



**CITY OF TALENT
CITY COUNCIL STUDY SESSION**

Wednesday, February 22, 2012 – 6:30 P.M.

Talent Community Center

Study Session will be digitally recorded and will be available on the City website: www.cityoftalent.org

1. Call to Order/Roll Call

Mayor Cecil called the Council Study Session to order at 6:30 P.M.

Members Present

Mayor Cecil
Councilor McManus

Members Absent

Councilor Lamb
Councilor Cooke
Councilor Auer
Councilor Glendenning
Councilor Brown

2. City of Talent Municipal Court

Judge Wickre gave an overview of the Municipal Court Process and provided all with handouts. (*handouts available at City Hall and the City website*).

3. 2012 Changes to the Fine Schedule

Judge Wickre went over the 2012 changes to the fine schedule (see handouts).

4. Adjournment

The Study Session was adjourned at 7:33 P.M.

City Council Role Call

Date 2/22/2012

Called to Order 6:30

Adj.

MEMBER	PRESENT	ABSENT	EXCUSED	NOT EXCUSED
Mayor Cecil	✓			
Councilor Lamb	✗			
Councilor McManus	✓			
Councilor Cooke	✗			
Councilor Auer	✗			
Councilor Glendenning	✗			
Councilor Brown	✗			

Purpose:

	Yes	No	Abstain	
Mayor Cecil				
Councilor Lamb				
Councilor McManus				
Councilor Cooke				
Councilor Auer				
Councilor Glendenning				
Councilor Brown				

Purpose:

	Yes	No	Abstain	
Mayor Cecil				
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Councilor McManus				
Councilor Cooke				
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Councilor Auer				
Councilor Glendenning				
Councilor Brown				

James Wickre

From: "CarlM" <CarlM@feiblemancase.com>
 Date: Wednesday, October 05, 2011 2:46 PM
 To: "Municipal Judge List Serve" <municipaljudge@list.orcities.org>
 Subject: RE: [municipaljudge] HB 2712

Bob, I am not sure how to answer your question(s) and, as you know, my default answer is "I don't know!" However, let me try to address some issues you (or HB 2712) raise. First, I do not think the overlap issue John Mercer brought up at the conference will be an issue. The problem arises because Section 6(b) goes into effect on January 1, 2012 and the Unitary Assessment (and County Assessment, et. al.) carry over to convictions after that date on citations issued before that date. The overlap occurs if 6(b) were meant to be the controlling or triggering statute for the imposition of the \$60 state portion. While I know what the statute says, I do not believe it was intended that way. I believe that Section 48 (for justice courts) and Section 49 (for municipal courts) were meant to control imposition of the \$60 fee. I know that is not how it reads currently, but I think that is how it was meant to apply. Sections 48 and 49 apply to citations issued on or after January 1, 2012. We shall see what LC thinks about it. My interpretation may create other issues. In any event, I think you are right to ignore the overlap issue, at least for now.

To address your council's concern about impact, there is no solid answer. However, the combination of changes in HB 2712 will likely cause a reduction in revenue to your city, and all others.

Let's take the examples of Violations in a Municipal Court, judgment at the base fine amount, before and after the implementation of HB 2712. Note: The Pre HB 2712 amount paid to the state and county was the Unitary Assessment and the County Assessment. The HB 2287 \$45 assessment was kept by the city. The post HB 2712 Section 6(b) \$60 fee replaces the Unitary Assessment, County Assessment and the surcharge.

