

**Morrow County Court**  
**August 26, 2015**  
**Boardman, Oregon**  
**SAGE Center Conference Room**

**Present**

Judge Terry Tallman  
Commissioner Leann Rea  
Commissioner Don Russell  
Karen Wolff, Human Resources Director  
Justin Nelson, County Counsel/District Attorney  
Roberta Lutchter, Court Executive Assistant

**Audience**

Berry Beyeler, Community Development Director, City of Boardman

Judge Tallman called the meeting to order at 9:07 a.m.

**City and Citizen Comments – Ione/Lexington**

No comments

**Open Agenda**

No items

**Minutes**

*Commissioner Rea moved to approve the minutes of August 19<sup>th</sup>, with correction. Commissioner Russell seconded. Unanimous approval.*

**Claims**

*Commissioner Rea moved to approve Payroll Payables, Immediate & Electronic, dated August 19<sup>th</sup>; Payroll Payables, Immediate & Electronic, Employee Reissue, dated August 19<sup>th</sup>; and Accounts Payable, dated August 27<sup>th</sup>, in the amount of \$658,461.20. Commissioner Russell seconded. Unanimous approval.*

**Correspondence Reviewed:**

- Request to appoint Wind Erosion District Inspectors – the Commissioners requested more information at last week's County Court meeting. After reviewing information compiled by Ms. Lutchter, Judge Tallman said he still had questions and would like talk to the originator of the request, Gregg Rietmann.
- Memo from a member of the Carty Pipeline Project team inviting the Commissioners to the Ione Back to School Community BBQ. The team will present a donation to the Ione Fire District and school scholarship funds at the event on Thursday, September 10<sup>th</sup>, 6:00 p.m.

**Contracts**

Oregon Department of Transportation 2015 Fund Exchange Agreement

Ms. Wolff explained federal funds come with numerous reporting requirements and in this agreement, the state will take care of those requirements in exchange for a portion of the funding.

*Commissioner Rea moved to approve Miscellaneous Contracts and Agreements No. 30607 between Oregon Department of Transportation and Morrow County; the funds allocated to the County will be exchanged on the following ratio: for every \$100 in federal funds, the County will receive \$94 (remainder going to the State). Based on this ratio, the County agrees to trade \$295,084 in federal funds for \$277,378.96 in state funds. Commissioner Russell seconded. Unanimous approval.*

#### CaCoon Program - Amendment 1 to Original Terms and Conditions

The CaCoon Program provides in-home services for children with disabilities, from birth through 20 years of age.

*Commissioner Rea moved to approve Agreement Amendment 1 with Oregon Health & Science University, new award amount for the CaCoon Program: \$8,062.84 (\$7,256.56 for CaCoon Coordinator and \$806.28 for Administrative Support), and authorize Judge Tallman to sign on behalf of the County. Commissioner Russell seconded. Unanimous approval.*

#### Maternity Case Management Pilot Project Agreement Amendment

*Commissioner Russell moved to approve an Amendment to ODS Community Health, Inc., Participating Provider Agreement, Oregon Health Plan, effective August 1, 2015 and authorize Judge Tallman to sign on behalf of the County. Commissioner Rea seconded. Unanimous approval.*

### **County Counsel Report**

Justin Nelson, County Counsel

- Mr. Nelson reported the Land Use Board of Appeals decisions in the Love's Travel Stops/Devin Oil case were appealed to the Oregon Court of Appeals. This starts another process that won't be done until 2016, he said.
- Records and an invoice have not been received from former County Counsel, Ryan Swinburnson. Discussion ensued. Mr. Nelson suggested the topic be revisited next week and a decision be reached at that time.

### **Department Report**

#### Accounting Department Update

Rick Worden, Finance Director

- Mr. Worden said Judge Tallman requested the County reconsider paying the voluntary Veterans Fund Dues included in the AOC (Association of Oregon Counties) yearly invoice. Judge Tallman explained AOC took an active role in appealing decisions on behalf of veterans throughout the state. Discussion.

*Commissioner Rea moved to approve payment of the AOC Veterans Fund Dues in the amount of \$254.75. Commissioner Russell seconded. Unanimous approval.*

- Mr. Worden said his estimate of \$3,900,000 for the General Fund ending fund balance will be close to the actual number. The beginning fund balance for the 2015/2016 budget was \$3,250,000, so this will mean \$500,000-600,000 in excess of that.
- The estimated ending fund balance for the Road Fund is \$960,000, which is lower than the budgeted \$1,000,000. This likely will not be an issue, he said, since Finley Buttes License Fees will be higher than estimated. In the last three years, the majority of those license fees have been transferred to the Road Fund, he added.
- Mr. Worden reviewed an estimate from DataPro Solutions, Inc. for a timekeeping software program. He said he is considering this to make the timesheet submission process easier and so employees can readily access their own records. He said he is awaiting an estimate from another company and will present it to the Court.

