

Board of Commissioners Meeting  
September 2, 2015

Present: Commissioner Steve McClure  
Commissioner Mark D. Davidson  
Commissioner Jack Howard

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

Public Comments

Mary Lewis and MaryEllen LaBerge from the Board of Directors for Shelter from the Storm presented information regarding the potential of purchasing the current building the Shelter is located at in Island City as well as information regarding their fundraising efforts to assist with the purchase. Mary Lewis indicated that the current building location provides a nice calming environment and serves clients and staff very well. She stated it is more functional than their previous location with regards to client security and usage, more hallways allow for increased security and there is plenty of room for their food bank. Victims can park behind the current building allowing discretion and the danger of bumping into a perpetrator is lessened at this location. The purchase price for the one acre parcel and building is \$350,000, and they currently have contributions and commitments of approximately \$290,000. They are hoping to have all funding in place by September 30, 2015. Commissioner Howard asked if the building is being currently shown and asked how closely the owner of the property is working with the Shelter. Mary Lewis stated that their offer has been accepted, with a closing date set for April 15, 2016. The building is not currently being shown. The property owner has offered many financing options and has even lowered the purchase price by \$25,000 from the original asking price. Commissioner McClure stated that he supports the program and always has and that this is a very important program for the community. He supports their efforts both personally and would like to see what support they can do as a county. MaryEllen stated they have received letters of support from Police Chief Brian Harvey and Commissioner Mark Davidson. She indicated these letters were very appreciated and useful not only for a grant they have applied for, but also as a statement to the potential community donors to show that bridges are being built and that the issues between the county and the Shelter are in the past. Commissioner Davidson stated that the history between the county and the organization has been a long and fruitful partnership which was marked by a short period of some conflict. He is pleased that we have moved beyond that and that the new facility is working out so well for the Shelter. He has toured the new facility and seen the many new features the building holds. The service the Shelter provides to the community is very valuable and a needed service. He supports the organization and the acquisition of the building. **Commissioner Davidson moved for Union County to donate \$10,000 to the Shelter from the Storm Capital Campaign to acquire the Advocacy Center.** Commissioner McClure seconded, but asked Administrative Officer Shelley Burgess where the money would come from. Shelley stated that since the budget process has been completed and adopted, she suggested the money come from the

contingency line item in the General Fund. Commissioner Howard stated they should wait until the end of September to see if additional funding comes through. Commissioner McClure stated that if April 15 arrives and the Shelter comes up short in their funding, there will be ways to find the needed money, even if it means a small short term loan. If they have the majority of the required money, they would be able to close the deal. Commissioner Howard stated that we are a poor county and he is concerned about spending \$10,000. MaryEllen stated that she understands this is a poor county with a lot of poor citizens with a need, but the community is well served and this is money well spent going towards the future of the program as well as the community. Commissioner Howard stated that it's not that the money wouldn't be well-spent, he was just not sure the county could afford it. Commissioner McClure said that his experience with granting agencies is that if they see that it will be successful and that the community supports it, it makes a big difference in garnering additional support. He also agreed with Commissioner Howard that we are a poor county, but we did commit \$10,000 in the budget process to the Elgin Health Clinic and historically the county has contributed to projects that have a meaning in the community. The \$10,000 being discussed is not a lot of money in comparison to the total funds needed for the Shelter, but it makes a statement to other agencies that the Shelter has support, and that the Union County Commissioners recognize the importance of what is being done. MaryEllen indicated that many of their major donors are looking to the county to see if the Shelter has the county's support. Commissioner Davidson stated we are leading, and that this organization and the county has had their differences in the past but have reconciled those differences to now come back together to serve the community. Supporting this capital campaign reinforces that message and hopefully will lend momentum to this fund raising drive. Mary said she was able to delve into the history of the organization and recognized the many changes over the past 36 years since forming. There have been road blocks and things that have come up with volunteers and staff forcing the Shelter board to think of what is best for the client and how to get the end result. That is what is going on today. Personal donations and in kind donations have been utilized to customize and remodel the building into a very positive and comfortable space. Their clients have also given very positive feedback. The owner desiring to sell the building has presented a challenge, but the challenge has also presented an opportunity. Commissioner Davidson indicated that there was a motion and a second. **Roll call: Commissioner Howard abstained; Commissioner McClure yes; Commissioner Davidson yes.** Commissioner Davidson asked Commissioner Howard to explain his abstention. Commissioner Howard declined to provide any further information.

