

City of Brookings

MEETING AGENDA

CITY COUNCIL

Monday, January 13, 2014, 7:00pm

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

D. Ceremonies/Appointments/Announcements

1. Reappointment of Patricia Brown to the Parks & Recreation Commission. [pg. 3]
2. Reappointment of Don Vilelle to the Parks & Recreation Commission. [pg. 7]
3. Appointment of Richard Mostranski to the Budget Committee. [pg. 10]

E. Public Hearings/Ordinances/Resolutions/Final Orders

1. Public Hearing in the matter of File LDC-2-13, revisions to sections of the Brookings Municipal Code to include terms, standards and conditional uses for Cottage Industries. [Planning, See Advance Packet]
2. Ordinance 14-O-722, amending sections of the Brookings Municipal Code to include terms, standards and conditional uses for Cottage Industries. [Planning, See Advance Packet]
3. Public Hearing in the matter of File LDC-3-13, revisions to sections of Chapter 17.124 of the Brookings Municipal Code to conform to state laws regarding cemetery use, and to clarify sections regarding the keeping livestock. [Planning, See Advance Packet]
4. Ordinance 14-O-723, amending sections of Chapter 17.124 of the Brookings Municipal Code to conform to state laws regarding cemetery use, and to clarify sections regarding the keeping livestock. [Planning, See Advance Packet]
5. Public Hearing in the matter of File LDC-4-13, revisions to subsection 17.88.100(F) of the Brookings Municipal Code regarding sandwich board signs. [Planning, See Advance Packet]
6. Ordinance 14-O-721, subsection 17.88.100(F) of Chapter 17.88, Signs, of the Brookings Municipal Code. [Planning, See Advance Packet]
7. Resolution 14-R-1023, appointing a Commissioner to the Border Coast Regional Airport Authority Board. [City Manager Gary Milliman, pg. 13]
 - a. Resolution 14-R-721 [pg. 14]

F. Oral Requests and Communications from the audience

1. Public Comments on non-agenda items – 5 minute limit per person.*

G. Staff Reports

1. Presentation and acceptance of the Annual Planning Commission Report. [Planning Commission Chair, pg. 15]
 - a. Annual report [pg. 16]
2. Acceptance of Committee for Citizen Involvement annual report. [Planning, pg. 17]

- a. Annual report [pg. 18]
- 3. Authorization to execute Cooperative Technical Assistance and Project Agreements regarding watershed education projects for local students at the Salmon Run Golf Course. [Planning, pg. 19]
 - a. Cooperative Project Agreement [pg. 21]
 - b. Technical Assistance Cooperative Agreement [pg. 22]
- 4. Discussion and direction to staff regarding Medical Marijuana Facilities. [City Manager, pg. 24]
 - a. House Bill 3460 [pg. 26]
 - b. Draft State Guidelines [pg. 36]
 - c. Letter from Governor [pg. 68]
 - d. Federal Guidelines [pg. 69]
 - e. *Gazette Times* article, December 2013 [pg. 70]
 - f. *Eugene Register Guard* article, December 2013 [pg. 71]
 - g. *Public Management* magazine article, December, 2013 [pg. 73]
 - h. Map [pg. 79]
- 5. Authorization to execute a two year contract for as needed geotechnical services with GRI. [PWDS, pg. 80]
 - a. Contract and rate sheet [pg. 81]
- 6. Approval to replace aerial photographs in Council Chambers with photos recommended by the Public Art Committee. [PWDS, pg. 85]
 - a. Photo slideshow to be provided at the meeting.
- 7. Authorization to submit a Community Forest Program grant application to fund acquisition of approximately 129 acres of land adjacent to the City's northern limits from U.S. Borax. [City Manager, pg. 86]
 - a. Draft application narrative [pg. 88]
 - b. Location map [pg. 96]
 - c. Community Forest Program summary [pg. 97]

H. Consent Calendar

- 1. Approve Council minutes for December 9, 2013. [pg. 101]
- 2. Accept December 2013 Vouchers in the amount of \$406,231.77. [pg. 106]
- 3. Receive November, 2013 financial report. [pg. 110]

I. Remarks from Mayor and Councilors

J. Adjournment

*Obtain Public Comment Forms and view the agenda and packet information on-line at www.brookings.or.us, at City Hall and at the local library. Return completed Public Comment Forms to the City Recorder before the start of meeting or during regular business hours.

All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least ten days advance notification. Please contact 469-1102 if you have any questions regarding this notice.



City of Brookings

898 Elk Drive, Brookings, OR 97415
Phone: (541) 469-2163 Fax: (541) 469-3650
www.brookings.or.us

APPLICATION TO SERVE ON A CITY OF BROOKINGS COMMISSION, COMMITTEE OR BOARD

PART I. Contact Information:

Name: Patricia B. Brown Date: 12/28/2013
Physical Address: 870 Crestwood Pl Brookings, OR 97415
Mailing Address: same as above
Email Address: pb_brown@charter.net Phone: 541 469-9007

PART II. Position Selection, Requirements and Restrictions: (Please answer all that apply)

1. <u>Commission/Committee applying for:</u>	<u>Composition (i)</u>	<u>Term (ii)</u>
<input type="checkbox"/> Planning Commission/Commission for Citizen Involvement (iii)	5 Electors, 2 UGB	4 yrs
<input type="checkbox"/> Budget Committee	5 Electors	3 yrs
<input checked="" type="checkbox"/> Parks and Recreation Commission	4 Residents, 1 UGB	2 yrs
<input type="checkbox"/> Public Art Committee (iii)	3 Residents, 2 UGB	3 yrs
<input type="checkbox"/> Tourism Promotion Advisory Committee	NA	NA
<input type="checkbox"/> Traffic Safety Committee	2 Residents	2 yrs
<input type="checkbox"/> Other (please specify): _____		

2. **City residents:** How long have you lived in the City of Brookings? 19/2 (yrs/mths)

Are you a City elector (registered voter)? ☒ Yes ☐ No

3. **UGB residents:** How long have you lived in the UGB?: _____ (yrs/mths)

4. **What is your current occupation?** Retired

NOTES:

(i) *Membership requirements:*

- Resident and UGB status are determined by physical address.
- Residents must reside within the City limits.
- Electors are registered voters of the City of Brookings (verified by County Elections Officer)
- UGB members must reside within the Brookings Urban Growth Boundary or Area. (Contact the Planning Department at 541-469-1137 to determine if you are in the UGB).

(ii) *Term:* Appointments to fill mid-term vacancies will be for the remainder of that term.

(iii) *Other restrictions:*

- No more than two (2) Planning Commissioners may be principally involved, as individuals, members or partners, in the buying, selling or development of real estate for profit. No two (2) members shall be involved in the same kind of business or profession.

- Three (3) Public Art Committee members must have an art background

PART III. Background Information : *Attach additional pages if needed:*

1. List your position-related experience and/or background:

I have served on the Parks and Recreation Commission from 2007 to 2011 and

then again in 2013 as Chair. I have background as a long time active member

of the Brookings-Harbor Garden Club. This club maintains the Botanical Garden,

the Welcome to Oregon sign area, previously maintained the Chamber of Commerce

grounds, the Visitors Center and the Chetco Valley Museum.

I was instrumental in obtaining a grant for the Easy Manor Park playground and

worked to see the play area refurbished. Also worked on the Bankus Fountain plantings.

2. List your work history and educational background, as well as any unrelated volunteer experience:

I graduated from high school and have 3 years of college, mostly computer courses.

I worked for Pacific Bell in Northern California for 17 years, had several travel

related jobs in Hawaii for the tourist industry. Moved to Brookings and went to

work for Harbor Water PUD where I retired after 17 years.

I am an active member of the garden club and just finished my term as Vice President

for the 2012-2013 year.

3. Briefly describe your interest in this position and what you hope to accomplish:

I would love to see the proposed dog park be a reality. I am also excited to see

the progress being made at Mill Beach. I would like to see more areas around

Brookings become parks where families can enjoy outings.

PART IV. Volunteer Agreement : *Please read and check off the following before signing:*

- ☒ I acknowledge that I will not be under the direct supervision and control of the City in connection with the voluntary services for which I have applied.
- ☒ I acknowledge that I will receive no compensation or expense reimbursement from the City in connection with any volunteer services for which I have applied.
- ☒ I understand and agree that my volunteer service will be donated to the City at times other than my regular work hours.
- ☒ I understand that if the position I applied for requires me to be an elector of the City of Brookings, that the City has permission to verify my status as a registered voter.
- ☒ I agree to release the City from all matters relating to the voluntary service for which I have applied, including compliance, if any is required, with social security, withholdings, insurance and all other regulations and reportings governing such matters. I assume full responsibility for any injuries or damages suffered by or arising from the voluntary service described herein. (*Planning Commission applicants, see ** below*)
- ☒ I agree to release, indemnify and hold the City harmless from and against any and all actions, causes of action, claims, demands, liabilities, losses, damages or expenses, of whatsoever kind and nature, including attorney fees, which City may sustain or incur as a result of errors or omissions in the performance of the voluntary service set forth herein.
- ☒ By signing this application voluntarily and in the presence of the witness listed below, I, the Applicant, do hereby acknowledge that I have read and agree to the terms stated above and that I understand and acknowledge that this document will become public information and may be distributed to the public and news media as part of a City Council Agenda Packet.

PATRICIA B. BROWN
Applicant (print name)

Patricia B. Brown
Applicant's Signature

1-6-14
Date

LAURI ZIEMER
Witness (print name)

Lauri Ziemer
Witness's Signature

1.6.14
Date

****Planning Commissioners** holding office on April 1st of each year are required to file an Annual Statement of Economic Interest with the Oregon Government Ethics Commission (OGE). You may view a sample form at http://www.oregon.gov/OGE/forms_publications.shtml. Official forms are provided by OGE.

Submit completed applications by mail or in person to the City Recorder, 898 Elk Drive, Brookings, OR 97415. Regular City business hours are 9:00am – 4:30pm, Monday–Friday.

Commission and Committee contact information:

Planning Commission: 541-469-1135

Public Art Committee: 541-469-1135

Parks and Recreation Commission: 541-469-1103
Traffic Safety Committee: 541-469-1103

Budget Committee: 541-469-1123



City of Brookings

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www.brookings.or.us

APPLICATION TO SERVE ON A CITY OF BROOKINGS COMMISSION, COMMITTEE OR BOARD

PART I. Contact Information:

Name: Don Vilella Date: 12/18/13

Physical Address: 835 Chetco Pt Terrace

Mailing Address: " " " "

Email Address: dandydon2@frontier.net Phone: 541-469-0948

PART II. Position Selection, Requirements and Restrictions: (Please answer all that apply)

1. Commission/Committee applying for:

	<u>Composition (i)</u>	<u>Term (ii)</u>
<input type="checkbox"/> Planning Commission/Commission for Citizen Involvement (iii)	5 Electors, 2 UGB	4 yrs
<input type="checkbox"/> Budget Committee	5 Electors	3 yrs
<input checked="" type="checkbox"/> Parks and Recreation Commission	4 Residents, 1 UGB	<u>2 yrs</u>
<input type="checkbox"/> Public Art Committee (iii)	3 Residents, 2 UGB	3 yrs
<input type="checkbox"/> Tourism Promotion Advisory Committee	NA	NA
<input type="checkbox"/> Traffic Safety Committee	2 Residents	2 yrs
<input type="checkbox"/> Other (please specify): _____		

2. **City residents:** How long have you lived in the City of Brookings? 8 yrs 4 mths (yrs/mths)

Are you a City elector (registered voter)? ☒ Yes ☐ No

3. **UGB residents:** How long have you lived in the UGB?: _____ (yrs/mths)

4. **What is your current occupation?** retired educator

NOTES:

(i) Membership requirements:

- Resident and UGB status are determined by physical address.
- Residents must reside within the City limits.
- Electors are registered voters of the City of Brookings (verified by County Elections Officer)
- UGB members must reside within the Brookings Urban Growth Boundary or Area. (Contact the Planning Department at 541-469-1137 to determine if you are in the UGB).

(ii) Term: Appointments to fill mid-term vacancies will be for the remainder of that term.

(iii) Other restrictions:

- No more than two (2) Planning Commissioners may be principally involved, as individuals, members or partners, in the buying, selling or development of real estate for profit. No two (2) members shall be involved in the same kind of business or profession.

3. Briefly explain why you wish to serve the community in this capacity and what prior experience, community service, or background you have in this area. Attach additional sheets if necessary: _____

love to volunteer - have served from Feb 2006 to Feb 2010 on Parks + Rec Com. (2009-10 as chairman). Have been walking the streets picking up trash (I take a lot of pride in the towns I live.) I ran for City Council in 2008 and lost.

4. Tell us about your education, employment, volunteer activities, etc. Attach additional sheets if necessary.

have a BSSE degree + hours toward masters. Taught school for 35 years in Missouri - grades 7-8-9 in American History, Government, + Economics.

