

**Central Point
City Hall
541-664-3321**

City Council

Mayor
Hank Williams

Ward I
Bruce Dinger

Ward II
Kelly Geiger

Ward III
Ellie George

Ward IV
Allen Broderick

At Large
David Douglas
Rick Samuelson

Administration
Chris Clayton, City
Manager
Deanna Casey, City
Recorder

**Community
Development**
Tom Humphrey,
Director

Finance
Bev Adams, Director

Human Resources
Barb Robson, Director

**Parks and Public
Works**
Matt Samitore,
Director
Jennifer Boardman,
Manager

Police
Kris Allison Chief

**CITY OF CENTRAL POINT
City Council Meeting Agenda
October 24, 2013**

Next Res. 1381
Next Ord. 1980

I. REGULAR MEETING CALLED TO ORDER – 7:00 P.M.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. PUBLIC APPEARANCES - *This time is reserved for citizens to comment on items that are not on the agenda.*

V. SPECIAL PRESENTATION

- A. Fire District No. 3 Quarterly Update

VI. CONSENT AGENDA

- Page 2 - 7 A. Approval of October 10, 2013 Council Minutes
8 B. Approval of Meeting Cancellations

VII. ITEMS REMOVED FROM CONSENT AGENDA

VIII. PUBLIC HEARING, ORDINANCES, AND RESOLUTIONS

- 10 - 17 A. Resolution No. _____, Approving a Jackson County Board Order to Initiate Formation of a Jackson County Library Special District and Consenting to the Inclusion of Central Point City Territory within the Boundaries of the District (Clayton)
- 19 - 24 B. Resolution No. _____, Adopting the Central Point Stormwater Master Plan (Samitore)
- 26 - 33 C. Second Reading - Ordinance No. _____, Amending Sections of 12.36 Trees of the Central Point Municipal Code (Samitore)

IX. BUSINESS

35 - 42 A. Rogue Disposal & Recycling Annual Rate Adjustment (Clayton)

44 - 59 B. Discussion regarding HB 3460 and possible revisions to Central Point
Municipal Code (Clayton)

X. MAYOR’S REPORT

XI. CITY MANAGER’S REPORT

XII. COUNCIL REPORTS

XIII. DEPARTMENT REPORTS

XIV. EXECUTIVE SESSION

The City Council may adjourn to executive session under the provisions of ORS 192.660. Under the provisions of the Oregon Public Meetings Law, the proceedings of an executive session are not for publication or broadcast.

XV. ADJOURNMENT

Consent Agenda

**CITY OF CENTRAL POINT
City Council Meeting Minutes
October 10, 2013**

I. REGULAR MEETING CALLED TO ORDER

Mayor Williams called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL: Mayor: Hank Williams
Council Members: Allen Broderick, Bruce Dingler, Rick Samuelson, and Ellie George were present. Kelly Geiger was absent. David Douglas arrived at 7:30 p.m.

City Manager Chris Clayton; City Attorney Sydnee Dreyer; Captain Brain Day; Finance Director Bev Adams; Human Resource Director Barb Robson; Parks and Public Works Director Matt Samitore; and City Recorder Deanna Casey were also present.

IV. PUBLIC APPEARANCES - None

V. SPECIAL PRESENTATIONS

A. League of Oregon Cities Award to Volunteers in Police Service Program

Mayor Williams presented the Central Point Police Department with the Good Governance Award presented by the League of Oregon Cities. This award is in recognition of the VIPs program and all that has been accomplished by them and their leader Bobbie Pomeroy. These volunteers have been a "force multiplier" through their daily presence and during major city-wide events.

B. Oregon Association of Municipal Recordors Award for City Recorder of the Year

Mayor Williams presented Deanna Casey with the Oregon Association of Municipal Recordors award for City Recorder of the Year. She was nominated by the Mayor and Council for her dedication and positive attitude and always keeping the Council in compliance with state laws. She is a mentor to other City Recordors and an active member in community events.

V. CONSENT AGENDA

- A. Approval of September 12, 2013 City Council Minutes
- B. Park Commission Report
- C. Approval of Street Closure on December 7, 2013 for Community Christmas

Allen Broderick made a motion to approve the Consent Agenda as presented. Rick Samuelson seconded. Roll call: Mayor Williams, yes; Allen Broderick, yes; Bruce Dingler, yes; Ellie George, yes; and Rick Samuelson, yes. Motion approved.

VI. ITEMS REMOVED FROM CONSENT AGENDA - None

VII. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

A. Ordinance No. 1979, Amending the Central Point Municipal Code to Revise 9.92.010 Regarding Discharge of Weapons and Delete Sections 9.68.040 and 9.90.010 as Necessary for Consistency with State Law and for Internal Consistency.

Police Captain Brian Day explained that this is the second reading of an Ordinance clarifying language in the Municipal Code regarding discharge of weapons within the city of Central Point. Two sections are being deleted because they are covered under Oregon Statute.

Allen Broderick made a motion to approve Ordinance No. 1979, Amending the Central Point Municipal Code to revise 9.92.010 Regarding Discharge of Weapons and Delete Sections 9.68.040 and 9.90.010 as Necessary for Consistency with State Law and for Internal Consistency. Rick Samuelson seconded. Roll call: Mayor Williams, yes; Allen Broderick, yes; Bruce Dingler, yes; Ellie George, yes; and Rick Samuelson, yes. Motion approved.

B. First Reading – An Ordinance Amending Sections of 12.36 Trees of the Central Point Municipal Code

Parks and Public Works Director Matt Samitore explained that city staff have been working on updating the Municipal Code which aims to establish and maintain the maximum amount of tree cover on public and private lands in the City; provide tree lined streets throughout the city; select, situate and maintain trees appropriately to minimize hazard, nuisance, damage, and maintenance costs. By updating the Municipal Code we hope to enhance the appearance of the city and promote a diverse, healthy, and sustainable community.

He explained that tree regulations will apply in some way to all trees planted in the city if they will have any effect on city right of ways; infrastructure or property. The recommended changes will address tree removal/replacement; hazardous trees; and nuisance trees. The proposed changes broaden the criteria for tree removal by providing language that will allow removal of nuisance trees. There are additional changes recommended by the City Arborist to clarify issues related to tree maintenance and protection.

There was discussion regarding types of trees which are not recommended. The list will include bamboo. The Planning Commission will hear any appeals to issues regarding trees, but the City Council is always allowed to review a

Planning Commission decision. The recommended City Street Tree Guide will cover items relating to street trees or trees on city owned property.

Mayor Williams opened the discussion up to the Public. No one came forward.

Bruce Dingler made a motion to move to second reading An Ordinance Amending Sections of 12.36 Trees of the Central Point Municipal Code. Rick Samuelson seconded. Roll call: Mayor Williams, yes; Allen Broderick, yes; Bruce Dingler, yes; Ellie George, yes; and Rick Samuelson, yes. Motion approved.

C. Resolution Adopting a Revised City Street Tree Guide

Mr. Samitore stated that the current guide was created in 2003 and is in need of an update. The new guide provides for a variety of upgrades, including graphics on planting, definitions of trees that are best suited for our area, as well as in-depth information about the trees and how big they will get at full maturity. The guide is easily useable and provides for great functionality for residents and city staff.

The recommended guide has been before the Planning Commission and was recommended for approval. He did recommend removing the flowering plum tree, and crab apple trees from the approved street tree list. He is unsure why they are still in the guide. It was suggested that the Mimosa tree should also be reviewed and not allowed as a street tree.

There was discussion regarding other items that the council would like to see removed or added to the guide. Mr. Samitore stated that the Council could approve the proposed resolution with recommended changes or return the guide to the Planning Commission and have them review the changes discussed tonight.

Bruce Dingler made a motion to return this item to the Planning Commission to review the recommended changes regarding approved trees. Ellie George seconded. Roll call: Mayor Williams, yes; Allen Broderick, yes; Bruce Dingler, yes; Ellie George, yes; and Rick Samuelson, yes. Motion approved.

VIII. BUSINESS

A. Preliminary 2013 Year End Financial Statement

Finance Director Bev Adams presented the unaudited financial statement ending June 30, 2013. She explained that the city is currently in the middle of the audit process. However, she is fairly certain that all material adjustments have been made and there will be no major changes to the final numbers. She explained the highlights of the financial statement.

David Douglas Arrived at 7:30 pm.

There was discussion regarding the carry over fund and that we were within the guidelines set by Council. The auditors reviewed several items regarding the retirements payoffs prior to the July 1st date and have instructed us that those funds must come out of the 2012/2013 budget year. This was not how staff had planned to pay for those retirements. There will be an explanation in the budget message for next year so that it is explained for future review of the budget and why those funds were taken out.

There was an update on building permits that have been issued since July 1, 2013. We are excited about the prospect of economic growth.

B. Planning Commission Report

City Manager Chris Clayton presented the October 1, 2013 Planning Commission report:

- The Commission approved a Conditional Use Permit to modify an existing communication tower by relocating it on the Oregon State Police property in an Employment Commercial Zone. The approval allows an existing communication tower to be moved to a new location on the site without changing its height. The Commission determined the proposed modification would create a better buffer between the existing tower and surrounding properties. They also determined the proposal met the requirements of the city, the FAA, and the Oregon Department of Aviation.
- The Commission reviewed and recommended approval of the proposed Street Tree Guide presented by Public Works and Parks Department. The Guide encourages choices of trees that will promote species diversity, minimize damage to public infrastructure and be compatible with existing plantings.
- There was general discussion regarding the status of the Twin Creeks TOD Master Plan including its current build out, the timeline for the new Rail Crossing and changes to the FEMA Flood Insurance Rate Maps. The discussion included grant options, ASANTE's interest in developing, and prospects for bringing the master plan to a conclusion.

C. Approval for Donation of UTV to School District No. 6

Parks and Public Works Director Matt Samitore explained the city has replaced a Utility Task Vehicle that was used by the water crew for meter reading and small maintenance jobs around the city. The City will keep one of the older UTV's for patrol by the police on the Greenway as well as small painting jobs by the Street Crew. The school District has asked for the surplus UTV for baseball and softball in-field maintenance as well as other maintenance related items that are currently being done by larger in-efficient vehicles. The school district is aware of the age and maintenance history regarding this specific UTV.

Rick Samuelson made a motion to declare the Bobcat 2100 Utility Vehicle Unit #3200 as surplus and donate it to School District No. 6. Allen Broderick

seconded. Roll call: Mayor Williams, yes; Allen Broderick, yes; Bruce Dingler, yes; Ellie George, yes; and Rick Samuelson, yes. Motion approved.

IX. MAYOR'S REPORT

Mayor Williams reported that he:

- Attended the Medford Water Commission. He is working on a testimony to present at their public hearing for SDC increases.
- Attended the League of Oregon Cities Conference in Portland. He and Mr. Clayton met with the state water commissioner regarding MWC issues and water rights. He attended an ethics training regarding Technical Policies. Several Cities discussed the issue of holding Public Meetings with some members on Phone Conference calls. He is not in favor of this practice.
- Attended the RVACT meeting in Grants Pass. Central Point did well in regards to grant funding.
- Participated in the Mayor's United Dinner in support of ACCESS.
- Will be hosting a Mayor's lunch in Central Point at the end of the month.

X. CITY MANAGER'S REPORT

City Manager Chris Clayton reported that:

- He attended the RVACT meeting with the Mayor. ODOT has recommended approval of grant money to Central Point for the Rail Crossing. They have recommended more than originally expected. Another recommendation was to award grant money to the Table Rock Road project which will be a joint project between the County, Central Point, and City of Medford.
- He was in attendance at the LOC meeting to discuss MWC issues with the State Water Commissioner.
- He and Mr. Humphrey initiated communication efforts between the Rogue Creamery and the trailer park. The Creamery is very interested in purchasing that property.
- The County Commissioners will be attending the October 24th meeting to propose the library ballot measure.
- Bill Gallagher will be conducting a color chart training for some new employees, if any council members would like to take the training please contact HR Director Barb Robson.
- He has been in contact with Mr. and Mrs. Synard regarding their property. Negotiations are still in the works for the property purchase.

XI. COUNCIL REPORTS

Council Member Allen Broderick reported that

- he is very impressed with the new Community Service Officer Derrek Moore. He has been pleasant to work with on several issues and is quick to get responses from the offending citizens.
- He attended a Parks and Recreation Commission meeting. They are talking about allowing vendors in parks, dog parks and the possibility of the City taking over the White City Pool.

- He is still interested in Staff organizing a bus ride to all city facilities and would like to invite city committee members to join us.

Council Member Rick Samuelson reported that he has heard good things about the recent Boot Camp for local businesses. The Police Department has done a good job getting Dan and Joyce's Tires cleaned up once again.

Council Member David Douglas reported that he attended the Chamber Greeters last week. The Central Point Chamber is also hosting a leadership training in the Council Chambers once a month if anyone is interested in attending.

XII. DEPARTMENT REPORTS

Police Captain Brian Day updated the Council on staff graduating from the Police Academy.

XIII. EXECUTIVE SESSION – ORS 192.660 (2)(h) Legal Counsel

Allen Broderick made a motion to adjourn to Executive Session under ORS 192.660 (2)(h) to receive legal counsel. Rick Samuelson seconded. All said "aye" and the meeting was adjourned to executive session at 8:20 p.m.

Council returned to regular session at 9:03 p.m. No action was taken.

XIV. ADJOURNMENT

Bruce Dingle moved to adjourn, Rick Samuelson seconded, all said "aye" and the Council Meeting was adjourned at 9:05 p.m.

The foregoing minutes of the October 10, 2013, Council meeting were approved by the City Council at its meeting of October 24, 2013.

Dated:

Mayor Hank Williams

ATTEST:

City Recorder



City of Central Point
Staff Report to Council

ISSUE SUMMARY

MEETING DATE: October 24, 2013	STAFF MEMBER: Deanna Casey
SUBJECT: Cancellation November 28th and December 26 th City Council Meetings.	DEPARTMENT: Administration
ACTION REQUIRED: __ Motion __ Public Hearing __ Ordinance 1 st Reading __ Ordinance 2 nd Reading __ Resolution __ Information/Direction X Consent Agenda Item __ Other	RECOMMENDATION: X Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not applicable Comments:

STAFF RECOMMENDATION:

Due to holidays in November and December the second monthly meeting of the Council is usually cancelled or moved. The second meeting in November falls on Thanksgiving Day, the second meeting in December falls during the week of Christmas when many people are visiting relatives or on vacation.

