

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS
Board Meeting of April 2, 2014
9:00 a.m., Room 130, County Courthouse
Pendleton, Oregon

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

COUNTY COUNSEL: Doug Olsen

MEMBERS & GUESTS PRESENT: Bob Heffner, Umatilla County Budget Director; Tom Fellows, Umatilla County Public Works Director; Bob Stoltz, Umatilla County Print Manager; Jim Littlefield, Umatilla County Sheriff's Office Undersheriff; Dave Williamson, Umatilla County Sheriff's Office Lieutenant, Tamra Mabbott, Umatilla County Land Use Planning Director; Phil Wright, East Oregonian reporter; and Michael Parker, Columbia Basin Compassion Center.

CALL TO ORDER

The meeting was called to order at 9:00 a.m. Commissioner Murdock reminded all present that the meeting was a public forum. The room stood, saluted the flag and recited the Pledge of Allegiance.

BUSINESS ON AGENDA

Employee of the Month: Commissioner Murdock read the resolution naming Mark McLeod employee of the month of April 2014. Commissioner Givens moved approval. Commissioner Murdock seconded. Commissioner Givens, Commissioner Murdock, and Commissioner Elfering each voted aye. The motion carried 3-0.

Approval of Minutes: The minutes of the March 19, 2014 Board of Commissioners meeting; February 19, 2014 and March 19, 2014 Land Use Hearings were presented for approval.

Commissioner Givens moved to approve the minutes of the March 19, 2014 Board of Commissioners meeting; February 19, 2014 and March 19, 2014 Land Use Hearings. Commissioner Murdock seconded. Commissioner Givens Commissioner Murdock, and Commissioner Elfering each voted aye. The motion carried 3-0.

Additions to agenda: None

Public Input: None

Agenda Items:

1. **Marijuana Dispensary Moratorium – Public Hearing Continued:** Commissioner Elfering opened the public hearing at 9:07 am. He then called for new testimony from the public. He stated testimony from the previous meeting was on the record and this was for new persons only.

Public Comment:

Michael Parker owner of Columbia Basin Compassion Center came forward and stated November 2007 he opened his business. Before he opened he went to the Sheriff's Office with Mike Mullens. They gave them a full presentation of what they were doing. A few weeks after opening he sent their attorney to Sheriff John Trumbo's office. Sheriff's Trumbo's main concern was smoking at the establishment and leaving. The Sheriff's Office has known about them for 28 months. They were in business on 395 for over a year at one place and 15 months ago moved to another place. Before they moved they called the planning commission and the planning commission gave them they okay to move. He tried to work with Sheriff's Office and have worked with the planning commission. His concern with the moratorium is where do we go from here? Are you going to work with us to get us back open or use this as a ban to keep them out of business. He has signed up over 2016 medical marijuana patients that have come through his door. That is a huge need in this area. Never once has there been any illegal drug activity or any misconduct out of either of the places on 395. He does not understand when the Sherriff's Office and Planning Commission says they did not know they were there. They know they were there and they do have a permit.

Commissioner Givens asked if he has a land use permit for his business.

Mr. Parker stated yes he obtained one at his original location and then he called when he was moving his business location and was told the business was already a retail business and he did not need a new permit. All they have now are State Licenses.

Commissioner Givens asked if he described specifically what his business was at the time.

Mr. Parker stated yes. When they asked to move the person on the phone said "you are the medical marijuana guys on the hill, right?" He said yes and they said they would have to get back to him in a couple of days. They did get back in a couple of days and said it was okay to move. They did not come seek another zoning permit because they were told they did not have to have one.

Commissioner Givens asked if that was the City or the County.

Mr. Parker stated it was County as his is located in the Urban Growth Boundary.

Commissioner Elfering asked if he was permitted by the State at that time for the nature of his business.

Mr. Parker responded yes.

Commissioner Elfering asked if anyone else would like to testify on the matter, hearing none he closed the public portion of the hearing at 9:10 am. Commissioner Elfering called for a staff report.

Staff report:

Sarah Williams, Director of Umatilla County Public Health handed the Commissioners a prepared document before beginning her report.