EXAMPLE		Base Fine	Paid to State and County (UA and CA)	HB 2287 (2009) Assessment to City	Total to City, including assessment	Per Case Difference between (pre) and (post)
DWS	Class A (pre)	\$472	\$67	\$45	\$405	
	Class A (post)	\$435	\$60	\$0	\$375	-\$30
STOP SIGN	Class B (pre)	\$287	\$62	\$45	\$225	
	Class B (post)	\$260	\$60	\$0	\$200	-\$25
SPEEDING 11-20 miles	Class C (pre)	\$190	\$55	\$45	\$135	
	Class C (post)	\$160	\$60	\$0	\$100	-\$35
NO SIGNAL	Class D (pre)	\$142	\$52	\$45	\$90	
	Class D (post)	\$110	\$60	\$0	\$50	-\$40

James Wickre

From: "CarlM " <CarlM@feiblemancase.com>
 Date: Thursday, February 16, 2012 10:15 AM
 To: "Judges List Serve" <judgeserv@lisf.orcities.org>
 Subject: [judgeserv] HB 4025

Below is a bullet point presentation we are giving to legislators. HB 4025 has support on the substantive issues from most legislators we have talked to. However, the fiscal impact to local courts of HB 2712 is debated and the fiscal impact of HB 4025 to the State is causing great concern. We need a grassroots effort to keep HB 4025 alive. The bill, HB 4167, in Ways and Means tomorrow, does what HB 4025 does without the reduction in the 6b fee and the priority readjustment. Contact your legislators now with your own court's story using the points below as guidelines.

We urge your support of HB 4025 for the following reasons:

- In the 2009-11 biennium, the Joint Task Force on State Court Revenues wrote legislation to revise the law on fines that was later introduced as **HB 2712**. One of the principles behind the legislation was that, "to the extent possible, the total revenue from fines for violations should remain the same as contemplated under the (then) existing statutory structure" - **it should be revenue neutral**.
- HB 2712 was amended several times, but the guiding principle of revenue neutrality was never abandoned. In fact, it was later affirmed.
- The \$60 assessment is based on **assumptions** which, in hindsight, are **inaccurate**, including:
 - That the most common offense was a Class B violation; and
 - That folding the old county assessment into the new assessment with priority status would not be a big change in distribution of revenues.
- Using those assumptions, HB 2712 **did two things that harm local revenues**. First, it raised the high priority state assessment from \$37 (plus low priority "add-ons") to \$60 and second, it included the increase as another high priority. **It fails to make the changes revenue neutral**.
- Justice and municipal courts anticipate a significant drop in local revenues and an increase in revenue to the state. One justice court projects that with the sunset of the surcharge and passage of HB 2712, gross revenue for that court decreases 21.6%, state revenue increases 25.9%, county revenue decreases 36.2% and the state share of total revenue increase from 22.6% to 36.2%.
- HB 4025 cures the problem by reducing the priority state assessment from \$60 to \$45 and by restoring the balance of state and local revenues to a lower, but equal priority. HB 4025 restores the revenue neutrality that was the goal of HB 2712.
- Justice and municipal courts are a critically important part of the statewide public safety and dispute resolution systems. They help fund local public safety and carry a large burden that would otherwise fall to circuit courts. Without the revenue neutrality in HB 4025, several are likely to close or cut back. Some already have.
- We urge you to **support HB 4025**.

Judge A. Carl Myers
 City of Keizer
 City of Jefferson

You are currently subscribed to judgeserv as: jwickre@rvi.net.

City of Talent
Municipal Court

TRAFFIC INFRACTION REDUCTION CHART

effective Jan. 1, 2012

If defendant wishes to have bail suspended or dismissed they MUST speak with the judge during regular court hours. The Violations Clerk may accept pleas of not guilty & set the case for trial at the next available trial date.