Staff feels that all business can be completed in two meetings over November and December. If business items come up that require immediate action the Mayor has authority to notice a meeting to take care any items that cannot wait till the next scheduled meeting.

There are currently no Study Sessions scheduled for November or December.

Staff recommends cancellation of the November 28rd and December 26th City Council meetings.

Resolution

Approving a JC Board Order initiating the Formation of JC Library District



STAFF REPORT
October 24th, 2013

AGENDA ITEM: A resolution of the Central Point City Council approving a Jackson County Order to initiate the formation of a Jackson County Library Special District and consenting to the inclusion of Central Point territory within the boundaries of the district.

STAFF SOURCE:

Chris Clayton, City Manager

BACKGROUND:

The Jackson County Board of Commissioners has initiated the formation of a Jackson County Library Special District to support the continual operation of all branch libraries currently operating within the county. The library special district could only be created and implemented with Jackson County voter approval. The Board of Commissioners is requesting that each city council approve a resolution including their jurisdiction in the proposed district prior to the issue being considered on the May 2014 election ballot. Jackson County has conducted voter polling specific to the tax rates, provisions and requirements contained in the proposed library special district, with polling suggesting a 53% favorable opinion of increased funding via a new taxing district.

Should the Central Point City Council choose not to approve the attached resolution and, therefore, exclude Central Point territory from the proposed special library district, the Central Point branch library would be closed by Jackson County within 12 months. Furthermore, Central Point residents choosing to use an alternate Jackson County branch library after creation of the new special district would be subject to a library user fee. The proposed user fee has not been established and would be determined only after it is known which and how many cities within the proposed district boundary opt not to participate.

FISCAL IMPACTS:

If approved, the library service district would be funded by a permanent tax rate of up to \$0.60 per \$1,000 of assessed value to provide operating support for the libraries currently established in Jackson County. This rate would result in a yearly tax assessment of approximately \$95.28 for the average home in Jackson County, based on a value of \$158,800.

The City of Central Point's current total tax rate, including City, County, Vector Control, RVTD, Fire District 3, and Soil/Water Conservation taxing district amounts to \$9.8694/per \$1000.00 in assessed value. The measure 50 limitations allow a total Central Point taxing rate not to exceed \$11.04/per \$1000.00 in assessed value. Any taxing rate above the \$11.04 limit established by Measure 50 would result in average tax compression. The current tax rate

leaves a compression gap of \$1.17 before average compression begins to occur in Central Point. The proposed library service district tax would consume \$0.60 of the current \$1.17 compression gap, leaving only \$0.57 of potential tax increases. Residential assessed values increased this past year in Central Point by 15% with commercial and industrial values remaining flat. A recovering economy will likely continue to increase property values and should positively expand the compression gap in future fiscal cycles. However, it is also not know what other taxes might be needed, or approved, in the future that would also erode the compression gap, and the library district tax rate proposal is a permanent increase. There will also be an Agriculture/4-H tax on the May ballot.

Current Total Rate	Measure 50 Limit	Compression Gap	Potential Reduction
\$9.87	\$11.04	\$1.17	\$0.57

FINDINGS:

1. Approval of the associated resolution does not eliminate required Jackson County voter approval of the Library Service District.
2. Should the taxing district ultimately prevail on the May 2014 general election ballot, the newly created taxing district would include all areas within the City of Central Point, provided Central Point does not consent to be a part of the district’s territory.
3. Approval of the proposed library service district would create a new tax of \$0.60 per \$1000 in assessed value for property owners in Central Point.
4. Approval of the proposed library service district would reduce the 2013/2014 tax compression gap from \$1.17 to \$0.57.

ATTACHMENTS:

1. Jackson County Board of Commissioner’s Board Order initiating the proposed library special taxing district.
2. A resolution of the Central Point City Council approving a Jackson County Order to initiate the formation of a Jackson County Library Special District and consenting to the inclusion of Central Point territory within the boundaries of the district.

RECOMMENDATION:

The City of Central Point has historically allowed the voters of Jackson County/Central Point to decide on the formation of service/taxing districts. Council adoption of the associated resolution would be consistent with prior decisions.

Q. What is a Special District?

Think fire district and you have the idea. Like a fire district, a library special district has its own elected board, manager and citizen's budget committee. The special library district will include unincorporated areas of the county. City councils in the incorporated areas must consent before they can be included within the boundaries of the proposed district. If approved by their city, residents of the incorporated areas will have the opportunity to vote on the district measure. This is nothing new; there are over 20 special library districts in Oregon counties, which were funded through voter-approved tax rates.

Q. Who will govern the Special Library District?

Under Oregon Law, a special district is governed by a board elected at the time the district measure is passed. The County cannot be the governing body of a Special Library District. A special library board is entirely independent of governance by the County Board of Commissioners.

Q. What will the district cost and what can we expect?

The Board of Commissioners is recommending a funding rate that will give the district the ability to function and offers the new board and its citizens' budget committee enough for the future. The recommended rate of up to .60/\$1,000 is a ceiling – not a floor. How much will be levied and what the service level will look like is to be determined by the library district board. The proposed rate would likely be enough to maintain or even enhance current services. The district board has the option of not levying the entire amount. It is important to note that County Commissioners and representatives can't guarantee an exact level of service because it will be determined by the District's elected officials and district boundaries. And, the rate will never be higher than this amount.

Q. Can these funds approved by voters under this ballot measure be used for any other purpose?

No, these funds are dedicated to library use and can only be used for library service within the district boundary.

Q. Did the County run out of money to fund the library because they built new libraries?

No. Similar to financing the building of a house, it doesn't finance the operation of it. The libraries would still be facing closure even if the new buildings had not been built. The library bond that voters approved in May 2000 could only be used to build, not to operate the libraries and furthermore, they cannot be used for anything other than a library until the year 2020. The economy has changed dramatically from 2000 and the county collects far fewer taxes and no longer receives federal timber receipt money.

Q. What happens if a city council votes to not participate?

The citizens of the city will not be allowed to participate in the county-wide vote for the library district. They will have no say in how the funds are expended, nor will they have representation on the District's elected board. Further, the future of libraries outside the district will be uncertain as they will still be under the governance of the Jackson County Board of Commissioners and will compete with other county services and requirements for funding.

Q. If my city opts not to participate in the district, will I be able to use other libraries in the county free of charge?

We cannot assume that the district board will automatically allow non-resident use for free.

Q. Is it true that the Library is closing; if so when?

Based on the Budget Committee's decision this budget year, the satellite branch libraries in Jackson County are scheduled to close on June 30, 2014, if stable funding is not secured. Satellite branches include Applegate, Ashland, Butte Falls, Central Point, Eagle Point, Gold Hill, Jacksonville, Phoenix, Prospect, Rogue River, Ruch, Shady Cove, Talent and White City. If stable funding isn't secured by June 30, 2015 then the Medford Branch Library is scheduled to close.

BEFORE THE BOARD OF COMMISSIONERS OF JACKSON COUNTY
FOR THE STATE OF OREGON

IN THE MATTER OF INITIATING)
FORMATION OF A JACKSON COUNTY) ORDER NO. _____
LIBRARY DISTRICT)

WHEREAS, like many counties in Oregon, Jackson County is facing significant budget constraints due to the loss of certain federal funding streams; and

WHEREAS, Jackson County's primary concern is to provide mandated and basic services like health and safety. After providing enough money necessary for supporting such things as the Sheriff's office, community justice, the District Attorney's office, and other high priority County government services, Jackson County does not have enough money left to support its libraries; and

WHEREAS, without direct financial support from Jackson County, Jackson County Library Services will be unable to continue provide library services in Jackson County; and

WHEREAS, the Jackson County Board of Commissioners initiated a survey to determine voter support for the formation of a library district; and

WHEREAS, the survey results indicate that a majority of Jackson County voters support the creation of a county-wide library special district and are willing to pay additional property taxes in support of library services, programs and activities; and

WHEREAS, various Jackson County citizens have indicated support for the Board of Commissioners initiating the formation of a library district, with a permanent property tax rate limit, to assure that the library system in Jackson County will have stable funding to continue providing library services, programs and activities to the citizens of Jackson County; and

WHEREAS, libraries are an important Jackson County asset and resource for the following reasons:

- The existence and financial condition of a community library system reflect the social vitality and economic viability of the County, and a stable, vibrant library system encourages outside investment in the local economy;
- Libraries help prepare our community's youth for effective learning and for lifelong success and achievement; and
- Libraries provide critical services to senior citizens in our community by making continuing education available, offering opportunities to learn and use new technology and helping seniors socialize and stay connected to the community.

Now, therefore,

The Board of Commissioners of Jackson County (Board) ORDERS:

1. The Board intends to initiate formation of a library special district to serve Jackson County pursuant to Oregon Revised Statute (ORS) 357.216 to 357.286, which is the principal act governing the formation of a library special district; and
2. The name of the proposed special district is the Jackson County Library District (hereinafter "District"); and
3. The boundaries of the District shall include all territory within Jackson County, less the territory within any incorporated city that chooses not to be part of the District; [*If any city opts out, the following language would be inserted into the final order – "The city or cities choosing not to be included within District territory are: list."*]; and
4. As required by ORS 198.835(3), certified copies of City Council Resolutions of each city approving this Initiation Order and formation of the District, and consenting to the inclusion of city territory within the boundaries of the District, are attached; and
5. The District will have the general powers granted to library districts by ORS 357.216 to 357.286 (the "Principal Act") and the specific powers granted by ORS 357.261 and 357.410. The District will provide library services, programs and activities for all District residents as permitted by ORS 198.010(23) and the Principal Act; and
6. The governing body of the District shall be a board of five members to be elected by the electors of the District as required by ORS 357.226, and the board members shall be elected at large by position number as allowed by ORS 357.241(1)(b); and
7. Jackson County voters will be asked to establish a permanent property tax rate limit of \$.60 per \$1,000 for the District's operations as authorized by ORS 357.261(4) and 357.410(6). The District will have authority to levy and collect general property taxes up to the approved rate limit to fund its operations.

8. Pursuant to ORS 198.800 and 198.835, a public hearing on the formation of the Jackson County Library District shall be held at the Board's regular meeting on February 12, 2014, [*a tentative, flexible date*] beginning at 9:30 a.m., in the auditorium of the Jackson County

PROPOSED ORDER INITIATING LIBRARY DISTRICT FORMATION – Page 2 of 3

Courthouse, 10 S. Oakdale, Medford, Oregon 97501. All interested persons may appear and be heard. At this hearing, the Board will hear testimony and receive written comment on the proposed formation of this District, including information about county library programs, activities and services; economic feasibility; and the permanent tax rate limit. At the conclusion of the hearing, the Board shall determine, in accordance with criteria described in ORS 198.805 and 199.462, whether Jackson County could be benefited by the formation of the library district and whether the County should continue with the formation process.

9. Notice of the hearing shall be provided to interested persons in accordance with ORS 198.800(2) and 198.730.

DATED this ___ day of _____, 2013.

JACKSON COUNTY BOARD OF COMMISSIONERS

Don Skundrick, Chair

John Rachor, Commissioner

Doug Breidenthal, Commissioner

APPROVED AS TO FORM:

County Counsel

**Resolution Approving a Jackson County Board Order to
Initiate Formation of a Jackson County Library Special District
and Consenting to the Inclusion of Central Point City Territory
Within the Boundaries of the District**

RECITALS:

- A. The Jackson County, Oregon, Board of Commissioners intends to form a county library special district under the authority of Oregon Revised Statutes (ORS) 357.216 to 357.286. The name of the proposed special district is the Jackson County Library District (hereinafter “District”). The proposed District would have the powers identified in ORS 357.261 and 357.410, including the authority to equip and maintain public libraries and to fund library services, programs and activities for all county residents.
- B. The governing body of the District shall be a board of five members to be elected by the electors of the District as required by ORS 357.226, and the board members shall be elected at large by position number as allowed by ORS 357.241(1)(b).
- C. The Jackson County Board of Commissioners may initiate the formation of the District by adopting an order under authority of ORS 198.835. The Board proposes to include all county territory within the boundaries of the proposed District.
- D. Jackson County voters will be asked to establish a permanent property tax rate limit of \$.60 per \$1,000 for the District’s operations as authorized by ORS 357.261(4) and 357.410(6).
- E. The territory of the City may only be included within the boundaries of the District if the City Council adopts a resolution approving the proposed County order initiating the formation of the Jackson County Library District. The proposed order is attached hereto.
- F. Current Jackson County library funding sources are not stable and formation of a library district will secure a permanent source of funding for library services, programs and activities to the citizens of Jackson County and the City.
- G. The City Council believes creation of a library district will benefit all City residents for the following reasons:
 - The existence and financial condition of a community library system reflect the social vitality and economic viability of the community, and a stable, vibrant library system encourages outside investment in the local economy;

- Libraries help prepare our community's youth for effective learning and for lifelong success and achievement; and
- Libraries provide critical services to senior citizens in our community by making continuing education available, offering opportunities to learn and use new technology and helping seniors socialize and stay connected to the community.

The City Central Point resolves as follows:

The City Council of Central Point, Oregon, hereby consents to the inclusion of all the territory of the City within the boundaries of the proposed Jackson County Library District, and approves the Jackson County Board of Commissioners' proposed order initiating the formation of that district in substantially the form attached hereto.

Passed by the Council and signed by me in authentication of its passage this _____ day of October, 2013.

Mayor Hank Williams

ATTEST:

City Recorder

Resolution

Adopting Stormwater Master Plan*

***Contact City Recorder to review
Master Plan
Document**



Staff Report

October 15, 2013

Agenda item

Consider adoption of the Central Point Stormwater Master Plan Final Report prepared by Brown & Caldwell on September 13, 2013.

Background

The Stormwater Master Plan was developed to address multiple objectives and as a result of collaboration between City staff and technical staff at Brown & Caldwell. Master planning for stormwater infrastructure needs addresses limitations in existing storm system capacity and addresses anticipated future needs for stormwater quantity control. In addition, the City's plan addresses stormwater quality control to ensure ongoing compliance with the National Pollution Discharge Elimination System Phase II requirements and the Bear Creek Watershed TMDL for bacteria and temperature.

