

Board of Commissioners Meeting
November 4, 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. The pledge of allegiance was given.

Public Comments

Comment Regarding Road Improvements, Budget, and B2H Project

Lois Barry, 60688 Morgan Lake Road, La Grande. She thanked the commissioners who contacted Public Works; she appreciated the significant improvement on Morgan Lake Road. She thanked the commission for adding an index to the budget. She stated that she was not sure why a new meeting would be necessary for the B2H Project. She stated that comments had already been submitted in March and a meeting had been held in Union County in June with Idaho Power. She stated that Baker County submitted criticisms of the B2H line, and if this is simply another look at proposed routes of the transmission lines, then in addition to that there should be another discussion of no action. She stated that it would be obsolete by the time it is submitted. If the discussion is continued by the commissioners, then she advises that an advisory committee of residents be created of informed local residents. She suggested that both Norm Cimon and Jim Kreider be considered as members of that advisory committee, if the commission forms one.

Comment Regarding Marijuana Businesses in Union County

Alex McHaddad, 105 Fir Street, EOU student. He indicated that his EOU State and Local Government course requires him to testify before a public agency. He read a prepared statement regarding his opposition to adopt Ordinance 2015-02 (attached).

Welcome Signs to Veterans

Gerald Hopkins, 68070 Hunter Rd, Summerville. He stated that as he has traveled around other counties he has noticed welcome signs for veterans. He asked that the commissioners consider placing "Union County Welcomes Vets" signs on each of the entrances to Union County.

Comment Regarding Ordinance 2015-02 Second Reading

Margaret Mead, 57744 Foothill Rd, La Grande. She stated that she wanted to address the second reading of Ordinance 2015-02 since it is not yet permanent. She stated that if all marijuana-related businesses cannot be made legal in Union County as the state law allows, that at least medical marijuana businesses be permitted in the outlying areas. If cultivating and selling medical marijuana is not allowed, people who need it will have a harder time acquiring it or it would require travel to access it. She stated that

out of compassion, she thinks the medical marijuana business section should be removed from the ordinance.

Commissioner Davidson stated that all incorporated cities within Union County have the decision making authority to allow or disallow marijuana-related businesses for themselves; the commissioners are only ruling on the unincorporated areas. The two dispensaries in La Grande will not be affected as they are grandfathered in and this ordinance does not affect the cultivation of medical marijuana. Ms. Mead stated that she may have misread that part.

Commissioner Howard stated that it is important to note that the county shares jurisdictional law enforcement with incorporated cities; he thinks there will be law enforcement issues that will affect the county. He stated that there is some disagreement whether or not the language regarding medical dispensaries and growth facilities should be in the ordinance, along with a retail ban. Some lawyers are expecting that to be challenged.

B2H Project Public Comment

Irene Gilbert. She stated that she did not get an agenda for today's meeting and thought she was on the distribution list; she would like to make sure she gets them in the future. She stated that her understanding is that there is a plan for a listening session regarding the B2H Project. She thinks the community may be confused about dealing with the current environmental impact statement, as opposed to the energy facilities citing process, which will begin 1st Quarter 2016. She wonders what the advantage of a listening session would be if there will be also be a public advisory committee that would allow community input. She believes the process of including public input in the environmental impact statement has been completed. Unless it is associated with the environmental impact statement, then it would be confusing to have both a listening session and a public advisory committee focused on giving input on the energy facilities. She stated that a public advisory committee is a place where the public can have an impact and influence, as opposed to the environmental impact statement.

Commissioner Howard stated that Ms. Gilbert has submitted a letter calling for a blue-ribbon advisory committee; he asked her if she anticipated that the county would approve it. She stated that the goal of the group was to independently develop a committee that would take input from the community and present it. Their intent was to connect with the county process since she believes the county's comments will be recognized and should come through a process such as a citizen advisory committee. She stated that Umatilla County and Baker County have already held public meetings and received input to be included in the environmental impact statement; they are ready for the Energy Facility Siting Council process and Union County is not. She thinks any delay will reduce opportunities to advertise and identify the people. She stated that the time frame is critical.

Commissioner McClure stated that the commission has received criticism for not having public involvement and when a meeting is called, it is criticized. He thinks B2H is an important issue and it is appropriate for the commissioners to let people vent. He thinks the public needs to understand that one of Idaho Power's proposals is to install a 500 KV power line that would be visible across the horizon in La Grande; this is the first time it has been proposed. He stated that the commission is criticized for being too closed, and when the process is opened then it is criticized for that. He thinks it's the commission's responsibility to have public input.

Commissioner Howard stated that MERA was a great model for involving the public in the process.

Commissioner McClure stated that it is important to have the county's involvement and public input.

Ms. Gilbert stated that she doesn't have a problem with a listening session as long as the public understands that it is primarily intended for education and to get an initial response from the public and that it is followed by something more formal for public input after the listening session.

Commissioner McClure agreed with her and stated that it is important for the commission to hear public opinions to ensure that the commissioners are representing how the people feel. He stated that everything needs to be on the table and he would not limit what people talk about, it is an open discussion.

Elected Official, Department Head & Employee Comments

B2H Project

Scott Hartell, Planning Director. He stated that he scheduled a public work session to be held on November 24, 2015 at 7:00 PM to discuss concerns and comments about the B2H Project. Notice was set to be published November 2 and November 18. He stated that Scott Whiteside from BLM, Todd Coronet from Oregon Department of Energy, and Jeff Malman from Idaho Power are scheduled to bring information to the meeting. There will be discussion about Union County's role as a cooperating agency in the federal process and an opportunity to discuss the next steps before the final environmental impact statement is published. Comments may need to be brought back to the commission and supported through a letter. He stated that the creation of an advisory committee is still in the preliminary process; more understanding of the plan is needed and he hopes to bring it to the next meeting.

Commissioner McClure stated that he would like to see the meeting published well on the county website and in the newspaper; it is important to have the public who are currently unaware of the process to attend the meeting. He stated that the county has been engaged for five years and the input has been very limited.

Commissioner Davidson asked Mr. Hartell to ensure that there are visual interpretations and graphics available at the meeting that would illustrate the proposed lines. Commissioner McClure stated that it is important for people to see the impact of the size of the installation.

Commissioner Davidson stated that the county should consider sending direct notice to all residents along the proposed routes.

Commissioner Howard requested that Mr. Hartell speak with Ms. Gilbert to ensure that the people she has been in touch with will have notice, as well as the opportunity to attend and be involved in the discussions. He stated that outreach is important, and live streaming the meeting should be considered to increase public participation due to travel over the holidays. He stated that he may know a volunteer who would be willing to provide that service. Citizens may discuss their desire for appointment of a committee at that time.

Commissioner Davidson stated that he disagrees with Commissioner Howard regarding the purpose of the meeting. He stated that the focus is on the exchange of information and informing the public regarding proposed routes, as well as time for officials to answer questions. The creation of a new committee is a conversation that needs to be had at a later time.

Commissioner Howard stated that it is true that they are not in agreement.

Commissioner McClure stated that the listening session is for whatever the public wants to talk about; Commissioner Howard thanked him for his comment. Commissioner McClure stated that it is an open session and it would be okay to talk about committees. He stated that it does not mean a decision about the advisory committee would be formed, as time would be needed to determine the next steps.

