



AGENDA

STAYTON CITY COUNCIL MEETING

Monday, May 19, 2014
Stayton Community Center
400 W. Virginia Street
Stayton, Oregon 97383

7:00 p.m. Regular Meeting (Community Center – North End)
Immediately upon adjournment of the regular Council meeting, an Executive Session will be held to discuss Labor Negotiations pursuant to ORS 192.660.1(2)(d).

CALL TO ORDER

7:00 PM

Mayor Vigil

FLAG SALUTE

ROLL CALL/STAFF INTRODUCTIONS

PRESENTATIONS/COMMENTS FROM THE PUBLIC

Request for Recognition: If you wish to address the Council, please fill out a green "Request for Recognition" form. Forms are on the table at the back of the room. *Recommended time for presentation is 10 minutes. Recommended time for comments from the public is 3 minutes.*

ANNOUNCEMENTS – PLEASE READ CAREFULLY

Items not on the agenda but relevant to City business may be discussed at this meeting. Citizens are encouraged to attend all meetings of the City Council to insure that they stay informed. Agenda items may be moved forward if a Public Hearing is scheduled.

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

CONSENT AGENDA

- a. May 5, 2014 City Council Action Minutes

Purpose of the Consent Agenda:

In order to make more efficient use of meeting time, resolutions, minutes, bills, and other items which are routine in nature and for which no debate is anticipated, shall be placed on the Consent Agenda. Any item placed on the Consent Agenda may be removed at the request of any council member prior to the time a vote is taken. All remaining items of the Consent Agenda are then disposed of in a single motion to adopt the Consent Agenda. This motion is not debatable. The Recorder to the Council will then poll the council members individually by a roll call vote. If there are any dissenting votes, each item on the consent Agenda is then voted on individually by roll call vote. Copies of the Council packets include more detailed staff reports, letters, resolutions, and other supporting materials. A citizen wishing to review these materials may do so at Stayton City Hall, 362 N. Third Avenue, Stayton, or the Stayton Public Library, 515 N. First Avenue, Stayton.

The meeting location is accessible to persons 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 Deputy City Recorder Alissa Angelo at (503) 769-3425.

PUBLIC HEARING – None

UNFINISHED BUSINESS – None

NEW BUSINESS

E. Burnett Street Fence

Action

- a. Staff Report – Keith Campbell
- b. Council Discussion
- c. Council Decision

**Ordinance No. 970, Amending Stayton Municipal Code Title 2, Chapter 2.20
Relating to the Municipal Court**

Action

- a. Staff Report – Chief Rich Sebens
- b. Council Discussion
- c. Council Decision

STAFF/COMMISSION REPORTS

Finance Director’s Report – Christine Shaffer

Informational

- a. April 2014 Monthly Finance Department Report

Police Chief’s Report – Rich Sebens

Informational

- a. April 2014 Statistical Report

Public Works Director’s Report – Dave Kinney

Informational

- a. April 2014 Operating Report

Planning & Development Director’s Report – Dan Fleishman

Informational

- a. April 2014 Activities Report

Library Director’s Report – Katinka Bryk

Informational

- a. April 2014 Activities

PRESENTATIONS/COMMENTS FROM THE PUBLIC

Recommended time for presentations is 10 minutes.

Recommended time for comments from the public is 3 minutes.

BUSINESS FROM THE CITY ADMINISTRATOR

BUSINESS FROM THE MAYOR

BUSINESS FROM THE COUNCIL

FUTURE AGENDA ITEMS – June 2, 2014

- a. 2014-2015 FY Budget Adoption
- b. Public Hearing – Revenue Sharing
- c. Water System Development Charges (SDC)
- d. Court Open House
- e. CCRLS Renewal
- f. Street Preservation
- g. Pioneer Park Update
- h. Library Board Reappointments

ADJOURN

CITY COUNCIL EXECUTIVE SESSION

The purpose of this Executive Session is to discuss Labor Negotiations pursuant to ORS 192.660.1(2)(d).

CALENDAR OF EVENTS

MAY 2014

Monday	May 19	City Council Executive Session	6:30 p.m.	Community Center (north end)
Monday	May 19	City Council	7:00 p.m.	Community Center (north end)
Wednesday	May 21	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	May 26	CITY OFFICES CLOSED IN OBSERVANCE OF MEMORIAL DAY		
Tuesday	May 27	Planning Commission	7:00 p.m.	Community Center (north end)

JUNE 2014

Monday	June 2	City Council	7:00 p.m.	Community Center (north end)
Tuesday	June 3	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	June 10	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Tuesday	June 10	PEG Commission	12:00 p.m.	City Hall Conference Room
Tuesday	June 10	Public Safety Commission	6:00 p.m.	City Hall Conference Room
Friday	June 13	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Monday	June 16	City Council	7:00 p.m.	Community Center (north end)
Wednesday	June 18	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	June 30	Planning Commission	7:00 p.m.	Community Center (north end)

JULY 2014

Tuesday	July 1	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Friday	July 4	CITY OFFICES CLOSED IN OBSERVANCE OF INDEPENDENCE DAY		
Monday	July 7	City Council	7:00 p.m.	Community Center (north end)
Tuesday	July 8	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Friday	July 11	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Wednesday	July 16	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	July 21	City Council	7:00 p.m.	Community Center (north end)
Monday	June 28	Planning Commission	7:00 p.m.	Community Center (north end)

**City of Stayton
City Council Meeting Action Minutes
May 5, 2014**

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

Time Start: 7:00 P.M.

Time End: 7:48 P.M.

COUNCIL MEETING ATTENDANCE LOG

COUNCIL	STAYTON STAFF
Mayor Scott Vigil	Alissa Angelo, Deputy City Recorder
Councilor Emily Gooch	Keith Campbell, City Administrator
Councilor Catherine Hemshorn	Dan Fleishman, Director of Planning & Development
Councilor Jennifer Niegel	David Kinney, Public Works Director
Councilor Henry Porter	Katinka Bryk, Library Director
Councilor Brian Quigley	Rich Sebens, Police Chief
	Christine Shaffer, Finance Director
	David Rhoten, City Attorney (excused)

AGENDA	ACTIONS
REGULAR MEETING	
Presentations / Comments from the Public	
a. Introduction of New Library Director Katinka Bryk	Mr. Campbell introduced Katinka Bryk who had recently been appointed as the new Library Director. He provided Council with a brief history on Ms. Bryk and the hiring process.
Announcements	
b. Additions to the Agenda	None
c. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.	None
Consent Agenda	
a. April 21, 2014 City Council Action Minutes	Motion from Councilor Gooch, seconded by Councilor Niegel, to approve the consent agenda. Motion passed 4:0 (Hemshorn abstained).
Public Hearing	
None	
Unfinished Business	
None	
New Business	
a. Alley and Street Right-of-Way Encroachments	Motion from Councilor Niegel, seconded by Councilor Hemshorn, to direct staff to identify which alleys and street rights-of-way could be vacated and provide a full inventory of alley encroachments to the Council. Motion passed 5:0.
b. Streets System Development Charge Update	Mr. Kinney reviewed the Streets System Development Charge Update staff report included in the Council packet. No action taken, informational only.
Staff / Commission Reports	
None	

Presentations / Comments From the Public	Bill Martinak of Emery and Sons inquired about the traffic count information source for non-residential development in the Streets SDC report. Mr. Kinney indicated staff used the 9 th edition of the Institute of Transportation Engineers Manual.
Business from the City Administrator	<p>Mr. Campbell updated the Council on the E. Burnett Street fence. Staff hopes to have options ready to present to Council at the next meeting.</p> <p>At this time, traffic on the Jordan Bridge is limited to light foot traffic. Issues with the bridge supports are being addressed as quickly as possible.</p> <p>Budget Committee meetings are scheduled for Tuesday and Thursday this week.</p> <p>Mr. Campbell also thanked Mark Greenhalgh-Johnson for his work as the interim Library Director.</p> <p>Brief update on the Courthouse remodel and status of the Court Clerk hiring process.</p>
Business from the Mayor	Mayor Vigil briefly spoke about the clean-up day this past weekend.
Business from the Council	Councilor Porter spoke about a few prominent trees in the community.
Future Agenda Items – May 19, 2014 <ul style="list-style-type: none"> a. Court Ordinances b. Water System Development Charges (SDC) c. Library Board Appointments d. Non-Remonstrance Agreements e. AFSCME Union Contract – Executive Session 	

APPROVED BY THE STAYTON CITY COUNCIL THIS 19TH DAY OF MAY 2014, BY A ____ VOTE OF THE STAYTON CITY COUNCIL.

Date: _____ By: _____
A. Scott Vigil, Mayor

Date: _____ Attest: _____
Keith D. Campbell, City Administrator

Date: _____ Transcribed by: _____
Alissa Angelo, Deputy City Recorder



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

TO: Mayor A. Scott Vigil and the Stayton City Council
FROM: Keith D. Campbell, City Administrator
DATE: May 13, 2014
SUBJECT: Burnett Street Fence

ISSUE

An existing wood fence located east of 10th and 12th Avenue on the E. Burnett right-of-way is falling apart.

BACKGROUND INFORMATION

There is an existing 6' tall wood fence located in the E. Burnett Street right-of-way east of 10th Avenue that has several sections which have broken out or are falling apart.

