

**MINUTES**  
**UMATILLA COUNTY BOARD OF COMMISSIONERS**  
Administrative Meeting of March 11, 2014  
9:00 a.m., Room 130, County Courthouse  
Pendleton, Oregon

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**COMMISSIONERS PRESENT:** George Murdock, Vice Chair; Larry Givens, Commissioner

**COUNTY COUNSEL:** Doug Olsen

**MEMBERS & GUESTS PRESENT:** Bob Heffner, Budget Director; Tom Fellows, Public Works Director; Terry Rowan Umatilla County Sheriff; Sarah Williams, Umatilla County Public Health Director; Robert Pahl, Finance Director; Bob Nooy, Public Works Foreman; Karen Hutchinson-Talaski, WUMCD Board member; Randy Gerard WUMCD Manager; John Trumbo; Chris Roop; Mike Mullins, Stoney Girl Gardens Director; Warren Browning; Jed Hummell; Jenifer Valley; Dirk Marth; John Nichols; Phil Wright, East Oregonian Reporter; Michael Cannon; Eric Anderson; Cynthia Smalley; Will Perkinson; Jim Ruhe, The Releaf Center Owner; Teri Ruhe, The Releaf Center Owner; Mike Parker, CBCC Owner; Brandon Krenzler; Jamie Payne; Shannon Fox; Bonnie Leije; William Caplinger; Connie Caplinger; Bill Reuter; Todd Regian; and Nancy Ekblad  
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**CALL TO ORDER**

The meeting was called to order at 9:08 a.m. Vice Chair Murdock reminded all present that the meeting was a public forum.

**BUSINESS ON AGENDA**

**Employee of the Month:** Commissioner Murdock read the resolution naming Sarah Williams employee of the month of March 2014. Commissioner Givens moved approval. Commissioner Murdock seconded. Commissioner Givens and Commissioner Murdock each voted aye. The motion carried 2-0.

**Approval of Minutes:** The minutes of the February 25, 2014; December 24, 2013; October 9, 2013; September 4, 2013; August 22, 2013; and June 19, 2013 Board of Commissioners meetings were presented for approval.

**Commissioner Givens moved to approve the minutes of February 25, 2014; December 24, 2013; October 9, 2013; September 4, 2013; August 22, 2013; and June 19, 2013. Commissioner Murdock seconded. Commissioner, Commissioner Givens each voted aye. The motion carried 2-0.**

**Additions to agenda:** None

**Public Input:** Commissioner Murdock offered public to step forward if they had any input at this time. He reminded the audience there would be an opportunity for public comment during each of the hearings.

John Nichols, resident in the City of Umatilla, stated he was here on behalf of the residents in the area of Powerline Road. He realizes it is a road destined to have things done to it and the Commissioners are reluctant to spend money on it. It needs proper pavement, sidewalks, and curbs. The road is detraining and has become dangerous. It is a road children use to walk home from school. He provided photos illustrating water erosion along the road. Water has eroded the edge of the asphalt. You can see the edge of the asphalt is breaking off and the fog line has been discontinued. The driveway to the pump station has a deep cut right in the corner of Powerline and a secondary road. The road is not designed for heavy weights. Routinely the road is used for those weights and lengths. Speeding is an issue. Suggested law enforcement could augment their budget by sitting at Powerline, River and Loop roads enforcing traffic. Between 12 and 3 in the morning, routinely high speed drunks use this road headed for home. More over anything, pedestrians walking on that road needs to be addressed.

Commissioner Givens thanked Mr. Nichols for his comments and responded the County is working with the City of Umatilla and ODOT on making improvements for that road. Commissioner thanked Mr. Nichols for the photos that will be taken under advisement.

John Nichols stated there was no accommodations for foot traffic or safe paths for pedestrians. Safety now for people walking that road.

**Agenda Items:**

1. **Supplemental Budgets- Public Hearing:** Commissioner Murdock opened the hearing at 9:18 am. Bob Heffner gave the staff report outlining the 2 supplemental budgets. Human Resources requires an increase of \$8,550 to Materials & Services for professional development. This will be a transfer from the Community Services Development Reserve fund. Family Planning requires an increase of \$6000 to Personal Services and a \$4000 increase to Materials & Services to meet a higher demand for services. These increases are supported by a \$10,000 increase in Medicaid revenues.

Commissioner Murdock opened the floor for comment at 9:20am. Hearing none, he closed the hearing within the minute.