Union County Sheriff's Department

Sheriff Boyd Rasmussen, Union County Sheriff. He stated that Commissioner Howard did not attend the last Department Head meeting so he would give an update on Department activities. He stated that the office is running smoothly and they are trying to make training a priority; they are sponsoring trainings locally. He listed Crisis Intervention Training and Leadership Training as those that have been scheduled, one of which details how to deal with the mentally ill. He is proud to offer the training opportunities locally with outside resources because it brings revenue to the county. He stated that a Search Manager Training has been scheduled for the spring; it has not been offered locally in the past and Search Managers cannot take a week off to attend elsewhere. He stated that Clackamas County has agreed to provide the training staff so that it can take place over two weekends in Union County. Adjoining counties will also have access to this training scheduled. He stated that the costs are fairly high; he has

secured \$5,000 from the Department of Public Safety Standards Training and is working with the Sheriffs Association for additional funds so that funds needed from Union County would be limited. They are cross training deputies in the jail, on the road, and in Search & Rescue for flexibility. He stated that they are starting to see the team blend together. There are also significant discussions about structure and how it is being accomplished with the Search & Rescue team. Contract cities are running effectively and have good communication with the Sheriff's office.

Sheriff Rasmussen stated that the Drug Task Force (DTF) currently has two assigned deputies. The City of La Grande cannot provide the second person to fill the role due to staff members in training. He stated that they are tight on resources so he had to make the decision to assign a second deputy from his office. His Narcotics officer informed him that there is a lot of heroin coming into the community; it is a serious drug and highly addictive. The idea is to get deputies working at least temporarily, and then he would need the commission's support later for a more long-term solution. He stated that the Oregon State Police has not been on the DTF for years, and with 12-13 troopers assigned to this area, he feels strongly that Union County needs their help and resources. It may be something he will ask the commission's help in accomplishing. He stated that his department can't work Narcotics alone and the hope is to have the La Grande Police Department available to help soon so that his deputy can return to other duties in the county.

Sheriff Rasmussen stated that he needs to bring a very difficult topic to light. He presented a letter to the commissioners and stated that his intention was not to read it into the record allow the commission to address. He stated that he "did not technically need a response now, but would like to see where he could end up in the future in terms of getting it sorted out." He asked if the commissioners had any questions about his office or how it is functioning.

Commissioner Davidson asked Sheriff Rasmussen if agencies from other jurisdictions or areas plan to participate in the trainings, or if only the trainers will be from out of the area. Sheriff Rasmussen stated that both are correct. He stated that he likes to hold the trainings in Union County because staff does not need to travel out of town.

Commissioner Howard stated that this is a public meeting and he has the highest respect for the Sheriff and he trusts what the letter says. Sheriff Rasmussen stated that it is factual and he is just providing it to the commission. Commissioner Howard stated that there is a question at the end of the letter asking for a specific response from the commissioners; he stated that he was not involved.

Consent Agenda

Commissioner McClure moved approval of the Consent Agenda, which included Claims Journals for October 22 & 28 and meeting minutes for September 16 & 30. Commissioner Howard seconded. Motion carried unanimously.

Administrative Matters

Intergovernmental Agreement with Grant County – Jail Beds

Administrative Officer Shelley Burgess presented the agreement for the commission's consideration and approval. She stated that it comes from the Union County Sheriff's Department and Correctional Facility; it provides for the housing of inmates from Union County in the Grant County Jail. The arrangements allows for a \$50 payment per inmate per calendar day, with no minimum guarantee. The intent is to provide an additional option for inmate overflow, which is supported by the commissioners in the budget. Union County currently uses facilities in other counties. **Commissioner McClure moved approval of Intergovernmental Agreement with Grant County. Commissioner Howard seconded. Motion carried unanimously.**

Court Order 2015-32, In the Matter of Transfer of Outstanding Warrants & Checks

Shelley Burgess presented the court order for the consideration and approval of the commission. ORS98.304 provides for the transfer of outstanding checks and warrants to the State Treasurer. She stated that the amounts presented represent commissary accounts with remaining balances from Jan 2013 to June 2013. **Commissioner McClure moved approval of Court Order 2015-32, In the Matter of Transfer of Outstanding Warrants & Checks. Commissioner Howard seconded. Motion carried unanimously.**

Court Order 2015-33, In the Matter of Appointment to the Union County Community Advisory Council for the Eastern Oregon Coordinated Care Organization

Shelley Burgess stated that there is no limit to the number of members who may serve on the council; participation is sought from those who work closely with those enrolled in the Oregon Health Plan (OHP), and from members who are enrolled in OHP. She stated that Mr. Griffith has been participating with the council, but had not been appointed by the commission. Commissioner Howard stated that as a member of the LCAC, he could speak to Mr. Griffith's eligibility for service and stated there is a need to add good members. He stated that the term is three years and there is a need to increase the number of experts with OHP, as well as members who are enrolled in OHP. He stated that he thinks Mr. Griffith will be instrumental in finding OHP members to serve. **Commissioner Howard moved approval. Commissioner McClure seconded. Motion carried unanimously.**

Connect Oregon VI Project Update

Shelley Burgess presented an update for the Connect Oregon VI Grant Program. She stated that it is offered through the Oregon Department of Transportation and provides funding to invest in air, rail, and marine transit and bicycle and pedestrian infrastructure; the grant application deadline is November 20, 2015. She stated that the U.S. Forest Service (USFS) currently has rappel crews based at the airport under a short-term lease agreement; there are ongoing discussions with USFS and Public Works Director Doug Wright regarding the potential of a long term lease. A long-term lease would require a

remodel or the construction of a new facility at the airport to accommodate the rappel base. She stated that securing Connect Oregon VI funds could facilitate the necessary improvements. Mr. Wright will utilize architect Ed Lubin, of Meier Enterprises to assist with the conceptual design and a cost estimate, both of which are necessary for the grant application; it will be done under a limited personal services contract, allowed under the county's purchasing policy. The intent is to ensure that the county has adequate information to submit the application. The grant requires 30% matching funds from the county. It is anticipated that the county would match the funds from the Airport Operating Fund or Airport Capital Improvement Fund. There is a potential of initial funds needed from the county and there is a plan to recapture those funds in full. Any short term development costs, including grant costs and match costs, would be recaptured over time through the lease from the USFS. She stated that the commissioners would first have the opportunity to review and accept a lease agreement with the USFS, as well as any offer of grant funds from Connect Oregon IV prior to any obligations. The long term lease and grant funds would provide for the potential of increased activity at the airport.

The meeting was recessed until 10:00 a.m. Second Reading of Ordinance 2015-12.

10:00 a.m. Ordinance 2015-02, Second Reading

Ordinance 2015-02, Opting Out of All Six State Licensed or Registered Marijuana Businesses

Commissioner Howard raised a point of order. He stated that he objected to the proposed second reading of the ordinance, as it violated a typical procedural rule under Robert's Rules of order which states that in order to move a motion forward, it must be properly seconded. He stated that he thinks the record would show that in the last meeting, the second was defective because Commissioner Davidson seconded it from the Chair and inappropriate under the rules.

Commissioner Davidson asked what the county's rules are. Commissioner Howard stated that his question was rhetorical and asked Commissioner Davidson what he thought the rules were. Commissioner Howard stated that Chairman Davidson could make a ruling on what Commissioner Howard proposed to be a point of order based on Robert's Rules of Order.

Commissioner Davidson stated that if the commission wanted to discuss the rules that the county has been operating under since January 2015, then it is a general rule of order where each chairman has his own style. It is generally run in an open fashion; the chairman always allows others to comment and have as much discussion as necessary to arrive at a decision. With a three-member board, there will be times when one member doesn't feel a sense of support or agreement with an action that is being considered and they will refuse to offer a second. For business to move forward, in times like that, it is necessary to have a motion or a second from the Chair. He stated that the commission could review minutes from previous meetings and show several

examples of when that has happened. Commissioner Howard has not raised a point of order in any of the other instances and the process he just described has been the accepted practice of the board since Commissioner Howard's membership.

