited by City this Code. This does not preclude the City from sending pertinent cases to the State Circuit Court. The City Council may transfer some or all of the functions of the Municipal Court to a State Court. All proceedings of this Court will conform to state laws governing justices of the peace and justice Courts.

## 2.20.040 JUDGE: JURISDICTION

The Municipal Judge shall exercise original and exclusive jurisdiction of all crimes, offenses, and violations defined and made punishable by this Code or any other ordinance of the City, and of all

## TITLE 2. ADMINISTRATION AND PERSONNEL

actions brought to recover or enforce forfeitures or penalties defined or authorized by this Code or other ordinances of the City, and all state offenses which may be brought in Municipal Court; and, in addition to the powers granted generally by the charter, the constitution of the state, and state statutes shall be vested with all powers of a justice of the peace in matters civil and criminal.

2.20.050 MEANS TO CARRY JURISDICTION INTO EFFECT; ADOPTION OF SUITABLE PROCESS OR MODE OF PROCEEDING.

When jurisdiction on a matter is conferred on the Municipal Court, all the means to carry such jurisdiction into effect is also given to the Municipal Judge; and in the exercise of such jurisdiction, if the rules of procedure are not specifically identified or made applicable to the Municipal Court under this Chapter, any suitable process or mode of proceeding may be adopted by the Municipal Judge which may appear most conformable to the exercise of such jurisdiction.

2.20.060 QUALIFICATIONS AND APPOINTMENT OF MUNICIPAL JUDGE AND MUNICIPAL JUDGES PRO TEMPORE.

1. The Mayor shall appoint and may remove a Municipal Judge with the consent of the Council. A Municipal Judge will hold Court in the City at such place as the Council directs.
2. The City of Stayton may have a two-year contract with the Municipal Judge. The contract may be renewed for two additional terms after the first, for a total of six years.
3. To be eligible to the position of Municipal Judge or Municipal Judge Pro Tempore, a person must be at least 21 years of age, a citizen of the United States, and an active member in good standing of the Oregon State Bar.
4. Oath of Office. Before entering upon the duties of Municipal Judge or Municipal Judge Pro Tempore, the person must take and subscribe, and submit to the City Recorder, an oath in the following form:

I, \_\_\_\_\_, do solemnly swear or affirm that I will support the Constitution of the United States, the Constitution of the State of Oregon, and the Charter, Code, and Ordinances of the City of Stayton, and that I will faithfully and impartially discharge the duties of Judge of the Municipal Court of the City of Stayton, according to the best of my ability.

5. The Municipal Judge may:
  - a. Render judgments and impose sanctions on persons and property;
  - b. Order the arrest of anyone accused of an offense against the City;
  - c. Commit to jail or admit to bail anyone accused of a City offense;
  - d. Issue and compel obedience to subpoenas;
  - e. Compel witnesses to appear and testify and jurors to serve for trials before the Court;
  - f. Penalize Contempt of Court;
  - g. Issue processes necessary to enforce judgments and orders of the Court, including injunction relief;

## TITLE 2. ADMINISTRATION AND PERSONNEL

- h. Issue search warrants; and
- i. Perform other judicial and quasi-judicial functions assigned by ordinance.
- j. Authority to Administer Oaths. In addition to such other powers as may be conferred by law, any Judge of the Municipal Court has the power to administer oaths in an action, suit or proceeding pending therein, and in all other cases where it may be necessary in the exercise of its powers or the performance of its duties.

## 2.20.070 DISQUALIFICATION FOR PREJUDICE.

No Judge of the Municipal Court shall hear or try any action, matter or proceeding if a party thereto, or an attorney appearing therein, moves the Court for a change of Judge on grounds of prejudice. The motion shall be supported by an affidavit stating that the Judge before whom the action, matter or proceeding is pending is prejudiced against the party or attorney, and that the affiant or the client of the affiant cannot, or believes that the affiant or the client of the affiant cannot, have a fair and impartial trial or hearing before the Judge, and that such motion is made in good faith and not for the purpose of delay. The motion shall be filed before, or within five days after, a question of fact arises in the action, matter or proceeding is to be tried or heard, or within ten days after the assignment, appointment and qualification or election and assumption of office of another Judge to preside over such action, matter or proceeding. No party or attorney shall make more than one application in any action, matter or proceeding.

## 2.20.080 RULES OF PROCEDURE

1. The Municipal Judge may adopt rules necessary for the prompt and orderly conduct of the business of the Municipal Court. Rules adopted by the Municipal Judge pursuant to this section shall be consistent with the provisions of the ORS, and any rules adopted by the Oregon Supreme Court pursuant to ORS.
2. Any rule proposed by the Municipal Judge shall be presented to City Council for adoption by Resolution and if adopted filed with the City Recorder and shall be published upon the City's website.

