



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:

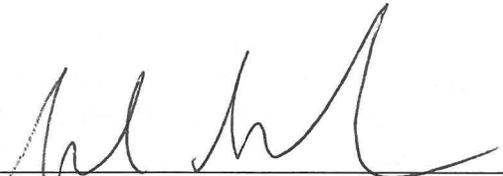
2.05.010 Court of Record

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.

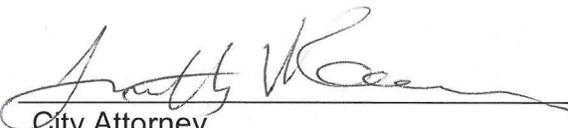


Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC



Pat DuVal, City Recorder

City Attorney

IN THE SUPREME COURT OF THE STATE OF OREGON

COPY

In the Matter of the Declaration of
The Municipal Court of the City of Milwaukie
As a Court of Record

ACKNOWLEDGEMENT AS COURT OF RECORD

The Municipal Court of the City of Milwaukie ("municipal court") has filed a declaration, pursuant to 2007 Oregon Laws, chapter 330, that it will operate as a court of record on September 1, 2015, and will continue operating as a court of record after September 1, 2015.

The Court determines that the municipal court satisfies the requirements established in 2007 Oregon Laws, chapter 330, to operate as a court of record. The Court acknowledges the filing of the declaration and that the municipal court is the court of record within the meaning of ORS 221.342.

Name and title of the clerk, and the address and telephone number of the municipal court, at the time of the filing of the declaration:

Carla Bantz
Court Operations Supervisor
City of Milwaukie Municipal Court
10722 SE Main Street
Milwaukie, OR 97222
(503) 786-7531

DATED this 3rd day of August, 2015.



Thomas Balmer
Chief Justice