**Commissioner Givens, In the matter of a resolution adopting a supplemental budget pursuant to ORS 294.471 for the fiscal year ending June 30, 2014, moved approval of budget order 2014-45. Commissioner Murdock seconded. Commissioner Givens and Commissioner Murdock each voted aye. The motion carried 2-0.**

**Commissioner Givens, In the matter of a resolution adopting a supplemental budget pursuant to ORS 294.471 for the fiscal year ending June 30, 2014, moved approval of budget order 2014-46. Commissioner Murdock seconded. Commissioner Givens and Commissioner Murdock each voted aye. The motion carried 2-0.**

2. **Budget Transfers:**

**Commissioner Givens, In the matter of a resolution making a transfer of appropriations pursuant to ORS 294.463 for the fiscal year ending June 30, 2014, moved approval of 2014-47. Commissioner Murdock seconded. Commissioner Givens and Commissioner Murdock each voted aye. The motion carried 2-0.**

**Commissioner Givens In the matter of a resolution making a transfer of appropriations pursuant to ORS 294.463 for the fiscal year ending June 30, 2014, moved approval of 2014-48. Commissioner Murdock seconded. Commissioner Givens and Commissioner Murdock each voted aye. The motion carried 2-0.**

3. **Sheriff's Report:** Sheriff Terry Rowan requested each division provide him with a yearend report highlighting their activities. He presented the Commissioner with a report in rough draft form due to a printer malfunction.

Effective March 9, 2014 the Office changed to the new uniform he is wearing today. Jail staff will be transitioned throughout the week. He feels it is a more consistent look for the department. Commissioner Givens asked if there was a difference at all now. The Sheriff responded yes, the "Class A" uniform is the same. There is a difference in the type of jail staff pants for functionality. The road deputies will also have a secondary uniform for a more functional use. Commissioner Givens asked if the uniform included the Reserve unit. Sheriff Rowan stated yes.

Commissioner Murdock requested he comment on road deputies and jail changes over the last year.

Sheriff Rowan stated last April he implemented a new policy to try to have some impact on the failure to appear clientele at the jail. Approximately 141 inmates a day were in the jail at that time. He felt the matrix system feed into that failure to appear environment. The department developed a new policy to hold inmates for 36 hours before making a release decision if they have not been charged. If a failure to appear is brought in, they are held until their case is adjudicated. There was an immediate jail population increase and as the program has progressed they have hit the 200 mark at times before dropping back to the 170 range. The fear he has is placing corrections deputies in harm's way by increasing the inmate to staff ratio. The impact on food and medical costs has been minimal. This provides a more meaningful opportunity for the District Attorney to get inmates charged. More cases are adjudicated prior to release. In May he will have a better picture of the actual impacts as he will have a full year of data. Sheriff Rowan offered to come back at that time.

Patrol division has gone through a restructure as well. They used to have 7 uniformed patrol deputies; 3 detectives, 2 general law and 1 assigned to BENT team; also 1 sergeant; and 1 lieutenant. Due to the culture, the sergeant and lieutenant were not assets in the field. He feels this is a priority.

Through the budget process, he gained 1 patrol deputy. Due to a retirement he promoted a detective to lieutenant. Through a restructure he gained an additional Sergeant position. Both Sergeants are utilized in the field. There are 5 patrol staff for west end; 5 patrol staff for local and north end; 1 lieutenant in the office; 1 detective assigned to Bent and 1 detective for major crimes The newest deputy graduates from the academy in April. Once he is out on his own the Sherriff will begin to realize how that additional position has bettered the division. Sheriff Rowan is continuing efforts to expand and provide 24 hour protection. Comments from public show an appreciation for the higher level of presence.

Commissioner Givens has also heard many great comments from the public.

4. **Marijuana Dispensary Moratorium – Public Hearing:** Opened at 9:37 am. Staff report: Tamra Mabbott, Land Use Planning Director explained the packet of material provided to the Board. The material includes the recently passed House Bill 1531 which allows a local government to adopt a moratorium on marijuana dispensaries for 1 year. In 2013 House Bill 3460 passed and included language that permitted medical marijuana dispensaries. The language has many agencies confused about the intent and scope. Last Friday Sheriff Rowan and she met with one commissioner and discussed the enforcement implications for law enforcement and land use planning. Staff recommendation is a 1 year moratorium, allowing staff time to sort through the 2013 legislation and the current legislation House Bill 1531. House Bill 3460 authorized the Oregon Health Authority to issue a license to sell. They determine the appropriate zone. It is not clear which zone marijuana is involved in. County planning mainly looks at the protection of farm land. Oregon Department of Agriculture states marijuana is not a crop, it is a pharmaceutical. For the county it is a commercial zone. Proposed 1 year moratorium would allow Planning Commission time to look at the language and the state work groups to give guidance as well.

