

Board of Commissioners Meeting
April 16, 2014

Present: Commissioner Steve McClure
Commissioner Mark D. Davidson
Commissioner William D. Rosholt

Chairman McClure opened the meeting at 9:00 a.m. with all three Commissioners present.

Public Comments

Mayor William Lindsley of the City of Union, 1297 South Third, Union, explained that he has been reading the articles about the courthouse and there are lots of numbers being talked about. The one thing that stands out to him is that the County needs to tear an existing building down. He has been told that the Sheriff's building is going to need work on it at some time. He was also informed that the Sheriff's building was capable of going up to three stories. To tear buildings down and put new buildings up is something that the Union City Council feels is the wrong thing to do. They don't feel that the County has done their due diligence on it. It has been going on three to four years that it has tried to get this through. To his knowledge they have not had the committee come out to any of the communities and discuss the issues with them. He thinks that the Commissioners are going to get into this project and the \$2 million is going to run out. They have also requested that the City of La Grande not approve the vacation request submitted for K Street because there is no traffic flow study being done. He is not sure how much the Commissioners are concerned of the Shelter from the Storm and is unaware of the working relationships. He believes it is a bad move and if they choose to go ahead with it and something comes up he will be back to talk to the Commissioners. The Commissioners should have had their Committee go to the communities over this period of time to try and get some support behind them. He doesn't have a problem with the building but he doesn't think there was much of an outreach done on this.

Commissioner McClure suggested that the Mayor meet with Commissioner Rosholt who has been the lead Commissioner on the project and Shelley Burgess, Administrative officer to talk about the process.

CAFFA Grant Application

Resolution 2014-01, In the Matter of a Resolution Authorizing Participation in the Assessment & Taxation Grant, was presented for consideration. Linda Hill, Assessor/Tax Collector, explained that the CAFFA grant is done annually. She explained that she will not be filling an open position in her office. They have implemented new processes which has made them more efficient. The CAFFA grant covers about 23% of her budget. **Commissioner Rosholt moved approval of Resolution 2014-01 as presented. Commissioner Davidson seconded. Motion carried unanimously.**

Consent Agenda

The April 3, 8 and 10 claims journals; and the April 9 Public Works claims journals were approved as presented on the consent agenda.

Blue Mountain Forest Plan Extension Request

Shelley Burgess, Administrative Officer, brought the Blue Mountain Forest Plan Extension to the Commissioners for consideration. She explained that this is a letter to request an extension for the comment period on the Blue Mountain Forest Plan with the Forest Service. **Commissioner Davidson moved approval of requesting an extension of the comment period. Commissioner Rosholt seconded. Motion carried unanimously.**

Unanticipated Funds Court Order

Court Order 2014-25, In the Matter of Appropriating Unanticipated Funds, was presented for consideration. Shelley Burgess explained that these funds are from Oregon Department of Human Service to be added to the budget which was not anticipated when the budget was approved. She explained that these funds are for the Resource Coordinator positions. **Commissioner Davidson moved approval of Court Order 2014-25 as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

Medical Marijuana Facility Moratorium Ordinance

Ordinance 2014-02, In the Matter of an Ordinance Declaring a Moratorium on Medical Marijuana Facilities and Declaring an Emergency, was presented for consideration. Shelley Burgess explained that at the April 2nd Commission meeting she reported that the Oregon Legislature Senate Bill 1531 which allowed for cities and counties to enact an Ordinance that would enact a one year moratorium on Medical Marijuana Dispensaries. This was legislation that the Association of Oregon Counties and the League of Oregon Cities had worked on with the Legislature. At that time AOC provided counties with the language for an Ordinance to adopt that would establish the one year moratorium and has to be adopted prior to May 1st. The Commissioners agreed to consider an Ordinance. Shelley provided the Commissioners with written testimony received from Kelsie McDaniel, Union County District Attorney.

Commissioner McClure opened the public hearing for testimony.