Commissioner Howard stated that when reading an ordinance, especially one that is important to the citizens, he specifically preserved his rights to object, in addition to the current meeting. He stated that he knew, since serving on the board, that there would be times when following rules are important because they protect the interest of the people who voted for him and all county voters. He stated that this is one such instance. Regardless of past instances, in this particular instance, he is asking for the rules to be properly followed. He would like the record to show that he thinks the rules in this instance would call for Commissioner Davidson to remove himself from the Chair to cast the second. He stated that he thinks it would be standard procedure. He asked for a ruling on that point of order.

Commissioner McClure stated that if the board follows the rules Commissioner Howard mentioned, then one commissioner can control the commission. If Commissioner Howard wants something and Commissioner McClure won't second it, then with his suggested procedure, Commissioner Howard would lose. That is not the way the commission has ever done business in Union County; the commission has always allowed the second to come from the Chair in the 25 years he has been a commissioner. He stated that what Commissioner Howard is proposing would essentially place one commissioner in control. He cited an example: if Commissioner Howard makes a motion, Commissioner McClure doesn't second it and the Chair is not allowed to second, then the commission can't move forward under the Commissioner Howard's suggested rules. He stated that it would not make sense and the commission would not be able to do business effectively. Commissioner McClure stated that Commissioner Howard needs to present a proposal that makes sense allowing the county to carry on business in a meaningful fashion. Rules need to allow the commission to have votes on issues and if the Chair isn't allowed second when a commissioner objects, then it never moves forward. He asked Commissioner Howard how he would resolve that issue.

Commissioner Howard stated that the answer would be to have the Chair reassign his duties of the Chair to other moving parties. Then if a commissioner votes yes, then the Chair would remove his power of chairmanship to that commissioner, becoming the Chair for that second. Then the Chairman would reassume the duties of the Chair.

Commissioner McClure stated that even if he makes the motion and becomes the Chair, the Chair is not supposed to make the motion.

Commissioner Howard explained his suggestion: Commissioner McClure would move for approval, and if there is no second and Commissioner Davidson wishes to second, then he needs to remove himself from the Chair. Commissioner McClure becomes the

Chair for that second. Commissioner McClure is the Chair for that moment, then Commissioner Davidson reassumes the Chair. There is a second, but it does not come from the Chair. He stated that his suggested process is typically what is followed under Robert's Rules.

Commissioner McClure stated that he would consider a new process, but he is not going to agree to a system that disallows a vote or gives one commissioner a veto on everything that happens. He stated that he would not agree to a process that keeps the commission from doing business.

Commissioner Howard stated that the reason it is important to define the roles is to ensure that the rules are followed and everyone has a proper voice without feeling run over.

Commissioner Howard stated that he will not object all the time on the second, which means there is no issue being raised on every motion. He thinks this particular ordinance is so important that he must raise the objection and preserve it for that purpose.

Commissioner Davidson asked Administrative Officer Shelley Burgess about the Oregon Attorney General's guidelines regarding meeting procedures; he requested that she retrieve the book and share her findings.

Commissioner Davidson stated that the commission can't do business if one commissioner controls the agenda. Commissioner Howard agreed, which is why the rotation of the Chair duties is needed.

Commissioner McClure stated that Commissioner Howard would be Chair in January.

Commissioner Howard stated that the objection has to be made.

Commissioner McClure stated that the commission has always followed the current process. The commission has had motions in the past that weren't seconded and he stated that he himself has seconded them from the Chair. It has been their standard.

Commissioner Davidson stated that the current process has been routinely followed and business has been done in that way.

Commissioner McClure stated that if the current process is not correct then he asks that the commission follow a procedure that would move things forward. The current process has been followed for 25 years and has been the standard. He thinks that as long as the procedure allows the commission to move forward, then it would be reasonable.

Ms. Burgess stated that she found the information that Commissioner Davidson requested. She referenced guidelines stated in the Attorney General's Public Records and Meetings Manual, Public Meetings Law, Appendix C, Parliamentary Procedure Quorums and Voting, Section A, Parliamentary Procedure Generally: Rules of parliamentary procedure provide the means for orderly and expeditious disposition of matters before a board, commission, or council. They govern the way members of a multi-member body interact with each other. As a general proposition, those procedural guides only affect substantive policy development or third-party interests indirectly and do not have the force of law. They may be waived, modified, or disregarded without affecting the validity of the agency's decisions. Public bodies, therefore, have great flexibility to determine their own rules of parliamentary procedure without fear that irregularities or errors will lead to judicial invalidation of their actions. When making or applying rules of parliamentary procedure, a board, commission or council is limited only by (i) any constitutional or statutory requirements, (ii) rights of third parties which may be affected, and (iii) judicial interpretations of constitutional and statutory rights. Parliamentary procedure for a multi-member body guides all agency decision-making processes, including deliberations following a contested case or rulemaking hearing and deliberation leading to an advisory recommendation on a matter of public policy to another public body. To facilitate decision making, a simplified and flexible approach to parliamentary procedure is helpful. The author of one text on parliamentary procedures believes that "stressing a more straightforward and open procedure for meetings eliminates the parliamentary impasses that appear to follow when too much attention is given to parliamentary intrigue and manipulation." He has, for example, eliminated the "seconding" of motions because it is "largely a waste of time." This warning against blind adherence to parliamentary rules is echoed by the author of another text who admonishes that "technical rules should be only to the extent necessary to observe the law, to expedite business, to avoid confusion, and to protect the rights of members."

Ms. Burgess stated that the next section says H. Robert, Robert's Rules of Order, newly revised is perhaps the most commonly known and used parliamentary authority. However, A. Sturgis, Sturgis Standard Code of Parliamentary Procedure (2nd Edition, 1966) is more easily read and less technical. The Oregon House and Senate rely on P. Mason, Manual of Legislative Procedure. Any of these texts could be adopted by reference to guide board, commission, or council deliberations. Alternatively, a board, commission, or council might adapt some of the rules to suit its particular needs and convenience, and adopt a standard text as a "back-up" resource. She stated that it goes on to talk about quorums and voting.

Commissioner McClure stated that it appeared that the commission could do what it wanted and it wouldn't affect the process. The commission has been following the same process since the beginning and he thinks the commission should continue to do it that way. If Commissioner Howard thinks he has a legal issue, then he can hire an attorney. Commissioner McClure stated that it is clear to him that parliamentary procedure is secondary to the commission's business; its purpose is to ensure it is done

in an orderly fashion. From from his understanding of the rule it was appropriate that the commission has allowed the Chair to second.

Commissioner Howard thanked Mrs. Burgess for researching the rules. He stated that appendices are not a part of any type of rule-making, they are suggestive or advisory and that it is all just good advice. He is not sure what rules the commission operates under, but the important point is that he will say that at any time it is important for these rules to take place to protect the rights of each commissioner, which is what he is calling into question. He is fighting for the right to say that, in this instance, he preserved a right to make sure the vote was properly taken in May, which didn't happen in his mind. He stated that it is a procedural rule and he is fighting for it and asking for a ruling on it.

Commissioner Davidson stated that if he understands Commissioner Howard's point of order, it is that he is challenging the first reading and the resulting vote. Commissioner Howard stated that was accurate.

Commissioner Davidson stated that there were two options available. He could rule against Commissioner Howard and the commission could move forward with the second reading, and it would go into effect. Or he could uphold Commissioner Howard's point of order and the commission could advertise again, follow Commissioner Howard's suggested procedure, and hold first and second readings in December.

