

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

April 9, 2014

The Columbia County Board of Commissioners met in scheduled session with Commissioner Anthony Hyde, Commissioner Henry Heimuller and Commissioner Earl Fisher, together with Sarah Hanson, County Counsel and Jan Greenhalgh, Board Office Administrator.

Commissioner Hyde called the meeting to order and led the flag salute.

MINUTES:

The minutes of the April 2, 2014 Board meeting and April 2, 2014 Staff meeting were held over one week.

VISITORS:

Anne Christensen, St. Helens: Anne submitted a copy of a letter her husband previously sent just to be sure it is in the record. She also wanted to comment that when she spoke at the 4/3/14 DEQ Air Quality Permit hearing, she noticed that most of the public officials that should have been there, either were there and left early or wasn't there at all. She feels that the public officials should attend these types of hearings and stay for all of the testimony.

1st & 2nd READING: ORDINANCE

This is the time set for the 1st & 2nd Reading of Ordinance No. 2014-5. Robin gave a brief overview. The Oregon Medical Marijuana Act was amended last year to require the

Oregon Health Authority (OHA) to adopt regulations to allow for the registration of medical marijuana facilities, which are also known as dispensaries. OHA has established rules and regulations for things such as background checks, certain security measures for these types of facilities, and restrict where these facilities may be located to areas zoned commercial, industrial, mixed use and agricultural. There are some other restrictions about not being within 1,000 feet of a school, not near other dispensaries or other grow sites. Aside from that, there really are no other regulations. For Columbia County, there are currently no regulations specific to dispensaries, so if we were to get an application by a registered dispensary to site in Columbia County, we have nothing other than our normal building codes and zoning laws. The Board may want to consider some regulations on this but drafting that type of ordinance will take some time.

Understanding that, the Oregon Legislature adopted SB1531 that allows local governments to enact the moratorium on medical marijuana facilities for one year. In order to do that, the County will need to adopt the moratorium by Ordinance. She has prepared an Ordinance for Board consideration and has included an emergency clause because it must be adopted by May 1, 2014. With no objection, Robin gave the first and second reading of Ordinance No. 2014-5. At this time, Commissioner Fisher moved and Commissioner Heimuller seconded to adopt Ordinance No. 2014-5, "In the Matter of Enacting a Moratorium on the Operation of Medical Marijuana Facilities in Any Area within the Jurisdiction of Columbia County and Declaring an Emergency". The motion carried unanimously.

CONSENT AGENDA:

Commissioner Hyde read the consent agenda in full. With no additions/changes, Commissioner Heimuller moved and Commissioner Fisher seconded to approve the consent agenda as follows:

- (A) Ratify the Select to Pay for week of 4/7/14.
- (B) 2014 Liquor License Renewal for: Birkenfeld Country Store & Vernonia Golf.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (C) Personal Services Contract with Barran Liebman LLP for Labor Attorney Services.
- (D) Agreement with Verizon Networkfleet for GPS Pilot Program for CC Rider and authorize Janet Wright to sign.

The motion carried unanimously.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde talked about the ongoing process of *ConnectOregon V* funding applications. He sits on the committee that selects the project applications for Region 1, after which those will go to a “super” committee, of which he also sits on. This is the 5th year he has sat on the ConnectOregon review committee. He believes that Columbia County will fair well, although the total fund for Connect V is only \$44 million statewide, which is down from the original \$100 million.

The Regional Solutions Process Team has now been qualified by statute. He believes that in our region, we have a very solid team. During that meeting yesterday, they went through the important projects within their regions and this team process really works.

