

RESOLUTION NUMBER 662

A RESOLUTION TO AMEND CHAPTER V, SECTION 3 OF THE CHARTER OF THE CITY OF AURORA

WHEREAS, the current Charter for the City of Aurora mandates the establishment and use of a Municipal Court; and

WHEREAS, the State of Oregon recently adjusted fees that any municipal court must pay the State; and

WHEREAS, as a result of these adjustments the court is not self-funding and taxpayers now have to support the operation of the court; and

WHEREAS, because these funding adjustments and requirements make it prudent for the Council to be able to establish or discontinue the Aurora Municipal Court depending on changing circumstances; and

WHEREAS, Chapter X, Section 6 of the Charter of the City of Aurora provides that amendments to the City Charter must first be adopted at a regular meeting by the City Council by Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA THAT: Chapter V, Section 3 of the Charter of the City of Aurora shall be amended to read (deleted wording is *[in brackets and italicized]* while **new wording is underlined and in bold**):

Section 3. MUNICIPAL JUDGE. The council by ordinance may establish a municipal court and a position of municipal judge. If so established, [T]the municipal judge shall be the judicial officer of the city. He or she shall hold within the city a court known as the Municipal Court for the City of Aurora, Marion County, Oregon. The court shall be open for the transaction of judicial business at times specified by the council. All area within the city shall be within the territorial jurisdiction of the court. The municipal judge shall exercise *[original and exclusive]* jurisdiction **as specified in the ordinance establishing the court for** *[of]* all offenses defined or authorized by the ordinances of the city. *[He or she]* **The court** shall have **all** authority *[to issue process for the arrest of any person accused of an offense against the ordinances of the city, to commit any such person to jail or admit him to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before him or her, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of court. When not governed by ordinances or this charter, all proceedings in the municipal court for the violation of a city*

ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts. Trials in the municipal court of cases for violation of city ordinances may be had before a jury and trials and proceedings before the municipal court shall be governed by ordinance or otherwise by the provisions of state laws regulating such actions and proceedings before justice courts, insofar as the same are or can be made applicable in the general cases arising before the municipal court. When ordinances of the City of Aurora provide for different procedure in the municipal court in any case proceedings, the provisions of such ordinance or ordinances shall control] specified in the ordinance establishing the court.

AND BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA THAT Chapter III, Section 5 of the Charter of the City of Aurora shall be amended to read (deleted wording is [in brackets and italicized] while new wording is underlined and in bold):

Section 5. OTHER OFFICERS. Additional officers of the city shall be a Treasurer, a Municipal Judge (if appointed), a Recorder and such other officers as the council deems necessary. All officers of the city shall be appointed by the Mayor with the consent of the council, and shall hold their office during the pleasure of the council or until their successors are appointed and qualified. Appointed officers are subject to removal at any time by the council with or without cause. The duties of all officers not defined in this Charter may be prescribed by the council. The council may combine any two or more appointive city offices.

AND BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA THAT: This matter is referred to the voters at the next regular election date for their approval or rejection.

ADOPTED by the Aurora City Council at a City Council meeting held on Tuesday, January 8, 2013. This resolution is effective January 8, 2013.

Dated this 8th day of January, 2013.



Gregory Taylor, Mayor

ATTEST



Kelly Richardson, City Recorder

APPROVED AS TO FORM:

City Attorney