

UNION COUNTY BOARD OF COMMISSIONERS
Joseph Building Annex Conference Room
Regular Commission Meeting Minutes
Wednesday, August 3, 2022

Present: Commissioner Donna Beverage, Chair
Commissioner Paul Anderes
Commissioner R. Matthew Scarfo

Commissioner Beverage opened the meeting at 9:00 a.m. and the Pledge of Allegiance was given with all three Commissioners present.

AGENDA REVIEW

Shelley Burgess, Administrative Officer, requested to postpone item H, Jail Detention Hardware & Electronics Upgrade Quote Acceptance until the next scheduled Commission meeting.

PUBLIC COMMENT

Stephaney Kerley, Forest Service District Manager of the Umatilla National Forest, North Fork, John Day Ranger District, introduced herself to the Commissioners and provided business cards with a copy of the Forest Service Program of Work for their information. She invited the Commissioners to contact her at any time with questions or concerns.

The Commissioners welcomed Stephaney and thanked her for attending.

ELECTED OFFICIAL, DEPARTMENT HEAD & EMPLOYEE COMMENTS

There were no items to report.

CONSENT AGENDA

Commissioner Scarfo moved approval of the consent agenda which included the July 7, 14 & 21 claims journals and the June 29 and July 6, 2022 meeting minutes as presented. Commissioner Anderes seconded. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Resolution 2022-17: In the Matter of Granting Union County Authority to Borrow Monies

On behalf of Ken Patterson, Union County Fair Auction Chair, Shelley Burgess, Administrative Officer, presented Resolution 2022-17, to the Commissioners for their consideration.

Community Bank has proposed an operating line of credit up to \$200,000 to allow payments to the participants in the Union County 4-H and FFA livestock sale prior to collection of all proceeds.

Community Bank is providing the loan interest free for the first 90 days. The credit line can be used for up to 6 months and the Fair Auction Committee would be responsible for any interest accrued after the 90-day period.

Commissioner Anderes made a motion to approve Resolution 2022-17 as presented. Commissioner Scarfo seconded. Motion carried unanimously.

Court Order 2022-22: In the Matter of Appointment to the Special Transportation Fund Advisory Committee

Shelley Burgess, Administrative Officer, presented Court Order 2022-22, to the Commissioners for their consideration.

The term for committee member Brian Blais is due for renewal and has he been an active member interested in continuing to serve. He is the Veterans Service Officer, and has first hand knowledge of transportation needs.

His term will expire on June 30, 2026.

Commissioner Scarfo made a motion to approve Court Order 2022-22; appointing Brian Blais to the Special Transportation Advisory Committee as presented. Commissioner Anderes seconded. Motion carried unanimously.

Court Order 2022-23: In the Matter of Appointment to the Statewide Transportation Improvement Fund Advisory Committee

Shelley Burgess, Administrative Officer, presented Court Order 2022-23, to the Commissioners for their consideration.

The terms for committee members Brian Blais, serving as the representative of consumers knowledgeable of transportation for elderly or handicapped individuals, and Kane Lester, who serves as a representative of public transportation providers are due for renewal.

Mr. Blais and Mr. Lester have been active members of the STIF Advisory Committee for Union County and have expressed interest in continuing to serve.

Their terms will expire on June 30, 2026.

Commissioner Anderes made a motion to approve Court Order 2022-23; Appointing Brian Blais and Kane Lester to the Statewide Transportation Improvement Fund Advisory Committee as presented. Commissioner Scarfo seconded. Motion carried unanimously.

Court Order 2022-24: In the Matter of Appointment to the Union County Tourism Promotion Advisory Committee

Shelley Burgess, Administrative Officer, presented Court Order 2022-24, to the Commissioners for their consideration.

Chelsea Judy has been an active member of the committee serving as a representative of the Business Attraction Owner/Manager community and has expressed interest in continuing to serve.

Her term will expire on July 31, 2026.

Commissioner Scarfo made a motion to approve Court Order 2022-24 as presented. Commissioner Anderes seconded. Motion carried unanimously.

Court Order 2022-25: In the Matter of Appointment to the Wallowa Union Railroad Authority
Shelley Burgess, Administrative Officer, presented Court Order 2022-25, to the Commissioners for their consideration.

