

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, February 5, 2014

9:00 a.m.

Commissioners' Board Room  
1115 Commercial Street NE  
Salem, OR 97301

**PRESENT:** Commissioner Sam Brentano, Commissioner Patti Milne, and Commissioner Janet Carlson. Also present were Gloria Roy as county counsel and Kim Hulett as recorder.

Commissioner Brentano called the meeting to order at 9:00 a.m.

**PRESENTATIONS**

Santa Central Results. – Foster Parent Association President Kimberly Moore, Resource Coordinator for the Foster Parent Association Estella Cervantes, and Marion County Volunteer Services Coordinator Cathy Crocker

**Summary of presentation:**

- Marion Polk Foster Parents Association presented board with letters of appreciation;
- Cinebarre donated 100 movie tickets;
- 432 foster children received gifts; and
- Program would not be successful without the participation of the Marion County Sheriff's Office.

Board of Commissioners commended foster parents for their work.

*Video Time (00:11:40)*

SEDCOR 2013-2014 2<sup>nd</sup> Quarter Report. – Chad Freeman, Nick Harville, Oregon Employment Department Research Analyst Martin Kraal

**Summary of presentation:**

- SEDCOR/Oregon State University Rural Studies Program:
  - Met with several city councils to explain Community Business Retention and Expansion Strategies Program.
- Industrial Maintenance Operator/Mechanic (IMOM) Training Program expanded to nine school districts in Marion and Polk counties;
- Received numerous inquiries from companies looking to move to region;
- Continue to see expansion of local companies, primarily production/processing fruits, berries and hazelnuts;

- Marion County labor market:
  - December unemployment rate trended down to 7.8 percent;
  - 11,000 unemployed in Marion County;
  - Consistent employment gains in 2013, primarily private sector;
  - Strong growth in leisure and hospitality, professional and business services, retail trade, and construction;
  - IMatchSkills top job listings for Marion County are retail sales and supervisor positions, customer service representatives, food preparations and serving workers, truck drivers, cashiers, registered nurses, and home health aides; and
  - Competitive environment for job seekers.

**Board discussion:**

- Current unemployment number does not reflect underemployed or percent that have stopped looking for work;
- One-third of unemployed are long-term unemployed;
- Make it in America Challenge Grant:
  - Goal is to increase manufacturing in the United States;
  - Applied in partnership with Mid-Willamette Valley Council of Governments;
  - Total project \$800,000, federal government portion \$400,000;
  - Supports “Make it in the Willamette Valley” project:
    - Increase capacity to do business retention and expansion work across the region; and
    - Increase outreach with manufacturing companies to determine needs and connect to resources/markets.

**PUBLIC COMMENT**

*Video Time (00:29:12)*

Chris Oss, 3795 Croisan Creek Road, Salem, commented that local governments should not be able to restrict or ban medical marijuana retail establishments. Banning such facilities would result in lost jobs and revenue for Marion County.

Jeremy Bruce, 5562 Ross Court, Salem, noted that he is a medical cannabis supplier and asked that patients not be denied legal safe access to medical marijuana. He also commented that the reimbursement storefront model has succeeded in Washington and Colorado.

Charlotte Kaul, 3854 Bartlett Street, Salem, works at a dispensary and shared a personal story about a family friend who used medical marijuana during a serious illness.

Patti Prentice, 4735 Paulette Street NE, Keizer, said she has a degree in behavioral health and had worked with maximum security inmates for 14 years. During that time, inmates had informed her that it is not marijuana/cannabis that causes crime in communities, but other drugs on the street. She also commented that medical cannabis has helped her with pain.

## CONSENT

*Video Time (00:39:56)*

### PUBLIC WORKS

Approve amendment #1 to receive \$65,520 from McKay Farms, Inc. and extend the lease of county land adjacent to the North Marion County Disposal Facility through December 31, 2018.

### TAX COLLECTOR

Approve an order authorizing a property tax refund in the amount of \$20,580.37 to Kerr Concentrates, Inc.

**MOTION:** Commissioner Carlson moved approval of the consent calendar. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

## ACTION

*Video Time (00:40:52)*

### BOARD OF COMMISSIONERS

1. Consider approval of revisions to administrative policy #518, Drug and Alcohol Use and Testing. – Mina Hanssen, Sara McDonald

#### **Summary of presentation:**

- Applies to Marion County employees and volunteers;
- Ensures safety of Marion County employees, clients, and general public;
- Primary change:
  - Clarifies that Marion County's policy is separate/apart from Oregon Department of Transportation or United States Coast Guard requirements; and
- Other minor changes made for clarification.

#### **Board discussion:**

- Marion County drug tests new employees in safety sensitive positions;
- Individuals who use marijuana that apply for safety sensitive positions are not eligible for employment based on federal preemption laws; and
- All employees are subject to reasonable suspicion testing.

