

City of Brookings

MEETING AGENDA

CITY COUNCIL

Monday, September 25 2023, 7:00pm

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

CITY COUNCIL

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

D. Ceremonies/Appointments/Announcements

1. Tim Rettke Retirement Recognition

E. Scheduled Public Appearances

(Informational presentations to Council on non-agenda items – 10 minute limit per person.)

1. VFW Post 966 Presentation – Jerry Law
2. CourseCo Update – Lee Finkle and Chris Clark

F. Oral Requests and Communications from the audience

(*Public Comments on non-agenda items – five (5) minute limit per person, please submit Public Comment Form in advance)

G. Consent Calendar

1. Approve Council minutes for September 11, 2023 [Pg. 1]
2. Approve Special Council minutes for September 19, 2023 [Pg. 3]
3. Approve Planning Commission minutes for August 1, 2023 [Pg. 4]
4. Receive monthly financial report for August 2023 [Pg. 6]

H. Staff Reports/Public Hearings/Ordinances/Resolutions/Final Orders

1. Appointment of Judge Pro Tem [Pg. 12]
 - a. Draft Agreement – Judge Pro Tem [Pg. 13]
 - b. Agreement – Judge Pro Tem, December 16, 2014 [Pg. 15]
 - c. James Fallman – Resume [Pg. 18]

I. Informational Non-Action Items

J. Remarks from Mayor, Councilors and City Manager

K. Adjournment

*Public Comment forms and the agenda packet are available on-line at www.Brookings.or.us/PublicCommentForm. Public Brookings City Hall and Chetco Community Public Library. Return completed Public Comment forms to the City Recorder before start of the meeting or during regular business hours.

All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least 72 hours advance notification. Please contact 469-1102 if you have any questions regarding this notice.

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- Television – Charter Channel 181

- Internet – 1. Visit the City of Brookings website at www.brookings.or.us. 2. Click on Government (top tab). 3. Click on City Council (right side). 4. Under Agenda & Meetings click "Watch Meeting Live". 5. You will need to download the VLC Media Player. Follow directions and links for your device.

City of Brookings
CITY COUNCIL MEETING MINUTES
City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415
Monday, September 11, 2023

Call to Order

Mayor Hedenskog called the meeting to order at 7:01 PM

Roll Call

Council Present: Mayor Ron Hedenskog, Councilors Isaac Hodges, Andy Martin, Michelle Morosky, and Ed Schreiber (by phone); a quorum present

Staff present: City Manager Janell Howard, Public Works and Development Services Director Anthony Baron, Public Works and Development Services Deputy Director Lauri Ziemer and Deputy Recorder Brooklyn Osterhage

Media Present: 1

Others Present: 4 audience members

Ceremonies

1. Yard of the Month for September
 - a. Residential – 17245 Lumberview Drive – Clayton Morrison
 - b. Commercial – Chetco Community Public Library

Scheduled Public Appearances

1. Dave Gilmore of Coast Community Health presented an update on their current progress and plans for providing community healthcare.

Oral Requests and Communications from the Audience

1. Connie Hunter – 1310 English Ct, Brookings.

Consent Calendar

1. Approve Council minutes for August 28, 2023
2. Accept Planning Commission minutes for August 1, 2023
3. Approve Liquor License for VFW Post 966

Mayor Hedenskog moved, Councilor Morosky seconded, and Council voted unanimously to approve the Consent Calendar.

Staff Reports

1. Wastewater Treatment Plant – Digester Recirculation Pump Replacement
Tony Baron presented the staff report.

Councilor Hodges moved, Councilor Schreiber seconded and Council voted unanimously to authorize City Manager to purchase two recirculation pumps from APSCO for \$53,486.

2. Ferry Creek Dam Removal
Tony Baron presented the staff report.

Mayor Hedenskog moved, Councilor Morosky seconded and Council voted unanimously to adopt River Design Group plan for the removal of Ferry Creek Dam, authorize the City Manager to apply for FEMA grant, and direct the City Manager to seek additional funding for the removal project.

Remarks from Mayor, Councilors and City Manager

City Manager Janell Howard welcomed new Deputy City Recorder Brooklyn Osterhage.

Mayor Hedenskog acknowledged the 9/11 date and invited volunteers to help with Kidtown project.

Adjournment

Mayor Hedenskog adjourned the meeting at 7:37 PM.

Respectfully submitted:

ATTESTED:
this 25th day of September, 2023:

Ron Hedenskog, Mayor

Janell K. Howard, City Recorder

City of Brookings CITY COUNCIL SPECIAL MEETING MINUTES

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

Tuesday, September 19, 2023

Call to Order

Mayor Hedenskog called the meeting to order at 5:34 PM

Roll Call

Council Present: Mayor Ron Hedenskog, Councilors Isaac Hodges, Andy Martin, Michelle Morosky, and Ed Schrieber; a quorum present

Staff present: City Manager Janell Howard, City Attorney Lori Cooper by phone, Public Works and Development Services Deputy Director Lauri Ziemer and Deputy Recorder Brooklyn Osterhage

Media Present: 2

Others Present: Approximately 8 audience members

Staff Reports

1. Consideration of Initiating Proceedings to Review Planning Commission Decision on File No. APP-1-23 pursuant to BMC 17.152.40.

Janell Howard presented the staff report.

Councilor Schreiber moved, Mayor Hedenskog seconded and Council voted unanimously to initiate proceedings to review the Planning Commission decision on the St. Timothy's abatement matter, File No. APP-1-23 pursuant to BMC 17.152.40, and direct staff to schedule the matter for a future council meeting.

Adjournment

Mayor Hedenskog adjourned the meeting at 5:39 PM.

Respectfully submitted:

ATTESTED:

This 25th day of September, 2023:

Ron Hedenskog, Mayor

Janell K. Howard, City Recorder

BROOKINGS PLANNING COMMISSION MINUTES

August 1, 2023

CALL TO ORDER

The regular meeting of the Brookings Planning Commission was called to order by Chair Watwood at 7:00 pm in the Council Chambers at Brookings City Hall followed by the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Anthony Bond, Sage Bruce, Cody Coons, Skip Hunter, Clayton Malmberg, Gerry Wulkowicz (arrived 7:02), Chair Skip Watwood

Staff Present: PWDS Director Tony Baron, Deputy Director PWDS Lauri Ziemer, City Attorney Lori Cooper by phone

Others Present: APP-1-23 - Applicant's Attorney Allison Reynolds by phone. 25 audience members

Media Present: 2

PLANNING COMMISSION CHAIR PERSON ANNOUNCEMENTS

Commissioner Skip Hunter addressed the Commission concerning his recusing himself at the previous meeting regarding File No. APP-1-23 and leaving the meeting and asking if it was appropriate for him to be included in the continuation of the hearing tonight. **Motion made by Commissioner Wulkowicz to allow Commissioner Hunter to stay for the APP-1-23 continuation hearing but not be able to vote based on the fact that he did not hear all the public testimony presented at the last meeting; motion seconded and by a 5-1 vote with Commissioner Hunter abstaining and Commissioner Bond voting nay the motion carried.**

PUBLIC HEARINGS

4.1 In the matter of File No. CUP-8-23, a request for approval of a Conditional Use Permit to operate a Short Term Rental facility at 211 Marine Drive Spur; Assessors Map & Tax Lot No. 4113-05B-01100.

