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3
4 IN THE MUNICIPAL COURT OF THE CITY OF MCMINNVILLE
5 COUNTY OF YAMHILL, STATE OF OREGON

6
7 **IN RE CORONAVIRUS COVID-19**
8 **PUBLIC EMERGENCY**
9 **MAY 27, 2020**

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)
) **TEMPORARY GENERAL ORDER**
) **2020-02**
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10 In light of updated information concerning COVID-19 Pandemic, Kate Brown, the
11 Governor of the State of Oregon continued the State of Emergency Declaration through July 6,
12 2020; Yamhill County extended the State of Emergency Declaration though June 30, 2020; and
13 the City of McMinnville extended the State of Emergency Declaration through June 27, 2020.
14 On May 14, 2020, the Governor signed Executive Order 20-25, a Public Health Framework for
15 Reopening Oregon, which is a reopening plan for the counties of Oregon based upon criteria that
16 must be achieved and maintained in order to ease restrictions, and if necessary, includes an
17 adjustment to the phase level should a resurgence of the virus threaten public health. On May
18 15, 2020, Yamhill County was granted Phase 1 status, which is to remain in place for 21 days
19 before the County is eligible to apply for Phase 2 status. Yamhill County will reach that 21-day
20 period on June 5th. In response to the Governor's Executive Order 20-25, on May 15th Oregon's
21 Chief Justice Martha Walters issued Chief Justice Order (CJO) 20-016 with an effective date of
22 June 1, 2020, easing previously imposed court restrictions from Level 3 to Level 2 for those
23 courts in judicial districts approved for and able to maintain a Phase 1 status that also provided
24 specific instructions and precautions for state courts. This will remain in effect until further
25 Order from the Chief Justice.

1 As the appointed Judge for the McMinnville Municipal Court by the City Council, and with the
2 authority granted under the City Charter, the McMinnville Municipal Code, the Oregon Revised
3 Statutes, and the Oregon Constitution, I find good cause to extend the General Order 2020-01
4 issued on March 16, 2020 through May 31, 2020, and to respond with a new Order for the
5 operation of McMinnville Municipal Court, in order to protect public health from the spread of a
6 community based virus, and to take precautionary measures to reduce the risk should resurgence
7 occur as restrictions are lifted.

8 I HEREBY ORDER, with the preceding authority, a new order as detailed below. This Order
9 becomes effective June 1, 2020, and will remain in place until further Order of this Court. This
10 Order may or may not be changed, contingent upon public health guidance from Oregon's
11 Governor, the Chief Justice, Yamhill County Public Health Department, and the City of
12 McMinnville.

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14 Definitions, as used in this order:

15 **Remote Means** is an appearance in court, at any type of court proceeding, or gathering,
16 including trial, by video or telephone, or other two-way device transmission or by
17 simultaneous electronic transmission as defined in ORS 131.045.

18 **Social Distancing** is a minimal amount of physical distance between each person that is
19 deemed to be safe for public contact as determined by Executive Order of the Governor
20 of this State, and applied to any type of in-court proceeding, or gathering, including trial,
21 of persons not dwelling in the same household, with exceptions consistent with CJO 20-
22 016, and as allowed by this Court.

- 23
24 1. **Temporary General Order 2020-01.** The Temporary General Order 2020-01 issued on
25 March 16, 2020 is extended through May 31, 2020.

1 2. **Appearances** All court appearances will be held by remote means and will be scheduled
2 for appearance in court by video or telephonic conferencing. All persons with new or
3 pending court matters are instructed to contact the Municipal Court Office for scheduling
4 and further information about the method of court appearance.

5 (a) Video appearances are the preferred remote means of court appearance. After
6 July 1, 2020, in-person appearances and trials may be held as allowed by the
7 Court provided social distancing can be safely maintained in the courtroom,
8 throughout court-controlled areas of Kent Taylor Civil Hall where Municipal
9 Court is held, and the adjoining plaza.

10 (b) Additional safety precautions and protocol for court proceedings will issue based
11 upon official public health guidance as a requirement for participation or
12 attendance at in-person court proceedings. Further guidance may be obtained by
13 contacting the Municipal Court Office at (503) 434-7402, or email at
14 mc@mcminnvilleoregon.gov, or visiting the City of McMinnville Website at
15 <https://www.mcminnvilleoregon.gov/municipalcourt>.
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17 3. **Jury Service** All persons now on the jury panel for McMinnville Municipal Court are
18 relieved of any jury service duties through Friday, July 17, 2020. All jurors 60 years of
19 age or more, or with any compromised health condition, or caring for a loved one with
20 such condition, are relieved of jury duty upon request.