Sheriff Rowan commented this is an issue with a lot of emotion associated with allowing this type of activity. There are currently some dispensaries in the Hermiston area. He is concerned they are operating well outside of the language of the Senate and House Bills. He questions who is responsible to regulate and ensure they are following the law as it is written. We have seen irregularities with card issuance. Since the implementation of those laws he has seen an abuse of system. He has gone to various classes or seen classes advertised on how to go through the process of obtaining medical marijuana status and how to answer the questions appropriately. Law Enforcement has seen an abuse of the system. He cited a specific example of a registered card holder growing plants in his home in the same room as his child's nursery. Feels there is nothing in place for regularity systems to monitor compliance. Dispensaries are supposed to adhere to certain things, but where is the accountability? We need time to look at it and determine who is the regulatory authority. Oregon Health Authority may do site inspections, it does not say shall. There are regulations to alcohol that carry more impact than what he sees with dispensaries. It could create an opportunity for abuse thus increasing activity of the Sheriff's Office around the dispensaries.

Sarah Williams, Public Health Director, agrees from a Public Health standpoint that this is a huge issue. Agrees with other County staff that time is needed to figure it out. There are some Environmental Health issues related to marijuana and marijuana use. Many products come in edible

forms and that presents issues around how those are controlled and kept out of the hands of children. These different things need addressed to make sure the health of the public is maintained as this moves forward.

Doug Olsen clarified the status of the law. At this point the status of Oregon law is not clear. The Attorney General's Office just issued an opinion indicating the medical marijuana dispensary law may be preempted by Federal law. Association of Oregon Counties has prepared a sample moratorium ordinance. A moratorium allows everything to sort out and to get clarification on how it is impacted by federal law. Commissioner Givens asked if there was a ballot measure being proposed for the November election. Doug Olsen did not know for sure.

Commissioner Murdock opened for public comment requesting people come forward and state their name and place of residence.

**Public Comment:** Will Perkinson, lives on the north hill in Pendleton. He is an attorney in private practice, specializing in criminal law. He has prepared some written comments and distributed them to the Board. He recognizes the zoning and law enforcement difficulties around this issue. Feels it is important to also understand the Oregon Medical Marijuana Program, how it works, how it is intended to work. Oregon Medical Marijuana Program recognizes the medicinal value of cannabis and creates three classes of people allowed to possess marijuana. The patient is allowed to consume it, grower allowed to produce it, and the caregiver allowed to transfer it from grower to patient. There are clear limits on possession and growing. The problem arises when an otherwise law abiding person is prescribed medical marijuana. They have to notify the program of who their grower will be. If they do not know a grower they have no access to medical marijuana. This is the need the dispensary system is targeting. The dispensary system is in place statewide. There are approximately 200 facilities from his research. House Bill 3460 is essentially a legislative codification of the current practice. It imposes standards on dispensaries such as maintaining careful documentation, only allowing transfers of medical marijuana card holders, requiring security systems, restrictions on where these facilities can be located. Senate Bill 1531 in addition to giving the Board the ability to ban for 1 year, it also states the Board could impose time, place and manner restrictions on the operation of the dispensaries. He would encourage the Board look carefully at the possibility of those restrictions. The Board could mandate the color of the building, require the security be patched into law enforcement for instant access, etc. Many ways to find the middle ground between law enforcement and zoning concerns and the legitimate concerns of medical marijuana patients in this county who does not know a grower.

Medical marijuana laws in this state are a mess because they have evolved in a patchwork bases, but that is not why we are here today. His personal views have evolved over the last two years as a result of defending people who have no criminal history or apparent malice facing lengthy prison sentences. He gave an example of budget problems this causes. At a sentencing the probation officer stated he was being laid off due to budget reasons. It costs \$40 -45 thousand a year to house a person in the Department of Corrections and losing a county employee when this person gets sent to prison seems to be an illogical way of doing things. Views have also evolved from listening to patients, many patients in the room today, who need access to medicine prescribed by their doctor. He argues

alcohol kills more people each year than marijuana ever did, tobacco which has no medicinal value and prescriptions drugs are routinely abused and available at any pharmacy in town. He requests the Board to consider how the county will regulate dispensaries and to know the stories of legitimate need are real stories and real people who have been positively impacted by medical marijuana.

Jim Ruhe, owner of The Releaf Center in Hermiston. He feels the need to address a few things after hearing what has been said so far. The lack of information is one of the causes creating this issue. Sheriff Rowan stated that this is not clearly mandated. That is not the case. He has spent a significant amount of money to comply with the Oregon Health Authority for operation. Every action is recorded from point of sale to the entry of the building. A record is established of all of the marijuana that is used medicinally. Who it comes from, the dates and times of the transportation, who the patient is and he correlates everything together to prevent this from not being a direct and accurate account. The zoning is stated very clearly also, it needs to be an agricultural or a commercial zone. Regulations are put in place to protect citizens and the patients.

