

BOARD ORDERS AND MINUTES

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY (“the Board”) sat for the transaction of county business in formal/informal session on February 6, 2014, at 10:00 a.m. in Room 32 of the courthouse, Commissioners Mary P. Stern, Allen Springer, and Kathy George being present.

Also present were Laura Tschabold, County Administrator; Christian Boenisch, County Counsel; Mike Brandt, Planning Director; Ken Friday, Planning Division Manager; Sheriff Jack Crabtree; Captain Tim Svenson; Deb Bridges, Victims’ Services; Nathalie Hardy, News-Register; Stephanie Springer and James Leach, Western Oregon University students; and others as listed on the attached attendance roll.

Commissioner Stern called the meeting to order at 10:00 a.m.

A. **PUBLIC COMMENT:** This thirty-minute time period is reserved for public comment on any topic other than a quasi-judicial land use matter or other topic scheduled for public hearing. Unless extended or restricted by the Chair or majority of the Board, public comment will be limited to three minutes per person. None offered.

B. **AGENDA:**

Minutes

1. Consideration of approval of the following minutes:
 - a. **B. O. 14-50** - December 19, 2013, formal session;
 - b. **B. O. 14-51** - December 23, 2013, formal/informal session;
 - c. **B. O. 14-52** - January 2, 2014, formal/informal session;
 - d. **B. O. 14-53** - January 6, 2014, informal session;
 - e. **B. O. 14-54** - January 9, 2014, formal session;
 - f. **B. O. 14-55** - January 23, 2014, work session.

Mr. Springer moved approval of item B(1). The motion passed, Commissioners Stern, Springer, and George voting aye.

Personnel

2. **B. O. 14-56** - Consideration of the change of status of the following employees in Juvenile Detention, effective February 9, 2014:
 - a. Josh Armstrong, Juvenile Corrections Specialist, regular full-time;
 - b. Brandy Brockway, temporary full-time, Range 12, Step 1, effective through February 9, 2015;

- c. Dawn Miller, .48 FTE, Range 12, Step 1, effective through February 9, 2015;
- d. Tricia Fair and Rene Delgado, .4 FTE, effective through February 9, 2015.

Ms. Stern moved approval of item B(2). The motion passed, Commissioners Stern, Springer, and George voting aye.

- 3. **B. O. 14-57** - Consideration of the employment of Brittany Zylstra-Stanhope as Senior Accounting Clerk in HHS Adult Behavioral Health, regular full-time, Range 12, Step 1, effective February 11, 2014.

Ms. George moved approval of item B(3). The motion passed, Commissioners Stern, Springer, and George voting aye.

- 4. **B. O. 14-58** - Consideration of the change of status of Nancy Greenlund to regular full-time employment in HHS Business Services, effective February 9, 2014.

Ms. George moved approval of item B(4). The motion passed, Commissioners Stern, Springer, and George voting aye.

- 5. **B. O. 14-59** - Consideration of the change of status of Theresa Koenig to regular full-time employment in HHS Community Support Services, effective February 11, 2014.

Ms. George moved approval of item B(5). The motion passed, Commissioners Stern, Springer, and George voting aye.

- 6. **B. O. 14-60** - Consideration of the change of status of Chris Walker to .8 FTE in HHS Community Support Services, effective February 10, 2014.

Ms. George moved approval of item B(6). The motion passed, Commissioners Stern, Springer, and George voting aye.

- 7. **B. O. 14-61** - Consideration of the employment of Joshua Rojas as HS Associate in HHS Community Support Services, regular on-call, Range 14, Step 1, effective February 9, 2014.

Ms. George moved approval of item B(7). The motion passed, Commissioners Stern, Springer, and George voting aye.

Contracts/Grants

- 8. **B. O. 14-62** - Consideration of approval of Amendment #7 to the 2013-15 Intergovernmental Agreement #14131 between HHS and Oregon Health Authority.

