



CITY COUNCIL AGENDA
December 8, 2014, 6:30 PM
Regular Meeting

CITY COUNCIL CHAMBERS, CITY HALL
29592 ELLENSBURG AVE
GOLD BEACH OR 97444

Call to order: _____ Time: _____

1. **The pledge of allegiance**

2. **Roll Call:**

	Present	Absent
Mayor Karl Popoff		
Council Position #1 Melinda McVey		
STARTING VOTE		
Council Position #2 Larry Brennan		
Council Position #3 Brice Gregory		
Council Position #4 Doug Brand		
Council Position #5 Tamie Kaufman		
City Administrator Jodi Fritts		
Student Liaison VACANT		

3. **Special Orders of Business:**

None Scheduled

4. **Consent Calendar:**

Minutes: December 3, 2014 special meeting

5. **Citizens Comments**

As presented to the Mayor at the beginning of the meeting

6. **Public Hearing**

POSTPONED: The Noticed Vacation Hearing (a portion of 5th Street) has been postponed and will not occur this evening

For more information contact City Administrator, Jodi Fritts

7. **Citizen Requested Agenda Items**

None Scheduled

8. **Public Contracts and Purchasing**

None Scheduled

9. **Ordinances & Resolutions**

None Scheduled

The City of Gold Beach is dedicated to enhancing quality of life, while promoting health, safety, and welfare of our citizens, businesses, and visitors in the most fiscally responsible manner. In doing this, the City will respect the past, respond to current concerns, and plan for the future, while maintaining environmental sensitivity in our beach oriented community

- 10. Miscellaneous Items (including policy discussions and determinations)**
- a. Marijuana Regulation Discussion—requesting public input
 - b. Electronic Reader Board Discussion
 - c. Curry County Citizen Survey
 - d. LOC Elected Essentials Training

- 11. City Administrator's Report**
To be presented at the meeting

- 12. Mayor and Council Member Comments**
- a. Mayor Karl Popoff
 - b. Councilors
 - 1) Melinda McVey
 - 2) Larry Brennan
 - 3) Brice Gregory
 - 4) Doug Brand
 - 5) Tamie Kaufman
 - c. Student Liaison, Vacant

- 13. Citizens Comments**
As presented to the Mayor at the beginning of the meeting

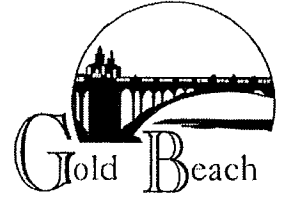
- 14. Executive Session**
None scheduled

The next scheduled meeting of the Gold Beach City Council is Monday, January 12, 2015, at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

- 15. Adjourn Time: _____**

The location of the hearing/meeting is accessible to the disabled. Advance notice is requested if special accommodations are needed. Call 541-247-7029 so that appropriate assistance can be provided. The City of Gold Beach is an affirmative action EEOE and complies with section 504 of the rehab act of 1973. Complaints of discrimination should be sent to: USDA, Attention Director, Office of Civil Rights, Washington, D.C. 20250-9419

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CONSENT CALENDAR



CITY COUNCIL MINUTES
December 3, 2014, Noon
Special Meeting
CITY COUNCIL CHAMBERS, CITY HALL
29592 ELLENSBURG AVE
GOLD BEACH OR 97444

Call to order: **Time: 12:00PM**

- 1. The pledge of allegiance**
- 2. Roll Call:**

	Present	Absent
Mayor Karl Popoff	X	
Council Position #1 Melinda McVey	X	
Council Position #2 Larry Brennan	X	
Council Position #3 Brice Gregory		X
Council Position #4 Doug Brand	X	
Council Position #5 Tamie Kaufman	X	
City Administrator Jodi Fritts	X	
Student Liaison VACANT		

- 3. Special Orders of Business:**
None Scheduled
- 4. Consent Calendar:**
None Scheduled
- 5. Citizens Comments**
As presented to the Mayor at the beginning of the meeting
- 6. Public Hearing**
None scheduled
- 7. Citizen Requested Agenda Items**
None Scheduled

- 8. Public Contracts and Purchasing**
Award Fire Hall Tender Building Contract

City Administrator, Jodi Fritts gave the Council and Mayor an update on the fire hall building history. A bid had been let in the spring to remodel the existing meeting room portion of the fire hall. No bids were received. A bid was solicited from one interested contractor but that bid had been twice the building plan estimate.

CA Fritts said staff regrouped and came up with Plan B which was to build a small building in the back parking lot behind the existing fire hall. New plans were drawn and bids were directly solicited from 15 Curry County contractors. Two bids were received for this project: Bodman Construction, Inc. and McLennan Builders. The apparent low bidder, Bodman Construction, came in close to the building plan estimate. Staff recommended awarding the contract to Bodman Construction, Inc.

MOTION: Councilor Tamie Kaufman made the motion to accept the two bids received for the Fire Hall Tender Building Project. Councilor Melinda McVey seconded the motion.

Mayor Karl Popoff asked if there was any discussion or debate. No further discussion. Mayor Popoff called for the question.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Melinda McVey	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory			Absent
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY	4	0	

9. Ordinances & Resolutions

- a. *Resolution R1415-06 Award construction contract for Fire Hall Tender Building Project*

MOTION: Councilor Tamie Kaufman made the motion to adopt Resolution R1415-06, a resolution to award a construction contract for the Fire Hall Tender Building Project. Councilor Larry Brennan seconded the motion.

Mayor Karl Popoff asked if there was any discussion or debate. No further discussion. Mayor Popoff called for the question.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Melinda McVey	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory			Absent
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY	4	0	

10. Miscellaneous Items (including policy discussions and determinations)

None Scheduled

No misc. items were scheduled on the agenda, however, Councilor Kaufman briefly discussed the medical and recreational marijuana issues and requested that the council begin having public discussions, with citizen input, on how to proceed in regulating/not regulating marijuana in the City.

Council McVey said she would like to have the digital reader board issue brought back before the council for further discussion.

CA Fritts said she would put the topics on the upcoming agenda.

11. City Administrator's Report

None at this meeting

12. Mayor and Council Member Comments

- a. Mayor Karl Popoff
- b. Councilors
 - 1) Melinda McVey
 - 2) Larry Brennan
 - 3) Brice Gregory
 - 4) Doug Brand
 - 5) Tamie Kaufman
- c. Student Liaison, Vacant

13. Citizens Comments

As presented to the Mayor at the beginning of the meeting

14. Executive Session

None scheduled

The next scheduled meeting of the Gold Beach City Council is Monday, December 8, 2014, at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

MOTION: Councilor Melinda McVey made the motion to adjourn. Councilor Doug Brand seconded the motion.

Mayor Karl Popoff asked if there was any discussion or debate. No further discussion. Mayor Popoff called for the question.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Melinda McVey	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory			Absent
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY	4	0	

15. Adjourn Time: 12:23PM



MISC. ITEMS

INCLUDING POLICY DISCUSSIONS AND
DETERMINATIONS

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. **10. a.**
Council Hearing Date: December 8, 2014

TITLE: Marijuana Issues Discussion

SUMMARY AND BACKGROUND:

We have two marijuana issues to deal with in short order: medical marijuana and recreational use marijuana. Both involve sales approved by the state and the state prohibits cities from disallowing the sales. We have options on how to address the sales:

- 1) Do Nothing and just let the state regulations govern within the city;
- 2) Adopt regulations related to time, place, business license, etc.;
- 3) Regulate the siting and sales through the land use process/or not.

Those are just a few of the considerations the council may wish to discuss.

Councilor Kaufman has prepared a brief "Marijuana Options" outline as a beginning discussion point for the council. I have attached her outline to this report.

I have also attached the following documents:

- LOC document: Measure 91: What it Means for Local Governments
- LOC PP slides on Measure 91
- PP slides and information I recently presented to the local Rotary club which includes the August 2013 USDOJ memo to US attorneys, and the October 2014 Josephine County decision on Cave Junction vs State of Oregon

Our legal counsel has provided the following information to consider:

Quick Overview of the Measure

Measure 91 allows individuals 21 and over to grow, possess, and use marijuana for personal recreational purposes. The measure also allows individuals and entities to apply for licenses to produce, manufacture, and sell marijuana and marijuana products for commercial recreational purposes. There are four types of licenses available under the Measure: producer (growers), processor, wholesaler and retailer licenses. The state will tax commercial recreational marijuana at \$35 per ounce for buds, \$10 per ounce for leaves and \$5 per immature plant. The tax revenues collected by the state are shared among various governmental entities. Cities will receive 10% of the state tax revenues collected.

Important Dates

- December 4, 2014 – Measure 91 takes effect; however, individuals cannot grow or possess recreational marijuana until July 1, 2015
- April 30, 2015 – Moratoria adopted by cities on medical marijuana dispensaries expire (unless the city set an earlier expiration date)
- July 1, 2015 – Individuals may now possess and grow recreational marijuana (up to 4 plants, 8 oz of useable marijuana, 16 oz solid form homemade marijuana products, and 72 oz liquid homemade marijuana products per household)
- January 1, 2016 – Not later than this date, the OLCC must adopt administrative rules regulating recreational marijuana licensees
- January 4, 2016 – OLCC begins accepting applications for recreational marijuana licenses
- Spring 2016 – OLCC begins issuing recreational marijuana licenses
- Spring/Summer 2016 – State begins distributing recreational marijuana tax dollars to cities - distribution is proportional based on population
- July 1, 2017 – State begins distributing cities' shared state recreational marijuana tax revenue proportionally based on the number recreational licenses in the City – if there are no licensed premises in the City, the City will not receive any state shared marijuana revenue

Regulations

Both the medical marijuana and recreational marijuana statutes allow cities to regulate marijuana facilities. Regulations considered by other cities include: buffer zones around parks and libraries; land use code amendments to define dispensaries as a use and add conditions of approval; regulation of hours of operation; regulations related to odor and other nuisance issues; business licensing requirements; and storm water issues related to fertilizer run off. You may want to consider some or all of these types of regulations. Remember that adoption of land use regulations in particular can take several months, and if you adopted a moratorium on medical marijuana, that moratorium will expire on April 30, 2015. If you want to make sure the City's regulations are in place prior to the expiration of the medical moratorium, I encourage you to start working on those regulations now.

