

ADMINISTRATIVE ORDER NO. 44-24-04
of the
City Manager

**EMERGENCY ADOPTION OF MUNICIPAL COURT RULES
CONCERNING PROHIBITED BEHAVIOR AND EXCLUSION FROM
THE COURT.**

The City Manager of the City of Eugene finds that:

A. Section 2.019 of the Eugene Code, 1971, authorizes the City Manager or designee to adopt rules for implementation of any provisions of the Eugene Code, 1971. Subsection (6) of Section 2.019 authorizes the City Manager to adopt emergency rules without prior notice or hearing.

B. It is necessary to adopt Emergency Municipal Court Rules to establish provisions for excluding from Municipal Court persons who violate federal, state, or local law while on or in Municipal Court. Being able to exclude someone from the Municipal Court after the person has been arrested for violating federal, state, or local law while at Municipal Court is necessary for a number of reasons, including furtherance and adherence to the City's adopted Workplace Violence policy.

C. Establishment of this Emergency Rule is necessary to provide a mechanism for limiting a person's ability to be on Municipal Court after the person has been arrested for violating federal, state, or local law while at Municipal Court. It should be implemented without prior public notice pursuant to subsection (6) of Section 2.019 of the Eugene Code, 1971, because failure to act promptly in establishing this Rule could result in interference with Court or City Council proceedings and possible harm to the public and City staff.

NOW, THEREFORE, based upon the above findings and pursuant to the authority in subsection (6) of Section 2.019 of the Eugene Code, 1971, I order that this Emergency Rule shall become effective immediately and remain in effect for a period of 180 days from the date this Order is signed unless replaced earlier by an emergency rule, temporary rule, or permanent rule adopted in accordance with the provisions of Section 2.019 of the Eugene Code, 1971. Previously adopted Administrative Order 44-23-11, adopting emergency rules for both Municipal Court and Interim City Hall at LCC is hereby repealed.

EUGENE MUNICIPAL COURT
ADMINISTRATIVE RULE

(Prohibited Behavior and Exclusion of Persons from the Court)

A. PROHIBITED BEHAVIOR AND EXCLUSION.

1. As used herein, "prohibited behavior" means engaging in any act on or in Municipal Court premises that constitutes a violation of federal or state law or the Eugene Code, 1971, and for which the person is arrested.

2. The City may, in its discretion, restrict from future use of or exclude from Municipal Court premises persons who engage in prohibited behavior.

B. NOTICE OF EXCLUSION, HEARING AND APPEAL.

1. Notice of Exclusion.

(a) The City shall provide prior written notice to any person who engages in prohibited behavior whom the City proposes to exclude from the Municipal Court premises ("Notice of Exclusion").

(b) Notices of Exclusion may be issued by authorized City personnel or by police officers, shall state the time period for the exclusion, shall set forth the reason(s) for the exclusion, and set forth any conditions or exceptions to the exclusion.

(c) Notices of Exclusion shall contain a statement advising of the right to request a hearing in the manner set forth in subsection B.2 of this rule.

2. Hearing and Appeal.

(a) Persons who have received a Notice of Exclusion may request an informal hearing to contest the notice.

(b) The request for an informal hearing must be in writing and filed with the Central Services Executive Director at the location indicated on the notice within seven days of receipt of the notice.

(c) The Central Services Executive Director or designee shall schedule a time and place for the informal hearing to be conducted, which shall be not more than seven days after receipt of the request for hearing.

(d) At the informal hearing the Central Services Executive Director or designee shall consider testimony from the City personnel involved in the incident that resulted in the notice, testimony from the person requesting the hearing, and testimony from any other witnesses to the incident. The Executive Director or designee may exclude anyone from the informal hearing, other than the person that requested the hearing, who is not presenting testimony to the Executive Director or designee.

(e) Within 72 hours of the informal hearing the Executive Director or designee will issue a written decision affirming, modifying, or cancelling the notice. The decision shall be delivered or mailed to the person that requested the hearing on the date issued. The written decision of the Executive Director or designee shall be final on the 16th day after it is issued unless prior to that time a notice of appeal is filed with the Executive Director in accordance with Section 2.021 of the Eugene Code, 1971. The appeal shall be heard by a hearings official appointed by the City Manager and the hearings official's decision shall be the final decision.

C. **ENFORCEMENT.**

If a person violates a Notice of Exclusion and refuses to leave the Municipal Court premises upon request of authorized City personnel, the City may contact the Eugene Police Department for further action, which may include arrest for trespass.

Dated and effective this 12th day of June, 2024.



KPB

**Sarah Medary
City Manager**