## 2.20.090 VIOLATIONS BUREAU; ESTABLISHMENT; AUTHORITY OF VIOLATIONS CLERK.

1. In addition to, and not in lieu of, any authority conferred upon the Municipal Court of the City of Stayton under ORS, the Municipal Judge may establish a Violations Bureau and designate the Clerk or deputy Clerk of the Municipal Court or any other appropriate person to act as a Violations Clerk for the Violations Bureau. The Violations Clerk shall serve under the direction and control of the Municipal Judge.
2. The Municipal Judge shall by order specify the violations that are subject to the authority of the Violations Clerk.
3. Except as otherwise provided in SMC, the Violations Clerk shall accept:
  - a. Written appearance, waiver of trial, plea of guilty and payment of fine, costs and assessments for violations that are subject to the authority of the Violations Clerk; and,
  - b. Payment of base fine amounts for violations that are within the authority of the

## TITLE 2. ADMINISTRATION AND PERSONNEL

## Violations Clerk.

4. The Municipal Judge shall establish schedules, within the limits prescribed by law and upon review and approval of the Stayton City Council, of the amounts of penalties to be imposed for first, second and subsequent violations, designating each violation specifically or by class. The order of the Municipal Judge establishing the schedules shall be prominently posted in the place where penalties established under the schedule are paid and on the City's website. All amounts must be paid to, received by and accounted for by the Violations Clerk in the same manner as other payments on money judgments are received by the City of Stayton.
5. Any person charged with a violation within the authority of the Violations Clerk may:
  - a. Upon signing an appearance, plea of guilty and waiver of trial, pay the violations Clerk the penalty established for the violation charged, including any costs and assessments authorized by law.
  - b. Pay the Violations Clerk the base fine amount established for the violation. Payment of the base fine amount constitutes consent to forfeiture of the base fine amount and disposition of the violation by the Violations Clerk as provided by the rules of the Municipal Court. Payment of the base fine amount is not consent to forfeiture of the base fine amount if the payment is accompanied by a plea of not guilty or a request for hearing.
6. A person who has been found guilty of, or who has signed a plea of guilty or no contest to one or more previous offenses in the preceding 12 months within the jurisdiction of the Municipal Court shall not be permitted to appear before the Violations Clerk unless the Municipal Judge, by general order applying to certain specified offenses, permits such appearance.
7. Referenced in this Chapter, "violation" means any violation, as defined by this SMC and ORS, over which the Municipal Court has jurisdiction

## 2.20.100

## MUNICIPAL COURT DOCKET

The Municipal Court shall maintain a docket, which may be maintained in electronic form. The Clerk of the Court shall enter the following information in the docket:

1. The title of every action or proceeding commenced in the Court, with the names of the parties thereto and the time of commencement thereof.
2. The date of making or filing any pleading.
3. An order allowing a provisional remedy, and the date of issuing and returning the summons or other process.
4. The time when each party appears, or a party's failure to do so.
5. If defendant waived counsel, the fact of such waiver and the basis for the Court's conclusion that such waiver was knowing and voluntary.
6. Every postponement of a trial or proceeding, upon whose application and to what time.
7. The demand for a jury, if any, or the waiver of the right to jury trial, and by whom made.

## TITLE 2. ADMINISTRATION AND PERSONNEL

8. The order for a jury and the time appointed for trial.
9. The return of an order for a jury, the names of the persons impaneled and sworn as a jury and the names of all witnesses sworn and at whose request.
10. The verdict of the jury and when given or, if the jury disagrees and is discharged without giving a verdict, a statement of such disagreement and discharge.
11. The judgment of the Court and when given.
12. The date on which any judgment is docketed in the docket.
13. The fact of an appeal having been made and allowed, and the date thereof, with a memorandum of the undertaking, and the justification of the sureties.
14. Satisfaction of the judgment or any part thereof.
15. A memorandum of all orders relating to security release.
16. All other matters that may be material or specially required by the SMC or any statute.

## 2.20.110 CRIMINAL PROCEDURE STATUTES TO GOVERN GENERALLY.

1. Except as otherwise specifically provided in ORS, this Chapter, and the criminal procedure statutes of the State of Oregon, a violation proceeding in Municipal Court shall be commenced and shall proceed to final determination, and the judgment therein shall be enforced, in the manner provided in ORS and this Chapter.
2. Except as specifically provided in this Chapter, a misdemeanor proceeding in Municipal Court shall be commenced and shall proceed to final determination, and the judgment therein shall be enforced, in the manner provided in the criminal procedure statutes of the State of Oregon.
3. Notwithstanding subsection (1) and (2) of this section, the procedures described in this section shall not apply to violations that govern the parking of vehicles and that are created by ordinance or administrative rule, and the Municipal Judge shall adopt rules for the conduct of such proceedings.

## 2.20.120 APPLICABILITY OF STATE LAWS

Except as otherwise provided by City Charter, ordinance, or SMC, proceedings in the Municipal Court for the violations designated by SMC, State statute, or ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice Courts.

## 2.20.130 RIGHT TO TRIAL BY JURY

1. In all prosecutions for any crime or offense defined and made punishable by any jail term or by the Charter or by any City ordinance or by the SMC, and tried before the Municipal Judge, the defendant is entitled to be tried by a jury, if the defendant requests a jury in accordance with applicable Court rules.