There was no ex parte contact, bias, personal interest, or conflicts of interest declared and no objection to the jurisdiction of the Planning Commission to hear the matter. The public hearing was opened at 7:17 pm. PWDS Director Tony Baron reviewed the staff report.

Applicant Salomeja Lescinskas, was present to answer any questions.

Barbara Tantare, 16720 Marine Dr, Brookings spoke in opposition of the residence as a short term rental.

Monika Tantare, 16720 Marine Dr, Brookings spoke in opposition of the residence as a short term rental.

No participant requested additional time to submit materials. Public hearing was closed at 7:23 pm.

The Commission deliberated. **Motion made by Commissioner Malmberg to approve File No. CUP-8-23 a request for a Conditional Use Permit to operate a short term rental at 211 Marine Drive Spur based on the findings and conclusions stated in the staff report and subject to the Conditions of Approval; motion seconded and with no further discussion by a 7-0 vote the motion carried.**

Motion made by Commissioner Coons to approve the Final Order regarding file CUP-8-23, based on the findings and conclusions stated in the staff report and subject to the Conditions of Approval; motion seconded and with no further discussion by a 7-0 vote the motion carried.

4.2 In the matter of File No. APP-1-23, continuation of an appeal to the Planning Commission of a Notice of Abatement issued April 14, 2023 to St. Timothy's Episcopal Church, at 401 Fir Street, Assessor's Map & Tax Lot No. 4113-05BC-07300.

Commissioner Hunter remained for the public hearing. The public hearing portion of this matter was closed at the previous meeting, no further public testimony was provided. The public hearing was opened at 7:39 pm. PWDS Director Tony Baron outlined the status of the hearing procedures.

Commissioners discussed and deliberated City authority, church practices and services provided.

Motion made by Commissioner Malmberg to deny File No. APP-1-23, an appeal to the Planning Commission of a Notice of Abatement issued April 14, 2023 to St. Timothy's Episcopal Church, at 401 Fir Street, Assessor's Map & Tax Lot No. 4113-05BC-07300, and direct staff to prepare a Final Order of Denial to be submitted at the September 5, 2023 Planning Commission meeting. Motion seconded. Commission discussion continued. By a 4-2 vote with Commissioners Wulkowicz and Coons voting nay the motion carried.

MINUTES FOR APPROVAL

5.1 Minutes of regular Planning Commission meeting of May 2, 2023.

Motion made by Commissioner Wulkowicz to approve the Planning Commission minutes of June 27, 2023; motion seconded and with no further discussion by a 7-0 vote the motion carried.

UNSCHEDULED PUBLIC APPEARANCES –

Dominick Imperatrice, 910 Weaver Lane, Brookings, addressed the Commission regarding Weaver Lane Deferred Improvement Agreements.

Cheryl Kelmar, 914 Marina Heights, Brookings, addressed the Commission regarding good neighbor outdoor lighting.

REPORT FROM THE PLANNING STAFF - None

COMMISSION FINAL COMMENTS - None

ADJOURNMENT

Chair Watwood adjourned the meeting at 8:15 pm.

Respectfully submitted,


Skip Watwood, Brookings Planning Commission Chair
Approved at the September 5, 2023 meeting

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 2 MONTHS ENDING AUGUST 31, 2023

GENERAL FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
TAXES	4,026,050.00	260,666.06	380,417.62	3,645,632.38	9.5
LICENSES AND PERMITS	297,000.00	22,469.38	40,405.44	256,594.56	13.6
INTERGOVERNMENTAL	294,500.00	26,014.34	46,026.19	248,473.81	15.6
CHARGES FOR SERVICES	1,109,500.00	93,043.62	142,417.37	967,082.63	12.8
OTHER REVENUE	140,500.00	43,703.59	101,321.70	39,178.30	72.1
TRANSFERS IN	686,105.00	.00	.00	686,105.00	.0
	6,553,655.00	445,896.99	710,588.32	5,843,066.68	10.8
<u>EXPENDITURES</u>					
JUDICIAL:					
PERSONAL SERVICES	38,235.00	3,271.46	6,937.45	31,297.55	18.1
MATERIAL AND SERVICES	12,850.00	325.00	670.99	12,179.01	5.2
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	51,085.00	3,596.46	7,608.44	43,476.56	14.9
FINANCE AND ADMINISTRATION:					
PERSONAL SERVICES	423,568.00	35,374.21	67,672.83	355,895.17	16.0
MATERIAL AND SERVICES	228,800.00	26,621.97	42,110.10	186,689.90	18.4
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	652,368.00	61,996.18	109,782.93	542,585.07	16.8
POLICE:					
PERSONAL SERVICES	3,314,004.00	252,274.10	505,483.31	2,808,520.69	15.3
MATERIAL AND SERVICES	231,000.00	47,801.61	60,163.84	170,836.16	26.0
CAPITAL OUTLAY	.00	.00	.00	.00	.0
DEBT SERVICE	109,426.00	.00	.00	109,426.00	.0
TRANSFERS OUT	.00	.00	.00	.00	.0
	3,654,430.00	300,075.71	565,647.15	3,088,782.85	15.5
FIRE:					
PERSONAL SERVICES	249,661.00	19,721.96	41,006.01	208,654.99	16.4
MATERIAL AND SERVICES	107,500.00	23,948.54	26,500.93	80,999.07	24.7
CAPITAL OUTLAY	.00	.00	.00	.00	.0
DEBT SERVICE	30,580.00	.00	.00	30,580.00	.0
TRANSFERS OUT	.00	.00	.00	.00	.0
	387,741.00	43,670.50	67,506.94	320,234.06	17.4

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 2 MONTHS ENDING AUGUST 31, 2023

