

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, August 3, 2016
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

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

ABSENT: Commissioner Janet Carlson

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

PUBLIC COMMENT

None.

PRESENTATION

(Video Time 00:01:14)

Economic Development – Oregon Garden Foundation (OGF) 4th Quarter Report. – Mark Hunter

Summary of presentation:

- Identified need to upgrade and continuously work with collateral material when it comes to funding development:
 - One of the results is a brochure promoting brick giving program with all proceeds going to horticultural enhancement fund;
 - Upgraded website which has improved donor experience immensely:
 - Can see more specifics to giving;
 - Donation process simplified; and
 - Donors can now give on a monthly and/or recurring basis.
- Attendance is up this summer;
- Moonstone is working on an addition of an event barn which will enhance host capacity;
- Relationship with Oregon Association of Nurseries (OAN) has developed:
 - Their board is going to provide a liaison member who will attend OGF monthly meetings starting this month; and
 - OAN is looking at options to invest in the Garden in meaningful ways.
- Has spent the last six months working on a strategic plan focused on the direction OGF is headed:
 - Highlights are:
 - Upgrades to nursery facilities;
 - Created a scholarship fund for high school students interested in horticulture;

- Continuing to look at the foundation and how it operates; and
- A lot of promising projects being looked at for the next three years.

Board discussion:

- The board is pleased that the OGF is reestablishing relationship with OAN;
- One of the purposes of the Garden was to showcase our nursery industry in Marion County;
- Have enjoyed the events such as Christmas in the Garden:
 - “Sunsets in the Garden” event going on for the next six weeks.

CONSENT

(Video Time 00:12:00)

JUVENILE

Approve Amendment 1 with Multnomah County and Third Sector Capital Enterprises to extend the contract through August 5, 2016 and add \$23,000 in funding from the National Community Services Social Innovation Fund Group.

PUBLIC WORKS

Receive hearings officer’s decision denying Administrative Review (AR) 16-007/Thompson, Clerk’s file #5713.

Receive hearings officer’s decision dismissing Administrative Review (AR) 16-009/Hwang, Clerk’s file #5714.

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

ACTION

(Video Time 00:12:52)

LEGAL COUNSEL

1. Consider approval of an order calling for an election concerning the establishment of a 3 percent local tax on the retail sale of recreational marijuana products. – Scott Norris

Summary of presentation:

- 2015 legislature passed legislation authorizing the county to adopt an ordinance imposing a 3 percent local tax on retail sales in the unincorporated areas of the county outside of city limits by those holding a recreational sales retail license;
- Legislation requires that an ordinance of this sort be referred to the voters at the next general election, which is November 2016;
- The board has adopted an ordinance:
 - This order will refer that ordinance to the 2016 ballot.
- Notice of measure election will be published and an explanatory statement will be in the county voter’s pamphlet;

- The notice of measure election has a ballot caption, question and summary;
- A yes vote will impose a 3 percent local tax on marijuana retailers outside of cities; and
- This ordinance would only take effect if the ordinance allowing retailers is approved by the voters in November.

Board discussion:

- Net proceeds of a local tax will be used for public safety services;
- It is unknown what the revenue impact will be;
- Currently, there are two retail establishments in all of Marion County;
- Limited opportunity outside the Urban Growth Boundary;
- This ordinance only imposes a tax outside of city limits:
 - The imposed tax inside of city limits is up to each city.
- Not doing this as a revenue generator.

MOTION: Commissioner Brentano moved for approval of an order calling for an election concerning the establishment of a 3 percent local tax on the retail sale of recreational marijuana products. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:19:23)

2. Consider approval of an order calling for an election concerning the establishment of medical marijuana processing sites and medical marijuana dispensaries in unincorporated areas of Marion County outside of city limits. – Scott Norris

Summary of presentation:

- 2015 legislature authorizes the county to prohibit the establishment of any one or more of state licensed or registered marijuana businesses;
- The board has adopted an ordinance consistent with the 2015 legislation;
- The order will refer the question of the establishment of medical marijuana businesses, specifically processing sites and dispensaries, to voters in 2016 election;
- A yes vote would allow these businesses in unincorporated areas of Marion County;
- The outcome of this measure does not affect personal use provisions under Oregon law;
- Only affects the establishment of medical marijuana businesses;
- Does not affect grow sites or existing permitted dispensaries;
- Does not affect the separate proposed order and measure concerning recreational marijuana businesses; and
- This measure does not affect businesses in cities as each city regulates its own activities.

Board discussion:

- Commissioner Cameron toured two medical marijuana grow sites:
 - Those will not be impacted by this measure.

