

**CITY OF DUNES CITY
LANE COUNTY, OREGON**

RESOLUTION SERIES 2018, No. 7A (7-11-2018)

**A RESOLUTION REFERRING TO THE VOTERS OF DUNES CITY, OREGON, A
MEASURE FOR ADOPTION OF AN AMENDMENT TO SECTION 21 OF THE CITY
CHARTER.**

WHEREAS, Dunes City has determined that certain revisions should be made to the Dunes City Charter of November, 1980, as amended; and

WHEREAS, the City Council, in establishing the Dunes City Goals for 2018, has identified a need to contract for services for a municipal judge for purposes of enforcing Dunes City Code provisions; and

WHEREAS, in order to contract for said municipal judge, the Dunes City Charter of 1980, as amended, will need to be amended to eliminate the provisions regarding a municipal judge as currently worded in Section 21 of the Dunes City Charter of 1980, as amended; and

WHEREAS, the City Administrator, in consultation with the City Attorney, has reviewed the Dunes City Charter of 1980, as amended, and recommended a revision to Section 21 thereof, entitled "Municipal Judge"; and

WHEREAS, the Dunes City Council concurs with the recommendation as proposed, and wishes to refer the proposed amendment of Section 21 to the Dunes City Charter of 1980, as amended, to the voters of the City.

**NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF DUNES CITY
RESOLVES:**

Section 1. The proposed amendment to Section 21 of the Dunes City Charter of 1980, as amended, attached as Exhibit A, is approved for submission to the voters of the City, and the Council hereby directs and authorizes that a City election be held and that the Dunes City Charter of 1980, as amended, be submitted to the legal voters of the City at the election to be held on November 6, 2018.

Section 2. Ballots from the election shall be counted and tabulated and the results certified as provided by law, and if a majority of the legal voters of the City of Dunes City voting in the November 6, 2018 election approve the measure, Section 21 of the Dunes City Charter of 1980, as amended, shall become effective on January 1, 2019.

Section 3. The election will be conducted by Lane County. The County Clerk for Lane County is hereby instructed to prepare the ballots and take other actions necessary to conduct the election.

Section 4. The proposed ballot title for the measure is attached as Exhibit B.

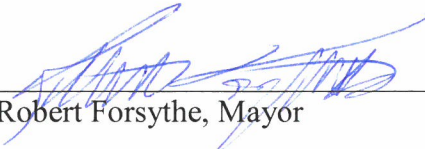
Section 5. This Resolution, including the proposed ballot title, shall be filed with the City Recorder at Dunes City Hall.

Section 6. The City Recorder shall give at least ten (10) days' notice of this election by posting notice thereof in a public place in City Hall, posting notice in the post office at Westlake, and by publishing a notice thereof in a newspaper of general circulation that serves the City of Dunes City. The notice shall contain the ballot title, under which the question shall appear as on the ballot, and shall set forth the time and place of the election. The City Recorder is directed to create an impartial explanatory statement for publishing in the voters' pamphlet as required by ORS 251.345 and shall follow any requirements of the Lane County Clerk in preparing such statement. The City Recorder shall take such other actions and otherwise proceed with the election as provided in State law.

Section 7. This Resolution shall become effective immediately upon its adoption.

ADOPTED BY THE DUNES CITY COUNCIL THIS 11TH DAY OF JULY, 2018

Ayes: 6 Nays: 0 Abstain: 0 Absent: 0 Vacant: 0


Robert Forsythe, Mayor

ATTEST:

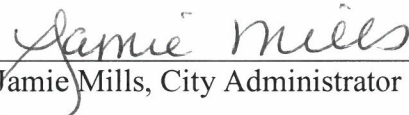

Jamie Mills, City Administrator

EXHIBIT A

Proposed Amendment to the City Charter of Dunes City

Section 21 of the City Charter of Dunes City is to be deleted and replaced in its entirety with the following:

“Section 21. Municipal Court and Judge.

“A. The City Council may appoint and remove a municipal judge. A municipal judge will hold court in the City or such other location as the City Council directs. The court will be known as the Municipal Court.

“B. All proceedings of this Municipal Court will conform to state laws governing justices of the peace and the justice courts.

“C. All areas within the City and areas outside the City as permitted by State law are within the territorial jurisdiction of the Municipal Court.

“D. The Municipal Court has jurisdiction over every offense created by Dunes City ordinance. The Court may enforce forfeitures and other penalties created by such ordinances. The Court also has jurisdiction under State law unless limited by City ordinance.

“E. The Municipal Judge may:

- “1. Render judgments and impose sanctions on persons and property;
- “2. Order the arrest of anyone accused of an offense against the City;
- “3. Commit to jail or admit to bail anyone accused of a City offense;
- “4. Issue and compel obedience to subpoenas;
- “5. Compel witnesses to appear and testify and jurors to serve for trials before the Court;
- “6. Penalize contempt of Court;
- “7. Issue processes necessary to enforce judgments and orders of the Court;
- “8. Issue search warrants; and
- “9. Perform other judicial and quasi-judicial functions assigned by ordinance.

“F. The City Council may appoint and may remove Municipal Judges *pro tem*.

“G. The City Council may transfer some or all of the functions of the Municipal Court to an appropriate State court.”

EXHIBIT B.

BALLOT TITLE

Caption

Measure to amend the City Charter of Dunes City.

Question

Shall the City Charter be amended to clarify the authority of the Municipal Judge and creation of a Municipal Court?

Summary

Approving this measure amends the City Charter of Dunes City by replacing Section 21 with a new Section 21. Adoption of this Charter amendment requires an affirmative vote of the people.

Section 21 of the Charter authorizes the City Council to appoint a Municipal Court Judge. This proposed new Section 21 would replace the current provisions and provide more details as to the Municipal Judge's authority. The proposal allows a Municipal Court Judge the authority granted by State law, unless the City Council adopts an ordinance specifically limiting such authority. The proposal would also allow the City Council to contract for the services of a Municipal Court Judge and allow the City Council to authorize holding Municipal Court at a location outside the City limits.

The proposal is based upon a League of Oregon Cities model that is in use by many other cities throughout Oregon. If approved, the Charter amendment would take effect January 1, 2019.

A Copy of the proposed amendment is available at City Hall, 82877 Spruce Street, Westlake, Oregon.