#### Elected Official, Department Head & Employee Comments

Rick Robinson, County Surveyor at Baggett, Griffith & Blackman presented a partition plat with a dedication partition of a previous partition that ensured the land remaining contained the required planning need for four acres on two parcels outside of the right-of-way. This allows for the right-of-way to be dedicated to the county. There was no previous dedication or acceptance filed. This will meet planning code. The taxes are paid and approval of the County Surveyor has been received. This partition is located near Wade and Haefer Road. **Commissioner McClure moved approval of the**

**partition plat as presented. Commissioner Howard seconded. Motion carried unanimously.**

Community Corrections Vehicle Bid

Travis Miller, Director of Community Corrections presented information regarding a vehicle bid to replace a 1999 Ford Expedition. The RFP (request for proposal) was sent out requesting bids for a new 2014 or 2015 SUV. Bruce Chevrolet and Hubbard Chevrolet responded under the state contract with a 2015 Chevy Tahoe. Legacy Ford submitted bids for a 2016 Ford Explorer or a 2016 Ford Expedition. MJ Goss Motors submitted a bid for a 2016 Chevy Tahoe. Travis explained that he needs a vehicle with a cage to transport offenders and a Ford Explorer would be too small for their purposes. He has not found any law enforcement agencies that utilize a Ford Expedition. Most law enforcement agencies utilize a Chevy Tahoe and are happy with the vehicle, function and size. There are also cages available for purchase that fit in the Chevy Tahoe. His recommendation is to utilize the state contract for a Chevy Tahoe from Bruce Chevrolet which includes a police package and vinyl floor. Commissioner Davidson asked about the Ford Explorer bid received and stated it is about \$9,000 less than the Tahoe. He stated that our local agencies are not utilizing an Explorer, but Baker County Sheriff's Department utilizes an Explorer and asked if this meant a cage is available for this vehicle. Travis stated that there are cages available for the Explorer, but an Explorer is smaller than the Tahoe. The style of cage he is wanting to purchase is a quarter cage allowing for one offender in the cage and three officers in the vehicle. Travis also indicated that the Sheriff's department used to have an Explorer and the back seat area was very small. Commissioner Davidson stated that the 2016 Explorers are designed differently than the earlier models. Travis stated he has not seen the 2016 Explorers. Commissioner McClure stated that the RFP specifications are for a 2014-15 SUV and a maximum delivery date of 60 days from award. Commissioner Davidson asked what the delivery date of the Explorer would be, which was determined to be December 1, 2015, outside of the 60 day requirement. Commissioner McClure asked Travis where the funding would come from for the purchase. Travis indicated that this purchase would be through his state budget and paid for through the Department of Corrections. He had budgeted for the purchase and the money is available. Commissioner Howard asked Travis about his process involved in the different vehicles, the price difference, and how he arrived at his recommendation of the Chevy Tahoe. Travis stated he had talked with many officers and agencies that have driven a Tahoe and a Ford Explorer. The size of the vehicle, interior space, handling and ease of use was preferred in the Chevy Tahoe. Commissioner Davidson stated his concern of the recommendation for choosing a vehicle with a significant cost difference without having looked at the 2016 vehicle. He recognizes that the funding will come from the State of Oregon, but the money is still tax payer dollars and stated his concern was that the money wouldn't be given the same weight that we would give our locally collected tax dollars. He supports replacement of the current vehicle, but asked if the cheaper vehicle will meet the needs of the department as this is a significant price difference. He also stated that waiting an additional 30 days to get the Explorer and utilizing the cost savings elsewhere in the Corrections program wouldn't be a bad trade-off if the Explorer would meet his needs. Commissioner Davidson requested that Travis go look

at the Explorer being offered and see if it could meet his needs. Commissioner McClure stated that his concern was that the bid request clearly stated a 2014 or a 2015 SUV. If the approval of purchase is made for the Ford Explorer then Travis will need to rebid the process allowing for 2016 models. The vehicle price is less, but he stated there must be a reason for the price difference. Commissioner McClure also said that Travis has stated that he has a need for a new vehicle and he feels that the bigger vehicle meets his needs. As a professional, he feels that he needs to listen to what Travis says and recommends. He understands the difference in the \$9,000, but there is a reason there's a difference of \$9,000. Commissioner Davidson stated these were valid points, but reiterated his concern about eliminating a vehicle that is that much cheaper without having looked at it. Commissioner Howard stated that Travis has acknowledged that the \$9,000 needs to be looked at more carefully including specifics. He understands the comfort level, but doesn't feel that is enough of a justification of tax payer's dollars. He also stated he is open to rebidding the process if that is what is required. His concern was that the 1999 Expedition has already been causing problems and winter is coming soon. He asked if Travis could rebid the process. Travis stated that is a possibility, but the 2015 vehicles are available right now and are in stock and other counties are currently bidding on them too. There is a possibility that the vehicles may be gone at rebid process. The 2016 vehicles have a future delivery date where the 2015 vehicles are available now. **Commissioner McClure moved approval of the bid as proposed. There was no second received. The motion failed for lack of a second.** Commissioner Davidson stated that if Travis would like to go look at a 2016 Explorer and return later in the morning while commission is still in session, he could come back with his impression of the vehicle and indicated that it would be useful towards making a decision.