A technical evaluation was conducted of the Central Point drainage system that identified 30 potential Capital Improvement Projects (CIPs). These projects were assigned priority ranking by City staff based on each project's ability to address the following factors:

- Legal compliance
- Safety consideration
- Flood impact reduction
- Water quality benefit provision

This plan addresses existing system deficiencies and is a valuable infrastructure planning tool for future development expansion within the urban growth boundary for the next 20-year period.

Issues

The total cost of the 20-year CIP list for flood control projects is \$16,173,000. The primary funding source for flood control CIP implementation is the Stormwater Utility fee. The total water quality CIP cost is \$1,938,300. Primary funding for water quality CIPs is the Stormwater Quality Utility fee. It is important to note that as the Griffin Creek Flood Mitigation project accounts for \$10.5M of the flood control CIP. Funding for this project will require multiple sources including grant funds, City utility fees and possibly other sources. A survey of public support for the Griffin Flood Mitigation project and analysis of funding options is ongoing.

Recommendation

Approve the resolution to adopt the Central Point Stormwater Master Plan Final Report dated September 13, 2013.

Executive Summary

In 2012, the City of Central Point (City) initiated development of a multi-objective Stormwater Master Plan (Master Plan) to address stormwater quantity, stormwater quality, regulatory objectives, and stormwater management provisions in the 2013 National Flood Insurance Program (NFIP) Community Rating System (CRS) Manual. The main objectives of this plan are as follows:

- Develop an integrated stormwater capital improvement program to address storm system capacity needs and water quality.
- Develop an Master Plan document that is useful, easy to read, reference, and update
- Incorporate the use of low impact development approaches in the capital improvement program where applicable.
- Prepare for upcoming stormwater regulatory updates.
- Obtain the maximum amount of CRS points as practicable.

Stormwater Quantity and Quality

Development of the Master Plan involved evaluation of the stormwater drainage system capacity and opportunities to implement stormwater water quality facilities within the study area. The stormwater drainage system capacity within the Urban Growth Boundary for City-owned infrastructure was evaluated using a 10-year design storm in a hydrologic/hydraulic model.

Model results for the future development condition indicate widespread flooding throughout systems 02003 and 02006, which are located between Mingus Creek and Griffin Creek. Isolated flooding is also predicted in several other locations. A total of six areas with pipe capacity issues were identified for Capital Improvement Project (CIP) development. Three additional projects to address maintenance issues and creek flooding were also identified.

In conjunction with the hydraulic evaluation of the City's stormwater system, opportunities for water quality improvements were identified. Opportunity areas were identified with City staff by reviewing system information including locations of existing water quality facilities, vacant lands, publically-owned lands, existing and future condition land uses, storm system layout, topography, and locations of highly infiltrating soils.

To integrate development of the flood control and water quality CIPs, the flood control and water quality opportunity areas were reviewed together to determine whether a water quality facility (to address a specific water quality opportunity area) could be sized, designed, and/or located in such a way that it would also address an identified system capacity deficiency.

Analysis of the Central Point stormwater drainage system resulted in the identification of 30 potential CIPs. Figure ES-1 identifies the general vicinity of each CIP location.

Priority ranking was completed for flood control and water quality CIPs separately. Flood control projects will be funded from the stormwater fee and water quality projects will be funded from the water quality fee. Table ES-1 summarizes the identified flood control CIPs, estimated CIP cost and priority ranking.

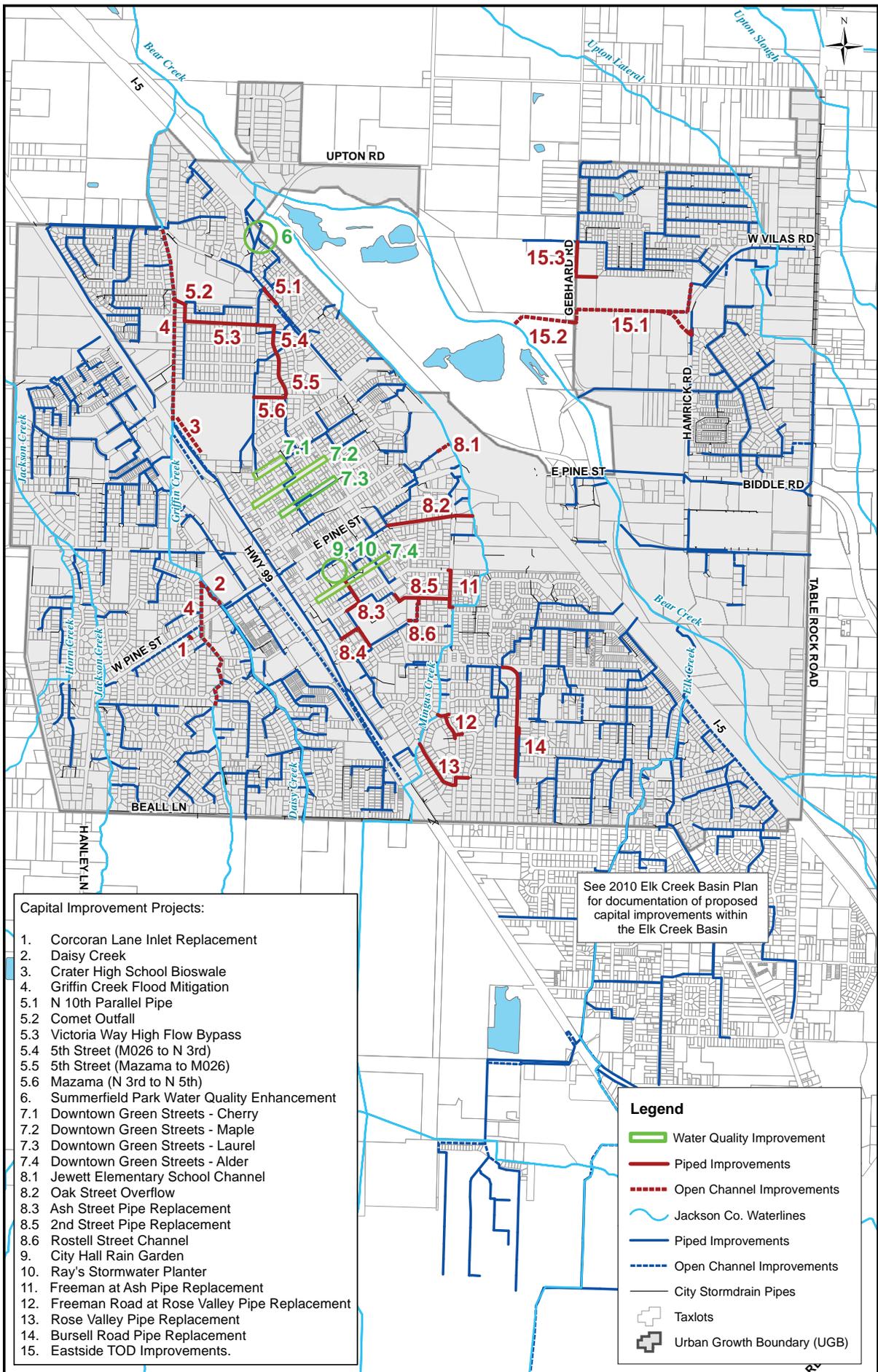
Table ES-1. Flood Control CIP Prioritization and Ranking					
Rank	CIP number	Project name	Cost, \$	Estimated timeline	Funding source
1	15.1	Hamrick Road to Green Valley Way	\$555,000	2013-15	SD ^a
2	12	Freeman Road at Rose Valley	\$201,000	2013-16	SD
3	13	Rose Valley Drive	\$288,000	2013-16	SD
4	11	Freeman Road at Ash	\$111,000	2014-16	SD
5	5.2	Comet Outfall	\$203,000	2016-26	SD
6	5.3	Victoria Way High Flow Bypass	\$507,000	2016-26	SD
7	5.1	N. 10th Street Parallel Pipe	\$60,000	2016-26	SD
8	5.4	5th Street - M026 to N. 3rd	\$361,000	2016-26	SD
9	5.5	5th Street - Mazama to M026	\$394,000	2016-26	SD
10	5.6	Mazama - 3rd to 5th	\$125,000	2016-26	SD
11	8.2	Oak Street Overflow	\$618,000	2026-30	SD
12	8.5	Cedar Street Bypass	\$132,000	2026-30	SD
13	8.6	Rostell Street Channel	\$37,000	2026-30	SD
14	2	Daisy Creek	\$386,000	2020-30	SD
15	4	Griffin Flood Mitigation Project	\$10,500,000	2013-35	SD, SWQ ^b , other
16	1	Corcoran Lane Inlet Replacement	\$48,000	2014-24	SD
17	8.3	Ash Street Pipe Replacement	\$136,000	2026-30	SD
18	8.4	2nd Street Pipe Replacement	\$95,000	2026-30	SD
19	15.3	Gebhard to Green Valley Way	\$167,000	2020-34	SD
20	15.2	Gebhard Road to New Jackson County Outfall	\$422,000	2020-34	SD
21	15.4	Beebe Road Parallel Pipe	\$282,000	2020-34	SD

^aSD = Stormdrain

^bSWQ = Stormwater Quality

Table ES-2 summarizes the identified water quality CIPs, estimated CIP cost and priority ranking.

Table ES-2. Water Quality CIP Prioritization and Ranking					
Rank	CIP number	Project name	Cost, \$	Estimated timeline	Funding source
WQ1	8.1	Jewett Elementary School Channel	\$45,000	2014-15	SWQ
WQ2	10	Ray's Food Place Planter	\$13,700	2015-16	SWQ
WQ3	7.3	Green Street: Laurel Street from N. 2nd to N. 6th Street	\$452,000	2016-20	SWQ
WQ4	9	City Hall Rain Garden Demonstration	\$46,300	2020-21	SWQ
WQ5	7.4	Green Street: Alder from S. 1st to N. 6th Street	\$535,000	2021-27	SWQ
WQ6	7.2	Green Street: Maple Street from N. 1st to N. 6th Street	\$535,000	2027-32	SWQ
WQ7	7.1	Green Street: Cherry St from N. 2nd to N. 4th Street	\$238,000	2032-34	SWQ
WQ8	6	Summerfield Park Water Quality Enhancement	\$29,200	2033-34	SWQ
WQ9	3	Crater High School Bioswale	\$44,100	2033-34	SWQ



- Capital Improvement Projects:
1. Corcoran Lane Inlet Replacement
 2. Daisy Creek
 3. Crater High School Bioswale
 4. Griffin Creek Flood Mitigation
 - 5.1 N 10th Parallel Pipe
 - 5.2 Comet Outfall
 - 5.3 Victoria Way High Flow Bypass
 - 5.4 5th Street (M026 to N 3rd)
 - 5.5 5th Street (Mazama to M026)
 - 5.6 Mazama (N 3rd to N 5th)
 6. Summerfield Park Water Quality Enhancement
 - 7.1 Downtown Green Streets - Cherry
 - 7.2 Downtown Green Streets - Maple
 - 7.3 Downtown Green Streets - Laurel
 - 7.4 Downtown Green Streets - Alder
 - 8.1 Jewett Elementary School Channel
 - 8.2 Oak Street Overflow
 - 8.3 Ash Street Pipe Replacement
 - 8.5 2nd Street Pipe Replacement
 - 8.6 Rostell Street Channel
 9. City Hall Rain Garden
 10. Ray's Stormwater Planter
 11. Freeman at Ash Pipe Replacement
 12. Freeman Road at Rose Valley Pipe Replacement
 13. Rose Valley Pipe Replacement
 14. Bursell Road Pipe Replacement
 15. Eastside TOD Improvements.

See 2010 Elk Creek Basin Plan for documentation of proposed capital improvements within the Elk Creek Basin

Legend

- Water Quality Improvement
- Piped Improvements
- - - Open Channel Improvements
- ~ Jackson Co. Waterlines
- Piped Improvements
- - - Open Channel Improvements
- City Stormdrain Pipes
- Taxlots
- Urban Growth Boundary (UGB)

Stormwater Program

The City's stormwater program was also evaluated for development of this Master Plan. The City operates under a National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Separate Storm Sewer System (MS4) permit and is also subject to the Bear Creek Watershed Total Maximum Daily Load (TMDL) order from the Oregon Department of Environmental Quality to meet pollutant load allocations for temperature, bacteria, and sedimentation. The City's current stormwater program addresses all elements from the current NPDES MS4 Phase II permit to the regulatory requirements of the TMDL program.

The City currently uses the *Stormwater Quality Design Manual* (Rogue Valley Sewer Services revised August 2012) (*RVS Manual*) along with City Standards and Specifications to guide the design of stormwater management for new development and redevelopment. It is recommended that the City continue to use the *RVS Manual* until a manual specific to the City is developed or an addendum is made to the *RVS Manual*. If the City develops its own manual, a list of recommended changes is provided in Section 6.

National Flood Insurance Program

The City participates in the NFIP CRS. This program is now based on the 2013 CRS *Floodplain Coordinator's Manual*. The manual documents a point system for discounts on flood insurance ranging from 0 to 45 percent. It is estimated that the City can earn 94 to 98 points out of a total of 755 possible points for stormwater management. The evaluation of the anticipated points available to the City based on recommendations in this Master Plan is included in Appendix A.

Resolution No. _____

**A RESOLUTION ADOPTING THE CENTRAL POINT STORMWATER MASTER PLAN
FINAL REPORT PUBLISHED ON SEPTEMBER 10, 2013**

RECITALS:

- A. Central Point is currently one of the fastest growing cities in Southern Oregon. As projected growth continues to fill in the Urban Growth Boundary and the City plans for future expansion into the urban reserve areas to the north and west, stormwater master planning is needed to anticipate infrastructure needs in a manner that provides the expected levels of service and maintains the community compliance with state and federal regulatory requirements.
- B. The City entered into a contract with Brown & Caldwell on September 14, 2012 to develop a multi-objective stormwater master plan that includes a 20-year planning horizon for capital improvements that address stormwater system capacity limitations, as well as stormwater quantity and quality control.
- C. The Stormwater Master Plan Final Report identifies 21 flood control Capital Improvement Projects (CIPs) and 9 water quality CIPs that reduce localized flooding for current and future development conditions, exceeds stormwater quality requirements currently established through the National Pollution Discharge Elimination System Phase II program and advances the Total Maximum Daily Load (TMDL) objectives to reduce temperature and bacteria loading in Bear Creek tributaries.

