

ORDINANCE NO. 4454

AN ORDINANCE RELATING TO THE BEAVERTON MUNICIPAL COURT AND AMENDING CHAPTER TWO OF THE BEAVERTON CITY CODE

WHEREAS, the Oregon Constitution authorizes the existence of municipal courts, which “may be created to administer the regulations of incorporated towns, and cities.” Or Const Art VII, §1; and

WHEREAS, pursuant to ORS 221.336, “[a]ny city of this state may establish a municipal court by charter or by ordinance”; and

WHEREAS, under section 21 of the Beaverton Charter of 1981, the city of Beaverton has established the Beaverton Municipal Court; and

WHEREAS, pursuant to ORS 221.342, a municipal court may become a court of record if (a) the court has an audio recording system capable of making a record of all court proceedings and (b) the judges of the court are all required to be members of the Oregon State Bar and (c) the governing body of the city that operates the court enacts an ordinance declaring the municipal court a court of record; and

WHEREAS, the Beaverton Municipal Court has an audio recording system capable of making a record of all court proceedings; and

WHEREAS, the judges of the Beaverton Municipal Court are all required to be members of the Oregon State Bar; and

WHEREAS, the City of Beaverton now seeks to establish its municipal court as a court of record; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The Beaverton Municipal Court is hereby declared to be a court of record, effective November 8, 2007.

Section 2. A prosecution commenced in the Beaverton Municipal Court before November 8, 2007, shall be deemed a prosecution in a court not of record notwithstanding that part of the prosecution may occur in the Beaverton Municipal Court after the effective date of this declaration.

Section 3. Chapter Two of the Beaverton Code is amended by adding the following:

“2.04.040 Court of Record. The Beaverton Municipal Court is hereby declared a court of record, effective November 8, 2007. A prosecution commenced in the Beaverton Municipal Court before

that date shall be deemed a prosecution in a court not of record notwithstanding that part of the prosecution may occur in the Beaverton Municipal Court after the effective date of this declaration.”

Section 4. The mayor is hereby authorized to do all acts and to execute all instruments and documents on behalf of the city or its governing body as necessary or desirable to enable the city to operate its municipal court as a court of record and to notify the state of Oregon that the Beaverton Municipal Court is a court of record.

First reading this 1st day of October, 2007.

Passed by the Council this 8th day of October, 2007.

Approved by the Mayor this 9th day of October, 2007.

ATTEST

Sue Nelson
SUE NELSON, City Recorder

APPROVED:

Rob Drake
ROB DRAKE, Mayor