## TITLE 2. ADMINISTRATION AND PERSONNEL

2. The Court shall advise the defendant of the right to trial by jury at the time of arraignment and shall ask whether the defendant wishes to waive the right. The defendant may elect to waive trial by jury and agree to a trial by a Judge alone, provided the election is in writing and has been approved by the Judge as a knowing and voluntary waiver.
3. The jury shall consist of six persons selected in the manner prescribed in this Chapter. The verdict of the jury shall be unanimous, and shall be in writing, and signed by the foreperson.

2.20.140

## RIGHT TO COUNSEL

1. Any person charged in the Municipal Court with an offense for which a sentence of imprisonment may be imposed have the right to counsel.
2. If the defendant appears for arraignment without counsel, the defendant shall be informed by the Court that the defendant has a right to have counsel before being arraigned and shall be asked if the defendant desires the aid of counsel.
3. If the defendant indicates a desire to obtain counsel, the Court shall allow the defendant a reasonable time and opportunity to obtain counsel. If the defendant wishes to waive counsel, the Court shall determine whether the defendant has made a knowing and voluntary waiver of counsel. If the Court determines the defendant has made a knowing and voluntary waiver of counsel, such fact shall be noted on the Municipal Court docket for the matter.

2.20.150

## COURT-APPOINTED COUNSEL

1. Suitable counsel for a defendant shall be appointed by the Municipal Court if:
  - a. The defendant has been charged with an offense for which a sentence of imprisonment may be imposed or is before the Court in any proceeding concerning an order of probation where a sentence of imprisonment may be imposed, including, but not limited to, revoking or amending the order of probation; and,
  - b. The defendant requests aid of counsel; and,
  - c. The defendant provides the Court with a written and verified financial statement; and,
  - d. It appears to the Court that the defendant is financially unable to retain adequate representation without substantial hardship in providing basic economic necessities to the defendant or the defendant's dependent family. In making such determination, the Court may question the defendant, under oath, regarding the defendant's verified financial statement and any matter bearing upon the defendant's inability to pay for counsel.
2. Appointed counsel may not be denied to any defendant merely because the defendant's friends or relatives have resources adequate to retain counsel or because the defendant has deposited or is capable of depositing security for release. However, appointed counsel may be denied to a defendant if the defendant's spouse has adequate resources which the Court determines should be made available to retain counsel.
3. The defendant's financial statement under subsection (a) of this section shall include, but not be limited to:
  - a. A list of bank accounts in the name of defendant or defendant's spouse, and the

## TITLE 2. ADMINISTRATION AND PERSONNEL

- balance in each;
- b. A list of defendant's interests in real property and those of defendant's spouse;
  - c. A list of vehicles and other personal property of significant value belonging to defendant or defendant's spouse;
  - d. A list of debts in the name of defendant or defendant's spouse, and the total of each; and,
  - e. A record of earnings and other sources of income in the name of defendant or defendant's spouse, and the total of each.
4. Unless otherwise ordered by the Court, the appointment of counsel shall continue during all criminal proceedings resulting from defendant's arrest through acquittal or the imposition of punishment. The Court may not substitute one appointed counsel for another, except pursuant to the policies, procedures, standards and guidelines adopted by the Public Defense Services Commission under ORS.
  5. If, at any time after counsel has been appointed, the Court finds that the defendant is financially able to pay, or to make partial payment, for counsel, the Court may terminate the appointment of counsel and require payment or partial payment for counsel and order the defendant to pay the City such amounts as the City has paid for assistance of counsel to the person. If, at any time during the criminal proceedings, the Court finds that the defendant is financially unable to pay counsel whom the defendant has retained, that Court may appoint counsel as provided herein.
  6. In addition to any criminal prosecution, a civil proceeding may be initiated by the City Attorney or City Prosecutor within two years of judgment if the City has expended moneys for the defendant's legal assistance and the defendant was not qualified for legal assistance in accordance with this section. Any such civil proceeding shall be subject to the exemptions from execution as provided by Oregon law.

## 2.20.160

## COMPENSATION AND EXPENSES OF APPOINTED COUNSEL

1. Counsel appointed pursuant to this Chapter shall be paid fair compensation by the City for representation in the case.
2. Compensation payable to appointed counsel under subsection (1) of this section may not be less than \$50 per hour.
3. A person determined to be eligible for appointed counsel is entitled to necessary and reasonable fees and expenses for investigation, preparation and presentation of the case for trial, negotiation and sentencing.
4. Non-Routine Fees; Preauthorization.
  - a. The defendant or the counsel for that person shall upon written request secure preauthorization to incur fees and expenses that are not routine to representation but are necessary and reasonable in the investigation, preparation and presentation of the case, including but not limited to non-routine travel, photocopying or other reproduction of non-routine documents, necessary costs associated with obtaining the attendance of witnesses for the defense, investigator fees and expenses, expert witness fees and expenses and fees for

## TITLE 2. ADMINISTRATION AND PERSONNEL

interpreters and assistive communication devices necessary for the purpose of communication between counsel and a defendant or witness in the case.