PART IV. Volunteer Agreement : *Please read and check off the following before signing:*

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- ☒ I agree to release the City from all matters relating to the voluntary service for which I have applied, including compliance, if any is required, with social security, withholdings, insurance and all other regulations and reportings governing such matters. I assume full responsibility for any injuries or damages suffered by or arising from the voluntary service described herein. (*Planning Commission applicants, see ** below*)
- ☒ I agree to release, indemnify and hold the City harmless from and against any and all actions, causes of action, claims, demands, liabilities, losses, damages or expenses, of whatsoever kind and nature, including attorney fees, which City may sustain or incur as a result of errors or omissions in the performance of the voluntary service set forth herein.
- ☒ By signing this application voluntarily and in the presence of the witness listed below, I, the Applicant, do hereby acknowledge that I have read and agree to the terms stated above and that I understand and acknowledge that this document will become public information and may be distributed to the public and news media as part of a City Council Agenda Packet.

Don Vilella
Applicant (print name)

Don Vilella
Applicant's Signature

12/18/13
Date

Lauri Ziemer
Witness (print name)

Quinn Ziemer
Witness's Signature

12/18/13
Date

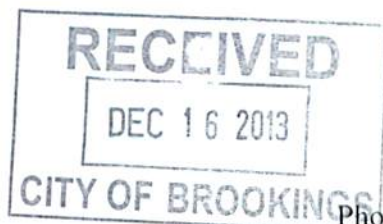
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www.brookings.or.us

APPLICATION TO SERVE ON A CITY OF BROOKINGS COMMISSION, COMMITTEE OR BOARD

PART I. Contact Information:

Name: Richard Mostrowski Date: 12/12/13
Physical Address: 17341 Blueberry Drive Brookings
Mailing Address: 17341 Blueberry Drive Brookings
Email Address: MostrowskiD@charter.net Phone: 707 502-4825

PART II. Position Selection, Requirements and Restrictions: (Please answer all that apply)

- | 1. <u>Commission/Committee applying for:</u> | <u>Composition (i)</u> | <u>Term (ii)</u> |
|---|------------------------|------------------|
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| <input checked="" type="checkbox"/> Budget Committee | 5 Electors | 3 yrs |
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| <input type="checkbox"/> Traffic Safety Committee | 2 Residents | 2 yrs |
| <input type="checkbox"/> Tourism Promotion Advisory Committee | TBD | TBD |
| <input type="checkbox"/> Other (please specify): | | |
2. **City residents:** How long have you lived in the City of Brookings? 6 (yrs/mths)
Are you a City elector (registered voter)? ☒ Yes ☐ No
3. **UGB residents:** How long have you lived in the UGB?: _____ (yrs/mths)
4. **What is your current occupation?** Finance Director

NOTES:

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PART III. Background Information : *Attach additional pages if needed:*

1. List your **related** experience and/or background to the position you are applying for:

Finance Director For the past 6 years working for 2 non profit agencies which received funding from Federal, state, county and Foundations. Managed budgets between \$900,000 to 2.7 Million which incorporated a wide variety of funding streams

2. List your **work history and educational background**, as well as any volunteer experience that is **not** related to the position for which you are applying:

work History includes Humboldt County as a Administrative Analyst in the Fiscal Dept for 5 years. Finance Director for Humboldt Domestic Violence Services for 5 years ending in June 2013. Current Finance Director for Rural Human Services in Crescent City where I oversee 2 additional staff members and manage a 2.7 Million Fiscal year Budget.

3. Briefly describe your **interest in this position** and what you **hope to accomplish**:

My Interest in the position is to help the City of Brookings become more sustainable fiscally in the future for services to its Residents and Increase Cash Flow for City Reserves for needed projects such as Road Maintenance, sewer, irrigation and water upgrades and park enhancements.

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Richard Mostanski
Applicant (print name)

Richard Mostanski
Applicant's Signature

12/12/13
Date

Kerry Cain
Witness (print name)

Kerry Cain
Witness's Signature

12/12/13
Date

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Parks and Recreation Commission: 541-469-1103
Traffic Safety Committee: 541-469-1103

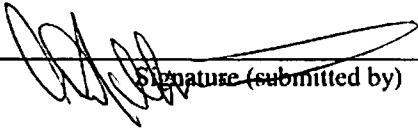
Public Art Committee: 541-469-1135
Budget Committee: 541-469-1123
Tourism Promotion Advisory Committee
541-469-1101

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: January 13, 2014

Originating Dept: City Manager



Signature (submitted by)

City Manager Approval

Subject: Resolution 14-R-1023 Appointing a Member to the Border Coast Regional Airport Authority Board of Directors

Recommended Motion:

Motion to adopt Resolution 14-R-1023 appointing Mayor Ron Hedenskog to the Boarder Coast Regional Airport Authority Board of Directors.

Background/Discussion:

The City is a member of the Border Coast Regional Airport Authority (BCRAA). As such, the City has one voting member on the seven-member BCRAA Board of Directors. The City's appointee to this position, George Rhodes, has resigned.

This matter as discussed at the December 16, 2013, City Council Workshop at which time Mayor Hedenskog expressed interest in serving as the City's voting representative. The City Council has previously appointed City Manager Gary Milliman to serve as the alternate voting representative.

This is a critical time in the history of the BCRAA as it is about to embark upon a series of multi-million-dollar projects to improve the Del Norte County Airport runway and replace the airport terminal, and the potential financial participation of the member in these projects.

Attachment(s):

- a. Resolution 14-R-1023

**CITY OF BROOKINGS
STATE OF OREGON**

RESOLUTION 14-R-1023

A RESOLUTION OF THE CITY OF BROOKINGS APPOINTING A COMMISSIONER TO THE BORDER COAST REGIONAL AIRPORT AUTHORITY BOARD.

WHEREAS, the City of Brookings (City), by authority of the Border Coast Regional Airport Authority (BCRAA) Joint Powers Agreement, holds a position on the BCRAA's Board; and

WHEREAS, the City's position on the BCRAA Board is vacant; and

WHEREAS, a replacement is needed to fulfill the remainder of the current four year term on the BCRAA Board, which will expire on October 3, 2015;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Brookings, Curry County, Oregon, that Mayor Ron Hedenskog is hereby appointed to serve the remainder of the City representative's term ending October 3, 2015, on the Border Coast Regional Airport Authority Board.

Passed by the City Council January 13, 2014; effective the same date.

Attest:

Mayor Ron Hedenskog

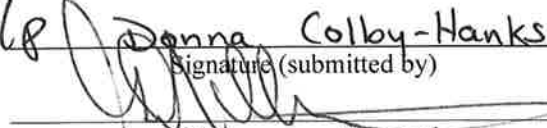
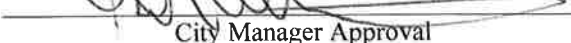
City Recorder Joyce Heffington

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: January 13, 2014

Originating Dept: PWDS/ Planning
Dept.


Signature (submitted by)

City Manager Approval

Subject: Chair of the Planning Commission's Annual Report.

Recommended Motion: Motion to accept the Annual Report.

Financial Impact: None.

Background/Discussion: The Chair of the Planning Commission, Hedda Markham, has prepared the annual report which reviews the work accomplished in 2013. Acting Chair Bryan Tillung presented the report to the Planning Commission at their regular meeting on December 3, 2013. Chair Markham will attend the City Council meeting to present the attached report.

Policy Considerations: None.

Attachment(s): Planning Commission 2013 Annual Report.

City of Brookings
Planning Commission
Annual Report
2013

The Planning Commission welcomed one new member this year: Betty Pomerleau. The rest of the Commissioners are continuing on.

The Planning Commission provides guidance and makes decisions on planning and land use issues. In 2013, the Planning Commission:

- *Reviewed and recommended approval to City Council for revisions on 7 different chapters of the Land Development Code. Including a request to annex approximately 155 acres of land into the City of Brookings anticipating both city and airport growth.

- *Approved a extension of time for preliminary plat approval within the Lone Ranch Master Plan.

- *Approved a request for a partition of a parcel on Fifth Street.

- *Approved a request for a minor change to the preliminary approval of Lilybrooke 2, a 14 lot subdivision adjacent to Fourth Street between Easy and Ransom Streets.

- *The Planning Commission in its role as Committee for Citizen Involvement, reviewed and discussed the addition of "Cottage Industry" as a conditional use in residential zones in Brookings Municipal Code, Title 17.

- *Approved requests for two conditional use permits for short term rentals on Del Norte Lane.

- *Approved a request for a conditional use permit for a short rental on Memory Lane.

The Planning Commission is comprised of people with a variety of fields of expertise. We have a stable core and continue to perform in a professional manner.

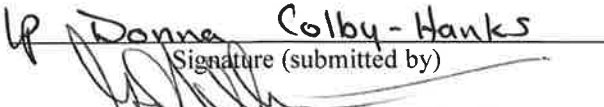
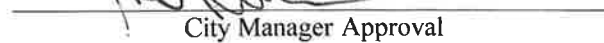


CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: January 13, 2014

Originating Dept: PWDS/Planning
Dept.


Signature (submitted by)

City Manager Approval

Subject: The Committee for Citizen Involvement (CCI) annual report.

Recommended Motion: Motion to accept the CCI annual report for 2013 and direct Staff to forward the report to the County Planning coordinator and the State's Citizen Involvement Advisory Committee as required by Resolution #399.

Financial Impact: None.

Background/Discussion: The Resolution creating the Committee for Citizen Involvement (CCI) requires an annual evaluation of the Citizens Involvement Program and a report to be given to the Planning Commission, Mayor and City Council, the County Planning Coordinator, and the State's Citizen Involvement Advisory Committee. The Planning Commission reviewed the report and recommended approval to the City Council. The report is attached.

Policy Considerations: None.

Attachment(s): CCI Annual Report.



City of Brookings

898 Elk Drive, Brookings, OR 97415

(541) 469-1137 Fax (541) 469-3650

dcolbyhanks@brookings.or.us

TO: Planning Commission

FROM: Donna Colby-Hanks, Planning Manager *DC*

DATE: November 21, 2013

RE: Committee for Citizen Involvement 2013

The Resolution creating the Committee for Citizens Involvement (CCI) requires an annual evaluation of the Citizens Involvement Program and a report to be given to the Mayor and City Council, the County Planning Coordinator, and the State's Citizen Involvement Advisory Committee.

Many efforts are made to be sure information concerning meetings, process, and specific applications is available to the public. These efforts include providing hearing notices and/or agendas to several local papers, several radio stations, to the library, posting in City Hall, on the City's website, and mailed to neighbors when a specific property is involved. Contact information is provided and files are available for review at the Planning Department, the public library, and on the City's web site.

A survey form, designed to evaluate the effectiveness of the citizen involvement program, has been available for the past year at the sign-in table at every Planning Commission meeting and on the City's website. In November, Staff mailed out copies of the survey form and provided stamped, addressed return envelopes to all participants in the previous years Planning Commission meetings. Only three were returned.

The City has developed a new web site which includes the survey. Once the survey form is completed, the program emails the survey to Staff. A news alert was sent to all citizens who signed up to receive notices. An alert was published on the main City web page inviting citizens to complete the survey.

Summary of key questions:

- Is information concerning meetings, process, and specific applications available to the public?
All responses indicated that the process or criteria were able to be located prior to the Planning Commission meetings.
- Were citizens allowed to participate and did the Planning Commission consider their input?
All responses were favorable.
- Did the Planning Commission explain their decision and how it pertains to the applicable policies?
All but one response felt that the Planning Commission accomplished this.

The small number of completed surveys make it difficult to analysis the responses. The small number may be due to the reduced number of applications.

Recommendation: Motion to accept the CCI Annual Report for 2013 and forward to the City Council.

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: January 13, 2014

Originating Dept: PWDS

4p Donna Colby-Hanks
Signature (submitted by)
City Manager Approval

Subject: A Cooperative Project Agreement with *Lower Rogue and South Coast Watershed Councils* and *Curry Soil and Water Conservation District* as well as a Technical Assistance Cooperative Agreement with *Curry Soil and Water Conservation District*.

Recommended Motion: A motion to authorize the City Manager to execute the Cooperative Project Agreement and the Technical Assistance Cooperative Agreement.

Financial Impact: None.

Background/Discussion: The *Lower Rogue and South Coast Watershed Councils* (Project Sponsor) and *Curry Soil and Water Conservation District* (Project Fiscal Agent) received a grant from *Oregon Watershed Enhancement Board* for watershed education projects for students of local schools. The projects involve activities on Salmon Run Golf Course and requires the Cooperative Project Agreement to be executed. There are two components to the activities.

The ponds located on Salmon Run Golf Course have received preliminary testing to determine if the water quality will support salmonids. This agreement will cover additional testing that needs to be conducted. The end goal would be to stock the ponds with trout for youth fishing days and/or to provide overwintering rearing habitat for juvenile salmonids.

Previous projects have included the planting of native riparian vegetation as well as removal of invasive species along Jacks Creek by students. This project proposes additional riparian plantings as well as removal of invasive vegetation. This work will also be accomplished by the students.

The *Curry Soil and Water Conservation District* has received a grant from *Oregon Watershed Enhancement Board* to document fish distribution, evaluate habitat within the wetlands and stream channels, conduct a topographic survey and hydrologic analysis, and conduct a riparian assessment. All data collected will be used to develop preliminary project designs for a vegetation management plan, a wetland enhancement to include rerouting a small tributary channel, and a fish passage structure at Hamilton Creek. The Technical Assistance Cooperative Agreement needs to be executed for this project to move forward.

The activities provided by both these grants will benefit the watershed, water quality, and salmon and steelhead habitat. The students watershed enhancement work involves parents, teachers and many volunteers which will increase watershed awareness.

