

## BOARD OF COMMISSIONERS

### MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, September 23, 2015  
9:00 a.m.

Senator Hearing Room  
555 Court Street NE  
Salem, OR 97301

PRESENT: Commissioner Janet Carlson, Commissioner Kevin Cameron and Commissioner Sam Brentano. Also present were John Lattimer as chief administrative officer, Gloria Roy as county counsel and Kristy Witherell as recorder.

Commissioner Carlson called the meeting to order at 9:00 a.m.

### **PUBLIC COMMENT**

*(Video Time 00:01:45)*

- JC Riggs, lives in Marion County near the City of Silverton:
  - Spoke about moving forward with marijuana sales in Oregon;
  - Mr. Riggs is currently a hazelnut farmer;
  - Spoke about Colorado's marijuana sales based on July 2015:
    - Colorado made 67 million dollars in one month on marijuana sales; and
    - \$900,000 in taxes went to the counties to pay for various services.
  - Feels if Marion County opts out of marijuana sales, no tax revenue will be made;
  - Asked the commissioners to read the materials he provided and to base decision-making on what the future will hold along with potential tax revenue; and
  - Would like to see Marion County reconsider opting out of marijuana sales.
  - Commissioner Cameron stated to Mr. Riggs that this will be a vote brought forth to the people:
    - The only way it would be stopped is if the people of Marion County vote no on recreational sales; and
    - Commissioners do not have the control to stop recreational marijuana sales without a vote of the people.
  - Commissioner Carlson stated in response to Mr. Riggs' comment that there are two medical marijuana facilities in rural Marion County that will be grandfathered in to sell both medical and recreational marijuana:
    - November 2016 will have a countywide vote for Marion County to stop recreational sales;
    - The recreational marijuana measure failed in Marion County last November; and
    - Will add a second ordinance that would add three percent tax to recreational marijuana sales if recreational sales are allowed.
- Margo Lucas, representing the United Food and Commercial Workers Union through Local 555:
  - Hired in June as a cannabis lobbyist and organizer;

- Measure 91 campaign didn't fight too hard on the ground in rural Polk County;
- Currently has unbelievable positive support for recreational marijuana sales;
- Not surprised if the ballot measure was turned down;
- The union is speaking with local marijuana businesses that will be licensed retailers:
  - On board for better paying jobs, benefits and retirement; and
  - Focusing on labor intensive jobs that are growers and processors.
- The jobs created help the economy from the ground up;
- Tax dollars created; and
- Wanted to clarify that Mr. Riggs medical marijuana grow operation would not be affected by the ordinance.

## **CONSENT**

*(Video Time 00:14:47)*

### BUSINESS SERVICES – HUMAN RESOURCES

Approve recommendation to establish new classification, Elections and Recording Manager, Clerk's Office.

### COMMUNITY SERVICES

Approve an Allocation Agreement and order distributing \$100,000 per year of economic development funds to the Oregon Garden Foundation through June 30, 2018.

### FINANCE

Approve a quitclaim deed to convey real property #R58346 to the prior owner.

### INFORMATION TECHNOLOGY

Approve the Purchase Order with Oracle Support Services for \$183,242.15 to provide licensing and support through June 30, 2016.

### TAX COLLECTOR

Approve an order authorizing a property tax refund of \$25,965.88 to First American Bancorp Inc.

**MOTION:** Commissioner Cameron moved approval of the consent agenda. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

## **ACTION**

*(Video Time 00:16:20)*

### HEALTH

1. Consider approval of an intergovernmental agreement with Polk County for the Mid-Valley Behavioral Care Network to provide regional management of mental health and chemical dependency treatment services. – Rod Calkins

***Summary of presentation:***

- Reinstatement of an existing intergovernmental agreement;
- Makes a few changes to the existing agreement:
  - Under section 2.2, the references to the former partners Linn and Yamhill Counties are removed;
  - Under section 8, clarifies Mid-Valley Behavioral Care Network is not subject to local budget law;
  - Under section 17, changes the effective date of the agreement to November 1, 2015; and
  - Mid-Valley Behavioral Care Network manages the Medicaid benefit principally for mental health and chemical dependency on a regional basis in Marion and Polk counties.