- b. The request must be in the form of a motion to the Court. The motion must be accompanied by a supporting affidavit that sets out in detail the purpose of the requested expenditure, the name of the service provider or other recipient of the funds, the dollar amount of the requested expenditure that may not be exceeded without additional authorization and the date or dates during which the service will be rendered or events will occur for which the expenditure is requested.
- c. Entitlement to payment of non-routine fees and expenses is dependent upon obtaining preauthorization from the Court. Preauthorization to incur a fee or expense does not guarantee that a fee or expense incurred pursuant to the preauthorization will be determined to be necessary or reasonable when the fee or expense is submitted for payment.

## 5. Review by Court; Certification; Payment

- a. Upon completion of all services, the appointed counsel shall submit to the Court a statement of all necessary and reasonable fees and expenses of investigation, preparation and presentation and legal representation, supported by appropriate receipts or vouchers and certified by the appointed counsel to be true and accurate.
- b. The total fees, expenses and verification submitted by appointed counsel are subject to the review of the Court. The Court shall determine whether the amount submitted is necessary and reasonable reimbursement for fees and expenses for representation in the case. After such review and determination, the Court shall certify to the Finance Director the amount that the Court determines was necessary and reasonable and that the amount is properly payable out of public funds. Upon the receipt of such certification, the amount of the fees and expenses certified by the Court shall be paid to the appointed counsel by the City.

## 2.20.170 QUALIFICATIONS OF JURORS.

To act as a juror in Municipal Court, the person shall:

- 1. Qualify to serve as a juror in a Circuit Court proceeding as prescribed in ORS, and must have been a resident of the City of Stayton for not less than three months preceding the date the person is summoned for jury service.
- 2. No Mayor, Council member, City officer, or City employee shall be allowed to serve as a juror while in office or employed.

## 2.20.180 MASTER JURY LIST; TIME AND MANNER OF PREPARATION; TERM OF PROSPECTIVE JURORS.

- 1. The City Administrator shall, at least once a year, make a list containing the names of not less than 50 nor more than 250 persons by selecting names by lot from the voter registration list used at the last preceding general City election. Said list shall be known as a "Master Jury List."
- 2. The City Administrator shall then delete from the Master Jury list the names of those persons known not to be qualified by law to serve as jurors, and the remaining names shall constitute

## TITLE 2. ADMINISTRATION AND PERSONNEL

the Master Jury List.

3. The names of those persons deleted from the Master Jury List shall be placed on a separate list known as rejected prospective jurors, and opposite each name the reason for removing the name shall be stated.
4. The Master Jury List shall be placed on public record in the City Administrator's office within ten (10) days from the time it is prepared.
5. The Master Jury list shall be prepared and certified once each year prior to the last day of January, unless circumstances make such preparation not feasible, in which case the Master Jury List shall be prepared as soon thereafter as possible. The jury service term shall be the period of time between the filing of the Certification of Master Jury List and the date of the next such filing.
6. Any person whose name is selected for the Master Jury List shall be subject to service as a juror from the effective date of the List until the effective date of next term's Master Jury List, even though the date set for trial may be after certification of the next term's Master Jury List.
7. When the Master Jury List is complete, and the Municipal Judge is satisfied that there are no persons thereon who the Municipal Judge knows to be incompetent to serve as jurors, the Municipal Judge shall certify that Master Jury List in substantially the following form:
 

I, (name of Municipal Judge), certify that I am the duly appointed and acting Municipal Judge of the City of Stayton, Oregon; and that the foregoing Master Jury List is composed of the names of persons selected in accordance with the provisions of the Stayton Municipal Code. DATED this day of , 20\_\_.
8. Upon certification of the Master Jury List, the Municipal Judge shall cause the same to be filed in the records of the Municipal Court, at which time, the List shall become effective.

## 2.20.130

## SELECTION OF ADDITIONAL NAMES FOR MASTER JURY LIST.

1. The Municipal Judge may, at any time in the Municipal Judge's discretion, and shall, whenever the number of the names on the Master Jury List falls below 50, cause the names of additional persons to be selected as a supplement to the Master Jury List. The additional names shall be selected using the same source Lists and in the same manner as the Master Jury List.
2. Upon selection of additional names as provided in subsection (1) of this section, the Municipal Judge shall certify the supplement to the Master Jury List of those additional names and file the List in the Municipal Court records. From the date of such filing, the jurors may be chosen to serve during the jury service term of the Master Jury List.

## 2.20.200

## SELECTION OF JURY PANEL AND SIX PERSON TRIAL JURY

1. If trial by jury has not been waived, the Clerk of the Court shall generate by means of electronic equipment or other random selection method, a Preliminary Jury List of not less than twelve persons from the Master Jury List, who shall comprise the jury panel for a particular date.
2. The jury shall consist of six persons. An alternate may be chosen if the Judge deems it appropriate.

