

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Adopting a new Columbia)
County Justice of the Peace Ordinance ✓)
_____)

ORDINANCE NO. 2007-6

The Board of County Commissioners for Columbia County, Oregon, ordains as follows:

SECTION 1. TITLE.

This Ordinance shall be known as Ordinance No. 2007-6. Exhibit "A", which is attached hereto and incorporated herein by this reference, shall be known as the "Columbia County Justice of the Peace Ordinance".

SECTION 2. AUTHORITY.

This Ordinance is adopted pursuant to the authority of ORS 203.035, and 51.020.

SECTION 3. PURPOSE.

The purpose of this Ordinance is to expand the Clatskanie-Vernonia Justice of the Peace District to include all of Columbia County, except within the city limits of the City of St. Helens, and to re-name the District as the Columbia County Justice of the Peace District. The purpose of this ordinance is to also repeal Ordinance No. 94-4, the current "Columbia County Justice of the Peace Ordinance", and to repeal Ordinance No. 2003-3, the "Columbia County Justice Court CLE/CTOP Ordinance", and to adopt a new "Columbia County Justice of the Peace Ordinance" which incorporates the still relevant provisions of both ordinances into this ordinance, and updates the ordinance, in order to provide a single integrated "Columbia County Justice of the Peace Ordinance".

SECTION 4. JUSTICE OF THE PEACE DISTRICT EXPANDED.

The Clatskanie-Vernonia Justice of the Peace District is expanded to include all of Columbia County except those portions within the city limits of the City of St. Helens.

SECTION 5. JUSTICE OF THE PEACE DISTRICT RENAMED.

The Clatskanie-Vernonia Justice of the Peace District is hereby renamed the Columbia County Justice of the Peace District.

SECTION 6. ADOPTION.

The "Columbia County Justice of the Peace Ordinance", a copy of which is attached hereto, labeled Exhibit "A", and incorporated herein by this reference, is hereby adopted.

SECTION 7. REPEAL.

Ordinance No. 94-4, the previous "Columbia County Justice of the Peace Ordinance", is repealed. Ordinance No. 2003-3, the "Columbia County Justice Court CLE/CTOP Ordinance", is also repealed.

SECTION 8. SAVINGS CLAUSE.

This Ordinance, and Exhibit "A" hereto, shall be interpreted in a manner which provides for a seamless expansion and re-naming of the current Clatskanie-Vernonia Justice of the Peace District to the new Columbia County Justice of the Peace District. The records, files and property of the Clatskanie-Vernonia Justice of the Peace District shall remain the property of the Columbia County Justice of the Peace District. The current Justice of the Peace of the Clatskanie-Vernonia Justice of the Peace District shall continue as the Justice of the Peace of the Columbia County Justice of the Peace District for the current term for which he was elected, unless a vacancy occurs. In all respects, the Columbia County Justice of the Peace District shall be treated as a continuation and expansion of the Clatskanie-Vernonia Justice of the Peace District, and not as the creation of a new district.

SECTION 9. CONFORMANCE WITH OTHER LAWS.

This Ordinance, and Exhibit "A" hereto, shall in no way be a substitute for, nor eliminate the necessity of conforming with, any and all laws and administrative rules of the State of Oregon, or its agencies, or any other ordinance, rule, or regulation of Columbia County.

SECTION 10. SEVERABILITY.

The provisions of this Ordinance, and Exhibit "A" hereto, are severable. If any provision of this ordinance and/or Exhibit "A" is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

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SECTION 11. EMERGENCY CLAUSE/EFFECTIVE DATE.

This Ordinance, being immediately necessary for the public health, safety and welfare, the Board declares that an emergency exists and that this Ordinance shall take effect on July 1, 2007.

DATED this 27th day of June, 2007.

