

**ORDINANCE NO. 2543****AN ORDINANCE PROVIDING FOR THE RIGHT OF TRIAL BY JURY;  
PROVIDING THE METHODS AND PROCEDURE FOR SELECTING JURORS;  
PROVIDING FOR A JURY FEE AND ESTABLISHING THE EFFECTIVE DATE  
HEREOF BY THE DECLARATION OF AN EMERGENCY.**

Whereas, the Charter of the City of Baker specifically provides there shall be no jury trials in Municipal Court, but the State of Oregon enacted a General law providing for jury trials in Municipal Courts by the provisions of Chapter 502, Oregon Laws, 1959, and it is believed that said General law supersedes said Charter provisions, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF BAKER, OREGON:

Section 1. Right to Trial by Jury. Every person charged with any offense defined and made punishable by the City Charter or any ordinance of the City of Baker shall have the right to trial by jury upon giving notice to the Municipal Judge, in writing, at least six (6) days, excluding Sundays and legal holidays, prior to the trial date set by the Municipal Court.

Section 2. Number of Jurors. The jury shall consist of six (6) persons duly sworn to try the cause for which they are called and the jurors shall be selected as hereinafter provided.

Section 3. Term of Court. The terms of the Municipal Court shall be for a period of four (4) months, beginning on January 1, May 1 and September 1 of each year following the passage of this ordinance. The first term of said Court shall commence immediately upon the passage of this ordinance.

Section 4. Jury List. Upon passage of this ordinance and on the first Monday in January thereafter, the Municipal Judge and the City Recorder of the City of Baker, Oregon, shall prepare a preliminary jury list, by lot, of two hundred (200) names of persons taken from the latest tax roll and registration books used at the last City election. In preparing the preliminary jury list, the Municipal Judge and the City Recorder shall place therein only those names of persons who are known or believed to be possessed of the qualifications prescribed in O.R.S. 10.030 and not entitled to exemption as provided in O.R.S. 10.040. The jury list shall contain the Christian

name and the surname and the place of residence and occupation of each person named therein and it shall be certified by the City Recorder and placed on file in his office within ten (10) days from the time it was prepared.

Section 5. Jury Panels. The jury panel for each term shall be selected on the 1st day of each term of court, and the City Recorder shall select thirty (30) names of persons by lot, from the preliminary jury list, to serve as a jury panel until the next jury panel is selected. No person shall be required to serve more than one term during any calendar year. A jury panel shall be selected upon passage of this ordinance and thereafter on the 1st day of each term of court hereafter. The jury panel shall be selected by the City Recorder in the presence of the Municipal Judge. No challenge shall be made or allowed to the panel and substantial compliance with the ordinance for the selection of a panel shall be sufficient.

Section 6. Jury Box. The City Recorder shall keep in his office a sufficient box, carefully secured, which shall be known as the Jury Box. After the City Recorder has filed the jury list in his office and has selected by lot, the jury panel for the current term of the Municipal Court, the City Recorder shall prepare and deposit in such box separate ballots containing the name, place of residence and occupation of each person on said jury panel, said ballots to be folded as nearly alike as possible so that the name thereon cannot be seen. At the beginning of each new term of Court, the City Recorder shall destroy all ballots remaining in said Jury Box for the previous term and deposit therein the ballots for the members of the jury panel for the current term.

Section 7. Selection of the Trial Jury. At least three (3) days, excluding Sundays and legal holidays, prior to the trial date, the defendant, or his attorney, and the City Attorney, shall appear before the Municipal Judge for the selection of the jury. The time and place of such selection shall be designated by the court, and the Municipal Judge shall notify the defendant or his attorney and the City Attorney of said time and place. The Municipal Judge shall then draw from the Jury Box, in the presence of the parties, twelve (12) ballots, or any greater number if necessary, until the names of twelve persons who are deemed able to attend at the time and place required are obtained. If it appears to the Municipal Judge that a person whose name is drawn is dead or resides outside the City, the ballot must be destroyed. If it appears to the Municipal Judge, or he has good reason to believe, that a person whose name is drawn is temporarily out of the City or is unwell or is so engaged as to be unable to attend at the time and place required without great inconvenience, the ballot shall be laid aside, without the name drawn being considered and shall be returned to the Jury Box when the drawing is completed. When the aforesaid drawing of twelve (12) names is completed, the City and the defendant, by his

representative, must select a jury by each striking from the list three names alternately commencing with the defendant. The remaining six shall be summoned as jurors in the cause.

Section 8. Alternate Jurors. Immediately after the selection of the trial jury, on motion of the defendant or his attorney, or on a motion of the City Attorney, or the Court on its own motion, may direct that six (6) additional names be drawn from the box from which alternates may be selected. When six names are drawn from the Jury Box as alternates, each party shall strike one of such names. No alternate juror shall be summoned to serve at the trial of the action except when the six principals are not available.

Section 9. Summons of Jurors. The names of the six jurors selected as provided herein must be inserted in the order to summon a jury and thereafter the Municipal Judge shall transmit such order to the Chief of Police of the City of Baker who shall summon the six persons so drawn and listed to serve as jurors in the pending cause. The order shall require said jurors to appear before the Municipal Judge forthwith, or upon the date the trial is set, or at some future time to which the trial of the cause may be postponed. The Chief of Police, or any other police officer of the City of Baker, must serve the order by giving notice to each person selected of the time and place he is required to appear and for what purpose and return the same according to the directions therein, with the names of the person summoned verified by his own certificates

Section 10: Jurors. The six persons drawn and summoned, as hereinabove provided, shall constitute the jury of the trial of the cause then pending before the Municipal Court of the City of Baker, Oregon. Neither party shall be entitled to pre-emptory challenge as to any of said six jurors, but if any of said six jurors are found to be disqualified by challenge for cause, their places on the jury shall be filled by summoning an alternate juror in the manner hereinabove stated and said alternate juror shall be subject to be disqualified for cause.

Section 11: Attendance by Jurors. If a person duly summoned to attend the Municipal Court as a juror fails to attend as required or fails to give a valid excuse therefor, he may be held in contempt of Court by the Municipal Judge and be punished by fine of not more than \$25. 00 or by imprisonment in the city jail for not more than five (5) days, or both.

Section 12. Conduct of Trials. The trial shall be conducted in the same manner as trials in the Justice Courts and the rules of evidence shall be the same as in the state Courts and shall include applicable statutes of the State of Oregon regarding introduction or admission of evidence.

Section 13. Verdicts. Five of the six jurors sworn to try the cause must concur to render a verdict.

Section 14. Jury Fee. Every person charged with any offense defined and made punishable by the City Charter or any ordinance of the City of Baker, who desires a trial by jury, shall, at the same time as his written notice is given to the Municipal Judge of a request for said trial by jury, deposit with the City Recorder the sum of \$30. 00 as a jury fee.

Section 15. Refund of Jury Fee. If the defendant is acquitted by the jury, the jury fee deposited by the defendant shall be refunded to said defendant.

Section 16. Payment of Jurors. Those jurors notified and who appear for trial shall receive compensation from the City of Baker in the amount of \$5.00 for each day of attendance upon the Municipal Court.

Section 17. Costs and Disbursements. In all cases tried before a jury in the Municipal Court, the Municipal Judge, whenever said defendant is convicted, shall add the costs and disbursements in the sum of not less than \$5.00 to the fine, penalty or sentence imposed.

Section 18. Emergency. An emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council this 12th day of September, 1960.

Approved by the Mayor this 12th day of September, 1960.