GENERAL FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
PLANNING AND BUILDING:					
PERSONAL SERVICES	240,456.00	15,142.30	31,892.81	208,563.19	13.3
MATERIAL AND SERVICES	93,700.00	7,864.49	7,976.00	85,724.00	8.5
CAPITAL OUTLAY	.00	.00	.00	.00	.0
TRANSFERS OUT	.00	.00	.00	.00	.0
	334,156.00	23,006.79	39,868.81	294,287.19	11.9
PARKS & RECREATION:					
PERSONAL SERVICES	287,161.00	24,149.83	49,632.40	237,528.60	17.3
MATERIAL AND SERVICES	137,900.00	12,484.69	17,585.64	120,314.36	12.8
CAPITAL OUTLAY	.00	.00	.00	.00	.0
DEBT SERVICE	9,981.00	.00	.00	9,981.00	.0
TRANSFERS OUT	.00	.00	.00	.00	.0
	435,042.00	36,634.52	67,218.04	367,823.96	15.5
GOLF COURSE:					
PERSONAL SERVICES	.00	.00	.00	.00	.0
MATERIAL AND SERVICES	900,000.00	.00	.00	900,000.00	.0
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	900,000.00	.00	.00	900,000.00	.0
SWIMMING POOL:					
PERSONAL SERVICES	102,122.00	30,577.45	59,688.46	42,433.54	58.5
MATERIAL AND SERVICES	66,700.00	12,546.48	16,940.24	49,759.76	25.4
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	168,822.00	43,123.93	76,628.70	92,193.30	45.4
NON-DEPARTMENTAL:					
MATERIAL AND SERVICES	175,600.00	12,045.32	23,392.70	152,207.30	13.3
CAPITAL OUTLAY	.00	.00	.00	.00	.0
TRANSFERS OUT	575,000.00	.00	.00	575,000.00	.0
CONTINGENCIES AND RESERVES	829,411.00	.00	.00	829,411.00	.0
	1,580,011.00	12,045.32	23,392.70	1,556,618.30	1.5
	8,163,655.00	524,149.41	957,653.71	7,206,001.29	11.7
	(1,610,000.00)	(78,252.42)	(247,065.39)	(1,362,934.61)	(15.4)

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 2 MONTHS ENDING AUGUST 31, 2023

STREET FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
INTERGOVERNMENTAL	500,000.00	30,413.38	81,524.23	418,475.77	16.3
OTHER REVENUE	22,000.00	96.00	12,346.00	9,654.00	56.1
TRANSFER IN	100,000.00	.00	.00	100,000.00	.0
	<u>622,000.00</u>	<u>30,509.38</u>	<u>93,870.23</u>	<u>528,129.77</u>	<u>15.1</u>
<u>EXPENDITURES</u>					
EXPENDITURES:					
PERSONAL SERVICES	244,962.00	18,224.31	38,369.17	206,592.83	15.7
MATERIAL AND SERVICES	319,700.00	38,711.87	46,482.45	273,217.55	14.5
CAPITAL OUTLAY	15,000.00	.00	.00	15,000.00	.0
DEBT SERVICE	4,409.00	367.38	734.78	3,674.22	16.7
TRANSFERS OUT	234,087.00	.00	.00	234,087.00	.0
CONTINGENCIES AND RESERVES	118,842.00	.00	.00	118,842.00	.0
	<u>937,000.00</u>	<u>57,303.56</u>	<u>85,586.40</u>	<u>851,413.60</u>	<u>9.1</u>
	<u>937,000.00</u>	<u>57,303.56</u>	<u>85,586.40</u>	<u>851,413.60</u>	<u>9.1</u>
	<u>(315,000.00)</u>	<u>(26,794.18)</u>	<u>8,283.83</u>	<u>(323,283.83)</u>	<u>2.6</u>

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 2 MONTHS ENDING AUGUST 31, 2023

WATER FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
SOURCE 03	.00	.00	.00	.00	.0
CHARGES FOR SERVICES	2,039,000.00	210,491.63	416,105.25	1,622,894.75	20.4
OTHER INCOME	48,000.00	9,877.83	13,897.83	34,102.17	29.0
TRANSFERS IN	.00	.00	.00	.00	.0
	<u>2,087,000.00</u>	<u>220,369.46</u>	<u>430,003.08</u>	<u>1,656,996.92</u>	<u>20.6</u>
<u>EXPENDITURES</u>					
WATER DISTRIBUTION:					
PERSONAL SERVICES	432,204.00	31,893.96	66,845.36	365,358.64	15.5
MATERIAL AND SERVICES	183,800.00	42,225.81	51,241.06	132,558.94	27.9
CAPITAL OUTLAY	50,000.00	.00	.00	50,000.00	.0
DEBT SERVICE	28,154.00	2,147.40	4,294.78	23,859.22	15.3
TRANSFERS OUT	24,000.00	.00	.00	24,000.00	.0
	<u>718,158.00</u>	<u>76,267.17</u>	<u>122,381.20</u>	<u>595,776.80</u>	<u>17.0</u>
WATER TREATMENT:					
PERSONAL SERVICES	30,042.00	2,378.60	4,952.05	25,089.95	16.5
MATERIAL AND SERVICES	574,515.00	80,500.89	84,598.81	489,916.19	14.7
CAPITAL OUTLAY	10,000.00	.00	.00	10,000.00	.0
DEBT SERVICE	2,386.00	.00	.00	2,386.00	.0
TRANSFERS OUT	742,572.00	.00	.00	742,572.00	.0
CONTINGENCIES AND RESERVES	174,327.00	.00	.00	174,327.00	.0
	<u>1,533,842.00</u>	<u>82,879.49</u>	<u>89,550.86</u>	<u>1,444,291.14</u>	<u>5.8</u>
DEPARTMENT 24:					
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.0</u>
	<u>2,252,000.00</u>	<u>159,146.66</u>	<u>211,932.06</u>	<u>2,040,067.94</u>	<u>9.4</u>
	<u>(165,000.00)</u>	<u>61,222.80</u>	<u>218,071.02</u>	<u>(383,071.02)</u>	<u>132.2</u>

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 2 MONTHS ENDING AUGUST 31, 2023

