

AFFIDAVIT OF POSTING ORDINANCE #67

STATE OF OREGON            )  
                                  )  
Counties of Clackamas    )  
and Washington           )  
                                  )  
City of Wilsonville        )

I, the undersigned, City Recorder of the City of Wilsonville, State of Oregon, being first duly sworn an oath depose and say:

On Wednesday the 27th day of October, 1976, I caused to be posted copies of the attached Ordinance No. 67, an ordinance amending and supplementing Section two or Ordinance No. 67 "Providing for a Jury list and Juries in the Municipal Court of the City of Wilsonville, Oregon; providing for the number and qualifications of jurors and the manner of selection same; providing for the right of trial by jury; and defining the privileges, powers and duties of the Municipal Court", in the following three public and conspicuous places of the City, to wit:

- 1) Wilsonville Post Office
- 2) Lowries Food Market
- 3) Kopper Kitchen

The notices remained posted for more than five (5) consecutive days prior to the time for final reading and passage of the Ordinance on the 1st day of November, 1976.

Dated at Wilsonville, State of Oregon, this 1st Day of November, 1976.

  
DEANNA J. THOM, CITY RECORDER

Subscribed and sworn to before me this 3rd day of November, 1976

  
NOTARY PUBLIC FOR OREGON

My commission expires February 14, 1977

My Commission expires: \_\_\_\_\_

ORDINANCE NO. 67

AN ORDINANCE PROVIDING FOR JURY LIST AND JURIES IN THE MUNICIPAL COURT OF THE CITY OF WILSONVILLE, OREGON; PROVIDING FOR THE NUMBER AND QUALIFICATIONS OF JURORS AND THE MANNER OF SELECTING SAME; PROVIDING FOR THE RIGHT OF TRIAL BY JURY; AND DEFINING THE PRIVILEGES, POWERS AND DUTIES OF THE MUNICIPAL COURT.

WHEREAS, the Legislature of the State of Oregon has heretofore enacted, and the Governor of the State of Oregon has approved, a law providing that in the prosecution for crimes or offenses defined and made punishable by any City Charter or Ordinance, the defendant shall have the right of trial by jury, and that juries in such cases shall be selected from the latest City voter registration list in the same manner in which juries are selected for Circuit Court; therefore,

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1: RIGHT TO JURY TRIAL. A person charged with an offense defined and made punishable by the City Charter or an Ordinance of the City of Wilsonville shall have the right to trial by jury when the alleged offense is the same as those offenses which entitle a person to trial by jury as guaranteed by the Constitution and laws of the United States of America and the State of Oregon; provided, however, that written notice of request for a jury trial shall be given the Municipal Judge within ten (10) days after the entry of a plea of "not guilty" to the charge.

Section 2: TRIAL JURY DEFINED. The trial jury in the Municipal Court shall consist of six persons, or a lesser number if agreed upon, duly sworn to try and determine a question of fact for which they are called.

Section 3: QUALIFICATIONS OF JURORS. In order to act as a juror in the Municipal Court in the City of Wilsonville, a person must:

- a. Meet the qualifications prescribed in Chapter 10, Oregon Revised Statutes.
- b. Be an inhabitant and reside within the City of Wilsonville for three months at the time when he or she is summoned.

Section 4: MAKING OF PRELIMINARY JURY LIST. On the first judicial day of each January and July, the City Recorder or Mayor, at the request of the Municipal Judge, shall prepare a jury list made by selecting by lot names from the latest voter registration list. The jury list shall contain the names of not less than fifty persons who shall comprise the jury list for the six months in which they are selected. The Municipal Judge or Mayor shall reject the names of persons selected for the jury list whom they know or believe to be unqualified as jurors because of mental or physical disability, or not otherwise possessing those qualifications for a juror as prescribed by this Ordinance. The jury list when completed shall contain the Christian name, surname, place of residence and occupation of each person named therein, and shall be certified by the Municipal Judge and placed on file in his office. After the jury list has been completed, a card shall be prepared separately for each juror, and the cards when prepared shall be deposited in the office of the Municipal Judge in a sufficient box carefully secured which shall be known as the Jury Box. If for any reason the preliminary jury list is not prepared within the aforesaid time, it may be prepared at a later time without affecting the validity thereof.

Section 5: DETERMINATION OF JURY PANEL WHEN JURY IS DEMANDED AND THERE IS A RIGHT TO A JURY TRIAL. The Municipal Judge shall draw from the Jury Box twelve cards, or any greater number if he deems it necessary or if requested by the parties, until the names of twelve persons who are deemed able to attend at the time and place of trial are obtained. The Municipal Judge shall then make and sign a list of the twelve names thus drawn which shall constitute the jury panel.

If it appears to the Municipal Judge that a person whose name is drawn is deceased or resides outside the City, the card shall be destroyed. If it appears to the Municipal Judge or if he has good reason to believe that a person whose name is drawn is temporarily absent from the City or is unwell or so engaged as to be unable to

attend at the time and place required without great inconvenience, the card shall be laid aside without the name thereon being entered on the list drawn and returned to the Jury Box when the drawing is completed.