Sherlyn Roberts, Administrative Assistant for Union County Safe Communities Coalition, read a statement. (attached)

Jan Harris, Co-Chairman of the Union County Safe Communities Coalition, explained that she has come before the Commission on behalf of the youth in Union County. Her concern is for the youth. She is not here to detract from people who use medical marijuana truly for medical reasons. She is not going to

impact the way they are receiving their medications but she is concerned about the perception to the youth. AOC has come out strongly for this moratorium. Normalization of marijuana impacts youth's perception of risk or harm. If it is legal it isn't a problem. High visibility can be confusing to young people and diminish the risk of harm. She explained that teens were asked what the number one social pressure they have at school and their answer was marijuana use. They said that they call it the dumb drug because kids that have formerly been straight A students now don't care. Social pressure for kids in middle school is very important to them and they want to comply with what the other kids are doing. Rob Bovett from AOC was concerned that there is a lack of staffing and enforcement in the State. There are only six full time employees to run the entire state program for dispensaries. The dispensers in the dispensaries are unlicensed and unregulated. They should be trained and screened like pharmacy techs if they are dispensing medicine. The testers in the facilities are unlicensed and unregulated. Growers are unlicensed and unregulated. Product types are unregulated. There are marketing concerns, labeling concerns, zoning issues on where dispensaries can be located, and local control issues. The indoor clean air act does not apply to marijuana smoking in public. For logical and practical reasons for the safety of youth she encouraged the Commissioners to take their time and use the moratorium to take a year to establish rules and guidelines.

Jeremy Riggle, 12th Street La Grande, stated that he is a scientist who tests the materials before they are dispensed. He has two children of his own so protecting youth is important to him as well. In terms of perception, controlling and regulating it would do more for the youth than continuing to treat it as it is currently. If the community is interesting in protecting its youth they should be looking at other things as well such as fast food, energy drinks that are not being controlled. He is against the moratorium so they can figure out how to do this right and begin testing the marijuana and control the substance. He feels that putting on the moratorium would set them back in terms of being able to understand it as a medicine. He feels that the dispensaries would be an economic benefit. They have hired someone this past month and they spend a lot of money in the area. The moratorium would just set them back.

Nicholas Ducote, 206 Chestnut, La Grande, stated that the Commissioners would be taking away access if they pass the moratorium. There is a dispensary in town and it is serving patients. If the Commissioners pass a moratorium the dispensary will no longer exist and those patients will have to go elsewhere to find their medication. In Baker, Union, Wallowa, Morrow, Grant and Umatilla there are 1400 medical marijuana patients. In Union, Wallowa and Umatilla there are 1053. It is not just the 400 people in Union County that would come here to purchase their medication and have access to their medication. Without dispensaries how can patients get their medication. To grow it themselves takes time. It would take three months if they grew them right the first time. He calls them gray market dealers who are medical marijuana growers that sell to

patients legally and also sell on the black market. The reason why they do this is because they cannot bring their surplus to a dispensary. In Ontario where they recently passed a ban there have been Craigslist ads for medication. In Hermiston they passed a ban and closed their dispensary. The alternative is to call the lady who owned the dispensary on her cell phone and go to her house and buy it there because that is still legal under the system. In Pendleton there is a grower who sells pounds out of his car in a parking lot legally. Somehow this system is preferable to having a location under 24/7 surveillance and regulated by the State with medication tested by scientific professionals. The people selling out of parking lots are not testing their medication. The dispensaries are required by law to test their medication. People will get access to medication and find it through alternative means which are unregulated. If safety is a concern then they should be coming to a building within town limits with cameras on them and with regulations and rules.

Nicholas explained that currently 41% of Union County 11th graders drank alcohol in the last 30 days which is 10% higher than the State average. 18% of Union County 11th graders smoked Cannabis which is 3% lower than the State average. In Union County there is a large problem of alcohol abuse in teens. Prescription drug abuse is 3% higher among Union County youth and cigarette use is 6% higher. There are three issues where there are abuses far higher than the State averages but they are attacking Cannabis.