It is mandatory that each dispensary is audited, not just inspected, and fully audited with financial statements, video recordings, everything. They have taken steps, as mandated, to test the product, creating a safer product for the individuals using the product. Smoking is a thing of the past, there are better options that are being used at this time. Edibles are required to not only be labeled the quantity of THC and CBD but also to be tested for pesticides and everything else, they are labeled that this is a medical product and not to be consumed or available to children. There are very demanding rules on the person responsible for the facility. He invites entities to come inspect his store. No one has accepted his offer.

He has 16 clinical patients for a clinical study for the furthering of this industry and the medical medicinal values uncovered. One of his patients, who did not have any experience with this product, has tried every medication recommended with no success at all. He states he has had incredible success getting patients off pain relieving narcotics and now only on Rick Simpson Oil. It cannot be produced by just anybody, you have to have the knowledge and equipment. It is an oral capsule that is ingested. There is no intent for the high. He is cross breeding plants to create a strain that is THC low.

The moratorium will harm these people. If prevented from legally giving this medication to these people, they will be in a major amount of pain. We know it is curing cancer. Epileptics are having wonderful results. One patient had 35-45 grand mall seizures a month. Once put on his medication just before Christmas, the patient has not had one. When people are dying we give them all they want, it is called hospice. What about the quality of life for the people who are living right now and have this right here. People are moving to Colorado, splitting up families, because we will not help them.

His patients feel he has a responsibility to them and now it is being taken away. He requests the Board take the time to get the facts together and determine what it will take to make this work. Then we won't harm the people that are being treated.

We need to change and reform everyone's mind as to what this is. This is not the yesteryear. We are a progressive country and this is how we have made our leaps and bounds.

Commissioner Givens asked if Mr. Ruhe is making or producing. Mr. Ruhe stated yes. The medication comes in multiple forms one is dried goods and from that plant stock they have the ability to extract the THC and cannabin oil effective parts of the plant that he wants to use. The RSO is another. It is a black tar like substance that is given in a tiny, concentrated does .05 milligrams. When he treats, he provides a dosing schedule to be sure they are using it correctly.

Commissioner Givens asked if he wants to get a product for pain that is not provided over the counter, he has to obtain it from licensed pharmacist. Is he a pharmacist? What is his training? Mr. Ruhe states he is not a pharmacist, he has had training but that is not pertinent. He agrees the Commissioner's point is that he is not creating a drug that is being tested and FDA approved. Clinical trials are being done. No, you cannot buy it over the counter but you can go talk with your physician. He has a local physician who sought him out to try to provide relief for a patient. This physician wants to meet with him to discuss the patient's treatment, not just send the patient to him.

Commissioner Givens asked if he gave this presentation to the City of Hermiston. Mr. Ruhe stated he met with the Chief of Police, the City and requested to meet with the Sheriff's Department. He spoke to the Undersheriff on the phone but they were not able to meet in person.

Mike Mullins is with Stony Girl Gardens, a patient advocacy group working with patients and facilities since 1999. His previous job was as an ADA consultant so he is familiar with the position we are in today. He believes this is a civil and human rights issue. Stoney Girls currently sponsors dispensaries in over 50 cities and counties throughout the state. They offer safe and compliant strict guidelines for facilities. He has previously provided information to the board about the history of medical marijuana and how they can work with the Board.

**Commissioner Givens motion to enter into the record the materials submitted by Mr. Mullins "An introduction to the industry of medical marijuana The Oregon Impact" Commissioner Murdock seconded. Commissioner Givens and Commissioner Murdock each voted aye. The motion carried 2-0**

Mike Mullins continued to state this is a limited time moratorium, not a permanent ban. The time period should be used for integrating solutions and a period of code review and implementation. He requested the County shorten this period by working with them on implementation and lessen the impact of criminal activities in the county. Without clear, regulated safe accesses, over 3600 patients in this county will be forced back to the street. Stony Girl Gardens' presence here over the last 3 years has had a huge impact on the black market and crime in the county. Mr. Mullins plead the Board not force our neighbors, friends and family to the pusher and unknown to have unregulated cannabis that is brought in by the cartel and sold in our schools. Their research shows the average patient cannot and will not find qualified medicine and a ban simply supports crime and illegal activities. Their research shows the average patient is 57. They are looking for an affordable alternative health care that works. He is here in opposition to bans and to help defend the rights of

the patient for access to qualified medicine. The most important issue faced in this new industry is removing the black market element. Mr. Mullins stated he included qualified studies on the impact of dispensaries on communities; why dispensaries should be welcome; UCLA research concluding dispensaries are great neighbors and have reduced crime; the ASA white paper, which is the reference for state laws on medicinal cannabis distribution; the Department of Justice guidelines on enforcement for cities and counties; the medical marijuana dispensaries and their effect on crime, which is a detailed report from many different sheriffs and police departments where there have been existing dispensaries; and a dispensing and collectives for local regulation handbook to help guide the Board through looking the regulations. Mr. Mullins concluded that this is a Civil rights issue, human rights issue and invited the Board to visit and see for themselves a dispensary to see what is involved.