Sarah stated Senate Bill 1531 Enrolled allowed counties in Oregon to adopt a moratorium on medical marijuana. Medical marijuana has been legal in Oregon since 1998. There are various statutes and OAR's that describe in detail how this program is administered. Her focus is on the health impacts. Medical marijuana does have a place. There are benefits from using this drug. Patients experience relaxation, pain relief, euphoria, all different types of benefits particularly those as prescribed. The ORS's state it can be used for cachexia, severe pain, severe nausea, seizures, persistent muscle spasms (including spasms caused by multiple sclerosis), Post Traumatic Stress Disorder, or any other medical condition or side effect related to the treatment of a medical condition. The first five of those are severe medical conditions in which this could be beneficial. However, there are some side effects as with any medication. It can cause some larger impacts than probably known. Short term there are some benefits for some people, but long term is largely unknown. The public risks are largely unknown because it has not been studied. Federally it is illegal so a lot of research, which is done a federal level, has not been done because it is an illegal, controlled substance. Therefore, it can be difficult to find reputable sources to really examine the health effects. One thing we know for sure is smoking of anything is not good for our lungs. Smoking is effective at getting things into our blood stream, it is harmful to our bodies.

Additionally there are effects of short term memory, attention, judgment, coordination and heart rate are also affected by marijuana use, which affects a lot of other things in our health. There are some benefits but the long term effects are just too unknown at this point.

Per the Oregon Medical Marijuana Program website there 594 users in Umatilla County. Our population is 75,000 as of the 2010 Census and estimated closer to 77,000 today. That is a small percentage of the population using this and potentially getting benefit from it compared to the larger risk of the entire population. This is concerning and deserves a lot more attention to best serve the health of the entire county.

Commissioner Murdock moved to add the report to the record. Commissioner Givens seconded. Commissioner Murdock, Commissioner Givens and Commissioner Elfering each voted aye. The motion carried 3-0.

Commissioner Elfering asked Mr. Parker why he indicated he served over 2000 people. Mr. Parker responded he serves Morrow County, La Grande, Baker, Ontario, The Dalles, and Hood River. He does not take Washington cards. The next closet is Portland so anything in this region comes to them or The Releaf Center.

Commissioner Elfering reopened the hearing at 9:17 to accept staff reports.

Tamra Mabbott, Planning Director provided a memo. Her statements pertain exclusively to the land use matters. This is not a land use action and does not directly affect code. The only place in Umatilla County that a medical marijuana dispensary might possibly be allowed, if qualified with zoning regulations, is in a commercial zone. It is not allowed in a residential zone by statute and not allowed in an agricultural zone because it is not a farm practice or farm product. She included a poll of the 36 counties. Thirteen have already adopted a moratorium, twelve are very likely to adopt one,

five said no and six are unreported. Of the no, Marion County voted to not adopt moratorium, but is limiting time and place limits on operations. The County Planning Department has never issued a land use permit for a medical marijuana dispensary in Umatilla County. It is not appropriate to speak about it in this forum as it is a land use issue.

Jim Littlefield Undersheriff for Umatilla County reiterated the Sheriff and his office are opposed to dispensaries and in favor of the moratorium. Primarily because it is a violation of federal law and it is against their oath as Law Enforcement Officers to accept. Any time you introduces another intoxicant into society for public safety reasons, it is not a good idea. The state has not provided adequate regulation, oversight, or inspections of these facilities. If there are medical purposes they believe it should be placed with other pharmaceuticals and regulated by that industry. He is in favor of a moratorium to allow time for a plan to be put in place to answer some of these questions.

Commissioner Givens moved to enter in to the record the memo from Tamra Mabbott, Planning Director. Commissioner Murdock seconded. Commissioner Elfering, Commissioner Murdock, and Commissioner Givens each voted aye. The motion carried 3-0.

Commissioner Elfering acknowledged new public entered the meeting and asked if they would like to speak. No one indicated they wished to do so.

Commissioner Elfering closed the hearing at 9:23 am and proceeded to deliberations.