Policy Considerations: None.

Attachment(s): Cooperative Project Agreement
 Technical Assistance Cooperative Agreement

Cooperative Project Agreement

This **Cooperative Project Agreement** is between Salmon Run Golf Course and the *City of Brookings* (**the Landowner**), the *Lower Rogue & South Coast Watershed Councils* (**Project Sponsor**), and the *Curry Soil and Water Conservation District* (**Project Fiscal Agent**). This agreement covers project activities identified below, which are funded through the *Oregon Watershed Enhancement Board* (**Grantor**); grant no. 213-2034.

This **Cooperative Project Agreement** governs the following activities (Checked Boxes):

- | | |
|---|--|
| <input type="checkbox"/> Large Wood Placement | <input type="checkbox"/> Gully Stabilization |
| <input type="checkbox"/> Fish Passage Improvements | X <input type="checkbox"/> Riparian Restoration |
| <input type="checkbox"/> Sediment Abatement Road Improvements | <input type="checkbox"/> Bio-Engineering |
| <input type="checkbox"/> Stream Channel Alteration | <input type="checkbox"/> Boulder Placements |
| X <input type="checkbox"/> Wetland Restoration | X <input type="checkbox"/> Water Quality BMP's |
| <input type="checkbox"/> Off-Stream Watering | <input type="checkbox"/> Irrigation Improvements |

☐ Other: Curry Watersheds Education Program; involving students performing hands-on water quality and restoration work and then sharing their accomplishments. Potential fish stocking in pond for youth fishing.

Through this **Cooperative Project Agreement** the landowner acknowledges that (s)he:

- (1) Owns the land where the proposed project will take place, and agrees to have the work implemented on that piece of land.
- (2) Knowingly permits the *Staff and/or Contractors* of the Project Sponsor, Agent, and Grantor, access to the site(s); to perform the project activities identified above, in the years of 2014-2016.
- (3) Will allow the Project Sponsor and Agent access to conduct normal project maintenance on non-infrastructural project components (i.e. large wood placements, riparian plantings, wetland restoration), over the life of the project, or for a 10 year period; whichever is less.
- (4) Will assume responsibility for normal maintenance of usable infrastructure (i.e. watering systems, bridges, culverts, riparian fences, etc.), for the life of the project.
- (5) Will allow the Project Sponsor and Agent to monitor the project for up to 10 yrs from the date of completion, to determine project effectiveness.
- (6) Understands that all project and monitoring information is considered a public record.
- (7) Has reviewed the grant agreement between the Project Sponsor and OWEB.

Through this **Cooperative Project Agreement** the Project Sponsor and Agent, and/or their Contractors, acknowledge that they will:

- (1) Secure any necessary permits and/or notifications required for the project.
- (2) Coordinate project implementation.
- (3) Acquire landowner permission prior to accessing the project site.
- (4) Acquire landowner permission prior to a Grantor site visit.
- (5) Hold harmless and indemnify the landowner from any actions resulting from the project activities identified above.
- (6) Make a "good faith effort" to separate landowner identity from project and monitoring data, when that data is made available to a member or agent of the public.

Landowner Signature

Date

Lower Rogue & South Coast WCs

Date

Curry Soil and Water Conservation District

Date

Technical Assistance Cooperative Agreement

This **Technical Assistance Agreement** is between Salmon Run Golf Course (the Landowner) and the Curry Soil and Water Conservation District (**Project Grantee & Fiscal Agent**). This agreement covers technical assistance activities identified below, which are being funded through the Oregon Watershed Enhancement Board (Grantor); grant no. 213-2018.

This **Technical Assistance Agreement** governs the following activities (Checked Boxes):

- | | |
|--|--|
| <input checked="" type="checkbox"/> Habitat Assessment | <input checked="" type="checkbox"/> Preliminary Project Design |
| <input type="checkbox"/> Document Fish Distribution | <input type="checkbox"/> Permit Consultation |
| <input checked="" type="checkbox"/> Geomorphic Site Characterization | <input type="checkbox"/> Permit Submission |
| <input checked="" type="checkbox"/> Topographic Land Survey | <input checked="" type="checkbox"/> Develop Vegetation Mngmnt Plan |
| <input type="checkbox"/> Water Quality Testing | <input type="checkbox"/> GIS Analysis |
| <input type="checkbox"/> Hydrologic/Hydraulic Analysis | <input type="checkbox"/> Sediment Transport Budget |
| <input type="checkbox"/> Other: _____ | |

Through this **Cooperative Project Agreement** the landowner acknowledges that (s)he:

- (1) Knowingly permits the *Staff and/or Contractors* of the Project Sponsor, Agent, and Grantor, access to the site(s) identified on the attached map; to perform the technical assistance activities identified above, in the year of 2014.
- (2) Is aware that the data collected through the technical assistance activities identified above is public information, and therefore is available to the public.

Through this **Cooperative Project Agreement** the Project Sponsor and Agent, and/or their Contractors, acknowledge that they will:

- (1) Secure any necessary permits and/or notifications required for the project.
- (2) Coordinate the technical assistance activities identified above.
- (3) Acquire landowner permission prior to accessing the project site.
- (4) Acquire landowner permission prior to a Grantor site visit.
- (5) Hold harmless and indemnify the landowner from any actions resulting from the project activities identified above.
- (6) Make a "good faith effort" to separate landowner identity from technical assistance data, when that data is made available to a member or agent of the public.

Landowner Signature

Date

Curry Soil and Water Conservation District

Date

Salmon Run Golf Course (Jack Creek)



CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: January 13, 2014

Originating Dept: City Manager



Signature (submitted by)

City Manager Approval

Subject: Medical Marijuana Facilities

Recommended Action:

Discussion and direction to staff.

Background/Discussion:

Governor Kitzhaber has signed into law HB 3460 which authorizes the Oregon Health Authority to establish procedures to license and regulate medical marijuana dispensaries. That law becomes effective March 1, 2014. While marijuana production and use remains illegal under federal law, President Obama recently issued a policy outline which appears to indicate that some types of marijuana activities will not be prosecuted.

Essentially, we will soon have a situation that allows State licensing of “storefront” marijuana facility and a Federal government posture of limited enforcement. The State and Federal guidelines are attached.

Municipalities are not prohibited from adopting their own ordinances on medical marijuana outlets. According to the City Attorney, the City could prohibit medical marijuana facilities, could regulate them under City zoning codes, or do nothing, which means that the facilities could be located in any commercial, industrial or agricultural zone in the City so long as they meet minimum setbacks from school sites and from one-another; this would be enforced by the State.

This matter was discussed at the October, 2013, City council workshop at which time there was preliminary indication by Councilors that they did not wish to enact regulations pertaining to medical marijuana facilities that exceeded those enacted by the State.

A statewide advisory committee has been working on guidelines for medical marijuana facilities and, according the League of Oregon Cities staff, the attached December 4, 2013, draft is close to being the final guideline document. Section 333-008-1110 of this document regulates the location of medical marijuana facilities as follows:

1. The facility must be located in an area zoned by the local agency for commercial, industrial, mixed use or agricultural land.
2. A facility may not be located at the same address as registered marijuana grow site.
3. A facility may not be located within 1,000 feet of “the real property comprising a public or private elementary, secondary or career school attended primarily by minors.”
4. A facility may not be located within 1,000 feet of another medical marijuana facility.

To date staff has received inquiries from two prospective medical marijuana facility licensees. Based upon these inquiries and a review of the state guidelines, staff anticipates that the City will receive requests from applicants to verify that the proposed locations meet state guidelines. Staff will be recommending a cost-recovery fee for issuing medical marijuana facility zoning compliance letters.

Staff has developed a map showing the 1,000 foot radius from schools within which marijuana facilities would be prohibited.

Policy Considerations:

Does the City Council wish to prohibit or regulate the location of medical marijuana facilities beyond the regulations provided for in the draft HB 3460 guidelines?

Attachment(s):

- a. HB 3460
- b. Draft State Guidelines
- c. Letter from Governor
- d. Federal Guidelines
- e. "Albany mulls land-use change to keep out pot dispensaries," *Gazette Times*, December, 2013.
- f. "Dispensing pot/Opinion/Register Guard" *Eugene Register Guard*, December, 2013.
- g. "Marijuana at City Hall" *Public Management* magazine, December, 2013.
- h. Map.

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

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

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

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

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

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

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

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

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

(b) The address of the medical marijuana facility;

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

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

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

(A) Must be located in an area that is zoned for commercial or industrial use or as agricultural land;

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

(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

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

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

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

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

SECTION 3. ORS 475.302 is amended to read:

475.302. As used in ORS 475.300 to 475.346:

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

(2) "Authority" means the Oregon Health Authority.

(3) "Debilitating medical condition" means:

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

(b) A medical condition or treatment for a medical condition that produces, for a specific patient, one or more of the following:

(A) Cachexia;

(B) Severe pain;

(C) Severe nausea;

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

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

or

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

(4)(a) "Delivery" has the meaning given that term in ORS 475.005.

(b) "Delivery" does not include transfer of:

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

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

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

(5) "Designated primary caregiver" means an individual 18 years of age or older who has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition and who is designated as such on that person's application for a registry identification card or in other written notification to the authority. "Designated primary

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

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

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

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

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

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

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

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

SECTION 4. ORS 475.304 is amended to read:

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

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

(b) The address of the marijuana grow site;

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

(d) Any other information the authority considers necessary.

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

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

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

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

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

(b) A person convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not be issued 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;

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

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

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

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

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

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

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

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

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

(C) Annually submit to the authority:

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

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

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

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

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

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

ceives notification that the application has been approved or denied.

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

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

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

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

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

SECTION 6. ORS 475.320 is amended to read:

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

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

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

(a) May produce marijuana for and provide marijuana:

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

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

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

(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.**

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**OREGON HEALTH AUTHORITY
DIVISION 8
MEDICAL MARIJUANA**

333-008-1000

Applicability

(1) A person may not establish, conduct, maintain, manage or operate a facility on or after March 1, 2014, unless the facility has been registered by the Authority under these rules.

(2) Nothing in these rules exempts a PRF, an employee of a registered facility, or a registered facility from complying with any other applicable state or local laws.

~~(3) and R~~ registration of a facility does not protect a PRF or employees from possible criminal prosecution under federal law.

Stat. Auth.: ORS 475.314; 475.338

Stats. Implemented: ORS 475.314

333-008-1010

Definitions

For the purposes of OAR 333-008-1000 to 333-008-1290 the following definitions apply:

- "Agricultural land" means land that is located within an exclusive farm use zone as that term is described in ORS 215.203.
- "Attended primarily by minors" means that a majority of the students are minors.
- "Authority" means the Oregon Health Authority.
- "Batch" means "a quantity of usable marijuana or a number of immature plants transferred at one time to a facility by a person authorized by a patient to transfer usable marijuana to a registered facility."
- "Career school" means any private proprietary professional, technical, business or other school instruction, organization or person that offers any instruction or training for the purpose or purported purpose of instructing, training or preparing persons for any profession at a physical location attended primarily by minors.
- "Conviction" means an adjudication of guilt upon a verdict or finding entered in a criminal proceeding in a court of competent jurisdiction
- "Designated primary caregiver" means an individual 18 years of age or older who has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition and who is designated as such on that person's application for a registry identification card or in other written notification to the Authority. "Designated primary caregiver" does not include the person's attending physician.
- "Domicile" means the place of abode of an individual where the person intends to remain and to which, if absent, the individual intends to return.
- "Edible" means a product made with marijuana that is intended for ingestion.
- "Employee" means any person, including aliens, employed for remuneration or under any contract of hire, written or oral, express or implied, by an employer. "Employee"

does not include a person who volunteers or donates services performed for no remuneration or without expectation or contemplation of remuneration as the adequate consideration for the services performed for a religious or charitable institution or a governmental entity.