**Commissioner Givens moved to attach the mentioned materials into the record. Commissioner Murdock seconded. Commissioner Givens and Commissioner Murdock each voted aye. The motion carried 2-0.**

Commissioner Givens asked Mr. Mullins where Stony Girl Gardens is located. Mr. Mullins responded they are based in Happy Valley Oregon and provide oversight for dispensary operations here in the County.

Jed Hummel, Pendleton resident. He is a dad of the girl Jim spoke of earlier. On February 9<sup>th</sup> she took her last does of hydrocodone. She had been taken amounts of opiates, prescription drugs that would probably kill most people. She has complex regional pain syndrome, a neurological problem. She is now 30 days clean of opiates. The last pain specialist told them she needed to get off opiates because they will do damage to her organs. There are no other options. He did internet research on his own. There have been no cases of THC overdoses, it is very safe, it is natural. He was initially skeptical, but found this RSO. It has given his daughter enough relief to get off opiates, and save internal organs from further damage. Mr. Hummel asked the Board to consider there are legitimate uses for medical marijuana. There are people really being helped, but recognized there is abuse of it.

Commissioner Givens asked Mr. Hummel how long his daughter has been using medical marijuana. Mr. Hummel believes it was the end of November. Commissioner Givens asked how he obtains it. Mr. Hummel replied they have a card and they purchase at the dispensary in Hermiston.

Brandon Krenzler, Pendleton resident. He brought pictures of his daughter and explained them to the Board. The first was of his daughter now 8 years old diagnosed at age 7 with acute lymphoblastic lymphoma of the t-cells. The second was after medical marijuana was introduced to her. Before she started she was in a very dark place. She did not respond well to her treatments. The third photo was on a vacation. She was very ill, not hungry, losing weight, pale, basically everything you do not want your child experiencing. Ten days after beginning chemotherapy they were told by doctors to expect radiation because the chemotherapy was not doing the job. Instead of turning to radiation they turned to medical cannabis. It gave her a 100% turnaround in her health, her attitude, her quality of life exponentially increased daily. She does not have to take any pharmaceutical medication other than chemotherapy. She does not take anti-nausea medication or pain pills. She



spends every day like a normal child. If you say her today you would not know she was diagnosed with leukemia or experiencing chemotherapy. He gets the full extract cannabis oil from the Hermiston dispensary. He provided all of the documentation, they guided them along the way and they gave them what they needed for his daughter. Her life expectancy went up, her quality of life went up and the doctors were stunned.

Mr. Krenzler is the caregiver for a 2 year old with Nephroblastoma, a type of kidney cancer. When doctors removed the kidney it ruptured and spread cancer cells throughout his abdomen. His mother came to him for help. She saw Mr. Krenzler's daughter at the children's hospital and how she could play and did not have a feeding tube. The boy began using cannabis oil and he also did not have to use anti-nausea medications or pain pills and had an increase in quality of life.

Mr. Krenzler stated he feels the moratorium is discriminatory. A ban would force him to break the law to get the product so his daughter could continue treatment. He also understands the concerns. He feels a dispensary reduces crime as patients do not seek out street dealers. There are other products with cannabis infused so there are ways to get the benefits instead of smoking. Mr. Krenzler requests the Board consider regulating instead of restricting dispensaries in this county.

**Commissioner Givens motioned to enter in to record the photos submitted by Brandon Krenzler. Commissioner Murdock seconded. Commissioner Givens and Commissioner Murdock each voted aye. The motion carried 2-0.**

Mike Parker owns the Columbia Basin Compassion Center. He heard Brandon's story 28 months ago when he came in to his center. To ban the medication for these people is just wrong. They have been running for 28 months in the same location. He just signed his 2,016<sup>th</sup> patient into his center. Many are patients who do not smoke marijuana. He grows for cancer patients and one MS patient. He abides by the regulations.