Local Taxes

Now that Measure 91 has passed, one of the big outstanding questions is whether local recreational marijuana taxes will survive. The short answer is that we still do not know for sure, and we probably will not know until the issue is decided by a judge. It seems likely that, sometime after December 4th, a lawsuit will be filed either by a local government or by the State. We will keep you informed about any updates on the validity of local taxation measures.

Criminal Prosecutions

The Multnomah County District Attorney's Office has announced that the office will no longer prosecute conduct related to the possession or delivery of marijuana where the conduct will be legal beginning July 1, 2015. Other district attorneys may follow suit.

REQUESTED MOTION/ACTION:

Discussion and direction to staff on how to proceed.

Marijuana Options

By Tamie Kaufman, November 28, 2014

1. State law says local jurisdictions shall allow marijuana dispensaries.
2. State law says local jurisdictions have until April 30, 2015 to determine reasonable locations not acceptable for dispensaries.
3. Recreational marijuana is coming; it may be in the Council's best interest to decide both issues at this time and not have deal with the second issue later.
4. The majority of the Council and the Mayor have verbally argued that from a personal standpoint because an oath was taken to uphold all laws including federal law, and marijuana is still listed as a schedule 1 drug and therefore is illegal federally, then the council should not permit dispensaries.
 - a. The state has not given the council this option and legal counsel has advised that the city could be sued if the city prohibited dispensaries.
 - b. If a lawsuit against the city were initiated for this issue, the city may have to pay for legal expenses as this may not be covered by insurance. (City staff may want to check with the insurance company regarding this question).
5. The community has voted in favor of legal recreational marijuana and that would lead us to believe that the voters are also in favor of medical marijuana.
6. It seems that if the council stays with option #4 and prohibits marijuana dispensaries within the city limits that the community should back that decision so that the risk is supported by the constituents.
7. The council has requested zero public input on this issue and there is now a short window to develop an ordinance and pass it in time for the April deadline. I would like to have the public invited to the next three meetings (December, January and February) to give input on this issue. Initially, just get the public ideas on what locations they feel are appropriate (including none if that is the case) and if that is more or less stringent than state law. After we develop our decision and possible ordinance then specific comments on what is written.

It is my belief with the current data we have been given and the research I have done that we can both comply with federal law and state law without sacrificing our personal ethics of the oath we took by doing simply **nothing**. State law has outlined specifics for dispensaries; it is actually a complicated process. If the council decided that dispensaries are commercial and therefore an outright use in a commercial zone we would have to do nothing, dispensaries could be located anywhere in a commercial zone as long as they comply with the state restrictions. Secondly, the city could refuse to issue a business license which would be the only area in which a signature from the city would be required for such business. The policy could be as simple as, "We are unable to issue a business license to a federally illegal business, but the state says we cannot prohibit you from conducting business, therefore you are not required to have a business license." Current state law would locate dispensaries 1000 feet from a school which is about Fourth Street to the south and about Eleventh Street to the north.

Should the council decide to be more restrictive (assuming there is public input to that effect) then I believe we can write an ordinance to accomplish this. In fact, I think it would be possible with public input to potentially narrow the areas that dispensaries would be allowed to a very small geographic area.

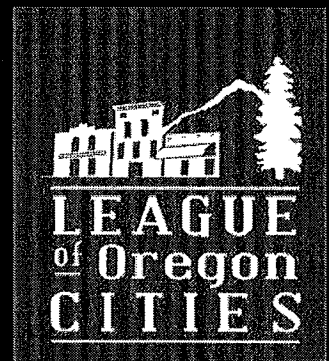
Should the council decide to write an ordinance forbidding dispensaries based on the federal status alone, I would be hard pressed to agree without overwhelming public agreement. The lawsuit risk and potential cost is too high in my opinion to do without the public agreement.

I am willing to put forth effort to move forward with this issue and assist in crafting a written plan, but would like the council to begin with public input and then start in the direction based on the public input.

LEAGUE OF OREGON CITIES

MEASURE 91:
What it Means for
Local Governments

NOVEMBER 2014



Published by the League of
Oregon Cities



Measure 91: What It Means for Local Governments

Measure 91 legalizes personal possession of certain amounts of recreational marijuana for people 21 years of age or older, and creates a regulatory system for the production, distribution and sale of recreational marijuana and marijuana products. Notwithstanding Measure 91, marijuana remains a Schedule I controlled substance under federal law, which prohibits the production, possession, delivery and use of marijuana. 21 U.S.C. § 801, *et seq.*

This report focuses on the provisions of Measure 91 that are particularly relevant to local governments and discusses the potential impacts on local governments.

The Basics: What Measure 91 Does

Measure 91 creates a regulatory framework for recreational marijuana, but exempts from regulation the personal possession and delivery of marijuana and marijuana products in specified amounts. In particular, beginning July 1, 2015, a person 21 years of age or older may produce, make, process, keep or store, per household:

- 4 marijuana plants;
- 8 ounces of useable marijuana (dried marijuana flowers and leaves);
- 16 ounces of solid homemade marijuana products; and
- 72 ounces of liquid homemade marijuana products.¹

Although a person may have those quantities of marijuana and marijuana products at home, a person cannot produce, process, keep or store homegrown marijuana or homemade marijuana products in a location that can be readily seen from a public place. In addition, the measure prohibits use of marijuana in a public place. However, Measure 91 does allow a person to possess up to one ounce of useable marijuana on their person while in a public place.

Under Measure 91, individuals without a license can also transfer certain quantities of marijuana and marijuana products to others. In particular, a person can deliver up to 1 ounce of homegrown marijuana, 16 ounces of solid homemade marijuana products, and 72 ounces of liquid homemade marijuana products to another person of legal age for noncommercial purposes.

The measure directs the Oregon Liquor Control Commission (OLCC) to regulate all other production, processing and sales of marijuana and marijuana products.

¹ "Homemade" marijuana products are those that have been made for noncommercial purposes by a person who is 21 years old or older.

The Regulatory Structure: How Measure 91 Works

Section 7 of Measure 91 requires the OLCC to regulate the production, processing, transportation, delivery, sale and purchase of recreational marijuana. The OLCC also is charged with licensing the processing, production and sale of marijuana, and with collecting the taxes that the measure imposes on producers.

Licensing

Measure 91 creates four types of licenses. Producers, processors, wholesalers and retailers are all required to apply for OLCC licenses, and the OLCC must start accepting those applications on or before January 4, 2016. A person may hold more than one type of license.

The licenses will be issued for a particular premises. However, a person with a license can relocate, because the licenses are transferrable to a new location subject to OLCC rules, municipal ordinances and other local regulation.

The OLCC has authority to deny, suspend or revoke a license for a variety of reasons. Of particular relevance to local governments, the OLCC can reject a license application if it has reasonable grounds to believe that there are sufficient licensed premises in a locality or that the license is not necessary for the public interest or convenience of the locality. In addition, the OLCC may cancel or suspend a license if the licensee is convicted of violating general or local marijuana laws, or is convicted of any misdemeanor or violation of a municipal ordinance committed on the licensed premises.

Regulation of Facilities

Section 59 of Measure 91 recognizes that local governments can adopt “reasonable time, place and manner regulations” of the “nuisance aspects” of businesses that sell marijuana to consumers. In enacting those regulations, cities and counties must make specific findings that the regulated businesses would create adverse effects. The measure notes that the authority recognized in section 59 is in addition to, and not in place of, other authority granted to cities and counties under their charters, relevant statutes, and the Oregon Constitution.

Independent of local government authority to regulate businesses that sell marijuana to consumers, the measure prohibits “noisy, lewd, disorderly, or insanitary” facilities.² It also provides that property is a common nuisance if marijuana is manufactured, bartered, sold, given away, or used in violation of Oregon law on the property.

The Local Option to Prohibit Licensees

Sections 60 to 62 allow cities and counties to prohibit producers, processors, wholesalers and retailers from operating within the city or county. To impose a ban, someone must file an initiative petition using the statutory process for city and county initiatives provided in ORS

² The measure does not expressly state whether the OLCC, local law enforcement, or both have authority to enforce that provision.

Chapter 250, with a few changes to the procedure as provided in Measure 91. The petition must be filed at least 60 days before a statewide general election. In addition, it must be signed by at least 10 percent of the electors registered in the city or county, and those signatures must have been signed within 180 days before the petition is filed. An election on a local option petition must be held at "the next statewide general election."

Although Measure 91 allows cities and counties, through the initiative process, to ban OLCC licensees from operating within the jurisdiction, a local ban does not impair the right of an individual person to possess homegrown marijuana or homemade marijuana products for personal use as provided in Measure 91.

The measure also purports to repeal all local charter provisions and ordinances that directly conflict with Measure 91.

State Tax Revenue Structure

The measure imposes a state tax on a marijuana producer's first sale of marijuana flowers, leaves and immature plants.³ Revenues from that tax will first offset the OLCC's start-up costs, as well as its operating expenses, which are estimated to be \$3.2 million per year. In addition, other state entities, including the Oregon Health Authority, the Oregon Department of Agriculture, the Oregon State Police, and the Oregon Judicial Department, expect increased expenses associated with the measure.

Ten percent of any net revenue remaining after expenses will be distributed to cities, and 10 percent will be distributed to counties⁴ "to assist local law enforcement in performing its duties under [the measure]."

The 10 percent of net revenue available to cities and counties will be distributed using different metrics before and after July 1, 2017. Before July 1, 2017, tax revenues will be distributed proportionately to all Oregon cities and counties based on their population. After July 1, 2017, those revenues will be distributed proportionately based on the number of licenses issued for premises located in each city and county. Fifty percent of the revenues will be distributed based on the number of production, processor and wholesale licenses issued for premises in a city or county. The other 50 percent of the revenues will be distributed based on the number of retail licenses issued for premises in a city or county.

State Tax Revenue Estimates

Estimates of the amount of expected tax revenue vary widely. The state's Legislative Revenue Office (LRO) estimates gross revenue of \$46.6 million in the 2017-2019 biennium, while a study commissioned by the measure's sponsors estimates gross revenue of \$78.7 million for that

³ If the producer is also a processor, wholesaler and/or retailer, then the tax appears to apply at the point of the first sale, which is broadly defined by the measure.

⁴ The other 80% will be distributed as follows: 40% to the Common School Fund, 20% to the Mental Health Alcoholism and Drug Services Account, 15% to the State Police Account, and 5% to the Oregon Health Authority.

same time period. The LRO projected that the net revenue in fiscal year 2017 would be \$9.4 million, increasing to approximately \$20 million in 2019.