WASTEWATER FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
SOURCE 03	(4,500.00)	.00	.00	(4,500.00)	.0
CHARGES FOR SERVICES	3,566,300.00	313,561.22	623,131.17	2,943,168.83	17.5
OTHER REVENUE	15,000.00	.00	4,205.55	10,794.45	28.0
TRANSFER IN	.00	.00	.00	.00	.0
	<u>3,576,800.00</u>	<u>313,561.22</u>	<u>627,336.72</u>	<u>2,949,463.28</u>	<u>17.5</u>
<u>EXPENDITURES</u>					
WASTEWATER COLLECTION:					
PERSONAL SERVICES	675,298.00	49,282.52	102,016.72	573,281.28	15.1
MATERIAL AND SERVICES	290,500.00	47,750.72	56,019.40	234,480.60	19.3
CAPITAL OUTLAY	15,000.00	.00	.00	15,000.00	.0
DEBT SERVICE	28,154.00	2,147.22	4,294.44	23,859.56	15.3
TRANSFERS OUT	226,533.00	.00	.00	226,533.00	.0
	<u>1,235,485.00</u>	<u>99,180.46</u>	<u>162,330.56</u>	<u>1,073,154.44</u>	<u>13.1</u>
WASTEWATER TREATMENT:					
PERSONAL SERVICES	45,461.00	3,567.77	7,427.84	38,033.16	16.3
MATERIAL AND SERVICES	1,219,029.00	136,937.30	137,074.10	1,081,954.90	11.2
CAPITAL OUTLAY	15,000.00	.00	.00	15,000.00	.0
DEBT SERVICE	2,386.00	.00	.00	2,386.00	.0
TRANSFERS OUT	1,237,643.00	.00	.00	1,237,643.00	.0
CONTINGENCIES AND RESERVES	256,296.00	.00	.00	256,296.00	.0
	<u>2,775,815.00</u>	<u>140,505.07</u>	<u>144,501.94</u>	<u>2,631,313.06</u>	<u>5.2</u>
	<u>4,011,300.00</u>	<u>239,685.53</u>	<u>306,832.50</u>	<u>3,704,467.50</u>	<u>7.7</u>
	<u>(434,500.00)</u>	<u>73,875.69</u>	<u>320,504.22</u>	<u>(755,004.22)</u>	<u>73.8</u>

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 2 MONTHS ENDING AUGUST 31, 2023

URBAN RENEWAL AGENCY FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
TAXES	724,170.00	23,648.75	25,753.94	698,416.06	3.6
INTERGOVERNMENTAL	.00	.00	.00	.00	.0
OTHER REVENUE	2,000.00	.00	.00	2,000.00	.0
TRANSFERS IN	.00	.00	.00	.00	.0
	<u>726,170.00</u>	<u>23,648.75</u>	<u>25,753.94</u>	<u>700,416.06</u>	<u>3.6</u>
<u>EXPENDITURES</u>					
GENERAL:					
PERSONAL SERVICES	.00	.00	.00	.00	.0
MATERIAL AND SERVICES	185,256.00	15,062.50	15,062.50	170,193.50	8.1
CAPITAL OUTLAY	1,460,914.00	.00	.00	1,460,914.00	.0
DEBT SERVICE	.00	.00	.00	.00	.0
TRANSFERS OUT	.00	.00	.00	.00	.0
CONTINGENCIES AND RESERVES	.00	.00	.00	.00	.0
	<u>1,646,170.00</u>	<u>15,062.50</u>	<u>15,062.50</u>	<u>1,631,107.50</u>	<u>.9</u>
DEPARTMENT 20:					
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.0</u>
DEPARTMENT 22:					
MATERIAL AND SERVICES	.00	.00	.00	.00	.0
DEBT SERVICE	.00	.00	.00	.00	.0
	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.0</u>
DEPARTMENT 24:					
CONTINGENCIES AND RESERVES	.00	.00	.00	.00	.0
	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.0</u>
	<u>1,646,170.00</u>	<u>15,062.50</u>	<u>15,062.50</u>	<u>1,631,107.50</u>	<u>.9</u>
	<u>(920,000.00)</u>	<u>8,586.25</u>	<u>10,691.44</u>	<u>(930,691.44)</u>	<u>1.2</u>

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: September 25, 2023

Originating Dept: Finance & Admin

Signature (submitted by)


City Manager Approval

Subject:

Appointment of Judge Pro Tem

Recommended Motion:

Appoint Jim Fallman to Judge Pro Tem and authorize the Mayor to sign an agreement for services as Municipal Court Judge Pro Tem with a stipend of \$325 per court session.

Financial Impact:

Estimated \$0 - 1,000 annually.

Background/Discussion:

When Richard Harper retired as Municipal Court Judge in October 2020, Council appointed Gary Milliman, leaving a vacancy in the Judge Pro Tem position; a position Milliman previously held. The City has not had a Judge Pro Tem since.

James Fallman began serving as Judge Pro Tem for the City of Brookings in 2006. The City Council appointed Fallman to serve as Municipal Judge Pro Tem in 2006, 2011, and again in 2014. He has also been the presiding Municipal Court Judge for the City of Gold Beach since 2011.

Mayor Hedenskog and Council President Schreiber met with staff to review resumes, and recommend the appointment of Jim Fallman to Judge Pro Tem.

Attachment:

- a. Draft Agreement – Judge Pro Tem
- b. Agreement – Judge Pro Tem, December 16, 2014
- c. James Fallman – Resume

**AGREEMENT FOR SERVICES
MUNICIPAL COURT JUDGE**

This Agreement is made and entered into this ____ day of September, 2023, by and between the City of Brookings (City) a municipal corporation of the State of Oregon, and James Fallman (Fallman), collectively referred to as the "Parties."

RECITALS

Whereas, Fallman and City originally entered into an Agreement dated April 20, 2006, and most recently updated December 16, 2014, whereby Fallman was appointed to serve as Municipal Court Judge Pro Tem, and

NOWHEREFORE, the Parties agree as follows:

TERMS OF AGREEMENT:

1. **Contract for services:** City contracts with Fallman for Municipal Court Judge services for the City of Brookings.
2. **Duties of Municipal Judge Pro Tem:**
 - a. Fallman will fully and faithfully perform all of the duties of Municipal Court Judge as defined under Chapter 2.25 of the Brookings Municipal Code and as set forth herein and in the attached job description.
 - b. Except as otherwise provided in 2(c) of this Agreement, Fallman shall only perform the duties of Municipal Court Judge in the absence and unavailability of Municipal Court Judge Gary Milliman.
 - c. Fallman shall comply with all applicable federal, state and local laws, ordinances, and regulations and faithfully discharge the duties of Municipal Court Judge to the best of his ability.
3. **Compensation:**
 - a. For general Municipal Court services and in the absence of Judge Gary Milliman shall receive compensation of \$325.00 per court session.
4. **Term:** The City Council may, by majority vote, terminate this Agreement and relieve Fallman of Municipal Judge duties and responsibilities at its sole discretion upon written notice. Fallman may terminate this Agreement for any reason upon written notice to the City Council.
5. **General provisions:**
 - a. This Agreement, including the exhibits, constitutes the entire agreement between the Parties. Each of the exhibits identified in this Agreement is attached hereto and incorporated by this reference.
 - b. Any modification or amendment to this Agreement must be made in writing and signed by both parties.