**MOTION:** Commissioner Brentano moved approval of the intergovernmental agreement with Polk County for the Mid-Valley Behavioral Care Network to provide regional management of mental health and chemical dependency treatment services. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

**BOARD OF COMMISSIONERS**

2. Consider adoption of an ordinance prohibiting marijuana businesses in the unincorporated areas of Marion County, by emergency procedure. – Scott Norris

***Summary of Presentation:***

- The Oregon Medical Marijuana Program has been in place for several years;
- Medical marijuana dispensaries have been authorized for two years;
- Measure 91 authorized medical marijuana sales in Oregon;
- Measure failed in Marion County by 51.56 percent;
- In 2015, the legislature made several changes to both medical marijuana statutes and Measure 91 in House Bill (HB) 3400.
  - Specifically in section 134, authorizing local governments to adopt ordinances which prohibit any one or all of the six different types of marijuana businesses within the jurisdiction of the local government.
- After medical marijuana dispensaries became authorized in Oregon, the board passed an ordinance establishing regulations and a permit system for dispensaries;
- This ordinance does not and cannot affect the personal use provisions found in Measure 91 and HB 3400;
- The county ordinance does not apply rights or authority within cities;
- Each city has the same authority under HB 3400 to choose or not choose the opt out option;
- The county measure is voted on by the residents of the county at large, both unincorporated residents and residents of the cities will vote on the opt out if the board chooses to adopt the opt out ordinance;
- The proposed ordinance would prohibit medical marijuana dispensaries, except those that have a current ban exemption permit as the effective date of the proposed ordinance:
  - There are two permitted medical marijuana dispensaries in the unincorporated area of the county currently; and

- The two facilities are able to continue to operate.
- HB 3400 requires the county notify Oregon Health Authority (OHA) for the medical marijuana businesses which would be prohibited and the Oregon Liquor Control Commission (OLCC), that has authority to regulate recreational marijuana businesses:
  - The agencies will not license the above types of businesses between the time of the passage of the opt out ordinance and the November 2016 election;
  - The ordinance acts as a moratorium until the election; and
  - Gives the county time to reexamine the existing medical marijuana ordinance and see what OLCC will do with regard to administrative rules governing recreational businesses.
- The ordinance would not affect medical marijuana card holders:
  - Commissioner Cameron asked to add clarifying language under section six of the ordinance to add reference to personal use for medical marijuana provisions:
    - Scott Norris stated that the clarifying language can be added since the ordinance cannot affect use of medical marijuana; and
    - Scott will add language to the end of section six that says, “or the use or growing of medical marijuana under the Oregon Medical Marijuana Programs.”
- The ordinance is proposed to be adopted by emergency procedure which upon reading caption of the ordinance twice, the ordinance may take effect immediately.

***Board Discussion:***

- Six counties to date have given notice that they are doing the local opt out:
  - Five are in eastern Oregon: Umatilla, Malheur, Crook, Harney and Wheeler counties;
  - Douglas County has given notice prior to Marion County; and
  - 17 cities around Oregon are opting out including:
    - Ontario, Vale, Nyssa, Island City, John Day, Brownsville, Sandy, Junction City, Creswell, Sweet Home, Manzanita, Elgin, Baker City, Umatilla and Adrian.
- Commissioner Brentano stated that he does not want to have Marion County be the center of the marijuana industry:
  - If the citizens of Marion County agree with that statement, they will have an opportunity to vote;
  - This gives the citizens an opportunity to see what effect marijuana sales will have on the local community and vote accordingly; and
  - Marion County is reserving the right to make a choice for rural residents.
- Commissioner Cameron stated that Marion County should go about this slowly and methodically and think about the impact recreational marijuana will have on agriculture in our county.

**MOTION:** Commissioner Cameron moved that the chair to read the ordinance by title only twice. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

Commissioner Carlson read the ordinance by title only twice.

**MOTION:** Commissioner Cameron moved to adopt the ordinance as amended prohibiting marijuana businesses in the unincorporated areas of Marion County, by emergency procedure. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

3. Consider adoption of an ordinance establishing a three percent tax on the sale of recreational marijuana items and referring the ordinance to the voters at the November 8, 2016 general election. – Scott Norris

***Summary of Presentation:***

- House Bill 3400 allows local governments to impose a local option tax on the sale of recreational marijuana items;
- The tax is not allowed to be greater than three percent;
- Similar to the opt out ordinance, the local option tax on marijuana items must be referred to the voters; and
- If the local government opts out of all six types of marijuana businesses, a local option tax cannot go into effect.