Classification	Presumptive Fine	ORS #	Bail Reduced if no similar offenses for 3 years	Net City
Driving while Suspended - I	435.00	811.175	must see judge	—
Driving Uninsured	260.00	806.010	must see judge	—
Failure to Carry/Present License	160.00	807.570	100.00 120	\$60
Failure to Carry Registration	110.00	803.505	75.00 90	\$30
Failure to Obey TCD	260.00	811.265	160.00 180	\$120
Failure to Obey TCD (accident)	260.00	811.265	must see judge	—
Failure to Renew Registration	110.00	803.455	75.00 90	\$30
Failure to Wear / Maintain Seatbelt	110.00	811.210	Schedule for class, or must see judge	—
Illegal/Improper Parallel Parking	110.00	811.570	75.00 90	\$30
Illegal Parking In Disabled Space	435.00	811.615	must see judge	—
Operating w/o Driving Privileges	260.00	807.010	160.00 180	\$120
Un signaled Turn	110.00	811.335	75.00 90	\$30
Violation of Basic Rule		811.100		
Over 30	435.00		must see judge	—
21 - 30	260.00		must see judge	—
11 - 20	160.00		100.00 120	\$60
VBR - School Zone/Work Zone		811.100		
Over 30	870.00		NO Reduction	—
21 - 30	520.00			
11 - 20	320.00			

(a)	(b)	(c)	(d)
2012 Schedule of Fines on Violations	Presumptive Fine	Minimum Fine	Maximum Fine (Individuals)
Standard		50 %	
(1) Class A violation DWS (I)	\$435	\$220	\$2,000
(2) Class B violation NO INS - SPEAKING 21-30 FAILURE TO OBEY TCO	\$260	\$130	\$1,000
(3) Class C violation NO LIC. SPEEDING 11-20 OVER	\$160	\$80	\$500
(4) Class D violation SEAT BELT - PARKING UNSIGNALD TURNS	\$110	\$60	\$250
Traffic Violation in Special Zone			
(5) Class A violation	\$870	\$220	\$2,000
(6) Class B violation	\$520	\$130	\$1,000
(7) Class C violation, speed only	\$320	\$80	\$500
(8) Class D violation, speed only	\$220	\$60	\$250

In the City of Talent
Municipal Court of Jackson County
State of Oregon
before James Wickre - Municipal Judge

ORDER

IN THE MATTER OF A TRAFFIC COURT VIOLATIONS BUREAU

Upon determination that the efficient disposition of the City of Talent, Oregon, Municipal Court's business and the convenience of persons charged therein so requires:

IT IS HEREBY ORDERED that there is established a **“Traffic Court Violations Bureau”** subject to the control and supervision of the City of Talent Municipal Judge, which shall operate in accordance with ORS 153.800.

The Municipal Court Clerk and/or are by the Judge within the jurisdiction of the City of Talent, shall be the violations clerk for the “Bureau”, and:

IT IS HEREBY FURTHER ORDERED that the violations clerk shall accept a written appearance, waiver of trail, and plea of no contest, and payment of fine and costs in traffic offense cases subject to the limitations as set forth in ORS 153.800.

IT IS HEREBY FURTHER ORDERED that the Violations Clerk be empowered to accept pleas of not guilty on all infractions. Upon pleas of not guilty, the Violations Clerk shall set the case for trial at the next available trial date.

In accordance with the law by separate order, this Court establishes fine schedules for offenses set out therein. This separate order of the Court shall be prominently posted in the place where the fines are paid.

Fine and costs shall be paid to, receipted by and accounted for by the violations clerk in the same manner as other fines and costs are received by the Court.

The Court may order, from time to time, changes in the traffic offense and fine schedule together with rules of procedure as provided by law.

Dated this _____ day of _____.

(James Wickre - Municipal Court Judge)

2/21/2012 2:12 PM, Lemhouse, Jad wrote:

Greetings:

Yesterday, representatives of the City of Beaverton, Scott Winkels from LOC, Paul Snider for AOC and myself met with Ways & Means Co-chairs Richardson and Buckley, and others, regarding HB 4025. Without going into any detail, my understanding is that the Co-chairs want to wait until the 2013 session to revisit the \$60 priority payment to the State. Thus, barring second thoughts, HB 4025 will not leave Ways & Means this session.

Below I've attached a copy of a message sent to the Co-chairs regarding that meeting, and a meeting that apparently took place about the same time in Baker City yesterday.

Judge L.

Hon. Jad Lemhouse
Linn County Justice Court
Harrisburg, Oregon