The City of Central Point resolves:

Section 1. The Central Point Stormwater Master Plan Final Report, prepared by Brown & Caldwell and published on September 10, 2013 is hereby adopted.

Passed by the Council and signed by me in authentication of its passage this ____ day of October, 2013.

Mayor Hank Williams

ATTEST:

City Recorder

Ordinance

Second Reading Amending CPMC 12.36 regarding Trees



October 2, 2013

STAFF REPORT

AGENDA ITEM: Proposed Amendments to Chapter 12 of the Central Point Municipal Code

Applicant: City of Central Point

STAFF SOURCE:

Dave Jacob, Recreation Coordinator

BACKGROUND:

Under the tree regulations provided in Chapter 12.36 of the Central Point Municipal Code, the City aims to establish and maintain the maximum amount of tree cover on public and private lands in the city; provide tree-lined streets throughout the city; select, situate and maintain trees appropriately to minimize hazard, nuisance, damage, and maintenance cost; to enhance the appearance of the city; to promote a diverse, healthy, and sustainable community forest; and to educate the public regarding community forest issues.

The tree regulations apply to individual significant or historic trees; all trees planted in or upon any public area or right-of-way; all trees planted in or upon any private property which directly affect public infrastructure including but not limited to sewers, water mains, sidewalks, streets, public property, or clear vision distances at street intersections; and all trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review.

ISSUES:

The specific amendments to Chapter 12.36 are as follows:

12.36.040 Tree removal/replacement

A. Review Process: The code revision will provide for a more efficient application process for removal of trees located in the public right of way. Applications for street tree removal would be reviewed and approved by city staff with an appeal process through the planning commission.

G. Hazard trees: The existing code does not provide a process for removal of hazard trees located on private properties that pose a threat to individuals as well as public and private infrastructure. The code will provide for a thirty day noticing process and provide the city with authority to remove a tree if not taken care of in a timely manner by a property owner.

12.36.050 Review Criteria

D. Nuisance Trees: Broaden the criteria for tree removal by providing language that will allow removal of “nuisance trees”.

Additional changes have been made by the city arborist throughout the code section to clarify issues related to tree maintenance and protection.

ATTACHMENTS:

Amended Central Point Municipal Code Chapter 12.36 Trees

ACTION:

No changes were done between first and second reading.

RECOMMENDATION:

Approve the second reading amending Chapter 12.36

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS OF 12.36 TREES
OF THE CENTRAL POINT MUNICIPAL CODE

Recitals:

- A. The existing code does not have enough information on the street tree guide.
- B. The existing code does not have enough language on removing and replacement of existing street trees.
- C. The existing code does not address trees that are on private property that may be detrimental to public infrastructure or safety of private property.
- D. Words ~~lined through~~ are to be deleted and words in **bold** are added.

THE PEOPLE OF THE CITY OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

Section 1. Section 12.36 of the Central Point Municipal Code is amended to read:

Chapter 5.04

Trees

- 12.36.030 Definitions.**
- 12.36.040 Tree Removal/Replacement.**
- 13.36.080 Protection of trees.**
- 13.36.130 Street tree maintenance.**

12.36.030 Definitions.

“Approved tree list” means those trees identified in city of Central Point publication, ~~Tree Shapes and Sizes to Suit the Site~~ **City of Central Point Recommended Street Tree Guide which will be approved and amended by City Council Resolution.**

“Critical root zone” is generally a circular region measured outward from a tree trunk representing the essential area of roots that must be maintained or protected for the tree’s

Ordinance No. _____ (101013)

survival. Critical root zone is one foot of radial distance for every inch of tree diameter measured at four and one-half feet above ground level, with a minimum of eight feet. For significant trees, the formula changes to one and one-half feet for every inch of tree diameter at four and one-half feet above ground level, with a minimum of twelve feet.

“Crown” means the leaves and branches of a tree or shrub; the upper portion of the tree from the lowest branches on the trunk to the top. May also be referred to as “canopy”.

“Diameter-at-breast-height (DBH)” is tree trunk diameter measured in inches at a height of four and one-half feet above the ground. If a tree splits into multiple trunks below four and one-half feet, the trunk is measured at its most narrow point beneath the split.

“Drip line” means a vertical line extending from the outermost edge of the tree’s original canopy to the ground.

“Frontage tree” means a living, standing woody plant typically having a single trunk at least one and one-half inches in diameter at a point six inches above mean ground level at the base of the trunk, that is located on private property adjacent to the street right-of-way.

“Hazardous tree or shrub” means a tree or shrub part thereof growing on private or public property which endangers, obstructs or impairs the free and full use of a public area, including utilities within these areas or is afflicted with or weakened by a disease or injury or is considered dead.

“Historic tree” means selected trees placed on a city inventory based on the age, species, location, health and historic significance.

“Major pruning” means removal of over twenty percent of the tree’s canopy, any tree topping, or disturbance of over ten percent of the root system.

“Nuisance tree” A tree is considered a public nuisance which by reason of its condition interferes with the use of any public area; or which is infected with a plant disease; or which is infested with injurious insects or pests which therein threaten public or private property, or which endangers the public health, safety and welfare.

“Private tree” means a tree located on private property, other than a frontage tree, hazardous tree, historic tree or significant tree.

“Public tree” means a tree located within a public right-of-way or on public land, such as a city park.

Ordinance No. _____ (101013)

“Significant trees” means selected trees placed on a city inventory based on the age, species, health and location.

“Street tree” means a living, standing woody plant typically having a single trunk at least one and one-half inches in diameter at a point six inches above mean ground level at the base of the trunk that is located within the street right-of-way.

“Topping” means the severe cutting back of limbs to stubs three inches in diameter within the tree’s crown to such a degree so as to remove the natural canopy and disfigure the tree.

“Tree” means any woody plant, including shrubs and bushes, having a trunk five inches or more in diameter four and one-half feet above ground level at the base of the trunk. If a tree splits into multiple trunks below four and one-half feet, the trunk is measured at its most narrow point beneath the split.

“Tree board” means an appointed citizen committee formed for the purpose of hearing concerns and making decisions regarding trees. The Central Point planning commission currently serves in this capacity.

“Tree establishment” includes watering, **feeding**, initial pruning, **pesticide or herbicide management**, and replacement of trees, if necessary, for a period of three years from the date of planting. (Ord. 1821 §1(part), 2001).

12.36.040 Tree removal/replacement.

The provisions of this section shall apply to any historic tree, significant tree, street tree, frontage tree required as a condition of development, public tree or hazardous tree, unless otherwise specified.

A. The removal or major pruning of any tree other than a private tree shall require city approval, unless specifically designated as exempt by this chapter. Persons wishing to remove or prune such trees shall file an application for a permit with the Central Point city manager. The applicant shall include information describing the location, type, and size of the subject tree or trees, and the reasons for the desired action.

The City shall review the application for the permit within 30 calendar days and either approve, approve with conditions or modifications, deny the application or request additional information based on the criteria stated in Section 12.36.050. Any decision to

Ordinance No. _____ (101013)

deny the application shall be in writing along with the reasons for the denial and a description of the appeal process.

An applicant may appeal an adverse determination to the Central Point planning commission. A written notice of appeal shall be filed with the city manager within 15 calendar days following the date of distribution of a City's decision. The applicant shall have the burden of proving that the City made an incorrect decision. Based on the planning commission's findings and conclusions, the planning commission may affirm, reverse or modify the decision being appealed.

~~The request shall be forwarded to the Central Point planning commission for a decision within thirty days of submittal. The planning commission may approve, approve with conditions, or deny the request based on the criteria stated in Section [12.36.050](#). A decision of the planning commission may be appealed to the city council if notice of intent to appeal is filed with the city administrator within fifteen days of the commission's decision.~~

B. All trees other than private trees shall be removed or pruned following accepted pruning standards adopted by the city.

C. The applicant shall be responsible for all costs associated with the tree removal or pruning and shall ensure that all work is done in a manner which ensures safety to individuals and public and private property.

D. Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree from the city's approved tree list, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees, of similar value. The value of the existing tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plan Appraisal" published by the International Society of Arboriculture Council for Tree Landscape Appraisers.

E. The applicant is responsible for grinding stumps and surface roots at least six inches below grade. At least a two-inch-thick layer of topsoil shall be placed over the remaining stump and surface roots. The areas shall be crowned at least two inches above the surrounding grade to allow for settling and shall be graded smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations. The area shall be reseeded.

F. Other conditions may be attached to the permit approval by the Central Point planning commission as deemed necessary. (Ord. 1821 §1(part), 2001).

Ordinance No. _____ (101013)

G. The city shall have the right to cause the pruning or removal of any potentially hazardous or nuisance tree, or parts of a tree or shrub, on private property within the city, when such trees constitute a threat to human life, safety, or property. Except in an emergency when immediate action is necessary for safety, the Central Point city manager or his designee will notify in writing the owners of such trees. Said owners at their own expense shall do pruning or removal within thirty days after the date of notice. In the event of failure of owners to comply with such provisions, or in the above mentioned emergency situation, the city shall have the authority to remove or cause to be removed such trees and assess the cost of removal plus reasonable and actual administrative charges as a lien against the property.

H. In the event that it becomes necessary for the Central Point city manager or his designee to undertake the inspection, pruning or removal of a potentially hazardous or nuisance tree from any private property within the city, the city manager or his designee shall have the right at reasonable times to enter into or upon said property to inspect, prune or remove said potentially hazardous or dead tree.

12.36.080 Protection of trees.

A. It is unlawful for any person to remove, destroy, break, or injure any tree **or part of a tree** other than a private tree. Individuals convicted of removing or destroying a tree **or part of a tree** without city approval shall be subject to paying to the city an amount sufficient to fund the planting and establishment of a tree, or trees, of similar value. The value of the removed or destroyed tree shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers.

B. It is unlawful for any person to attach or keep attached to any tree other than a private tree, or to the guard or stake intended for the protection of such tree, any rope, wire, chain, sign, or other device, except as a support for such tree.

C. During the construction, repair, alteration or removal of any building or structure it is unlawful for any owner or contractor to leave any tree other than a private tree in the vicinity of such building or structure without a good and sufficient guard or protectors as shall prevent injury to such tree arising out of or by reason of such construction or removal.

D. Excavations shall not occur within **one and one half times** the drip line of any tree other than a private tree without approval of the city, applying criteria developed by the planning commission. Utility pole installations are exempted from these requirements. During such excavation or construction, the excavator or builder shall guard any such tree within **said area around** the drip line, or as may be required by the planning commission.

Ordinance No. _____ (101013)

E. All building or other debris shall be kept outside **one and one half times** of the drip line of any tree other than a private tree.

F. Every effort should be made to retain existing trees on public or private property as an integral part of **overall community forest canopy and** the development process. The planning commission shall make every effort to modify setback requirements to include existing trees. (Ord. 1821 §1(part), 2001).

12.36.130 Street tree maintenance.

Street trees shall be continually maintained, including necessary watering, **feeding**, weeding, pruning, **pesticide, herbicide application for pest and disease management with removal and replacement of any dead or dying tree** ~~and replacement~~, by the developer or property owner for three full growing seasons following planting, or as may be required by the city. (Ord. 1821 §1(part), 2001).

Passed by the Council and signed by me in authentication of its passage this _____ day of _____, 2013.

Mayor Hank Williams

ATTEST:

City Recorder

Ordinance No. _____ (101013)

Business

Rogue Disposal & Recycling Annual Rate Adjustment



September 23, 2013

Mr. Christopher Clayton
City Administrator
City of Central Point
155 South 2nd St.
Central Point, OR 97502

PO Box 3187
Central Point OR 97502
541 779 4161
Fax 541 779 4366

**RE: City of Central Point Solid Waste Collection Franchise Agreement Sec. 7.5
Our File No: RET II 13A**

Dear Mr. Clayton:

Paragraph 7.5 of the Solid Waste Collection Franchise Agreement between the City of Central Point (City) and Rogue Disposal & Recycling, Inc., (Rogue), provides for an annual adjustment of approved service rate schedule based on the change in the Consumer Price Index during the previous year. Please accept this letter as Rogue's implementation of the 7.5 provisions. Set forth below is Rogue's detailed calculation of the adjustment to each "Rate Category Rate" (RCR) in the improved service rate schedule, then in effect, calculated in accordance with the Annual Rate Adjustment Formula set forth under Section 7.5.

The Consumer Price Index (CPI) percentage change between August 2012 (230.4) and August 2013 (233.9) equals a percentage change of 1.5%. Please see enclosed table taken from the Bureau of Labor Statistics Data setting forth the Consumer Price Index-All Urban Consumers for years 2012 and 2013. Accordingly, under the Annual Rate Adjustment Formula, the service rate for a particular rate category is multiplied by 1.5% plus the current service rate which equals the "Adjusted Rate Category Rate" (ARCR). For example, residential garbage/curbside recycling-one-can current rate of \$16.50 renders the following adjustment:

$$\text{\$16.50} \times 1.5\% \text{ (CPI)} = \text{\$.25}$$

Thus, the rate as of January 1, 2014 adjusted for the CPI (1.5%) equals:

$$\text{\$16.50} + \text{\$.25} = \text{\$16.75 (ARCR)}$$

I have enclosed a copy of Exhibit "D" Schedule of Approved Maximum Monthly Collection Rates for City of Central Point, effective January 1, 2013, which sets forth the current RCR. The new rates reflecting the ARCR are attached hereto as Exhibit "C", amended as of January 1, 2014.

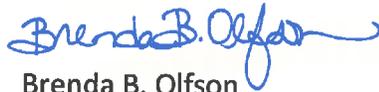
Under the franchise, the City has 30 days to review the increase for the cost of living calculations.

As required by the franchise, 30 days written notice (this includes electronic notice for our customers who have opted for "paperless" communication) will be provided to customers of all rate changes.

After review of this information, please inform me as to whether you agree that the calculations set forth herein are accurate. I can be reached on my direct line at 541.494.5409.

Thank you for your attention to this matter.

Very truly yours,



Brenda B. Olfson
I/S & Finance Operations Manager
Rogue Disposal & Recycling, Inc.