***Board Discussion:***

- Commissioner Brentano stated that he never looked at recreational sales of marijuana as a great source of revenue for the county:
  - There will be expenses associated with sales of marijuana if approved;
  - Impacts on Sheriff's Office, Public Works and Planning Department:
    - Ability to recover costs makes sense.
- Commissioner Carlson asked Scott Norris to clarify the tax structure for city and county:
  - Under the distribution of the state tax, counties get 10 percent and cities get 10 percent;
  - 40 percent goes to the common school fund; and
  - Percentage goes to Oregon State Police.

**MOTION:** Commissioner Brentano moved to have the chair read the ordinance by title only twice. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

Commissioner Carlson read the ordinance by title only twice.

**MOTION:** Commissioner Brentano moved to adopt the ordinance establishing a three percent tax on the sale of recreational marijuana items and referring the ordinance to the voters at the November 8, 2016 general election as amended changing sections five, six, seven and eight to four, five, six and seven and changing the date from November 8, 2015 to November 8, 2016, by emergency procedure. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

4. Consider approval of a resolution opposing the creation of a new national monument proposed as the Owyhee Canyonlands Monument within Southern Malheur County, Oregon. – Commissioner Carlson

***Summary of Presentation:***

- Commissioner Carlson stated that at a recent Association of Oregon Counties meeting, commissioners were presented with a draft ordinance from Malheur County asking for support in opposition of a new national monument of 2.5 million acres;
- Impacts on the economy will include:
  - Mining;
  - Natural gas;
  - Cattle production;
  - Hunting and fishing;
  - Loss of county property tax revenue;
  - Possible rural schools closure; and
  - Ranchers.
- Burden on search and rescue; and
- Wildlife and fire threats.

**MOTION:** Commissioner Cameron moved to approve the resolution opposing the creation of a new national monument proposed as the Owyhee Canyonlands Monument within Southern Malheur County, Oregon. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

#### PUBLIC WORKS

5. Consider approval of a purchase in the amount of \$210,000 for an airplane hangar for Capital Community Television (CCTV) vehicle and equipment storage. – Alan Haley, Alan Bushong

##### ***Summary of Presentation:***

- Purchase airplane hangar is for purpose of storage of production equipment for CCTV;
- Equipment currently stored on Silverton Road with an annual price of \$1,700;
- Current space provides no ability for maintenance of vehicles;
- No room for training;
- Hangar is a pull through facility;
- Ran through the budget process with the regulatory commission and have approved moving forward with city council and the Board of Commissioners to consider; and
- Will solve vehicle parking issues.

##### ***Board Discussion:***

- Commissioner Brentano stated that it will be beneficial for the vehicles to be parked in a secure location rather than on the street;
- Commissioner Carlson stated that it will be nice having the equipment securely stored and will serve CCTV's mission for training volunteers.

**MOTION:** Commissioner Brentano moved to approve a purchase in the amount of \$210,000 for an airplane hangar for Capital Community Television (CCTV) vehicle and equipment storage. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

**PUBLIC HEARINGS**  
**9:30 A.M.**

*(Video Time 1:27:30)*

**PUBLIC WORKS**

A. Public hearing to consider amendments to the Marion County Code, Title 16. (Urban Zone Code) – Joe Fennimore


*Summary:*


- August 26, 2015, the board adopted Resolution #15-42 initiating a revision to the Marion County code;
- Urban Code scheduled a public hearing for today;
- The purpose of the revision is to reconcile the code with Ordinance #1357 regarding the keeping of chickens on land inside urban growth boundaries under Marion County jurisdiction;
- Ordinance #1357 allows property owners to keep hens in a single family residential urban development zoned properties while the zone code at 16.25.200(A)(11) prohibits the keeping of poultry in residential zones;
- In order to reconcile the zone code with Ordinance #1357, staff recommends this section of the zone code be amended adding language to the second sentence to read:
  - No birds or furbearing animals, other than pets, and no livestock, poultry, other than hens as outlined in Ordinance #1357, or beekeeping are permitted in residential zones.
- Staff recommends the board adopt the amendment as proposed.


MOTION: Commissioner Cameron moved to close the public hearing and adopt the proposed amendments to the Marion County Code, Title 16. (Urban Zone Code). Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

Commissioner Carlson read the weekly calendar.

Commissioner Carlson adjourned the meeting at 10:41 a.m.

  
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CHAIR

  
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COMMISSIONER

  
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COMMISSIONER

**Board Sessions can be viewed on-line at <http://www.youtube.com/watch?v=VYF8Y6U7178>.**

