

1 **IN THE MATTER OF IMPOSING**
2 **UPDATED RESTRICTIONS ON**
3 **MCMINNVILLE MUNICIPAL**
4 **COURT OPERATIONS**

) **MUNICIPAL JUDGE ORDER**
) **NO. 2021-02**
)
) **ORDER IMPOSING UPDATED**
) **RESTRICTIONS ON**
) **COURT OPERATIONS**

5 I HEREBY FIND THAT:

- 6 1. Due to the COVID-19 Pandemic, the Governor of the State of Oregon Kate Brown issued
7 the sixth extension of Executive Order No. 20-03 extending the COVID-19 State of
8 Emergency by Executive Order No. 21-05 for an additional 60 days through May 2,
9 2021, that may be extended or terminated early. Previously, Governor Brown required
10 the Oregon Health Authority to establish risk level metrics to measure and identify the
11 spread of disease on a county-by county basis to assess risk levels of COVID-19 and
12 assign a range from Extreme Risk, High Risk, Moderate Risk, and Low Risk by
13 Executive Order No. 20-66, effective on December 2, 2020. Given the assigned risk level
14 to Yamhill County, the City Council of McMinnville extended the State of Emergency
15 Declaration through April 1, 2021 through Resolution 2021-07.
- 16 2. In response to the Governor's Executive Order No. 21-05, on March 11, 2021, Oregon
17 Supreme Court Chief Justice Martha Walters issued Chief Justice Order (CJO) No. 21-
18 009, which took effect on March 15, 2021, to impose restrictions that balance the need to
19 meet the state courts' obligations to the public while minimizing the health risks for
20 judges, staff, litigants, case participants, interpreters, and members of the public who
21 enter the courthouse and offices to conduct court business. CJO No. 21-009 is based on
22 the guidance from the Centers for Disease Control and Prevention (CDC) and the Oregon
23 Health Authority for preventive measures to curtail the spread of COVID-19; it
24 supersedes Amended CJO No. 20-016, CJO No. 20-028, and CJO No. 20-047, and will
25 remain in effect until amended or extended by further order from the Chief Justice.
3. As the appointed Judge for the McMinnville Municipal Court by the McMinnville City
Council with the authority granted under the City Charter, the McMinnville Municipal
Code, the Oregon Revised Statutes, and the Oregon Constitution, I find good cause to
issue a new Order of updated operation restrictions for McMinnville Municipal Court
consistent with the Chief Justice's goal, which is to meet this court's service obligations
to the community and to mitigate the spread of disease by increased precautionary
measures that minimize health risks for judges, staff, attorneys, litigants, case
participants, interpreters and members of the public who use the courtroom and court
facilities in response to the extended COVID-19 State of Emergency.

Therefore, with the preceding authority,

1 I hereby ORDER as provided below:

2 This Order of updated court operations will take effect on March 18, 2021. This Order will
3 remain in effect until further order; it may or may not be changed contingent upon public health
4 guidance from Oregon's Governor, the Chief Justice, the Presiding Judge of Yamhill County,
5 Oregon Health Authority, Yamhill County Public Health Department, and the City of
6 McMinnville.

7 Definitions, as used in this Order:

8 **Remote Means** is an appearance in court, at any type of court proceeding, or gathering,
9 including trial, by video or telephone, or other two-way device transmission or by
10 simultaneous electronic transmission as defined in ORS 131.045. It is approved for non-
11 in-person appearances to reduce the risk of transmission of the COVID-19 virus.

12 **Social Distancing** is a minimal amount of physical distance between each person that is
13 deemed to be safe for public contact as determined by Executive Order of the Governor,
14 and Guidance from the Centers for Disease Control and Prevention (CDC), and the
15 Oregon Health Authority (OHA), and it applies to any type of in-court proceeding, or
16 gathering, including trial, of persons not dwelling in the same household, with exceptions
17 consistent with Chief Justice Order No. CJO 21-009, effective on March 15, 2021, and as
18 permitted by this Court. As of the date of this order, the distance is 6 feet between each
19 person. Members of the same household, and others if permitted by the court, are
20 excepted from those requirements.

21 **Protective Face Covering** is a covering of the nose and mouth to protect against
22 spreading the COVID-19 virus, as recommended by the CDC and OHA. Coverings are
23 required, except for children under 5 years of age, and as set forth in Chief Justice Order
24 No. CJO 20-045 dated October 28, 2020, paragraph #3 (temporary removal less than 15
25 minutes) and paragraph #5 (an exemption sought for a non-staff person seeking to enter
the court facility due to disability, respiratory, or other health-related or legally required
causes).

Municipal Court Clerk. A court clerk is an officer of the court who performs a variety
of administrative task for judges, lawyers, and the court, in addition to recording keeping
services. Contact Information for McMinnville Court Clerks is non-in-person at this time.
Clerks may be reached by email, which is preferred, telephone, and through the court's
webpage listed below: email at mc@mcminnvilleoregon.gov or telephone (503) 434-
7402 or website at <https://www.mcminnvilleoregon.gov/municipalcourt>.

