

RESOLUTION NO. CCXCV (295)

A RESOLUTION OPPOSING THE PASSAGE OF HOUSE BILL 2955  
AND SENATE BILL 541.

WHEREAS, two separate pieces of legislation have been introduced into the Oregon Legislature which would affect the City of Canby Municipal Court; and

WHEREAS, House Bill 2955, if passed, would require that all traffic offense revenues of the Municipal Court be forwarded to the Oregon Department of Revenue to be disbursed as follows:

(a) One-quarter of the money shall be paid to the governmental unit under whose jurisdictional authority the arresting or citing official is authorized to act.

(b) One-quarter of the money shall be paid to the City if the offense is tried in a city court, otherwise the money shall be paid to the county in which the offense is tried.

(c) One-half of the money shall be retained by the Department of Revenue as the state's portion; and

WHEREAS, if passed, Senate Bill 541 would require:

(a) Payment by municipal courts of fees to court appointed attorneys at the same rates prescribed for state courts.

(b) Costs of appeals from indigents to be paid by the municipal court where case originated.

(c) Permits initial court appointed attorney to continue on case through entire appeal process.


(d) Provides for conducting appeal by higher court on the record if the municipal judge is a lawyer who is a member in good standing of the Oregon Bar.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council of the City of Canby oppose House Bill 2955 for the reasons that there would be insufficient funds generated to the City to properly operate the Municipal Court. If House Bill 2955 passes there is a strong likelihood that there would not be a municipal court.

BE IT RESOLVED that the City Council opposes passage of Senate Bill 541 for the reason that the possible financial impact could force the closure of the municipal court. Taxpayers within the City of Canby now support the operation of their municipal courts as well as the operation of District and Circuit Courts within the county. Senate 541 will require municipalities to carry still a greater share of the tax burden in support of municipal and state courts than is currently being paid by the taxpayers residing within the county and outside the municipality. Furthermore, by requiring the municipality to pay the attorneys fees for indigent's appeals will actually encourage more appeal from the municipal court.

BE IT FURTHER RESOLVED, that certified copies of this Resolution be mailed to the legislators of the district containing the City of Canby.

ADOPTED by the Canby City Council at a regular meeting thereof on May 6, 1981.

  
Robert A. Swayze, Mayor

ATTEST:

  
Harold A. Wyman, City Recorder