Nicholas explained that it is true across the United States that people are worried about medical marijuana laws and their impact on youth's use of cannabis. There have been multiple studies on medical marijuana. He went over a study done in 2013 in the California Pediatrician. There were 15 states examined before their medical marijuana laws were passed and then they looked at them now. They looked at the stats and the trends and they asked whether the perception of Marijuana affected use and whether the medical marijuana laws affected use. The conclusion was that medical marijuana for adults in all states that have approved medical marijuana with the exception of Michigan has not led to an increase in recreational marijuana use in adolescent population. Another study in 2012 done at the University of Washington set out to examine the hypothesis that the legalization of medical marijuana would cause an increase in the use of marijuana and other substances among high school students. They reported that using the 95% confidence interval around these estimates suggests that the impact of legalizing medical marijuana on the probability of marijuana use in the past 30 days is no larger than .8%. In banning the dispensaries it also takes away the ease and safe access to people with debilitating illnesses. More recent research from 2013 from the University of Florida, College of Medicine conducted 40 comparisons of youth use and the impacts of medical marijuana legalization. Their results suggest that medical marijuana laws have not measurably affected adolescent marijuana use in the past few years after their enactment.

He would like the Commissioners to consider not only the emotions of this issue and not only empathize with the patients, parents, youth but also look at the numbers. This is not an issue that hasn't been looked at before elsewhere. When scientists and experts have looked at the issue they have concluded that youth use does not increase. This is why he opposes the moratorium ban.

Randy Lindsey, 703 South 12th Street, La Grande, explained that he is in disbelief as a medical patient himself to hear that patients can get it where they were getting it before and to know and hear what was given in testimony of what people are presently getting their medicine that is not being tested to any type of standards. He believes that patients that are inside the medical program went through a doctor to get the privilege of being an OHS/OMPP patient. In that privilege they should be able to get safe medicine in a safe access location. The standards in which these locations have to adhere to security are just about to the standards of a money room in a casino. Inside a dispensary bad things don't happen. Everything that comes in from the outside area would be economic development for this area. He explained that Hanley Jenkins stated that there is not many places a dispensary could be located within the County.

Jarod Boyd, Union County Deputy District Attorney, explained that he is assigned to the drug cases and assigned to law enforcement. The Union County District Attorney's office submitted written testimony. There are two points that he wanted to address that has been in testimony today. If the Commissioners do chose to adopt the Ordinance itself under the enforcement division it states that the Union County Sheriff is charged with enforcement of the Moratorium. He understands why the Commissioners would go with that language but he is concerned that it only authorizes the Sheriff but law enforcement in the area is a collaborative effort. The Drug Task Force is multi-agency. He suggested that the language be changed to say that all law enforcement can enforce the moratorium if necessary. He has a response to Mr. Ducote's testimony about the gray market. Jarod disagreed that the gray market is legal. When a grower has a surplus and is authorized to sell to medical marijuana patients is actually not authorized under the current medical marijuana program. The way the program works is that growers are authorized to grow for certain patients and the marijuana belongs to the patient. A cash transaction between the grower and the patient for the marijuana is illegal. The only thing the patient can pay the grower for is the cost of growing the marijuana. They are also prohibited from selling that marijuana in a cash transaction to any other person that is not authorized.

Sheryl Roberts explained that 17.8% of Union County 8th graders indicated that they had smoked Marijuana in the last 30 days. That rate is higher than the 11th graders who indicated that they had smoked cigarettes. There is more youth smoking marijuana than cigarettes. The access to cigarettes is far easier than marijuana. Union County 11th graders were asked how risky they thought it was to smoke marijuana once or twice a week. 49% thought it was a moderate or

great risk. That is not very many that thought there was a risk to smoke marijuana. The perceptions are huge and they do need to be taken into account. When it is seen as medication and it is dispensed as medication that is one thing but when youth are seeing it as it is ok the perception of risk goes down. They are all about getting the youth to be as healthy as possible and not partaking in the use of marijuana, tobacco, alcohol or any other illicit drugs. The Coalition does address all of those issues.