#### Community Corrections – Measure 57 Funding

Travis Miller, Director of Community Corrections, presented for approval the 2015-17 Measure 57 Supplemental Funds Intergovernmental Agreement. The agreement is for Measure 57 offenders, which are repeat property crime offenders, with the majority of funding utilized for Treatment Court offenders. He would like to utilize some of the funds for overtime allowing parole officers after hours work to check on offenders and also allowing for community watch. Travis requested budget approval and for the Intergovernmental Agreement to be approved and signed. **Commissioner McClure moved approval of the 2015-17 Measure 57 Supplemental Funds Intergovernmental Agreement. Commissioner Howard seconded.** Commissioner Howard asked Travis for an additional explanation with regards to the overtime request. Travis stated this would allow for serving the community in the evening, doing home visits and attending community events such as local rodeos and fairs where offenders often times are caught violating parole rules. Commissioner Howard asked if this affects the matrix program, if it is primarily an outpatient program, and if it was adaptable to minors. Travis stated this is an adult program and that he did not have enough experience with the minors to answer the question. Commissioner Howard asked about a statement in the summary with regards to jail beds being readily available and wanted to know if that was an actual conception of the offenders. Travis

stated it is, because these funds can be utilized to send offenders to another jail such as Baker or Umatilla County if Union County jail is full. **Motion carried unanimously.**

#### Consent Agenda

**Commissioner McClure moved approval of the Consent Agenda as presented. Commissioner Howard seconded. Motion carried unanimously.** Items approved on the Consent Agenda include the June 30, July 5 and August 5 Board of Commissioners minutes and the July 29, 30, August 6, 12,13, 19 and 20 Claims Journals.

Meeting was recessed until 10:00 a.m. for the Public Hearing of the Island City Urban Growth Boundary Amendment.

#### **10:00 a.m. Island City Urban Growth Boundary Amendment – Public Hearing**

Scott Hartell, Planning Director, presented a staff report regarding Ordinance 2015-03, In the Matter of Amending the Union County Zoning, Partition and Subdivision Ordinance to co-adopt the City of Island City Ordinance No. 142 Urban Growth Area Expansion. He stated Island City has three areas that they have expanded within the Urban Growth Boundary (UGB). One area is in the surface mining zone along the Grande Ronde River on the south side of the river which includes about 25 acres. This would include one of the ponds and some dry land associated with the pond. Another area is an industrial development which includes about 1.35 acres on the south side of Buchanan Lane in an existing developed commercial area. There is also a one acre portion of South E Street adjacent to Island City on the east side of Island City. There is a joint management agreement with Island City that requires the County to co-adopt their expansion areas and zoning ordinances for those areas if we are still to allow them to do the zoning and planning outside of the city limits but within the urban growth boundaries. Union County Planning Commission held a hearing on August 24, 2015 and voted to recommend approval to the Board of Commissioners. Commissioner Davidson asked for location clarification near Buchanan Lane. Scott explained that Phylinda Loop is the road access into that area and is south of Buchanan. He also stated that Island City did a UGB expansion and took that area in. A mistake was found where they didn't take in enough property and actually split a building. This will allow for a correction in that area. There is a natural geographic feature in Crooked Creek that will encompass an area that's been historically used. Commissioner Howard asked if two of these are map corrections. Scott explained that one is a map correction off of Buchanan Lane. The other is a state highway right-of-way that has been vacated from the state highway commission back to the county. This right-of-way and potential road area will provide access to residential development in Island City. The road serves a purpose for the city of Island City and they plan to put it into the UGB too. Commissioner Howard also questioned the references made to an included document, Exhibit C, which is specifically referenced in Attachment B, which he couldn't find and thought it should be included. Scott stated this is referencing back to the exhibits provided to the Planning Commission hearings and didn't think they needed to be

included, but offered to provide the exhibit if necessary. Commissioner Howard stated it wouldn't be necessary.

Commissioner Davidson opened the Public Hearing allowing for testimony on the Urban Growth Boundary Expansion for the city of Island City.

No public comment was received. The Public Hearing was closed.

**Commissioner McClure moved approval of Ordinance 2015-03, In the Matter of Amending the Union County Zoning, Partition and Subdivision Ordinance to co-adopt the City of Island City Ordinance No. 142 Urban Growth Area Expansion. Commissioner Howard seconded.** Commissioner McClure stated he appreciated Scott clearing up these issues, and explained that the road on the east side of Island City has been there a long time. He also stated that the historical area used to be a county road to Cove and was given to the state, then the state moved the highway. The state then had to give the road back to the county before the county could give it to Island City. **Motion carried unanimously.**

The second reading of the ordinance was scheduled for September 16 at 10:30 a.m.

Meeting was recessed until 10:30 a.m. for the Public Hearing of Union County Ordinance 2015-02, Opting Out Of All Six State Licensed or Registered Marijuana Businesses.