Based on the LRO's projections, \$938,000 of revenue in fiscal year 2017 would be distributed to cities, and that same amount would also be distributed to counties. By 2019, that number is projected to increase to \$2.1 million. A recent *Wall Street Journal* article noted, however, that tax revenue has come in below initial projections in other states that have legalized recreational marijuana.⁵

Local Taxes

Section 42 of Measure 91 provides, "No county or city of this state shall impose any fee or tax, including occupation taxes, privilege taxes and inspection fees, in connection with the purchase, sale, production, processing, transportation, and delivery of marijuana items." In addition, section 58 of Measure 91 provides that the substantive provisions of the measure are "designed to operate uniformly throughout the state, shall be paramount and superior to and shall fully replace and supersede any and all municipal charter enactments or local ordinances inconsistent with it. Such charters and ordinances hereby are repealed."

In the weeks leading up to the election, many cities and counties wrestled with the possible implications of those provisions and the apparent restrictions placed on how local governments will be able to use their share of the state tax. Out of concerns regarding those possible restrictions and the sufficiency of the state tax, many jurisdictions adopted local taxes on marijuana prior to Measure 91's effective date. Those decisions are discussed further below.

Enforcement

Measure 91 charges state police, local police and sheriffs with enforcing the new law, including the restriction on use of marijuana while driving. In addition, after conviction, any marijuana items seized will be forfeited to state or local law enforcement agencies.

County courts, district attorneys and municipal authorities also are required to notify the OLCC when a licensee is convicted of violating state law or a municipal ordinance where marijuana "had any part" in the violation.

Effect on Other Laws

Measure 91 expressly limits its effect on other related laws. Section 4 states that the measure does not affect employment law, landlord-tenant law, federal grant and contract requirements, or the Oregon Medical Marijuana Act (OMMA). The measure makes clear that the Oregon Health Authority retains its power to regulate medical marijuana under the OMMA. As a result, recreational marijuana and medical marijuana will be regulated by different agencies relying on different statutory authority.

⁵ Zusha Elinson, *Oregon Initiative Seeks Lower Pot Taxes Than Cities Want*, Wall Street Journal, Oct. 24, 2014.

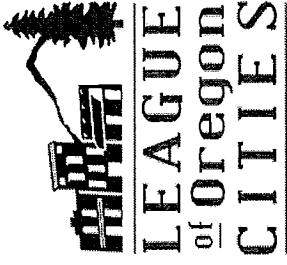
What Measure 91 Means for Local Governments

Measure 91's provisions relating to personal production, possession and delivery do not become operative until July 1, 2015, and the OLCC business licensing provisions begin to operate in January of 2016, giving local governments time to consider how to approach this new law. Although Measure 91 aims to create a comprehensive regulatory framework for recreational marijuana, it leaves room for cities and counties to exercise some local control.

- **Licensing:** Although the measure does not provide a formal channel for local governments to weigh in on licensing applications, cities and counties may play an important role in providing information to the OLCC about local conditions that could impact the decision to grant or deny a license – that is, whether there are sufficient licensed premises in the locality and whether the license is demanded by public interest or convenience in the locality. In addition, as the OLCC engages in rule-making, or should the Legislature consider reform legislation in the wake of Measure 91's passage, the League will work to include provisions in the law that allow local governments to weigh in.
- **Regulation of Facilities:** In addition to the restrictions provided in the measure, local governments can impose reasonable time, place and manner restrictions on the nuisance aspects of businesses selling marijuana to consumers. In addition, those businesses are also likely to be subject to other general local government regulations, such as business license requirements, land use and development regulations, and the imposition of economic improvement district fees. When developing time, place and manner restrictions, local governments might consider how a local ordinance currently regulates the time, place and manner of retail liquor stores and should work closely with their legal counsel.
- **The Local Option:** Through the local initiative process, local governments can prohibit licensees from operating within their boundaries. However, because any election on such a petition must occur at "the next statewide general election," local governments will not have the opportunity to prohibit the operation of licensed producers, processors, wholesalers or retailers until November 2016 (and it is unclear under the text of the measure whether local governments will have the opportunity to vote on similar initiatives after November 2016). Meanwhile, the OLCC must start accepting license applications on or before January 4, 2016 (nearly a year before the local opt-out election can occur). The League intends to seek corrective legislation that would prohibit the issuance of a license where a jurisdiction is considering an opt-out.
- **State Tax Revenues:** Until July 1, 2017, all cities and counties will receive some tax revenue generated by Measure 91 that exceeds the expenses associated with the measure. After that time, however, only cities and counties with licensees – producers, processors, wholesalers and retailers – will receive any portion of state tax revenues.

Additionally, the revenues are intended to “assist local law enforcement in performing its duties under [the measure.]” Because the measure’s provisions relating to home use are likely to have an impact on law enforcement statewide, including jurisdictions that might lack a licensee, and given the ambiguity in the measure’s apparent restriction on the use of tax revenues, the League intends to pursue corrective legislation that would ensure more adequate and unrestricted funding for local governments.

- **Local Taxes:** Before Measure 91 passed, more than 60 cities and at least four counties imposed or had considered imposing a tax on marijuana. Several legal arguments have been suggested to support the imposition of a local tax. Some have argued that federal law overrides Measure 91’s attempt to preempt local regulation and taxation. Others argue that Measure 91 only preempts local governments from imposing a tax *after* the measure’s passage, and the measure’s attempt to repeal inconsistent charter provisions and ordinances violates home rule and rules relating to retroactive legislation. It is uncertain how a court might rule on those or other arguments. Nonetheless, some jurisdictions have adopted taxes with the hope that the Legislature, recognizing the inadequacy of the revenue sharing provisions within the measure, might grandfather in preexisting taxes. Because of the range of possible legal interpretations, local governments interested in enacting a tax on marijuana, or wondering about the validity of existing taxes on marijuana, should consult their legal counsel.
- **Employee Drug Testing:** Measure 91 purports to not disturb existing employment laws. In addition, under *Emerald Steel v. Bureau of Labor and Industries*, the Oregon Supreme Court held that federal law preempted an employee’s rights under the Oregon Medical Marijuana Act to the use of medical marijuana in the workplace. Consequently, it seems that an employer could take the appropriate adverse employment action against an employee (in accordance with any collective bargaining agreement) who was found to be using marijuana or tested positive for marijuana use in violation of the employer’s policies. Nonetheless, a local government considering discipline of an employee who engaged in marijuana use after July 1, 2015 should seek the advice of legal counsel, and Citycounty Insurance Services’ pre-loss program, if insured by CIS.



Measure 91

Timeline & Important Dates

Voters approve Measure 91	November 4, 2014	General provisions go into effect	December 4, 2014	July 1, 2015	January 4, 2016	November 8, 2016	July 1, 2017
Measure 91's provisions regarding personal production, possession and use go into effect.		People 21 years of age and older can possess certain amounts of recreational marijuana for personal use.		The OLCC must begin accepting applications for producer, processor, wholesale and retail licenses.		Cities and counties may vote on initiative petitions to prohibit producers, processors, wholesalers and retailers from operating within the city or county.	
						Tax revenue sharing goes from being distributed to cities and counties based on population to being distributed based on the number of licenses issued.	

Measure 91: What it Means for Cities



Sean O'Day
General Counsel

November 2014

www.orcities.org

Reminders

- This training is not a substitute for legal advice.
- The law is constantly evolving.
- Be sure to consult with your City Attorney for advice on the Measure.

www.orcities.org



League Resources

- Go to www.orcities.org for the accompanying report to this video that:
 - Describes the provisions of Measure 91 related to cities
 - Discusses some of the anticipated municipal impacts of Measure 91
 - Provides an additional training tool for our members

www.orcities.org



Federal Law

Marijuana remains a Schedule 1 controlled substance under federal law, which prohibits the production, possession, delivery and use of marijuana.

www.orcities.org



Measure 91

- Legalizes personal possession of recreational marijuana for those 21 or older
- Allows the production and possession of certain amounts of homegrown marijuana and homemade marijuana products
- Creates a regulatory system for the production, processing, distribution, and sale of retail marijuana and marijuana products.

www.orecities.org



Personal Use

Beginning July 1, 2015 individuals age 21 or older may possess or produce, per household:

- 4 marijuana plants
- 8 ounces of useable marijuana
- 16 ounces of solid homemade marijuana products; and
- 72 ounces of liquid homemade marijuana products

www.orecities.org



Restrictions on Personal Use

A person cannot:

Produce, process, keep or store homegrown marijuana or homemade marijuana products in a location that can be seen from a public place.

Use marijuana in a public place

www.orcities.org



Personal Transfers

A person can transfer up to 1 ounce of homegrown marijuana, 16 ounces of solid homemade marijuana products or 72 ounces of liquid homemade marijuana products to another person of legal age

www.orcities.org



Regulatory Retail System

By January 4, 2016 – OLCC will accept license applications from:

Producers
Processors
Wholesalers
Retailers

Individuals may hold more than 1 type of license

www.oregoncities.org



Licensing

OLCC has authority to:

- Issue licenses for a particular location
- Deny, suspend, or revoke licenses for locational and public interest reasons
- Cancel or suspend a license if the licensee is convicted of violating laws

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Local Regulation

Cities have authority to:

- Adopt reasonable time, place and manner regulations
- Bring public nuisance actions against businesses
- Require compliance with other regulations of general applicability such as land use, development conditions, etc.

www.orcities.org



Local Opt-Out

- Local opt out of marijuana businesses (producers, processors, wholesalers, retailers) is only through local initiative petition signed by 10 percent of voters.
- Measure provides that the election must occur at the “next” general election, which is in 2016.
- Opt-out does not apply to personal production or possession of homegrown marijuana or homemade marijuana products.

www.orcities.org



State Tax

- Taxes are:
 - \$35 per ounce for flowers (bud);
 - \$10 per ounce for leaves; and
 - \$5 per immature plant.
- Applies at the first sale (i.e. from producer to processor, or from producer to retailer)
 - If a person holds multiple licenses, the tax applies at the first sale (i.e. a producer/retailer would pay tax at retail sale)

www.orcities.org



Revenue Sharing

- Cities get 10% (after deducting state expenses)
- Before July 1, 2017, revenues distributed on population
- After July 1, 2017 revenues distributed on number of licensees:
 - Half of the total revenue for cities will be distributed proportionately based on the number of retail licenses; the other half will be distributed proportionately based on the aggregate number of producer, processor and wholesaler licenses.
 - Cities with no licenses will get no revenue after July 1, 2017.
- Revenue is to “assist local law enforcement in performing its duties under [the Measure]”

www.orcities.org



Revenue Estimates

- Estimates are \$9 million - \$500 million
- 2017 City share conservatively estimated at just under \$1 million (divided among all 242 cities based on population).
- By 2019, City share estimated to be \$2.1 million (divided based on the number of licenses in each jurisdiction)

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Enforcement

- State police, local police and sheriffs responsible for enforcing the Measure's provisions, including Driving Under the Influence of Intoxicants.
- Courts and prosecutors required to notify OLCC of any conviction involving a licensee.
- OLCC is expected to enforce through administrative rules terms and conditions of a licensee's operation.