SMG/ERS
Encl

CONSUMER PRICE INDEXES PACIFIC CITIES AND U. S. CITY AVERAGE

August 2013

ALL ITEMS INDEXES

(1982-84=100 unless otherwise noted)

MONTHLY DATA	All Urban Consumers (CPI-U)										Urban Wage Earners and Clerical Workers (CPI-W)					
	Indexes						Percent Change				Indexes			Percent Change		
	Aug 2012	Jul 2013	Aug 2013	Jul 2013	Aug 2013	1 Month ending Aug 2013	Year ending Jul 2013	Year ending Aug 2013	1 Month ending Aug 2013	Year ending Jul 2013	Year ending Aug 2013	Year ending Aug 2013				
U. S. City Average.....	230.379	233.596	233.877	2.0	1.5	0.1	227.056	230.084	230.359	2.0	1.5	0.1				
(1967=100).....	690.113	699.751	700.593	-	-	-	676.329	685.350	686.169	-	-	-				
Los Angeles-Riverside-Orange Co.....	237.222	238.920	239.219	1.3	0.8	0.1	230.229	232.190	232.245	1.6	0.9	0.0				
(1967=100).....	700.858	705.876	706.758	-	-	-	680.396	686.193	686.354	-	-	-				
West	233.001	236.341	236.591	1.9	1.5	0.1	227.681	230.882	231.084	2.0	1.5	0.1				
(Dec. 1977 = 100)	376.633	382.033	382.436	-	-	-	366.326	371.476	371.801	-	-	-				
West-A*	237.607	240.996	241.088	2.0	1.5	0.0	230.849	234.130	234.142	2.1	1.4	0.0				
(Dec. 1977 = 100)	387.451	392.977	393.127	-	-	-	373.699	379.010	379.031	-	-	-				
West-B/C** (Dec. 1996=100).....	139.971	141.940	142.228	1.6	1.6	0.2	140.055	141.937	142.227	1.6	1.6	0.2				

BI-MONTHLY DATA	All Urban Consumers (CPI-U)										Urban Wage Earners and Clerical Workers (CPI-W)					
	Indexes						Percent Change				Indexes			Percent Change		
	Aug 2012	Jun 2013	Aug 2013	Jun 2013	Aug 2013	2 Months ending Aug 2013	Year ending Jun 2013	Year ending Aug 2013	2 Months ending Aug 2013	Year ending Jun 2013	Year ending Aug 2013	Year ending Aug 2013				
San Francisco-Oakland-San Jose.....	241.170	245.935	246.072	2.6	2.0	0.1	238.445	243.052	242.903	2.6	1.9	-0.1				
(1967=100).....	741.425	756.074	756.494	-	-	-	726.085	740.114	739.659	-	-	-				
Seattle-Tacoma-Bremerton.....	240.213	242.820	242.767	1.4	1.1	0.0	236.750	238.963	239.343	1.2	1.1	0.2				
(1967=100).....	732.261	740.211	740.048	-	-	-	702.199	708.763	709.892	-	-	-				

* A = 1,500,000 population and over

** B/C = less than 1,500,000 population

Dash (-) = Not Available.

Release date Sep. 17, 2013. The next monthly releases are scheduled for Oct. 16, 2013. The next bi-monthly releases are scheduled for Nov. 15, 2013.

Please note: As of October 1, 2009 all hotline numbers were discontinued with the exception of San Francisco's. Customers can continue to receive information by calling the BLS West Region Information Office: (415) 625-2270.

This card is available on the day of release by electronic distribution. Just go to www.bls.gov/bls/list.htm and sign up for the free on-line delivery service. For questions, please contact us at BLSinfoSF@BLS.GOV or (415) 625-2270.

EXHIBIT C
CITY OF CENTRAL POINT, OREGON
ROGUE DISPOSAL AND RECYCLING, INC.
MAXIMUM MONTHLY COLLECTION RATES
EFFECTIVE JANUARY 1, 2014

Residential Collection

Garbage/Curbside Recycling		
35 gallon cart @ curb (1 can service)	\$	16.75 Per month
65 gallon cart @ curb (2 can service)	\$	28.07 Per month
95 gallon cart @ curb (3 can service)	\$	39.40 Per month
Each Additional Can Serviced Weekly	\$	11.32 Per month
Extra 32 gallon Can or Bag On Route	\$	4.19 Each
Special Pick-up - Non-Garbage Customer	\$	14.20 Each
Recycling Cart - Non-Garbage Customer	\$	4.95 Per month
Green Waste Cart - Garbage Customer	\$	4.42 Per month
Green Waste Cart - Non-Garbage Customer	\$	5.67 Per month

Commercial (Front-Load)

Monthly Front-Load Rates by Container size and Frequency of Pickup

	1 1/2 YD	2 YD	3 YD	4 YD	6 YD	8 YD
1 x Week	\$ 112.12	\$ 146.16	\$ 173.14	\$ 224.17	\$ 322.10	\$ 419.93
2 x Week	\$ 181.63	\$ 235.51	\$ 326.35	\$ 415.70	\$ 581.77	\$ 746.30
3 x Week	\$ 262.49	\$ 334.86	\$ 466.81	\$ 588.83	\$ 888.19	\$ 1,187.60
4 x Week	\$ 343.35	\$ 421.39	\$ 597.34	\$ 797.42	\$ 1,167.69	\$ 1,539.49
5 x Week	\$ 410.05	\$ 507.91	\$ 747.74	\$ 988.93	\$ 1,450.08	\$ 1,911.19
6 x Week	\$ 465.37	\$ 608.71	\$ 888.19	\$ 1,179.09	\$ 1,730.99	\$ 2,282.98
Extra p/u	\$ 40.41	\$ 48.92	\$ 65.97	\$ 83.03	\$ 117.06	\$ 151.10

Industrial (Roll-off)

DROP BOX SERVICE RATES

SIZE	RATE PER LOAD		DAILY RENT	
	LOOSE	COMPACT	PERM	TEMP
10 Yard Box (rate per haul)	\$ 228.56	\$ 383.04	\$ 2.44	\$ 4.86
20 Yard Box (rate per haul)	\$ 343.58	\$ 650.24	\$ 3.05	\$ 6.08
27 Yard Box (rate per haul)	\$ 424.27		\$ 3.64	\$ 7.30
30 Yard Box (rate per haul)	\$ 458.32		\$ 3.64	\$ 7.30
33 Yard Box (rate per haul)	\$ 490.91		\$ 3.64	\$ 7.30
40 Yard Box (rate per haul)	\$ 594.64		\$ 3.64	\$ 7.30
50 Yard Box (rate per haul)	\$ 743.62		\$ 3.64	\$ 7.30

**EXHIBIT C
CITY OF CENTRAL POINT, OREGON
ROGUE DISPOSAL AND RECYCLING, INC.
MAXIMUM MONTHLY COLLECTION RATES
EFFECTIVE JANUARY 1, 2014**

Residential Collection Miscellaneous Charges

\$ 23.46	Exchange Roll Cart
\$ 1.94	32 Gal Can Extra GW Pick-Up
\$ 1.34	Extra GW Cart Rent Per Month
\$ 2.55	On Call Extra GW Cart Pick-up
\$ 6.31	Recycle Bin Not Returned
\$ 2.55	For Each Addtl Resident Roll Cart
\$ 21.64	Off Route Charge
\$ 52.27	35 Gal Lost Cart Replacement
\$ 60.79	65 Gal Lost Cart Replacement
\$ 76.59	95 Gal Lost Cart Replacement
\$ 5.46	Cart/Can not at Curb (per Month)
\$ 5.71	Long Driveway with Cart (per Month)
\$ 97.25	Misc. Labor (Truck and Driver) per Hour
\$ 42.55	Misc. Labor (Helper) per Hour
\$ 41.21	Small Quantity Pgm - 5 Pre-Paid Bags
\$ 56.90	Small Quantity Pgm - 10 Pre-Paid Bags
\$ 63.22	1st Appliance
\$ 31.60	Ea. Additional Appliance
\$ 12.15	Tire - Passenger
\$ 24.31	Tire - Truck
\$ 24.31	Misc. Loose Waste - Per Yard
\$ 7.66	Christmas Tree - Per 3 Ft Section

Commercial Collection Special Charges

\$ 24.31	Per month temporary container rental
\$ 24.31	Per month temporary cardboard only; waived if minimum p/u every other week
\$ 31.60	Trip charge/pull fee
\$ 48.62	Cleaning
\$ 48.62	Deposit
\$ 48.62	Pickup & Delivery
\$ 14.59	Pull Out from 30-90 ft (multiply by p/u per week)
\$ 10.94	Key Acct
\$ 6.08	Per month auto lock container
\$ 19.45	Lock replacement
\$ 98.46	6 yd. or under FL compactor cleaning fee

	<u>Deliver</u>	<u>Pickup</u>
\$106.49		
\$120.70	Fri	Mon am
\$134.89	1st day	4th day
\$ 82.27		
\$ 96.00	Fri	Mon am
\$109.73	1st day	4th day

Industrial Special Charges

\$ 32.48	Compactor - Per Yard Under 20 Yds
\$ 30.05	Compactor - Per Yard 20 Yds and Over
\$108.20	Compactor Cleaning
\$ 31.60	Trip Charge(move box @ location) / Turn Around Charge
\$102.12	Haul Fee - Asbestos Box (Requires special per yard disposal charge)
\$102.12	Wood Box Haul Fee
\$ 2.44	Per Mile, starting after border boundary
\$ 24.31	Car tire in drop box
\$ 36.47	Truck tire in drop box
\$ 63.22	Haul Fee to haul appliance from landfill to transfer station

EXHIBIT D
CITY OF CENTRAL POINT, OREGON
ROGUE DISPOSAL AND RECYCLING, INC.
MAXIMUM MONTHLY COLLECTION RATES
EFFECTIVE JANUARY 1, 2013

Residential Collection

Garbage/Curbside Recycling		
35 gallon cart @ curb (1 can service)	\$	16.50 Per month
65 gallon cart @ curb (2 can service)	\$	27.65 Per month
95 gallon cart @ curb (3 can service)	\$	38.81 Per month
Each Additional Can Serviced Weekly	\$	11.15 Per month
Extra 32 gallon Can or Bag On Route	\$	4.13 Each
Special Pick-up - Non-Garbage Customer	\$	13.99 Each
Recycling Cart - Non-Garbage Customer	\$	4.88 Per month
Green Waste Cart - Garbage Customer	\$	4.35 Per month
Green Waste Cart - Non-Garbage Customer	\$	5.59 Per month

Commercial (Front-Load)

Monthly Front-Load Rates by Container size and Frequency of Pickup

	1 1/2 YD	2 YD	3 YD	4 YD	6 YD	8 YD
1 x Week	\$ 110.44	\$ 143.97	\$ 170.55	\$ 220.82	\$ 317.28	\$ 413.65
2 x Week	\$ 178.91	\$ 231.99	\$ 321.47	\$ 409.48	\$ 573.07	\$ 735.14
3 x Week	\$ 258.56	\$ 329.85	\$ 459.83	\$ 580.02	\$ 874.91	\$ 1,169.84
4 x Week	\$ 338.21	\$ 415.09	\$ 588.41	\$ 785.49	\$ 1,150.23	\$ 1,516.46
5 x Week	\$ 403.92	\$ 500.31	\$ 736.56	\$ 974.14	\$ 1,428.39	\$ 1,882.61
6 x Week	\$ 458.41	\$ 599.61	\$ 874.91	\$ 1,161.45	\$ 1,705.10	\$ 2,248.83
Extra p/u	\$ 39.81	\$ 48.19	\$ 64.98	\$ 81.79	\$ 115.31	\$ 148.84

Industrial (Roll-off)

DROP BOX SERVICE RATES

SIZE	RATE PER LOAD		DAILY RENT	
	LOOSE	COMPACT	PERM	TEMP
10 Yard Box (rate per haul)	\$ 225.14	\$ 377.31	\$ 2.40	\$ 4.79
20 Yard Box (rate per haul)	\$ 338.44	\$ 640.51	\$ 3.00	\$ 5.99
27 Yard Box (rate per haul)	\$ 417.92		\$ 3.59	\$ 7.19
30 Yard Box (rate per haul)	\$ 451.47		\$ 3.59	\$ 7.19
33 Yard Box (rate per haul)	\$ 483.57		\$ 3.59	\$ 7.19
40 Yard Box (rate per haul)	\$ 585.75		\$ 3.59	\$ 7.19
50 Yard Box (rate per haul)	\$ 732.50		\$ 3.59	\$ 7.19

**EXHIBIT D
CITY OF CENTRAL POINT, OREGON
ROGUE DISPOSAL AND RECYCLING, INC.
MAXIMUM MONTHLY COLLECTION RATES
EFFECTIVE JANUARY 1, 2013**

Residential Collection Miscellaneous Charges

\$ 23.11	Exchange Roll Cart
\$ 1.91	32 Gal Can Extra GW Pick-Up
\$ 1.32	Extra GW Cart Rent Per Month
\$ 2.51	On Call Extra GW Cart Pick-up
\$ 6.22	Recycle Bin Not Returned
\$ 2.51	For Each Addtl Resident Roll Cart
\$ 21.32	Off Route Charge
\$ 51.49	35 Gal Lost Cart Replacement
\$ 59.88	65 Gal Lost Cart Replacement
\$ 75.44	95 Gal Lost Cart Replacement
\$ 5.38	Cart/Can not at Curb (per Month)
\$ 5.62	Long Driveway with Cart (per Month)
\$ 95.80	Misc. Labor (Truck and Driver) per Hour
\$ 41.91	Misc. Labor (Helper) per Hour
\$ 40.59	Small Quantity Pgm - 5 Pre-Paid Bags
\$ 56.05	Small Quantity Pgm - 10 Pre-Paid Bags
\$ 62.27	1st Appliance
\$ 31.13	Ea. Additional Appliance
\$ 11.97	Tire - Passenger
\$ 23.95	Tire - Truck
\$ 23.95	Misc. Loose Waste - Per Yard
\$ 7.55	Christmas Tree - Per 3 Ft Section

Commercial Collection Special Charges

\$ 23.95	Per month temporary container rental
\$ 23.95	Per month temporary cardboard only; waived if minimum p/u every other week
\$ 31.13	Trip charge/pull fee
\$ 47.89	Cleaning
\$ 47.89	Deposit
\$ 47.89	Pickup & Delivery
\$ 14.37	Pull Out from 30-90 ft (multiply by p/u per week)
\$ 10.78	Key Acct
\$ 5.99	Per month auto lock container
\$ 19.16	Lock replacement
\$ 96.99	6 yd. or under FL compactor cleaning fee

	<u>Deliver</u>	<u>Pickup</u>
\$104.90		
\$118.89	Fri	Mon am
\$132.87	1st day	4th day
\$ 81.04		
\$ 94.56	Fri	Mon am
\$108.09	1st day	4th day

Industrial Special Charges

\$ 31.99	Compactor - Per Yard Under 20 Yds
\$ 29.60	Compactor - Per Yard 20 Yds and Over
\$106.58	Compactor Cleaning
\$ 31.13	Trip Charge(move box @ location) / Turn Around Charge
\$100.59	Haul Fee - Asbestos Box (Requires special per yard disposal charge)
\$100.59	Wood Box Haul Fee
\$ 2.40	Per Mile, starting after border boundary
\$ 23.95	Car tire in drop box
\$ 35.92	Truck tire in drop box
\$ 62.27	Haul Fee to haul appliance from landfill to transfer station

7.5 Annual Adjustment of Approved Service Rate Schedule

On each Anniversary Date (other than an Anniversary Date that is immediately preceded by a Fifth Anniversary Rate Review), commencing with the Anniversary Date that falls on January 1, 1998, there shall be an annual adjustment of the Approved Service Rate Schedule pursuant to and in accordance with this Section 7.5. If the City and the Contractor agree, the annual adjustment pursuant to this Section 7.5 may be waived for any year.