Jennifer Valley stated in 1993 she was diagnosed with the most advanced case of thyroid cancer ever seen in a living patient. In 2004 her mother was diagnosed with liver cancer. She joined the medical marijuana program and was able to reduce the number of pills she was taking from 25 pills a day to just 2 per day. She now only goes to her doctor to renew her medical marijuana license. When her mother was diagnosed she convinced her to try medical marijuana. She got her mother to start growing but she died before she could begin use. She believes her mother would have survived had she had safe access sooner.

Ms. Valley stated she has fought for the last 8 years for a statewide law for medical marijuana in Oregon. She has paid attention to what is going in with policy. According to drug availability steering committee reports, Oregon has always been among one of the top 10 marijuana producing states in the nation. In 2009 we had record levels of confiscation. DASC and HIDTA assume they confiscate between 10 and 25% of the crop. That year they got 262,000 plants. That same year there were 24,000 medical marijuana participants. Amongst those card holders there were 15 arrests. That comes out to a 99.9% compliance rate. Last year after implementing hundreds of dispensaries over the last 3 years, Oregon confiscated 13,000 marijuana plants illegally grown, which demonstrates a

95% reduction in illegal marijuana production. Oregon has the lowest marijuana prices in nation and a drastic reduction in production.

Governor Kitzhaber said he wanted community based healthcare that costs less and does more. That is exactly what these dispensaries do. Patients can reduce their hospital visits, emergency room visits, doctor visits and prescription drug usage. Bans will only create safe zones for illegal activity. Ms. Valley recommends a shorter moratorium.

Bill Reuter stated he is a disabled veteran. He was previously on large amount of narcotics for pain and it has ravaged his organs. It has made him very ill over the course of the years He was put on medical marijuana and states his health is hopefully getting better. He suffered for many months before being introduced to medical marijuana. The State has given the counties and cities time to make a decision. He urged the Board to watch a CNN special by Dr. Gupta, tonight at 7 p.m. before making a decision. He states 3460 has been signed and it is a law. It has very strict rules attached to it in accordance with setting up medical marijuana dispensaries. Another Bill 863, makes any plant or plant products state regulated and local governments do not have authority to regulate. Until 1531 is signed by the governor, he urged the Board not to make a vote that is against the law.

Chris Roop a local businessman suggested the Sheriff take a “not it” response to his concern over zoning and regulation if there is unclarity. Right now any of these card holders are legal to grow medical marijuana where ever. There is no oversight. There is no way to know where it is at. If he stumbles across it he has to call the OMMP to ask if it is a legal grow or not. In response to the concern for children eating marijuana, it is the same concern for pills that look like mints. That assumes a parent leaves it laying around. Mr. Roop suggested the Board not go forward with this moratorium. Look at economics, if you do not allow those who are running dispensaries to continue, it forces people to go out of the area to purchase. Keep the money at home.

Todd Regian is a dislocated welder from Fairbanks, Alaska. His wife has dedicated her life to taking care of people on hospice. She is a Registered Nurse in Oregon, and a medical marijuana card holder as a care giver. Her patients are over 55 years old. Mr. Regian recommended not going forward with a moratorium. He has his medical card due to a knee injury as welder.

Rebecca Miller stated she is a 29 year old Pendleton resident, a single mom, and a college student. She suffers from depression, scoliosis, fibromyalgia, and migraines. She previously was on multiple medications and counseling that did not help. Now she takes vitamins instead of pills. Not being able to get ahold of her medicine would put her in bed crying and not able to care for children. She drives to the Compassion Center in Hermiston. She does not want the high, she only wants pain relief. She does not feel comfortable growing it in her house because of her children. She wants to get medicine in a safe environment provided by a dispensary. People can abuse alcohol and prescriptions just as easily.

Randi Weems of Hermiston is the owner of Columbia Basin Compassions center in Umatilla. She stated she hears these stories every day. Patients come in crying and leave smiling. She plead to the Board not take away the safe access for these patients that need it so badly.

Commissioner Murdock closed the public hearing at 10:49 am.

Commissioner Murdock outlined the options of the Board. To immediately impose the moratorium, not impose a moratorium, impose a shortened moratorium, or take the matter under advisement. Doug Olsen stated they could also continue to another Board meeting for further consideration.

Commissioner Givens asked if there are any County permitted dispensaries. Tamra Mabbott responded there are no one permitted dispensaries.

Commissioner Givens asked what the City of Hermiston's action? Doug Olsen believes they imposed a moratorium without a limit. Public person from back stated the City of Hermiston imposed an outright ban.

Comments in the back that the dispensaries are currently shut down.

Commissioner Givens understands the bill gives the local jurisdictions time to decipher what the state wants to do to set up standards and regulations. Doug Olsen stated the legislation gives locals jurisdictions a moratorium up to a year, through May of 2015.