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Effect on Other Laws

- Measure 91 states it does not affect:
 - Employment law
 - Landlord Tenant law
 - Federal Grant and Contract Requirements
- Measure 91 does not repeal or affect Oregon Medical Marijuana Act.

www.orcities.org



Local Taxation

- Measure 91 provides, “No county or city of this state shall impose any fee or tax, . . . in connection with the purchase, sale, production, processing, transportation, and delivery of marijuana items.”
- Measure 91 provides that the substantive provisions of the Measure are “designed to operate uniformly throughout the state . . . and shall fully replace and supersede any and all municipal charter enactments or local ordinances inconsistent with it. Such charters and ordinances hereby are repealed.”

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Timeline

30 days after voter approval - general provisions go into effect

July 1, 2015 - the Measure's provisions regarding personal production, possession and use go into effect

January 2016 - Retail marijuana regulatory licensing scheme goes into effect

November 2016 - the next general statewide election where communities can opt-out of licensed marijuana activities

July 1, 2017 - revenue sharing goes from population to number of licenses

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Local Control / Impacts

- Licensing: OLCC rules regarding saturation, convenience, and public interest will hopefully include city input
- Regulation of Facilities: reasonable time, place and manner regulations allowed
- Local Opt-Out: initiative (not referral)
- Employment: employers should be able to continue to enforce drug free workplace policies

www.orcities.org



Local Control / Impacts

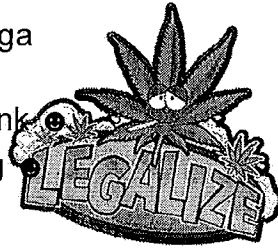
- Revenue Sharing: state shared revenues will likely be inadequate to address costs associated with Measure 91
- Local Taxation: likely subject to litigation unless legislature acts to grandfather local taxes, or provide sufficient revenue to local governments to address impact of Measure 91

www.orcities.org



Marijuana

Weed • Mary Jane • Ganga
 • Herb •
 Hemp • Reefer • Pot • Dank
 Schwag • Cheech & Chong
 Puff the Magic Dragon •
 Space Cowboy • Maui Wowie •
 Bruce Banner • Yoda •
 Tumbleweed • Shrubbery



Medical Weed

- **1923** Cannabis Indica prohibited
- **1931** Cannabis Sativa prohibited
- **1935** Uniform Narcotic Drug Act
- **1941** exceptions for medicinal preparations removed
- **1998** Ballot M67 "Allows Medical Use of Marijuana Within Limits; Establishes Permit System—passed 55% to 45%
- **2004** Ballot M33—"Amends Oregon Medical Marijuana Act: Increases marijuana amount may possess; allows sales; creates dispensaries"—failed 57% to 42%
- **2005** Legislature increases amounts permissible

BEFORE	AFTER
3 ozs	24 ozs
3 plants	6 plants
4 seedlings	18 seedlings
- 2009 Legislature directs Board of Pharmacy to down-schedule marijuana from Schedule I to Schedule II
- 2010 Ballot M74—"Establishes medical marijuana supply system and assistance and research programs; allows limited selling of marijuana—failed 56% to 44%
- HB 3460: Medical Marijuana Dispensaries
- SB 1531: Dispensaries-local options
- **LIMITATIONS:** No use in public view, no growing in public view, DUI law still applies, same with employment law

Medical Weed Stats

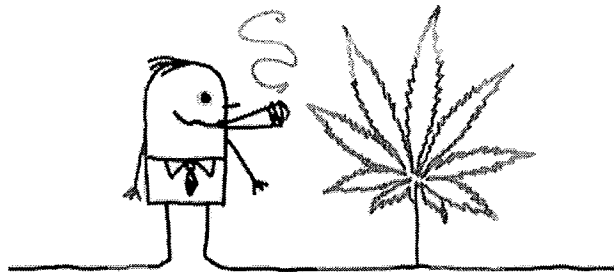
- 59,183 registered card holders (that's 1.5% of total state population)
- Interestingly Curry County is double that 3% of total population
- 65% of card holders cite "severe pain" as the need



Recreational

- **1973** Oregon first state to decriminalize possession of user amounts-less than 1 oz
- **1986** Ballot M5-"Legalize Private Possession and Growing of Marijuana for Personal Use"—failed 74% to 26%
- **1997** Legislature attempts to recriminalize less than 1oz—**1998** referendum to voters: "Makes Possession of Limited Amount of Marijuana Class C Misdemeanor"—failed 67% to 33%
- **2012** Ballot M80—"Allows personal marijuana, hemp cultivation/use without license; commission to regulate commercial marijuana cultivation/sale"—failed 53% to 47%
- **2013** SB 40: Reduced crime levels for possession and manufacture
- HB3194: Reduced sentencing levels for commercial and substantial quantity marijuana crimes
- **2014** Measure 91: legalized recreational marijuana for people ages 21 and older (after July 1, 2015), allowing adults over this age to possess up to eight ounces of "dried" marijuana and up to four plants—passed 55% to 44%

So What's Wrong with Weed?



Let's talk about that a bit...

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- Lack of staffing & enforcement on state level—Governor calls for “extraordinarily vigorous” enforcement of the rules—Budgets 6 FTE for the entire state
- Dispensers unlicensed and unregulated compared to other controlled substances such as alcohol
- Testers unlicensed and unregulated
- Growers unlicensed and unregulated
- Product types unregulated (oil, hash, food products—gummi bears
- Marketing unregulated
- Labeling unregulated
- Zoning issues
- Local Control—what and how?
- Indoor Clear Air Act??

Medical Weed Problems

HB 3460 Authorized Medical Weed Dispensaries, however, unresolved issues that yet to be addressed on the state level...

A lot of issues to consider...

- FIRST AND FOREMOST: It's still **FEDERALLY** illegal
- BUT...the Feds in 2013 said they are only concerned with the following:
 - Preventing the distribution of marijuana to minors;
 - Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
 - Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;
 - Preventing state-authorized marijuana activity from being used as a cover or pretext for
 - Preventing violence and the use of firearms in the cultivation and distribution of marijuana;
 - Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
 - Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
 - Preventing marijuana possession or use on federal property.

So that means it's okay, Right?

- We **DON'T KNOW** what it means...
- The Feds still classify marijuana as a Schedule I drug
- Cave Junction has already taken the state to court and partially won: Josephine County Court Judge Pat Wolke said it's up to the state legislature to decide if the intent was to preempt local law and they need to decide, **HOWEVER**, he declined to comment on **FEDERAL** preemption...
- But we can tax it, so what's the problem??

Unanswered Questions...

- Who is ultimately has the right to regulate pot—medical or otherwise
- What if the Feds change their minds about enforcement what does that mean for states, cities, counties?
- They can't bank so what happens when states, cities, counties collect tax from the federally illegal use? Can you say RACKETEERING?
- What about federal dollars received on a local level?

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Weeds are a nuisance and
maybe Weed is too!



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DRUG SCHEDULING

Drug Schedules

Drugs, substances, and certain chemicals used to make drugs are classified into five (5) distinct categories or schedules depending upon the drug's acceptable medical use and the drug's abuse or dependency potential. The abuse rate is a determinate factor in the scheduling of the drug; for example, Schedule I drugs are considered the most dangerous class of drugs with a high potential for abuse and potentially severe psychological and/or physical dependence. As the drug schedule changes-- Schedule II, Schedule III, etc., so does the abuse potential-- Schedule V drugs represents the least potential for abuse. A Listing of drugs and their schedule are located at Controlled Substance Act (CSA) Scheduling or CSA Scheduling by Alphabetical Order. These lists describes the basic or parent chemical and do not necessarily describe the salts, isomers and salts of isomers, esters, ethers and derivatives which may also be classified as controlled substances. These lists are intended as general references and are not comprehensive listings of all controlled substances.

Please note that a substance need not be listed as a controlled substance to be treated as a Schedule I substance for criminal prosecution. A controlled substance analogue is a substance which is intended for human consumption and is structurally or pharmacologically substantially similar to or is represented as being similar to a Schedule I or Schedule II substance and is not an approved medication in the United States. (See 21 U.S.C. §802(32)(A) for the definition of a controlled substance analogue and 21 U.S.C. §813 for the schedule.)