Commissioner Howard stated that Commissioner Davidson's comments were not germane to the request for a ruling on the ordinance and ancillary to the question.

Commissioner Davidson stated that he was thinking aloud and weighing the two options to arrive at a decision.

Commissioner Howard stated that speaking aloud can have the effect of distorting what is actually being discussed and suggested that Commissioner Davidson speak more quietly.

Commissioner Davidson stated that he did not want to get into an argument with Commissioner Howard. He stated that he gives Commissioner Howard all the latitude he wants to ask questions and make statements and he thinks he is deserving of the same consideration.

Commissioner Davidson stated that as long as there is a proper path to a decision then he does not have a problem with making a decision. He asked to review the information that Ms. Burgess read earlier. He stated that his decision was to rule against Commissioner Howard's point of order and move ahead with the second reading of Ordinance 2015-02.

Commissioner Howard called for a division of the house and to hold a vote on Commissioner Davidson's ruling.

Commissioner Davidson stated that Commissioner Howard had challenged his ruling to move forward with the second reading. He stated that the commission would hold a vote and make a decision. He asked Commissioner Howard if he agreed with the process; he agreed. **Roll Call to move forward with the second reading of Ordinance 2015-02: Commissioner Howard: no. Commissioner McClure: yes. Commissioner Davidson: yes. Motion passed.**

Commissioner Davidson asked Commissioner Howard if he was satisfied with the process; he stated that he was very satisfied. He stated that he appreciated the time taken to research and read the rules.

Commissioner Howard stated that he had a new point of order and objected to the second reading of Ordinance 2015-02 on the grounds that it was improperly read. He recalls that during the first reading the original process was as follows: Commissioner Davidson called for the first reading; the Administrative Officer asked if the commission would like to know about the process first; Commissioner Davidson agreed to it, at which time the general process of how the commission arrived at the first reading occurred; a description of the history was read. At the conclusion of that, there was no reading of the title, nor was there any discussion about permission to waive the full reading of the proposed ordinance. He stated that, unlike his first objection, which was procedural, this objective is substantive. Under state law, the commission is required to specifically read an ordinance to the public to let them know what is in it, or to specifically waive a reading. He stated that his recollection of the meeting specifically gave him the substantive grounds to object to the proposed second reading under Oregon State Law. He stated that any consideration of the ordinance will leave the county open to a lawsuit for a defectively passed ordinance.

Commissioner McClure moved to table the matter and continue after the 11:00 AM agenda item. Commissioner Howard stated that he would not object to that motion. **Roll Call to table the second reading of Ordinance 2015-02: Commissioner Howard: yes. Commissioner McClure: yes. Commissioner Davidson: yes. Motion to table the second reading of Ordinance 2015-02 passed unanimously.**

10:30 AM City of Elgin Foreclosure Property Requests

Brock Eckstein, Elgin City Administrator. Alan Duffy, Elgin Mayor. Mr. Eckstein stated that there were a few projects needing completion and would require land that was foreclosed upon by the county. The first project concerns the lot across from the train depot. The Elgin Museum and Historical Society has put a substantial amount of work into cleaning the property and restoring it. They are seeking to have the property placed in the City's name to be used for a museum.

Shirley Kirk, 300 N. 7th Avenue, Elgin. She stated that she lives across the creek from the property. There have been five owners in 40 years and the last two have not taken care of the property. It has been run down with weeds, trash, and at times the smell was so bad that she could not sit in her backyard. She stated that if the museum had the property, she has asked that it be open during the train season so that people will have something to do. She stated that she supports the museum owning the property.

Shelley Burgess stated that Jeff Halsey is a property owner adjacent to the property mentioned; he submitted a letter to the commission detailing his comments and concerns (see attached). Ms. Burgess read the letter in full.

Mr. Eckstein responded to Mr. Halsey's concerns. He stated that he does not anticipate a substantial amount of traffic that would damage the streets, but the City would maintain the streets as needed. He stated that regarding Mr. Halsey's parking concerns, the Train Depot is working on a partnership with the Museum and could provide parking space if needed. He stated that the snow removal concern has been a bone of contention the last few years due to a staffing shortage. They have increased staff from one Public Works employee to four to better manage snow removal.

Regarding property taxes, Mr. Eckstein stated that he would need to refer that concern to the county. He is unsure if the change would raise or lower taxes substantially. Commissioner Davidson stated that the County Assessor may be helpful in answering that question.

Eileen Larkin, President of the Elgin Museum and Historical Society, stated that the board's desire is to build a handicap ramp from the backdoor to the street. They plan to work with the Train Depot and use their parking lot; they would like to have picnic tables for train riders if the Museum is not open. The Museum plans to be open every day. She anticipated that most of the museum business would be conducted out of the back of the property, closest to the parking areas. She stated that the City of Elgin and Union County Commission have been very helpful to the museum and it is something the county needs.

Commissioner McClure stated that he would like the record to show that the Museum Chair's brother is married to his sister. He stated that it is not a conflict of interest but he does not want questions about it later. Ms. Larkin stated that she has never talked to Commissioner McClure about it.

Commissioner McClure stated that the commission received a legal opinion letter from Baum-Smith stating that public notice and a hearing is required; he asked if that has been done. Shelley Burgess stated that those requirements have not been filled yet, but the commission could direct staff to do that.

Commissioner McClure stated that due to the meeting's earlier discussions, he has an increased sensitivity to legalities. He moved to publish public notice and hold a hearing regarding the property, following the procedure as prescribed by the county attorney.

Commissioner Howard stated that he has no objections and would support the transfer of the property.

Commissioner McClure stated that if Commissioner Howard is satisfied proceeding without a motion, then he would be happy to. He would like the record to show that there is a consensus and it would not be revisited later for lack of a formal motion. Commissioner Howard agreed.

Commissioner Davidson directed Shelley Burgess to publish public notice of the consideration of the transfer of property and to schedule a public hearing on the matter.

Scott Abernathy, 220 N. Third Avenue, Elgin. He stated that he is addressing Mr. Halsey's concerns. He stated that in the initial stages of the project, he talked to residents of neighboring properties. He stated that Mr. Halsey just moved to his current location last year. The neighbors he spoke with had concerns about the deer and overgrowth, which was resolved. He stated that he has personally mowed the lawn every weekend and he has not yet been approached by Mr. Halsey while working on the property. He has had numerous questions about when the Museum would be a reality and he is asking for the support of the commission in the transfer of the property.

Commissioner Davidson stated that the agenda item also includes a second property located between the Brunswick and the Elgin Subway, adjacent to Highway 82.

Mr. Eckstein stated that he has a conflict of interest regarding the said property and Dan Larman, Elgin Public Works Director, will speak on behalf of the City of Elgin.

Dan Larman stated that the City of Elgin would like to assume ownership of the property to provide for 14 parking spaces. He stated that additional downtown parking would address the biggest complaint of inadequate parking spaces. The City of Elgin has been maintaining the property for the last five years. He would like to pave the lot and include a few handicap spaces.

Commissioner McClure asked if Mr. Larman had contacted the Oregon Department of Transportation regarding a parking lot along Highway 82. Mr. Larman stated that he has and ODOT has stipulated that the parking lot would have entrance-only access along Highway 82 and an egress in the alley.

Elgin Mayor Alan Duffy stated that downtown parking has been a problem, especially during train excursions. He anticipated that the future clinic may increase traffic. The

City Council has supported plans for a parking lot and downtown businesses have requested a solution to the parking problem.

Commissioner McClure asked how long the lot has been vacant. A gentleman in the room who identified himself as the current owner of the adjacent property stated that the property was originally a Chrysler dealership.