**MOTION:** Commissioner Milne moved approval of revisions to the administrative policy #518, Drug and Alcohol Use and Testing. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

*Video Time (00:49:16)*

2. Consider approval of a resolution opposing the legalization of medical marijuana dispensaries. – Walt Beglau, Sheriff Myers

### **Summary of presentation:**

- Sheriff Jason Myers:
  - Supports resolution;
  - Provided background/legislative history of House Bill 3460;
  - Concerns:
    - Lack of oversight over the program;
    - Lack of local control and decision making;
    - Marijuana becoming accessible to more than just patients and youth;
  - Served as a narcotics detective. Marijuana always came up as one of the initial drugs inmates started with;
  - Health and safety purpose:
    - Marijuana will likely be more accessible to youth, more problems in public safety and more resources expended.
- District Attorney Walt Beglau:
  - Supports resolution:
    - Reflects the collective commitment of public safety officials, leadership and citizens of Marion County; and
    - Aligns Marion County with federal law and the priorities outlined in federal law.
  - Community values around family, lives of young people, health and public safety at risk;
  - Addiction continues an unyielding harm to county's residents;
  - House Bill 3460 marijuana dispensaries diametrically opposed to values established in Marion County:
    - Weakened internal controls;
    - No background checks; and
    - Lack of statewide enforcement capacity.
  - Concerns about youth having access to marijuana, an addictive gateway drug;
  - Resolution reflects interests of the citizen of Marion County; and
  - People in public safety support resolution.

### **Board discussion:**

- Scope of resolution:
  - Unincorporated areas of Marion County;
  - Policy statement of the Board of Commissioners, Sheriff, and District Attorney; and
  - Does not regulate or ban medical marijuana facilities.
- District Attorney Beglau provided additional information about insufficient regulations in the legislation:
  - Capacity set up to regulate and implement statute;
  - No internal controls over who runs dispensaries; and
  - No background checks or criminal history on employees or volunteers.
- Application for a medical marijuana dispensary are processed through Oregon Health Authority (OHA):
  - Only background check is on the person responsible for the facility (PRF);
  - OHA keeps facilities' location and PRFs confidential.

- Sheriff Jason Myers provided information received out of Washington:
  - Law went into effect January 1, 2014; and
  - Study on automobile crashes leading up to January 1 saw a 50 percent increase in individuals under the influence of marijuana in automobile crashes.
- Evaluation study performed in Douglas County Jail documents connection to early onset;
- When last before voters, Marion County overwhelming voted against the legalization of marijuana;
- Federal government lists marijuana (cannabis) as a schedule 1 drug;
- Negative impact on children;
- State forcing local entities to violate federal law;
- District Attorney's opinion:
  - State cannot preempt local government despite federal prohibition; and
  - Counties can regulate at a local level. Constitution and law will support as long as rational basis for it.
- Marion County should not facilitate the lessening of standards on controls;
- Currently, an opportunity for the free expansion and distribution of marijuana;
- Per OHA Medical Marijuana pamphlet:
  - OHA will conduct a criminal background check on the grower; and
  - A physician cannot prescribe medical marijuana.
- Read from National Institute on Drug Abuse website:
  - How marijuana affects the brain and other health effects.

**MOTION:** Commissioner Carlson moved approval of a resolution opposing the legalization of medical marijuana dispensaries. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

Commissioner Brentano called a recess at 10:25 a.m. for a short break.  
Commissioner Brentano reconvened the meeting at 10:30 a.m.

*Video Time (01:19:25)*

DISTRICT ATTORNEY

3. Consider approval of an intergovernmental agreement between Marion County and the Oregon State Hospital for prosecution of chronically violent patients, and reimbursement of costs up to \$200,000 through June 30, 2015. – Walt Beglau, Paige Clarkson

**Summary of presentation:**

- Promotes accountability for violent behavior within Oregon State Hospital;
- Preserves therapeutic objectives Oregon State Hospital has with patients;
- Facilitates invaluable relationships and recognizes stakeholders in addressing mental health needs of Oregonians, particularly in Marion County and Oregon State Hospital;
- Adds measured and carefully assessed capacity to address violent crime inside Oregon State Hospital:
  - Ensures patients are receiving treatment they need; and
  - Recognizes the limitations of resources and how it impacts stakeholders.

- Secures funding for a prosecutor;
- Provides opportunity to pay for jail capacity;
- District Attorney's Office consulted with Oregon State Hospital, Oregon State Police, Marion County Sheriff and Jail Commander;
- Trial Team Manager Paige Clarkson has direct contact with leadership in institution and with stakeholders; and
- May set up opportunity to continue with state legislature. Would like state to shoulder responsibility.

**Board discussion:**

- Marion County would continue to be responsible if state does augment funding;
- State should recognize Marion County's responsibility and provide funding;
- Statement of Work:
  - District Attorney's Office is already collecting data required for invoicing; and
  - New prosecutor will monitor numbers to meet obligations for the Oregon State Hospital.
- Funding through June 30, 2015, biennial allocation.

**MOTION:** Commissioner Milne moved approval of an intergovernmental agreement between Marion County and the Oregon State Hospital for prosecution of chronically violent patients, and reimbursement of costs up to \$200,000 through June 30, 2015. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

**PUBLIC HEARING  
9:30 A.M.**

None.

Commissioner Brentano read the calendar.

Commissioner Brentano adjourned the meeting at 10:45 a.m.

CHAIR

COMMISSIONER