Ms. George moved approval of item B(8). The motion passed, Commissioners Stern, Springer, and George voting aye.

- 9. **B. O. 14-63** - Consideration of approval of Amendment #4 to the 2013-15

Intergovernmental Agreement #142033 between HHS and Oregon Health Authority to add funds for public health services.

Ms. George moved approval of item B(9). The motion passed, Commissioners Stern, Springer, and George voting aye.

10. Consideration of approval of the following Service Element Prior Authorization (SEPA) Approval Units for Agreement #142149 between HHS and Oregon Department of Human Services:

- a. **B. O. 14-64** - Approval Unit #831544, \$13,622,618;
- b. **B. O. 14-65** - Approval Unit #826075, \$1733;
- c. **B. O. 14-66** - Approval Unit #826244, \$2711;
- d. **B. O. 14-67** - Approval Unit #827605, \$5908;
- e. **B. O. 14-68** - Approval Unit #827645, \$2863;
- f. **B. O. 14-69** - Approval Unit #910945, \$1670;
- g. **B. O. 14-70** - Approval Unit #910829, \$1,828,891.

Ms. George moved approval of item B(10). The motion passed, Commissioners Stern, Springer, and George voting aye.

11. **B. O. 14-71** - Consideration of approval of Amendment #1 to an agreement between HHS Developmental Disabilities and Resource Connections of Oregon, Inc., provider, to increase the rates for fiscal intermediary services.

Ms. George moved approval of item B(11). The motion passed, Commissioners Stern, Springer, and George voting aye.

12. **B. O. 14-72** - Consideration of approval of an agreement between the Juvenile Department, provider, and Clatsop County for detention bed rental, \$158 per day per bed, retroactive to January 1, 2014, through June 30, 2014.

Ms. Stern moved approval of item B(12). The motion passed, Commissioners Stern, Springer, and George voting aye.

Financial

13. **B. O. 14-73** - Consideration of authorizing Health & Human Services to set up a separate custodial checking account with U.S. Bank for behavioral healthcare provider claims for services provided to Yamhill Coordinated Care Organization members.

Ms. George moved approval of item B(13). The motion passed, Commissioners Stern, Springer, and George voting aye.

14. **B. O. 14-74** - Consideration of increasing the petty cash account in HHS Community Support Services from \$75 to \$150.

Ms. George moved approval of item B(14). The motion passed, Commissioners Stern,

Springer, and George voting aye.

Mass Gathering Permit

15. **B. O. 14-75** - Consideration of scheduling a public hearing for 10:00 a.m. on March 6, 2014, to consider a mass gathering permit application from Newberg Boat Club/Columbia Outboard Racing Association for the annual Memorial Weekend Boat Races at Rogers Landing Park, May 23-25, 2014.

Mr. Springer moved approval of item B(15). The motion passed, Commissioners Stern, Springer, and George voting aye.

Committees

16. Acknowledge the resignation of Jeff Kizer from the Road Improvement Advisory Committee, retroactive to September 30, 2013. *[Acknowledged.]*

Mr. Springer moved approval of item B(16). The motion passed, Commissioners Stern, Springer, and George voting aye.

C. **OLD BUSINESS:** None.

D. **OTHER BUSINESS** (Add-ons and non-consent items):

1. **B. O. 14-76** - Consideration of modifying the Information Systems position management roster to increase a .6 FTE Office Coordinator/Help Desk position to a full-time position.

Laura Tschabold stated that the current staffing structure is stretched, and this would serve county departments better. She added that having a full-time employee would also provide better consistency. Ms. Stern moved approval of item D(1). The motion passed, Commissioners Stern, Springer, and George voting aye.