Commissioner McClure closed the hearing with no more testimony received.

Commissioner Rosholt stated that he sits on the Public Safety Committee at AOC and has listened to Rob Bovett talk about his concerns he has expressed. He thinks the State is out on a limb on letting people do this without the understanding of what needs to be done. They only have six people in the State to work on the enforcement of the rules. Another thing that concerns him is that there are no regulations for the dispensaries or testing facilities. Those types of things are important to have the law state who will take care of. To serve a drink in a restaurant or bar a person has to be licensed. To sell medical marijuana employees of the dispensary do not have to be licensed. It is time to put the moratorium on and let the State work at it a little bit longer and move forward from there.

Commissioner Davidson stated that Commissioner Rosholt made good points that AOC legal counsel have concerns about. He appreciates everyone's testimony today and it is clear that there is a wide array of views that are held. One thing that he takes very seriously is the guidance that the voters have given the Commissioners. As recently as 2010 in the general election Measure 74 which was very similar to establish a system to supply and sell medical marijuana and set up a system for dispensaries which failed Statewide and failed Union County by nearly 2:1 margin. He doesn't think that the viewpoint of the voters has changed significantly in the succeeding 3 years. He thinks after taking in all of the testimony and evidence and the outcome of that vote he would have to vote to approve the Ordinance. It would give them time to not only reflect on what regulations will be needed at the local level but what increased level of regulation should be enacted by the State.

Commissioner McClure stated that he feels it is important to understand that the Commissioners are talking about the unincorporated part of Union County. If this action is taken it is only speaking to that area within the County. When the Ordinance says the Sheriff will enforce the Ordinance it states that the Sheriff will enforce in the unincorporated parts of the County. What the cities do is there business. The cities have the authority and they will then deal with it the way it is appropriate for them. He doesn't feel that it is appropriate for the Commissioners to change the Ordinance to say that the city police will also enforce the Ordinance. He believes in local control but the control is with the County and the

cities within the County. He agrees with Commissioner Davidson that the voters have stated what they want. He has no problem supporting a moratorium as the issues get sorted out. It doesn't preclude the use of medical marijuana. He stated that Baker, Umatilla and Wallowa counties have all enacted the moratorium.

Commissioner Davidson explained that Oregon's Land Use Laws are very restrictive. There is only an opportunity for this to be sited in a commercial zone. Most of that area that is under the County jurisdiction is in a variety of resource zones and some limited industrial uses. The only commercial zone is in the area of the truck stop and he isn't sure that it would be successfully sited there. This is really more importantly an issue that cities need to deal with and make their decisions on this issue for themselves and their constituents. He thinks the County should show some leadership and take a position that aligns with the voters in the County.

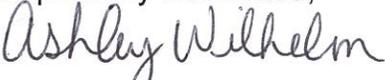
Commissioner Rosholt moved approval of Ordinance 2014-02 as presented. Commissioner Davidson seconded. Motion carried unanimously.

Commissioner Rosholt moved approval of Ordinance 2014-02 as presented. Commissioner Davidson seconded. Motion carried unanimously.

Adjournment

The meeting was adjourned at 10:44 am.

Respectfully Submitted,



Ashley Wilhelm

Sr. Dept. Specialist II

Marijuana Dispensary Talking Points

The goal is not to take away medicine from those who are in pain or are seriously ill. (there are currently 372 cardholders in Union County)

The moratorium would not change the way that medical marijuana users are currently getting their cannabis. It would just put dispensaries on hold for a year.

Our concern is youth.