Schedule I

Schedule I drugs, substances, or chemicals are defined as drugs with no currently accepted medical use and a high potential for abuse. Schedule I drugs are the most dangerous drugs of all the drug schedules with potentially severe psychological or physical dependence. Some examples of Schedule I drugs are:

heroin, lysergic acid diethylamide (LSD), marijuana (cannabis), 3,4-methylenedioxymethamphetamine (ecstasy), methaqualone, and peyote

Schedule II

Schedule II drugs, substances, or chemicals are defined as drugs with a high potential for abuse, less abuse potential than Schedule I drugs, with use potentially leading to severe psychological or physical dependence. These drugs are also considered dangerous. Some examples of Schedule II drugs are:

cocaine, methamphetamine, methadone, hydromorphone (Dilaudid), meperidine (Demerol), oxycodone (OxyContin), fentanyl, Dexedrine, Adderall, and Ritalin

Schedule III

Schedule III drugs, substances, or chemicals are defined as drugs with a moderate to low potential for physical and psychological dependence. Schedule III drugs abuse potential is less than Schedule I and Schedule II drugs but more than Schedule IV. Some examples of Schedule III drugs are:

Combination products with less than 15 milligrams of hydrocodone per dosage unit (Vicodin), Products containing less than 90 milligrams of codeine per dosage unit (Tylenol with codeine), ketamine, anabolic steroids, testosterone

Schedule IV

Schedule IV drugs, substances, or chemicals are defined as drugs with a low potential for abuse and low risk of dependence. Some examples of Schedule IV drugs are:

Xanax, Soma, Darvon, Darvocet, Valium, Ativan, Talwin, Ambien

Schedule V

Schedule V drugs, substances, or chemicals are defined as drugs with lower potential for abuse than Schedule IV and consist of preparations containing limited quantities of certain narcotics. Schedule V drugs are generally used for antidiarrheal, antitussive, and analgesic purposes. Some examples of Schedule V drugs are:

cough preparations with less than 200 milligrams of codeine or per 100 milliliters (Robitussin AC), Lomotil, Motofen, Lyrica, Parepectolin

Local Impact

Nuisance Issues:

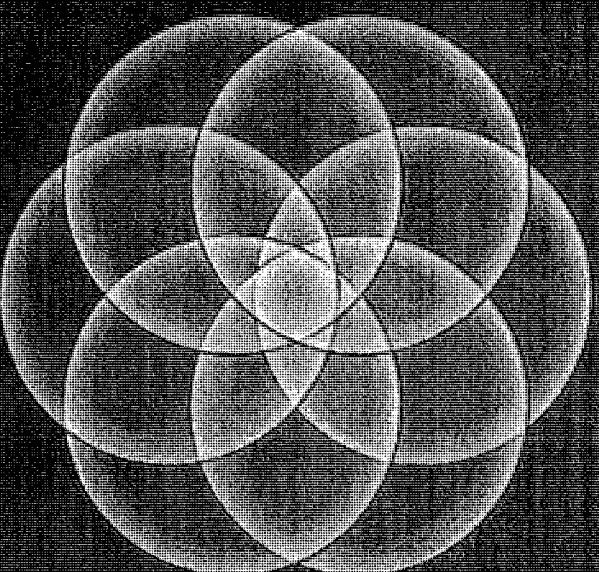
Odor, smoke, grow lights, generator noise.

Public Safety: Fire

Inspections, Criminal background checks

Building Issues: fire

and building inspections. Mold



Location and

Zoning: Schools, residential areas

Accessibility of

grow site: self-security and police/attractive nuisance

Storm water

quality: fertilizers, chemicals.

Number of Cardholders by County

(most are between 1% and 3% of total population)

• Baker	225	1.3%	• Lane	6,275	1.8%
• Benton	809	.9%	• Lincoln	952	2.1%
• Clackamas	4,380	1.1%	• Linn	1,688	1.4%
• Clatsop	571	1.5%	• Malheur	416	1.3%
• Columbia	849	1.7%	• Marion	3,263	1.0%
• Coos	1,552	2.5%	• Morrow	72	.6%
• Crook	338	1.6%	• Multnomah	10,457	1.4%
• Curry	683	3.0%	• Polk	852	1.1%
• Deschutes	3,086	1.9%	• Tillamook	499	2.0%
• Douglas	2,182	2.0%	• Umatilla	563	.7%
• Grant	90	1.2%	• Union	372	1.4%
• Harney	88	1.2%	• Wallowa	118	1.7%
• Hood River	286	1.3%	• Wasco	384	1.5%
• Jackson	6,882	3.4%	• Washington	4,286	.8%
• Jefferson	310	1.4%	• Yamhill	1,035	1.0%
• Josephine	4,459	5.4%	• Gilliam / Sherman / Wheeler	72*	
• Klamath	978	1.5%			
• Lake	105	1.3%			

Source: Oregon Health Authority (2014); 2012 US Census.

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



U.S. Department of Justice


Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

August 29, 2013

MEMORANDUM FOR ALL UNITED STATES ATTORNEYS

FROM: James M. Cole 
Deputy Attorney General

SUBJECT: Guidance Regarding Marijuana Enforcement

In October 2009 and June 2011, the Department issued guidance to federal prosecutors concerning marijuana enforcement under the Controlled Substances Act (CSA). This memorandum updates that guidance in light of state ballot initiatives that legalize under state law the possession of small amounts of marijuana and provide for the regulation of marijuana production, processing, and sale. The guidance set forth herein applies to all federal enforcement activity, including civil enforcement and criminal investigations and prosecutions, concerning marijuana in all states.

As the Department noted in its previous guidance, Congress has determined that marijuana is a dangerous drug and that the illegal distribution and sale of marijuana is a serious crime that provides a significant source of revenue to large-scale criminal enterprises, gangs, and cartels. The Department of Justice is committed to enforcement of the CSA consistent with those determinations. The Department is also committed to using its limited investigative and prosecutorial resources to address the most significant threats in the most effective, consistent, and rational way. In furtherance of those objectives, as several states enacted laws relating to the use of marijuana for medical purposes, the Department in recent years has focused its efforts on certain enforcement priorities that are particularly important to the federal government:

- Preventing the distribution of marijuana to minors;
- Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
- Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;
- Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;

- Preventing violence and the use of firearms in the cultivation and distribution of marijuana;
- Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
- Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
- Preventing marijuana possession or use on federal property.

These priorities will continue to guide the Department's enforcement of the CSA against marijuana-related conduct. Thus, this memorandum serves as guidance to Department attorneys and law enforcement to focus their enforcement resources and efforts, including prosecution, on persons or organizations whose conduct interferes with any one or more of these priorities, regardless of state law.¹

Outside of these enforcement priorities, the federal government has traditionally relied on states and local law enforcement agencies to address marijuana activity through enforcement of their own narcotics laws. For example, the Department of Justice has not historically devoted resources to prosecuting individuals whose conduct is limited to possession of small amounts of marijuana for personal use on private property. Instead, the Department has left such lower-level or localized activity to state and local authorities and has stepped in to enforce the CSA only when the use, possession, cultivation, or distribution of marijuana has threatened to cause one of the harms identified above.

The enactment of state laws that endeavor to authorize marijuana production, distribution, and possession by establishing a regulatory scheme for these purposes affects this traditional joint federal-state approach to narcotics enforcement. The Department's guidance in this memorandum rests on its expectation that states and local governments that have enacted laws authorizing marijuana-related conduct will implement strong and effective regulatory and enforcement systems that will address the threat those state laws could pose to public safety, public health, and other law enforcement interests. A system adequate to that task must not only contain robust controls and procedures on paper; it must also be effective in practice. Jurisdictions that have implemented systems that provide for regulation of marijuana activity

¹ These enforcement priorities are listed in general terms; each encompasses a variety of conduct that may merit civil or criminal enforcement of the CSA. By way of example only, the Department's interest in preventing the distribution of marijuana to minors would call for enforcement not just when an individual or entity sells or transfers marijuana to a minor, but also when marijuana trafficking takes place near an area associated with minors; when marijuana or marijuana-infused products are marketed in a manner to appeal to minors; or when marijuana is being diverted, directly or indirectly, and purposefully or otherwise, to minors.

must provide the necessary resources and demonstrate the willingness to enforce their laws and regulations in a manner that ensures they do not undermine federal enforcement priorities.

In jurisdictions that have enacted laws legalizing marijuana in some form and that have also implemented strong and effective regulatory and enforcement systems to control the cultivation, distribution, sale, and possession of marijuana, conduct in compliance with those laws and regulations is less likely to threaten the federal priorities set forth above. Indeed, a robust system may affirmatively address those priorities by, for example, implementing effective measures to prevent diversion of marijuana outside of the regulated system and to other states, prohibiting access to marijuana by minors, and replacing an illicit marijuana trade that funds criminal enterprises with a tightly regulated market in which revenues are tracked and accounted for. In those circumstances, consistent with the traditional allocation of federal-state efforts in this area, enforcement of state law by state and local law enforcement and regulatory bodies should remain the primary means of addressing marijuana-related activity. If state enforcement efforts are not sufficiently robust to protect against the harms set forth above, the federal government may seek to challenge the regulatory structure itself in addition to continuing to bring individual enforcement actions, including criminal prosecutions, focused on those harms.

The Department's previous memoranda specifically addressed the exercise of prosecutorial discretion in states with laws authorizing marijuana cultivation and distribution for medical use. In those contexts, the Department advised that it likely was not an efficient use of federal resources to focus enforcement efforts on seriously ill individuals, or on their individual caregivers. In doing so, the previous guidance drew a distinction between the seriously ill and their caregivers, on the one hand, and large-scale, for-profit commercial enterprises, on the other, and advised that the latter continued to be appropriate targets for federal enforcement and prosecution. In drawing this distinction, the Department relied on the common-sense judgment that the size of a marijuana operation was a reasonable proxy for assessing whether marijuana trafficking implicates the federal enforcement priorities set forth above.

As explained above, however, both the existence of a strong and effective state regulatory system, and an operation's compliance with such a system, may allay the threat that an operation's size poses to federal enforcement interests. Accordingly, in exercising prosecutorial discretion, prosecutors should not consider the size or commercial nature of a marijuana operation alone as a proxy for assessing whether marijuana trafficking implicates the Department's enforcement priorities listed above. Rather, prosecutors should continue to review marijuana cases on a case-by-case basis and weigh all available information and evidence, including, but not limited to, whether the operation is demonstrably in compliance with a strong and effective state regulatory system. A marijuana operation's large scale or for-profit nature may be a relevant consideration for assessing the extent to which it undermines a particular federal enforcement priority. The primary question in all cases – and in all jurisdictions – should be whether the conduct at issue implicates one or more of the enforcement priorities listed above.

As with the Department's previous statements on this subject, this memorandum is intended solely as a guide to the exercise of investigative and prosecutorial discretion. This memorandum does not alter in any way the Department's authority to enforce federal law, including federal laws relating to marijuana, regardless of state law. Neither the guidance herein nor any state or local law provides a legal defense to a violation of federal law, including any civil or criminal violation of the CSA. Even in jurisdictions with strong and effective regulatory systems, evidence that particular conduct threatens federal priorities will subject that person or entity to federal enforcement action, based on the circumstances. This memorandum is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter civil or criminal. It applies prospectively to the exercise of prosecutorial discretion in future cases and does not provide defendants or subjects of enforcement action with a basis for reconsideration of any pending civil action or criminal prosecution. Finally, nothing herein precludes investigation or prosecution, even in the absence of any one of the factors listed above, in particular circumstances where investigation and prosecution otherwise serves an important federal interest.

cc: Mythili Raman
Acting Assistant Attorney General, Criminal Division

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United States Attorney
Eastern District of New York
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LINDI L. BAKER, Circuit Judge
MICHAEL NEWMAN, Circuit Judge



PAT WOLKE, Circuit Judge
THOMAS M. HULL, Circuit Judge

OREGON JUDICIAL DEPARTMENT
Josephine County Court

FILED OCT 16 2014
JOSEPHINE COUNTY COURTS
BY _____

October 16, 2014

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RE: City of Cave Junction vs. State of Oregon; Josephine County Case No. 14CV0588

Dear Counsel:

What follows is the Court's letter opinion with respect to the reciprocal Motions for Summary Judgment pending in this case.