E. **PUBLIC HEARINGS:**

1. Receipt of public comment on medical marijuana dispensaries. *[No action taken.]*

Sheriff Jack Crabtree reviewed his concerns about House Bill 3460, primarily the lack of funding to provide adequate enforcement. He said that the state law conflicts with federal law and is setting the enforcing agencies up for failure. He stated that the law needs to require some basic training and certification, and shouldn't allow dispensary workers to work while impaired by marijuana. He pointed out that the Oregon Medical Marijuana Act already allows people with a medical marijuana card to get marijuana, and the lack of dispensaries is not preventing people who need it for medicinal purposes from getting it. He said that the legislature needs to review the punch list of issues put together by the Rules Advisory Committee (RAC) and consider fixing the issues before allowing dispensaries to open for business. He recommended that the county hold off on allowing dispensaries until that happens. He said that the majority of people he's talked to wants this done right.

Ken Friday stated that the county doesn't currently have a zone that allows for medical marijuana dispensaries or anything similar, such as a pharmacy or drugstore. He said that it

would take at least four months to add that to the commercial or industrial zone, but that would allow the Board to craft the language and set parameters. He reviewed a map showing the limited properties zoned for commercial or industrial use in the county. He also reviewed a map showing the school zones in unincorporated areas.

He said that a “similar use” application could be done in about eight weeks, and if it were approved, the requested use would become a permitted use in that zone. He said that the neighborhood commercial zone has the best chance of success for that, and there isn’t much land in the county with that zoning.

He expressed concern that the law doesn’t appear to require any state agency coordination with the county. He said that the Planning Department would want to be notified of dispensary applications in the rural county so it can provide a land use compatibility statement before the dispensary is approved by the state.

Anthony Taylor, Director of Compassionate Oregon, stated that many proponents of House Bill 3460 and prospective dispensary owners were objecting to the rules that the RAC was trying to implement. He said that the bill was crafted to help patients gain access to medical marijuana who can’t provide it for themselves, to provide a legal outlet for excess produced by growers, and to provide a vehicle for growers to get compensated for expenses related to producing the excess. He said that there is an important distinction between being “medicated” and being “impaired.” He stated that one of the changes suggested by Compassionate Oregon was to require background checks for all employees. He said that the rules in House Bill 3460 are temporary, and the legislature will be able to discuss the issues and make further changes later. He emphasized the need to focus on the fact that this is to help patients, and added that the Board could pass an ordinance setting parameters for the dispensaries.

Jim Galba referred to two documents he had found online: an article about marijuana arrest statistics from U.S. News & World Report and a report from Congressional Research Service about the implications for federal law enforcement from state marijuana legalization initiatives. He stated that he intends to apply for a dispensary and is willing to work with the county and patients to address everyone’s concerns. He said that he doesn’t want to carry “medibles” and he doesn’t plan on breaking any of the eight federal enforcement priorities discussed by Sheriff Crabtree. He said that he doesn’t believe the marijuana coming from dispensaries would be resold because there isn’t enough profit margin. He added that there are only a few hundred reported patients in Yamhill County who don’t have a grower relationship. He stated that marijuana is already here in Yamhill County, and banning dispensaries won’t make it go away. He said that House Bill 3460 is just trying to make the process cleaner.

Ingra Stephens stated that there has never been a reported death from marijuana overdose, and Denver hospitals have reported full recoveries for overdose cases in children. She said that it is the responsibility of parents to monitor marijuana at home and treat it like any other controlled substance in the house.

Leonard Leis, pharmacist, stated that he has never heard any evidence that medical marijuana has any benefits other than for a few specific symptoms, such as nausea, or that it has

an effect on pain, other than in some animal species. He said that the marijuana industry wants to throw medical science under the bus and have people believe that the Drug Enforcement Administration is the enemy. He stated that a synthetic copy of THC has been tested and is available in pharmacies, although it should be used with caution in the elderly, as they are more sensitive to its adverse effects. He said that as soon as somebody can prove according to standard Food and Drug Administration practices that marijuana is safe and effective, it can be produced, probably as a Schedule 2 drug. He said that guns, alcohol, and tobacco can't be kept away from children, and it is ludicrous to believe that "medibles" could be kept away from them. He said that if society allows dispensaries and promotes marijuana use, it will pay a price educationally, socially, and economically in terms of increased real medical costs.