Brent Linville, 810 Albany, Elgin, owner of the building housing the Subway business. He supports the parking lot project. He stated he has needed to remove himself from the discussions at the City level because he is an Elgin City Councilor. He stated that he has safety concerns about the pitch of the roof and accumulated snow. He suggested having enough curbing so that accumulated snow on the roof would not hit adjacent buildings or signs. Mr. Larman stated that Elgin Public Works would address snow removal and maintenance as needed.

Commissioner Howard asked if there was a transit bus stop near the lot, and if so, would it be tied to the parking. Mayor Duffy stated that Elgin has applied for an ODOT grant to allow an access space for transit providers.

Shelley Burgess stated that the law requires publication for two consecutive weeks; there is adequate time to publish the notice and have the hearing held on December 2, 2015. She stated that she could have the deeds prepared and available for signing at the conclusion of the December 2 hearing. Commissioner Davidson stated that he thinks that would be a good, sound course of action.

Second Reading of Ordinance 2015-02

Commissioner McClure moved to remove the second reading of Ordinance 2015-02 from the table. Commissioner Davidson approved the motion.

Commissioner McClure suggested that the commission instruct staff to listen to the recording of the first reading of the ordinance to determine how the process occurred. He stated that he would not want it to be done incorrectly or provide an opportunity for it to be challenged. He requested that it be done before 11:00 AM. Commissioner Davidson and Commissioner Howard agreed. The commission requested Shelley Burgess to review the recording immediately.

Commissioner Davidson stated that the commission will return to the discussion after the 11:00 AM agenda item has been completed.

Meeting was recessed until 11:00 AM.

11:00 AM La Grande School District CTE Program

Larry Glaze, Superintendent, La Grande School District (LGSD). He stated that his intentions are to share updates from LGSD, as well as career education and job training opportunities that would benefit students and citizens throughout Union County.

Commissioner McClure asked if the presentation would include how to bring opportunities from Blue Mountain Community College (BMCC) to Union County when they are out of district. Mr. Glaze stated yes and he would like to explain why that should happen.

Mr. Glaze stated that they have utilized a team of people to plan programs and prepare for the construction of a new Career Technical Education (CTE) building; the team includes BMCC, the Economic Development Director for the City of La Grande, as well as parents and community members. He stated that they intend to think bigger than just LGSD. He stated that LGSD is currently in the process of planning the CTE building; it is estimated to be about 10,000 square feet and will house new programs. He stated that over the last 10-15 years in Oregon, career education has taken a back seat and vocational programs have been cut due to budget constraints. The Oregon Governor's Office has been pushing the 40/40/20 Initiative; the goal is to have 40% high school graduates attend a four-year college, 40% attend a community college or attaining a technical vocation, and 20% joining the workforce. LGSD has applied for a CTE Revitalization Grant to support that effort. He stated that the new CTE building will be a focal point for developing new programs; the goal is to continue and improve current programs, as well as to extend vocational training opportunities to BMCC. LGSD would like to offer more BMCC opportunities for its students and more opportunities for adult vocational training education. There has been a grassroots effort within the community with the desire to have a vocational center in La Grande. With the right partnerships, the CTE building could provide for those needs. The goal is to expand opportunities beyond high school students to include adults throughout Union County. It is an economic driver.

Commissioner Howard asked if the grassroots component would be addressed at the meeting. Mr. Glaze responded no, the representatives for that group were not present.

Commissioner McClure asked for an explanation of the rules for a Contract out of District and what it would mean for Union County.

Cam Preus, President of BMCC, stated that BMCC has had a Contract Out of District (COD) in many eastern counties in Oregon. A county doesn't have to go without a community college when it doesn't want to share ad valorem tax expenses. The COD provides an opportunity for a county to construct an agreement with a community college; services are identified and the state reviews it with the college. The rules require counties to pay a minimum of 20% of the budget that has been devised by the college and the county. She stated that formulas are updated on a regular basis based

on the disbursement of funds. She stated that the state updated the formulas five years ago to make it more fair in how COD colleges earned resources. Colleges are now paid by the generation of full-time equivalence. BMCC currently has a COD with Grant County; it employs a part-time coordinator shares space at the ESD with a part-time coordinator for EOU. She stated that it is a very nice partnership between EOU, BMCC, and Grant County. Most of the services in Grant County are offered as distance learning; it connects students and instructors in different towns, which has somewhat reduced the operating costs. She stated that if Union County agreed to have a COD with BMCC, the college would require the hiring of a coordinator that lived in Union County. The previous engagement between BMCC and Union County had a great deal of concentration on adult basic skills and GED services because it was something that EOU didn't typically offer. She stated that she doesn't feel that is sufficient, specifically given the work BMCC has been doing with La Grande High School. She would like for BMCC to be a strong partner in dual credit; BMCC has learned how to offer it as an additive to the COD. She stated that BMCC cannot spend BMCC voter money out of district.

Commissioner McClure asked how the benefits could be offered county-wide and made available in other school districts. He stated that if the county money is spent on a COD with BMCC, it has to be made a county-wide opportunity. Mr. Glaze stated that his idea of how it would benefit people county-wide includes adult education in the CTE building, which would allow public access and be open to all adults in Union County. He stated that he assumes that the same could be done for students using electronic media.

Ms. Preus stated that county-wide benefits would depend on the menu that is in the gap. She stated that EOU is local and offers many of the same courses as BMCC. The gap is in workforce preparation and EOU offers some of that.

Commissioner McClure stated that the grassroots committee identified that the county was lacking training in hands-on type vocations, like welding, not media based classes.

Brett Baxter, La Grande High School Principal, stated that Regional Solutions produced data about mechatronics and precision ag; with the help of a bond, BMCC was successful in pursuing coursework in that direction. LGSD is in the process of applying for the CTE Revitalization Grant, and whether it's funded or not, transitioning from offering two welding classes to offering a mechatronics pathway that would tie directly into the next step with BMCC. The program would include Design, Welding, and Intro to Engineering courses. The equipment has been ordered for the mechatronics courses to meet dual credit demands and the BMCC instructor will have the ability to teach in the La Grande CTE labs. Equipment that cannot be purchased due to cost would be provided by BMCC since they are mobile. LGSD would provide the base to expand adult education that BMCC can provide. The vision is to give students the ability to complete courses through the CTE program in La Grande without the need to leave for other instruction elsewhere, creating a sustainable workforce in the region. Mr. Baxter

stated that it is his opinion that BMCC is ahead of the curve in identifying the high demand for vocational training.

Mr. Glaze stated that LGSD is not advocating supplanting the offerings of EOU. He stated that they want to continue supporting the Eastern Promise, which has a large number of students currently participating. BMCC provides an opportunity for career education that is not currently available locally, which serves high school students and community members.

Commissioner Davidson stated that this is something that is sorely needed in the community. He stated that a funding request through Regional Solutions for CTE support identified that the community lacked a community college and technical training ability and it was inhibiting the community in competing with other locations for firms wanting to locate from outside areas. He stated that the county needs this in order to compete. He applauds the efforts of the group to address this; it is a great opportunity with the school bond that passed last year. There is a need to work collaboratively to meet the needs and offer services to the general public throughout the county.

Mr. Baxter stated that the sustainability of the program is attributed by the partnerships between LGSD, Union County, BMCC, Eastern Promise, and local businesses.

Commissioner McClure stated that he thinks partnering is a great idea. He stated that there had been a COD with BMCC in the past that did not work well because the program was developed without the input of the county. The role of the county was to write the checks without contributing to the decisions. He stated that if this is to move forward, it needs to be a real partnership and the county needs to be involved in the development of the budget and programs to ensure that it is affordable for the county.