#### Marijuana Ordinance

Shelley Burgess, Administrative Officer, provided a staff report to the Commissioners. On July 15, 2015, she presented information that came from the Association of Oregon Counties legal counsel which was a summary of the 2015 Oregon Marijuana Legislation and the effects of House Bill 3400, which allowed local options allowing the county to make decisions about opting out of any of the four categories of retail and two medical categories that would be eligible in January. There is a 180 day time during which anyone who is eligible under the local option can make a decision. At that time, it was discussed and testimony was accepted. The direction at that time was to prepare an ordinance for public hearing and consideration. The ordinance prepared for today is based on opting out of all six state licensed or registered marijuana businesses. This was prepared this way as it was the full options available. The commissioners can choose to amend the ordinance, reduce the number of things that you would opt out of, leave it the same or choose not to enforce this at all. The ordinance advertised for consideration does include opting out of all six opportunities. There were three written communications received regarding this issue since the last discussion in July which included a letter from Wes Williams, Attorney at Law, discussing Measure 91 and House Bill 3400, a statement from the Union County Safe Communities Coalition regarding information on marijuana, and an August 28 letter from Barney Keunsting including an article from the Oregonian relevant to the issue.

Commissioner McClure stated that he wanted to make sure everyone understands this issue will not revoke ballot Measure 91. The only thing being discussed is how the county is going to participate and that he hoped there was no confusion on that. Commissioner Davidson stated that even if this is adopted in its entirety, it does not change the public's right to possess, consume and grow for personal use. Commissioner Davidson also stated that there are counselors and mayors present at this meeting from the communities within the county, and he wanted to make clear for everyone that the commissioner's scope of influence or authority is in unincorporated Union County. Action taken in this matter will not affect areas in the incorporated cities, as the cities will have to make those decisions themselves.

Wes Williams, 602 O Avenue, La Grande. He encouraged the commissioners to work within the law, not ignore the results of Measure 91, and stated that he suspects Measure 91 will increase the demand for recreational use of marijuana within Union County. He feels the county has two options, with the first option to opt out. This will push the citizens of the county that want to be a recreational user of marijuana, which he suspects the majority of those citizens will do so responsibly as do the majority of citizens use alcohol responsibly, to either purchase marijuana on the black market or go outside of Union County allowing the visited county to reap the revenue of the sale. He stated the other option is to work within Measure 91, which has many safeguards allowing the OLCC to monitor the grow operations to make sure they are outside of public view, that marijuana is not sold to minors, that it can be regulated to make sure it is not laced with dangerous chemicals, the size of the operation can be regulated and allows for reaping the tax revenue from those operations. He stated there is a local business already established which is owned by clients and friends of his willing to operate within the law, making sure they have a safe, legal grow operation, can be monitored by the OLCC and will not allow sales to minors. Other citizens from neighboring counties who have opted out would be bringing revenue to Union County to support a legal business. He explained that he feels prohibition doesn't work which was proven through the prohibited sale of alcohol years ago. Prohibition increased gang violence, crime related to alcohol use and alcohol abuse. When prohibition was repealed, gang violence decreased, crime related to alcohol decreased, and alcohol abuse decreased. Alcohol was regulated for safety and this approach can also be used with marijuana. Many citizens wish Measure 91 hadn't passed because of our children, but if regulated and businesses are required to work within the system, sales cannot be done to anyone under age 21. Commissioner Howard stated that we keep running up against the issue with kids. He asked Mr. Williams how to truly address the issue with kids and make sure they are safe from any of these changes, stating that in terms of change being seen, there is concern that Eastern Oregon needs to stick together. Mr. Williams stated that you use the same approach as is used with cigarettes. Tobacco consumption with minors has decreased through youth education, paid for through tax revenue received from the sale of tobacco. This approach works and can also be used with marijuana. There will be additional tax revenue created which can be utilized for education. Prohibition hasn't worked in the past and the OLCC does know what works so we should allow them to handle it.

Michael Morse, councilman for the City of North Powder stated that North Powder passed Measure 91 in their city by a narrow margin, of which 54.19% voted no and 45.81% voted yes. As they are an incorporated city, he asked what options they have with regards to opting out since they are under the 55% threshold. Commissioner Davidson explained that the 55% threshold is for the county, and any city, regardless of their percentage of vote inside their city limits, that if the county voted 55% or greater in opposition, the cities are authorized to exercise the opt out clauses. Mr. Morse stated he would rather see marijuana in a store, regulated, with no added chemicals than having to travel a great distance to obtain marijuana.

Richard Kenton, resident of Union County, stated he is not in favor of opting out. He is interested in growing marijuana as a crop. There is a law on how it will be regulated, OLCC is continuing to work on regulations, and that it is legal to use marijuana in the state of Oregon. Arguments have been made and will be made that marijuana is a stepping stone and a precursor to other drugs, but this is a law now with regulations. Having store fronts available with regulations will decrease child access to marijuana. He is not in favor of opting out as it would allow the black market to control the distribution of marijuana in the community. Tax money collected from the legal sale of marijuana will allow additional revenue for social services and law enforcement.