The term for Commissioner R. Matthew Scarfo is due for renewal. Commissioner Scarfo has been an active member of the Wallowa-Union Railroad Authority serving as the Union County Commissioner representative and is interested in continuing to serve.

His term will expire July 31, 2026.

Commissioner Anderes made a motion to approve Court Order 2022-25; Appointing Commissioner Scarfo to the WURA Board as presented. Commissioner Scarfo seconded. Motion carried unanimously.

Animal Shelter Operating Agreement

Shelley Burgess, Administrative Officer, presented the Animal Shelter Operating Agreement to the Commissioners for their consideration.

This agreement is between Blue Mountain Humane Association (BMHA) and Union County for animal shelter services. The contract recommended for approval is for a one-year period of July 1, 2022 through June 30, 2023.

The funding level is a total of \$55,000 which includes \$14,500 committed by the City of La Grande and \$40,500 from the county which is the amount included in the budget. The contract reflects a few changes from the previous contract, which were requested by the Animal Control Deputies as well as increase in the impound fees which BMHA may collect directly.

Commissioner Scarfo made a motion to approve the Animal Shelter Agreement as presented. Commissioner Anderes seconded. Motion carried unanimously.

Jail Medical Services Contracts

Shelley Burgess, Administrative Officer, presented the Jail Medical Services Contracts to the Commissioners for their consideration.

The following contracts are between the Union County Sheriff's Office, Bud Zunino and Rene Lyon for Jail Medical Services in the Union County Jail.

Both contracts shall become effective July 1, 2022 and continue until June 30, 2023 unless otherwise terminated.

Commissioner Anderes made a motion to approve the Jail Medical Service Contracts as presented. Commissioner Scarfo seconded. Motion carried unanimously.

Airport Hangar Lease

Shelley Burgess, Administrative Officer, presented the Airport Hangar Lease to the Commissioners for their consideration.

Presented for Commission approval is an Airport Hangar lease for Hangar #6 located in the county owned green hangar building at the airport.

This lease will run from August 1, 2022 through February 28, 2026 at a rate of \$100 per month. The lessee Brandon Hiller will take over the lease of Ron Larvik who was a member of the Airplane Club. Mr. Hiller remains active with the Airplane Club.

Commissioner Scarfo made a motion to approve the Airport Hangar Lease as presented. Commissioner Anderes seconded. Motion carried unanimously.

FY 2021-22 Audit Agreement

Shelley Burgess, Administrative Officer, presented the Audit Agreement to the Commissioners for their information.

This contract for financial audit services is for fiscal year ending June 30, 2022. This is the same level of financial and compliance audit service that was performed the previous year. The tentative work plan would begin August 1, 2022 and spend 4-6 days completing the initial fieldwork. Continuation of fieldwork is scheduled for October 10, 2022.

The total amount for audit services is \$45,998. Which includes compliance with a new GASB requirement.

Commissioner Anderes made a motion to approve the FY 2021-22 Audit Agreement as presented. Commissioner Scarfo seconded. Motion carried unanimously.

PUBLIC HEARING: ORD 2022-01: In the Matter of Referring to the Voters an Ordinance Prohibiting Production of Psilocybin in Union County

Staff Report

Scott Hartell, Planning Director, read aloud Ordinance 2022-01 to the Commissioners for their consideration.

Public Comment

Cheryl Campbell, Imbler, provided public comment in opposition of adoption of Ordinance 2022-01. She indicated she feels the county would benefit from having fewer citizens suffering from major depression, addiction, PTSD, etc. and feels there is no need to place a measure banning psilocybin assisted psychotherapy on the ballot.

Joel Rice, Psychiatrist, 59878 Glass Hill Road, La Grande, provided public comment in opposition of the adoption of Ordinance 2022-01. Mr. Rice indicated that he believes psilocybin can provide positive benefits to his patients. He spoke of his experiences treating those with addiction, and other disorders and the research on psilocybin. He believes OHA will properly regulate.

Brittany Pryce, Mental Health Provider, 10107 Emily Drive, Island City, provided public comment in opposition of the adoption of Ordinance 2022-01. She also indicated that she believes psilocybin can provide positive benefits to her patients. She indicated her specialty is PTSD and feels the research is clear this is an excellent solution for those suffering.