- “Facility” means a medical marijuana facility.
- “Farm use” has the meaning given that term in ORS 215.203.
- “Finished product” means a product infused with marijuana that is intended for Use, ingestion or consumption other than by smoking, including but not limited to edible products, ointments, and tinctures. ~~“Finished product” is a form of usable marijuana.~~
- “Grower” has the same meaning as “person responsible for a marijuana grow site.”
- “Grow site” means a specific location registered by the Authority and used by the grower to produce marijuana for medical use by a specific patient.
- “Immature marijuana plant” means a marijuana plant that has no flowers, is less than 12 inches in height, and less than 12 inches in diameter. A seedling or start that does not meet all three criteria is a mature plant.
- “Macroscopic screening” means visual observation without the aid of magnifying lens(es).
- “Microscopic screening” means visual observation with a minimum magnification of 40x.
- “Minor” means an individual under the age of 18.
- “Oregon Medical Marijuana Program or OMMP” means the program operated and administered by OHA that registers patients, designated primary caregivers, and growers.
- ~~“OMRI listed” means any material listed or registered by the Organic Materials Review Institute (OMRI) as allowable for use in organic production, processing, and handling under the U.S. Department of Agriculture’s national organics standards, also called the National Organic Program (NOP), consistent with requirements at 7 C.F.R. Part 205.~~
- “Patient” has the same meaning as “registry identification cardholder.”
- “Person” means an individual.
- “Person responsible for a marijuana grow site” means a person who has been selected by a patient to produce medical marijuana for the patient, and who has been registered by the Authority for this purpose and has the same meaning as “grower”.
- “Person responsible for a medical marijuana facility or PRF” means an individual who owns, operates, or otherwise has legal responsibility for a facility and who meets the qualifications established in these rules and has been approved by the Authority.
- “Pesticide” means any substance or mixture of substances, intended to prevent, destroy, repel, or mitigate any pest and that includes any of the following:

- Pyrethrins
- Pyrethroids
- Bifentozate
- Abamectin,
- Imidacloprid
- Thiacloprid,
- Thiamethoxam,
- Acetamiprid
- Acequinocyl
- Spirotetramat
- Spiromesifen
- Etoazole
- Fenoxycarb
- Spinosad
- Myclobutanil
- Trifloxystrobin
- Imazalil
- Daminozide
- Paclobutrizol
- Chlormequat Chloride
- “Primary school” means a learning institution containing any combination of grades Kindergarten - 8 or age level equivalent.
- “Random sample” means an amount of usable marijuana taken from a batch in which different fractions of the usable marijuana have an equal probability of being represented.
- “Registry identification cardholder” means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symptoms or effects of the person's debilitating medical condition, and who has been issued a registry identification card by the Authority.
- “Remuneration” means compensation resulting from the employer-employee relationship, including wages, salaries, incentive pay, sick pay, compensatory pay, bonuses, commissions, stand-by pay, and tips.
- “Resident” means an individual who has a domicile within this state.
- “Safe” means a metal receptacle with a locking mechanism capable of storing all usable marijuana at a registered facility that is rendered immobile by being securely anchored to a permanent structure of the building, or a vault.
- “Secondary school” means a learning institution containing any combination of grades 9 - 12 or age level equivalent and includes those institutions that provide junior high schools which include 9th grade.

- “Usable marijuana” has the meaning given that term is ORS 475.302 and includes “finished product”.
- “Valid testing methodology” means a validated testing methodology described in the Cannabis Inflorescence and Leaf Monograph published by the American Herbal Pharmacopoeia (AHP), incorporated by reference, or an alternative scientifically valid testing methodology described in a published national or international regulation or standard.
- “Vault” means an enclosed area that is constructed of steel-reinforced or block concrete and has a door that contains a multiple-position combination lock or the equivalent, a relocking device or equivalent, and a steel plate with a thickness of at least 1/2 inch.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: ORS 475.314

333-008-1020

Application for Medical Marijuana Facility Registration

(1) Beginning on March 3, 2014, at 8:00 a.m. Pacific Standard Time (PST), the Authority shall begin accepting applications for the registration of a facility. An application may be submitted at any time on or after March 3, 2014, at 8:00 a.m., PST.

(2) A PRF wishing to apply to register a facility must provide to the Authority:

- (a) An application on a form prescribed by the Authority;
- (b) Any additional documentation required by the Authority in accordance with these rules;
- (c) The applicable fee as specified in OAR 333-008-1030; and
- (d) Information and The form and fingerprints required for a criminal background check in accordance with OAR 333-008-1130, along with the applicable fee.

(3) An application for the registration of a facility must be submitted by a PRF electronically via the Authority’s website, MMJDispensaries.oregon.gov. The documentation required in section (2)(b) of this rule and the information form and fingerprints described in section (2)(d) of this rule may be submitted electronically to the Authority or may be mailed but must be postmarked within five calendar days of the date the application was submitted electronically to the Authority or the application will be considered to be incomplete. Applicable fees must be paid on-line at the time of application at [insert web link].

(4) ~~An application must be signed by the PRF.~~

~~(5)~~ The Authority must review each application received to ensure the application is complete, that the required documentation has been submitted, and the fee paid. The Authority shall return an incomplete application to the person that submitted the application. A person may re-submit an application that was returned as incomplete at any time.

~~(5)~~ Applications will be reviewed in the order they are received by the Authority. An application that is returned as incomplete must be treated by the Authority as if it was never received.

~~(6)~~ A PRF who wishes to register more than one location must submit a separate application and application fee for each location.

(7) At the time of application the Authority must request that a PRF sign an authorization permitting the Authority to publish the location of the facility if the facility is registered.

Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: ORS 475.314

333-008-1030

Fees

- (1) The initial application fee for the registration of a facility is \$4000, \$500 of which is non-refundable.
- (2) The annual renewal fee for the registration of a facility is \$4000, \$500 of which is non-refundable.
- (3) The Authority must return the refundable portion of the application or renewal fee if:
 - (a) An application is returned to the applicant as incomplete;
 - (b) The Authority denies an application; or
 - (c) An applicant withdraws an application.

Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: 475.314

333-008-1040

Application Review

- (1) Once the Authority has determined that an application is complete it must review the application to determine compliance with ORS 475.314 and these rules.
- (2) The Authority may, in its discretion, prior to acting on an application:
 - (a) Contact the applicant and request additional documentation or information; and
 - (b) Inspect the premises of the proposed facility.
- (3) Prior to making a decision whether to approve or deny an application the Authority must:
 - (a) Ensure that the criminal background check process has been completed and review the results;
 - (b) Contact the OMMP and obtain documentation of whether the location of the facility is the same location as a registered grow site under OAR 333-008-0025;
 - (c) Review available records and information to determine whether the proposed facility is located within 1,000 feet of the real property comprising a public or private elementary, secondary or career school; and
 - (d) Review the list of registered facilities to determine whether any registered facilities are within 1,000 feet of the proposed facility.
- (4) If during the review process the Authority determines that the application or supporting documentation contains intentionally false or misleading information the Authority must return the application to the applicant as incomplete.

Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: 475.314

333-008-1050

Approval of Application

(1) If the proposed facility appears to be in compliance with ORS 475.314 and these rules, and the PRF has passed the criminal background check and is determined to reside in Oregon, the Authority must notify the applicant in writing that the application has been approved, that the facility is registered, and provide the applicant with proof of registration that includes a unique registration number.

(2) A facility that has been registered must display proof of registration in a prominent place inside the facility so that proof of registration is easily visible to individuals authorized to transfer usable marijuana and immature plants to the facility and individuals who are authorized to receive a transfer of usable marijuana and immature plants from the facility at all times when usable marijuana or immature plants are being transferred.

(3) A registered facility may not post any signs at the facility that use the Authority or the OMMP name or logo except to the extent that information is contained on the proof of registration.

(4) A facility's registration is only valid for the location indicated on the proof of registration and is only issued to the PRF that is listed on the application or subsequently approved by the Authority.

(5) A facility's registration may not be transferred to another location ~~or to a person other than the PRF that is listed on the application~~.

(6) If a proposed facility appears to be in compliance with ORS 475.314 and these rules except that the proposed facility does not yet have a security system installed and other security requirements in place, the Authority may issue a provisional registration that is valid for 60 days.

(a) In order to receive provisional registration a PRF must submit to the Authority at the time of application a floor plan of the facility that has marked and labeled all points of entry to the facility, all secure areas required by these rules and the proposed placement of all video cameras.

(b) The provisionally registered facility may not receive transfers of usable marijuana or immature plants or transfer usable marijuana or immature plants until the security system and other security requirements are in place and the Authority has approved the provisionally registered facility to begin operating.

(c) When the security system and other security requirements are in place the PRF must notify the Authority and if the Authority determines that the provisionally registered facility is in full compliance with these rules, the Authority must approve the facility for operation.

Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: 475.314

333-008-1060

Denial of Application

(1) The Authority must deny an application if:

(a) An applicant fails to provide sufficient documentation that the proposed facility meets the qualifications for a facility in these rules; or

(b) The PRF has been:

(A) Convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II within five years from the date the application was received by the Authority; or

(B) Convicted more than once for the manufacture or delivery of a controlled substance in Schedule I or Schedule II; or

(C) Prohibited by a court from participating in the OMMP.

(2) If the Authority intends to deny an application for registration it must issue a Notice of Proposed Denial in accordance with ORS 183.411 through 183.470.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1070

Expiration and Renewal of Registration

(1) A facility's registration expires one year following the date of application approval.

(2) If a PRF wishes to renew the facility's registration, the person must submit to the Authority within 690 days of the registration's expiration:

(a) An application renewal form prescribed by the Authority;

(b) The required renewal fee;

(c) Forms required for the Authority to do a criminal background check on the PRF.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1080

Notification of Changes

(1) A PRF must notify the Authority within 10 calendar days of any of the following:

(a) The person's conviction for ~~the~~ manufacture or delivery of a controlled substance in Schedule I or Schedule II;

(b) The issuance of a court order that prohibits the person from participating in the OMMP;

(c) A decision to change the PRF;

(d) A decision to permanently close the facility at that location;

(e) A decision to move to a new location;

(f) A change in the person's residency; and

(g) The location of an elementary, secondary or career school attended primarily by minors within 1,000 feet of the facility.

(2) The notification required in section (1) of this rule must include a description of what has changed and any documentation necessary for the Authority to determine whether the facility is still in compliance with ORS 474.314 and these rules including but not limited to, as applicable:

(a) A copy of the criminal judgment or order;

(b) A copy of the court order prohibiting the PRF from participating in the OMMP;

(c) The location of the school that has been identified as being within 1,000 feet of the facility; or

(d) The information required in OAR 333-008-1120 and 1130 to determine the residency of the new PRF and to perform the criminal background check.

(3) Failure of the PRF to notify the Authority in accordance with this rule may result in revocation of a facility's registration.

Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: 475.314

333-008-1090

Required Closures

A facility may not receive transfers of usable marijuana or immature plants or transfer usable marijuana or immature plants if:

(1) The PRF is convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II;

(2) The PRF changes and the Authority has not:

(a) Performed a criminal background check on the proposed PRF in accordance with OAR 333-008-1130;

(b) Determined whether the individual is a resident of Oregon; and

(c) Provided written approval that the new PRF meets the requirements of ORS 475.314.

(3) The PRF has been ordered by the court not to participate in the OMMP; or

(4) An elementary, secondary or career school attended primarily by minors is found to be within 1,000 of the registered facility.

Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: 475.314

333-008-1100

Business Qualifications for Medical Marijuana Facility Registration

(1) A facility must be registered as a business or at the time of applying to register a facility have filed a pending application to register as a business with the Office of the Secretary of State.

(2) The Authority may not approve an application until the applicant provides proof of it has verified that the facility is registered as a business with the Office of the Secretary of State.

Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: 475.314

333-008-1110

Locations of Medical Marijuana Facilities

(1) In order to be registered a facility must be located in an area that is zoned by the local governing agency for commercial, industrial or mixed use or as agricultural land.

(2) Registration by the Authority is not a guarantee that a facility is permitted to operate under applicable land use or other local government laws where the facility is located.

(3) A facility may not be located:

- (a) At the same address as a registered marijuana grow site;
- (b) Within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors; or
- (c) Within 1,000 feet of another medical marijuana facility;

(4) In order for the Authority to ensure compliance with this rule a PRF must submit with an initial application ~~document~~ation from a governmental entity that ~~shows~~ss shows the current zoning for the location of the proposed facility ~~and that if the facility is proposed to be located in agricultural land that the facility's use is an approved use within an exclusive farm use zone;~~

~~—— (b) A map of the area in which the proposed facility is located that identifies by name, all public or private elementary, secondary or career schools.~~

~~—— (c) A document that shows the addresses and contact information of all the schools referenced in subsection (b) of this section, the distances between each of the schools and the proposed facility, and a description of how the distances were determined.~~

(5) For purposes of determining the distance between a facility and a school referenced in section (3)(b) of this rule, “within 1,000 feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction from any point on the boundary line of the real property comprising an existing public or private elementary, secondary or career school primarily attended by minors.

(6) For purposes of determining the distance between a facility and another registered facility “within 1,000 feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction from any point on the boundary line of the real property comprising a registered facility.

(7) In order to be registered a facility must operate at a particular location as specified in the application and may not be mobile.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1120

Person Responsible for a Medical Marijuana Facility (PRF)

(1) A PRF must:

- (a) Be a resident of Oregon. Residency may be proved by submitting to the Authority:
 - (A) An Oregon Driver's license, ~~or~~ Oregon identification card that includes a photograph of the person, or a military identification card that includes a photograph of the person; and

(B) Copies of utility bills, rental receipts, mortgage statements or similar documents that contain the name and address of the domicile of the PRF.

- (b) Have legal authority to act on behalf of the facility; and
 - (c) Be responsible for ensuring the facility complies with applicable laws, if registered;
- (2) A PRF may not:

(a) Have been convicted in any state for the manufacture or delivery of a controlled substance in Schedule I or Schedule II within five years from the date of application; or

(b) Have been convicted more than once in any state for the manufacture or delivery of a controlled substance in Schedule I or Schedule II .

(3) At the time of application a PRF must submit to the Authority a copy of the information described in section (1)(a)(A) and (B) of this rule ~~and must disclose whether he or she has any disqualifying convictions as described in section (2) of this rule.~~

(4) A PRF is accountable for any intentional or unintentional action of its owners, officers, managers, employees or agents, with or without the knowledge of the PRF, who violate ORS 475.314 or these rules.

(5) If a PRF no longer meets the criteria of a PRF the Authority shall inform the PRF and the owner of the facility if different that:

(a) The PRF may no longer serve in that capacity;

(b) In order to remain certified, a change of PRF form must be submitted; and

(c) The facility may not operate until the Authority has approved a new PRF.