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22 4. **Criminal Matters**

23 (a) **Arraignments.** Beginning May 27, 2020, all out-of-custody arraignments will be
24 by remote means, until further notice. In-custody arraignments will continue by
25 simultaneous transmission from the jail with the court as scheduled by the Court
Administrator.

- 1 **(b) Bench Probation Conditions.** Bench Probationers with questions regarding
2 Anger Management Classes, Community Support Meetings, Theft Talk, Traffic
3 Safety or Driver Education Classes, and Treatment Programs are directed to first
4 contact the program offering the service for compliance information. Further
5 guidance may be obtained by contacting the Municipal Court Office at (503) 434-
6 7402, or by email at mc@mcminnvilleoregon.gov.
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8 **(c) Bench Warrants.** All active warrants will be served with cite and release
9 provisions and provided a court date after July 1, 2020, or as directed by the
10 Court Administrator. All persons released to appear are hereby instructed to
11 contact the Municipal Court Office for specific scheduling and information about
12 their court appearance by remote means.
- 13 **(d) Community Service.** The deadline for standard Bench Probation Community
14 Service hours for those due to expire during the declaration of emergency period
15 is extended through July 1, 2020.
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17 **(e) Deferred Sentence Judgments.** All financial obligations remain owing. The
18 deadline for final payment due to expire during the emergency declaration period
19 is extended through July 1, 2020.
- 20 **(f) Driving Under the Influence of Intoxicants Diversion Program.** Access to
21 Motions to apply to the court for an extension of the diversion agreement is
22 available in both English and Spanish on the court website. Applications for an
23 extension of the DUII diversion agreement may be returned for review by mail,
24 email, or facsimile, provided the document is complete and contains current
25 contact information including telephone and email for court contact.

1 5. **Financial Obligations** All financial obligations previously ordered by the court remain
2 due and owing. Persons with limited financial resources needing assistance are instructed
3 to contact the McMinnville Court Office for payment arrangement information. Court
4 Clerks may grant any person requesting an extension on their payment through July 1,
5 2020.

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7 6. **Traffic Citations** All Traffic Court appearances may be resolved through the
8 McMinnville Municipal Court Violations Bureau, or through the options as detailed on
9 the back of the citation without the need for a court appearance.

10 (a) **Remote Traffic Court Appearances.** Traffic citations not handled through the
11 Violations Bureau or as detailed on the back of the citation, will be held by
12 remote means and will be scheduled for an appearance in court by video or
13 telephonic conferencing. Persons opting to appear remotely in court are directed
14 to contact the Municipal Court Office no later than one week before the
15 appearance date listed on the citation for scheduling and further instructions.

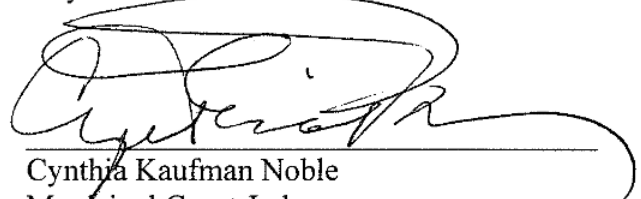
16 (b) **Violations Bureau.** All Traffic Court appearances may be resolved through the
17 McMinnville Municipal Court Violations Bureau, without the need for a court
18 appearance by contacting the Municipal Court Office at (503) 434-7402, or by
19 email at mc@mcminnvilleoregon.gov. Court Clerks are authorized to reduce
20 fines, approve payment contracts, authorize traffic improvement classes, and
21 more.
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23 7. **Payment Contracts** Payment Contracts are available through the Court Clerks by mail,
24 email, or facsimile. Persons requesting approval must complete the contract and return it
25 to the McMinnville Court Office by mail, email, or facsimile.

- 1 8. **Suspensions Stayed** McMinnville Municipal Court will not send delinquent accounts to
2 DMV for suspension before July 1, 2020. Requests to lift a suspension require a payment
3 arrangement with a contract. Payment contracts to lift a suspension are available to
4 persons with limited financial resources with terms of a minimum payment of \$50 per
5 month and the balance due to be paid in full in a one-year period from the date of the
6 contract through July 1, 2020.
- 7 9. **Prior Order.** This Order supersedes Temporary General Order 2020-01 issued on March
8 16, 2020 on May 31, 2020.
- 9 10. **Effective Date.** This Order will be in effect on June 1, 2020, and maybe subject to
10 modification as further guidance is issued concerning public safety.
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13 Dated this 27th day of May, 2020.
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15 City of McMinnville

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18 Cynthia Kaufman Noble
19 Municipal Court Judge

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21 For Further Guidance, please contact:
22 Municipal Court Office at (503) 434-7402, or
23 email at mc@mcminnvilleoregon.gov, or visit
24 the court at www.mcminnvilleoregon.gov/municipalcourt.
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