Chris Jarski, La Grande Economic Development Director, stated that skilled and trained workforce is important to economic development. She believes the partnership is important; it helps train high school students who can have a career locally after graduation, and it provides career education for adults. The top 10 employers in Union County would benefit from adult education: Boise Cascade, Grande Ronde Hospital, Northwood Manufacturing, Outdoor RV, Union-Pacific Railroad, A&B Enterprises, and others. Two primary recommendations from the Site Selector's study for economic development and workforce are to establish a BMCC campus, or its equivalent, and to support local education programs toward career technical education. Having a partnership between BMCC and Union County would be a solid bargaining tool for the city; it provides the opportunity to create curriculum for specific industry needs. It also supports existing workforce; 80-90% of the economy is based on it. Having the ability to train people in welding and health sciences supports existing businesses. She read a quote from the Site Selector's study: "The absence of community college technical training in Union County is a serious disadvantage. In our global economy, community colleges are our lifeblood for creating and maintaining stable local economies. Without

the presence of ongoing local training, attracting significant business and retention in projects to this region will be very difficult.” She encourages the commission to support the partnership.

Mr. Glaze stated that he realized a few years ago that not enough was being done for the youth in career education and that opportunities needed to be expanded so youth would stay in the community after graduation. He stated that he charged the high school principals to address these issues and they responded by generating new ideas and executing them.

Mr. Baxter stated that the partnerships will solidify the work that has already been done. The ground work has been laid and there is momentum; partnering with the county can be a game changer for LGSD. He stated that the grassroots group determined that a tech center or workforce development center should be created to address relevant needs for this region. He stated that they conducted surveys with local businesses, students, and staff to determine which programs would be relevant; the results informed decisions about programs to be offered. One benefit of a community college is that they can respond to an immediate need of a business; relevant curriculum can be created for the demands.

Scott Carpenter, La Grande High School Assistant Principal, stated that surveys indicated that local training and education needs are in construction trades and the health field, as well as expanding welding into engineering. Various curriculums were considered that incorporated science, technology, engineering, and math (STEM). After extensive research, it was decided that LGSD could either offer programs resulting in a CNA license or align with Project Lead the Way, which is a science-based curriculum, and overlay it by working with local partners. LGSD has secured partnership agreements with GRH and EOU. He stated that regarding mechatronics, instead of focusing on welding only, they have partnered with Cross L Welding and Barreto Manufacturing. This allows students to learn from instructors during school, participate in experiences after hours with the partnering businesses, and have intern opportunities. Discussions are on-going to tie LGSD programs in with BMCC for dual credit.

Mr. Carpenter stated that LGSD has applied for the CTE Revitalization Grant (\$388,000), which would help them secure the tools needed for the program and make LGSD a focus in the state. There have been significant investments made by LGSD to support moving forward. It would also assure that there is accountability. The grant also mandates that LGSD achieves the objectives that have been defined, such as providing adult education. It creates sustainability, protection, and transparency for partnering agencies like the county.

Mr. Baxter stated that they want the commission to recognize LGSD’s commitment to the program and to recognize the work that has been done to make key partnerships

with area businesses, agencies, and organizations. These are needed not just for the grant, but to be able to move forward in a meaningful way that would provide youth with the opportunity to have experiences in industry. LGSD can provide the facility, equipment and continue the good work that was lost when the previous BMCC-Union County partnership was severed and has since been missing in Union County. He thinks it can be expanded beyond LGSD through regional classes and coursework via media technology.

Mr. Carpenter stated that LGSD has talked with School Superintendents from the smaller schools in Union County. They were excited about and supportive of the opportunity to create a hub that would be available for their students and staff; it would expand their knowledge and keep youth local after graduation. He stated that LGSD is in a position to take the jump before other school districts due to partnerships formed, funding, and a new building. He stated that LGSD is happy to open their doors and resources for every student in Union County.

Commissioner Howard stated that he feels assured after hearing about the concrete work and overlays working with relevant businesses that need people.

Mr. Carpenter stated that much work has been done and some is not contingent on the grant. LGSD will be working with the Oregon Department of Forestry in Cove. Reforestation is a big issue; survival rates of pines are not good. Through the partnership, high school students will help solve that problem by participating in collecting and raising seed, researching what works best and planting seedlings. Mr. Carpenter stated that in the biomedical pathway, LGSD already has partnerships with GRH and AHEC. He stated that BMCC provides youth the opportunity to graduate from LGHS knowing what they want to do and have the resources available locally. In the biomedical pathway, it may require that they attend EOU, or they may choose to take pre-requisites from BMCC. There are unlimited options for youth when the whole educational pathway is provided in Union County, which encourages the youth to stay local.

Mr. Baxter stated the funding of K-12 at the state level is aimed at early learning as well as the 10-14 bridge (sophomore in high school to sophomore in college); the CTE Revitalization Grant is funded by it and shows the state's focus. LGSD is helping lead the charge in revitalizing opportunities that have been lost or put on the back shelf over the years. He stated that they would like to have the commission's support, as they are a critical partner in the process.

Commissioner McClure asked what LGSD is seeking from the commission. Mr. Glaze stated that they are asking the commission to consider this opportunity as part of the budget process and to consider a contract with BMCC to make the services more available in Union County. He stated that they feel re-energizing the partnership would be timely for LGSD. It is also consistent with needs expressed by others in the community and he believes there will be community support on a number of levels.

Commissioner McClure stated that he thinks the commission should take the requests under consideration. Commissioner Davidson agreed and stated that there is a need for on-going discussion regarding the partnership, county input, and budget commitment. He stated that it is clearly needed and the county has the opportunity to make the most of it.

Mr. Baxter stated that he believes there is freedom to choose options based on a specific budget and it can be designed to fit needs. Commissioner Davidson stated that the commission hopes that is correct because often times the need outstrips the resources to fund the budget. Mr. Glaze stated that they understand that.

Ms. Preus stated that the chance for success is much improved with transparency, as well as partners focusing on report findings, including employers' needs and how LGSD can match them. BMCC can play a role in providing the bridge; it is important to not do too much too soon. After celebrating good work, then partners can look at the next steps.

Second Reading of Ordinance 2015-02

Commissioner Davidson stated that the commission would return to the 10:00 AM agenda item.

Commissioner McClure moved to take the Second Reading of Ordinance 2015-02 from the table.

Commissioner Davidson asked Ms. Burgess if she had a chance to review the recording from the last meeting, as requested. She stated that she reviewed the audio recording from the October 21, 2015 meeting. The order of business was brought back on the agenda; the chairman reconvened the meeting and announced that the item of business would be the First Reading of Ordinance 2015-02, Opting Out of All Six Marijuana Businesses. She stated that she as Administrative Office gave an update on the process, went back to the first time the commission discussed the legislation and went through the legislation passed by the legislature. She stated that she went through the process and provided some updates on materials that the commission had requested. At the conclusion of that, she indicated that her summary was complete. She then presented Ordinance 2015-02 and she read it by title for the commission's consideration.

Commissioner McClure asked if the ordinance was read in content; Ms. Burgess stated that it was read by title only.

Commissioner Davidson asked how the statutes describe the process. Ms. Burgess referred to ORS203.045, which states the procedure for adopting ordinances and applies to counties that do not have a charter (Union County). She stated that Section 5

says “any reading required by subsection 3 or 4 of this section may be by title only (a) if no member of the governing body present at the meeting requests that the ordinance be read in full.” She stated that she felt at that time that she was following the ORS statutes on the process for considering the ordinance.