## TITLE 2. ADMINISTRATION AND PERSONNEL

## 2.20.210 JUROR QUESTIONNAIRE; ELIGIBILITY TO SERVE AS JUROR; DISCHARGE FROM JURY SERVICE

1. A person whose name is included on the preliminary jury List shall be notified that they have been selected for jury service. Before or at the time a person is scheduled to appear for jury service, a Judge or the Clerk of the Court shall question the person as to the person's competency to act as a juror. If a Judge or Clerk of the Court determines that a person so questioned is incompetent to act as a juror, the person shall be discharged from jury service.
2. A person may be questioned about the person's competency to act as a juror either in person or by mail.
  - a. To question a person "in person" about the person's competency to act as a juror, a Judge or the Clerk of the Court shall first require the person to declare by oath or the affirmation that the answers to the questions about the person's competency to act as juror shall be truthful.
  - b. To question a person by mail about the person's competency to act as a juror, the Judge may cause to be mailed or delivered, with or without a juror's summons, a juror questionnaire along with instructions for completion of the questionnaire and return of the completed questionnaire by mail or personal delivery to the Clerk of the Court. A completed juror questionnaire shall contain the questioned person's signed declaration that the responses to the questions on the form are true to the best of the person's knowledge. Notarization of a completed questionnaire shall not be required.
  - c. Copies of completed questionnaires shall be provided to counsel at the time of trial. The specific address of the juror shall be redacted from the questionnaire before distribution, but sufficient information shall be provided to allow counsel to identify the area of the City where the juror resides.
3. A person who knowingly makes a false statement of material fact in response to a question regarding the person's competency to serve as a juror may be punished for contempt.
4. If a person fails to return a properly completed juror questionnaire as instructed, the Municipal Judge may direct the person to appear forthwith and properly complete a questionnaire. If the person fails to appear as directed, the Municipal Judge may order the person to appear and show cause for that failure. If the person fails to appear pursuant to the order or appears and fails to show good cause, the person may be punished for contempt.
5. Before or at the time a person reports for jury service, or at the time jurors are being examined by counsel pursuant to this Section, the Municipal Judge or the Clerk of the Court may discuss with the person any questions on the juror questionnaire and the grounds for any incompetency of the person to act as a juror. Any pertinent information so acquired may be noted on the form.

## 2.20.220 SUMMONS OF JURORS

1. The Court shall issue a summons for each person on the final jury panel. Not less than twenty days prior to the date set for trial, the Clerk of the Court shall cause the summons to be served on each person on the Preliminary Jury panel by first class mail, or by forwarding the summons to the Chief of Police together with an order signed by the Court Municipal Judge commanding the Chief of Police to cause personal service to be made upon the person identified on the summons, and make true return thereupon.

## TITLE 2. ADMINISTRATION AND PERSONNEL

2. Any person summoned to appear as a juror may be punished by the Court for contempt of Court if:
  - a. The person fails to appear before the Court as required or fails to give a valid excuse for not appearing;
  - b. The person fails to give attention to matters before the jury;
  - c. The person leaves the Court without permission of the Court while the Court is in session; or,
  - d. The person fails to complete jury service without valid excuse.
  - e. If a person duly summoned to attend the Municipal Court as a juror fails to attend as required or to give a valid excuse therefore, that person may be fined by the Municipal Judge in a sum not to exceed twenty-five dollars (\$25.00)

## 2.20.230 PERSONS INELIGIBLE FOR JURY SERVICE; EXCUSES FROM JURY DUTY

1. When it is found by the Court that the person called for jury service is dead or lacks the qualifications to serve as a juror, as established by this Chapter, the person's name shall be removed from the Preliminary Jury Panel and another name may be selected from the Master Jury List to replace such person.
2. The Court may excuse a person from jury service upon a showing of undue hardship or extreme inconvenience to the person, the person's age, the person's family, the person's employer or the public served by the person. In granting excuses, the Court shall carefully consider and weigh both the public need for juries that are representative of the full community and the individual circumstances offered as a justification for being excused from jury service.
3. If the person is dead or lacks the qualifications to serve as a juror, that person's name shall be removed from the Master Jury List; in all other cases, the person's name shall remain on the Master Jury List and may later be called for jury service.

## 2.20.240 PROCEDURES FOR JURY SELECTION AND PEREMPTORY CHALLENGES

The procedure for jury selection and peremptory challenges will be set by Court Rule.

## 2.20.270 COMPENSATION OF JURORS

Jurors who appear at the trial and serve as jurors shall receive such compensation for their services as is provided by state statute

## 2.20.280 SUBPOENAS

1. It shall be the duty of any person subpoenaed in any proceeding pending before the Municipal Court to appear and testify in accordance with such subpoena.
2. Any person who refuses to appear or to testify as required by subsection (1) Court may issue a warrant for the arrest of such person, and, on being brought before the Court, unless the person shows good cause why the person was unable to attend or testify, the Court shall impose one or more of the sanctions.

## TITLE 2. ADMINISTRATION AND PERSONNEL

## 2.20.290 WITNESS FEES

Witness fees and mileage shall be paid by the City as provided by ORS.