In the mid-1990's the developers of the Pioneer Meadows subdivision constructed Phase 2 of the Pioneer Meadows subdivision between 9th Avenue and 15th Avenue. As part of the development the City required the developer to install a 2/3 street between 10th Avenue and 12th Avenue. The City Council added a condition of approval requiring the construction of a 6' site obscuring fence on the south side of E. Burnett Street adjacent to two lots that were not part of the subdivision and are outside the City limits.

In the summer of 2013, one 6' section broke apart and fell into the street; the City public works staff picked up the section and set it inside the fence line. The police department and public works department received several complaints about the condition of the fence and asked when the City would make repairs.

This issue was initially brought forth to the Council at the October 21, 2013 City Council meeting. After Council discussion, Mayor Vigil directed that the fence be taken down. There was no formal vote on this item, but there seemed to be a tacit approval from the Governing Body. Staff was asked to notify the local residents of the decision.

In late February I was asked to check on the status of the E. Burnett Fence. After reviewing audio of the meeting I directed staff to notify the local residents that the City was going to

remove the fence. Staff was then directed to follow through on the removal once the residents had been notified. This notification was not sent.

In mid-April it had come to my attention that staff had again failed to send notification letters to the local residents. I again directed for the notification to be sent, at which time letters were finally mailed. The notification letter sparked protests from a few of the local residents. During the April 21, 2014 City Council meeting the Governing Body placed a moratorium on the removal of the fence and asked staff to research alternatives to this issue.

OPTIONS:

The following are a list of potential options that could be explored to address the initial purpose of the Burnett Street Fence. Ideas that are presented below are not mutually exclusive.

1. Remove Fence – minimal cost – Labor and disposal costs.
2. Repair Fence - Staff did an onsite review and estimate of the anticipated material needed to repair the fence which would include the removal of the top portion of the fence. This repair would require an estimated \$1,200 in materials, which does not include labor costs.
 - a. Require impacted homeowners to pay for the needed repairs.
 - b. Place the fence on ISERVE and work to get a local group or organization to make repairs.
 - c. Seek a local church or charitable organization to complete the needed repairs.

(The Church of the Latter Day Saints has offered to repair and assume the upkeep of the Delarosa section of the fence. This would constitute approximately 30% of the area of the fence.)

If no viable options can be found in a reasonable timeframe for 2a, 2b, or 2c then remove the fence as per Option 1.
3. Replace the fence with a new similar fence located at existing right-of-way (ROW) line – would involve tree removal. At \$45/LF for 6-ft cedar fence installed cost at 375 feet of fence estimated at \$17,000. At \$37.75/LF for 6-ft vinyl privacy fence installed was estimated at \$14,000 (Rick's Custom Fence and Deck quoted both prices).
4. Complete Burnett Street construction within existing ROW – south curb on fully improved sections of street appears to be at the ROW line of the partially improved section, but a temporary construction easement and a slope easement would be necessary. Construction costs estimated at \$100/ft; 375 feet of expanded street estimated at \$40,000. There would be additional estimated costs of \$5,000 for surveying and engineering. This would improve the road and remove the fence, but would not address the purpose of the current fence.

5. Take an additional 15 feet of ROW from abutting properties and complete Burnett St -- based on the Marion County Assessor's land valuation, acquisition cost is estimated at \$20,000 to \$25,000 plus appraisal and legal costs for eminent domain, plus \$40,000 for street construction and \$5,000 for surveying and engineering (The City could assess the cost of the street improvements back to the Kassner and Delarosa properties. This assessment would be over a 10 year period). This option would improve the road and remove the fence, but would not address the purpose of the current fence
6. Facilitate erection of a fence on private property. Marion County fence regulations require any fence over 2' in height adjacent to a street to be at least 75% open; therefore a new fence on private property will not provide an effective screen.
 - a. Seek a local church (LDS) or charitable organization to erect a new fence on private property.
7. Annex Kassner and Delarosa properties – Kassner has previously agreed to annexation in return for sewer service. Jointly, the two properties are greater than 1 acre and would require voter approval. We could place the annexation on the next election ballot.
Annexation would allow enforcement of City code relative vegetation and nuisances.
8. Work with Marion County Code Enforcement (MCCE) for enforcement of County Codes relative to nuisance conditions; MCCE is currently working on trash removal from Kassner property.

FISCAL IMPACT

The fiscal impact will be directly proportional to the direction of the Governing Body.

STAFF RECOMMENDATION:

Staff has no recommended action.

MOTION(S):

1. Move to have direct staff to move forward with one, or more, of the suggested actions.
2. Move to direct staff to an alternative not presented in the Staff report.
3. Move to direct staff to provide additional information or address concerns and bring back the item at a future meeting.



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

TO: Mayor A. Scott Vigil and the Stayton City Council
FROM: Rich Sebens, Chief of Police
DATE: May 19, 2014
SUBJECT: Ordinance No. 970, Amending Stayton Municipal Code Title 2, Chapters 2.20 Relating to Municipal Court

ISSUE

Whether or not to adopt an ordinance to amend the Stayton Municipal Code (SMC) Title 2.20 Municipal Courts which makes changes to help re-establish the operation of the Stayton Municipal Court.

STAFF RECOMENDATION

Staff recommends approval of Ordinance 970 as it will amend SMC Title 2.20 to reflect the operations of the new Stayton Municipal Court. Since this is a new project for the City, we would like Council to be aware that we realize there may be changes after the court becomes operational and we get true data as to how it needs to operate. As stated in previous discussions we do not intend to “hear” criminal cases in the municipal court in the near future. There was language in the original code that relates to criminal procedures. We opted to keep these sections and update them in the code for future use, if necessary.

Judge Clark is currently working on Municipal Court Rules that will be brought to the Council in the form of a Resolution. These “Rules” govern the day to day operation of the court.

As stated previously there are several state criminal charges that we are considering to create as City code violations. We plan to return to Council with those later in the year.

BACKGROUND INFORMATION

In 2013 Marion County Commissioners voted to abolish an agreement between Marion County and the City of Stayton for Municipal Court Services. The City has found the need to amend SMC Title 2.20 in order to re-implement the court.

OPTIONS

1. Enact Ordinance No. 970 relating to Stayton Municipal Code Title 2.20 as presented.
2. Enact Ordinance No. 970 relating to Stayton Municipal Code Title 2.20 as amended.
3. Modify the proposed Ordinance to be brought back for consideration
4. Reject the proposed Ordinance 970.

MOTION(S)

1. Move to enact Ordinance No. 970 relating to Stayton Municipal Code Title 2.20 as presented.
2. Move to enact Ordinance No. 970 relating to Stayton Municipal Code Title 2.20 as amended.
3. Move to modify the proposed Ordinance to be brought back for consideration
4. Move to reject the proposed Ordinance 970.

TITLE 2. ADMINISTRATION AND PERSONNEL

CHAPTER 2.20

MUNICIPAL MUNICIPAL COURT COURT

SECTIONS

- ~~2.20.410~~ Judge, Municipal Judge, Judge pro tem
- ~~2.20.420~~ Judge, Jurisdiction
- ~~2.20.430~~ Applicability of State Laws
- ~~2.20.440~~ Trial by Jury Generally
- ~~2.20.450~~ Trial Jury: Selection
- ~~2.20.460~~ Trial Jury: Eligibility
- ~~2.20.470~~ Trial Jury: List
- ~~2.20.480~~ Trial Jury: Jury Box
- ~~2.20.490~~ Trial Jury: Procedure
- ~~2.20.500~~ Trial Jury: Failure to Attend
- ~~2.20.510~~ Adoption of Rules and Regulations
- ~~2.20.520~~ Court Costs
- ~~2.20.530~~ Sentencing
- ~~2.20.540~~ Nonpayment of Fines or Costs
- ~~2.20.550~~ Transfer of Functions to County Justice Court

- 2.20.010 Definitions
- 2.20.020 Municipal Court
- 2.20.030 Jurisdiction Of Municipal Court
- ~~2.20.040~~ ~~Judge~~ Judge: Jurisdiction
- 2.20.050 Means To Carry Jurisdiction Into Effect
- 2.20.060 Qualifications And Appointment Of ~~Municipal~~ Municipal Judge 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~~ Municipal Court 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~~ 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 ~~Municipal~~ Municipal Court Court

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TITLE 2. ADMINISTRATION AND PERSONNEL

<u>2.20.220</u>	<u>Summons Of Jurors</u>
<u>2.20.230</u>	<u>Persons Ineligible For Jury Service; Excuses From Jury Duty</u>
<u>2.20.240</u>	<u>Jury Selection; And Peremptory Challenges</u>
250	Procedure When Less Than Six Jurors Remain After Voir Dire
<u>2.20.260</u>	<u>Peremptory And Challenges For Cause To Be Exclusive</u>
<u>2.20.270</u>	<u>Compensation Of Jurors</u>
<u>2.20.280</u>	<u>Subpoenas</u>
<u>2.20.290</u>	<u>Witness Fees.</u>
<u>2.20.300</u>	<u>Assessment Of Court Court Costs</u>
2.20.310	Sentencing
2.20.320	Transfer Of Functions To County Justice Court Court

2.20.010 DEFINITIONS

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

1. **City Attorney** means the ~~City Attorney, the Deputy City Attorney, or an Assistant City Attorney appearing before the Municipal Court~~ individual appointed under Chapter 2.12 or that individual's deputy or assistant.
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 ~~who is appearing pro se.~~
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 ~~J~~ Judge** means the Municipal Judge holding the appointed office of the City of Stayton.
7. **Offense** means any matter over which the ~~M~~ Municipal ~~C~~ Court has jurisdiction pursuant to ~~Stayton Municipal~~ this Code

TITLE 2. ADMINISTRATION AND PERSONNEL

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, 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 the City's of Stayton ordinance this Code. The eCourt may enforce forfeitures, Injunction Relief, and other penalties created by ordinance this Code. The eCourt may enforce Oregon State statute as permitted by law. The eCourt may hear and decide Civil hearings -as allowed by State Law. The eCourt also has jurisdiction under state law unless limited by City ordinance this Code. This does not preclude the City from sending pertinent cases to the State Circuit Court. The Stayton City City-Council- may transfer some or all of the functions of the Municipal Municipal Court Court to a State Court Court. All proceedings of this court Court will conform to state laws governing justices of the peace and justice Courts.