- c. This Agreement is personal to the Parties. Fallman may not assign or delegate his duties hereunder.
- d. This Agreement is executed on behalf of City as authorized by its City Council.
- e. If any legal action or proceeding arising out of or relating to this Agreement is brought by either party to this Agreement, the prevailing party shall be entitled to receive from the other party, in addition to any other relief that may be granted, the reasonable attorneys' fees, costs, and expenses incurred in the action or proceeding by the prevailing party.
- f. This Agreement will be governed and interpreted in accordance with the laws of the State of Oregon. Any litigation between the parties under this Agreement or arising out of activities performed under this Agreement must be filed in Curry County Circuit Court or the U.S. District Court for the State of Oregon, as appropriate.
- g. Each signatory hereto represents and warrants that he or she has been duly authorized to sign this agreement on behalf of his or her respective party.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be signed and executed in Brookings, Oregon, on the day and year first written below.

Dated: September____, 2023.

CITY OF BROOKINGS

MUNICIPAL JUDGE PRO TEM

By: Ron Hedenskog, Mayor
898 Elk Drive
Brookings, OR 97415
(541) 469-2163

By: James Fallman
250 Leavett Mall
Crescent City, CA 95531
(707) 464-1858

ATTEST:

Janell K. Howard, City Recorder

AGREEMENT FOR SERVICES
MUNICIPAL JUDGE PRO TEM

This Agreement is made and entered into this 16th day of December 2014, by and between the City of Brookings ("City"), a municipal corporation of the State of Oregon, and James Fallman, Municipal Judge Pro Tem ("Fallman" or "Pro Tem"), collectively referred to herein as the "Parties."

RECITALS

1. The City seeks to enter into a contractual agreement with Fallman for the provision of Municipal Judge Pro Tem services.
2. Fallman has served the City in the capacity of Pro Tem since April 20, 2006.
3. Fallman desires to continue to provide Pro Tem services as defined herein.

NOW THEREFORE, the Parties agree as follows:

TERMS OF AGREEMENT:

1. **Contract for services:** The City contracts with James Fallman for Municipal Judge Pro Tem services for the City of Brookings.
2. **Duties of Municipal Judge Pro Tem:**
The Pro Tem for the City of Brookings shall:
 - a. Fully and faithfully perform all duties of Municipal Judge Pro Tem as defined under Chapter 2.25 of the Brookings Municipal Code, and the duties and performance responsibilities as set forth in Exhibit "A", incorporated herein by attachment.
 - b. Comply with all applicable federal, state, and local laws, ordinances, and regulations and faithfully discharge, to the best of his ability, the duties of the position.
 - c. Perform such other duties as may be assigned by the City Council from time to time.
3. **Compensation:** Beginning January 1, 2015, services will be compensated at the rate of \$200 per each Brookings Municipal Court session at which Pro Tem presides.
4. **Term:** Pro Tem acknowledges that the City Council may, by majority vote, terminate this Agreement and relieve him of any and all Pro Tem duties and responsibilities, for any reason and with or without notice. City acknowledges that Pro Tem may also terminate this Agreement for any reason with or without notice. City Council shall review Pro Tem's performance and this Agreement, annually.
5. **Status as Independent Contractor:**
 - a. The City and Pro Tem enter this Agreement with the understanding that Pro Tem will not be an officer or employee of the City, but rather will serve as an independent

contractor. As such, Pro Tem acknowledges that he will not be eligible to receive employee benefits, including, but not limited to: social security, worker's compensation and unemployment benefits.

- b. The City will not control the day-to-day activities and administration of justice by Pro Tem.
- c. Pro Tem hereby releases, acquits, and forever discharges City from any claims made by Pro Tem, available to him now or in the future, that he is other than an independent contractor.
- d. Pro Tem will indemnify, defend and hold the City harmless against any and all damages, costs, fees or expenses (including attorneys' fees) that he may have against the City arising from service to the City, except as otherwise set forth in this Agreement and excepting claims arising from a negligent act of the City.

6. General Provisions:

- a. This Agreement, including its exhibits, constitutes the entire agreement between the Parties. Each exhibit identified in this Agreement is attached hereto and incorporated by this reference.
- b. Any modification or amendment to this Agreement must be made in writing and signed by both parties.
- c. This Agreement is personal to the Parties. The Pro Tem may not assign nor delegate any duties hereunder.
- d. This Agreement is executed on behalf of the City as authorized by its City Council.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be signed and executed in Brookings, Oregon on the day and year first written below.

Dated: December 22, 2014

CITY OF BROOKINGS

Ron Hedenskog
Ron Hedenskog, Mayor
898 Elk Drive
Brookings, OR 97415
(541) 469-1104

MUNICIPAL JUDGE PRO TEM

Jim Fallman 12/16/2014
James Fallman
250 Leavitt Mall
Crescent City, CA 95531
(707) 464-1858

ATTEST:

Joyce Heffington
Joyce Heffington, City Recorder

Date: 12-22-14

**City of Brookings
MUNICIPAL JUDGE PRO TEM**

General Statement of Duties:

The Municipal Judge Pro Tem is a judicial officer of the City of Brookings and will preside over the Municipal Court of the City of Brookings in the absence of the Municipal Judge.

Distinguishing Features:

The Municipal Judge Pro Tem shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the City of Brookings and of traffic crimes as defined by ORS 801.545; to commit any such person to jail or admit any such person to bail pending trial; to compel witnesses to appear and testify in Court on the trail of any cause before the Court; to issue subpoenas; to compel obedience to such subpoenas; to issue any process necessary to carry in effect the judgments of the Court; and to punish witnesses for contempt of court.

Supervision Received:

The Municipal Judge Pro Tem works under the supervision of the City Council. The Municipal Judge Pro Tem is appointed and may be removed by a majority vote of the City Council.

Jurisdiction:

All of the incorporated area, now or hereafter, within the City of Brookings shall be within the territorial jurisdiction of the Municipal Court and Municipal Judge Pro Tem.

Supervision Exercised:

No employees are supervised by the Municipal Judge Pro Tem.

Desirable Qualifications:

Knowledge of: Legal principles and rules of evidence.

Skill In: Maintaining decorum and order in hostile situations, weighing evidence, evaluating witness testimony, applying legal principles to situations, and maintaining the legal and civil rights of citizens.

Experience as: An attorney or judge, or in administration and adjudication of municipal codes and other complex regulations.

RECEIVED

JUL 24 2023

CITY OF BROOKINGS



MUNICIPAL COURT

CITY OF GOLD BEACH

29592 Ellensburg Avenue, Gold Beach, Oregon 97444

Phone: (541) 247-7029 FAX (541) 247-2212

Hon. JAMES FALLMAN
Presiding Judge

KIM HUNNICUT
Court Clerk

GAIL WHITMORE
Deputy Court Clerk

JANELL HOWARD

City Manager of Brookings, Oregon
898 Elk Drive
Brookings, OR 97415
Fax: 541-469-3650

7-24-23

Dear Ms. Howard:

Yes, I was your pro-tem judge for many years, and yes I'd be happy to do so again if you need me. To reach me by phone, my law office number in Crescent City is **1-707-464-1858**.