## 2.20.300 ASSESSMENT OF COURT COSTS

1. There shall be assessed Court costs fee in each case or matter brought before the Municipal Court. The amount is set by the City's Municipal Court Fees and Charges Resolution.
2. The Municipal Judge has the power to assess any other reasonable Court costs against any person found guilty in a criminal or civil penalty case or against the losing party in any civil case, not exceeding any actual sum expended by the City for juror, witness, or mileage fees.
3. Court costs shall be assessed against each defendant being cited into the Municipal Court for any violation of the SMC or State Statute which may be prosecuted in Municipal Court, whether the defendant answers, fails to appear, or is convicted after a trial, except for violations of the SMC pertaining to motor vehicle parking violations and regulations, unless a warrant is issued to enforce the defendant's appearance.
4. Court costs shall be distinct from any fine or other penalty imposed for any violation prosecuted in the Municipal Court. They shall be considered statutory in nature and may not be suspended or otherwise disposed of. Monies collected as Court costs under this section shall be disposed of and handled in the same manner in which other fines and penalties accruing from other matters in the Municipal Court are handled.
5. All defendants posting bail shall be required, prior to their release, to post the additional sum of Court costs as provided in this section. If the defendant is acquitted after a trial on the merits or if the case is dismissed for any cause, the court costs paid by the defendant must be reimbursed to the defendant.
6. The Court shall, upon conviction, collect any costs authorized by law.
7. Except in the circumstances set forth in ORS, the Court, only in the case of a defendant for whom it enters a judgment of conviction, may include in its sentence thereunder a provision that the convicted defendant pay as costs expenses specially incurred by the City in prosecuting the defendant. Costs include a reasonable attorney fee for counsel appointed pursuant to SMC and Court Rules and a reasonable amount for fees and expenses incurred pursuant to preauthorization under SMC. A reasonable attorney fee is presumed to be the amount certified to the Finance Director under SMC. Costs do not include expenses inherent in providing a constitutionally guaranteed jury trial or expenditures in connection with the maintenance and operation of the Court that must be made by the public irrespective of specific violations of law.
8. The Court may not sentence a defendant to pay costs under this section unless the defendant is or may be able to pay them. In determining the amount and method of payment of costs, the Court shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose.
9. A defendant who has been sentenced to pay costs under this Section and who is not in willful default in the payment of costs may at any time petition the Court that sentenced the defendant for remission of the payment of costs or of any unpaid portion of costs. If it appears to the satisfaction of the Court that payment of the amount due will impose manifest hardship on the defendant or the immediate family of the defendant, the Court may waive all or part of the amount due in costs, or modify the method of payment according to SMC.

## TITLE 2. ADMINISTRATION AND PERSONNEL

10. Fee for Dishonored Payments. The Court shall, in the event a defendant who makes a payment that is dishonored, collect the fee authorized by ORS,

## 2.20.310

## SENTENCING

1. The Municipal Judge may, as a condition of sentence, place any convicted person upon probation to the Court for a period not to exceed one (1) year. The Court further may, as a condition of any penalty of imprisonment imposed, direct that the defendant be required to work upon the streets or other City projects or in service of an approved registered non-profit organization, in which case the defendant shall receive credit for two (2) days' imprisonment for each day so employed. The Court further may, as a condition of probation, require the defendant to work upon public property or in service of an approved registered non-profit, provided that the defendant may not be required to work in excess of one (1) day for each two (2) days' imprisonment provided by the maximum penalty for the offense for which that person was convicted.
2. The Municipal Judge may, upon conviction of an offense bearing a penalty of imprisonment, order the convicted party imprisoned in any jail within or without the City which the City may operate or in which, by contract, the City prisoners may be housed.
3. When a defendant is sentenced to pay a fine or costs, the Court may grant permission for payment to be made within a specified period of time or in specified installments. If no such permission is included in the sentence, the fine shall be payable immediately.
4. When a defendant sentenced to pay a fine or costs is also placed on probation or imposition or execution of a sentence is suspended, the Court may make payment of the fine or costs a condition of probation or suspension of sentence.

## 2.20.320

## TRANSFER OF FUNCTIONS TO COUNTY JUSTICE COURT

The Stayton City Council may, upon agreement, transfer any or all functions of the Municipal Court and Municipal Judge to the county justice Court and the county justice Court Judge as set forth in this chapter.





**CITY OF STAYTON**  
**M E M O R A N D U M**

**TO:** Mayor Brian Quigley and the Stayton City Council  
**FROM:** James Brand, City Finance Director  
**DATE:** September 16, 2024  
**SUBJECT:** Resolution No. 1115, Municipal Judge Contract Addendum

---

**BACKGROUND INFORMATION**

The City has contracted with Judge Clark to preside over the Stayton Municipal Court since July 2014. The current contract was effective March 2024 with an end date of February 20, 2026, and a monthly payment of \$2,200.

The City has been preparing to expand the use of the court starting October 2024 by prosecuting certain misdemeanors. This will bring more cases and complexity which increases the workload of the Judge. Judge Clark has already been spending time helping Stayton prepare for prosecuting misdemeanors.