2.20.040 JUDGE JUDGE: JURISDICTION

The ~~Municipal~~ Municipal Judge 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 City, and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by this Code or other ordinances of the City City, and all state offenses which may be brought in ~~municipal~~ Municipal court 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 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 Judge which may appear most conformable to the exercise of such jurisdiction.

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

2.20 ~~Municipal~~ Municipal Court Court

Revised January 19, 2010

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TITLE 2. ADMINISTRATION AND PERSONNEL

1. The ~~m~~Mayor ~~may shall~~ appoint and ~~may~~ remove a ~~Municipal~~Municipal JudgeJudge with the consent of the Council. A ~~Municipal~~Municipal JudgeJudge will hold ~~court~~Court in the ~~city~~City at such place as the Council directs.
2. ~~The City~~City of Stayton ~~will hold~~may have a two-year contract with the ~~Municipal~~Municipal JudgeJudge. The contract may be renewed for two additional terms after the first, for a total of six years.
3. ~~No person shall~~To be eligible to the ~~position office of~~ ~~Municipal~~Municipal JudgeJudge or ~~Municipal~~Municipal JudgeJudge Pro Tempore, ~~unless the a person is~~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.~~
- ~~No person shall be eligible for appointment as Municipal JudgeJudge Pro Tempore unless the person is 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~~Municipal JudgeJudge or ~~municipal~~Municipal JudgeJudge Pro Tempore, ~~whether upon election or appointment, the person must take and subscribe, and submit to the~~ ~~City~~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~~City of ~~Salem~~Stayton, and that I will faithfully and impartially discharge the duties of ~~judge~~Judge of the ~~Municipal~~Municipal CourtCourt of the ~~City~~City of Stayton, according to the best of my ability.
5. The ~~Municipal~~Municipal JudgeJudge may:
 - a. Render judgments and impose sanctions on persons and property;
 - b. Order the arrest of anyone accused of an offense against the ~~city~~City;
 - c. Commit to jail or admit to bail anyone accused of a ~~city~~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~~Court;
 - f. Penalize ~~e~~Contempt of ~~court~~Court;
 - g. Issue processes necessary to enforce judgments and orders of the ~~court~~Court, including injunction relief;
 - h. Issue search warrants; and

2.20 ~~Municipal~~Municipal CourtCourt

Revised January 19, 2010

TITLE 2. ADMINISTRATION AND PERSONNEL

- 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~~Judge of the ~~municipal~~Municipal ~~court~~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~~Judge of the ~~municipal~~Municipal ~~court~~Court shall hear or try any action, matter or proceeding if a party thereto, or an attorney appearing therein, moves the ~~Court~~Court for a change of ~~judge~~Judge on grounds of prejudice. The motion shall be supported by an affidavit stating that the ~~judge~~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~~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 to be tried or heard, or within ten days after the assignment, appointment and qualification or election and assumption of office of another ~~judge~~Judge to preside over such action, matter or proceeding. ~~A question of fact arises upon a plea of not guilty by a defendant.~~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~~Municipal ~~Judge~~Judge may adopt rules necessary for the prompt and orderly conduct of the business of the ~~Municipal~~Municipal ~~Court~~Court. Rules adopted by the ~~Municipal~~Municipal ~~Judge~~Judge pursuant to this section shall be consistent with the provisions of the ~~ORS Chapter 153, ORS Chapter 156,~~ and any rules adopted by the Oregon Supreme ~~Court~~Court pursuant to ~~ORS 153.033.~~
2. ~~Any rule adopted~~proposed by the ~~Municipal~~Municipal ~~Judge~~Judge shall be ~~presented for adoption~~presented for adoption and if adopted filed with the ~~City~~City Recorder and shall be published upon the ~~City~~City's website.

2.20.090

VIOLATIONS BUREAU; ESTABLISHMENT; AUTHORITY OF VIOLATIONS CLERK

- (a) ~~In addition to, and not in lieu of, any authority conferred upon the Municipal~~Municipal ~~Court~~Court of the ~~City~~City of Stayton under ~~ORS 153.800,~~ the ~~Municipal~~Municipal ~~Judge~~Judge may establish a Violations Bureau and designate the ~~clerk~~Clerk or deputy ~~clerk~~Clerk of the ~~Municipal~~Municipal ~~Court~~Court or any other appropriate person to act as a Violations ~~Clerk~~Clerk for the Violations Bureau. The Violations ~~Clerk~~Clerk shall serve under the direction and control of the ~~Municipal~~Municipal ~~Judge~~Judge.
- (b) ~~A Violations Clerk may exercise authority over any violation.~~The ~~Municipal~~Municipal ~~Judge~~Judge shall by order specify the violations that are subject to the authority of the Violations ~~Clerk~~Clerk.

TITLE 2. ADMINISTRATION AND PERSONNEL

- (c) Except as otherwise provided in SMC subsection (vie) of this section, the Violations Clerk shall accept:
1. 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; or
 2. Payment of base fine amounts for violations that are withinsubject to the authority of the Violations Clerk.
- (d) 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, receipted 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.
- (e) Any person charged with a violation within the authority of the Violations Clerk may:
1. 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.
 2. Pay the Violations Clerk the base fine amount established for the violation. Payment of the base fine amount under this paragraph 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 under this paragraph 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.
- (f) 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.
- (g) As used in this section Referenced in this Chapter, "violation" means any violation, as defined by this SMC and ORS 153.008, 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

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electronic form. The ~~el~~er~~k~~Clerk of the ~~eo~~ur~~t~~Court shall enter the following information in the docket:

1. The title of every action or proceeding commenced in the ~~eo~~ur~~t~~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 ~~Co~~ur~~t~~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.
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.~~45-7/2012~~
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 ~~Co~~ur~~t~~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 ~~S~~MC or any statute.

2.20.110

CRIMINAL PROCEDURE STATUTES TO GOVERN GENERALLY.

1. Except as otherwise specifically provided in ORS ~~Chapter 153~~, this Chapter, and the criminal procedure statutes of the State of Oregon, a violation proceeding in ~~Municipal~~Municipal ~~Court~~Court shall be commenced and shall proceed to final determination, and the judgment therein shall be enforced, in the manner provided in ORS ~~Chapter 153~~ and this Chapter.

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2. Except as specifically provided in this Chapter, a misdemeanor proceeding in ~~municipal~~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~~Municipal Judge shall adopt rules for the conduct of such proceedings.

2.20.120 APPLICABILITY OF STATE LAWS

Except as otherwise provided by ~~ordinance or City~~ charter, ordinance, or SMC, proceedings in the ~~Municipal~~Municipal Court for the violations ~~of this Code or any other City~~ designated by SMC, State statute, or ordinance shall be governed by the applicable general laws of the state ~~governing 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~~City ordinance or by ~~this Code~~the SMC, and tried before the ~~Municipal~~Municipal Judge, the defendant is entitled to be tried by a jury, if the defendant ~~he~~ requests a jury in accordance with applicable ~~court~~Court rules.
2. The ~~Court~~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~~Judge alone, provided the election is in writing and has been approved by the ~~judge~~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~~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~~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~~Court shall allow the

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defendant a reasonable time and opportunity to obtain counsel. If the defendant wishes to waive counsel, the ~~Court~~Court shall determine whether the defendant has made a knowing and voluntary waiver of counsel. If the ~~Court~~Court determines the defendant has made a knowing and voluntary waiver of counsel, such fact shall be noted on the ~~Municipal~~Municipal ~~Court~~Court docket for the matter.