### **11:00 a.m. Public Hearing - Medical and Recreational Marijuana Activity Opt Out**

Carla McLane, Planning Department Director

Stephanie Loving, Associate Planner

Barry Beyeler, Community Development Director, City of Boardman

Linda LaRue, Mayor, City of Ione

Sheriff Ken Matlack

Shelley Wight, Public Health Department, Tobacco Educator/Communicable Diseases

Judge Tallman said this is a continuation of the public hearing of August 19<sup>th</sup> and then asked Ms. McLane to provide a Staff Report.

Ms. McLane said last week's public hearing resulted in the Commissioners requesting additional information, which she provided to them via e-mail. She said she would like to draw some clarifications for them:

- Oregon has had a medical marijuana card holder program for approximately 15 years.
- When the more recent dispensary program was created, these two programs were not integrated.
- Within the Oregon Health Authority, there are different contacts for the two programs – the Oregon Medical Marijuana Program (OMMP) is the contact for the card holder program and a different component of OHA is the contact for the dispensaries.
- One of differences between how OHA is handling medical marijuana rules and how the Oregon Liquor Control Commission handles rules for the recreational use of marijuana is as follows: the draft rules for dispensaries are being handled internally by OHA without the assistance of a rules advisory committee. On the other hand, OLCC has a public process and has created at least six subcommittees funneling information to a rules advisory committee, which will eventually appear before the OLCC. Ms. McLane stated she had a greater level of confidence with OLCC's approach to rule making than with OHA's process.

Ms. McLane suggested the Court delay considering Cindy Aylett's request to allow a medical marijuana dispensary until OHA rules are in place. This is not likely to happen until January, she said, and in addition, the County needs time to put land use rules in place if the request moves forward. Discussion took place on various options and conditions that could be

associated with Ms. Aylett's request. Ms. McLane then discussed a tour she and other Planning Directors took last week of legal medical marijuana growing facilities.

Sheriff Matlack commented on issues and patterns law enforcement in other states have seen since those states legalized the recreational use of marijuana. They include increased traffic stops for drivers under the influence; no way of measuring marijuana levels in a person suspected of being under the influence; and there may be a shift from driving under the influence charges to reckless driving because it's easier to prove. Sheriff Matlack added better preparation for legalizing recreational use of marijuana should have taken place for the safety of the public. He said he liked the idea of the County Court postponing a decision to allow time to answer lingering questions.

Ms. LaRue said she believes people who truly need medical marijuana can access it in the area, and she would encourage the County to move forward with opting out. At the same time, it makes sense to leave an opening [for a dispensary], she added.

Ms. Wight said her concern still remains youth access to marijuana and a dispensary could represent one more point of access for them, if not run properly.

Judge Tallman asked for testimony or questions. As there was no response, the public hearing was closed at 12:11 p.m.

After deliberation, the Commissioners directed Ms. McLane to provide a draft ordinance next week stating Morrow County will opt out, under House Bill 3400, Section 133, as one of the 15 eastern Oregon qualifying cities or counties. The County will opt out of the following activities, but may reconsider its position on item b at some point:

- a) Marijuana processing sites registered under Section 85, Chapter 614, Oregon Laws 2015
- b) Medical marijuana dispensaries registered under ORS 475.314
- c) Marijuana producers licensed under Section 19, Chapter 1, Oregon Laws 2015
- d) Marijuana processors licensed under Section 20, Chapter 1, Oregon Laws 2015
- e) Marijuana wholesalers licensed under Section 21, Chapter 1, Oregon Laws 2015
- f) Marijuana retailers licensed under Section 22, Chapter 1, Oregon Laws 2015

Hearing concluded at 12:32 p.m.

#### **Comments Prior to Executive Session**

Ms. Wolff asked Ms. McLane if she anticipated any decisions would be made outside of Executive Session; she replied she did not.

#### **1:31 p.m. Executive Session**

*ORS 192.660 (2)(f) To consider information or records that are exempt by law from public inspection.*

#### **Closed Executive Session: 2:09 p.m. – No Decisions**

**Calendars**

- The location of the County Court meeting of September 2<sup>nd</sup> was changed back to Heppner, instead of the OHV Park.
- Ms. Wolff said she would contact Trial Court Administrator, Roy Blaine, to see if he could attend a County Court meeting to answer questions on the topic of turning over the Juvenile Court System to state Circuit Court.
- September 15<sup>th</sup> is the first day for candidates to file for the positions currently held by Judge Tallman and Commissioner Rea.
- Wednesday, September 30<sup>th</sup> is the AOC District 3 meeting in Hood River.

**Adjourned: 2:25 p.m.**