Kelsie McDaniel, District Attorney for Union County, stated that she was asked to come speak on the enforcement piece on the potential of opting out under House Bill 3400. She said it's important to note that the local police agencies will not have the authority to enforce the regulations devoted to dispensaries or the sale and rules regarding medical marijuana or dispensaries under Measure 91. The regulations are confined to OLCC, and their administration, which is a concern because at this point, we don't know what that will look like. If there is a problem or concern, calls will be made to local law enforcement, but they will not be able to address the problem as it would be outside of their jurisdiction. Local law enforcement will be able to act on crimes committed such as black market sales. At this time OLCC has been authorized 11 inspectors state-wide through state Legislature, but it is unknown if that will remain the actual number. We also don't know who the inspectors will be, what their regions will be, training, backgrounds, where they will be located, and there is concern about what will this look like. There are many issues still in the committee to refer to the organization to go to the Legislature, which are several bureaucracies away before a final decision will be made. If the commissioners choose to opt out now it will allow an opportunity to see whether or not the decisions that are made at the state level will be supported in our community. Commissioner McClure asked if it will take an OLCC officer to arrest a minor for having marijuana? Kelsie stated that would not be the case as we will have local law enforcement for crimes and violations. Commissioner McClure stated he does not want the mistaken impression that only OLCC will have the authority to enforce any broken laws that relate to marijuana. Kelsie stated that the regulations themselves and the rules operating on the businesses will be subject to the OLCC inspectors. Commissioner Davidson asked Kelsie to confirm that local law enforcement will enforce the Oregon Revised Statutes (ORS), and the OLCC will enforce the Oregon Administrative Rules (OAR). She stated that this is something the advisory committee

is currently working on. Commissioner Howard stated there has been discussion about the black market but he is mostly worried about the grey market. He also asked about the demographics of marijuana use as it relates to who is at risk, who has been cited for possession and who are the people we need to be worried about. Kelsie stated there were some jurisdictions that decided to not prosecute after the November elections, but this was not the case in Union County, as the law did not change until July 1.

Commissioner Howard asked if there were about 60 cases during this time of simple possession of marijuana cases. Kelsie stated she didn't have the exact number, but stated the figures are tracked, but not the specific demographics he is referring to in terms of profiling. His concern was if it was kids that are being attracted to receiving marijuana in Union County or if it is adults that are distributing it. He would like to see the demographics on this. Kelsie indicated that if the demographics he is after in terms of age, then she would need to check with Juvenile Director Ben Morgan, as a lot of the citations to juveniles that don't involve criminal conduct beyond a citation which would be a minor in possession would go through the Juvenile department. Kelsie stated this is one of the concerns that all citizens have as well as making sure that whatever decision is made or what the regulations look like that they are protecting the kids.

Commissioner Howard asked about the grey market, which involves people giving away their personally grown excess marijuana. Kelsie stated that some issues will be able to be addressed by local law enforcement and there are some new Oregon statutes that are affected by Measure 91 such as giving marijuana away as a prize or award at an event and rules similar to the overserving of alcohol, there are similar statutes involving marijuana. Commissioner Davidson asked if these are enacted or proposed rules.

Kelsie stated they are enacted but not enumerated into the ORS, but they are under Measure 91 and have gone into effect. Commissioner McClure stated his understanding of HB3400 is that the commission is given six months to decide to either opt in or opt out, but now he is hearing that the decision can be made and that you can later change the decision. He asked Kelsie for her interpretation. She stated that she hasn't seen a definitive answer, but the discussions she has heard have been more similar to the change of the opt out not necessarily being permanent, but that is something that would have to be asked of the OLCC in terms of what the opportunity or authority would be, and if the opt out with regards to the financial aspects would be a permanent opt out for the tax implications. Commissioner Davidson said there is an open question about the tax situation and his interpretation of HB3400 gives a deadline to exercise the opt out, but is moot on repealing the ordinance, and that he interprets the bill as it being a locally enacted ordinance which can be repealed or rescinded with the same authority with which it was enacted. Kelsie stated that the information that has been provided has been silent on the issue of repealing the opt out, but it is definitive on the timeline in which you must make the initial decision. Commissioner McClure stated that then that means that if you don't make the decision then you have opted in, and that's it, and you can't opt back out afterwards. She stated that if you want to, you must do so within a timeline, but that she would concur with Commissioner Davidson that the statute seems to be silent on whether or not it can be repealed.

Kelsie stated the question remains what the consequences are of opting out, and whether or not they would be permanent, and if it was repealed whether you could re-engage in that opportunity. Commissioner Davidson stated this is a question we need

an answer to, and clearly there is a matter of fairness that if you've restricted or banned the retail sales within your jurisdiction it wouldn't seem fair to receive taxes on the sale of the product from other areas. It would also seem as a matter of fairness that if you repeal your opt out ordinance and those businesses came into effect then in the future would share in those revenues, but we'll have to see what the answer to those questions are. Kelsie stated that you could look at the language of the legislation for guidance as well, because up until July 1, it was a proportional disbursement based on population throughout the state, but on July 1 it is delineated to a proportion of businesses that are actually in your community, which would be indicative of more local control for that issue.