MOTION: Commissioner Brentano moved for approval of an order calling for an election concerning the establishment of medical marijuana processing sites and medical marijuana dispensaries in unincorporated areas of Marion County

outside of city limits. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:24:50)

3. Consider approval of an order calling for an election concerning the establishment of recreational marijuana producers, processors, wholesalers, and retailers in unincorporated areas of Marion County outside of city limits. – Scott Norris

Summary of presentation:

- 2015 legislature authorizes the county to adopt ordinances which prohibit recreational marijuana producers, processors, wholesalers and retailers;
- The board has adopted an ordinance;
- This order will refer the matter to the voters in the 2016 general election;
- The outcome of this measure does not affect personal use provisions under Oregon law;
- This measure does not affect medical marijuana businesses; and
- Does not affect recreational marijuana businesses inside city limits.

Board discussion:

- The county bears the cost of the referred ballot measure;
- The revenue impact is unknown;
- These measures will only apply to the unincorporated areas of Marion County; and
- The people voted no on measure 91 in 2014 and the legislature allows the county to ask the people again.

MOTION: Commissioner Brentano moved for approval of an order calling for an election concerning the establishment of recreational marijuana producers, processors, wholesalers, and retailers in unincorporated areas of Marion County outside of city limits. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:34:36)

4. Consider adoption of a resolution rescinding Resolution 16R-22 initiating amendments to the Marion County urban and rural floodplain codes. – Brandon Reich, Scott Norris

Summary of presentation:

- Resolution rescinding a prior resolution the board approved two weeks ago;
- Based on Federal Emergency Management Agency (FEMA) presentations around the state, Marion County does not need to take any action by the assumed deadline of September 15, 2016 in order for floodplain permitting to proceed in the county;
- The county has until April 2018 to adopt changes into the flood code;
- A hearing on August 31, 2016 is now not necessary; and
- The county will have the option to reinitiate at a later date.

Board discussion:

- Do not want to promote expanding flood zones that affect private property or the Endangered Species Act because it is a direct threat to the livability and economy in the county;
- Trying to give some reassurance to those who own property or who desire to develop in potential flood zones;
- Wise to wait until Congress gets a better look at the information;
- Concerned about the protection of citizens; and
- There may be changes driven by FEMA later on down the road.

MOTION: Commissioner Brentano moved for approval of a resolution rescinding Resolution 16R-22 initiating amendments to the Marion County urban and rural floodplain codes. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:40:05)

PUBLIC WORKS

5. Consider approval of an ordinance amending the Marion County Urban and Rural Zone Codes by emergency procedure. – Brandon Reich

Summary of presentation:

- The county is proposing to amend its urban and rural zone codes to align with state law:
 - Mobile food vendors;
 - Home offices;
 - Paving standards in urban unincorporated communities; and
 - Other amendments.
- Planning commission held a public hearing on March 15, 2016;
- Board of Commissioners held a public hearing on July 13, 2016;
- Board approved the amendments and directed staff to return with an ordinance reflecting decision;
- This ordinance amends the zone code; and
- Emergency procedure is necessary in order for exemptions to go into effect immediately.

MOTION: Commissioner Brentano moved for approval of an ordinance amending the Marion County Urban and Rural Zone Codes by emergency procedure and the chair read by title only twice. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

Commissioner Cameron read by title only twice.

MOTION: Commissioner Brentano moved for approval to amend the title of the ordinance to state Title 16 Urban Zone Code and Title 17 Rural Zone Code, instead of Title 16.19 which refers to the Floodplain, by emergency procedure and have the chair read by title only twice. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

Commissioner Cameron read by title only twice.

(Video Time 00:47:10)

Convened Board Session
Reconvened as Contract Review Board

CONTRACT REVIEW BOARD
FINANCE

1. Consider approval of the discretionary action for the High-Speed Ballot Envelope Sorter and Scanning System Request for Proposal to waive a minor informality on the Tritek Technologies submitted proposal. – Camber Schlag

Summary of presentation:

- Did not properly label envelope;
- County may wave a minor informality;
- If the county waves the minor informality, the proposal will be moved into the evaluation phase of the procurement process; and
- If the county does not waive the minor informality then the proposal will be determined non-responsive and will not be evaluated at all.

Board discussion:

- The proposal was received on time and therefore should be evaluated.

MOTION: Commissioner Brentano moved for approval of the discretionary action for the High-Speed Ballot Envelope Sorter and Scanning System Request for Proposal to waive a minor informality on the Tritek Technologies submitted proposal. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

Convened Contract Review Board
Reconvened Board Session


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

Commissioner Cameron read the calendar.

Commissioner Cameron adjourned the meeting at 10:04 a.m.



CHAIR



COMMISSIONER

Not Present At Meeting

COMMISSIONER

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