COMMISSIONER FISHER COMMENTS:

Commissioner Fisher read a prepared statement in response to the number of inquiries he's about the recently announced court decision against the Sheriff's Office concerning the mail policy that was in question. In that case, the Sheriff instituted a post card only policy for certain types of mail. This type of policy was not uncommon in many Jails at the time of implementation. What most of us would consider "junk" mail was not forwarded to the prisoners unless it was on a post card. Newspapers and magazines were exempt from the post card policy, but unfortunately, some periodicals and magazines were rejected due to confusion at the Jail. One company that sent fliers and newspapers to Jail was PLN, a publication related to inmates legal concerns. After a year of having their mailing returned, and without bringing the problem to the County's attention, PLN sued the Sheriff, as they had done in several other states.

To settle the case, PLN's demanded the County agree to permanent Federal Court Supervision over its mail policies. In addition, PLN demanded that the County agree to pay all of its legal fees, but PLN would not disclose the amount of those fees, so it went to trial. After the trial, the Court issued an injunction against the County prohibiting the County from instituting a post card policy in the future. The County and PLN agreed that PLN's damages for having its rights violated was only \$15,000. PLN then asked the Court to award attorney fees and expenses to them because the Court found a violation of the civil rights. Last week, the Court finally issued its decision, granting the PLN lawyers \$775,000 in legal fees plus expenses. The ruling on the legal fees seems totally outrageous. The legal research and analysis involved in preparing the case is exactly the same this firm had done in previous cases they had filed. The firm appears to have deliberately run up claimed legal costs by having three lawyers at each deposition and other means hoping to get a judge who would look with favor on their claims. They found one in federal Judge Michael Simon. Judge Simon, in my opinion failed to exercise common sense at the expense of the public. He knew or should have known

that the legal fees were exorbitant. These kinds of judgements only reinforce a public perception of lawyers as ambulance chasers and judges protecting their own.

The County carried insurance through County/City Insurance Services, a risk pool designed and ran by local governments, to deal with claims against government entities. The county budget will not be impacted by this decision. Our future rates are determined by a number of factors not only one lost claim. Commissioner Fisher has met with the directors of CIS and their lawyers who handled this case for the county and they are as surprised and dumbfounded by the size of the legal fees the judge granted. Yes, it appears the Sheriff had a flawed policy, but it would only have taken a letter demanding ta change to the policy or face a lawsuit to have it changed. PLN appears to have not wanted a change to the policy as much as a reason to go to court and the judge was willing to allow PLN's lawyers to get rich at the public's expense.

He just wants the people to know the details and how it will not effect the county general fund budget.

COMMISSIONER HEIMULLER COMMENTS:

Commissioner Heimuller attended the DEQ Permit public hearing last Thursday night. It was fairly well attended but surprised it didn't have a larger audience.

He attended the Forest Trust Land Advisory Committee in Hyde's absence on Friday. It was a well attended meeting, it was very informative and he was glad to be there for a number of reasons and learned a lot about that process.

He and Commissioner Fisher attended the 10th Anniversary Rededication of the Rainier Senior Center last Saturday. It was a great event.

They also attended the Scappoose Mayor's Ball held at the Scappoose Senior Center, with a direct benefit specifically to their meals-on-wheels program. There was a great turnout and appears they raised a lot of money.

Today the Board will meet with the Parks Committee at noon for their quarterly update.

The Board recessed the meeting at 10:45 and reconvened at 12:00 noon in the Annex Meeting Room. All were present.

QUARTERLY MEETING WITH COUNTY PARKS COMMITTEE:

The Board attended a lunch meeting with the members of the Columbia County Parks Committee for general discussion and update. No action necessary.

There was no Executive Session held.

//
//
//
//

//
//
//
//
//
//
//
//
//
//
//
//
//
//

With nothing further coming before the Board, the meeting was adjourned.

Dated at St. Helens, Oregon this 9th day of April 2014.

NOTE: A tape of this meeting is available for purchase by the public or interested parties.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____

Anthony Hyde, Chair

BOC Minutes

4/9/14

Page 8

By: _____

Jan Greenhalgh

Board Office Administrator

By: _____

Henry Heimuller, Commissioner

By: _____

Earl Fisher, Commissioner