Sheriff Cody Bowen, asked for clarification if psilocybin has been legalized in any other part of the nation. Ms. Pryce indicated that Oregon would be the first. Sheriff Bowen indicated that he will leave the background of psilocybin to the medical professionals. However, his concern would be the criminal entity of it, not necessarily those being prescribed or the prescribers. For example, the medical marijuana facility previously located in La Grande was closed due to unlawful distribution. He is concerned that there will be unlawful activity related to this similar to what accompanied marijuana. He does not have faith in the state to regulate and manage.

Dr. Rice stated he agrees with Sheriff Bowen's concerns regarding marijuana and that it was not well regulated by the state. He feels mushrooms are different because they are not addictive or widely used for a "high". He is also unaware of and organized cartels or distribution chains as are seen with other drugs.

Scott Hartell, relayed at a Planning Director standpoint, he is arguing for this ordinance based on the fact that Oregon Health Authority (OHA) has not written the rules, and there are no guidelines from the state how to conduct this into a land use process. On January 2, 2023, OHA may very well give licenses to those that plan to grow mushrooms. In regards to the service centers, that is not considered a land use application at this time.

Shelley Burgess, indicated one thing that needs to be made clear is where the ordinance and the vote will be impacting. This ordinance is only the county jurisdiction; and does not effect the cities. That will be left up to the individual cities.

Commissioner Anderes, asked Planning Director Hartell, in the event that it does go through federal regulations and FDA approval, and becomes a prescribed medicine, with a ban in Union County, would Dr. Rice be able to use the product. Scott stated that he could not provide a legal response to that specific question. However, he believes the ordinance would not prevent a medical professional from utilizing a legal medication. Also, if the state adopts rules allowing the county to develop time, place, and manner regulations, the ordinance could be rescinded through the appropriate process.

Dr. Rice shared a copy of ORS 475A.270 Duty to Request Land Use Compatibility statement that states OHA may not issue a license if the land use compatibility is prohibited in the applicable zone. Mr. Hartell explained the county cannot address land use compatibility without developed rules.

Discussion/Action

Commissioner Scarfo thanked those that have attended the public hearing and provided their public comments in opposition to the ordinance. He still sees a lot of ifs, and is not for being the test county for legalizing psilocybin as the state will be. He does not see any reason why we shouldn't put it back on the ballot and local voters decide as they did in the statewide measure voting.

Commissioner Anderes also thanked those that have attended the public hearing and provided their comments in opposition to the ordinance. He learned a lot. However, he is uncomfortable with the lack of regulations. Between marijuana and Ballot Measure 110, decriminalizing certain substances, the state is moving in an unfortunate direction. Also, the measure did initially fail in Union County. With that being said, he is hopeful that psilocybin will get through FDA and into the hands of providers as a prescription.

Commissioner Beverage agreed with Commissioner Scarfo and Commissioner Anderes indicating no desire to be a testing area for this.

Commissioner Scarfo made a motion to approve Ordinance 2022-01; Referring to the Voters at the November 2022 General Election prohibiting the establishment of Psilocybin production, manufacturing or service centers under the Oregon Psilocybin Services Act (Measure 109), Established Rules and Regulations. Commissioner Anderes seconded. Motion carried unanimously.

Due to the emergency clause of Ordinance 2022-01, Shelley Burgess, Administrative Officer, read out loud the title only, considered as the second reading.

Commissioner Anderes made a motion to adopt Ordinance 2022-01; In the Matter of Referring to the Voters at the November 2022 General Election prohibiting the establishment of Psilocybin production, manufacturing or service centers under the Oregon Psilocybin Services Act (Measure 109), Established Rules and Regulations. Commissioner Scarfo seconded. Motion carried unanimously.

GOOD OF THE ORDER

Commissioner Anderes indicated he will bring forward a Resolution at the next Commission meeting regarding the recently distributed Fire Risk Map of Union County.

NEXT MEETING

The next regular Commission meeting is scheduled to be held on Wednesday, August 17 at 9 AM.

ADJOURNMENT

Commissioner Beverage adjourned the meeting at 10:07 AM.

Respectfully submitted,



Allison Moore
Senior Department Specialist