Jaquie Galba expressed her support of dispensaries.

Adam Garvin stated that he is a local entrepreneur with no interest in owning a dispensary, but he is interested in the economic benefit they could provide for the community and also in the compassionate side. He said that, based on the numbers presented by Sheriff Crabtree, about five dispensaries could be expected in Yamhill County. He added that there is more need here because of the cancer center, and dispensaries would give out-of-town patients a viable avenue to get medical marijuana. He stated that Marinol only gives patients the THC effect, but there are other properties in marijuana that help cancer patients, and it is difficult to grow medical-grade cannabis outdoors because of the rain and the atmosphere. He agreed that there are flaws in the law, but said that it could be amended later.

Jim Thiessen stated that he believes legal recreational use of marijuana is coming in Oregon, and local jurisdictions should position themselves to benefit from that potential revenue later on. He said that putting bans or restrictions in place now could limit future economic benefits.

Ray Meyer stated that he has had cancer twice and was cured after doing the Rick Simpson treatment, which uses concentrated oils from the marijuana plant. He said that Marinol has none of the healing properties of cannabis, which are described on phoenixtearsplus.com. He said that in addition to cancer, the treatment cures diabetes and many other ailments by shutting off the pain receptors and starting the healing process immediately, and that shouldn't be denied to the people who need it. He said that having marijuana in the house is no different than having a liquor cabinet, and there are laws in place to deal with people who let their children get into it.

David Dietzel stated that in his experience as both a patient and a grower of medical marijuana, it is difficult to get an excess from the number of plants allowed. He said that if he did have an excess, however, he would like for that to be able to go to a dispensary.

Ms. Stern announced that citizens could submit additional comments in writing or address the Board during the public comment period at any formal session. She said that the commissioners would consider the comments given, convey their thoughts to county counsel about an ordinance, and address the issue again at next week's formal session. She said that the Board knows the clock is ticking and would do its best to make a decision as soon as possible.

F. **ANNOUNCEMENTS:**

1. For information on county advisory committee vacancies, please refer to our website, www.co.yamhill.or.us/content/volunteer-opportunities, or call the Board of Commissioners' office: 503-434-7501 (from McMinnville) or 503-554-7801 (toll-free from Newberg).

The meeting adjourned at 12:40 p.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair MARY P. STERN

Commissioner ALLEN SPRINGER

Commissioner KATHY GEORGE



BOARD OF COUNTY COMMISSIONERS

Attendance Roll for meeting records

Meeting: Informal _____ Formal Work Session _____ Date 2/6/14

PLEASE PRINT
Name

PLEASE PRINT
Complete Address

PLEASE PRINT
Subject

Jim Galba	2783 NE Bunn Rd	HB 3460
JARQUE GALBA	524 SW DRUMWOOD	HB 3460
LEGNARD LEIS	{ SHERIDAN, OR 97378 17255 PLEASANT HILLS	✓
Ingraham Stephens	1446 NE McDonald Ln	HB 3460
Anthony Taylor	1510 SW Friendly Ct Med OR 97128	HB 3460
Jim THIESSEN	2644 SW REDWOOD HILL RD, MAC 97128	HB 3460
David Dietzel	922 S. E Brooks McMinnville	HB 3460
Caryn Bugh	2399 North Mc McMinnville	HB 3460
Onlene Bryant	1553 SW Shirley Ann Dr Mac 97128	" "
Sandra Kutt	304 Church St. Dayton, OR. 97114	
Candy Gordon	POB 308 Sheridan	HB 3460
Carl Gordon	" " "	"
Ann Annun	2940 NE LAFAYETTE AVE	HB 3460
Katrin Litzjö	7731 NE Keller Ln	HB 3460
Romy Meyer	14175 SE Foster Rd, Dayton	HB 3460