The benchmark case in the area of local preemption is La Grande/Astoria vs. PERB, 281 Or 137, wherein the Court wrote: "...as we have noted, local government authority may be preempted in either of two ways: 1) it may be preempted expressly, 2) or it may be preempted implicitly by virtue of the fact that it cannot operate concurrently with state or federal law".

The Court will address each type of preemption in order:

I. Express preemption

As Intervener's note in their memorandum, there are many Oregon laws that contain language of express preemption. Another example is ORS 417.045, which involves another drug, to wit:

"471.045 Liquor laws supersede and repeal inconsistent charters and ordinances. The Liquor Control Act, designed to operate uniformly throughout the state, shall be paramount and superior to and shall fully replace and supersede any and all municipal charter enactments or local ordinances inconsistent with it. Such charters and ordinances hereby are repealed."

Because of this language there has never been room for any government entity, other than the Oregon Liquor Control Commission, to regulate alcohol.

In this case, there are no such words of express preemption.

II. Implied preemption

In discussing implied preemption, all the parties base their arguments on several Oregon cases, which the Court will discuss.

In La Grande/Astoria vs. PERB, 281 Or 137, the general rule state on page 148, as follows:

"It is reasonable to interpret local enactments, if possible, to be intended to function consistently with state laws, and equally reasonable to assume that the legislature does not mean to displace local civil or administrative regulations of local conditions by a statewide law unless that intention is apparent."

In Haley vs. City of Troutdale, 281 Or 203, the city enacted an ordinance requiring "double-wall" construction in certain instances, despite Oregon's building code that allowed "single-wall" construction. On page 210, the state building code contains the following preemptive-sounding language: "The state building code shall be applicable and uniform throughout this state, and in all municipalities therein, and no municipality shall enact or enforce any ordinance, rule or regulation in conflict therewith."

Despite that language, the city's code requiring double-wall construction was not preempted by the state building code. The court found the statute ambiguous as to local preemption. On page 211, they wrote "certainly that intention is not unambiguously expressed. Until it is, we conclude that local requirements compatible with compliance of the state's standards are not preempted by ORS 456.750 et seq."

In AT&T Communications vs City of Eugene, 177 Or App 379, the city attempted to impose registration and licensing fees on AT&T, despite a myriad of state regulations that limited local

municipalities power to tax such utilities. Eugene's fees were not preempted, the court wrote on page 389: "A local law will be considered preempted if it is 'incompatible' with legislative policy, that is to say, if local and state or federal law cannot operate concurrently or if the state legislature or congress intended to preempt the local enactment." It was important to the court that Eugene's home rule charter conferred all authority to the city, not specifically denied by the state or federal constitution. Notably, the empowerment clause in the Eugene and Cave Junction city charters are almost identical. Eugene's home rule charter was enacted in 1976, and the court indicated a different result would follow, as it did in Eugene Theater et al. vs. Eugene, 194 OR 603 (1952), if Eugene had still been operating as a general law municipality.

In Oregon Restaurant Association vs. City of Corvallis, 166 Or App 506, the Oregon Indoor Clean Air Act prohibited smoking in all public places except areas designated according to the rules of the Oregon Health Division. The city's ordinance went beyond that, prohibiting smoking in all enclosed public places. On page 510, the court wrote:

"...in this case there is no conflict between the City's ordinance and the state law. The Act prohibits smoking in certain locations; it does not contain the slightest hint that the legislature intended to create a positive right to smoke in all public places where it did not expressly forbid smoking. Nothing in the Act is inconsistent with a local jurisdiction's decision to impose greater limits on public smoking. Because the Act and the ordinance are not inconsistent, there is no issue of preemption."

In Thunderbird Mobile Club LLC vs. City of Wilsonville, 234 Or App 457, the conflict was between Oregon's landlord tenant law, which provided a basic framework within which a mobile home park owner could cease operation, and the city of Wilsonville's much more onerous and expensive method of ceasing operation. Again, the state law appeared preemptive in its language but the court did not consider it so. Rather, on 471, it was noted: "Within the area of civil regulation, then, a chartered city can enact substantive policies in an area also regulated by state statute unless the local regulation is 'incompatible' with state law either in the sense of being 'clearly' preempted by express state law or because both [state law and local law] cannot operate concurrently."

Therefore, the issue in this case is whether or the City of Cave Junction, a home rule municipality, has the power to prohibit medical marijuana dispensaries despite HB3460 and Senate Bill 1531. As earlier indicated, there is nothing in either law that clearly preempts local regulation. The remaining question is whether or not these laws cannot operate concurrently, if a particular home rule municipality, such as the city of Cave Junction, is allowed to prohibit medical marijuana dispensaries.

The defendant's cite the language contained within Senate Bill 1531 as expressing "a clear intent to preempt local laws that would effectively ban outright OMMA – compliant dispensaries." State's Motion, page 7, line 21.

If that is so, it is certainly tepid language when compared with that found in AT&T Communications, supra (“the public utility commission shall have authority to determine the manner, and extent of the regulation of telecommunication services within the state of Oregon”); or, Thunderbird Mobile Club, supra (“This chapter applies, to regulates, determines rights, obligations and remedies under a rental agreement wherever made, for a dwelling unit located within this state”); or Haley, supra (“The state building code shall be applicable and uniform throughout this state and in all municipalities therein and no municipalities shall enact or enforce any ordinance, rules, or regulation in conflict therewith”), all of which were found not to be preemptive of local regulation.

Even though tepid, defendant claims that the following language in SB1531 removes a municipalities’ power to prohibit a medical marijuana dispensary:

1. Cross Reference to ORS 633.738

For the reasons stated in the Intervener’s brief, the Court does not believe ORS 633.738 has any application to medical marijuana.

2. The One Year Moratorium

The Court can certainly understand the state’s argument that a one year moratorium implies that, after that period, medical marijuana dispensaries must be allowed. The question for the Court is not to discern implication which is somewhat like attempting to read tea leaves; but to determine if this provision is incompatible with an outright ban. The use of the word “may” is instructive; instead of some other verbiage such as “may only”; or “is limited to”. It leaves open the question as to whether or not the City of Cave Junction may elect not to enact a moratorium (as they’ve done); and simply ban medical marijuana dispensaries; or, in the alternative, if the city enacted a moratorium, but during that period of time thought about the issue, and more importantly observed other medical marijuana dispensaries in practice and then decided to ban dispensaries or to refuse to issue a business license. The Court does not find that incompatible with the law as it is written.

3. Regulation of Time, Place, and Manner

This section does not strongly mitigate toward a particular interpretation. Again the word “may” is used. It is compatible with a reading that if a city elects to go forward with a medical marijuana dispensary they cannot do it in a grudging manner and attempt to restrict it out of existence.

The Court understands the state's argument that the language in these new laws express the legislature's intent to: "...provide reliable access to safe medical marijuana in a consistent manner throughout Oregon." State's Reply Brief, page 2, line 22 - 24.

However, this Court does not believe that some jurisdiction's election not to allow a medical marijuana dispensary is incompatible with that intent.

Following the state's logic, a local jurisdiction would never be able to prohibit, or even deny a business license, to a dispensary even for very legitimate reasons such as: their municipality is very small and doesn't even have a district described in ORS 475.314 (3)(a) within which to locate a dispensary; or the municipality is a bedroom community located near another city which has licensed several medical marijuana dispensaries.

Finally, the Court does not believe that the legislature's intent for widespread dispensaries, necessarily equates to greater access to medical marijuana than to traditional health care. In fact in ORS 475.300 where a legislative intent was expressed concerning medical marijuana it is stated: "...marijuana should be treated like other medicine." Other medicine, and other health care, are not found in every Oregon city and town. For example, if a resident of Fossil desires to fill a prescription, he/she must drive at least 20 miles to Condon because there is no pharmacy in Fossil. If that same person wanted to consult with a medical doctor, they would have to drive at least an additional 40 miles to Heppner; and if they were referred to a specialist, probably another 150 miles to Portland. This Court's first child was born after a 90 mile drive from our home to a hospital in the Dalles. Yet few Oregonians would say that they don't have general access to traditional pharmaceuticals, and physicians throughout Oregon. The resident of Fossil would understand that if he/she wanted immediate and quick access to traditional health care they might have to move to Portland (which no resident of Fossil would agree to).

In Zotolla vs. Three Rivers School District, Josephine County case number 12CV0045 and 11CV1240, this Court was confronted with a similar, but not the same issue. In that case, the legislature had recently enacted ORS 339.370-339.400. Well prior to its enactment, plaintiff was disciplined for conduct which the new law required to be reported to a subsequent prospective employer. The new law did not contain a retroactivity clause; but the defendant struggled mightily to imply one. This Court concluded its opinion by citing State ex rel Juv. Dept. vs Nicholls, 192 Or App 604, on page 610, wherein the Court of Appeals wrote:

"...the lack of an expressed retroactivity clause is itself important, because such clauses are commonplace and easy to draft in concept as well as practice."

The Court went on to indicate that the lack of such a clause:

"...therefore strongly suggests that the legislature either did not intend the statute to be retroactive or did not consider the matter." Page 611.

City of Cave Junction vs. State of Oregon
Josephine County Case No. 14CV0588
October 16, 2014
Page 6

The same is true with the issue of preemption. Because the new legislation SB1531 and HB3460, are not inconsistent with a city ban; or more likely a refusal to grant a business license; such local action is not preempted. The Oregon legislature will meet in several months. If they desire preemption, they can tell us then.

Summary judgment is granted in favor of Interveners and against plaintiff and defendants. Mr. Bovett or Mr. O'Day should draw up a consistent order. Because of the Court's ruling on this issue, the Court will not address the secondary issue as to whether or not the federal controlled substances act preempts this Oregon Legislation
Very truly yours,



Pat Wolke
Circuit Court Judge

PW:ah

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. **10. b.**
Council Hearing Date: December 8, 2014

TITLE: Electronic Reader Board Discussion & 2013 Draft Sign Code

SUMMARY AND BACKGROUND:

The subject of electronic reader board/video signs has come up several times in the past few years. The issue at hand is the current sign code prohibits electronic signs like reader boards or video signs. The sign at the high school always comes up as part of the discussion and I get asked about it a few times a year. I researched it several years back and I can't say how the sign was allowed. There is no permit or file on the sign. The sign code has prohibited electronic reader boards and similar blinking signs since 1989—I don't think the high school sign is that old.