Unless such annual adjustment for a given year is waived by the Contractor and the City, the Contractor shall be required to deliver to the City, not less than 90 days prior to such Anniversary Date, a detailed calculation of the adjustment to each Rate Category Rate in the Approved Service Rate Schedule then in effect calculated in accordance with the Annual Rate Adjustment Formula set forth in this Section 7.5, together with all supporting information. The City Administrator shall review such information and not less than 60 days prior to the related Anniversary Date, the City shall inform the Contractor as to whether or not it agrees with the Contractor's calculation of such adjustment. The City shall specify to the Contractor in writing the particulars of any disagreement with the Contractor's calculation of such adjustment, and the City and Contractor shall meet in order to resolve any such differences. Effective as of each Anniversary Date for which an annual adjustment is made pursuant to this Section 7.5, each Rate Category Rate in the Approved Service Rate Schedule shall be adjusted in accordance with the Annual Rate Adjustment Formula set forth in this Section 7.5.

For purposes of this Section 7.5, the Annual Rate Adjustment Formula for each Rate Category Rate shall be as follows:

$$\text{ARCR} = (\text{RCR multiplied by CPIC}) \text{ plus RCR}$$

RCR = the service rate for a particular Rate Category as set forth in the Approved Service Rate Schedule in effect immediately prior to the Anniversary Date .

CPIC = the percentage change (increase or decrease) between the Consumer Price Index published in August of the current year and and the Consumer Price Index published in August of the immediately preceding year; *provided that* if the Approved Service Rate Schedule has been adjusted pursuant to a Requested Rate Review or a Special Rate Review since the last annual adjustment of the Approved Service Rate Schedule pursuant to this Section 7.5, then "CPIC" shall mean the percentage change (increase or decrease) between the Consumer Price Index published in August of the current year and and the Consumer Price Index published immediately prior to the date upon which the Approved Service Rate Schedule was been adjusted pursuant to such Requested Rate Review or Special Rate Review.

ARCR = the RCR as adjusted pursuant to the Annual Rate Adjustment Formula.

Business

HB 3460 and discussion regarding CPMC Changes



Administration Department

Chris Clayton, City Manager
Deanna Casey, City Recorder

Barb Robson, Human Resources Director

INTEROFFICE MEMO

TO: Central Point City Council Members
FROM: Chris Clayton, City Manager
SUBJECT: House Bill 3460 and associated Central Point Municipal Code Amendments
DATE: October 24th, 2013

According to estimates by the Oregon Department of Justice and other interested parties, there may be between 150 and 200 medical marijuana dispensaries operating in Oregon today. These dispensaries are generally purported to operate as “pharmacies” for people who have obtained medical marijuana cards, but no regulatory framework exists to govern these establishments, and no state agency has been charged with ensuring that only medical marijuana card holders are being served.

In an effort to bring some order to the distribution of marijuana through these dispensaries, the Legislature passed HB 3460, which requires the Oregon Health Authority (OHA) to license and regulate medical marijuana dispensaries. The OHA is further required to develop a registry of dispensaries and make the registry available to police. The bill also:

- Prohibits dispensaries within 1,000 feet of a school;
- Prohibits dispensaries within 1,000 feet of another dispensary;
- Requires dispensaries to have robust security systems in place;
- Allows only persons with medical marijuana cards or their registered caregivers to enter a dispensary; and
- Gives OHA authority to draft additional administrative rules to implement the bill.

It’s important to note that HB 3460 does not preempt a city’s ability to regulate medical marijuana dispensaries beyond what is contained in the bill. For example, a city is not preempted from prohibiting a dispensary within 1,000 feet of a park or correctional institution. HB 3460 also does not affect the cities that have effectively prohibited dispensaries by adopting a business license ordinance that denies a license to any business in violation of local, state or federal law. The League cannot guarantee that additional regulation of dispensaries—or effectively prohibiting them—will not be challenged in court. But case law supports a city’s home rule authority to regulate in areas where the Legislature has not otherwise clearly pre-empted local regulations.

The League of Oregon Cities analyzed HB 3460 and found that cities maintained authority to regulate dispensaries in order to reflect local needs and values. The League will continue to participate in the administrative rule making process to ensure local control is maintained.

In March of 2014 Oregon House Bill 3460 will permit medical marijuana dispensaries to legally operate in the State of Oregon. Currently, an appointed rules making committee is working with the Oregon Health Authority to finalize certain provisions and administrative functions of House Bill 3460. In preparation for March of 2014, some Oregon Cities have begun making amendments clarifying their municipal codes to only permit business activity that is lawful under local, state, and federal requirements. These municipal code amendments will likely prompt legal challenges from supporters of house Bill 3460. Based on recent political and legal activity, I am recommending a council discussion item on the prudent course of action related to this issue.

House Bill 3460

Sponsored by Representative BUCKLEY, Senator PROZANSKI; Representative FREDERICK, Senator DINGFELDER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Oregon Health Authority to establish registration system for medical marijuana facilities for transferring usable marijuana from registry identification cardholders, designated primary caregivers of registry identification cardholders or marijuana grow sites to medical marijuana facilities and from medical marijuana facilities to registry identification cardholders or designated primary caregivers of registry identification cardholders.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to medical marijuana; creating new provisions; amending ORS 475.302, 475.304, 475.309,
3 475.320, 475.323 and 475.331; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS 475.300 to**
6 **475.346.**

7 **SECTION 2. (1) The Oregon Health Authority shall establish by rule a medical marijuana**
8 **facility registration system to authorize the transfer of usable marijuana, subject to sub-**
9 **section (6) of this section, from:**

10 (a) **A registry identification cardholder, the designated primary caregiver of a registry**
11 **identification cardholder, or a person responsible for a marijuana grow site to the medical**
12 **marijuana facility; or**

13 (b) **A medical marijuana facility to a registry identification cardholder or the designated**
14 **primary caregiver of a registry identification cardholder.**

15 (2) **The registration system established under subsection (1) of this section must require**
16 **a medical marijuana facility to submit an application to the authority that includes:**

17 (a) **The name of the person responsible for the medical marijuana facility;**

18 (b) **The address of the medical marijuana facility;**

19 (c) **Documentation, as required by the authority by rule, that demonstrates the medical**
20 **marijuana facility meets the qualifications for a medical marijuana facility as described in**
21 **subsection (3) of this section; and**

22 (d) **Any other information that the authority considers necessary.**

23 (3) **To qualify for registration under this section, a medical marijuana facility:**

24 (A) **Must be located in an area that is zoned for commercial or industrial use or as ag-**
25 **ricultural land;**

26 (B) **Must be a facility that is open to registry identification cardholders and designated**
27 **primary caregivers as a business;**

28 (C) **Must not be located within 1,000 feet of the real property comprising a public or pri-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 vate elementary, secondary or career school attended primarily by minors;

2 (D) Must not be located within 1,000 feet of another medical marijuana facility; and

3 (E) Must comport with rules adopted by the authority related to:

4 (i) Installing a minimum security system, including a video surveillance system, alarm
5 system and safe; and

6 (ii) Testing for pesticides, mold and mildew.

7 (4)(a) The authority shall conduct a criminal records check under ORS 181.534 of a person
8 whose name is submitted as the person responsible for a medical marijuana facility under
9 subsection (2) of this section.

10 (b) A person convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for
11 the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not
12 be the person responsible for a medical marijuana facility for five years from the date the
13 person completes the sentence for the crime for which the person has been convicted under
14 this paragraph.

15 (c) A person convicted more than once of a Class A or Class B felony under ORS 475.752
16 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule
17 II may not be the person responsible for a medical marijuana facility.

18 (5) If a person submits the application required under subsection (2) of this section, the
19 medical marijuana facility identified in the application meets the criteria described in sub-
20 section (3) of this section and the person responsible for the medical marijuana facility
21 passes the criminal records check required under subsection (4) of this section, the authority
22 shall register the medical marijuana facility and issue the person responsible for the medical
23 marijuana facility proof of registration. The person responsible for the medical marijuana
24 facility shall display the proof of registration on the premises of the medical marijuana fa-
25 cility at all times when usable marijuana is being transferred as described in subsection (1)
26 of this section.

27 (6) Registration under this section is invalid if a medical marijuana facility does not:

28 (a) Obtain authorization from a registry identification cardholder to:

29 (A) Receive from a marijuana grow site usable marijuana that belongs to the registry
30 identification cardholder if medical marijuana is to be transferred to the medical marijuana
31 facility from a marijuana grow site; and

32 (B) Transfer to a registry identification cardholder or the designated primary caregiver
33 of the registry identification cardholder usable marijuana; or

34 (b) Keep and maintain a list of:

35 (A) All persons responsible for a marijuana grow site from whom the medical marijuana
36 facility has received usable marijuana; and

37 (B) All registry identification cardholders and designated primary caregivers to whom the
38 medical marijuana facility transfers usable marijuana under this section and the amount of
39 usable marijuana transferred in each instance.

40 (7) A medical marijuana facility registered under this section may possess marijuana in
41 excess of the limits imposed on registry identification cardholders and designated primary
42 caregivers under ORS 475.320.

43 (8) The authority may inspect:

44 (a) The premises of an applicant for a medical marijuana facility or a registered medical
45 marijuana facility to ensure compliance with subsection (3) of this section; and

1 **(b) The records of a registered medical marijuana facility to ensure compliance with**
 2 **subsection (6)(b) of this section.**

3 **(9)(a) A registry identification cardholder or the designated primary caregiver of a reg-**
 4 **istry identification cardholder may reimburse a medical marijuana facility registered under**
 5 **this section for the normal and customary costs of doing business, including costs related**
 6 **to transferring, handling, securing, insuring, testing, packaging and processing usable**
 7 **marijuana and the cost of supplies, utilities and rent or mortgage.**

8 **(b) A medical marijuana facility may reimburse a person responsible for a marijuana**
 9 **grow site under this section for the normal and customary costs of doing business, including**
 10 **costs related to transferring, handling, securing, insuring, testing, packaging and processing**
 11 **usable marijuana and the cost of supplies, utilities and rent or mortgage.**

12 **(10) The authority may adopt rules imposing a fee in an amount established by the au-**
 13 **thority for registering a medical marijuana facility under this section.**

14 **SECTION 3.** ORS 475.302 is amended to read:

15 475.302. As used in ORS 475.300 to 475.346:

16 (1) “Attending physician” means a physician licensed under ORS chapter 677 who has primary
 17 responsibility for the care and treatment of a person diagnosed with a debilitating medical condition.

18 (2) “Authority” means the Oregon Health Authority.

19 (3) “Debilitating medical condition” means:

20 (a) Cancer, glaucoma, agitation due to Alzheimer’s disease, positive status for human
 21 immunodeficiency virus or acquired immune deficiency syndrome, or treatment for these conditions;

22 (b) A medical condition or treatment for a medical condition that produces, for a specific pa-
 23 tient, one or more of the following:

24 (A) Cachexia;

25 (B) Severe pain;

26 (C) Severe nausea;

27 (D) Seizures, including but not limited to seizures caused by epilepsy; or

28 (E) Persistent muscle spasms, including but not limited to spasms caused by multiple sclerosis;

29 or

30 (c) Any other medical condition or treatment for a medical condition adopted by the authority
 31 by rule or approved by the authority pursuant to a petition submitted pursuant to ORS 475.334.

32 (4)(a) “Delivery” has the meaning given that term in ORS 475.005.

33 **(b) “Delivery” does not include transfer of:**

34 **(A) Marijuana by a registry identification cardholder to another registry identification**
 35 **cardholder if no consideration is paid for the transfer[.];**

36 **(B) Usable marijuana from a registry identification cardholder, the designated primary**
 37 **caregiver of a registry identification cardholder or a marijuana grow site to a medical**
 38 **marijuana facility registered under section 2 of this 2013 Act; or**

39 **(C) Usable marijuana from a medical marijuana facility registered under section 2 of this**
 40 **2013 Act to a registry identification cardholder or the designated primary caregiver of a**
 41 **registry identification cardholder.**

42 (5) “Designated primary caregiver” means an individual 18 years of age or older who has sig-
 43 nificant responsibility for managing the well-being of a person who has been diagnosed with a de-
 44 bilitating medical condition and who is designated as such on that person’s application for a registry
 45 identification card or in other written notification to the authority. “Designated primary

1 caregiver” does not include the person’s attending physician.

2 (6) “Marijuana” has the meaning given that term in ORS 475.005.

3 (7) “Marijuana grow site” means a location where marijuana is produced for use by a registry
4 identification cardholder and that is registered under the provisions of ORS 475.304.

5 (8) “Medical use of marijuana” means the production, possession, delivery, or administration of
6 marijuana, or paraphernalia used to administer marijuana, as necessary for the exclusive benefit of
7 a person to mitigate the symptoms or effects of the person’s debilitating medical condition.