Approved as to form

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Sarah Hanson
Office of County Counsel

By: John P. Richard
Chair

Attest:

By: [Signature]
Commissioner

By: Jan Brunholz
Recording Secretary

By: [Signature]
Commissioner

First Reading: 6-27-07

Second Reading: 6-27-07

Effective Date: 6-27-07

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EXHIBIT "A"

COLUMBIA COUNTY JUSTICE OF THE PEACE ORDINANCE

SECTION 1. TITLE.

This Ordinance shall be known as the "Columbia County Justice of the Peace Ordinance".

SECTION 2. COLUMBIA COUNTY JUSTICE OF THE PEACE DISTRICT.

The Columbia County Justice of the Peace District shall consist of the entire territory of Columbia County, Oregon, except those portions with the city limits of the City of St. Helens.

SECTION 3. COLUMBIA COUNTY JUSTICE OF THE PEACE.

The Columbia County Justice of the Peace shall have all of the powers granted to justices of the peace by Oregon law, and be subject to all of the provisions provided by Oregon law. As used in the ordinance, the term "Columbia County Justice of the Peace" shall include any justice of the peace pro tempore, and any other person duly authorized to fill the duties of the Justice of the Peace.

SECTION 4. CONTINUING LEGAL EDUCATION (CLE)/COURT OPERATION (CTOP) ACCOUNT.

The Columbia County Justice Court Continuing Legal Education/Court Operation account, known as the CLE/CTOP Account, which was established by Ordinance No. 2003-3, shall continue as a separate account and line item within the Columbia County General Fund in order to provide a source of funds for CLE courses for the Columbia County Justice of the Peace, as mandated by ORS 51.245, and for other court operations.

SECTION 5. CONTINUING LEGAL EDUCATION (CLE)/COURT OPERATION (CTOP) ASSESSMENT.

A. The CLE/CTOP Assessment authorized by this Ordinance, and previously by Ordinance No. 2003-3, shall apply to all offenses brought before the Columbia County Justice Court originating within the unincorporated areas of Columbia County, Oregon. In addition, it shall apply to all offenses brought before the Justice Court originating from within the incorporated city limits of any city which consents to application of this Ordinance within such city.

B. Whenever a sentence of a fine, imprisonment or both is imposed by the Columbia County Justice of the Peace in the Columbia County Justice Court, including a sentence imposed and thereafter suspended, or a bail forfeiture is ordered, as a penalty for an offense, as defined in ORS 161.505, excluding parking violations, a Continuing Legal Education/Court Operation Assessment (CLE/CTOP Assessment), in addition to such

sentence or bail forfeiture, shall be collected.

C. The CLE/CTOP Assessment is not part of the penalty or in lieu of any part thereof. The amount of the CLE/CTOP Assessment shall be as follows:

- (1) \$1 when the fine or forfeiture is \$5 to \$14.99.
- (2) \$2 when the fine or forfeiture is \$15 to \$49.99.
- (3) \$4 when the fine or forfeiture is \$50 to \$99.99.
- (4) \$6 when the fine or forfeiture is \$100 to \$249.99.
- (5) \$8 when the fine or forfeiture is \$250 to \$499.99.
- (6) \$12 when the fine or forfeiture is \$500 or more.

D. CLE/CTOP Assessments imposed under this section shall be administered as provided under Section 7 of this ordinance.

E. The Columbia County Justice of the Peace is not required to impose the CLE/CTOP Assessment, or a part of the Assessment, if it finds that the defendant is indigent or that imposition of the Assessment would constitute an undue hardship.

F. Payment to the Columbia County Justice Court shall not be credited to the CLE/CTOP Assessment described in this section until all other fines, fees and assessments ordered by the Court have been paid.

SECTION 6. COLLECTION AND ADMINISTRATION.

A. Within 60 days after receipt of the CLE/CTOP Assessment by the Justice Court, the Assessment shall be paid to the Columbia County Treasurer for deposit into the CLE/CTOP Account.

B. When any bail is deposited with the Justice Court for an offense, the person making such deposit shall include with the bail the amount of the CLE/CTOP Assessment.