I'm bilingual in Spanish (and somewhat in German) which has helped in several small claims cases in the past. I taught Freshman Spanish in Brookings at Southwestern Oregon Community College for over 5 years at night in the past. I was a small claims judge pro-tem for the Sacramento Municipal Court for 10 years and a pro-tem for the Yolo County Superior Court for 3 months in the 1980s. I was a Board Certified Criminal Law Specialist for 25 years in California, and I'm a member of the Bar in Nevada, California and Montana as well as the Oregon Municipal Judges Association, the American Judges Association and the National Judges Association. I passed all my bar exams on the first try, and was an assistant district attorney for 15 years in Nevada and California.

Money is not a big deal so pay me what seems reasonable to you.

Respectfully yours,

By Jim Fallman
JAMES FALLMAN
Municipal Judge

CURRICULUM VITAE OF JUDGE JAMES FALLMAN

My wife, Maryanne, and I have 2 daughters, 6 sons, 9 grandchildren, 1 dog and 3 cats

PRESENT EMPLOYMENT

Presiding Municipal Court Judge, City of Gold Beach, Oregon, since 11-9-11
Municipal Court Judge Pro Tempore, City of Brookings, Oregon, since 4-20-06
Attorney at Law (private practice) Crescent City, California
College of the Redwoods, Del Norte Campus (Instructor of Spanish, German & Law)

EDUCATION

<i>Las Vegas High School, (Nevada)</i>	
American River College	A.A. cum laude (Real Estate)
University of Nevada, Reno	B.A. cum laude (Spanish, German & Russian)
University of California, Davis	M.A. (Spanish & Portuguese)
University of the Pacific, McGeorge Law School	J.D. (Law)

ADDITIONAL POST GRADUATE WORK

Stanford University	Arizona State University
University of New Mexico	University of Nevada, Las Vegas
Sacramento State University	Rancho Santiago Community College

LEGAL SPECIALTY BOARD CERTIFICATION

Board Certified Specialist in Criminal Law by the California State Bar Board of Legal Specialization

COURTS WHERE LICENSED

U.S. Supreme Court	Supreme Court of California	Supreme Court of Montana
Supreme Court of Nevada	U.S. Court of Military Appeals	U.S. Court of Claims
U.S. Court of International Trade	U.S. Customs Court	U.S. Court of Veterans' Appeals
9th Circuit U.S. Court of Appeals	U.S. Court of Customs & Patent Appeals	U.S. District Court, Nevada
Yurok Tribal Court	U.S. District Court, Eastern Dist. of Calif.	Smith River Tribal Court

POST GRADUATE ON-THE-JOB-TRAINING

American Judges Association Midyear Conference, Napa California, 4/24-28/22
National College of District Attorneys-Homicide Prosecution Seminar
National College of District Attorneys-Drug Prosecution Seminar
National Judicial College-Criminal Law Seminar 8/5/82
National Judicial College-Evidence Seminar 6/29/84
National Judicial College-Family Law Seminar 7/29/83
National Judicial College-Civil Court Seminar/ 7/3/81
National Judicial College-Climate Change Litigation Webinar 5/11/21
National Judicial College-Hate Crimes Webinar, 5/12/21
National Judicial College-Marijuana Impaired Driving Cases Webinar, 5/25/21
National Judicial College Athens Roundtable Artificial Intelligence & the Rule of Law webinar-12/6-7/21
National Judicial College-Recommended Practices for Incorporating Medication for Opioid Use Disorders, webinar 1/20/22
National Judicial College-Opioids: What Judges Should Know, Webinar 2/15/22
National Judicial College-Racial Justice, Ethics Webinar 4/19/22
National Judicial College-Search & Seizure in Drug Impaired Driving Adjudication, Webinar 5-3-23
National Judicial College-Tach Enabled Abuse & Domestic Violence: What Judges Need to Know Part 2, Webinar 6-23-23
National American Indian Court Judges Association, Tribal Child Welfare Judicial Skills Training 12/8-9/21
California Narcotics Officers Association Seminar, Anaheim
California Narcotics Officers Association Seminar, San Francisco

Oregon Narcotics Officers Association Seminar, Beaverton
 Nevada State Bar Felony Skills Seminar
 California District Attorneys Association-Prison Law Seminar
 California District Attorneys Association-10th Annual Homicide Prosecution Seminar
 California District Attorneys Association-11th Annual Homicide Prosecution Seminar
 California District Attorneys Assoc.-Death Penalty/ Special Circumstances Seminar
 California District Attorneys Assoc.-Vehicular Homicide Seminar
 California District Attorneys Assoc.-Advanced Prosecution Skills Seminar
 Federal Bureau of Investigation-Evidence Seminar
 California Public Defenders Association-Annual Death Penalty Seminar 1987
 California Public Defenders Association-Annual Death Penalty Seminar 2009
 California Public Defenders Association-Annual Death Penalty Seminar 2010
 California Public Defenders Association-Annual Death Penalty Seminar 2011
 California Public Defenders Association-Annual Death Penalty Seminar 2013
 California Public Defenders Association-Annual Homicide Defense Seminar 2012
 California Public Defenders Association, 2015 New Statutes Seminar, Berkeley
 California Public Defenders Association, 2016 Defending Gang Cases Seminar, Berkeley
 California Public Defenders Association, 2017 (July 8), Berkeley
 California Public Defenders Association, 2018 (July 7), Berkeley. Drugs & Gangs seminar
 California Public Defenders Association-Annual Homicide Defense Webinar 2021
 California Public Defenders Association-Annual Homicide Defense Webinar 2022
 California District Attorneys Association Drug Seminar
 California District Attorneys Association Sexual Assault Seminar
 California District Attorneys Association Spousal Abuse Seminar
 Office of the California State Public Defender, "Crimmigration" Seminar 8/17/22 Part 1
 Office of the California State Public Defender, "Crimmigration" Seminar 8/24/22 Part 2
 Office of the California State Public Defender, "Microaggressions & The Inner Work of
 Racial Justice, Well-Being Series, Part 2," Seminar 8/30/22 Part 2
 Del Norte County D.A. Spousal Abuse Prevention Seminar
 Oregon Municipal Judges Association Annual Seminar 2006
 Oregon Municipal Judges Association Annual Seminar 2007
 Oregon Municipal Judges Association Annual Seminar 2008
 Oregon Municipal Judges Association Annual Seminar 2009
 Oregon Municipal Judges Association Annual Seminar 2010
 Oregon Municipal Judges Association Annual Seminar 2011
 Oregon Municipal Judges Association Annual Seminar 2012
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 Oregon Municipal Judges Association Annual Seminar 2016
 Oregon Municipal Judges Association Annual Seminar 2017
 Oregon Municipal Judges Association Annual Seminar 2018
 Oregon Municipal Judges Association Annual Seminar 2019
 Oregon Municipal Judges Association Annual Seminar 2022
 Oregon Government Ethics Commission Gov't Ethics Training Seminar 2012
 Oregon Government Ethics Commission Gov't Ethics Training Seminar 2014
 13th Annual Judicial Education Seminar, Oregon Dept. of Transportation 2011
 14th Annual Judicial Education Seminar, Oregon Dept. of Transportation 2012
 15th Annual Judicial Education Seminar, Oregon Dept. of Transportation 2013
 16th Annual Judicial Education Seminar, Oregon Dept. of Transportation 2014
 17th Annual Judicial Education Seminar, Oregon Dept. of Transportation 2015
 18th Annual Judicial Education Seminar, Oregon Dept. of Transportation 2016
 19th Annual Judicial Education Seminar, Oregon Dept. of Transportation 2017
 20th Annual Judicial Education Seminar, Oregon Dept. of Transportation 2018
 21st Annual Judicial Education Seminar, Oregon Dept. of Transportation 2019, Newport
 22nd Annual Judicial Education Seminar, Oregon Dept. of Transportation 2022, Salishan