~~If the Court accepts a defendant's waiver of counsel, the Court may allow an attorney to serve as the defendant's legal advisor, and may, in accordance with SMC to this Code appoint an attorney as the defendant's legal advisor.~~

~~Appointment of counsel, including a legal advisor, is subject to the procedures set by SMC this Code.~~

2.20.150

~~COURT~~COURT-APPOINTED COUNSEL

- (a) Suitable counsel for a defendant shall be appointed by the ~~Municipal~~Municipal ~~Court~~Court if:
- The defendant has been charged with an offense for which a sentence of imprisonment may be imposed or is before the ~~Court~~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.
 - The defendant requests aid of counsel; and.
 - The defendant provides the ~~court~~Court with a written and verified financial statement; and.
 - It appears to the ~~Court~~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 dependant family. In making such determination, the ~~Court~~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.
- (b) 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~~Court determines should be made available to retain counsel.
- (c) The defendant's financial statement under subsection (a) of this section shall include, but not be limited to:
- A list of bank accounts in the name of defendant or defendant's spouse, and the balance in each;

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2. A list of defendant's interests in real property and those of defendant's spouse;
 3. A list of ~~automobiles~~vehicles and other personal property of significant value belonging to defendant or defendant's spouse;
 4. A list of debts in the name of defendant or defendant's spouse, and the total of each; and,
 5. A record of earnings and other sources of income in the name of defendant or defendant's spouse, and the total of each.
- (d) Unless otherwise ordered by the ~~Court~~Court, the appointment of counsel ~~under this section~~ shall continue during all criminal proceedings resulting from defendant's arrest through acquittal or the imposition of punishment. The ~~Court~~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 ~~151.216~~.
- (e) If, at any time after counsel has been appointed, the ~~Court~~Court finds that the defendant is financially able to pay, or to make partial payment, for counsel, the ~~Court~~Court may terminate the appointment of counsel and require payment or partial payment for counsel, and order the defendant to pay the ~~City~~City such amounts as the ~~City~~City has paid for assistance of counsel to the person. If, at any time during the criminal proceedings, the ~~Court~~Court finds that the defendant is financially unable to pay counsel whom the defendant has retained, that ~~Court~~Court may appoint counsel as provided ~~in this section~~herein.
- (f) In addition to any criminal prosecution, a civil proceeding may be initiated by the ~~City~~City Attorney within two years of judgment if the ~~City~~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 ~~SMC~~this Chapter- shall be paid fair compensation by the ~~City~~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 ~~person~~defendant or the counsel for ~~that~~the person shall upon written request secure preauthorization to incur fees and expenses that are not routine to

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

- b. The request must be in the form of a motion to the ~~Court~~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~~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~~Court; Certification; Payment

- a. Upon completion of all services, the appointed counsel shall submit to the ~~Court~~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~~Court. The ~~Court~~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~~Court shall certify to the ~~Director of Finance~~ Director the amount that the ~~Court~~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~~Court shall be paid to the appointed counsel by the ~~City~~City.

2.20.170

QUALIFICATIONS OF JURORS.

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

1. Qualify to serve as a juror in a ~~eCircuit~~ ~~court~~Court proceeding as prescribed in ORS ~~10.030~~, and must have been a resident of the ~~City~~City of Stayton for not less than three months preceding the date the person is summoned for jury service.

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2. No ~~m~~Mayor, ~~e~~Council member, ~~city~~City officer, or ~~city~~City employee shall be allowed to serve as a juror ~~during his term of~~while in office or employme~~nt~~.

2.20.180

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

1. The ~~City~~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~~City election. Said list shall be known as a "Master Jury ~~H~~List."
2. The ~~City a~~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 the ~~Master j~~Jury ~~H~~List.
3. The names of those persons deleted from the Master Jury ~~H~~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 j~~Jury ~~H~~List shall be placed on public record in the ~~City a~~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 ~~m~~Master jJury HList 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 HList and the date of the next such filing.
6. Any person whose name is selected for the Master Jury listList shall be subject to service as a juror from the effective date of the listList until the effective date of next term's Master Jury listList, even though the date set for trial may be after certification of the next term's Master Jury listList.
7. When the Master Jury listList is complete, and the ~~Municipal~~Municipal JudgeJudge is satisfied that there are no persons thereon who the ~~Municipal~~Municipal JudgeJudge knows to be incompetent to serve as jurors, the ~~Municipal~~Municipal JudgeJudge shall certify that Master Jury listList in substantially the following form:

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

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2.20.190

SELECTION OF ADDITIONAL NAMES FOR MASTER JURY LIST.

1. The ~~Municipal~~ Municipal Judge Judge may, at any time in the ~~Municipal~~ Municipal Judge Judge's discretion, and shall, whenever the number of the names on the Master Jury ~~list~~ List falls below 50, cause the names of additional persons to be selected as a supplement to the Master Jury ~~list~~ List. The additional names shall be selected using the same source ~~list~~ Lists and in the same manner as the Master Jury ~~list~~ List.
2. Upon selection of additional names as provided in subsection (1) of this section, the ~~Municipal~~ Municipal Judge Judge shall certify the supplement to the Master Jury ~~list~~ List of those additional names and file the ~~list~~ List in the ~~Municipal~~ Municipal Court 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~~ List.

2.20.200

SELECTION OF JURY PANEL AND SIX PERSON TRIAL JURY

1. If trial by jury has not been waived ~~pursuant to Section 2.20.130SMC~~, the ~~clerk~~ Clerk of the ~~court~~ Court shall generate by means of electronic equipment or other random selection method, a ~~list~~ Preliminary Jury List of not less than twelve persons from the Master Jury ~~list~~ 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.

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~~ List shall be notified that ~~they have -or she has~~ been selected for jury service. Before or at the time a person is scheduled to appear for jury service, a ~~judge~~ Judge or the ~~clerk~~ Clerk of the ~~Court~~ Court shall question the person as to the person's competency to act as a juror. If a ~~judge~~ Judge or ~~clerk~~ Clerk of the ~~Court~~ 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~~ Judge or the ~~clerk~~ Clerk of the ~~court~~ 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 ~~Municipal~~ Municipal Judge 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~~ Clerk of the ~~court~~ Court. A completed juror questionnaire shall contain the questioned person's signed declaration that the responses to the

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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 legal-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 legal counsel to identify the area of townthe CityCity 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, atthe MunicipalMunicipal JudgeJudge may direct the person to appear forthwith and properly complete a questionnaire. If the person fails to appear as directed, the MunicipalMunicipal JudgeJudge 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 legal-counsel pursuant to SMCThis Section, atthe MunicipalMunicipal JudgeJudge or the clerkClerk of the CourtCourt 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 CourtCourt 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 clerkClerk of the CourtCourt shall cause the summons to be served on each person on the Preliminary final jJury panel by first class mail, or by forwarding the summons to the Chief of Police together with an order signed by the courtCourtMunicipalMunicipal JudgeJudge commanding the Chief of Police to cause personal service to be made upon the person identified on the summons, and make true return thereupon.
2. Any person summoned to appear as a juror may be punished by the CourtCourt for contempt of courtCourt if:
 - a. The person fails to attendappear before the CourtCourt as required or fails to give a valid excuse for not appearingattending;
 - b. The person fails to give attention to matters before the jury;
 - c. The person leaves the CourtCourt without permission of the CourtCourt while the CourtCourt is in session; or,
 - d. The person fails to complete jury service without valid excuse.

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- e. If a person duly summoned to attend the ~~Municipal~~ Municipal Court as a juror fails to attend as required or to give a valid excuse therefore, ~~he~~ that person may be fined by the ~~Municipal~~ 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 ~~appears~~ is found by to the Court that the person called for jury service is dead or lacks the qualifications to serve as a juror, as established by ~~SMC~~ 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~~ 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 ag, 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~~ List; in all other cases, the person's name shall remain on the Master Jury ~~list~~ List, and may later be called for jury service.

2.20.240

JURY SELECTION; PEREMPTORY CHALLENGES

~~— The procedure for jury selection and peremptory challenges will be set by Court Rule. At the time of trial, the prospective jurors shall be examined as to their qualifications, first by the defendant and then by the City Attorney. After the prospective jurors have been passed for cause, peremptory challenges, if any, shall be exercised as provided in subsection (b) of this Section. Each party may take any number of challenges for cause and three peremptory challenges, unless the Municipal Judge grants additional peremptory challenges. When two or more defendants are tried together, each must join in any peremptory challenge or it cannot be taken, unless the Municipal Judge grants additional peremptory challenges. When several defendants are tried together, the defendants are entitled to the number of challenges they would have had if each defendant had been tried separately. When two or more defendants are tried together, the City is entitled to the same total number of peremptory challenges as the sum of the peremptory challenges the defendants could have exercised.~~

~~— Peremptory challenges shall be taken in writing by secret ballot as follows:~~

~~— The defendant may challenge one juror and the City may challenge one, alternating until the peremptory challenges are exhausted.~~

1. ~~— After each challenge, the jury panel shall be filled and the additional juror passed for cause before another peremptory challenge is exercised. Neither party shall be required to exercise a peremptory challenge unless the full number of~~

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~~jurors is in the jury box at the time.~~

~~The refusal to challenge by either party in order of alteration does not prevent the adverse party from exercising the party's full number of peremptory challenges, and refusal of a party to exercise the party's peremptory challenge in proper turn concludes the party as to the jurors once accepted by the party. If the party's right of peremptory challenge is not exhausted, the party's further challenges shall be confined, in the party's proper turn, to such additional jurors as may be called.~~

~~Notwithstanding subsection (2b) of this section, the defendant and the City may stipulate to taking peremptory challenges orally.~~

~~If the peremptory challenges of the moving party are not already exhausted, the Court may for good cause shown permit a peremptory challenge to be taken to any juror before the jury is complete and sworn, notwithstanding the juror challenged may have been previously accepted.~~

250 ~~PROCEDURE WHEN LESS THAN SIX JURORS REMAIN AFTER VOIR DIRE.~~

~~If, after voir dire, less than six jurors remain, the court may:~~

~~Upon its own motion, or the motion of either party, order the Chief of Police, or any police officer of the City of Stayton, other than an officer called as witnesses for the trial, to go out upon the streets and bring before the court up to three persons, who shall, if qualified after voir dire sit as jurors; or~~

~~Upon its own motion, or the motion of either party, continue the cause for trial on a later date with a new jury, excusing those jurors still remaining.~~

0.260 ~~PEREMPTORY AND CHALLENGES FOR CAUSE TO BE EXCLUSIVE~~

~~No challenges other than peremptory challenges or challenges for cause shall be allowed in the selection of jurors.~~

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,

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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.