When the drawing of the twelve names is completed, the Municipal Judge shall direct the Chief of Police, any officer of the City Police Department or the City Recorder to summon the persons whose names were drawn to appear for jury duty at a prescribed time and place, and such person shall forthwith deliver to each of the persons whose name is drawn an appropriate Order signed by the Municipal Judge, which shall direct such person to appear as a juror before the Municipal Court at the designated time and place. The person serving the summons for jury duty shall return immediately to the Municipal Judge a record of the persons to whom the summons was served; and if after a diligent search, the person serving such summons is unable to locate and serve any person with a summons for jury duty, the Municipal Judge shall draw another card from the Jury Box, and issue an appropriate Order for jury duty, and direct the service of a summons on such person, and this process shall be continued until twelve persons have been selected from the Jury Box and service on them has been made requiring them to appear for jury duty in the cause then pending before the Municipal Court. Each trial juror shall be paid a fee of \$10.00 for each separate case, provided that if any such cases are heard on more than one day each trial juror shall be paid a fee of \$10.00 for each such day.

Section 6: SELECTION OF TRIAL JURY. At the time of trial, the trial jury shall be selected from the twelve members of the jury panel, and each party may take challenges for cause in accordance with Chapter 17 of Oregon Revised Statutes. Each party is entitled to three (3) peremptory challenges as to any of the six jurors and no more.

Section 7: EXCUSE OF PERSONS FROM SERVICE AS A JUROR. The Court shall excuse any person from services as a juror if such person is entitled to and requests exemption for any reason specified in ORS 10.040. The Court may also excuse any person from service as a

juror either by removal of his name from the jury panel or by excuse for a particular time for reason of illness, disability or undue hardship. No person shall be required to serve as a trial juror at more than three trials during his term of service. No challenge shall be made or allowed to the panel or to the preliminary jury list, and substantial compliance with the requirements of the Ordinance shall be sufficient. If at any time the Court deems the number of qualified and unexcused jurors on the panel to be insufficient, the Court may cause additional names to be chosen in the aforesaid manner from the preliminary jury list and added to the panel.

Section 8: INADEQUATE NUMBER OF PEOPLE IN JURY PANEL. If at the time of any jury trial, the jury panel present for said trial becomes exhausted, or whenever in the opinion of the Municipal Judge the panel is likely to be exhausted due to non-appearance of prospective jurors or challenges by each party, the Court may order the Chief of Police, any police officer of the City or the City Recorder to summon forthwith from the body of the City persons whose names are on voter registration books and who have the qualifications of jurors to serve in the Court.

Section 9: TRIAL PROCEDURE. Trials shall be conducted as trials in District Courts and rules of evidence shall be the same as in State Courts, and shall include the applicable statutes of the State of Oregon regarding the introduction or admission of evidence.

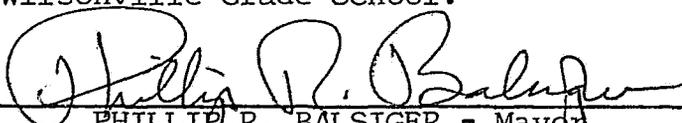
Section 10: JURY VERDICT. The six jurors summoned to try any cause must unanimously concur to render a verdict.

Section 11: FAILURE OF JURORS TO ATTEND MUNICIPAL COURT. If a person duly summoned to attend Wilsonville Municipal Court as a juror fails to attend as required or to give a valid excuse therefor, he may be fined by the Municipal Judge in a sum not exceeding \$25.00.

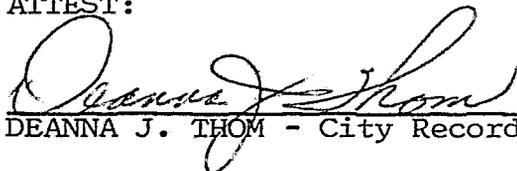
Section 12: PRIVILEGE, POWER AND DUTIES OF MUNICIPAL COURT. The Municipal Court shall possess and exercise within the City of Wilsonville all the privileges, powers, duties and jurisdiction,

civil and criminal, of a Justice's Court according to Chapter 51 of Oregon Revised Statutes, except that it shall not have a Small Claims Department. It shall be subject to all of the general laws prescribing the duties of a Justice's Court and perform such other duties as may be required by the State of Oregon, the City Council or this Ordinance.

Passed on first reading at a special meeting of the Wilsonville City Council held on the 18th day of October, 1976; ordered posted as required by the Wilsonville City Charter; and to come up for final reading and action of the Wilsonville City Council at a regular meeting thereof to be held on 1st day of November, 1976, at the hour of 7:30 p.m. at the Wilsonville Grade School.

  
PHILLIP R. BALSIGER - Mayor

ATTEST:

  
DEANNA J. THOM - City Recorder

Passed on final reading at a regular meeting of the Wilsonville City Council held on the 1st day of November, 1976, by the following vote: Yeas 4. Nays 0.

  
PHILLIP R. BALSIGER - Mayor

ATTEST:

  
DEANNA J. THOM - City Recorder