23rd Annual Judicial Education Seminar, Oregon Dept. of Transportation 2023, Newport
 Calif. Admin. Office of the Courts Annual Training for Trial Attorneys 2005
 Calif. Admin. Office of the Courts Annual Training for Trial Attorneys 2009
 Calif. Admin. Office of the Courts Annual Training for Trial Attorneys 2010
 Calif. Admin. Office of the Courts, Effective Courtroom Advocacy, Eureka 2012
 Calif. Admin. Office of the Courts, Jt. Yurok Tribal Court Training, 2019
 Calif. Admin. Office of the Courts Beyond the Bench Seminar, San Diego, 2019
 Oregon Criminal Defense Lawyers Association, Death Penalty Seminar 2013
 Oregon Criminal Defense Lawyers Association, Death Penalty Seminar 2014
 Oregon Criminal Defense Lawyers Association, Death Penalty Seminar 2015
 Oregon Criminal Defense Lawyers Association, Death Penalty Seminar 2016, Sunriver
 Oregon Criminal Defense Lawyers Association, Death Penalty Seminar 2017, Newport
 Oregon Criminal Defense Lawyers Association, Death Penalty Seminar 2018, Sunriver
 Oregon Criminal Defense Lawyers Association, Forensic Science Seminary, 2019, Newport
 Oregon Criminal Defense Lawyers Association, Death Penalty Seminar 2019, Newport
 Oregon Criminal Defense Lawyers Association, Hawaii Seminar, November 2018, Kauai, Hawaii
 Calif. Admin. Office of the Courts 2 Sessions of *Beyond the Bench* prior to 2019 session
 Calif. Admin. Office of the Courts Univ. of Calif., Davis Indian Child Welfare Act Training, Crescent City 2015
 Judicial Council of California "Placements of Indian Children in Juvenile Proceedings" 10/4/22
 Death Penalty Focus "The Role of Prosecutors & the Death Penalty" webinar, 6/14/22
 Indian Child Welfare Act Training by the Yurok Tribe, Klamath, CA
 Calif. Admin. Office of the Courts, Crescent City, JCATS Training, 6-3-14,
 Calif. Admin. Office of the Courts, U.C. Davis, Permanency Training for Non-Minor Dependents, 2014
 Calif. Dependency Attorneys for Parents Seminar, Sacramento, 2023
 Practicing (sic/Practising) Law Institute (P.L.I.) Prison Litigation 2016
 Practicing (sic/Practising) Law Institute (P.L.I.) Proposition 47 Crim. Law Reform Act, 2016 Practicing
 Practicing (sic/Practising) Law Institute (P.L.I.) Cross-Racial Identification Jury Instructions, 2018
 Practicing (sic/Practising) Law Institute (P.L.I.) Supreme Crt-Oct. Term 2017-Major cases for a Crt. of full strength 5/1/18
 Pacific Juvenile Defender Center, N. Calif. J-TAP TTA training/ 6 hrs. CLE Redding 5/5/18
 Pacific Juvenile Defender Center, N. Calif. J-TAP TTA training/ 6 hrs. CLE Redding 9/29/18
 American Judges Association, (R x 4) Webinar [R = Relief] on problems of trials during Covid, 1/15/21
 American Judges Association, (Racial Justice) Webinar 2/17/21
 American Judges Association (Digital Evidence & the Evolving Court Record) Webinar 4/14/21
 American Judges Association, (R x 4) Webinar [Reform on state fines & fees] 4/20/21
 American Judges Association Annual Conference with Louisiana Judicial College (Oct. 4-6, 2021)
 Calif Attorneys for Crim. Justice & Calif. Public Defenders Assoc. Death Penalty Seminar, February 12-15, 2021
 California Appellate Defense Counsel, Seminar, March 12-13, 2021
 Judicial Council of California, Tribal Participation in Juvenile Dependency & Delinquency Cases 4/6/21
 Death Penalty Focus video seminar on "Women on Death Row" 11-10-21

AFFILIATIONS

National Judges Association	California State Bar Association
American Judges Association	Nevada State Bar Association
Oregon Municipal Judges Association	California Public Defenders Association
Montana State Bar Association	National Eagle Scout Association
Blue Lodge Mason, Crescent City Lodge #45	Scottish Rite Mason, Valley of Oakland
Phi Kappa Phi Academic Honor Fraternity	Phi Alpha Delta Law Fraternity
Phi Delta Phi International Legal Fraternity	Oregon Criminal Defense Lawyers Association
National Association of Distinguished Counsel (2015)	Northern California Super Lawyers (2004-2005)
American Institute of Criminal Law Attorneys (2015)	American Bar Association

FORMER AFFILIATIONS

American Trial Lawyers Association	National Eagle Scout Association
California District Attorneys Assoc.	California Narcotics Officers Association
National District Attorneys Association.	Named to SUPER LAWYERS Magazine in both 2004 & 2005

Del Norte County Bar Association
 Montana Trial Lawyers Association
 California Teachers Assoc.
 Nevada Teachers Assoc.
 Clark County Classroom Teachers Association
 California Federation of Teachers
 American Federation of Teachers
 Modern Language Association
 Amer. Assoc. of Teachers of Spanish & Portuguese
 California Trial Lawyers Association
 National Trial Lawyers Association
 Formerly in WHO'S WHO OF AMERICAN TEACHERS
 Assoc. of Calif. State Public Attorneys & Admin. Law Judges
 Nobles of the Mystic Shrine