**FISCAL IMPACT**

The impact for the remainder of the current fiscal year is \$1,800. The impact for a full year would be \$2,400. This change was planned when this year's budget was developed so this increase is within the budget. It is likely that the City will generate additional revenues by prosecuting these cases, but this amount is not easily determined, and no additional income was assumed in the current year's budget.

**SUMMARY**

The City recommends a contract addendum be approved to increase the monthly payment for Judge Clark from \$2,200 per month to \$2,400 per month effective October 2024.

**OPTIONS AND MOTIONS**

The City Council is presented with the following options.

**1. Approve Resolution No. 1115**

Move to approve Resolution No. 1115 as presented.

**2. Do not approve Resolution No. 1115**

If the Council does not support signing of the contract addendum, Judge Clark's current contract would remain as is while his workload would increase as we begin to prosecute misdemeanors.



**RESOLUTION NO. 1115  
MUNICIPAL JUDGE CONTRACT ADDENDUM**

**WHEREAS** Stayton contracts with Judge Clark to preside over its municipal court proceedings;

**WHEREAS** Stayton is asking more services of the Judge as the City plans to prosecute certain misdemeanor cases at the Stayton Municipal Court;

**WHEREAS** Stayton desires to retain the services of Judge Clark as Municipal Court Judge over these additional cases;

**NOW THEREFORE, THE CITY OF STAYTON RESOLVES:**

**SECTION 1.** The City offers a contract addendum to increase the monthly rate from \$2,200 to \$2,400 effective October 1, 2024 to Judge Jonathan Clark for services rendered to assist the City in the operation of the Municipal Court.

This Resolution shall become effective upon its adoption by the Stayton City Council.

**ADOPTED BY THE STAYTON CITY COUNCIL THIS 16TH DAY OF SEPTEMBER 2024.**

CITY OF STAYTON

Signed: \_\_\_\_\_, 2024

BY: \_\_\_\_\_  
Brian Quigley, Mayor

Signed: \_\_\_\_\_, 2024

ATTEST: \_\_\_\_\_  
Julia Hajduk, City Manager



**CITY OF STAYTON**  
**M E M O R A N D U M**

**TO: Stayton City Council**

**FROM: James Brand, Finance Director**

**DATE: September 16, 2024**

**SUBJECT: Fiscal Year 2023-24  
Quarter 4 Financial Report as of June 30, 2024**

---

This is a year-end financial summary for the City at the end of the 2024 fiscal year (the numbers are unaudited so they may change). The following report includes three columns of dollar amounts including the results from the prior year and the current year, and the annual budget for the current year. The next column is a percentage of the revenues and expenditures as compared to the budget. The final column (new this quarter) shows the difference to last year. The top section contains the revenues which are city-wide totals. The bottom section contains the expenditures which are grouped by fund starting with the general fund and its sections.

The second report is a bar chart comparing the budget and actuals for the revenues and expenses.

**REVENUE COMMENTS**

- Overall, we collected 95% of the budgeted revenues. The shortfall is explained in the following two points:
- Transfers for SDC's are under collected by \$763k due to budgeted projects that were not completed in FY24 (Ida Street water & wastewater lines & stormwater master plan).
- Intergovernmental was under collected mainly due to two large grants that operate on a reimbursement basis that have not been completed yet. Just \$17k of the \$465k HUD downtown grant was completed in FY24. The \$515k ASR (Aquifer Storage Recovery) grant is now projected for next fiscal year.
- Charges for Services income (while slightly more than budget) was \$1.1m less than last year. In FY23 we received \$2.3m in SDC rev compared to just \$38k in FY24.
- Interest earnings are higher due to the high interest rates at Umpqua bank and the Local Government Investment Pool.
- Court Fines and Forfeitures are under collected resulting from the impact of HB4210 (2020) to repeal driving privilege suspensions and eliminate the imposition of driving privilege restrictions for failure to pay fines. The City was forced to write off \$62k in FY25.

**EXPENDITURE COMMENTS**

Overall expenses are lower than budgeted (77% spent).

- General Fund Operations spent \$502k more than FY23 due to the \$500k transferred to the Street fund.
- The Street fund spent more than last year mostly due to buying a \$405k streetsweeper. The fund was still well under budget from delays to planned street improvements.
- The Water fund was underspent due to the \$1.25m Aquifer Storage Recovery (ASR) project which is now projected for the next fiscal year.
- The Stormwater fund was well underspent because the \$350k budgeted master plan and the \$150k Capital project (Ida St 1<sup>st</sup> to 3<sup>rd</sup>) began after June 30.
- SDC spending was underbudget due to the delay of SDC funded capital projects.

**CITY ACTUALS VS BUDGET**

The City collected 95% of its budgeted revenue and spent 77% of its budget. Much of both shortfalls are for the same reasons – delays for grant funded projects mean the expenses are not spent and the revenues are not collected. Other capital projects are being replanned for FY25.

**COMPARISON WITH LAST YEAR**

Many of the large differences with last year are due to the SDC's. In FY23, Stayton collected \$2.2m more SDC's than were collected in FY24.