(6) If the Authority is notified that a change of PRF is needed, the current PRF is no longer able to serve as the PRF, or the PRF has been or will be removed by the owner of a facility, the owner of the facility must submit a change of PRF form to Authority within ten business days of the notification or the Authority will begin proceedings to revoke the certification of the facility.

(7) If the PRF of record for the facility is no longer serving in that capacity the facility may not operate until a new PRF has been approved by the Authority.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1130

Criminal Background Checks

(1) A PRF must, at the time of application, provide to the Authority:

(a) A criminal background check request form, prescribed by the Authority that ~~must~~ includes but is not limited to ~~the person's~~:

(A) First, middle and last name;

(B) Any aliases;

(C) Date of birth;

(D) Driver's license information; and

(E) Address and recent residency information;

(b) Fingerprints in accordance with the instructions on the Authority's webpage, [insert web address]A fingerprint card; and.

~~(c) A fee of \$ ____.~~

(2) The Authority may request that the PRF disclose his or her Social Security Number if notice is provided that:

(a) Indicates the disclosure of the Social Security Number is voluntary; and

(b) That the Authority requests the Social Security Number solely for the purpose of positively identifying the PRF during the criminal records check process.

(3) The Authority shall conduct a criminal records check in order to determine whether the PRF has been convicted of the manufacture or delivery of a controlled substance in Schedule I or Schedule II in any state.

(4) The Authority must conduct a criminal background check in accordance with this rule on a PRF every year at the time of application renewal.

(5) If a PRF wishes to challenge the accuracy or completeness of information provided by the Department of State Police, the Federal Bureau of Investigation and agencies reporting information to the Department of State Police or Federal Bureau of Investigation, those challenges must be made through the Department of State Police, Federal Bureau of Investigation or reporting agency and not through the contested case process specified in OAR 333-008-1060(2).

Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: 475.314

333-008-1140

Security for Registered Facilities

(1) The PRF must ensure that a registered facility complies with OAR 333-008-1140 to 333-008-1180.

(2) The PRF is responsible for the security of all usable marijuana and immature plants in the registered facility, including providing adequate safeguards against theft or diversion of usable marijuana and immature plants and records that are required to be kept.

(3) The PRF must ensure that commercial grade, non-residential door locks are installed on every external door at a registered facility prior to opening for business and used while a facility is registered.

(4) During all hours when the registered facility is open for business, the PRF must ensure that:

(a) All usable marijuana and immature plants received and all usable marijuana and immature plants available for transfer to a patient or a designated primary caregiver are kept in a locked, secure area that can only be accessed by authorized personnel.

(b) All areas where usable marijuana or immature plants are received for transfer by a registered facility are identified as a restricted access area by posting a sign not less than 12 inches wide and 12 inches long, composed of letters not less than a half inch in height that reads, "Restricted Access Area – Authorized Personnel Only.

(c) All areas where usable marijuana or immature plants are available for transfer to a patient or designated primary caregiver are:

(A) Identified as a restricted access area and clearly identified by the posting of a sign not less than 12 inches wide and 12 inches long, composed of letters not less than a half inch in height that reads "Restricted Access Area – No Minors Allowed";

(B) Supervised by the PRF or an employee of the registered facility at all times when a patient or designated primary caregiver is present; and

(C) Separate from any area where usable marijuana or immature plants are being transferred to a registered facility.

(5) During all hours when the registered facility is not open for business the PRF must ensure that:

(a) All entrances to and exits from the facility are securely locked and any keys or key codes to the facility remain in the possession of the PRF or authorized employees;

(b) All usable marijuana is kept in a safe; and

(c) All immature plants are in a locked room.

(6) The PRF must ensure that:

(a) Electronic Records are encrypted, and securely stored to prevent unauthorized access and ensure confidentiality;

(b) There is an electronic back-up system for all electronic records; and

(c) All video recordings and archived required records not stored electronically are kept in a locked storage area. Current records may be kept in a locked cupboard or desk outside the locked storage area during hours when the registered facility is open.

(7) A PRF must have detailed written policies and procedures and training for all authorized employees to ensure that the rules concerning security in OAR 333-008-1140 to 333-008-1180 are followed.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1150

Alarm System for Registered Facilities

(1) Prior to opening for business, a PRF must ensure that a registered facility has a security alarm system, installed by an alarm installation company, on all facility entry or exit points and perimeter windows.

(2) At the time of application a PRF must submit to the Authority documentation of the:

(a) Alarm system that is installed or proposed for installation;

(b) Company that installed the system or plans to install the system;

(c) Features of the system that meet the criteria of this rule.

(3) A PRF must ensure that the facility is continuously monitored by the alarm system.

(4) The security alarm system for the registered facility must:

(a) Be able to detect movement inside the registered facility;

(b) Be programmed to notify the a security company that will notify the PRF or his or her designee in the event of a breach; and

(c) Have at least two "panic buttons" located inside the registered facility that are linked with the alarm system.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1160

Video Surveillance Equipment for Registered Facilities

(1) Prior to opening for business, a PRF must install a fully operational video surveillance recording system.

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(2) At the time of application a PRF must submit to the Authority documentation of the:

- (a) Video surveillance system that is installed or proposed for installation;
- (b) Company or person that installed the system or plans to install the system;
- (c) Features of the system that meet the criteria of this rule.

(3) Video surveillance equipment must, at a minimum:

- (a) Consist of:
 - (i) Digital or network video recorders
 - (ii) Cameras capable of meeting the requirements of OAR 333-008-1170 and this

rule;

- (iii) Video monitors;
- (iv) Digital archiving devices; and
- (v) A color printer capable of producing still photos;

(b) Be equipped with a failure notification system that provides prompt notification to the PRF or employees of any prolonged surveillance interruption or failure; and

(c) Have sufficient battery backup to support a minimum of one hour of recording time in the event of a power outage.

(4) All video surveillance equipment and recordings must be stored in a locked secure area that is accessible only to the PRF, authorized employees of the registered facility and the Authority.

~~(5) The PRF must notify the Authority of any loss of video surveillance capability that lasts beyond~~

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1170

Required Camera Coverage and Camera Placement for Registered Facilities

(1) A PRF must ensure that a registered facility has camera coverage for:

- (a) All secure areas and restricted access areas described in OAR 333-008-1140;
- (b) All point of sale areas;
- (c) All points of entry or exit to secure and restricted access areas; and
- (d) All points of entry to or exit from to the registered facility.

(2) A PRF must ensure that ~~C~~ camera placement ~~must be is~~ capable of identifying activity occurring within 15 feet of all points of entry to the registered facility and exit from the registered facility and shall allow for the clear and certain identification of any individual and activities on the facility premises.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1180

Video Recording Requirements for Registered Facilities

(1) The PRF must ensure that A all camera views of all secure and restricted access areas and points of entry to or exit from the registered facility are must be continuously monitored by motion sensor video equipment or similar technology recorded 24 hours a day.

(2) A PRF must ensure that:

- (a) All surveillance recordings are kept for a minimum of 30 days and are in a format that can be easily accessed for viewing ~~by the Authority;~~
- (b) The surveillance system has the capability to produce a color still photograph from any camera image;
- (c) That the date and time is embedded on all surveillance recordings without significantly obscuring the picture;
- (d) Video recordings are archived in a format that ensures authentication of the recording as a legitimately-captured video and guarantees that no alterations of the recorded image has taken place; and
- (e) Video surveillance records and recordings are available upon request to the Authority ~~for inspection or investigation purposes~~ for the purpose of ensuring compliance with ORS 475.314 and these rules.

Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: 475.314

333-008-1190

Testing

- (1) A PRF must ensure that usable marijuana and immature plants are tested for pesticides, mold and mildew in accordance with this rule prior to the usable marijuana or immature plants being transferred to a patient or a designated primary caregiver.
- (2) A PRF must have submit to the Authority written detailed policies and procedures that describe how the registered facility complies with this rule.
- (3) Upon usable marijuana being transferred to a registered facility in accordance with OAR 333-008-1230, the PRF must ensure the usable marijuana is segregated into ~~homogenized~~ batches, that each batch is and placed in an individual container or bag, and that with a label is attached to the container or bag ~~batch~~ that includes at least the following information:
 - (a) A unique identifier;
 - (b) The name of the person who transferred it; and
 - (c) The date the usable marijuana was received by the registered facility.
- (4) Sampling. A PRF must ensure that random samples from each batch are taken in an amount necessary to conduct the applicable test, accordance with section (5) of this rule, that the samples are labeled with the batch's unique identifier, and submitted for testing.
- (5) Testing. A PRF must ensure that each sample is tested for pesticides, mold, and mildew and for an analysis of the levels of **THC and CBN.**
 - (a) Immature Plants. An immature plant may be tested for pesticides, mold or mildew by conducting a macroscopic or microscopic screening to determine if the plant has visible pesticide residue, mold or mildew.
 - (b) Flowers or other usable marijuana plant material. Usable marijuana in the form of flowers or other plant material must be:
 - (A) Tested for pesticides, mold and mildew using valid testing methodologies and macroscopic or microscopic screening may not be used; and.
 - (B) Analyzed, using valid testing methodologies, to determine the levels of **THC and CBN.**

(c) Edibles, Liquids and Solid Extracts. If the usable marijuana used in the edible, liquid or solid extract has been tested in accordance with these rules and tested negative for pesticides, mold or mildew, the edible, liquid or solid extract does not need to be tested for pesticides, mold and mildew but does need to be tested for an analysis of the levels of THC and CBN.

(6) **Laboratory Requirements.** A PRF must ensure that all testing, except for testing of immature plants is done by a third party or in-house laboratory that:

(a) Uses valid testing methodologies; and

(b) Has a Quality System for testing of pesticides, mold and mildew that meets the:

(A) 2005 International Organization for Standardization 17025 Standard; or

(B) 2009 National Environmental Laboratory Accreditation Conference Institute TNI Standards.

(7) Macroscopic or microscopic screening of immature plants must be conducted by a person who has a minimum of a bachelor's degree in horticulture, botany, plant pathology, microbiology, or an equivalent degree but is not required to be done by a laboratory.

(8) **Testing Results:** A laboratory must provide testing results to the PRF signed by an official of the laboratory who can attest to the accuracy of the results, and that includes the levels of pesticides, mold or mildew detected and the levels of THC and CBN.

(a) If an immature plant has visible pesticide residue, mold or mildew it must be deemed to test positive and must be returned to the person who transferred the immature plant to the registered facility.

(b) A sample shall be deemed to test positive for mold and mildew if the sample has levels that exceed the maximum acceptable counts in the Pharmacopeia, Section 1111 (May 1, 2009), incorporated by reference.

(c) A sample shall be deemed to test positive for pesticides if it contains more than 0.01 parts per million of a pesticide.

(9) If an immature plant or sample of usable marijuana tests positive for pesticides, mold or mildew based on the standards in this rule the PRF must ensure the entire batch from which the sample was taken is returned to the person who transferred the immature plant or usable marijuana to the registered facility and must document how many or how much was returned, to whom, and the date it was returned.

(10) A registered facility may perform its own testing as long as the testing complies with this rule.

(11) The PRF may permit laboratory personnel or other persons authorized to do testing access to secure or restricted access areas of the registered facility where usable marijuana or immature plants are stored. The PRF must log the date and time in and out of all such persons.

Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: 475.314

333-008-1200

Operation of Registered Facilities

(1) A PRF must ensure that a registered facility does not permit:

~~(a) A person to enter into an area of a registered facility where usable marijuana or immature plants are present unless the registered facility has documented that the person is a patient, caregiver or grower currently registered with OMMP.~~

~~(b) A minor to be present in any area of a registered facility where usable marijuana or immature plants are present anywhere on the premises of the registered facility, even if the minor is a patient or an employee; and~~ ~~or~~

~~(c) Consumption, ingestion, inhalation or topical application or use of usable marijuana anywhere on the premises of the registered facility, except that an employee of a registered facility who is a patient may consume usable marijuana during their work shift as necessary for his or her medical condition, in a closed room not visible to the public or to patients or caregivers on the premises of the registered facility to receive a transfer of usable marijuana or an immature plant.~~

(2) A PRF must ensure that a registered facility uses an Oregon Department of Agriculture approved scale to weigh all usable marijuana.

(3) The following persons are the only persons permitted in any area of a registered facility where usable marijuana or immature plants are present, and only in accordance with these rules, as applicable:

(a) A PRF;

(b) An owner of a registered facility;

(c) An employee of the registered facility;

(d) A contractor authorized by the PRF to be on the premises of a registered facility;

(e) A patient, designated primary caregiver, or growers;

(f) An authorized employee or authorized contractor of OHA; and

(g) Other government officials that ~~have~~ may have jurisdiction over some aspect of the registered facility or that otherwise have authority to be on the premises of the registered facility.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1210

Record Keeping

(1) A PRF must ensure that the following information is documented and maintained electronically in a manner that can easily be shared with the Authority or accessed by the Authority:

(a) All Authorization to Transfer forms, including the date on which a form was received;

(b) Any written notifications from a patient with regard to any change in status as required by ORS 475.309(7)(a)(B) or (10)(a);

(c) Any revocation of an Authorization to Transfer form;

(d) All transfer information required in OAR 333-008-1230 and 333-008-1240;

(e) Documentation of the costs of doing normal and customary business used to establish the reimbursement amounts for transfers of usable marijuana or immature plants, including costs related to transferring, handling, securing, insuring, testing, packaging and

processing usable marijuana and immature marijuana plants and the cost of supplies, utilities and rent or mortgage.