2.20.290

WITNESS FEES.

Witness fees and mileage shall be paid by the cityCity as provided byin ORS 44.415.

2.20.300

ASSESSMENT OF COURTCOURT COSTS

1. There shall be assessed ~~court~~Court costs fee in each case or matter brought before the ~~Municipal~~Municipal ~~Court~~Court. The amount is set by the ~~City~~City's ~~Municipal Court~~ Fees and Charges ~~R~~Resolution.
2. The ~~Municipal~~Municipal ~~Judge~~Judge has the power to assess any other reasonable ~~court~~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~~City for juror, witness, or mileage fees.
3. ~~Court~~Court costs shall be assessed against each defendant being cited into the ~~Municipal~~Municipal ~~Court~~Court for any violation of the ~~SMC~~is Code or City ordinance or ~~s~~State Statute ~~offense~~ which may be prosecuted in ~~Municipal~~Municipal ~~Court~~Court, whether the defendant answers, fails to appear, or is convicted after a trial, except for violations of ~~sections 6.04.060, 6.04.160 and 6.04.190 through 6.04.240 and violations of~~ the ~~this Code~~the SMC pertaining to motor vehicle parking violations and regulations, unless a warrant is issued to enforce the defendant's appearance.
4. ~~Court~~Court costs shall be distinct from any fine or other penalty imposed for any violation prosecuted in the ~~Municipal~~Municipal ~~Court~~Court. They shall be considered statutory in nature and may not be suspended or otherwise disposed of. Monies collected as ~~court~~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~~Municipal ~~Court~~Court are ~~handled~~disposed of.
5. All defendants posting bail shall be required, prior to their release, to post the additional sum of ~~court~~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~~Court costs ~~paid by~~ the defendant shallMust be reimbursed to the defendant.
6. The ~~court~~Court shall, upon conviction, collect any costs authorized by law.
7. Except in the circumstances set forth in ORS 151.505, the ~~Court~~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~~City in prosecuting the defendant. Costs include a reasonable attorney

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fee for counsel appointed pursuant to SMC ~~Section 2.20.150~~ 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 ~~Director of 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~~ Court that must be made by the public irrespective of specific violations of law.

8. The ~~Court~~ 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 ~~eourt~~ 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~~ 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~~ Court that payment of the amount due will impose manifest hardship on the defendant or the immediate family of the defendant, the ~~Court~~ Court may ~~remit~~waive all or part of the amount due in costs, or modify the method of payment according to SMC.
10. Fee for Dishonored Payments. The ~~Court~~ Court shall, in the event a defendant who makes a payment that is dishonored, collect the fee authorized by ORS ~~30.701~~.

2.20.310

SENTENCING

1. The ~~Municipal~~ Municipal Judge Judge may, as a condition of sentence, place any convicted person upon probation to the ~~Court~~ Court for a period not to exceed one (1) year. The ~~eourt~~ 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~~ City projects or in service of an approved registered non-profit organization, in which case the defendant ~~he~~ shall receive credit for two (2) days' imprisonment for each day so employed. The ~~eourt~~ 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 ~~he~~ was convicted.
2. The ~~Municipal~~ Municipal Judge 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~~ City which the ~~city~~ City may operate or in which, by contract, the ~~City~~ City prisoners may be housed.

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3. When a defendant is sentenced to pay a fine or costs, the ~~Court~~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~~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~~COURT

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

~~2.20.450 TRIAL JURY: SELECTION~~

- ~~1. A trial jury in the Stayton municipal court shall consist of six (6) persons, sworn to try and to determine the questions of fact, selected and drawn as provided in sections 2.20.470 to 2.20.490 of this chapter.~~
- ~~2. All six of the jurors sworn to try the cause must concur to render a verdict. (Ord. 658, section 1{part}, 1989; prior code section 2.781)~~

~~2.20.460 TRIAL JURY: ELIGIBILITY~~

- ~~1. Any person acting as a municipal court juror must have the qualifications set out in ORS, 10.030, "Eligibility for jury service; discrimination prohibited," and must be a registered voter, residing within the limits of the City of Stayton.~~
- ~~2. No mayor, council member, city officer, or city employee shall be allowed to serve as a juror during his term of office or employment. (Ord. 658, section 1{part}, 1989; prior code section 2.782; Ord. 874, section 4, 2004)~~

~~2.20.470 TRIAL JURY: LIST~~

- ~~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 "preliminary jury list."~~
- ~~2. The administrator shall then delete from the preliminary jury list the names of those persons known not to be qualified by law to serve as jurors, and the remaining names shall constitute the jury list.~~

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- ~~3. The names of those persons deleted from the preliminary 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 jury list shall be placed on public record in the administrator's office within ten (10) days from the time it is prepared. (Ord. 658, section 1[part], 1989; prior code section 2.784)~~

~~2.20.480 TRIAL JURY: JURY BOX~~

~~The administrator shall keep a jury box containing the names of each person contained on the list described in section 2.783. The names shall be written on individual pieces of paper and folded as nearly alike as practicable so that the name cannot be seen. (Ord. 658, section 1[part], 1989; prior code section 2.784)~~

~~2.20.490 TRIAL JURY: PROCEDURE~~

- ~~1. For each jury trial date during a court term, the municipal judge shall draw from the jury box at least twelve (12) ballots, until the names of twelve (12) persons who are deemed able to attend at the time and place required are obtained.~~
- ~~2. The municipal judge shall have a list of the twelve (12) names thus drawn made up, and these persons shall be summoned by mail or personal service to appear at the time of trial.~~
- ~~3. If, because of failure of jurors to attend or because of challenges, fewer than six (6) jurors are present and qualified to serve, the municipal judge may, with consent of the parties, allow the trial to proceed with the jurors present and qualified, or the judge may have any qualified person brought before the court to serve as juror.~~
- ~~4. The manner and procedures of swearing in the jury, of questioning them, and of challenges shall be as used by the Marion County District Court.~~
- ~~5. Jurors who appear at the trial and serve as jurors shall receive such compensation for their services as is provided by state statute. (Ord. 658, section 1[part], 1989; prior code section 2.786)~~

~~2.20.500 TRIAL JURY: FAILURE TO ATTEND~~

~~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, he may be fined by the municipal judge in a sum not to exceed twenty five dollars (\$25.00). (Ord. 658, section 1[part], 1989; prior code section 2.786)~~

~~2.20.510 ADOPTION OF RULES AND REGULATIONS~~

~~The municipal judge has the power to adopt reasonable court rules relating to the operation of the court system, which shall be binding on the parties. (Ord. 658, section 1[part], 1989; prior code section 7.787)~~

TITLE 2. ADMINISTRATION AND PERSONNEL

~~2.20.520~~ COURT COSTS

- ~~1. There shall be assessed an amount of five dollars (\$5.00) as court costs in each case or matter brought before the municipal court.~~
- ~~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 this code or city ordinance or state offense which may be prosecuted in municipal court, whether the defendant answers, fails to appear, or is convicted after a trial, except for violations of sections 6.04.060, 6.04.160 and 6.04.190 through 6.04.240 and violations of the code 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 manner in which other fines and penalties accruing from other matters in the municipal court are disposed of.~~
- ~~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 shall be reimbursed to the defendant. (Ord. 658, section 1(part), 1989; prior code 2.788)~~

~~2.20.530~~ 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, in which case he 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 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 he 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.~~

TITLE 2. ADMINISTRATION AND PERSONNEL

- ~~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.~~

~~2.20.540 NONPAYMENT OF FINES OR COSTS~~

- ~~1. When a defendant sentenced to pay a fine defaults in the payment thereof or of any installment, the court, on motion of the city attorney or upon its own motion, may require him to show cause why his default should not be treated as contempt of court, and may issue a show cause citation or a warrant of arrest for his appearance.~~
- ~~2. Unless the defendant shows that his default was not attributable to an intentional refusal to obey the order of the court or to a failure on his part to make a good faith effort to make the payment, the court may find that his default constitutes contempt and may order him committed until the fine, or a specified part thereof, be paid.~~
- ~~3. When a fine is imposed on a corporation or unincorporated association, it is the duty of the person authorized to make disbursement from the assets of the corporation or association to pay the fine from those assets and his failure to do so may be held to be contempt unless he makes the showing required in subsection 2. above.~~
- ~~4. The term of imprisonment for contempt for nonpayment of the fines shall be set forth in the commitment order and shall not exceed one day for each \$25.00 of the fine.~~
- ~~5. A person committed for nonpayment of a fine shall be given credit toward payment for each day of imprisonment at the rate specified in the commitment order.~~
- ~~6. If it appears to the satisfaction of the court that the default in the payment of a fine is not contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount thereof or of each installment, or revoking the fine or the unpaid portion thereof in whole or in part.~~
- ~~7. A default in the payment of a fine or costs or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment. The levy of execution for the collection of a fine shall not discharge a defendant committed to imprisonment for contempt until the amount of the fine has actually been collected. (Ord. 658, section 1[part], prior code section 2.790)~~

~~2.20.550 TRANSFER OF FUNCTIONS TO COUNTY JUSTICE COURT~~

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The 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 sections 2.20.410 through 2.20.540 of this chapter. (Ord. 658, section [part], 1989; prior code section 2.991)

ORDINANCE NO. 970

**AN ORDINANCE AMENDING THE STAYTON MUNICIPAL CODE TITLE 2, CHAPTERS 2.20
RELATING TO MUNICIPAL COURT**

WHEREAS, the City of Stayton desires to re-implement the Stayton Municipal Court as the agreement with Marion County to handle the City of Stayton Municipal Court functions has been dissolved;

WHEREAS, the City of Stayton desires to update the Stayton Municipal Code (SMC) Title 2, Chapter 2.20 which is needed to be brought to current practices and standards of Municipal Courts;

WHEREAS, it is the City's desire to amend Title 2.20.