Joan Smith, a Union County resident, encouraged the Commissioners to opt out. She stated that the police are not ready, rules are not ready, and nationally this is still against the law. She feels that even though children are told not to touch marijuana and to stay away from it that children will still use it. There is research that says children and young adults are unable to progress mentally and emotionally if they begin using marijuana as a young adult. Law enforcement is not ready as they can test for drinking and alcohol use, but they can't test for marijuana and get an instant answer. She also added that she doesn't feel the community should be placed at risk for the potential tax money that could be received.

Sheriff Boyd Rasmussen, stated he was at a peewee football game last night and observed the young players gravitate towards adults. The kids love that adults are teaching and coaching. He sees this situation as a message that we are sending to our youth. His significant experience over the years enforcing drug laws has allowed him to see that marijuana has had a negative impact on a lot of lives and he has also seen that many adults can handle it. His concern is with the youth and the message that is sent to our young people when we have it more available on the streets. Colorado saw an increased use of about 5-8% among youth, and that will be the percentage we will be looking at here. It is now legalized, so we have a group of kids that could get involved with marijuana that might lead them down a path of destruction. We need to be careful as a governing body. It is legal to those that want to use it and they have a right to grow it, but as a governing body of this decision, we need to decide on the side of the kids, and kids are impressionable. As a county, we have the opportunity with a vote of 59% and probably a smaller portion above that would not want marijuana to be distributed in our community and we need to look at those numbers. Citizens that can use legally can do so in their own homes or purchase it in other communities. That would be his professional opinion in terms of how we should proceed. At the end of the day, we need to look at the kids and look at our leadership position and decide on the kids and the future of the community. Commissioner Howard appreciated the Sheriff raising the fact that most ignore as to what the incidents of increased use is likely to be. He has seen studies that suggest the actual figure as being 2.5% and it is not clear if that number is only new users. His question is regarding the messaging and the state of the laws, where Oregon has a new law, but people have already used medical marijuana. The Sheriff replied that there have been a significant number of people who have benefitted from medical use of marijuana but there is also a significant number of

folks using medical cards to get high with no medical reason and has seen that some cards have been handed out indiscriminately. He received a call within the last year from a concerned citizen complaining about a neighbor who was a marijuana grower suspected of drug dealing. He does not want dealing going on from grow site.

John Szymoniak, is not from Union County, but fought fire in this area for many years and retired from US Forest Service. He recalled meeting with the Smoke Management committee in Union County and remembered the vast group of people on the smoke commission discussing the concerned parents of children on the soccer fields. The committee came up with air quality rules and regulations which would help the children. He stated that marijuana is in every community. It's been underground, on the black market, and if you continue black market approach, he feels that if it is forbidden, then children will be even more interested in it than if it is legitimized and managed. By legitimizing marijuana and taking the tax revenues it will allow the county the opportunity to stay in front of this.

Rona Lindsey, La Grande. As of today, six counties have opted out per the OLCC ruling. She talked about the possible job creation and wages of jobs created. A small grow with 24 plants takes about six people to harvest. The employees would receive approximately \$15-20 per hour. These are family wage jobs and this community needs that. Extra revenue would also be received from these employees spending money in Union County in the form of shopping, paying taxes and buying homes.

Virginia Rager, Union County citizen, stated she is not a user of marijuana, but her concern is that the state has legalized marijuana and if the county opts out from legitimizing marijuana operations in Union County then it is turning Union County away from a funding source. She asked if the County has adequate funding? If the County opts out, it will not change the use. People will travel elsewhere to obtain it, they will buy it, and bring it back to this county. If kids want it, they will find a way to get it. It will get used in Union County. If opting out, the county will still inherit problems from adjacent counties because it will be available to purchase elsewhere. The marijuana will be brought back into the county and the problems of abusing a drug of any kind will be in the county but we just won't have the money to deal with it. If you accept it and control it, you will have a revenue stream to launch campaigns that are anti-pot smoking and would have the money to do so. The reality is, marijuana is here and here to stay. Face the issue and be proactive, but if you don't have extra money it will be hard to launch a campaign. She urged the Commissioners to do the homework, take money you will have from revenue stream of jobs created and be wise.

Art Rhodes, La Grande, asked the commissioners that if you opt out now, can you opt back in later. He urged the commissioners to do their homework and find out if you can opt back in. He stated that the City of La Grande has determined they can opt back in but what will it cost in lost taxes between now and when they decide to opt back in. He is all for the kids and spent many years on the CASA board. If he was to make a recommendation to the board, it would be to opt out. He said the best option would be to find out for sure if you can opt back in, and there is a big concern in that we don't

know what OLCC is going to do. He urged the commissioners to not make a quick decision without knowing all the facts.