1. **Appearances** In-person court appearances are restricted during the terms of this Order. All
court appearances will be held by remote means and will be scheduled to occur through
video or telephonic conferencing. Video appearances are the preferred remote means of court
appearances. All persons with new or pending court matters are instructed to initiate contact
with the Municipal Court Clerks and provide contact information of a designated email
address and telephone number where they can be reached to schedule a court appearance by
remote means, by video or by telephone as their access to technology allows. The Municipal

1 Court Clerks will provide the information necessary to appear in court in the manner and
2 time scheduled for the court appearance. A designated link to the court's video program will
3 be delivered by email or by telephone contact for non-email users for their specific court
4 appearance date and time. Members of the public wishing to observe a hearing may view the
meeting links posted on the court website or may contact the Municipal Court Clerks to
receive specific information of the appropriate link to a requested remote court appearance.

5 (a) In-person appearances and trials will not be held unless adequate facilities are
6 available where social distancing requirements can be met, and staffing levels
7 permit. As restrictions are lifted in the future, in-person proceedings may be held
8 with arrangements made in advance and with permission of the Judge. Permission
9 will be conditioned upon whether social distancing can be safely maintained in
the courtroom, throughout court-controlled areas of Kent Taylor Civil Hall where
Municipal Court is held and the adjoining plaza, protective face coverings in these
areas will be required at all times.

10 (b) Updated safety precautions and protocol for court proceedings will issue based
11 upon official public health guidance as a requirement for participation or
attendance at in-person court proceedings. Further updated guidance as it
becomes available may be obtained by contacting the Municipal Court Clerks.

12 2. **Jury Service** All jurors 60 years of age or more, or with any compromised health condition,
13 or caring for a someone with such condition as determined by OHA, are relieved of jury duty
upon request to the Court.

14 3. **Criminal Matters**

15 (a) **Arraignments.** Out-of-custody arraignments will be by remote means until
16 further notice. In-custody arraignments will continue by simultaneous
transmission from the jail with the court as scheduled by the Court Administrator.

17 (b) **Bench Warrants.** All persons lodged on bench warrants will be provided with a
18 court dated as directed by the Court Administrator and will appear remotely from
the jail unless released prior to the scheduled court appearance. Persons cited and
19 released on a bench warrant will be scheduled for a court appearance on the 4th
20 Wednesday of the month at 9:30 a.m. All persons released to appear are hereby
instructed to contact the Municipal Court Clerks for specific scheduling
21 arrangements and to provide their email and telephone information to the court
clerks in order to receive the links necessary to attend the required court
22 appearance by remote means.

23 (c) **Bench Probation Conditions.** Bench Probationers with questions regarding
24 Anger Management Classes, Community Support Meetings, Theft Talk, Traffic
Safety or Driver Education Classes, and Treatment Programs are directed to first
25 contact the program offering the service for compliance information. Further
guidance may be obtained by contacting the Municipal Court Clerks. Links to
services and forms may be found on the McMinnville Municipal Court Website.

1 (d) **Community Service.** Bench Probation Community Service hours may be
2 converted to an alternative program by permission of the court for hour-for-hour
3 credit. Those seeking to convert community service hours are encouraged to
4 contact the Municipal Court Clerks to make arrangements to request permission
5 from the court in advance of the community service due date issued in the
6 judgment. Links to services and forms may be found on the McMinnville
7 Municipal Court Website.

8 (e) **Deferred Sentence Judgments.** All financial obligations to the court remain
9 owing. Those seeking an extension of their obligations are encouraged to contact
10 the Municipal Court Clerks to make arrangements to request an extension from
11 the court in advance of the deadline issued in the judgment. Links to services and
12 forms may be found on the McMinnville Municipal Court Website.

13 (f) **Driving Under the Influence of Intoxicants Diversion Program.** Access to the
14 motion to apply to the court for an extension of the diversion agreement is
15 available in both English and Spanish on the court website. Applications for an
16 extension of the DUII diversion agreement must be returned to the court for
17 review. The document must be complete with current contact information
18 including telephone and email address. Those requiring help to complete the
19 forms are encouraged to contact the Municipal Court Clerks and to make
20 arrangements to request an extension from the court thirty days in advance of the
21 deadline issued in the judgment.

22 Recovery Sobriety support may be obtained by contacting Provoking Hope at
23 (971) 261-2259 or Crisis After Hours at (971) 312-3752. Links to services and
24 resources may be found on the McMinnville Municipal Court Website.