C. If the bail for an offense is forfeited, the CLE/CTOP Assessment included therewith shall be paid to the County Treasurer as provided in Subsection A of this Section. If the bail is returned, the Assessment included therewith shall also be returned.

SECTION 7. AUTHORIZED USES OF CLE/CTOP ACCOUNT.

A. The Columbia County Treasurer shall deposit all CLE/CTOP Assessments received into the CLE/CTOP Account. These funds are to be used to pay for continuing legal education courses for the Justice(s) of the Peace in Columbia County, Oregon as required by ORS 51.245, to include education and training courses for the clerical staff of the Justice Court(s) at the discretion of the Justice(s) of the Peace, and for court operations expenses within its revenue lines, as set forth in Subsection B of this Section, and Sections 9 through 11 below.

- B. The funds from CLE/CTOP Assessments are to be used as follows:
- (1) Forty percent (40%) shall be used for Justice Court education expenses;
 - (2) Sixty percent (60%) shall be used for Court operations expenses.
- C. CLE\CTOP assessment revenues and expenditures shall be handled in accordance with the Local Budget Law, ORS 294.305 to 294.520, 294.555 and 294.565.
- D. The amounts intended for the CLE/CTOP Account are to be held as last priority with respect to payment of, but in addition to, any required state charges or assessments, to include the assessments outlined in ORS 137.309.
- E. The Columbia County Treasurer shall disburse monies from the CLE/CTOP Account only upon receipt of the required documentation as more fully described in Section 9 below.
- F. Any funds remaining in the CLE/CTOP Account at the end of each fiscal year will remain in the Columbia County General Fund as undedicated revenues.

SECTION 8. DOCUMENTATION REQUIRED.

Prior to the release of any monies from the CLE/CTOP Account, the Columbia County Treasurer shall be in receipt of documentation sufficient to identify, with specificity, the CLE or CTOP expense incurred or to be incurred, which documentation shall include, but not be limited to:

- A. In the matter of CLE expenses:
- (1) the registration documentation, pamphlet, agenda or other information sufficient to identify the class being offered and that it meets the requirements of ORS 51.245;
 - (2) completion of the registration and submission of the costs by the Columbia County Treasurer to the firm conducting the CLE, or submission of a County claim statement for reimbursement to the Justice for costs already incurred along with receipts or other supporting documentation.
- B. In the matter of Court operations expenses:
- (1) The invoice and/or order form along with supporting documentation identifying the materials or expenses to be incurred;
 - (2) Payment of the invoice, or submission of the order form along with payment, by the Columbia County Treasurer.

C. The Columbia County Treasurer shall store the records documenting disbursements from the CLE/CTOP Account for a period of five (5) years after such disbursement.

SECTION 9. CONTINUING EDUCATION.

A. Pursuant to ORS 51.245, a Columbia County Justice of the Peace who is not a member of the Oregon State Bar shall attend or participate in a minimum of 30 hours of educational programs every two calendar years. The programs shall be those conducted and supervised or approved by the Chief Justice of the Supreme Court or designee.

B. A Columbia County Justice of the Peace who is not a member of the Oregon State Bar shall submit a written annual report of the hours of educational programs referred to in subsection (1) of this section that are attended or participated in by the justice during each calendar year to the Oregon Justices of the Peace Association and shall submit a copy of that report to the Office of Columbia County Counsel. The report and copy shall be submitted not later than March 1 of the year following the calendar year for which the report is applicable.

C. Failure to submit a copy of the report to the Office of Columbia County Counsel by March 15 of each calendar year shall result in no further funds being released from the CLE/CTOP Account until such report has been received.

SECTION 10. COURT OPERATION EXPENSES.

Disbursements from the CLE/CTOP Account for court operation expenses shall be for supplies, materials, computer software and/or hardware, furnishings and the like needed for the efficient operation of the Columbia County Justice Court, and shall not be used for personnel costs such as payroll, benefits, etc.