For this discussion again, I did a very unscientific survey of other coastal communities and electronic signs. 16 coastal towns have their municipal codes online. Of the 16 I reviewed, 3 allow the signs, 1 allows just the high school type—not video signs, and 12 prohibit them—I have attached my table for your review.

The City of Medford has been in the news recently for review of video signs in their town. I have attached 2 recent Mail Tribune articles about the signs.

Councilor Brand has been an advocate of the electronic video signs and provided us with marketing materials from Daktronics signs last year. I will bring those catalogs to the meeting Monday.

As a separate attachment I am sending the draft sign code I provided to the council in the spring of 2013. In the draft code amended by the planning commission electronic reader/video signs are prohibited.

REQUESTED MOTION/ACTION:

Discussion and direction to staff on how to proceed.

READER BOARD/ELECTRONIC SIGN STANDARDS FOR COASTAL TOWNS

TOWN	ALLOWED	PROHIBITED	NOT REGULATED IN CODE
Brookings	C. One permitted sign for each property may contain elements that may change (blinking or moving text, symbols, and/or characters) no more frequently than every two seconds. There is no time limit on changes to text for scrolling or crawling signs.		
Gold Beach		Prohibited	
Port Orford	Allowed in certain Commercial zones (although their Dark Sky ordinance prohibits blinking and/or flashing lights)		
Bandon		Prohibited	
Coos Bay	Allowed in certain Commercial zones		
North Bend		Prohibited	
Reedsport		Prohibited	
Florence		Prohibited	
Yachats		Prohibited	
Waldport		Prohibited	
Newport		Prohibited	
Lincoln City		Prohibited	
Tillamook		Prohibited	
Cannon Beach		Prohibited	
Seaside		Prohibited	
Astoria	Changeable text permitted (like High School sign)	Animated prohibited	

Medford glares at electronic signs

More rules proposed to control 'blinky boards'



A reader board ad for Southern Oregon Spine Care inside the People's Bank building greets motorists waiting for a light at the corner of Barnett Road and Highland Drive. Mail Tribune / Bob Pennell

- **By Damian Mann**

Mail Tribune

Posted Nov. 19, 2014 @ 12:42 am

Eye-popping images of fireworks exploding on electronic signs would be banned in Medford under a proposal the City Council will review on Thursday.

Reacting to complaints from residents, the council will consider recommendations from the Planning Department and Planning Commission that would limit the amount of animation and the intensity of illumination from electronic signs to make Medford look a little less like Las Vegas.

The council will hold a public hearing on the sign ordinance at 7 p.m. Thursday at City Hall, 411 W. Eighth St.

Flickering, scintillating and flashing signs would become a thing of the past if Medford moves to put more controls on signs that resemble oversized flat-screen TVs. Greater setbacks from streets will also be considered, particularly at major intersections. Ken Troutman of People's Bank said he doesn't see much of an issue with the reader board signs in Medford, noting he has one at his Barnett Road store and is considering putting one at his Biddle Road store.

"The Planning Department is trying to solve a problem that doesn't exist," he said.

Troutman said he is disappointed that the city didn't reach out to the business community as it considers changes to its ordinance. He said he didn't hear about an earlier public hearing until just a few days before it occurred, and he heard about it from a business associate, not the city of Medford.

"My biggest complaint is the (city) staff tried to sneak the whole thing through," he said.

"To me, it's been disappointing to slip things by with a minimum amount of comment." Troutman said he has one reader board at his Barnett location that advertises the three businesses inside the building. He said he preferred to install one modest-sized electronic sign at a cost in excess of \$60,000 rather than erect three business signs on the property.

Occasionally the reader board does community service notices, such as applauding the graduating class, Troutman said.

Firework images flashed on reader boards could be distracting, acknowledged Troutman, but he doesn't agree with increasing the time interval for images to change from two seconds to five, as recommended by planning officials.

"That's way too long," he said.

Councilor Daniel Bunn said he disagrees with the claim that the city hasn't reached out to the community over this issue.

"Absolutely, we want to hear from people," he said. "I don't think we've been trying to sneak this through."

The city has published agendas and has noticed the Chamber of Medford/Jackson County about the issue, Bunn said. In addition, the city has had numerous meetings and discussions over more than a year. The issue also has been well publicized by local media.

Bunn said he hopes local residents speak up at the public hearing to let the City Council know how they feel about electronic signs.

"I know there is a lot of worry in the business community," he said.

The code changes were prompted by citizen complaints that increased after the large electronic sign board was installed at the Verizon store across from the Rogue Valley Mall, Bunn said.

He said there is also some police data to show the signs are a distraction for motorists.

"We couldn't just ignore the complaints we've been receiving from the community," Bunn said.

Chris Cheeley, president of Phones Plus, which operates 13 Verizon stores in Oregon, Idaho and Washington, said he has several large signs in Idaho that feature full-motion video and he rarely gets any complaints.

"The reality is that, at first, it's a big shock," he said. "I understand that people don't want their towns to look like Las Vegas."

As residents get accustomed to the signs, the complaints typically die off, he said. In Medford, Cheeley said he'd received complaints initially but doesn't recall any recently. He said his signs have an auto-dimming feature, which drops down to 6 percent of its brightness level at night. After midnight, the signs go dark, he said.

In addition to advertising the Verizon store, the electronic sign near the Rogue Valley Mall also provides public service announcements, Cheeley said.

He said he agrees that Medford is looking for a solution to a problem that doesn't exist, and he hopes the council takes some time to listen to all sides.

"What I hope they are doing is not coming to a hasty decision," he said.

Medford council dims impact of electronic signs

By Damian Mann

Mail Tribune

Posted Dec. 4, 2014 @ 6:03 pm

Flashy electronic signs in Medford will be somewhat more subdued after the City Council Thursday increased the interval between images from two to five seconds.

"We will slow down the signs," Mayor Gary Wheeler said.

The council backed away from a more extensive rewrite of the city ordinance to place even more limits on electronic signs, including the intensity of illumination and the spacing between signs on streets.

Without a more comprehensive approach, Councilor Tim Jackle said he couldn't support the more limited ordinance.

"I would rather vote 'no,'" he said.

Councilor John Michaels said the city has looked at this issue for a long time.

"A lot of people have put a lot of work into this," he said. "We sort of shortchanged this."

The council did agree to bring the matter up at a later date to see whether it could come to consensus over some of the recommendations from the Planning Department and Planning Commission.

Michaels, who was inclined to vote "no" on the more limited ordinance, joined a majority of councilors in approving the interval change.

"I'm a little divided," Michaels said. "I would have liked to have looked at the overall piece."

Only Jackle voted against it.

Wheeler said it's better for the council to at least nibble off a little piece of the electronic sign ordinance, particularly a piece that is fairly straightforward.

Councilor Eli Matthews said he could support the interval change with the understanding that the council will look at a more comprehensive ordinance in the future.

The code changes were prompted by citizen complaints that increased after the large electronic sign board was installed at the Verizon store across from the Rogue Valley Mall. In particular, motorists complained the signs were a distraction.

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. **10. c.**
Council Hearing Date: December 8, 2014

TITLE: Commissioner Brown Citizen Survey

SUMMARY AND BACKGROUND:

I am attaching a hard copy of the online survey Commissioner Brown is currently conducting. She is soliciting citizen input on needs, concerns, and the future direction of the county. Please take a moment to take the survey:

www.currycountysurvey.com

REQUESTED MOTION/ACTION:

No action required--Information Only

Curry County Citizen Survey

Curry County Citizen Survey

Commissioner Susan Brown is seeking citizen input to better understand how Curry County government can respond to citizen's needs and concerns, as well as start a conversation with citizens about the future direction of our county. Your valuable input on the survey issues will help guide Commissioners in a direction that serves the citizen's and the County's needs.

You will be asked to weigh in on a number of topics including:

Proposals to fund County Services
Importance of County Services
Satisfaction with County Services and County Staff
Citizen communication and involvement

Your responses are completely anonymous, you will not be asked to supply any personal information.

Survey results will be made available to the public, including being posted on the www.currycountysurvey.com website.

The average time to complete the survey is about 15 minutes, I hope that you will consider this time well spent.

There are several supporting documents that will be referenced in the survey, you will find the links to these documents within the survey as well as on the www.currycountysurvey.com website.

Thank you for participating and I look forward to hearing how we can all move forward in Curry County. If you have any questions or concerns, please contact me at 541-247-3229 or browns@co.curry.or.us

Curry County Citizen Survey

1. Please evaluate the following statements regarding funding county services.

	Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
Fund all County services at the existing 2014-2015 levels.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reduce County services 25% from the existing 2014-2015 levels.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reduce County services 50% from the existing 2014-2015 levels.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fund Sheriff's Office at existing 2014-2015 levels.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A greater percent of the county budget should be used to attract new business.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A greater percent of the county budget should be used to develop more jobs in the county.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A greater percent of the county budget should be used in order to restore the timber industry.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Declare a Public Safety Emergency and implement HB 3453 (Provides that the Governor may proclaim public safety fiscal emergency where fiscal conditions compromise county ability to provide minimally adequate level of public safety).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Curry County Citizen Survey

2. Please rate your level of support to the proposed actions. Please refer to the Funding Proposal Fact Sheet for detailed information.

	Very Supportive	Supportive	Not Supportive	Don't Know
Sales Tax	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Special Law Enforcement District	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Unincorporated Patrol District	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Telecommunications Fee	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
911 Dispatch Consolidation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Transient Lodging Tax	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Veteran's Levy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
County Business License Permits	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other funding proposals? (Please specify)

3. If you voted 'No' for any of the past Property Tax increases, please indicate why.

- ☐ Can't afford it.
- ☐ Don't trust the money will be used for Law Enforcement.
- ☐ Would like the County to find other revenue sources.
- ☐ Would like the County to reduce spending.
- ☐ Other (please specify)

Curry County Citizen Survey

4. How satisfied are you with the following services provided by the County? Please refer to the Department Overview for detailed information regarding County departments and services.