NOW THEREFORE, the City of Stayton ordains:

SECTION 1. Stayton Municipal Code 2 Chapter 20 relating to Municipal Court is amended to read as set forth in Exhibit A., attached hereto as incorporated herein; replacing and superseding the current text of SMC Title 2 Chapter .20.

SECTION 2. Non-emergency. Upon enactment by the Stayton City Council and the Mayor's signature, the Ordinance shall become effective 30 days after enactment.

ADOPTED BY THE STAYTON CITY COUNCIL this _____ day of _____, 2014.

CITY OF STAYTON

Signed: _____

By: _____
A. Scott Vigil, Mayor

ATTEST

Signed: _____

By: _____
Keith Campbell, City Administrator

APPROVED AS TO FORM:

David A. Rhoten, City Attorney

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.
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, 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.

TITLE 2. ADMINISTRATION AND PERSONNEL

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 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.

Judge

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;

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- 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;
- 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.

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2.20.090

VIOLATIONS BUREAU; ESTABLISHMENT; AUTHORITY OF VIOLATIONS CLERK.

- (a) 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.
- (b) The Municipal Judge shall by order specify the violations that are subject to the authority of the Violations Clerk.
- (c) Except as otherwise provided in SMC, the Violations Clerk shall accept:
 - 1. 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,
 - 2. Payment of base fine amounts for violations that are within the authority of the Violations Clerk.
- (d) 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.
- (e) Any person charged with a violation within the authority of the Violations Clerk may:
 - 1. 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.
 - 2. 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.
- (f) 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.
- (g) Referenced in this Chapter, "violation" means any violation, as defined by this SMC and

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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.
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.

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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.
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.

TITLE 2. ADMINISTRATION AND PERSONNEL

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

- (a) Suitable counsel for a defendant shall be appointed by the Municipal Court if:
 1. 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,
 2. The defendant requests aid of counsel; and,
 3. The defendant provides the Court with a written and verified financial statement; and,
 4. 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.
- (b) 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.
- (c) The defendant's financial statement under subsection (a) of this section shall include, but not be limited to:
 1. A list of bank accounts in the name of defendant or defendant's spouse, and the balance in each;
 2. A list of defendant's interests in real property and those of defendant's spouse;
 3. A list of vehicles and other personal property of significant value belonging to defendant or defendant's spouse;

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4. A list of debts in the name of defendant or defendant's spouse, and the total of each; and,
 5. A record of earnings and other sources of income in the name of defendant or defendant's spouse, and the total of each.
- (d) 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.
- (e) 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.
- (f) In addition to any criminal prosecution, a civil proceeding may be initiated by the City Attorney 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 interpreters and assistive communication devices necessary for the purpose of

TITLE 2. ADMINISTRATION AND PERSONNEL

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.

TITLE 2. ADMINISTRATION AND PERSONNEL

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 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.

2.20.190

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.

TITLE 2. ADMINISTRATION AND PERSONNEL

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.

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

TITLE 2. ADMINISTRATION AND PERSONNEL

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.
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.

TITLE 2. ADMINISTRATION AND PERSONNEL

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.

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.

TITLE 2. ADMINISTRATION AND PERSONNEL

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.
10. Fee for Dishonored Payments. The Court shall, in the event a defendant who makes a

TITLE 2. ADMINISTRATION AND PERSONNEL

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 A. Scott Vigil and the Stayton City Council
FROM: Christine Shaffer, Finance Director
DATE: May 19, 2014
SUBJECT: Monthly Staff Report

Attached are the month-end reports for the major operating funds of the City. I have identified the following funds as the major operating funds: General Fund, Public Works Administration Fund, Library Fund, Water Fund, Sewer Fund, Street Fund and Swimming Pool Fund. If you have any questions, please let me know.

Departmental activity:

Utility Billing:	April 2014	March 2014
Number of Bills sent out	2,566	2,618
Delinquent Notices sent out	501	454
Courtesy Delinquent Notices sent to Landlords	211	235
Notified of Impending Shut off & Penalty	93	109
Customers with Interrupted Services Non-Payment	16	18
Services still Disconnected	0	0

Accounts Payable:

Number of Checks Issued	169	167
Total Amount of Checks	\$837,409.84	\$239,453.96

CITY OF STAYTON
FUND SUMMARY
FOR THE 10 MONTHS ENDING APRIL 30, 2014

GENERAL FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
PROPERTY TAXES	1,683,511.42	1,671,970.00	(11,541.42)	100.7
CHARGES FOR SERVICES	3,609.25	7,200.00	3,590.75	50.1
GRANTS & CONTRIBUTIONS	382.00	1,500.00	1,118.00	25.5
FRANCHISE FEES	694,793.70	767,000.00	72,206.30	90.6
LICENSES, PERMITS & FEES	14,091.30	16,000.00	1,908.70	88.1
FINES & FORFEITURES	49,593.09	40,500.00	(9,093.09)	122.5
INTERGOVERNMENTAL	147,200.92	166,400.00	19,199.08	88.5
INTEREST	(549.55)	500.00	1,049.55	(109.9)
MISCELLANEOUS/TRANSFERS	299,319.83	392,195.00	92,875.17	76.3
	<u>2,891,951.96</u>	<u>3,063,265.00</u>	<u>171,313.04</u>	<u>94.4</u>
<u>EXPENDITURES</u>				
NON-DEPARTMENTAL	262,879.39	404,000.00	141,120.61	65.1
ADMINISTRATION	268,430.27	429,356.00	160,925.73	62.5
POLICE	1,543,621.11	1,915,047.00	371,425.89	80.6
PLANNING	109,304.30	157,771.00	48,466.70	69.3
COMMUNITY CENTER	43,876.49	58,398.00	14,521.51	75.1
PARKS	108,445.54	152,706.00	44,260.46	71.0
STREET LIGHTING	76,918.35	116,685.00	39,766.65	65.9
	<u>2,413,475.45</u>	<u>3,233,963.00</u>	<u>820,487.55</u>	<u>74.6</u>

CITY OF STAYTON
 FUND SUMMARY
 FOR THE 10 MONTHS ENDING APRIL 30, 2014

PUBLIC WORKS ADMINISTRATION

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
INTEREST	136.17	100.00	(36.17)	136.2
MISCELLANEOUS/TRANSFERS	309,750.00	414,000.00	104,250.00	74.8
	<u>309,886.17</u>	<u>414,100.00</u>	<u>104,213.83</u>	<u>74.8</u>
<u>EXPENDITURES</u>				
DEPARTMENT 80	335,551.83	429,908.00	94,356.17	78.1
	<u>335,551.83</u>	<u>429,908.00</u>	<u>94,356.17</u>	<u>78.1</u>

CITY OF STAYTON
 FUND SUMMARY
 FOR THE 10 MONTHS ENDING APRIL 30, 2014

LIBRARY FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
PROPERTY TAXES	144,175.00	145,000.00	825.00	99.4
CHARGES FOR SERVICES	79,470.75	78,883.00	(587.75)	100.8
GRANTS & CONTRIBUTIONS	25,655.00	25,200.00	(455.00)	101.8
LICENSES, PERMITS & FEES	11,589.00	13,500.00	1,911.00	85.8
FINES & FORFEITURES	12,576.18	15,000.00	2,423.82	83.8
INTERGOVERNMENTAL	.00	1,339.00	1,339.00	.0
INTEREST	286.09	400.00	113.91	71.5
MISCELLANEOUS/TRANSFERS	89,650.05	120,500.00	30,849.95	74.4
	<u>363,402.07</u>	<u>399,822.00</u>	<u>36,419.93</u>	<u>90.9</u>
<u>EXPENDITURES</u>				
DEPARTMENT 80	346,838.62	468,189.00	121,350.38	74.1
	<u>346,838.62</u>	<u>468,189.00</u>	<u>121,350.38</u>	<u>74.1</u>

CITY OF STAYTON
 FUND SUMMARY
 FOR THE 10 MONTHS ENDING APRIL 30, 2014

WATER ENTERPRISE FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
CHARGES FOR SERVICES	1,503,154.59	1,745,000.00	241,845.41	86.1
LICENSES, PERMITS & FEES	28,243.25	29,000.00	756.75	97.4
INTEREST	3,104.14	3,500.00	395.86	88.7
MISCELLANEOUS/TRANSFERS	8,984.81	11,000.00	2,015.19	81.7
	<u>1,543,486.79</u>	<u>1,788,500.00</u>	<u>245,013.21</u>	<u>86.3</u>
 <u>EXPENDITURES</u>				
DEPARTMENT 86	<u>1,575,114.67</u>	<u>1,952,300.00</u>	<u>377,185.33</u>	<u>80.7</u>
	<u>1,575,114.67</u>	<u>1,952,300.00</u>	<u>377,185.33</u>	<u>80.7</u>