Washoe County Bar Assoc.
 Washington Lodge #20 F&AM
 Sacramento County Bar Association
 National Teachers Assoc.
 Assistant Scout Master, Reno, NV
 California Coaches Association
 National Assoc. of Criminal Defense Attorneys
 California Attorneys for Criminal Justice
 American Association of Teachers of German
 California Applicants Lawyers Assoc.
 Formerly in WHO'S WHO OF CALIFORNIA LAWYERS
 Sacramento City Unified Teachers Association
 Children of the American Revolution
 Assistant Scout Master, Reno, NV

LEGAL EXPERIENCE

Moe & Fallman-general practice, Sacramento
 Fallman, Janof & Maxwell, general practice, Sacramento
 James Fallman & Associates, general practice, Sparks, Nevada
 California Deputy State Public Defender, Sacramento
 Assistant City Prosecutor for criminal prosecutions, City of Winnemucca, Nevada
 Assistant District Attorney for criminal prosecutions, Humboldt County, Nevada
 Deputy District Attorney, Butte County, Calif., assigned to Butte Narcotics Task Force
 Deputy District Attorney, Del Norte-assigned to Del Norte Drug Task Force
 Senior Deputy District Attorney, Del Norte-assigned to major Prison Felonies
 Russell J. Clanton & Associates-Mgr. of Crescent City Branch Office, general practice
 James Fallman, Ltd., a Professional Law Corporation, Crescent City, California
 Del Norte County Contract Public Defender for Pelican Bay cases
 Trial Court Attorney for Del Norte Superior Court for Juvenile Dependency cases since 2005
 Successfully handled Juvenile Dependency Appeal in the Nevada Supreme Court

JUDICIAL EXPERIENCE

Presiding Judge, Gold Beach Municipal Court (since 11-9-11) (small court 1-2 days per month)
 Judge Pro Tem, Gold Beach Municipal Court appointed by Judge Rod Black (6 months in 1991)
 Judge Pro Tem, Sacramento Municipal Court Small Claims Division (9 years)
 Judge Pro Tem, Yolo Superior Court appointed by Judge James Roach (3 months)
 Judge Pro Tem, Brookings (Oregon) Municipal Court appointed by Judge Rich Harper (11 years & continuing at present)
 Judge Pro Tem, Gold Beach (Oregon) Municipal Court (5 months prior to appointment as the regular judge)

TEACHING EXPERIENCE

University of Nevada, Reno - Head Language Lab Assistant & collegiate tutor of Spanish & German (1963-1965)
 Washoe County School District (Reno)-Student Teacher of English
 Clark County School District (Las Vegas)-Spanish Teacher
 Sacramento Unified School District-Spanish, German & English Teacher
 Del Norte School District-Substitute Teacher
 University of Calif., Davis-Graduate Teaching Assistant/ Freshman & Sophomore. Spanish
 National University, Sacramento-Instructor of Business Law
 Humphreys College, Stockton - Instructor of Business Law & Legal Terminology for Court Reporters
 Humphreys University, College of Law, Stockton-Assistant Professor of Corporate Law & Civil Procedure
 College of Northern Idaho - Instructor for Seminar in Educational Law
 Sacramento State University - Instructor for Seminar in Educational Law
 S.W. Oregon Community College, Instructor-Spanish, German, Juvenile Law, Police Training (P.O.S.T.) (1995-2005)
 College of the Redwoods, Del Norte, Instructor-Spanish, German, Criminal Law, Prison Law, Evidence, (P.O.S.T.)
 Conspiracy Law, Special Courses related to the J.F.K. Assassination and Course re: U.F.O. Phenomenon

FOREIGN LANGUAGE FLUENCY

Spanish-read, written, taught & spoken at Master's degree level (used daily)
German-read, written, taught & spoken at Bachelor's level
Portuguese-read & spoken at Associate degree level
Russian (almost 99% forgotten!)

FOREIGN NATIONS VISITED

Spain, Mexico, Germany, France, Austria, Italy, Vatican, Canada, Netherlands

SIGNIFICANT CASES HANDLED

I have 2 published wins and 1 published loss in the Nevada Supreme Court. I won reversals in both the 1st & 3rd Dist. California Courts of Appeal including the criminal case of Bigger Thomas v. State of California and the workers' compensation case of Westbrooks v. Greyhound Lines. I have published cases in most of California's appellate courts and 2 published opinions in the 9th Circuit U.S. Court of Appeals. I lost a case in the U.S. Supreme Court. I tried 10 murder cases and roughly 30 attempted murder cases including People v. Evans where an inmate attempted to stab defense lawyer Leroy Davies in the heart. I was assigned to 2 death penalty prison cases at the Del Norte D.A.'s Office. I was assigned to 1 death penalty appellate case while working at the California State Public Defender's Office in Sacramento. I handled one murder case in Nevada.

I have tried over 200 jury trials over a 46+ year career. I won a 1st degree murder conviction in Crescent City in People v. Alfred Ayers. I won a 1st degree murder conviction + 3 strikes & conspiracy to commit murder in the prison Aryan Brotherhood gang case of People v. Scott Grizzle. I won a 2nd degree murder conviction against a Pelican Bay, reputed Aryan-brotherhood member in People v. Gary Littrell. I convicted an inmate of escape from Pelican Bay + 3 strikes. As a defense attorney I won "not-guilty" on all 28 counts of child molesting in the Sacramento case of People v Jimeno. In Sacramento, I also won "not guilty" on 4 counts of manslaughter in a juvenile case. I won the 4 count sexual assault jury trial of Peo. v. Tiedemann in 2013. I also tried the murder cases of People v. Brian Healy and People v. Contreras. I convicted "Clever" Sanchez of attempted murder, conspiracy to riot at Pelican Bay State Prison. In 2020 I defended the murder case of Pedro Ramirez, and in 2021 I defended the murder case of Edward Culver Hughes.

I have passed 5 bar exams, never failing a bar exam, passing the Nevada bar on the 1st attempt in 1974; California on the 1st attempt in 1975 and Montana on the 1st attempt in 1988. I passed the California Criminal Law Specialist bar exam on 1st attempt in 1995 and the Tolowa Nation bar exam on the 1st attempt in 2010. I was admitted to the bar of the U.S. Supreme Court in 1977.

I handled small claims trials for 10 years in the 1980s for the Sacramento Municipal Court. I was the Judge Pro Tem for the Yolo Superior Court in the 1980s handling overflow cases for 3 months until the regular Judge James Stevens could be sworn in. I was the Judge Pro Tem of the Brookings Municipal Court for many years, and I am in my 12th year as the Municipal Judge of the City of Gold Beach.