25 5. **Financial Obligations** All financial obligations previously ordered by the court remain
due and owing. Persons with limited financial resources needing assistance are instructed
to contact the McMinnville Court Clerks for payment arrangement options. Court Clerks
may grant any person requesting a payment extension a one-time extension of up to for
thirty days without further permission from the court. Other arrangements including
requests to lift Oregon Driver's License suspensions imposed by this Court are available
through a petition for judicial review, which the court clerks will submit for decision.
There is a drop box available at the front of City Hall for items returned in a sealed
envelope addressed to the court for delivery. This may be used for non-cash payments as
well. All checks and money orders should be designated as payable to City of
McMinnville.

6. **Traffic Citations** All Traffic Court violation appearances will have access to the
McMinnville Municipal Court Violations Bureau, or through the options as detailed on
the back of the citation without the need for a remote court appearance if arranged in
advance of the scheduled arraignment date.

- 1 (a) **Remote Traffic Court Appearances.** Traffic citations not resolved in advance
2 of the court appearance date through the Violations Bureau or as detailed on the
3 back of the citation, will be required to appear in court by remote means. Persons
4 opting to appear remotely in court are directed to contact the Municipal Court
5 Clerks (preferably by email) one week before the appearance date listed on the
6 bottom of the citation for scheduling to receive instructions for remote court
7 appearance, which will be given once an email address and telephone number has
8 been provided to the Municipal Court Clerks.
- 9 (b) **Violations Bureau.** All Traffic Court violation appearances may be resolved
10 through the McMinnville Municipal Court Violations Bureau, without the need
11 for a court appearance. Municipal Court Clerks are authorized to reduce fines,
12 authorize traffic safety classes for eligible drivers, approve FIX-It tickets for
13 eligible offenses, set up payment arrangements and approve payment contracts, in
14 addition to other court services.
- 15 (c) **U-Turn 180 Extension – 90 days.** Eligible participants for the U-turn 180
16 Traffic Improvement Safety Program, if pre-approved by the Court or by the
17 Violations Bureau, will be allowed 90 days to successfully complete the course
18 and submit the completion notice to the court clerks for dismissal of the
19 qualifying offense. Links may be found on the McMinnville Municipal Court
20 Website.
- 21 (d) **Missed Traffic Court Appearances Enhanced Fines.** Failure to appear at the
22 time set for arraignment or a reset of arraignment, will result in entry of a finding
23 that the person failed to appear, and the person will be found guilty of the offense
24 or offenses as listed on the citation. In addition to the presumptive fine listed on
25 the citation for each offense, the Court will impose an additional \$60 fine for each
26 offense, per Municipal Court Order 2021-01.

27 7. **Payment Contracts** Payment Contracts are available through the Municipal Court
28 Clerks by mail, email, or facsimile. Persons must request the contract for approval and
29 return a signed completed contract to the McMinnville Court Clerks by mail, email, or
30 facsimile. Those requiring help to complete the forms are encouraged to contact the
31 Municipal Court Clerks. A drop box is available at the front of City Hall for items
32 returned in a sealed envelope addressed to the court for delivery. This may be used for
33 non-cash payments as well. All checks and money orders should be designated as
34 payable to City of McMinnville.

35 8. **Requests to Lift Suspension of Oregon Driver License.** Requests to lift a suspension
36 imposed by McMinnville Municipal Court requires a down payment and payment
37 arrangement by contract.

- 38 (a) Payment contracts to lift suspensions are available to persons with limited
39 financial resources with terms of a down payment, a minimum monthly payment
40 of \$50 provided the balance is paid in full in a one-year period from the date of
41 the contract.

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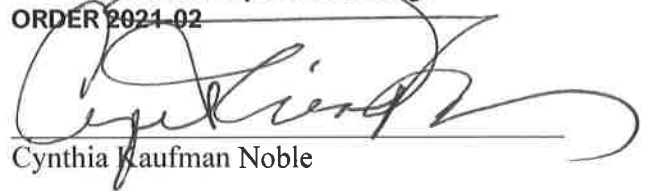
(b) Alternatives are available for persons unable to pay the balance in one year. Arrangements can be made through Municipal Court Clerks to submit a petition for judicial review of a proposed offer with terms of a down payment amount, a monthly payment amount, and a date to start, for consideration by the Judge. If granted, the suspension will be lifted.

9. **Prior Order.** This Order supersedes Temporary General Order No. 2020-01 issued on March 16, 2020 through May 31, 2020, and Temporary General Order No. 2020-02 issued on May 27, 2020 effective on June 1, 2020, and the Amended Order on July 1, 2020.

10. **Effective Date.** This Order takes effect on March 18, 2021. Once in effect, this order will remain in effect until amended, superseded, or vacated by further McMinnville Municipal Judge Order.

IT IS SO ORDERED this 18th day of March, 2021.

Before CYNTHIA KAUFMAN NOBLE,
McMinnville Municipal Court Judge
ORDER 2021-02



Cynthia Kaufman Noble