Commissioner Murdock stated in spite of his personal feelings we need to be pragmatic regarding their approach to a moratorium. His greatest concern is federal law and regulations on a more local basis. If a moratorium is the decision he would like the focus to be on designing a program of regulation that addresses the need for those who find relief and at the same time eliminating misuse by those seeking a side door into recreational use.

The moratorium is not a ban, but an opportunity to buy time to get things into place. He does not want to ignore the direction of Oregon. It should not be left to County Commissioners or City officials to decide whether or not to enforce federal law.

He was moved by the stories of those who do find relief but he is also aware of the demographic of Oregon's 80,000 Medical Marijuana card holders and who they really are. Since the last hearing the Governor has signed the Bill into law. He agrees with the Undersheriff Littlefield that if there are in fact redeeming qualities it should be sold at pharmacies and regulated as such.

Commissioner Givens stated he agreed with much of Commissioner Murdock said. He did some research online and looked at some of the issues that Washington and Colorado have had legalizing marijuana for recreational use. He has concerns on control and packaging. He looked at issues in the Netherlands who have had it legalized since 1972. A moratorium would be only until May 1, 2015, to give time to look at how it will be dealt with. He also has issues with the difference in County and State laws conflicting with Federal law. He is ready to move forward with a motion.

Commissioner Elfering apologized for not attending the first hearing. He did read the minutes and gave a very thorough consideration of what was said. He empathizes with those who use it for relief from pain. He also spoke to a local doctor who confirmed its use for pain relief. He is not disputing that. Section 2 of Senate Bill 1531 states the governing body of a city or county may adopt an ordinance that prohibits the establishment of a medical marijuana facility within the county. We are not talking about that. We are only talking about a moratorium, which is buying time and must be done before the first of May. The Bill gives the County the authority to establish rules and regulations. The Commissioners have not had the opportunity to do that yet. He believes that needs to go on. Commissioners need time to figure out restrictions. Information from the Association of Oregon Counties states there are only 4 state employees who run the program and provide the oversight. In his opinion, that seems light. Dispensaries are mostly unregulated, not like pharmacists and alcohol servers. Testing facilities and manufactures are unlicensed and unregulated. Product types are unregulated. Packaging and marketing are back and forth on regulations. Labeling is largely unregulated. Zoning issues are convoluted. Many questions need to be addressed, to determine what the nature of the business will be in Umatilla County. Unfortunate the Federal government has kicked it to the State and the State kicked it to the County. It is up to the Commissioners to establish what is going to happen. He is supportive of a moratorium to buy the time needed.

Commissioner Givens, In the matter of imposition of moratorium on marijuana dispensaries in Umatilla County, moved approval of Ordinance No. 2014-02. Commissioner Murdock seconded. Commissioner Murdock, Commissioner Givens and Commissioner Elfering each voted aye. The motion carried 3-0.

2. **Supplemental Budgets – Public Hearing;**

Commissioner Elfering opened the hearing on supplemental budgets at 9:34 am. Bob Heffner gave the staff report. The first Budget Order 2014-49, County Fair has a need to increase its Materials & Services appropriations \$21, 000. It is supported by a \$5,358 increase in the beginning fund balance, a \$5,000 increase in local revenues, a \$7,730 decrease in Personnel Services and a \$3069 decrease in County Fair Contingency. The second Budget Order 2014-50 is for Weed Control in the Public Works fund, a \$29,416 increase in Materials & Services for expenditures under a new \$27,000 grant and \$2416 in office equipment. It is supported by a transfer from the General Fund. The General Fund will increase \$2416 in Transfers Out from General Fund Contingency.

Commissioner Givens asked if the weed department increase was due to an increase in the cost of chemicals last year. Tom Fellows stated no, it is an unanticipated grant and compliance with that grant.

Commissioner Elfering asked about the Fair's increase in revenues. Mr. Heffner stated that based upon his conversations with members of the Fair Board, there will be an actual increase in sponsorships.

Commissioner Elfering closed the hearing at 9:37 am

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 number 2014-49. Commissioner Murdock seconded. Commissioner Murdock, Commissioner Givens and Commissioner Elfering each voted aye. The motion carried 3-0.