CITY OF STAYTON
 FUND SUMMARY
 FOR THE 10 MONTHS ENDING APRIL 30, 2014

SEWER ENTERPRISE FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
CHARGES FOR SERVICES	2,467,031.17	2,866,680.00	399,648.83	86.1
LICENSES, PERMITS & FEES	5.00	.00	(5.00)	.0
INTEREST	9,484.68	9,000.00	(484.68)	105.4
MISCELLANEOUS/TRANSFERS	6,545.24	12,500.00	5,954.76	52.4
	<u>2,483,066.09</u>	<u>2,888,180.00</u>	<u>405,113.91</u>	<u>86.0</u>
<u>EXPENDITURES</u>				
DEPARTMENT 86	2,645,542.20	3,459,805.00	814,262.80	76.5
	<u>2,645,542.20</u>	<u>3,459,805.00</u>	<u>814,262.80</u>	<u>76.5</u>

CITY OF STAYTON
 FUND SUMMARY
 FOR THE 10 MONTHS ENDING APRIL 30, 2014

STREET FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
CHARGES FOR SERVICES	71,458.88	84,000.00	12,541.12	85.1
INTERGOVERNMENTAL	456,806.87	481,269.00	24,462.13	94.9
INTEREST	724.61	200.00	(524.61)	362.3
MISCELLANEOUS/TRANSFERS	35,385.38	70,250.00	34,864.62	50.4
	<u>564,375.74</u>	<u>635,719.00</u>	<u>71,343.26</u>	<u>88.8</u>
<u>EXPENDITURES</u>				
DEPARTMENT 80	<u>464,706.55</u>	<u>659,063.00</u>	<u>194,356.45</u>	<u>70.5</u>
	<u>464,706.55</u>	<u>659,063.00</u>	<u>194,356.45</u>	<u>70.5</u>

CITY OF STAYTON
 FUND SUMMARY
 FOR THE 10 MONTHS ENDING APRIL 30, 2014

SWIMMING POOL FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
PROPERTY TAXES	148,874.98	149,000.00	125.02	99.9
CHARGES FOR SERVICES	290.00	.00	(290.00)	.0
INTEREST	393.62	250.00	(143.62)	157.5
MISCELLANEOUS/TRANSFERS	11,250.00	15,000.00	3,750.00	75.0
	<u>160,808.60</u>	<u>164,250.00</u>	<u>3,441.40</u>	<u>97.9</u>
<u>EXPENDITURES</u>				
DEPARTMENT 86	<u>164,654.88</u>	<u>233,057.00</u>	<u>68,402.12</u>	<u>70.7</u>
	<u>164,654.88</u>	<u>233,057.00</u>	<u>68,402.12</u>	<u>70.7</u>



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

TO: Mayor A. Scott Vigil and the Stayton City Council
FROM: Rich Sebens, Chief of Police
DATE: May 13, 2014
SUBJECT: April Staff Report

Below you will see the stats for the Police Department for the month of April.

	April 2014	Year to Date 2014	April 2013	Year to Date 2013
Police Activity	674	2659	772	3197
Investigated Incidents	183	1025	348	1248
Citations/Warning	106	451	159	995
Traffic Accidents	7	24	10	31
Juvenile Abuse	1	8	2	13
Arrests	39	208	44	300
Reserve Volunteer Hours	198.50	1036.50	347	1447
Citizen Volunteer Hours	39	100	23	231.25
Peer Court Referrals:	0	8	3	7

STAYTON POLICE DEPARTMENT CONSOLIDATED MONTHLY CATEGORIZED REPORT-NIBRS 4/1/2014 - 4/30/2014

	CRIMES				% Change Yr to Yr	CRIMES CLEARED BY ARREST & EXCEPTION				PERCENT CLEARED				PERSONS ARRESTED			
	4/1/14 to 4/30/14		1/1/13 to 4/30/13			4/1/14 to 4/30/14		1/1/13 to 4/30/13		4/1/14 to 4/30/14		1/1/13 to 4/30/13		4/1/14 to 4/30/14		1/1/14 to 4/30/14	
	1/1/14	4/30/14	1/1/13	4/30/13		4/1/14	4/30/14	1/1/13	4/30/13	4/1/14	4/30/14	1/1/13	4/30/13	Juv	Adult	Total	1/1/14
NON-CRIMINAL																	
ACCIDENT-INJURY	2	5	4	4	25.0%												
ACCIDENT-PROPERTY	4	15	12	12	25.0%												
ALL OTHER NON-CRIMINAL	86	683	926	926	-26.2%												
NON CRIM DOMESTIC DISTURB	4	24	34	34	-29.4%												
NON-CRIMINAL TOTALS	96	727	976	976	-25.5%												
PERSON																	
AGGRAVATED ASSAULT	1	5	6	6	-16.7%	1	4	6	6	100.0%	80.0%	100.0%	0	1	1	6	8
KIDNAPPING	0	2	2	2	0.0%	0	2	2	2	100.0%	100.0%	100.0%	0	0	0	2	1
NEGLIGENT MANSLAUGHTER	0	0	0	0	0.0%	0	0	0	0	0.0%	0.0%	0.0%	0	0	0	1	0
OFFENSE AGAINST FAMILY	0	0	1	1	-100.0%	0	0	1	1	0.0%	0.0%	100.0%	0	0	0	0	1
OTHER ASSAULTS	4	25	24	24	4.2%	4	22	19	19	100.0%	88.0%	79.2%	1	7	8	20	17
RAPE	0	1	0	0	0.0%	0	1	0	0	0.0%	100.0%	0.0%	0	0	0	0	0
RESTRAINING ORDER VIOLATION	0	1	4	4	-75.0%	0	0	3	3	0.0%	0.0%	75.0%	0	0	0	1	2
ROBBERY	0	0	1	1	-100.0%	0	0	1	1	0.0%	0.0%	100.0%	0	0	1	1	2
SEX OFFENSES	1	5	5	5	0.0%	0	0	2	2	0.0%	0.0%	40.0%	0	0	0	1	5
PERSON TOTALS	6	39	43	43	-9.3%	5	29	34	34	83.3%	74.4%	79.1%	1	8	10	32	36
PROPERTY																	
ARSON	0	1	1	1	0.0%	0	1	1	1	0.0%	100.0%	100.0%	0	0	0	1	1
BURGLARY - BUSINESS	0	3	2	2	50.0%	0	1	1	1	0.0%	33.3%	50.0%	0	0	0	0	2
BURGLARY - OTHER STRUCTURE	2	5	4	4	25.0%	0	0	1	1	0.0%	0.0%	25.0%	0	0	0	0	1
BURGLARY - RESIDENCE	4	20	8	8	150.0%	0	1	2	2	0.0%	5.0%	25.0%	0	0	0	1	2
COUNTERFEITING/FORGERY	0	4	6	6	-33.3%	0	1	1	1	0.0%	25.0%	16.7%	0	0	0	1	1
FRAUD	5	23	20	20	15.0%	0	5	7	7	0.0%	21.7%	35.0%	0	0	0	3	5
LARCENY																	
Pickpocket	0	0	1	1	-100.0%	0	0	0	0	0.0%	0.0%	0.0%	0	0	0	0	0
Purse Snatching	0	0	2	2	-100.0%	0	0	0	0	0.0%	0.0%	0.0%	0	0	0	0	0
Shoplifting	5	15	28	28	-46.4%	5	10	19	19	100.0%	66.7%	67.9%	3	4	7	11	23
Theft from a Motor Vehicle	12	26	30	30	-13.3%	0	1	2	2	0.0%	3.8%	6.7%	0	0	0	0	0
Theft of MV Parts/Accessories	2	5	4	4	25.0%	0	0	0	0	0.0%	0.0%	0.0%	0	0	0	0	0
Theft of Bicycle	1	9	2	2	350.0%	0	0	0	0	0.0%	0.0%	0.0%	0	0	0	0	2
Theft from Building	1	7	11	11	-36.4%	0	1	5	5	0.0%	14.3%	45.5%	0	0	0	2	6
All Other Larceny	11	38	50	50	-24.0%	1	6	9	9	9.1%	15.8%	18.0%	0	3	3	8	10