(f) The amount of money paid by a registered facility to a grower for each transfer of usable marijuana or immature plants; ~~and~~

(g) The laboratory reports ~~results~~ of all testing and other information required to be documented in OAR 333-008-1190~~(4)~~; ~~and~~

(h) All other information required to be documented and retained in these rules.

(2) The PRF must ensure that information required to be documented ~~and maintained~~ pursuant to section (1) of this rule is maintained in a safe and secure manner that protects the information from unauthorized access, theft, fire, or other destructive forces, and is easily retrievable for inspection by the Authority upon request, either at the registered facility or online ~~that protects the information from theft, fire, or other destructive forces, and is easily retrievable for inspection by the Authority upon request.~~

(3) A PRF must ensure that a registered facility uses an electronic data management system ~~point-of-sale system~~ for the recording of transfers of medical marijuana. The ~~POS~~ system must meet the following minimum requirements:

(a) Record the information required to be documented in this rule and OAR 333-008-1230 and 1240;

(b) Provide for off-site or secondary backup system;

(c) Assign a unique transaction number for each transfer to or from the registered facility;

(d) Monitor date of testing and testing results;

(e) Track products by unique transaction number through the transfer in, testing and transfer out processes;

(f) Generate transaction and other reports requested by the Authority viewable in pdf format;

(g) Produce reports, including but not limited to inventory reports that allow the Authority to inspect reports either on-site or through data generated by the POS system; ~~and~~

(h) Provide security measures to ensure patient and grower records are kept confidential.

(4) Documents and information required to be maintained in these rules must be retained by the PRF for at least one year.

(5) A PRF must provide the Authority with any documentation required to be maintained in these rules upon request, in the format requested by the Authority, or permit the Authority access to such documentation on-site.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1220

Labeling

(1) Prior to transferring usable marijuana a PRF must ensure that a label is affixed to the usable marijuana that includes but is not limited to:

- (a) The amount of tetrahydrocannabinol (THC) and cannabanoids (CBN) in the usable marijuana;
 - (b) If pre-packaged, the weight or volume of the packaged usable marijuana in metric units;
 - (c) The amount of usable marijuana in a finished product in metric units and description of any pesticides in the usable marijuana; and
 - (d) Potency information; and
 - (e) Who performed the testing.
- (2) If the registered facility transfers usable marijuana in a form that is edible, the PRF must ensure that the usable marijuana has a warning label on the outside of the packaging that includes the following: **“WARNING: MEDICINAL PRODUCT – KEEP OUT OF REACH OF CHILDREN”** in bold capital letters, in a font size that is larger than the type-size of the other printing on the label such that it is easy to read and prominently displayed on the product.

Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: 475.314

333-008-1230

Transfers to a Registered Facility

(1) A patient may authorize usable marijuana or immature marijuana plants to be transferred to a registered facility by signing an Authorization to Transfer form prescribed by the Authority. A patient may authorize transfers to more than one registered facility. A separate form must be provided for each registered facility. The Authorization must include, but is not limited to, the following information:

- (a) The patient’s name, OMMP card number and expiration date and contact information;
- (b) The name and contact information of the individual who is authorized to transfer the usable marijuana or immature marijuana plants to the registered facility and that individuals’ OMMP card number and expiration date;
- (c) The name and address of the registered facility that is authorized to receive the usable marijuana or immature marijuana plants; and
- (d) The date the authorization expires, if earlier than the expiration date of the patient’s OMMP card applicable.

(2) Only a patient, the patient’s designated primary caregiver, or the patient’s grower may be authorized to transfer usable marijuana or immature plants to a registered facility.

(3) The original An Authorization to Transfer form must be provided to the registered facility to which a transfer may be made by the patient or person authorized to transfer the usable marijuana or immature plants. The patient should retain a copy of the Authorization to Transfer form for his or her records and provide a copy to the person authorized to transfer the usable marijuana or immature plants.

(4) An Authorization to Transfer form automatically expires on the date the patient’s OMMP card expires, unless the patient has specified an earlier expiration date. If the patient renews his or her OMMP card the patient may execute a new Authorization to Transfer form in accordance with this rule.

(5) Once usable marijuana or an immature plant is transferred to a registered facility pursuant to a valid Authorization to Transfer form, the usable marijuana or immature plant is no longer the property of the patient unless the usable marijuana or immature plants are returned by the registered facility ~~because they tested positive for pesticides, mold, mold or mildew.~~

(6) Prior to a registered facility accepting a transfer of usable marijuana or immature plants the PRF must ensure that:

(a) It has a valid Authorization to Transfer form on file that authorizes the individual that is transferring the usable marijuana or immature plants to make the transfer; and

(b) The individual transferring the usable marijuana or immature plants is the individual authorized to make the transfer.

(7) A PRF must ensure that when a registered facility accepts a transfer of usable marijuana or an immature plant the batch of usable marijuana ~~and and each~~ immature plant are ~~is~~ segregated in accordance with the testing rule, OAR 333-008-1190 given a unique identifier and that the following information is documented, as applicable:

(a) The unique identifier;

(b) The weight in metric units ~~grams or volume in milliliters or liters~~ of all usable marijuana received by the registered facility;

(c) The number of immature plants received by the registered facility;

(d) The amount of a finished product received by the registered facility, including, as applicable, the weight in metric units ~~grams or volume in milliliters or liters~~, or the number of units of a finished product;

(e) A description of the form the usable marijuana was in when it was received, for example, oil or an edible product;

(f) Who transferred the usable marijuana or ~~the an~~ immature plant, the individual's OMMP card number and expiration date of the card, a copy of the individual's picture identification, the date the usable marijuana or an immature plant was received, and the name of the patient who authorized the transfer; and

(g) The amount of reimbursement paid by the registered facility.

(8) Nothing in these rules requires a PRF or a registered facility to accept a transfer of usable marijuana or immature plants.

(9) A PRF must ensure that:

(a) From the time that a batch or plant has been received by the registered facility until it is tested in accordance with these rules, the ~~Usable~~ marijuana and immature plants ~~received by the registered facility~~ are segregated, ~~and~~ withheld from use, ~~and~~ kept in a secure, ~~cool and dry~~ location so as to prevent the marijuana or plants from becoming contaminated or losing its efficacy, or from being tampered with or transferred except ~~that the~~ samples may be ~~that have been~~ removed for testing, ~~from the time that a batch has been received by the registered facility until it is tested in accordance with these rules~~; and

(b) That no usable marijuana or immature plants are transferred to a patient or designated primary caregiver until testing has been completed, the registered facility has received a written testing reports, and the usable marijuana and immature plants have tested negative for pesticides, mold and mildew.

(10) Usable marijuana and immature plants must be kept on-site at the facility. The Authority may cite a PRF for a violation of these rules if during an inspection it cannot account for its

inventory or if the amount of usable marijuana at the registered facility is not within 5% of the documented inventory.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: ORS 475.3154

333-008-1240

Transfers to a Patient or Designated Primary Caregiver

(1) Prior to a registered facility transferring usable marijuana or an immature plant to a patient or a designated primary caregiver the PRF must ensure that:

(a) The usable marijuana or an immature plant has not tested positive for mold, mildew or pesticides as specified in OAR 333-008-1190; and

(b) The identity and cardholder status of the person requesting usable marijuana or an immature plant is verified by viewing the person's OMMP card and picture identification and making sure the two match.

(2) The PRF must ensure that for each transfer of usable marijuana or an immature plant to a patient or a designated primary caregiver the following information is documented:

(a) The name, OMMP card number and expiration date of the card of each person to whom the registered facility transfers usable marijuana or an immature plant;

(b) A copy of the person's picture identification;

(c) The amount of usable marijuana transferred in- ~~metric units~~ ~~milligrams, grams, milliliters or liters, or units~~, as applicable;

(d) The number of immature plants, if applicable;

(e) The amount of a finished product transferred in- ~~metric units~~ ~~milligrams, grams, milliliters~~, or units ~~of the finished product~~, as applicable;

(f) A description of what was transferred;

(g) The date of the transfer; and

(h) The amount of money paid by a patient or a designated primary caregiver to a registered facility for the transfer of usable marijuana or an immature plant.

(3) The PRF must ensure that a registered facility does not transfer at any one time more usable marijuana or immature plants than a patient or designated primary caregiver is permitted to possess under ORS 475.320(1)(a). A PRF is not responsible for determining whether a patient or designated primary caregiver is limited in the amount of usable marijuana he or she can possess under ORS 475.320(1)(b).

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: ORS 475.314

333-008-1250

Inspections

(1) The Authority must conduct an initial inspection of every registered facility within ~~six~~ ~~three~~ months of approving an application to ensure compliance with these rules, and must conduct a routine inspection of every registered facility at least every year.

- (2) The Authority may conduct a complaint inspection at any time following the receipt of a complaint that alleges a registered facility is in violation of ORS 475.314 or these rules.
- (3) The Authority may conduct an inspection at any time if it believes, for any reason, that a registered facility or a PRF is in violation of ORS 475.314 or these rules.
- (4) A PRF and any employees, contractors, or other individuals working at a registered facility must cooperate with the Authority during an inspection.
- (5) If an individual at a registered facility fails to permit the Authority to conduct an inspection the Authority may seek an administrative warrant authorizing the inspection pursuant to ORS 431.262.

Stat. Auth.: ORS 431.262, 475.314, 475.338
Stats. Implemented: ORS 431.262, 475.314

333-008-1260

Violations

- (1) A ~~PRF~~ registered facility is in violation of ORS 475.314 or these rules for:
 - (a) A PRF or an employee of a facility ~~f~~ failing to cooperate with an inspection;
 - (b) The s ~~sub~~ mission by a PRF ~~off~~ ting false or misleading information to the Authority in support of an application or in seeking to retain registration;
 - (c) Transferring usable marijuana or immature plants to an individual who is not a patient or a designated primary caregiver;
 - (d) Accepting a transfer of usable marijuana or immature plants without a valid authorization from the patient;
 - (e) Possessing a mature marijuana plant at the registered facility;
 - (f) Failing to document and maintain information in the manner required by these rules;
 - (g) Failing to account for usable marijuana or immature plants on the premises of the registered facility, taking into account a 5% loss;
 - (g) Failing to submit a plan of correction in accordance with OAR333-008-1270;
 - (h) Failing to comply with a final order of the Authority, including failing to pay a civil penalty; or
 - (i) Failing to comply with ORS 475.314 or any of these rules.
- (2) It is a violation of ORS 475.314 and these rules to operate a facility without being registered by the Authority.

Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: ORS 475.314

333-008-1270

Enforcement

(1) Informal Enforcement

- (a) If, during an inspection the Authority documents violations of ORS 475.314 or any of these rules, the Authority may issue a written Notice of Violation to the PRF that cites the laws alleged to have been violated and the facts supporting the allegations.

(b) The PRF must submit to the Authority a signed plan of correction within 10 business days from the date the Notice of Violation was mailed to the person. A signed plan of correction will not be used by the Authority as an admission of the violations alleged in the Notice.

(c) A PRF must correct all deficiencies within 10 days from the date of the Notice, unless an extension of time is requested from the Authority. A request for such an extension shall be submitted in writing and must accompany the plan of correction.

(d) The Authority must determine if a written plan of correction is acceptable. If the plan of correction is not acceptable to the Authority it must notify the PRF in writing and request that the plan of correction be modified and resubmitted no later than 10 working days from the date the letter of non-acceptance was mailed.

(e) If the registered facility does not come into compliance by the date of correction reflected on the plan of correction, the Authority may propose to revoke the registration of the facility or impose civil penalties.

(f) The Authority may conduct an inspection at any time to determine whether a registered facility has corrected the deficiencies in a Notice of Violation.

(2) Formal Enforcement: If, during an inspection or based on other information the Authority determines that a registered facility or PRF is in violation of ORS 475.314 or these rules the Authority may issue:

(a) A Notice of Proposed Revocation in accordance with ORS 183.411 through 183.470;

or and

(b) A Notice of Imposition of Civil Penalties in accordance with ORS 183.745. Civil penalties may be issued for any violation of ORS 475.314 and these rules, not to exceed \$500 per violation per day.

(3) The Authority must determine whether to use the informal or formal enforcement process based on the nature of the alleged violations, whether there are mitigating or aggravating factors, and whether the PRF or the registered facility has a history of violations.

(4) The Authority must issue a Notice of Proposed Revocation if the:

(a) Facility no longer meets the criteria in ORS 475.314(3)(a) to (d); or

(b) PRF is not a resident of Oregon, has disqualifying criminal convictions as described in OAR 333-008-1120, or a court has issued an order that prohibits the PRF from participating in the OMMP under ORS 475.300 – 475.346 unless a new PRF is approved by the Authority.

(5) The Authority may maintain a civil action against a facility that is operating but not registered in accordance with ORS 475.314 and these rules.

(6) The Authority must post a final order revoking the registration of a facility on the Authority's website and provide a copy of the final order to the OMMP.

(7) To the extent permitted by law, if the Authority discovers violations that may constitute criminal conduct or conduct that is in violation of laws within the jurisdiction of other state or local governmental entities, the Authority may refer the matter to the applicable agency.

