



## CITY OF MILWAUKIE

*"Dogwood City of the West"*

### Ordinance No. 2102

#### **AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ADOPT COURT OF RECORD.**

**WHEREAS**, Chapter 7, Section 28 of the Milwaukie Municipal Charter establishes a Milwaukie Municipal Court with jurisdiction over all City ordinances and all violation matters within the City authorized by state law; and,

**WHEREAS**, pursuant to Oregon Revised Statute 221.342, any municipal court may become a court of record under the state law if (a) Milwaukie adopts an ordinance declaring the municipal court a court of record, and (b) Milwaukie files a declaration with the Supreme Court of Oregon that the City satisfies all standards for qualifying as a court of record; and,

**WHEREAS**, to qualify as a Court of Record; Milwaukie must provide a court recorder or audio recording device for court proceedings; and

**WHEREAS**, to qualify as a Court of Record; Milwaukie must require that all municipal judges be members of the Oregon State Bar, and the City Charter already includes such a requirement; and,

**WHEREAS**, as a Court of Record the decisions of the Milwaukie Municipal Court would not be subject to review by the Clackamas County Circuit Court, but would be granted additional deference and reviewed by the Oregon Court of Appeals;

#### **Now, Therefore, the City of Milwaukie does ordain as follows:**

Section 1. The Milwaukie Municipal Court is hereby declared to be a court of record, with the means of ORS 221.342 effective September 1, 2015.

Section 2. A prosecution commenced in the Milwaukie Municipal Court before August 31, 2015 shall be deemed a prosecution in a court not of record notwithstanding that part of the prosecution may occur in the Milwaukie Municipal Court after the effective date of this declaration.

Section 3. Amend Title 2 of the Milwaukie Municipal Code to add Chapter 2.05 "Municipal Court Administration" and amend the Milwaukie Municipal Code Title 2, Chapter 2.05 by adding that following new Section 2.05.010:

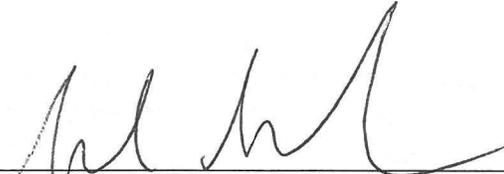
#### **2.05.010 Court of Record**

The Milwaukie Municipal Court is hereby declared a Court of Record, effective September 1, 2015. A prosecution commenced in the Milwaukie Municipal Court before August 31, 2015 shall be deemed a prosecution in a court not of record notwithstanding that part of the prosecution may occur in the Milwaukie Municipal Court after effective date of this declaration.

Read the first time on 7/21/15, and moved to second reading by 5:0 vote of the City Council.

Read the second time and adopted by the City Council on 7/21/15.

Signed by the Mayor on 7-22-15.

  
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Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

  
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Pat DuVal, City Recorder  
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City Attorney