Commissioner Davidson stated that the public hearing would be postponed to address a time specific item on the agenda scheduled for 11:30 a.m. He stated the public hearing would be extended allowing more time for input and anyone wishing to present testimony today. The public hearing was recessed.

### **11:30 a.m. Advanced Life Support Service Provider Request**

JB Brock, Emergency Manager, presented a staff report and timeline of the recent history of the Ambulance Advisory Committee recommendation and reaffirmed decision to allow approval and application of Med Transport, Inc. as an Advanced Life Support (ALS) medical transport ambulance service who is interested in providing ALS ground inter-hospital medical transport services. **Commissioner McClure moved approval of the Ambulance Advisory Committee recommendation to allow approval and application of Med Transport, Inc. as an Advanced Life Support ground inter-hospital medical transport service. Commissioner Howard seconded.**

Commissioner Davidson offered an opportunity for public comment and testimony on this issue.

Chief Bruce Weimer, La Grande Fire Chief, stated that the city has an issue on the method of giving notice, and they don't agree that proper notice was received. Commissioner Davidson asked if the issue lies with a proposed amendment to the contract that we would need to meet the 60 day notification. Chief Weimer stated that if it is anything that would bring an adverse impact to their contract that they would be required 60 day notice to address that issue. He stated he is not here to contest the Ambulance Committee's decision to forward this issue to the commissioners for approval. However, in the future, notice should be sent to the Fire Chief. Tyson Botts is a subordinate, does a great job and is the EMS director for their department and attends committee meetings but he doesn't speak for the department. For clarification in the future, if another issue like this should come up that might have an impact on their service, written notice would be the correct method of notification. Then any confusion as was experienced with this issue would have been avoided. He also stated that the City of La Grande Fire Department will withdraw their objection to the approval. He did ask for clarification as to the physical location of Med Transport, and if it was located in Baker County. Chris Arvidson stated he is located in North Powder which is Union County, but his address location is Baker County. Chief Weimer stated that he didn't understand why Chris needs a Union County ASA change to be able to apply for certification of his service as he has stated previously that he will utilize the medical director of Baker County and his physical address is located in Baker County. Why is he asking Union County to change the ASA Plan instead of asking Baker County to change their ASA Plan? His other question is that a change is being made to a plan that to his recollection has only been changed once in 19 years, and that was when the ambulance service was transferred to the fire department. This is a document that has worked very well for a long time and shouldn't be changed on a routine basis. Since

this is a change in the ASA Plan, he would ask the commissioners to identify exactly what this service is being allowed to do, which is transfers from the hospital, not emergency response. Commissioner McClure stated that this will be clearly defined, and this is just for transports, not for emergency services provided within the community, as that is the responsibility of La Grande's ALS service. Chief Weimer stated that doesn't mean that if he staffs up and we have a mass casualty incident that he can't help. La Grande doesn't want Medical Transport to be in the 911 call rotation for dispatch. He also requested that since their medical control is not in Union County that they need to comply with Union County's standing orders and standard of care that is provided in Union County. Most patients to be transferred are going to be Union County residents, so it would be his position that Medical Transport would need to perform at the same level of service and care provided by La Grande. He stated they have standing orders that are signed by our county medical director and he feels they should be tested on those and comply with standing orders and standard of care. Commissioner Howard stated that the ASA Plan is not being changed. If the Plan was being changed, he would want that to be approved by county counsel first. This is not dealing with the termination of services, but rather the addition of an additional service provider which is allowed under state law.

Chris Arvidson, Med Transport, Inc., stated that he would be concerned about the standing orders but that he understands the Chief's concern. He stated that he would like to mention that other services and agencies have come in to Union County to pick up patients and other ambulance services from out of state or other counties and they don't have to go through the same thing that the Chief mentioned with regards to standing orders and utilizing the local medical director. He would have an issue with that if La Grande is wanting to use their standing orders and their tests, then he should be able to use the La Grande Medical Director Dr. Chasteen, but Dr. Chasteen is not interested in adding any additional resources. Chris stated he currently lives in Baker County and was going to start his business in Baker County, but Baker hospital doesn't transport many patients. He feels the majority of his business will come from Grande Ronde Hospital. He also stated that Baker County doesn't have an active ASA committee. He talked with an EMS lawyer who informed him that he doesn't have to go through the ASA's. It would be a challenge with the state and harder to get licensed but he wouldn't have to abide by many things that are in the ambulance service requirements. He would like to be able to help on mass casualty incidents and be able to be located in the community that he lives in and serve that community. The lawyer also informed him that since he is a private company for profit and that he would be working for a private hospital, the hospital can decide who to give business to. He doesn't want to go in that direction due to the additional costs and would like to go through the county and do everything the way the state has it set up.