Commissioner Howard stated that he recalls that the title was not read. Ms. Burgess stated that the title is clearly heard on the recording and she could play it for him. Commissioner Davidson stated that he also listened to the recording during the break and invited Commissioner Howard to listen to it. Commissioner Howard stated that he would accept their interpretations. Ms. Burgess stated that it is keyed up on the computer for him to listen. Commissioner Howard stated that he does not think that they are not telling him the truth.

Commissioner McClure stated that if someone did not ask to have it read in full, then the commission is in compliance with the law. Commissioner Howard stated he did not ask to have it read in full.

Commissioner Davidson stated that the commission has addressed Commissioner Howard’s point of order; he asked Commissioner Howard if he was satisfied. Commissioner Howard stated that his point of order has been addressed and stated that he would not say he is satisfied because he is on the losing side.

Commissioner McClure stated that he intended to move the approval of the second reading of Ordinance 2015-02. Commissioner Davidson stated that Commissioner McClure made the motion to approve and Commissioner Howard expressed his point of order. He stated that the motion is waiting for a second. He stated that Commissioner Howard is not interested in providing in the second. **Commissioner Davidson stated that he would provide the second from the Chair, as has been the commission’s process.**

Commissioner Howard stated that he will reserve any right to object.

Commissioner Davidson requested the second reading by title only. Commissioner Howard stated that he objected to the reading by title only. Commissioner Davidson asked Commissioner Howard if he would like the ordinance read in its entirety; Commissioner Howard stated yes. Commissioner Davidson requested that the ordinance be read in its entirety.

Mrs. Burgess read Ordinance 2015-02 in its entirety.

Commissioner Davidson asked the commission if Mrs. Burgess’s reading satisfied the request to be read in its entirety. Commissioner McClure stated yes. Commissioner Davidson stated that there were no objections and there was a motion in the second to approve the second reading and adoption of Ordinance 2015-02.

Commissioner Howard stated that he would like to have a brief discussion. He stated that in terms of philosophy, he thinks it has been consistent in the current system that, regardless of the issue, the commission should respect the rights of all voters. He stated that in this instance, people talk frequently about HB3400 as though it is something new and the only type of legislation that the commission needs to worry about and as though it is controlling, as with the particular ordinance that is at issue. He stated that it is not. People talk about HB3400 but they forget the passing of another law through an initiative that allowed people to have retail marijuana, they ignored that. The State leaders also recognize the need to have some type of political redress for people who strongly and passionately disagree with marijuana. They did something unusual, something he has not heard of before, the State decided to let people have a second process. That second process should be giving the commission the chance to do something good, not just turn their backs on the 40% of the people who voted to support retail marijuana and those who want more marijuana rights in Union County. He stated that he is standing up for 40% of the voters. People talk about the 59% of voters who voted against marijuana, but they are forgetting that other people have rights to vote. He stated that he has consistently said he doesn't know how he would vote on retail marijuana, but he knows the people have the right to vote when given the chance to vote. What the commission is doing with the decision to pass the ordinance is taking a step backwards and away from the right to give people the opportunity to vote on an important issue for them and that is wrong. He stated that is his philosophy and what he has believed since he was eleven years old. He stated that with the first mistake being made, he thinks it is not the end of democracy. He stated that just because people are opposed to marijuana, does not mean that we should try to subvert the right to vote, up or down. It is an unfortunate process that people think that politics is right because their side is mostly numbered; he believes that is what the commission is facing and it is wrong. He stated that he is standing up for the 40% and other people like him who want to have a chance to learn more about the retail marijuana issue. He stated that he will not change his philosophy and, in his heart of hearts, he is concerned about the approach taken, which he believes is a final step to deprive people from the chance to vote on the issue.

He stated that the second issue he would like to address is accuracy. He stated that people who are politically opposed to him want to paint him as someone who supports marijuana in every house and every car; he stated that it is not true that he necessarily supports people using marijuana anywhere. He supports truth in politics. One of the facts that people have chosen to ignore is that if it were referred to the voters, the county automatically opts out. Referring to the voters in the county is a vote to opt out. That is conveniently forgotten because it doesn't suit people's political purpose to confuse and obfuscate. He would like to let people have the right to decide for themselves. People talk about losing all their rights, and passing the ordinance is disenfranchising 40% of the voters and ignoring them. He stated that people who are worried about losing their rights need to be worried about Ann Frank and the knock on

the door. If the commission doesn't respect other people's rights to vote, the commission is going to put their own rights to vote at risk and that is just a fact of the system. He stated that he is not saying it is going to unravel on the current day.

Commissioner Howard stated his third point is in regards to the way the commission does things. He stated that today he fought as hard as he could and reminds him of going into a courtroom when you know you're probably going to lose so you try address procedure and then substance. He stated that he was wrong on the substance rule, but he fought and he made up his mind to do that. He is glad he did it because he felt he was fighting against a bad process. It is a bad ordinance; it is a cut-and-paste ordinance taken from another county. Because the ordinance is bad, the county is looking at not giving people a clean decision on medical marijuana processing facilities and retail. It is a badly written ordinance and the commission could have fixed it. He thinks it is interesting that he might have voted for an opt out on retail marijuana if he had a chance to get that horrible language taken out about medical marijuana, but he never got that chance. He suggested the commission have a different process for how the ordinances are written, a better process in how people review them, and a better process to make sure the ordinances are clean so there are good votes.

Commissioner Howard stated that what he wanted to speak to was the deception that the OLCC does not have rules; it is just not true. People have been in this game long enough to know that the rules are coming and they have hit their benchmarks. He stated that he knows politics being politics sometimes it is convenient to forget other things that are more real; for him it is his children. He stated that unlike many people who talk about what marijuana is going to do to communities or families, he always thinks about his kids first. They are the first thing he thinks about with all his decisions. With marijuana, his kids know that the state passed a law to legalize retail marijuana and are not going to cover their eyes and put their heads in the sand because of decisions made in Union County; they know something has changed. They can figure out when people are not being honest with them, know when something has changed, and everyone says the sky is green.

Commissioner Howard stated that he has never used marijuana in his life. He suspects that his children will be the same because they share the same value for respecting truth about the law, what it means and how to respect it, which means respecting it when people lose. He stated that he lost on a vote today and it was a good call by the chairman. He stated that he should have been on the losing side. The commission has to listen to people when they win and when they lose because they are still citizens. He stated that this goes back to the fact that the county has a bad ordinance that includes medical marijuana. He stated that with all due respect to anyone else, he is not a land use attorney but he knows land use attorneys who are going to tear the county's ordinance apart. He believes that by the passing of this particular ordinance, the county is joining a group of counties that will be challenged; the county will be sued by people who say the county had no constitutional right, especially to take away the right to vote.

He told the commissioners that they cannot disenfranchise citizens in this country. He will fight against it until the end of his days with his last breath. He stated that the county may face a lawsuit; he then stated that the county will in fact face a lawsuit with this particular ordinance because the commission has disenfranchised voters.

Commissioner Howard read an open letter from Andy Steele supporting the use of medical marijuana (attached).

Commissioner McClure stated that he appreciated Commissioner Howard's comments; it was straight-forward. He stated that Commissioner Howard became a commissioner by beating Bill Rosholt. He told him that Bill Rosholt does not come to commission meetings 40% of the time to represent the county; Commissioner Howard represents the county. He thinks Commissioner Howard's comments about voting are nonsense; it is how the commission makes decisions. The commission made a decision and his position is still the same. He would change his mind in a heartbeat if he thought it was better for the community to have those rules in place. He is going to take the time to hear everything before making a decision to opt in. He doesn't know if it is better for the county to control recreational marijuana with the systems that the state will provide, or if it is better to opt out. He stated that Union County will have legalized marijuana with or without the ordinance.