(8) If the registration of a facility is revoked the PRF must make arrangements to return the usable marijuana and immature plants in amounts still possessed by the facility, to the person who transferred the usable marijuana or immature plants and must document the same.

Stat. Auth.: ORS 431.262, 475.314, 475.338

Stats. Implemented: ORS 431.262, 475.314

333-008-1280

Confidentiality

- (1) Any criminal background information received by the Authority about a PRF during the criminal background check process is confidential and is not subject to disclosure without a court order.
- (2) The name of a PRF and the address of a registered facility is confidential and is not subject to disclosure without a court order, except as provided in section (5) of this rule, or unless a PRF has authorized disclosure.
- (3) If an application has been denied, the information submitted to the Authority in an application for registration of a facility is not confidential and may be subject to disclosure under ORS 192.410 -192.505.
- (4) A final order revoking the registration of a facility is not confidential and may be posted on the Authority's website or otherwise made public by the Authority.
- (5) Authorized employees of state and local law enforcement agencies may verify with the Authority at all times whether that:
 - (a) A location is the location of a registered ~~medical marijuana~~ facility; or
 - (b) A person is the person listed as the PRF of a registered facility.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: ORS 475.314, 475.331

333-008-1290

Change of Location

- (1) A registered facility that changes location must submit a new application that complies with OAR 333-008-1020.
- (2) A facility may not operate at a new location unless it is registered by the Authority.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: ORS 475.314

333-008-0010

Definitions

For the purposes of OAR 333-008-0000 through 333-008-0120, the following definitions apply:

- (1) "Act" means the Oregon Medical Marijuana Act.
- (2) "Applicant" means a person applying for an Oregon Medical Marijuana registry identification card on a form prescribed by the Authority.
- (3) "Attending physician" means a Doctor of Medicine (MD) or Doctor of Osteopathy (DO), licensed under ORS Chapter 677, who has primary responsibility for the care and treatment of a person diagnosed with a debilitating medical condition.
- (4) "Authority" means the Oregon Health Authority.
- (5) "Debilitating medical condition" means:
 - (a) Cancer, glaucoma, agitation due to Alzheimer's disease, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, or treatment for these conditions;
 - (b) A medical condition or treatment for a medical condition that produces, for a specific patient, one or more of the following:
 - (A) Cachexia;
 - (B) Severe pain;
 - (C) Severe nausea;
 - (D) Seizures, including but not limited to seizures caused by epilepsy; or
 - (E) Persistent muscle spasms, including but not limited to spasms caused by multiple sclerosis; or
 - (c) Any other medical condition or treatment for a medical condition adopted by the Authority by rule or approved by the Authority pursuant to a petition submitted under OAR 333-008-0090.
- (6) "Delivery" means the actual, constructive or attempted transfer, other than by administering or dispensing, from one person to another of a controlled substance, whether or not there is an agency relationship, but does not include transfer of marijuana from one patient to another patient if no consideration is paid for the transfer.
- (7) "Designated primary caregiver" means an individual 18 years of age or older who has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition and who is designated as such on that person's application for a registry identification card or in other written notification to the Authority. "Designated primary caregiver" does not include the person's attending physician.
- (8) "Food stamps" means the Supplemental Nutrition Assistance Program as defined and governed by ORS 411.806 through 411.845.
- (9) "Grow site" means a specific location registered by the Authority used by the grower to produce marijuana for medical use by a specific patient.
- (10) "Grow site registration card" means the card issued to the patient and displayed at the grow site.
- (11) "Grower" has the same meaning as "person responsible for a marijuana grow site."
- (12) "Immature plant" has the same meaning as "seedling or start."
- (13) "Marijuana" means all parts of the plant Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
- (14) "Mature plant" means a marijuana plant that does not fall within the definition of a seedling or a start.
- (15) "Medical marijuana facility" is a facility, registered by the Authority, under XXX-XXX-XXXX.

- (165) "Medical use of marijuana" means the production, possession, delivery, or administration of marijuana, or paraphernalia used to administer marijuana, as necessary for the exclusive benefit of a person to mitigate the symptoms or effects of his or her debilitating medical condition.
- (176) "Oregon Health Plan (OHP)" means the medical assistance program administered by the Authority under ORS Chapter 414.
- (187) "OMMP" refers to the office within the Authority that administers the provisions of the OMMA, and all policies and procedures pertaining thereto, as set forth in these rules.
- (198) "Parent or legal guardian" means the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age.
- (2019) "Patient" has the same meaning as "registry identification cardholder."
- (210) "Person responsible for a marijuana grow site" means a person who has been selected by a patient to produce medical marijuana for the patient, and who has been registered by the Authority for this purpose.
- (22*) "Person responsible for a medical marijuana facility" has the meaning given that term in OAR 333-008-XXXX.
- (231) "Primary responsibility" as that term is used in relation to an attending physician means that the physician:
- (a) Provides primary health care to the patient; or
 - (b) Provides medical specialty care and treatment to the patient as recognized by the American Board of Medical Specialties; or
 - (c) Is a consultant who has been asked to examine and treat the patient by the patient's primary care physician licensed under ORS Chapter 677, the patient's physician assistant licensed under ORS Chapter 677, or the patient's nurse practitioner licensed under ORS Chapter 678; and,
 - (d) Has reviewed a patient's medical records at the patient's request and has conducted a thorough physical examination of the patient, has provided or planned follow-up care, and has documented these activities in the patient's medical record.
- (242) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.
- (253) "Registry identification card" means a document issued by the Authority that identifies a person authorized to engage in the medical use of marijuana, and the person's designated primary caregiver, if any.
- (264) "Registry identification cardholder" means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symptoms or effects of the person's debilitating medical condition, and who has been issued a registry identification card by the Authority.
- (275) "Replacement registry identification card" means a new card issued in the event that a registry identification cardholder's card, designated primary caregiver identification card, grower identification card, or grow site registration card is lost or stolen, or if a registry identification cardholder's designation of primary caregiver, grower, or grow site has changed.
- (286) "Seedling or start" means a marijuana plant that has no flowers, is less than 12 inches in height, and less than 12 inches in diameter. A seedling or start that does not meet all three criteria shall be considered a mature plant.
- (297) "Supplemental Security Income (SSI)" means the monthly benefit assistance program administered by the federal government for persons who are age 65 or older, or blind, or disabled and who have limited income and financial resources.
- (3028) "Usable marijuana" means the dried leaves and flowers of the plant Cannabis family Moraceae and any mixture or preparation thereof, that are appropriate for medical use. "Usable marijuana" does not include the seeds, stalks and roots of the plant.

(3129) "Written documentation" means a statement signed and dated by the attending physician of a person diagnosed with a debilitating medical condition or copies of the person's relevant medical records, maintained in accordance with standard medical record practices.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.300 - 475.346

333-008-0020

New Registration Application and Verification

(1) A person may apply for a registry identification card on forms prescribed by the Authority. In order for an application to be considered complete, an applicant must submit the following:

- (a) An application form signed and dated by the applicant;
- (b) Copies of legible and valid U.S. state or federal issued photographic identification that includes last name, first name, and date of birth from the applicant, the designated primary caregiver, and grower, as applicable. Acceptable forms of current U.S. state or federal issued photographic identification include but are not limited to:
 - (A) Driver's license;
 - (B) State identification card;
 - (C) Passport; or
 - (D) Military identification card.
- (c) Written documentation, which may consist of relevant portions of the applicant's medical record, signed by the applicant's attending physician within 90 days of the date of receipt by the Authority, which describes the applicant's debilitating medical condition and states that the use of marijuana may mitigate the symptoms or effects of the applicant's debilitating medical condition;
- (d) If applicable, a completed and notarized "Declaration of Person Responsible for Minor" form for any person under 18 years of age, signed and dated by the person responsible for the minor;
- (e) The name of a designated primary caregiver, if any;
- (f) The name of a ~~and one~~ designated grower (either the patient or another person), if any and the location of the grow site; and
- (g) ~~(f)~~ An application fee and grow site registration fee, if applicable, in the form of cash, bank check, money order, or personal check.

(2) The Authority shall process an application prior to issuing registry identification cards to assure that the application is complete and information provided has been verified.

- (a) The Authority shall only accept applications that are mailed or are hand-delivered.
- (b) If an applicant does not provide all the information required and the application is considered incomplete, the Authority shall notify the applicant of the information that is missing, and shall allow the applicant 14 days to submit the missing information.
- (c) If an applicant does not provide the information necessary to declare an application complete, or to complete the verification process within the timelines established in subsections (2)(b) and (3)(e) of this rule, the application shall be rejected as incomplete. An applicant whose application is rejected as incomplete may reapply at any time. If an applicant submits an application fee and the application is subsequently denied or rejected, the application fee may be applied toward a new application submitted within one year of the denial or rejection date.
- (d) The Authority may reject an application if the application or supporting documents appear to be altered (e.g., writing is whited out). An application shall be denied in accordance with OAR 333-008-0030 if an application or supporting documents are determined to have been falsified.
- (e) The Authority may verify information on each application and accompanying documentation, including:

- (A) Contacting each applicant by telephone or by mail. If proof of identity is uncertain, the Authority may require a face-to-face meeting and may require the production of additional identification materials;
- (B) Contacting a minor's parent or legal guardian;
- (C) Contacting the Oregon Medical Board to verify that an attending physician is licensed to practice in the state and is in good standing;
- (D) Contacting the attending physician to request further documentation to support a finding that the physician is the applicant's attending physician. The Authority shall notify the applicant of the intent to review the medical records and request the applicant's authorization to conduct the review. Failure to authorize a review of medical records may result in the application being declared incomplete, or denial of an application. If the Authority is unable to verify that the applicant's attending physician meets the definition under OAR 333-008-0010(3) the applicant will be allowed 30 days to submit written documentation or a new attending physician's declaration from a physician meeting the requirements of these rules. Failure to submit the required attending physician documentation is grounds for denial under ORS 475.309 and OAR 333-008-0030;
- (E) Contacting the Division of Medical Assistance Programs, Department of Human Services-Self Sufficiency, or the Social Security Administration (SSA) to verify eligibility for benefits; and
- (F) Conducting a criminal records check under ORS 181.534 of any person whose name is submitted as a grower.

(3) Application fees.

- (a) A non-refundable application fee of \$200 is required at the time of application.
- (b) If applicable as specified in OAR 333-008-0025, a non-refundable grow site registration fee of \$50 is required at the time of application.
- (c) An applicant who can prove he or she is an Oregon resident and can demonstrate current receipt of SSI benefits, current eligibility for OHP benefits or current receipt of food stamp benefits through the Oregon SNAP program, qualifies for a reduced non-refundable application fee.
 - (A) Proof of residency may be shown through provision of:
 - (i) A current Oregon driver's license or Oregon issued identification card; and
 - (ii) A utility bill, mortgage statement, lease payment statement or lease agreement for the previous month with the applicant's name and an Oregon physical address.
 - (B) An applicant demonstrating receipt of SSI benefits by providing a copy of a current monthly SSI benefit card showing dates of coverage is entitled to a reduced application fee of \$20.
 - (C) An applicant demonstrating current eligibility for OHP benefits by providing a copy of the applicant's current eligibility statement is entitled to a reduced application fee of \$50.
 - (D) An applicant demonstrating receipt of current food stamp benefits, verified by enrollment in Oregon's Food Stamp Management Information System database system and by providing current proof of his or her food stamp benefits, is entitled to a reduced application fee of \$60.
- (d) The Authority shall place a 10-day hold on the issuance of a registry identification card for an application accompanied by a personal check. Upon receipt by the Authority of a notice of non-sufficient funds (NSF) or stop payment, an applicant will be allowed 14 days to submit payment in the form of a bank check or cash. Application fees paid in the form of cash must be hand-delivered. Applicants are advised not to make payments in cash through the United States mail or private delivery services. The Authority will not accept responsibility for payments of cash that are lost in the mail or stolen in transit.
- (e) The Authority shall notify an applicant who submits a reduced application fee for which the applicant is not eligible and will allow the applicant 14 days from the date of notice to pay the correct application fee and submit a current valid proof of eligibility.
- (f) The application fees established in paragraphs (3)(c)(C) and (D) of this rule are effective for an application received on or after October 1, 2013.

(4) The application forms referenced in this rule may be obtained by contacting the: Oregon Medical Marijuana Program (OMMP) at PO Box 14450, Portland, OR 97293-0450 or calling 971-673-1234.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.300 - 475.346

333-008-0025

Marijuana Grow Site Registration

(1) A patient ~~must~~ may register a marijuana grow site with the Authority. The address of a medical marijuana facility may not be listed by a patient on the grow site application as the location of the marijuana grow site. The Authority will register only one grow site per patient, and will only register grow sites in Oregon.

(2) To register a marijuana grow site, an applicant or patient must submit to the Authority an application, prescribed by the Authority, that includes:

- (a) The name of the grower;
 - (b) The date of birth of the grower;
 - (c) The physical address of the marijuana grow site where marijuana is to be produced;
 - (d) The mailing address of the grower;
 - (e) The registry identification card number of the patient, if known, for whom the marijuana is being produced; and
 - (f) A non-refundable grow site registration fee of \$50 in the form of cash, bank check, money order, or personal check. If the grower is the applicant, he or she is not required to pay the grow site registration fee. The Authority shall place a 10-day hold on the issuance of a registry identification card for an application accompanied by a personal check. Upon receipt by the Authority of a notice of non-sufficient funds (NSF) or stop payment, an applicant will be allowed 14 days to submit payment in the form of a bank check or cash. Application fees paid in the form of cash must be hand-delivered. Applicants are advised not to make payments in cash through the United States mail or private delivery services. The Authority will not accept responsibility for payments of cash that are lost in the mail or stolen in transit.
- (3) The Authority shall conduct a criminal background check on the grower as authorized under ORS 475.304.