Scott Abernethy, Elgin, currently serves on the Ambulance Board. He stated that in his opinion, many of the issues discussed today were also discussed at the last Ambulance Advisory Committee meeting. The ambulance transport is a needed service, and if there was a mass casualty incident, there is a possibility that Med Transport's services would be required.

Commissioner Davidson stated that there is a motion and second to approve the recommendation of the Ambulance Advisory Committee, and thought it may also be helpful to clarify. He stated this will add Med Transport, Inc. as an ALS inter-hospital transport service to Union County's Ambulance Service Area Plan. This is a narrow definition, and he would like to recognize Chief Weimer's concerns about the level of service as well as his other comments. Commissioner Davidson felt those issues were outside the scope of this recommendation, and those would need to be taken up and considered. At this time, that isn't the issue being considered, and stated that if the other commissioners concur with that, then they would be able to move forward with the vote. **Roll Call: Commissioner Howard – yes, Commissioner McClure – yes, Commissioner Davidson – yes. Motion carried unanimously.**

Chief Weimer asked when the strict definition on the parameters on this service would be done. Commissioner Davidson stated that this is clearly defined, as it is added as an ALS inter-hospital transport service, and they will not be receiving 911 dispatch calls. JB Brock stated that under the ASA plan and the existing contract in place with the City of La Grande, they are the EMS provider for Union County. Med Transport's ability to operate during a mass casualty incident would require a separate mutual aid agreement, which would be developed under very strict parameters under which they could function as an EMS ambulance. Commissioner Davidson stated that the Chief has raised issues about standards of care and standing orders. That is an issue that the Ambulance Advisory Committee needs to explore, discuss and talk about what the effects are. Once discussed, then the Commissioners would like to hear a report of actions or proposals. Commissioner Howard stated that legal counsel would be involved in the drafting of the ASA Plan revision, as that would be a substantive change. Chief Weimer asked for clarification of the wording for the transfers. Commissioner Davidson stated the recommendation is add Med Transport, Inc. as an ALS inter-hospital transport service to the Union County Ambulance Service Area Plan. Chief Weimer stated that they would take all emergent transfers out of the hospital as if it were an emergency happening out in the county. So for an example, he stated that in the winter when an aircraft is not able to get in but there is a cardiac patient transfer needing to get to Boise, City of La Grande will take that call as if it were a 911 call. He stated they will continue to take transfers out of the hospital, and the hospital will continue to call them as well. Commissioner Davidson stated this is a non-exclusive addition to the Plan as a service provider. The hospital would be acting as the agent that would select a service provider, and that would be done at their discretion.

#### Community Corrections Vehicle Bid (Continued)

Travis Miller, Director of Community Corrections, stated that as requested, he went and looked at a 2016 Ford Explorer. He got in the vehicle and didn't have on any of his gear, which would normally include a tactical vest, pistol, holster and radio. The specifications for the vehicle say there is 40 inches of leg room, and the Chevy Tahoe has 45 inches. He spoke with two Sheriff Deputies who had driven both an Explorer and a Tahoe for work. When driving the Explorer, they felt there was an officer safety issue if they had to exit the vehicle quickly with their gear on or if they had to draw their

firearm while seated there wasn't enough room to do so quickly. The area in the back seat was similar in size for both vehicles. The engine size is larger in Tahoe with a V-8 versus the Explorer which has a V-6, giving the Tahoe more power and durability. Another issue is that when the cage is installed in the back seat, they will lose 3 inches of leg room in the back. He also spoke with Sheriff Rasmussen who indicated that most police jurisdictions have a Tahoe based on the size needed, durability and the bigger V-8 engine. The Sheriff has had both vehicles and said there were mechanical problems with Explorers and he also prefers a Tahoe. Travis stated that he recognizes the \$9,000 difference between the two vehicles, but the additional space needed for officer safety is important. Commissioner Davidson suggested that the previous quotes and bids received for a 2016 be withdrawn as specifications were not met as requested, and then make a decision about which vehicle should be purchased. **Commissioner McClure moved to disqualify the quotes and bids received that did not meet the advertised specifications. Commissioner Howard seconded. Motion carried unanimously. Commissioner Davidson moved to award the purchase to Bruce Chevrolet for the police package 2015 Chevy Tahoe for \$36,500. Commissioner McClure seconded. Motion carried unanimously.**

Marijuana Ordinance (Continuation)

Commissioner Davidson reopened the Public Hearing of Union County Ordinance 2015-02, Opting Out Of All Six State Licensed or Registered Marijuana Businesses for public testimony.

Commissioner McClure suggested that the public hearing should be continued at a later date as he didn't think people were through testifying. This would allow those wanting an opportunity to voice their opinion on the issue time to do so. As a decision is not required until late December, 2015, it was determined the public hearing would be continued at the September 16, 2015 Board of Commissioners meeting at 10:45 a.m.

Meeting adjourned.

Respectfully submitted,

Annette Powers  
Department Specialist