Normalization impacts the perception of risk/harm

Use increases as the perception of harm decreases

High visibility can be confusing for young people

Colorado Department of Education has seen a 4% increase in drug related suspensions and expulsions over a two year period since medical marijuana became legal in 2008.

Moratorium would give government officials time to carefully consider the place, time and manner for dispensary operation.

Location is important.

The law states that dispensaries must not be 1000 feet from a k-12 school and from each other, and cannot be in an area strictly zoned as residential.

Additional restrictions that local government may want to consider: playgrounds, daycares, churches, libraries, and other child and family related sites.

Reasonable restrictions on hours of operation could also be put into place, there is no restriction in the state law.

Local government may also consider restrictions on signage and advertising

Public notice and comment periods for neighboring residents and businesses are being considered in other areas of the state.

Having a local enforcement plan including compliance checks, minor decoy and shoulder tap operations.

Marijuana Dispensaries may increase access to marijuana, and increased access directly impacts youth use.

Using marijuana from an early age places the person at risk of:

- Impaired emotional development;
 - Increased risk of becoming more dissatisfied with life;
 - Increased likelihood to suffer from depression, anxiety, psychosis, or other mental illness.
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- Marijuana use can increase the risk of psychotic episodes or trigger a mental illness.
 - Marijuana use can lead to dependence in young people who use it regularly over a period of time.
 - Relationships with family and other friends who don't use marijuana may become problematic.
 - Using marijuana has been associated with a decrease in motivation, which can impact school, work, family, friends and life in general
 - The cost of using marijuana can result in financial difficulties.

National Statistics

Age of Initiation:

- Among the 8th-grade respondents in the 2011 Secondary Schools Survey by Monitoring the Future, 5.2% said they had tried marijuana by the end of 6th grade. In 2011, the older respondents give lower retrospective estimates of their marijuana use by 6th grade: 3.7% among 10th-grade respondents and 1.5% among 12th-grade respondents.
- The age of initiation for marijuana use has been decreasing, as 68% more 8th grade students report lifetime use of marijuana in 2011, 16.4%, than did in 1992, 11.2%.

Perception of Harm and Social Disapproval:

- The 2011 Monitoring the Future Survey revealed the perceived harm for smoking marijuana occasionally or regularly has been decreasing among the 8th grade since 2007.
- The social disapproval for smoking marijuana once or twice, occasionally, and regularly has been decreasing among the 8th grade since 2007.
- Research demonstrates that softening attitudes generally precede an increase in drug use rates by approximately two years.

Oregon Medical Marijuana Program Statistics

Oregon Medical Marijuana Program data as of April 1, 2014. These data will be updated and posted on this website every quarter.

Please note, in a few instances, to protect the confidentiality of patients, the response given is "< 50." This practice is consistent with OHA policy and HIPAA requirements.

Number of OMMP patients

59,183

Number of current OMMP caregivers	30,063
Number of Oregon-licensed physicians with current OMMP patients (MDs and DOs only)	1,545

Number of applications denied/rejected April 1, 2013 through March 31, 2013	1,739
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Conditions*

**A patient may have more than one diagnosed qualifying medical condition.*

Agitation related to Alzheimer's disease	75
Cachexia	1,028
Cancer	2,757
Glaucoma	944
HIV+/AIDS	699
Nausea	8,459
PTSD	474
Severe Pain	56,818
Seizures, including but not limited to epilepsy	1,480
Persistent muscle spasms, including but not limited to those caused by Multiple Sclerosis	14,910

Number of patient registrants per county (Oregon only)

Baker	225
Deschutes	3,086
Grant	90
Harney	88
Hood River	286
Malheur	416
Umatilla	563
Union	372
Wallowa	118
Combined total patient cardholder count for: Gilliam, Sherman, and Wheeler Counties*	72

**Note: To protect the confidentiality of patients, the responses for these counties have been combined. This practice is consistent with OHA policy and HIPAA requirements.*