8 (9) “Production” has the meaning given that term in ORS 475.005.

9 (10) “Registry identification card” means a document issued by the authority that identifies a
10 person authorized to engage in the medical use of marijuana and the person’s designated primary
11 caregiver, if any.

12 (11) “Usable marijuana” means the dried leaves and flowers of the plant Cannabis family
13 Moraceae, and any mixture or preparation thereof, that are appropriate for medical use as allowed
14 in ORS 475.300 to 475.346. “Usable marijuana” does not include the seeds, stalks and roots of the
15 plant.

16 (12) “Written documentation” means a statement signed by the attending physician of a person
17 diagnosed with a debilitating medical condition or copies of the person’s relevant medical records.

18 **SECTION 4.** ORS 475.304 is amended to read:

19 475.304. (1) The Oregon Health Authority shall establish by rule a marijuana grow site regis-
20 tration system to authorize production of marijuana by a registry identification cardholder, a des-
21 ignated primary caregiver who grows marijuana for the cardholder or a person who is responsible
22 for a marijuana grow site. The marijuana grow site registration system adopted must require a
23 registry identification cardholder to submit an application to the authority that includes:

24 (a) The name of the person responsible for the marijuana grow site;

25 (b) The address of the marijuana grow site;

26 (c) The registry identification card number of the registry cardholder for whom the marijuana
27 is being produced; and

28 (d) Any other information the authority considers necessary.

29 (2) The authority shall issue a marijuana grow site registration card to a registry identification
30 cardholder who has met the requirements of subsection (1) of this section.

31 (3) A person who has been issued a marijuana grow site registration card under this section
32 must display the registration card at the marijuana grow site at all times when marijuana is being
33 produced.

34 (4) A marijuana grow site registration card must be obtained and posted for each registry
35 identification cardholder for whom marijuana is being produced at a marijuana grow site.

36 (5) All usable marijuana, plants, seedlings and seeds associated with the production of marijuana
37 for a registry identification cardholder by a person responsible for a marijuana grow site are the
38 property of the registry identification cardholder and must be provided to the registry identification
39 cardholder, **or, if the marijuana is usable marijuana, transferred to a medical marijuana fa-
40 cility registered under section 2 of this 2013 Act**, upon request.

41 (6)(a) The authority shall conduct a criminal records check under ORS 181.534 of any person
42 whose name is submitted as a person responsible for a marijuana grow site.

43 (b) A person convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the
44 manufacture or delivery of a controlled substance in Schedule I or Schedule II may not be issued
45 a marijuana grow site registration card or produce marijuana for a registry identification cardholder

1 for five years from the date of conviction.

2 (c) A person convicted more than once of a Class A or Class B felony under ORS 475.752 to
3 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may
4 not be issued a marijuana grow site registration card or produce marijuana for a registry identifi-
5 cation cardholder.

6 (7) A registry identification cardholder or the designated primary caregiver of the cardholder
7 may reimburse the person responsible for a marijuana grow site for the costs of supplies and utilities
8 associated with the production of marijuana for the registry identification cardholder. No other
9 costs associated with the production of marijuana for the registry identification cardholder, includ-
10 ing the cost of labor, may be reimbursed.

11 (8) The authority may adopt rules imposing a fee in an amount established by the authority for
12 registration of a marijuana grow site under this section.

13 **SECTION 5.** ORS 475.309 is amended to read:

14 475.309. (1) Except as provided in ORS 475.316, 475.320 and 475.342, a person engaged in or as-
15 sisting in the medical use of marijuana is excepted from the criminal laws of the state for possession,
16 delivery or production of marijuana, aiding and abetting another in the possession, delivery or pro-
17 duction of marijuana or any other criminal offense in which possession, delivery or production of
18 marijuana is an element if the following conditions have been satisfied:

19 (a)(A) The person holds a registry identification card issued pursuant to this section, has applied
20 for a registry identification card pursuant to subsection (9) of this section, is the designated primary
21 caregiver of the cardholder or applicant, or is the person responsible for a marijuana grow site that
22 is producing marijuana for the cardholder and is registered under ORS 475.304; and

23 [(b)] (B) The person who has a debilitating medical condition, the person's primary caregiver
24 and the person responsible for a marijuana grow site that is producing marijuana for the cardholder
25 and is registered under ORS 475.304 are collectively in possession of, delivering or producing
26 marijuana for medical use in amounts allowed under ORS 475.320[.]; **or**

27 **(b) The person is responsible for or employed by a medical marijuana facility registered**
28 **under section 2 of this 2013 Act and does not commit any of the acts described in this sub-**
29 **section anywhere other than at the medical marijuana facility.**

30 (2) The Oregon Health Authority shall establish and maintain a program for the issuance of
31 registry identification cards to persons who meet the requirements of this section. Except as pro-
32 vided in subsection (3) of this section, the authority shall issue a registry identification card to any
33 person who pays a fee in the amount established by the authority and provides the following:

34 (a) Valid, written documentation from the person's attending physician stating that the person
35 has been diagnosed with a debilitating medical condition and that the medical use of marijuana may
36 mitigate the symptoms or effects of the person's debilitating medical condition;

37 (b) The name, address and date of birth of the person;

38 (c) The name, address and telephone number of the person's attending physician;

39 (d) The name and address of the person's designated primary caregiver, if the person has des-
40 ignated a primary caregiver at the time of application; and

41 (e) A written statement that indicates whether the marijuana used by the cardholder will be
42 produced at a location where the cardholder or designated primary caregiver is present or at an-
43 other location.

44 (3) The authority shall issue a registry identification card to a person who is under 18 years of
45 age if the person submits the materials required under subsection (2) of this section, and the custo-

1 dial parent or legal guardian with responsibility for health care decisions for the person under 18
 2 years of age signs a written statement that:

3 (a) The attending physician of the person under 18 years of age has explained to that person
 4 and to the custodial parent or legal guardian with responsibility for health care decisions for the
 5 person under 18 years of age the possible risks and benefits of the medical use of marijuana;

6 (b) The custodial parent or legal guardian with responsibility for health care decisions for the
 7 person under 18 years of age consents to the use of marijuana by the person under 18 years of age
 8 for medical purposes;

9 (c) The custodial parent or legal guardian with responsibility for health care decisions for the
 10 person under 18 years of age agrees to serve as the designated primary caregiver for the person
 11 under 18 years of age; and

12 (d) The custodial parent or legal guardian with responsibility for health care decisions for the
 13 person under 18 years of age agrees to control the acquisition of marijuana and the dosage and
 14 frequency of use by the person under 18 years of age.

15 (4) A person applying for a registry identification card pursuant to this section may submit the
 16 information required in this section to a county health department for transmittal to the authority.
 17 A county health department that receives the information pursuant to this subsection shall transmit
 18 the information to the authority within five days of receipt of the information. Information received
 19 by a county health department pursuant to this subsection shall be confidential and not subject to
 20 disclosure, except as required to transmit the information to the authority.

21 (5)(a) The authority shall verify the information contained in an application submitted pursuant
 22 to this section and shall approve or deny an application within thirty days of receipt of the appli-
 23 cation.

24 (b) In addition to the authority granted to the authority under ORS 475.316 to deny an applica-
 25 tion, the authority may deny an application for the following reasons:

26 (A) The applicant did not provide the information required pursuant to this section to establish
 27 the applicant's debilitating medical condition and to document the applicant's consultation with an
 28 attending physician regarding the medical use of marijuana in connection with such condition, as
 29 provided in subsections (2) and (3) of this section;

30 (B) The authority determines that the information provided was falsified; or

31 (C) The applicant has been prohibited by a court order from obtaining a registry identification
 32 card.

33 (c) Denial of a registry identification card shall be considered a final authority action, subject
 34 to judicial review. Only the person whose application has been denied, or, in the case of a person
 35 under the age of 18 years of age whose application has been denied, the person's parent or legal
 36 guardian, shall have standing to contest the authority's action.

37 (d) Any person whose application has been denied may not reapply for six months from the date
 38 of the denial, unless so authorized by the authority or a court of competent jurisdiction.

39 (6)(a) If the authority has verified the information submitted pursuant to subsections (2) and (3)
 40 of this section and none of the reasons for denial listed in subsection (5)(b) of this section is appli-
 41 cable, the authority shall issue a serially numbered registry identification card within five days of
 42 verification of the information. The registry identification card shall state:

43 (A) The cardholder's name, address and date of birth;

44 (B) The date of issuance and expiration date of the registry identification card;

45 (C) The name and address of the person's designated primary caregiver, if any;

1 (D) Whether the marijuana used by the cardholder will be produced at a location where the
2 cardholder or designated primary caregiver is present or at another location; and

3 (E) Any other information that the authority may specify by rule.

4 (b) When the person to whom the authority has issued a registry identification card pursuant
5 to this section has specified a designated primary caregiver, the authority shall issue an identifica-
6 tion card to the designated primary caregiver. The primary caregiver's registry identification card
7 shall contain the information provided in paragraph (a) of this subsection.

8 (7)(a) A person who possesses a registry identification card shall:

9 (A) Notify the authority of any change in the person's name, address, attending physician or
10 designated primary caregiver.

11 (B) If applicable, notify the designated primary caregiver of the cardholder, [and] the person
12 responsible for the marijuana grow site that produces marijuana for the cardholder **and any person**
13 **responsible for a medical marijuana facility that transfers usable marijuana to the**
14 **cardholder under section 2 of this 2013 Act** of any change in status including, but not limited to:

15 (i) The assignment of another individual as the designated primary caregiver of the cardholder;

16 (ii) The assignment of another individual as the person responsible for a marijuana grow site
17 producing marijuana for the cardholder; or

18 (iii) The end of the eligibility of the cardholder to hold a valid registry identification card.

19 (C) Annually submit to the authority:

20 (i) Updated written documentation from the cardholder's attending physician of the person's
21 debilitating medical condition and that the medical use of marijuana may mitigate the symptoms or
22 effects of the person's debilitating medical condition; and

23 (ii) The name of the person's designated primary caregiver if a primary caregiver has been
24 designated for the upcoming year.

25 (b) If a person who possesses a registry identification card fails to comply with this subsection,
26 the card shall be deemed expired. If a registry identification card expires, the identification card of
27 any designated primary caregiver of the cardholder shall also expire.

28 (8)(a) A person who possesses a registry identification card pursuant to this section and who
29 has been diagnosed by the person's attending physician as no longer having a debilitating medical
30 condition or whose attending physician has determined that the medical use of marijuana is
31 contraindicated for the person's debilitating medical condition shall return the registry identification
32 card and any other associated Oregon Medical Marijuana Program cards to the authority within 30
33 calendar days of notification of the diagnosis or notification of the contraindication.

34 (b) If, due to circumstances beyond the control of the registry identification cardholder, a
35 cardholder is unable to obtain a second medical opinion about the cardholder's continuing eligibility
36 to use medical marijuana before the 30-day period specified in paragraph (a) of this subsection has
37 expired, the authority may grant the cardholder additional time to obtain a second opinion before
38 requiring the cardholder to return the registry identification card and any associated cards.

39 (9) A person who has applied for a registry identification card pursuant to this section but
40 whose application has not yet been approved or denied, and who is contacted by any law enforce-
41 ment officer in connection with the person's administration, possession, delivery or production of
42 marijuana for medical use may provide to the law enforcement officer a copy of the written doc-
43 umentation submitted to the authority pursuant to subsection (2) or (3) of this section and proof of
44 the date of mailing or other transmission of the documentation to the authority. This documentation
45 shall have the same legal effect as a registry identification card until such time as the person re-

1 ceives notification that the application has been approved or denied.

2 (10)(a) A registry identification cardholder has the primary responsibility of notifying the **des-**
 3 **ignated** primary caregiver [*and*], **the** person responsible for the marijuana grow site that produces
 4 marijuana for the cardholder **and any person responsible for a medical marijuana facility that**
 5 **transfers usable marijuana to the cardholder under section 2 of this 2013 Act** of any change
 6 in status of the cardholder.

7 (b) If the authority is notified by the cardholder that a primary caregiver or person responsible
 8 for a marijuana grow site has changed, the authority shall notify the primary caregiver or the per-
 9 son responsible for the marijuana grow site by mail at the address of record confirming the change
 10 in status and informing the caregiver or person **responsible for the marijuana grow site** that their
 11 card is no longer valid and must be returned to the authority.

12 (c) **If the authority is notified by the cardholder that a medical marijuana facility au-**
 13 **thorized to transfer usable marijuana to the cardholder has changed, the authority shall**
 14 **notify each person responsible for a medical marijuana facility authorized to transfer usable**
 15 **marijuana to the cardholder by mail at the address of record confirming the change in status**
 16 **and informing the person responsible for the medical marijuana facility that the person is**
 17 **no longer authorized to transfer usable marijuana to the cardholder.**

18 (11) The authority shall revoke the registry identification card of a cardholder if a court has
 19 issued an order that prohibits the cardholder from participating in the medical use of marijuana or
 20 otherwise participating in the Oregon Medical Marijuana Program under ORS 475.300 to 475.346.
 21 The cardholder shall return the registry identification card to the authority within seven calendar
 22 days of notification of the revocation. If the cardholder is a patient, the patient shall return the
 23 patient’s card and all other associated Oregon Medical Marijuana Program cards.

24 (12) The authority and employees and agents of the authority acting within the course and scope
 25 of their employment are immune from any civil liability that might be incurred or imposed for the
 26 performance of or failure to perform duties required by this section.

27 **SECTION 6.** ORS 475.320 is amended to read:

28 475.320. (1)(a) A registry identification cardholder or the designated primary caregiver of the
 29 cardholder may possess up to six mature marijuana plants and 24 ounces of usable marijuana.

30 (b) Notwithstanding paragraph (a) of this subsection, if a registry identification cardholder has
 31 been convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or
 32 delivery of a controlled substance in Schedule I or Schedule II, the registry identification cardholder
 33 or the designated primary caregiver of the cardholder may possess one ounce of usable marijuana
 34 at any given time for a period of five years from the date of the conviction.