	CRIMES			CRIMES CLEARED BY ARREST & EXCEPTION			PERCENT CLEARED			PERSONS ARRESTED		
	4/1/14 to 4/30/14	1/1/14 to 4/30/14	1/1/13 to 4/30/13	4/1/14 to 4/30/14	1/1/14 to 4/30/14	1/1/13 to 4/30/13	4/1/14 to 4/30/14	1/1/14 to 4/30/14	1/1/13 to 4/30/13	4/1/14 to 4/30/14	1/1/14 to 4/30/14	1/1/13 to 4/30/13
	4/1/14 to 4/30/14	1/1/14 to 4/30/14	1/1/13 to 4/30/13	4/1/14 to 4/30/14	1/1/14 to 4/30/14	1/1/13 to 4/30/13	4/1/14 to 4/30/14	1/1/14 to 4/30/14	1/1/13 to 4/30/13	Juv	Adult	Total
LARCENY	32	100	128	6	18	35	18.8%	18.0%	27.3%	3	7	10
MOTOR VEHICLE THEFT	1	5	5	0	2	1	0.0%	40.0%	20.0%	0	0	0
STOLEN PROPERTY	0	1	2	0	1	2	0.0%	100.0%	100.0%	0	0	0
VANDALISM	7	28	43	1	11	9	14.3%	39.3%	20.9%	0	1	1
PROPERTY TOTALS	51	190	219	7	41	60	13.7%	21.6%	27.4%	3	8	11
SOCIETY	17	72	80	3	22	51	17.6%	30.6%	63.8%	0	0	0
ALL OTHER	0	1	0	0	1	0	0.0%	100.0%	0.0%	0	0	0
ANIMAL	1	1	9	1	1	9	100.0%	100.0%	100.0%	0	0	0
CURFEW	1	4	3	1	4	3	100.0%	100.0%	100.0%	0	1	1
CUSTODY-MENTAL	0	0	0	0	0	0	0.0%	0.0%	0.0%	0	0	0
CUSTODY-PROTECTIVE	4	11	10	4	11	10	100.0%	100.0%	100.0%	1	3	4
DISORDERLY CONDUCT	2	4	10	2	4	10	100.0%	100.0%	100.0%	0	1	1
DR WHILE SUSP	5	17	17	5	17	17	100.0%	100.0%	100.0%	0	5	5
DRIVING UNDER INFLUENCE	0	0	3	0	0	3	0.0%	0.0%	100.0%	0	0	0
ELUDING	0	1	1	0	1	1	0.0%	100.0%	100.0%	0	0	0
ESCAPE	0	0	1	0	0	1	0.0%	0.0%	100.0%	0	0	0
FAIL TO DISPLAY DL	0	0	1	0	0	1	0.0%	0.0%	100.0%	0	0	0
FUGITIVE	0	0	0	0	0	0	0.0%	0.0%	0.0%	1	9	10
HIT & RUN	1	9	15	0	0	3	0.0%	0.0%	20.0%	0	0	0
LIQUOR LAWS	2	5	2	2	5	2	100.0%	100.0%	100.0%	2	1	3
MIP TOBACCO	1	4	13	1	4	13	100.0%	100.0%	100.0%	2	0	2
NARCOTICS/DRUGS	7	21	24	7	20	21	100.0%	95.2%	87.5%	2	5	7
PROP RECOV - FOR OTHER AGENCY	0	3	2	0	0	1	0.0%	0.0%	50.0%	0	0	0
RECKLESS DRIVING	0	3	0	0	3	0	0.0%	100.0%	0.0%	0	0	0
RUNAWAY	4	5	18	4	5	16	100.0%	100.0%	88.9%	5	0	5
SEX OFFENSES	0	0	1	0	0	0	0.0%	0.0%	0.0%	0	0	0
TRESPASS	5	14	21	2	10	16	40.0%	71.4%	76.2%	2	0	2
VEH RECOV - FOR OTHER AGENCY	0	0	2	0	0	1	0.0%	0.0%	50.0%	0	0	0
WARRANT	10	46	52	10	45	52	100.0%	97.8%	100.0%	0	0	0
WEAPONS	0	5	5	0	4	4	0.0%	80.0%	80.0%	0	0	0
SOCIETY TOTALS	60	226	289	42	157	234	70.0%	69.5%	81.0%	15	25	40
GRAND TOTALS	213	1,182	1,527									



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

TO: Mayor A. Scott Vigil and the Stayton City Council
FROM: David Kinney, Public Works Director
DATE: May 19, 2014
SUBJECT: Public Works Monthly Operating Report for April

KEY ACTIVITIES

STATUS

- **WWTP Facility** Effluent flows: 55.18 million gallons were treated during April. The highest flow was 2.73 million gallons on April 1st, and the lowest flow was 1.35 million gallons on April 20th. The average flow was 1.84 million gallons. Total rainfall for April was 1.65 inches. 23.61 tons of dewatered biosolids were produced.

- **WTP** Highest production day was 2,321,000 on the 25th.

- **Water System** The Birch Ave water line is complete with all water services switched over to the new line. Two new hydrants are in service. Water line repairs were done on W. Water, S. Evergreen, Maple and Holly. This area has older lines and poor records. Repairs were due to SCTC work in the area.

- **Streets** Swept 124 curb miles and removed approximately 34 cubic yards of material.

- **Parks** Volunteers: SHS Life Skills – 63 hours; Citizen – 20 hours; Court Ordered – 63 hours. Total hours = 130.

- **Building Permits**

<u>Permit Type</u>	<u>Issued</u>	<u>SDC's Paid</u>
New Single Family Dwelling	0	0
Residential Building Addition/Alter/Other	1	0
Commercial Building Addition/Alter/Other	1	0
Electrical	0	0
Mechanical	1	0
Plumbing	2	0
TOTAL	5	0

One (1) Residential SDC = \$11,065



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

TO: Mayor A. Scott Vigil and the Stayton City Council
FROM: Dan Fleishman, Planning and Development Director
DATE: May 19, 2014
SUBJECT: Report of Activities for April, 2014

Enforcement Activity Highlights

Certified letter sent regarding too many recreational vehicles

Four letters on unmowed vegetation

Planning & Development Activity Summary

Planning Commission meeting

Reviewed 1 building permit application

Working with Public Works Department staff, improvements to the Geographic Information System continued



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

TO: Mayor A. Scott Vigil and the Stayton City Council
FROM: Katinka Bryk, Library Director
DATE: May 19, 2014
SUBJECT: Library Statistics for April 2014

The library hosted 17 children's programs, with a total of 370 children and 233 adults attending. There were six teen programs with 59 attendees. An additional 16 meetings were held in the E.G. Siegmund Meeting Room, with 294 in attendance.

Our adult program, the monthly book club, read and discussed *The Tiger's Wife* by Tea Obreht. We are currently busily planning both the youth Summer Reading events and the Adult Summer Reading programs. The Library Foundation is conducting its annual review of the Literacy Outreach Program with a goal of making it even more effective in reaching young children.

CCRLS has selected a new ILS (Integrated Library System) with a plan to migrate in December 2014. The chosen system is the Sirsi/Dynix product Symphony. You may notice the statistics for Chilton's and the language learning program Powerspeak are low, and they are low consortium-wide. CCRLS is looking for alternative options to those online resources.

The apparent drop in the total circulation number is because I did not include the Library2Go usage statistics in the total. Those are e-books and are not handled by staff or figured into the CCRLS distribution formula. An additional figure that is difficult to count is the number of patrons bringing in laptops, phones and tablets to use our wireless connection. A rough estimate is about 200 people a month using the wireless service.

We have hired a new part-time employee, Mariah, to help with children and teen services, as well as assist with circulation. Our next big event is the children's book author Roland Smith, nationally recognized author for numerous adventure stories, on Friday, May 23 at 6:30 p.m. We're gearing up for summer!

2013 - 2014 Monthly Library Statistics																
	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	2012-13	2013-14 YTD	% Change	
1ST TIME CHECKOUTS	12,712	12,114	10,667	14,011	12,048	11,230	13,842	9,544	11,588	9,068			107,319	116,824	9%	
Adult print										3,022			-	3,022	-	
Adult audio-visual										1,749			-	1,749	-	
Youth print										3,320			-	3,320	-	
Youth audio-visual										977			-	977	-	
Self check out										624			-	624	-	
Renewals										717			-	717	-	
Holds filled										651			-	651	-	
Check-ins										9,663			-	9,663	-	
INCOME RECEIVED																
Non-resident cards	\$917.00	\$1,760.00	\$342.00	\$720.00	\$582.00	\$1,148.00	\$500.00	\$605.00	\$586.00	\$552.00			\$6,718.00	\$7,712.00	15%	
Fines: overdue books	\$888.54	\$2,337.97	\$909.43	\$857.00	\$834.00	\$2,301.66	\$1,084.00	\$489.30	\$2,319.03	\$555.25			\$9,578.47	\$12,576.18	31%	
Room fees	\$177.00	\$108.00	\$1,027.00	\$348.00	\$0.00	\$1,285.00	\$0.00	\$0.00	\$140.00	\$792.00			\$3,095.00	\$3,877.00	25%	
													Total	\$19,391.47	\$24,165.18	25%
REFERENCE QUESTIONS																
Reference questions	645	585	476	619	589	552	600	571	921	826			4,440	6,384	44%	
Telephone	356	393	374	384	276	305	393	522	358	348			2,649	3,709	40%	
													Total	7,089	10,093	42%
NEW PATRON CARDS										64			N/A	64	-	
INTERNET USE	1,940	1,900	1,502	1,700	1,529	1,659	1,691	1,295	1,553	1,252			14,804	16,021	8%	
PROGRAM ATTENDANCE																
Children/teens	517	379	174	365	335	174	591	360	430	429			3,088	3,754	22%	
Adults	223	154	130	177	165	122	327	250	272	236			1,489	2,056	38%	
Outreach	80	0	195	887	829	451	692	626	783	727			4,472	5,270	18%	
													Total	9,049	11,080	22%
TOTAL MEETING ROOM ATTENDANCE	1,195	1,033	571	907	824	452	895	786	1,016	972			6,763	8,651	28%	
PATRON VISITS	9,317	8,445	6,881	7,727	6,835	5,671	7,506	6,322	6,975	7,267			69,037	72,946	6%	
ELECTRONIC RESOURCES USAGE / SEARCHES																
Ancestry										196				196	-	
Chilton										0			42	0	-	
Gale Reference resources										361				361	-	
Library2Go	568	589	543	570	523	562	470	630	685	635				5775	-	
Powerspeak										2				2	-	
Novelist										n/a				0	-	