Commissioner McClure told Commissioner Howard that he is going to lose some. He stated that he himself has lost some and you get on with it. He stated that he appreciated Commissioner Howard's comments and fully understands comments that were made about medical marijuana. The county has not outlawed medical marijuana; it is available and can be attained by those who need it. It was never his intention to outlaw medical marijuana. He doesn't think that they have and to characterize that the commission has outlawed medical marijuana is less than honest.

Commissioner Howard stated that when he said it was a badly written ordinance, the language about medical marijuana needed to be removed from the ordinance.

Commissioner Howard stated that he accepts the points of the other commissioners; he is fighting for what he wants, and he fought to rewrite this particular ordinance.

Commissioner Davidson thanked the commissioners for their spirited and passionate comments. He stated that it has been well-established by his colleagues that there was an election in November 2014 and 59% of the county voted against Measure 91. In their wisdom, The Oregon Legislature passed HB3400, which authorized counties and cities that opposed Measure 91 by 55% or greater the ability to opt out of marijuana-related businesses. He stated that clearly life would have been simpler if they had not passed HB3400, but they did. 59% of constituents who voted in the election said they did not want the portions of that measure to be ratified into law. He stated that he respects the opinions of both colleagues about how to arrive at a decision and whether

the commission is disenfranchising voters. He stated that the argument could also be made that if the commission didn't exercise the option to opt out, then the commission could very possibly disenfranchise the other 59% who gave clear direction on their thoughts. He believes that the course of action being taken by the commission is following the direction of the 59%. He stated that recreational marijuana will stay legal and available to those who want to grow their own in Union County, as well as medical marijuana. He thinks that some misinformation has been spread throughout the community as part of the lengthy discussion of the ordinance being considered. Medical marijuana is clearly available in Union County; there are two dispensaries in La Grande that are currently in business and will be grandfathered in. Their supply is not regulated by the ordinance or the OLCC; it comes from growers who are growing for patients and they will have to register in the future with the Oregon Health Authority and still will not be affected by this ordinance.

Commissioner Davidson stated that the commission is going to learn as time passes how this legalization of marijuana, recreational use, and production of it throughout the state affects other communities and their residents. He stated that he is sure that the commission will continue the discussions considering land use ordinances and whether or not it will opt back in at some point within the next year or two. He stated that marijuana is here to stay for the foreseeable future.

Roll Call on the motion to approve the second reading of Ordinance 2015-02: Commissioner Howard; no. Commissioner McClure; yes. Commissioner Davidson; yes. Motion carried.

Adjournment

The meeting was adjourned at 12:18 p.m.

Respectfully Submitted,

Lorcinda Johnston
Sr. Dept. Specialist II

Chair Davidson, members of the Commission

My name is Alex McHaddad, and I am a constituent and student in EOU's fall 2015 State and Local Government course. This class requires me to testify before a public agency, and I wanted to provide the Commission with some of my thoughts on the proposed marijuana ordinance. Should the ordinance be carried through its second reading, the door will be closed on allowing dispensaries to operate in unincorporated areas of Union County. While some say that banning dispensaries is necessary to maintain public safety in our community, my own studies on the impact of legalization in other states suggests that banning dispensaries will be problematic for Union County.

I began studying Measure 91 during EOU's 2014 Winter term, where I compiled public safety data, news, and information from local law enforcement to write my senior capstone on recreational marijuana. On the advice of La Grande police chief Brian Harvey, I paid particular attention to the problem of DUI's, house fires, and child neglect, all of which have strong correlations to marijuana use.

While banning dispensaries will prevent the sale of marijuana in our community, cultivation of this plant will still be permitted for all individuals. Possession will also be legal, and residents can simply travel to the nearest community that permits the operation of dispensaries and purchase marijuana that they can bring back home.

As Union County prepares to deal with a likely increase in marijuana-related public safety problems, increased funding for law enforcement and emergency services will be necessary to protect the community. While marijuana tax revenue will be apportioned to counties and cities based on population for the time being, fiscal year 2017 will see revenue apportioned based on the number of dispensaries operating in a locality. If Union County has no dispensaries in unincorporated areas, which will certainly be the case if this ordinance is passed, Union County will receive no marijuana tax revenue for emergency services despite facing increased risks to public safety.

Recreational marijuana will remain legal in Oregon for the foreseeable future, and residents of Union County will always be able to cultivate, possess, and purchase marijuana. In order to stem the tide of marijuana-related public safety problems, Union County's emergency services will need more resources, but they will only be able to receive funding from state marijuana taxes if dispensaries are operating here. I urge you not to pass the second reading of the Marijuana Ordinance, or at least to refer it to Union County voters.

October 23, 2015

Dear Union County Commissioners,

My brother became seriously ill at age 29. His girlfriend convinced him to go to the doctor, and he received a terrifying diagnosis of Stage 4 colon cancer. The tumor was so large and had metastasized so aggressively that his oncologist put him on a chemotherapy regimen within a week. I was newly married at the time, and made the difficult decision to move back home so that I could be of assistance to my family and help my brother as he faced an uncertain future.

It is no exaggeration to say that every day was a struggle for him. He received chemotherapy at a local cancer center, then continued the dose with a constant drip that was administered through a port in his chest. His nausea was so overwhelming that stopping on the side of the highway so he could vomit became a regular part of any drive we undertook. The anti-nausea drugs he was prescribed led to constipation, which was far from ideal for someone whose colon was already blocked by a tumor. He was prescribed additional drugs to ease his constipation. His appetite shrank to virtually nothing. He was prescribed additional drugs to boost his appetite. Like millions of other people who have watched a loved one wither away before their eyes, I became familiar with Ensure acting as a stand-in for a legitimate diet.

Perhaps the saddest side-effect of his illness is that it prevented him from completing the doctoral program in molecular biophysics that he was pursuing. His was the kind of brilliant, curious, analytical, and inquisitive mind that we need more of in all facets of society.

Throughout his illness—which lasted until just after his 30th birthday—my brother found that smoking medical marijuana helped in a multitude of ways. Medicating with marijuana after receiving chemotherapy eased his nausea without also leading to constipation. The appetite-boosting properties of marijuana are the butt of a thousand “munchies” jokes, but we should acknowledge that as a benefit for someone who needs every available calorie just to stay alive. Marijuana also helped him to relax, decrease his stress and anxiety, and prepare psychologically for the fact that his life wasn’t going to look like—or be as long as—what he had been planning on.

Commissioners: your opinions on marijuana are well-known to your constituents. As far as recreational marijuana is concerned, I would even say that you are entitled to your

position. But before you stigmatize medical marijuana and pass memoranda that further marginalize its role in our regional economy and health care system, please ask yourselves what your motives are. I trust that you will be able to move beyond partisan bickering over legitimate medical solutions. This is not a matter of politics, of which side of the aisle you sit on and how you have pigeonholed your ideology.

This is a matter of compassion, and I sincerely hope that none of you have to endure what I did. I hope that none of you ever watch as a child or grandchild, niece or nephew of yours dies in the same way I watched my brother die: slowly, unfairly, with his whole bright future still ahead of him.

In the event that you do ever experience what I did, you will be sad. Angry. Grief-stricken. And I hope you will also know that you did everything in your power to make sure that people with chronic and terminal illnesses are able to easily and legally obtain whatever brings them relief.

Thank you so much for your time,

Andy Steele

La Grande, OR