**CASH BALANCES BY FUND**

General Fund	\$3,642,334
PW Admin	374,029
Library	384,854
Parks	257,896
Water Enterprise	1,322,008
Stormwater Enterprise	466,647
Wastewater Enterprise	5,708,102
Streets	2,391,691
Facilities Development & Maint	870,341
Swimming Pool	170,813
SDC – Water	1,124,859
SDC – Wastewater	742,411
SDC – Streets	1,189,312
SDC – Parks	1,082,841
SDC – Stormwater	<u>507,343</u>
<b>TOTAL CASH</b>	<b>\$20,235,481</b>

**MICHELLE SPANGLER – Accounting Specialist A/P, Cash Balancing, Backup Court Clerk**

CA transplant, motherly instincts, GSD.



## 4th Quarter Financial Update FY 2023-24

### Revenues\*

	FY23 Actuals as of Jun 2023	FY24 Actuals as of Jun 2024	FY24 Budget	% of Budget Earned	Compare to last year
Charges for Services	\$8,243,832	\$7,162,407	\$7,156,960	100%	(\$1,081,425)
Transfers	\$2,221,533	\$2,553,398	\$3,566,788	72%	\$331,865
Property & Levied Taxes	\$3,051,311	\$3,124,716	\$3,251,300	96%	\$73,405
Intergovernmental	\$1,583,187	\$1,951,412	\$2,636,560	74%	\$368,225
Franchise Fees	\$794,971	\$892,414	\$737,000	121%	\$97,443
Interest & Miscellaneous	\$713,663	\$1,178,075	\$416,690	283%	\$464,412
Local Gas Tax	\$191,620	\$179,599	\$195,000	92%	(\$12,021)
Fines & Forfeitures	\$63,969	\$40,011	\$112,500	36%	(\$23,958)
Licenses & Permit Fees	\$100,268	\$58,836	\$37,500	157%	(\$41,432)
Grants & Contributions	\$23,455	\$51,450	\$23,000	224%	\$27,995
<b>Total Revenue</b>	<b>\$16,987,809</b>	<b>\$17,192,318</b>	<b>\$18,133,298</b>	<b>95%</b>	<b>\$204,509</b>

### Operating Budget to Actual Comparison by Fund

Expenditures*	Actuals as of Jun 2023	Actuals as of Jun 2024	FY24 Budget	% of Budget Spent	Compare to last year
<b>General Fund</b>					
Police	\$2,290,389	\$2,520,126	\$2,817,762	89%	\$229,737
Administration	\$1,354,549	\$1,392,429	\$1,575,753	88%	\$37,880
General Operations	\$468,356	\$970,103	\$1,462,900	66%	\$501,747
Planning	\$216,602	\$232,695	\$275,213	85%	\$16,093
Municipal Court	\$124,132	\$119,100	\$133,747	89%	(\$5,032)
Street Lights	\$94,813	\$104,223	\$105,000	99%	\$9,410
Community Center	\$39,804	\$79,309	\$92,960	85%	\$39,505
Mayor/City Council	\$14,397	\$39,349	\$56,250	70%	\$24,952
<b>Total General Fund</b>	<b>4,603,042</b>	<b>\$ 5,457,334</b>	<b>\$ 6,519,585</b>	<b>84%</b>	<b>\$ 854,292</b>
<u>Special Revenue Funds</u>					
Street Fund	\$908,466	\$1,556,561	\$2,107,658	74%	\$648,095
Library Fund	\$523,226	\$574,881	\$608,609	95%	\$51,655
Pool Fund	\$414,200	\$428,448	\$441,207	97%	\$14,248
Parks Fund	\$345,945	\$402,301	\$434,884	93%	\$56,356
<u>Internal Service Funds</u>					
Public Works Admin	\$741,932	\$750,034	\$794,228	94%	\$8,102
Facilities Fund	\$91,438	\$30,171	\$37,301	81%	(\$61,267)
<u>Enterprise Funds</u>					
Wastewater Fund	\$3,503,545	\$4,830,162	\$5,751,540	84%	\$1,326,617
Water Fund	\$1,848,584	\$2,114,057	\$3,277,911	65%	\$265,473
Stormwater Fund	\$280,918	\$509,503	\$977,481	52%	\$228,585
Stormwater SDC	\$0	\$0	\$350,000	0%	\$0
Wastewater SDC	\$71,333	\$97,564	\$252,000	39%	\$26,231
Water SDC	\$0	\$0	\$239,688	0%	\$0
<u>Capital Project Funds</u>					
Street SDC	\$8,400	\$14,234	\$33,500	43%	\$5,834
Parks SDC	\$0	\$0	\$0	0%	\$0
<b>Total Expenditures</b>	<b>13,341,029</b>	<b>\$ 16,765,250</b>	<b>\$ 21,825,592</b>	<b>77%</b>	<b>\$3,424,221</b>

\*excludes beginning balances, contingency, & unappropriated funds

<b>Total Rev Minus Expend</b>	<b>3,646,780</b>	<b>427,068</b>	<b>(3,692,294)</b>
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