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 number 2014-50. Commissioner Murdock seconded. Commissioner Murdock, Commissioner Givens and Commissioner Elfering each voted aye. The motion carried 3-0.

3. Budget Transfer:

Bob Heffner described the transfer of a \$6,642 increase to materials and services due to Computer Information Services no longer contracting to provide IT support to the radio district. Those services were prepaid. Support comes from the General Fund Contingency.

Commissioner Murdock, In the matter of a resolution adopting a transfer of appropriations pursuant to ORS 294.463 for the fiscal year ending June 30, 2014, moved approval of Budget Order number 2014-51. Commissioner Givens seconded. Commissioner Murdock, Commissioner Givens and Commissioner Elfering each voted aye. The motion carried 3-0.

4. Emulsified asphalt Materials Contract Award:

Tom Fellows reported annually they go out for quotes for chip seal oil. This year they received 3 quotes and the lowest proposal was from Western States Asphalt.

Commissioner Givens moved to award the contract for the purchase of emulsified asphalt from Western States Asphalt at the rate of \$472 a ton. Commissioner Murdock seconded. Commissioner Murdock, Commissioner Givens and Commissioner Elfering each voted aye. The motion carried 3-0.

5. Compensation Committee:

Doug Olsen reported the Compensation Review Committee is required under the Charter. There are three individuals proposed for the committee Amos Bechtel, Tracy Hamby, and Scott Sager. They all have agreed to serve.

Commissioner Murdock, In the matter of Appointment of Compensation Review Committee for Fiscal Year 2014-15, moved to adopt Order Number 2014-018. Commissioner Givens seconded. Commissioner Givens, Commissioner Elfering and Commissioner Murdock each voted aye. The motion passed 3-0.

6 Kennewick General Hospital payable:

Doug Olsen reported this came to the Commissioners due to the amount for the payable.

A discussion was had on the Bill before the Governor that will reduce the medical costs for inmates who have insurance thus reducing the costs for the Sheriff's Office. Undersheriff Littlefield stated Lieutenant Harp would be the staff person who would be best to speak on the matter.

Commissioner Givens moved to authorize the payable to Kennewick General Hospital in the amount of \$12,924.16. Commissioner Murdock seconded. Commissioner Givens, Commissioner Murdock, and Commissioner Elfering each voted aye. The Motion carried 3-0

6. **GSI Water Solutions Payable:**

Doug Olsen reported this was before the Board because of the dollar amount. It is for the water project and will be reimbursed but the entity does not have the funds at this time.

Commissioner Givens moved to pay GSI Water Solutions Inc. \$7,468.57 for services rendered. Commissioner Murdock seconded. Commissioner Givens, Commissioner Murdock, and Commissioner Elfering each voted aye. The motion carried 3-0.

NEW BUSINESS: None

Commissioners report:

Commissioner Givens mentioned he will be attending the Chamber meeting and then this afternoon Umatilla County is hosting the Metropolitan Planning Organization meeting. It consists of the cities of Walla Walla, Milton-Freewater, and College Place and Walla Walla County and Umatilla County to deal with transportation and funding. The Transportation Act calls for regional hubs. Jurisdictions take turns hosting. Commissioner Givens is the chair and will propose having future formal meetings in Walla Walla at the organizations new office building. Today's meeting will be in room 130.

Commissioner continued by stating last night he attended a US Forest Service hearing on the draft Environmental Impact Study. A copy of the plan is in the Commissioner's office for review but cannot be removed. There was an initial 90 day comment period. Many citizens did not feel that was enough time to review the 1200 page plan. Commissioner Givens requested an additional 90 day comment period so it is now 180 days.

Commissioner Murdock stated it was student week. Tonight he is going to the Stanfield Achievement Banquet and tomorrow will be student leadership day.

Commissioner Elfering stated the student leadership tour would have to be juggled to room 130 due to the water damage in the records office. There will be around 50 students.

He is attending the GEODC meeting on Friday in John Day.

Commissioner Givens introduced and welcomed Melinda Slatt as the new Executive Secretary.

ADJOURNMENT

The meeting was adjourned at 10:00 am.

Respectfully submitted,

Deserae Hall
Specialist
Umatilla County
Human Resources