35 (2) A person authorized under ORS 475.304 to produce marijuana at a marijuana grow site:

36 (a) May produce marijuana for and provide marijuana:

37 (A) To a registry identification cardholder or [*that person’s*] **a cardholder’s** designated primary
 38 caregiver as authorized under this section[.]; **or**

39 (B) **If the marijuana is usable marijuana and the registry identification cardholder re-**
 40 **quests that the person responsible for the grow site transfer the usable marijuana to a**
 41 **medical marijuana facility registered under section 2 of this 2013 Act, to the medical**
 42 **marijuana facility.**

43 (b) May possess up to six mature plants and up to 24 ounces of usable marijuana for each
 44 cardholder or caregiver for whom marijuana is being produced.

45 (c) May produce marijuana for no more than four registry identification cardholders or desig-

1 nated primary caregivers concurrently.

2 (d) Must obtain and display a marijuana grow site registration card issued under ORS 475.304
 3 for each registry identification cardholder or designated primary caregiver for whom marijuana is
 4 being produced.

5 (e) Must provide all marijuana produced for a registry identification cardholder or designated
 6 primary caregiver to the cardholder or caregiver at the time the person responsible for a marijuana
 7 grow site ceases producing marijuana for the cardholder or caregiver.

8 (f) Must return the marijuana grow site registration card to the registry identification
 9 cardholder to whom the card was issued when requested to do so by the cardholder or when the
 10 person responsible for a marijuana grow site ceases producing marijuana for the cardholder or
 11 caregiver.

12 (3) Except as provided in subsections (1) and (2) of this section, a registry identification
 13 cardholder, the designated primary caregiver of the cardholder and the person responsible for a
 14 marijuana grow site producing marijuana for the registry identification cardholder may possess a
 15 combined total of up to six mature plants and 24 ounces of usable marijuana for that registry iden-
 16 tification cardholder.

17 (4)(a) A registry identification cardholder and the designated primary caregiver of the
 18 cardholder may possess a combined total of up to 18 marijuana seedlings or starts as defined by rule
 19 of the Oregon Health Authority.

20 (b) A person responsible for a marijuana grow site may possess up to 18 marijuana seedlings or
 21 starts as defined by rule of the authority for each registry identification cardholder for whom the
 22 person responsible for the marijuana grow site is producing marijuana.

23 **SECTION 7.** ORS 475.323 is amended to read:

24 475.323. (1) Possession of a registry identification card [*or*], designated primary caregiver iden-
 25 tification card pursuant to ORS 475.309 **or proof of registration under section 2 of this 2013 Act**
 26 does not alone constitute probable cause to search the person or property of the cardholder or
 27 otherwise subject the person or property of the cardholder to inspection by any governmental
 28 agency.

29 (2) Any property interest possessed, owned or used in connection with the medical use of
 30 marijuana or acts incidental to the medical use of marijuana that has been seized by state or local
 31 law enforcement officers may not be harmed, neglected, injured or destroyed while in the possession
 32 of any law enforcement agency. A law enforcement agency has no responsibility to maintain live
 33 marijuana plants lawfully seized. No such property interest may be forfeited under any provision of
 34 law providing for the forfeiture of property other than as a sentence imposed after conviction of a
 35 criminal offense. Usable marijuana and paraphernalia used to administer marijuana that was seized
 36 by any law enforcement office shall be returned immediately upon a determination by the district
 37 attorney in whose county the property was seized, or the district attorney's designee, that the per-
 38 son from whom the marijuana or paraphernalia used to administer marijuana was seized is entitled
 39 to the protections contained in ORS 475.300 to 475.346. The determination may be evidenced, for
 40 example, by a decision not to prosecute, the dismissal of charges or acquittal.

41 **SECTION 8.** ORS 475.331 is amended to read:

42 475.331. (1)(a) The Oregon Health Authority shall create and maintain a list of the persons to
 43 whom the authority has issued registry identification cards, the names of any designated primary
 44 caregivers and the addresses of authorized marijuana grow sites **and medical marijuana facilities**
 45 **registered under section 2 of this 2013 Act.** Except as provided in subsection (2) of this section,

1 the list shall be confidential and not subject to public disclosure.

2 (b) The authority shall develop a system by which authorized employees of state and local law
3 enforcement agencies may verify at all times that a person is a lawful possessor of a registry iden-
4 tification card or the designated primary caregiver of a lawful possessor of a registry identification
5 card or that a location is an authorized marijuana grow site **or registered medical marijuana fa-
6 cility.**

7 (2) Names and other identifying information from the list established pursuant to subsection (1)
8 of this section may be released to:

9 (a) Authorized employees of the authority as necessary to perform official duties of the author-
10 ity; and

11 (b) Authorized employees of state or local law enforcement agencies, only as necessary to verify
12 that a person is a lawful possessor of a registry identification card or the designated primary
13 caregiver of a lawful possessor of a registry identification card or that a location is an authorized
14 marijuana grow site **or registered medical marijuana facility.** Prior to being provided identifying
15 information from the list, authorized employees of state or local law enforcement agencies shall
16 provide to the authority adequate identification, such as a badge number or similar authentication
17 of authority.

18 (3) Authorized employees of state or local law enforcement agencies that obtain identifying in-
19 formation from the list as authorized under this section may not release or use the information for
20 any purpose other than verification that a person is a lawful possessor of a registry identification
21 card or the designated primary caregiver of a lawful possessor of a registry identification card or
22 that a location is an authorized marijuana grow site **or registered medical marijuana facility.**

23 **SECTION 9. (1) Sections 1 and 2 of this 2013 Act and the amendments to ORS 475.302,
24 475.304, 475.309, 475.320, 475.323 and 475.331 by sections 3 to 8 of this 2013 Act become opera-
25 tive on January 1, 2014.**

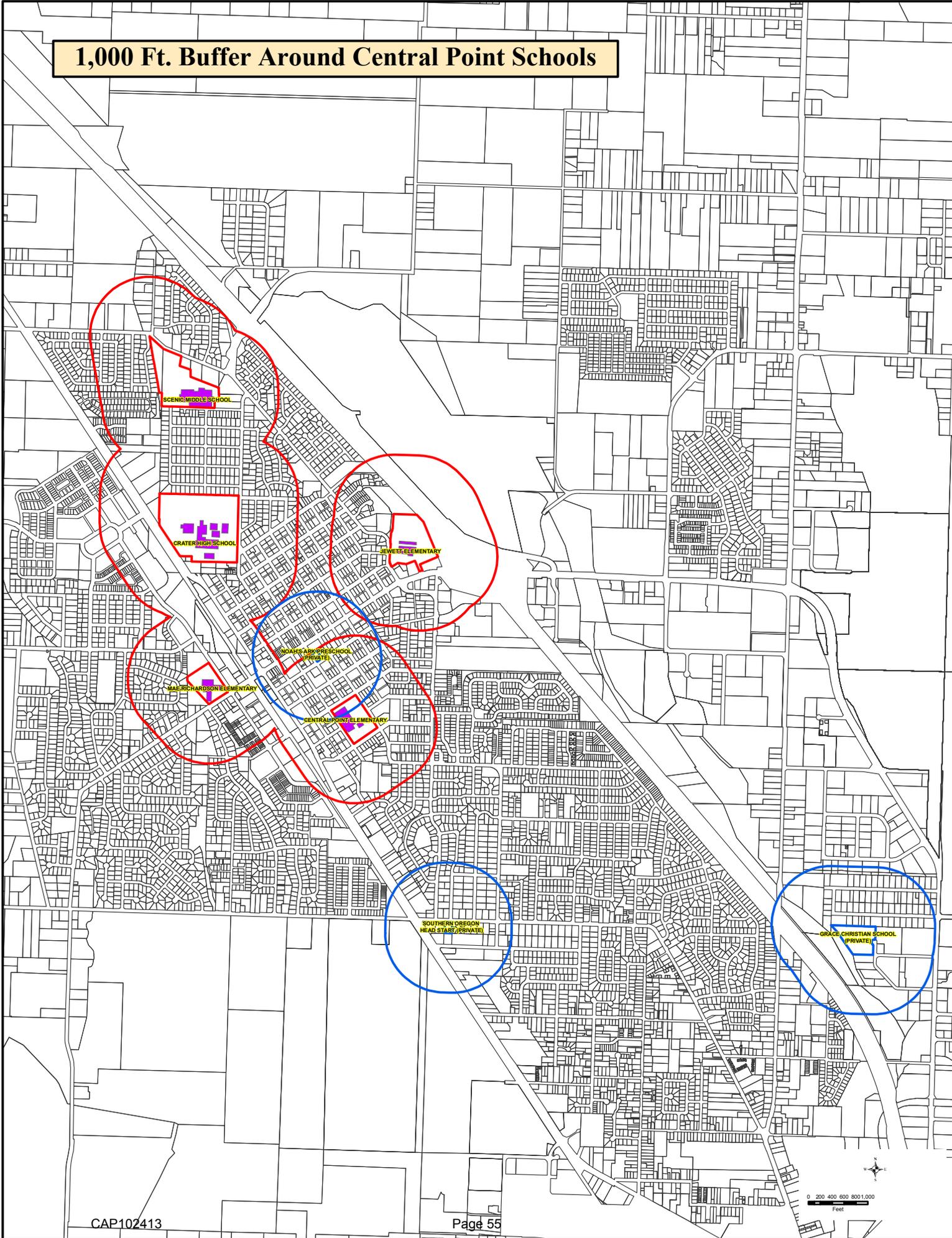
26 **(2) The Oregon Health Authority may take any action before the operative date specified
27 in subsection (1) of this section to enable the authority to exercise, on and after the opera-
28 tive date specified in subsection (1) of this section, all of the duties, functions and powers
29 conferred on the authority by sections 1 and 2 of this 2013 Act and the amendments to ORS
30 475.302, 475.304, 475.309, 475.320, 475.323 and 475.331 by sections 3 to 8 of this 2013 Act.**

31 **SECTION 10. This 2013 Act being necessary for the immediate preservation of the public
32 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
33 on its passage.**

34



1,000 Ft. Buffer Around Central Point Schools



ORDINANCE NO. _____

AMENDING CHAPTER 5.04 OF
THE CENTRAL POINT MUNICIPAL CODE TO ADD
UNLAWFUL ACTIVITY AND OTHER ADMINISTRATIVE CHANGES

Recitals:

A. Words ~~lined through~~ are to be deleted and words **in bold** are added.

B.

THE PEOPLE OF THE CITY OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

Section 1. Section 5.04.010, 5.04.030, 5.04.050, and 5.04.091 of the Central Point Municipal Code are amended to read:

Chapter 5.04
BUSINESS LICENSES

Sections:

- 5.04.010 Definitions
- 5.04.030 Business licenses required
- 5.04.050 Issuance
- 5.04.091 Exceptions
- ~~5.04.095 Special events~~

5.04.010 Definitions.

The following terms as used in this chapter shall have the meanings assigned to them:

A. "Business" means any activity carried on with the intent:

1. That a profit be realized therefrom; and
2. That the profit, if any, inures to the benefit of the owner or owners of the activity.

B. "Profit" means the excess of gross receipts over expense.

C. "Expenses" means the cost of goods sold, the expense of services rendered and all other expenses or disbursements, accrued or otherwise, ordinarily incidental to the operation of a business.

D. "Doing or transacting business" means any act or series of acts performed in the course or pursuit of a business activity.

E. "City designee" means a person duly authorized by the city manager to conduct the processing of business license applications.

F. "Unlawful Activity" means any activity or business which is in violation of local, state or federal law.

5.04.030 Business licenses required.

A. No person, for themselves or as agent or employee of another, shall do business within the city unless such business has been duly licensed within this chapter and the license is valid at the time of the transaction of business.

B. No business license shall be required for the operation of a "residential home" or a "residential facility," as those terms are defined in Oregon Revised Statutes 197.660.

C. No business license shall be issued to any person or entity engaged in a business that does not comply with local, state and/or federal law or which engages in unlawful activity.

5.04.050 Issuance.

Upon receipt of a business license application and the required fee, the same shall be forwarded to the city designee who will cause the application to be reviewed by the appropriate members of the city staff for compliance by the proposed business with all applicable charter and ordinance provisions including, but not limited to, building, zoning and public safety ordinances **and compliance with any other applicable local, state and/or federal laws**. Upon approval for compliance, the application will then be forwarded to the city designee who shall issue a business license to the applicant. Licenses so issued shall be valid until the thirtieth day of June following the date of issuance of the license (~~licenses issued before September 30, 1995 shall be valid~~). In the event an application is denied for noncompliance of the proposed business with city charter, or ordinance, **local, state and/or federal laws provisions**, the applicant shall have the right to appeal said denial to the city council at the next regularly scheduled council meeting.

5.04.091 Exceptions.

The terms and provisions of this chapter shall not apply to the following businesses or activities, which shall be governed by the sections of this code indicated:

A. Dances, Section [5.08.020](#).

B. Not for profit organizations, requesting a temporary permit for seasonal sales, when the time period for such sales does not exceed thirty days in an annual permit period. The applicant shall provide the city with documentation of its non-profit status and written permission from the owner(s) of the property on which the sales are to be conducted.

C. Yard Sales, Section 5.06

D. Special Events, Section 5.42

Section 2. Section 5.04.095 Special events of the Central Point Municipal Code is hereby deleted. Special Events are now covered in Chapter 5.42 Special Event Permits.

Sections:

5.04.095 Special events

~~5.04.095 Special events.~~

~~A. A temporary business license may be issued for such special events as trade shows, sidewalk sales, fairs, parades, art shows, hobby shows and educational or cultural events at which several businesses may sell goods from temporary booths or stalls. The purpose of this section is to facilitate such events which are cultural or educational or which help to promote business or tourism in the community.~~

~~B. A special events license shall be issued to the organization or committee sponsoring the event and shall cover all businesses authorized by the sponsor to participate therein. The sponsor must either be a tax exempt nonprofit organization or an organization that will realize a profit of not more than three hundred dollars from the event.~~

~~C. Such licenses shall be limited to a period of not more than five consecutive days. A sponsoring organization shall not be issued more than three such licenses in an annual permit period.~~

~~D. The fee for licenses authorized by this section shall be as set forth in the city of Central Point business license fee schedule. (Ord. 1822 §1(part), 2001; Ord. 1443 §1, 1981).~~

Pg. 3 Ordinance Draft Only

Passed by the Council and signed by me in authentication of its passage this
_____ day of _____, 20____.

Mayor Hank Williams

ATTEST:

City Recorder