A member of the public stated 1531 has not been signed by the governor. Commissioner Givens responded the Board was aware of that. Another commented if it is not signed, the Board would be open to a lawsuit.

Mr. Ruhe requested to comment. He stated he was staying compliant with no operations until he receives a state license.

Commissioner Givens stated this puts the County in a position that could go against the City of Hermiston and could create jurisdictional issues. He does not want to see that happen. He asked Doug where that leaves the County legally. Doug Olsen stated the conflict is in the urban growth boundary area. At this point the city zoning is applied in the urban growth boundary. With the City saying they do not want them in city limits, but the code itself may allow within the UGB, so there is a question on interpretation and implementation. Commissioner Givens stated that gives the Board an entirely different issue on this.

Tamara Mabbott stated the moratorium is not specifically a land use action. Commissioner Givens stated if they instead impose restrictions it could leave a land use issue? Tamra Mabbott responded yes, there are no regulations in place at the moment but they could be developed.

Commissioner Murdock stated the Board had significant latitude with restrictions.

Commissioner Givens is ready to tackle head on and does not see a need to continue to another hearing unless Commissioner Murdock wanted to do so.

Commissioner Murdock stated based upon what was heard today and the questions he has, he would prefer to delay until a full board is present to make the decision.

**Commissioner Givens moved to continue the hearing to March 19, 2014. Commissioner Murdock seconded. Commissioner Givens and Commissioner Murdock each voted aye. The motion carried 2-0.**

Meeting recessed at 10:58am.

The meeting reconvened at 11:04am.

Commissioner Murdock moved the next hearing ahead on the agenda.

5. **Property withdrawal from Mosquito Control District - Public Hearing:** Commissioner Murdock requested a staff report. Doug Olsen stated the County received a petition from Eric and Margaret Anderson as well as Kelly and Pamela Hawkins to withdraw property from the West Umatilla Mosquito Control District. The petitions were reviewed and the hearing today is to consider them both. The Board can approve the petitions, adjust the boundaries or delay the decision. Under state law, the petition is to be approved if it has not been, or is not or would not be, feasible for the territory to receive services from the district. The petition should be denied if it appears that it is or would be feasible for the territory to receive services.

Commissioner Murdock opened the hearing at 11:06am.

Commissioner Murdock called on the petitioners. Eric Anderson stated the property involved is in the southeast corner of district. The request is to move the boundary west 1 mile to drop their property out. The government is expensive and this is a relatively small district but over the next 20-30 years the money has meaning to himself and Mr. Hawkins. Mr. Anderson stated it is miles and miles to any ponded water. The pests he does have are interlopers and the money would be better spent in the County Jail. He states he can take care of any mosquitos he finds.

Kelly Hawkins stated he owns a house and 6 acres off Yoakum Road. They are dry land wheat farmers with no ponds or irrigation to breed mosquitos. He also recommends Mr. Andersons suggestion to move the boundary west 1 mile.

Randy Gerrard stated he is the manager of the West Umatilla Mosquito Control District since 2011. He feels the arguments are philosophical in nature and should not have bearing on the decision. These properties will need service in the future and are now receiving service indirectly. He does not have a record of the number of mosquitos on property or a record of sending a technician. That does not mean the properties are not receiving services.

Species can fly 5 to 22 miles for blood meal. Mr. Gerrard strongly believes that if services were to stop there would be an increase up wind. He provided a visual aide showing where the properties are located and where mosquitos have been documented well within the shortest known flight range of 5

miles. This could require disease intervention. A common species in this district is a carrier of borne diseases. They are found to easily reproduce. A 5 gallon water bucket, a tire, anywhere there is standing water is enough to inundate a property. While there has not been a need to specifically treat these properties, they have had an indirect benefit from services from targeted work. Mr. Gerrard urged the denial of petition in order for the Control District to be able to appropriately respond.

Commissioner Givens asked Mr. Gerrard if he has found any mosquitoes on either property. Mr. Gerrard responded no. Commissioner Givens asked if he sent staff out there. Mr. Gerrard stated he has not sent a technician for a complaint. They do routine inspections.

Commissioner Givens asked Mr. Anderson the reason for his petition. Mr. Anderson stated he watches his costs pretty close and feels there is no possible benefit. He feels the District does a good job but that is not his point.

Commissioner Givens asked what the cost is now. Anderson responded you have staff here to do that. His point is it goes on and on and wants relief. Commissioner Givens stated he looked at it and it is about \$206 a year. Anderson stated he looks at it as \$6000 over the next 30 years.

Mr. Hawkins feels it is benefitting Hermiston more than his area.