	Very Satisfied	Satisfied	Dissatisfied	Not Satisfied at All	Don't Know
Commissioners	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Assessment & Taxation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
District Attorney	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Elections/Recording	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sheriff's Office	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Economic Development	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Juvenile Services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public Services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Road Department	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Retired Senior Volunteer Program (RSVP)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Veteran's Services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

5. How important are the following services provided by the County? Please refer to the Department Overview for detailed information regarding County departments and services.

	Very Important	Important	Unimportant	Not Important at All	Don't Know
Commissioners	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Assessment & Taxation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
District Attorney	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Elections/Recording	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sheriff's Office	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Economic Development	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Juvenile Services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public Services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Road Department	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Retired Senior Volunteer Program (RSVP)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Veteran's Services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Curry County Citizen Survey

6. Overall, do you think Curry County Governemnt responds to its citizens needs?

☐ Yes

☐ No

7. If No, how could Curry County Government be more responsive?

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8. Please rate your satisfaction with the following.

	Very Satisfied	Satisfied	Dissatisfied	Not Satisfied at All	Don't Know
Overall value that you receive for your tax dollar.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Services provided by the County.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
County staff knowledge and customer service.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

9. Please rate the performance of Curry County Government.

☐ Excellent

☐ Poor

☐ Good

☐ Very Poor

☐ Average

☐ Don't Know

10. Are you confident in the County's ability to provide adequate services within available revenue over the long-term?

☐ Very Confident

☐ Not Confident

☐ Confident

☐ Don't Know

☐ Neutral

Curry County Citizen Survey

11. Please indicate whether you are aware of or have been involved in the following opportunities that are offered by Curry County Government to engage residents in decision-making issues and processes?

	Aware Of	Involved In	Neither
Public Meetings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public Hearings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public Work Sessions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Serving on Citizen Committees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Volunteer Opportunities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

12. Please rank in order from 1-6 your preferred method of receiving information or communication.

<input type="text"/>	County Website: www.co.curry.or.us
<input type="text"/>	Email
<input type="text"/>	Mail
<input type="text"/>	Newspaper
<input type="text"/>	Radio
<input type="text"/>	Social Media (Facebook, Twitter, You Tube, etc.)

Curry County Citizen Survey

13. Please rate your satisfaction with the following aspects of communication provided by Curry County Government.

	Very Satisfied	Satisfied	Dissatisfied	Not Satisfied at All	Don't Know
Availability of information about County programs and services.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
County efforts to keep you informed about local issues using the county website, press releases and meetings.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Level of public involvement in decision-making.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
County's Website: www.co.curry.or.us	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please comment on your rating.

14. Have you visited the County Website in the past year? (www.co.curry.or.us)

☐ Yes

☐ No

About how many times?

15. Do you have any suggestions for improving the County's Website?

Curry County Citizen Survey

16. Have you contacted any Curry County Departments in the past year?

☐ Yes

☐ No

If Yes, which departments?

17. Please rate your satisfaction with the County employees in the department(s) you contacted.

	Very Satisfied	Satisfied	Dissatisfied	Not Satisfied at All
How easy they were to contact.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The way you were treated.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The accuracy of the information given.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
How quickly County staff responded.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
How well your issue was handled.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please comment on your rating.

18. If you had contact with the County Sheriff's Office in the past, please rate how satisfied your experience was in the following situations.

	Very Satisfied	Satisfied	Dissatisfied	Not Satisfied at All	No contact with the Sheriff's office
While receiving Law Enforcement related assistance.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
While stopped or contacted by a Deputy.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
When requesting Public Records or Sheriff's Reports.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Curry County Citizen Survey

19. How would you rate the overall livability in Curry County?

- ☐ Very High ☐ Low
- ☐ High ☐ Very Low
- ☐ Neutral
- ☐ If Low or Very Low, why?

20. How long have you lived in Curry County?

- ☐ Less than 2 years ☐ 6-10 years
- ☐ 2-5 years ☐ 11 years or more

21. What is your age?

- ☐ Under 18 ☐ 45 to 54
- ☐ 19 to 24 ☐ 55 to 64
- ☐ 25 to 34 ☐ 65 +
- ☐ 35 to 44

22. Where do you live?

- ☐ Brookings ☐ Pistol River
- ☐ Gold Beach ☐ Harbor
- ☐ Port Orford ☐ Langlois
- ☐ Ophir ☐ Sixes
- ☐ Wedderburn ☐ Other Unincorporated Area
- ☐ Agness

23. Do you own or rent your primary residence?

- ☐ Own ☐ Rent

24. Are you registered to Vote in Curry County?

- ☐ Yes ☐ No

25. Is there anything else you would like to share with us?

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. **10. d.**
Council Hearing Date: December 8, 2014

TITLE: LOC Elected Essentials Workshop

SUMMARY AND BACKGROUND:

League of Oregon Cities is offering a new workshop for elected officials: Elected Essentials. This training is for both newly elected and seasoned elected officials. The closest one to us will be the January 29th Coquille session. If you would like to attend the workshop please let me or the front office staff know and we will get you registered.

REQUESTED MOTION/ACTION:

Information Only

Register Now for New “Elected Essentials” Workshops

“Elected Essentials,” a training for newly-elected and experienced elected officials, will debut January 14 in Sherwood. This new LOC training is open to elected city officials only, and is free as part of membership in the League. “Elected Essentials” will focus on the following:

- How to use your League
- Role of elected officials and staff
- Land use decision making
- City finances and budget
- Legal framework and ethics
- Risk management

Coming to a Location Near You

The following Elected Essentials workshops have been scheduled for 2015:

Sherwood	January 14	9:30 a.m. – 5:00 p.m.*
Manzanita	January 15	9:30 a.m. – 5:00 p.m.*
Independence	January 28	9:30 a.m. – 5:00 p.m.*
* Coquille	January 29	9:30 a.m. – 5:00 p.m.*
Medford	February 3	9:30 a.m. – 5:00 p.m.*
Redmond	February 5	9:30 a.m. – 5:00 p.m.*
Island City	March 18	9:30 a.m. – 5:00 p.m.*
Ontario	March 19	9:30 a.m. – 5:00 p.m.*

* Regional and Small Cities meetings to follow from 5:00 p.m. to 7:00 p.m.

Register Now – go to the training page on the LOC website: www.orcities.org.

Contact: Jenni Shepherd, LOC Member Services – jshepherd@orcities.org

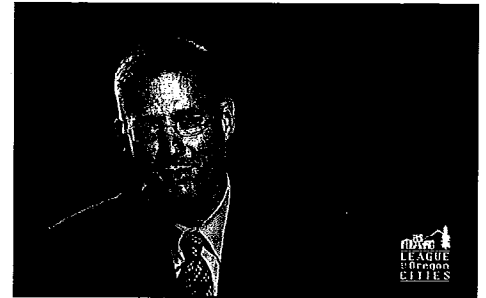
LOC-TV Debuts

LOC-TV, the League’s online video training series, is now up and running on the LOC website. The first two features—

“Conflicts of Interest” and “Election Law”—are short video presentations by LOC General Counsel Sean O’Day.

LOC-TV provides topical, 15-20 minute training videos and is available free, 24/7. The videos are designed for viewing on a mobile device, in a city council meeting or at an employee’s desk. The League released one new video each week in October, and future topics will include: executive sessions, the legislative session, and public vs. private meetings.

For more information, contact Jenni Shepherd, LOC Member Services: jshepherd@orcities.org.



citycounty insurance services
www.cisoregon.org

2014 CIS Safety Awards

In recognition of outstanding safety efforts, the city of Corvallis and 54 other cities were awarded CIS Safety Awards at the LOC Annual Conference on Friday, September 26, 2014 in Eugene. Corvallis received a gold award, achieving the highest score in their population peer group for creating and maintaining a safe work environment. Of the 242 incorporated cities in the state, 58 participated in the competition and 55 received awards.

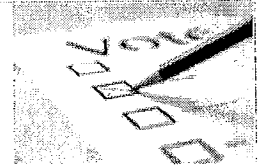
The Annual CIS Safety Awards program recognizes cities with the lowest rate of on-the-job injuries in the prior calendar year, an indicator of a successful safety and loss prevention program. Cities are awarded a gold, silver or bronze award based on their ratio of annual time loss injuries to hours worked. Open to all Oregon cities, the awards have been given annually since the program was initiated by the League of Oregon Cities Board of Directors in 1973.

For a complete list of winners, please visit www.cisoregon.org/awards. If your city is not listed and you would like to learn more about earning an award for 2015, please contact John Zakariassen (jzakariassen@cisoregon.org) or Joleen Fink (jfink@cisoregon.org).

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ELECTED ESSENTIALS 2015

Free training for newly-elected and experienced elected officials



"Elected Essentials" is a training for new and experienced elected officials. This new League training is open exclusively to elected city officials and is free as part of membership in the League.

AGENDA

Draft Schedule:

- 9:30 a.m. - Welcome and Introductions
 - History of LOC
- 9:45 a.m. - Home Rule and City Structure
 - Forms of Government
 - Home Rule
 - 3 Roles of Elected Officials
- 10:30 a.m. - Break
- 10:45 a.m. - League and State Resources
- 11:00 a.m. - Good Governance
 - Council Relations/Managing Conflict/Working as a Team
 - Council Agreements
 - Council Tools
 - Leading as a Member of a Team
 - Running Effective Meetings
 - Dealing with the Media
- 12:00 p.m. - Networking Lunch
- 12:45 p.m. - Risk Management
- 1:15 p.m. - City Finances and Budget
 - Property Taxes/Debt Issuance
 - Budget Process
- 2:15 p.m. - Land Use Decision Making
 - History/Statewide Planning Goals
 - State Video on Land Use Decisions
- 3:00 p.m. - Break
- 3:15 p.m. - Legal Framework and Ethics
 - Public Meetings and Executive Session
 - Ethics: Use of Office, Gifts, Conflict of Interest
 - Elections
- 4:30 p.m. - Regional Meeting with Legislative Session Update
- 5:30 p.m. - Round Table Member Networking

REGISTER

register here

Elected officials - use the above link to register for *Elected Essentials*.

To register for **only** the Regional Meeting part of the day, click here.

DATES AND LOCATIONS

January 14 - Sherwood
 January 15 - Manzanita
 January 28 - Independence
 January 29 - Coquille
 February 3 - Medford
 February 5 - Redmond
 March 18 - Island City
 March 19 - Ontario

Elected Essentials Training: 9:30 a.m. - 4:30 p.m.

Regional Meeting: 4:30 p.m. - 6:30 p.m.