Karen Hutchinson-Talaksi a WUMCD board member is concerned about public safety. It is not possible to determine where a mosquito comes from. The district is doing its job if you are not seeing mosquitos. The cost in property tax is a drop in the bucket compared to the cost of about \$1800 if a technician was to treat the property.

Bill Caplinger, a citizen and a WUMCD board member, stated relieving that property from the district is not allowed by ORS because we may have to service them. However, in response to Mr. Anderson, he stated no one likes to pay property taxes; he is asking for relief from taxes. That sets a dangerous precedent for others to challenge taxes.

Commissioner Murdock closed the floor for public comment at 11:24 am and the Board entered into deliberation and decision.

Doug Olsen reviewed the Board of its options at this time.

**Commissioner Givens moved to deny the petitions of Mr. Anderson and Mr. Hawkins to remove their properties from the West Umatilla Mosquito Control District. Commissioner Murdock seconded. Commissioner Givens and Commissioner Murdock each voted aye. The motion passed 2-0.**

6. **STF Grant Awards:** Commissioner Murdock read the request. Robert Pahl reported he was the advisor for the committee who met twice to discuss the allocation of funding. They received a number of proposals and recommends the ones listed.

**Commissioner Givens move to approve and authorize 14 grants for a total of \$87,523. Commissioner Murdock seconded. Commissioner Givens and Commissioner Murdock each voted aye. The Motion carried 2-0**

7. **Vehicle Purchase:** Each Bid was opened and read by Commissioner Murdock. A bid from Dave Smith Mort for 1 new ½ ton 4 door, 4x4, 8 passenger, SUV for \$39,911.90. A bid from Fleet Elite Hubbard Chevrolet for a 2015 Chevy Tahoe LS of \$36,116. A bid from Legacy Ford in Pasco, of a 2014 Ford Expedition for \$32,903, a new ½ ton, 4 door, 4x4 8 passenger SUV. A bid from Tom Denchel 1 new ½ ton 4x4 8 passenger SUV, Ford Expedition 2014 model in stock for a price of \$36,500. Also included was the order price for a new Expedition in the amount of a \$33,400. Commissioner Murdock requested postponing action until the parties' caucus on the matter.

Doug Olsen reminded staff with this current request you go with the lowest bid that meets the specifications and in this case it is the Expedition at Legacy Ford. Doug Olsen stated the Board could throw these bids out and issue a new RFP for immediate delivery. There is a possibility the price may increase.

**Commissioner Givens moved to award the bid of the 2014 Expedition to Legacy Ford in the amount of \$32,903. Commissioner Murdock seconded. Commissioner Givens and Commissioner Murdock each voted aye. The motion carried 2-0.**

8. **Grader Purchase:** Tom Fellows reported this was a budgeted purchase, with a trade in machine for a \$160,000 credit. The new machine will cost \$136,176.68..

**Commissioner Givens moved to authorize Public Works to purchase a 2012 Caterpillar 160M2 grader in the amount of \$136,176.68. Commissioner Murdock seconded. Commissioner Givens and Commissioner Murdock each voted aye. The motion carried 2-0.**

9. **Drilling and Blast:** Tom Fellows reported the department went out for bids and received one response for a cost of \$1.70 per cubic yard. He recommend approval of this budgeted expense.

**Commissioner Givens moved to award the contract for the drilling and blasting of the Schubert Pit to Hatley Construction, Inc. for a cost of \$1.70 per cubic yard or a total cost of \$51, 000. Commissioner Murdock seconded. Commissioner Givens and Commissioner Murdock each voted aye. The motion Carried 2-0.**

10. **Purchase a used backhoe:** Tom Fellows reported they only received 1 quote for a used backhoe from Western States. It is a great machine at the right price. With the trade in, it will be \$43,000 difference.

**Commissioner Givens moved approval of the purchase of a 2007 Caterpillar Model 420E from Western States in the amount of \$43,000. Commissioner Givens and Commissioner Murdock each voted aye. The motion carried 2-0.**

11. **School Based Health Center Provider Licenses Purchase:** Sarah Williams reported this was a request to purchase an additional 1.5 licenses of the electronic medical record license to be used at the School Based Health Centers. This will allow the department to fully integrate the computer and get rid of paper records.

**Commissioner Givens moved to authorize the Health Department to purchase provider licenses for School Based Health Center Mental Health providers. Commissioner Murdock seconded. The motion carried 2-0.**

Commissioner Murdock commended Maintenance staff for their work on the meeting room 130. Commissioner Givens commented it was much a more formal environment.

## **ADJOURNMENT**

The meeting was adjourned at 11:57 am.

Respectfully submitted,

Deserae Hall  
Specialist  
Umatilla County  
Human Resources