(a) A person convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II, if the offense occurred on or after January 1, 2006, may not be issued a marijuana grow site registration card or produce marijuana for a registry identification cardholder for five years from the date of conviction.

(b) A person convicted more than once of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II, if the offenses occurred after January 1, 2006, may not be issued a marijuana grow site registration card or produce marijuana for a registry identification cardholder.

(c) The Authority shall notify a patient by certified mail that the grower is ineligible and the patient will be allowed the opportunity to identify another grower.

(4) The Authority shall issue a marijuana grow site registration card to a patient who has met the requirements of section (2) of this rule, unless the grower is disqualified under section (3) of this rule.

(5) A grower must display a marijuana grow site registration card for each patient for whom marijuana is being produced, at the marijuana grow site at all times.

(6) All usable marijuana, plants, seedlings and seeds, associated with the production of marijuana for a patient by a grower, are the property of the patient and must be provided to the patient, or, if the marijuana is usable marijuana or an immature marijuana plant, transferred to a registered medical marijuana facility, upon request.

December 4, 2013

(7) All marijuana produced for a patient must be provided to the patient or designated primary caregiver when the grower ceases producing marijuana for the patient.

(8) A grower must return the grow site registration card to the patient to whom the card was issued when requested to do so by the patient or when the grower ceases producing marijuana for the patient.

(9) A patient or the designated primary caregiver of the patient may reimburse the grower for the costs of supplies and utilities associated with production of marijuana for patient. No other costs associated with the production of marijuana for the patient, including the cost of labor, may be reimbursed.

(10) A grower may produce marijuana for no more than four patients or designated primary caregivers concurrently.

(11) The Authority may not register a grow site if the location of the grow site is the same location as a medical marijuana facility.

Stat.Auth.: ORS 475.338

Stats. Implemented: ORS 475.300 - 475.346

333-008-0045

Interim Changes

(1) A patient shall notify the Authority within 30 calendar days of any change in the patient's name, address, telephone number, attending physician, designated primary caregiver, grower or grow site address.

(2) A patient shall notify as applicable the designated primary caregiver, the grower, and the person responsible for a medical marijuana facility of any changes in status including, but not limited to:

(a) The assignment of another individual as the designated primary caregiver for the patient;

(b) The assignment of another individual as a grower for the patient;

(c) The revocation of an authorization to transfer under OAR 333-008-1270; or

~~(e)-(d)~~ The end of eligibility of the patient to hold a registry identification card.

(3) If the Authority is notified by the patient that a designated primary caregiver or a grower has changed, the Authority shall notify the designated primary caregiver or the grower by mail at the address of record confirming the change in status and informing the caregiver or grower that their card is no longer valid and must be returned to the Authority within seven calendar days.

(4) A patient who has been diagnosed by an attending physician as no longer having a debilitating medical condition or whose attending physician has determined that the medical use of marijuana is contraindicated for the patient's debilitating medical condition shall return the registry identification card and all associated OMMP cards to the Authority within 30 calendar days of notification of the diagnosis or notification of the contraindication. If, due to circumstances beyond control of the patient he or she is unable to obtain a second medical opinion about the patient's continuing eligibility to use medical marijuana before the 30-day period has expired, the Authority may grant the patient additional time to obtain a second opinion before requiring the patient to return the registry identification card and all associated cards.

(5) Change forms may only be submitted to the Authority via mail or in person at the OMMP office.

(6) If a patient's designated primary caregiver, grower or grow site has changed, the fee to receive a replacement card is \$100. If the patient qualifies for the reduced application fee of \$20, the fee to receive any replacement card is \$20.

(7) If a patient is registering a new grow site at any time other than when submitting a new application or a renewal application, a grow site registration fee will not be charged.

Stat. Auth.: ORS 475.309 & 475.312

Stats. Implemented: ORS 475.309 & 475.312

333-008-0050

Confidentiality

(1) The Authority shall create and maintain either paper or computer data files of patients, designated primary caregivers, growers, and grow site addresses. The data files shall include all information collected on the application forms or equivalent information from other written documentation, plus a copy of OMMP registry identification cards, effective date, date of issue, and expiration date. Except as provided in section (2) of this rule, the names and identifying information of registry identification cardholders and the name and identifying information of a pending applicant for a card, a designated primary caregiver, a grower, and a marijuana grow site location, shall be confidential and not subject to public disclosure.

(2) Names and other identifying information made confidential under section (1) of this rule may be released to:

(a) Authorized employees of the Authority as necessary to perform official duties of the Authority, including the production of any reports of aggregate (i.e., non-identifying) data or statistics;

(b) Authorized employees of state or local law enforcement agencies when they provide a specific name or address. Information will be supplied only as necessary to verify:

(A) That a person is or was a lawful possessor of a registry identification card;

(B) That a person is or was a person responsible for a registered medical marijuana facility;

~~(B)(C)~~ That the address is or was a documented grow site, and how many people are authorized to grow at that grow site; ~~or~~

(D) How many people a person was or is authorized to grow for; or

(E) That an address is or was the location of a registered medical marijuana facility.

(c) Other persons (such as, but not limited to, employers, lawyers, family members) upon receipt of a properly executed release of information signed by the patient, the patient's parent or legal guardian, designated primary caregiver or grower. The release of information must specify what information the Authority is authorized to release and to whom.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.300 - 475.346

333-008-0120

System to Allow Verification of Data at All Times

(1) The Authority shall establish an interactive method to allow authorized employees of state and local law enforcement agencies to use the Oregon State Police Law Enforcement Data System (LEDS) to query an OMMP data file in order to verify at any time whether a particular patient, designated primary caregiver, grower, person responsible for a medical marijuana facility, grow site location, or medical marijuana facility is listed or registered with the Authority.

(2) LEDS access will only allow a yes or no answer to the query and the information obtained may not be used for any other purpose other than verification.

(3) The Authority may allow the release of reports related to verification if it is without identifying data.

(4) The Authority shall have staff available by phone to verify law enforcement agency employee questions during regular business hours in case the electronic verification system is down, and in the event the system is expected to be down for more than two business days, the Authority shall ensure program staff are available by phone for verification purposes.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.300 – 475.346



JOHN A. KITZHABER, MD
Governor

August 14, 2013

The Honorable Kate Brown
Secretary of State
136 State Capitol
900 Court Street, NE
Salem, OR 97301

Dear Secretary Brown:

Today, I am signing enrolled House Bill 3460, which authorizes the Oregon Health Authority to establish procedures to license and regulate medical marijuana dispensaries. Nothing in this law protects the dispensaries, growers, caregivers or patients from federal prosecution. I have received many requests to veto this bill, but I am signing it after careful consultation with members of my staff as well as the Director of the OHA.

I understand the concerns opponents of HB 3460 have expressed, and share those concerns to a certain extent. I have asked the Director of the OHA to broadly engage all of the stakeholders, including law enforcement, when promulgating the rules regarding dispensaries. The bill itself does provide OHA with the authority to inspect and audit the financial records of the dispensaries, and I believe it will be critical to set fees for dispensaries that will provide sufficient funding to OHA so that they can be extraordinarily vigorous in their enforcement of the rules that are developed.

There are two main goals we wish to achieve: first, we want to ensure the overall safety of our communities through appropriate rules to license and regulate dispensaries and second, we want to allow the patients safe access to marijuana if they are eligible for treatment under the Oregon Medical Marijuana Program.

It is my hope that if these goals are not achieved under HB 3460 as written, that its sponsors will be open to fine-tuning the legislation in future sessions.

Sincerely,

John A. Kitzhaber, M.D.
Governor

LJR/smg

THE WHITE HOUSE
WASHINGTON

Office of National Drug Control Policy

Today, the Department of Justice issued updated guidance to Federal prosecutors and law enforcement in light of state ballot initiatives in Washington and Colorado that legalize the possession of small amounts of marijuana by adults. Based on assurances that those states will impose an appropriately strict regulatory system, the Department is deferring its right to challenge the legalization laws at this time.

Marijuana is and remains illegal under federal law. The Department is committed to enforcing the CSA and will use its limited investigative and prosecutorial resources to address the most significant threats. The updated guidance being issued by the Department today reiterates eight areas as priorities for its continued enforcement of federal laws under the Controlled Substances Act (CSA). The eight areas include:

- Preventing the distribution of marijuana to minors;
- Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs and cartels;
- Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;

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- Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
- Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
- Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
- Preventing marijuana possession or use on federal property.

Thank you for remaining engaged with us in our work to reduce drug use and its consequences in America. It is important that we continue to expand prevention, treatment, and other smart law enforcement efforts to help make our communities healthier and safer.



Weekly Report Attachment

Albany mulls land-use change to keep out pot dispensaries

DECEMBER 13, 2013 12:00 PM • BY STEVE LUNDEBERG, ALBANY DEMOCRAT-HERALD

ALBANY — City Attorney Jim Delapoer told the Albany City Council on Wednesday that if the panel wanted to prevent medical marijuana dispensaries from setting up shop in the city, the “best and cleanest” way to try to do so is via land use regulations, with an amendment to the development code.

And if banning medical pot is in fact the objective, he recommended taking action sooner rather than later. Under a new Oregon law created by the passage of House Bill 3460, entrepreneurs can start applying to operate state-sanctioned dispensaries March 3; Delapoer said if the council waited to take action until a dispensary had set up shop, the city would be “much more vulnerable to the argument of regulatory taking.”

After hearing Delapoer’s points, the council voted 4-2 to direct city staff to draft a code amendment outlawing any business that dispensed or delivered any drug in violation of state or federal law. Marijuana, medical as well as recreational, remains illegal at the federal level.

Dick Olsen and Ray Kopczynski cast the no votes. Voting in favor were Bill Coburn, Floyd Collins, Bessie Johnson and Rich Kellum.

Mayor Sharon Konopa suggested that the amendment contain restrictions, along the lines of those currently in place for adult entertainment businesses, regarding where dispensaries could be located if the feds ever legalize pot. However, the city attorney told her it was not prudent to set up provisions for operation if the council’s goal was to prevent operation.

“It would weaken the case for banning a dispensary if you also include measures for fitting it in,” Delapoer said. “It also would be a very difficult regulatory fix if federal law changes so it’s legal.”

City Manager Wes Hare added: “One advantage of using the land use process is that it’s heavy on process. It gives people an opportunity to testify; it’s very deliberative.”

Delapoer said if a dispensary required development approval, and went ahead without approval, the city would be able to ask for relief in circuit court in the form of having the violator enjoined.

Dispensing pot | Opinion | The Register-Guard

In an attempt to forge order out of chaos, a 13-member committee made up of state policymakers, police and marijuana advocates has come up with a set of rules creating a registry for medical marijuana dispensaries in Oregon. The registry was approved by the 2013 Legislature and applications will be accepted starting March 3.

Oregon now has 150 to 200 medical marijuana outlets that serve 53,000 users and have been operating essentially with no regulation. The 30-page draft of proposed rules was approved Dec. 11 by the Medical Marijuana Dispensary Law Rules Advisory Committee appointed by the Oregon Health Authority, which has final approval.

The proposed rules are comprehensive, detailed and rigorous. For example, they require that a dispensary's marijuana inventory be kept in a steel-reinforced or block-concrete vault secured by a multiple-position combination lock. Twenty four-hour video surveillance is required and the owner and all employees of a dispensary must submit to annual background checks. The record-keeping requirements are extensive and each dispensary would be subject to a daily fine of up to \$500 for rules violations. An annual registration fee of \$4,000 is also proposed.

Anyone who's been convicted of manufacturing or delivering a controlled substance (marijuana is still considered thus by the federal government) within five years of applying to operate a dispensary won't be allowed to do so. Also denied would be anyone with more than one such drug conviction and anyone who's been barred by a court from participating in the Oregon Medical Marijuana Program.

The rules prohibit locating a dispensary within 1,000 feet of a school or another dispensary and don't allow minors to be present, even if they're medical marijuana patients or employees of the dispensary. Only medical marijuana patients, their designated caregivers or patients' growers would be allowed to provide "usable" marijuana (dried leaves and flowers, or live plants less than a foot high and a foot wide) to a dispensary.

There are a couple of holes in the rules that may prove problematic. One is that, contrary to earlier versions, employees who are also medical marijuana patients will be allowed to consume marijuana on the premises. Dispensary operators convinced the committee the change was necessary to protect the health of such employees, who would have to use the marijuana "in a closed room not visible to the public or to patients or caregivers on the premises." The question of how many medical marijuana users actually need the drug for medicinal purposes aside, that seems like a bad idea, akin to allowing bartenders to consume alcohol on the job.

The other potential problem involves where a dispensary is located. The rules require them to be "in an area that is zoned by the local governing agency for commercial, industrial or mixed use or as agricultural land." But the zoning isn't the problem — it's that some local jurisdictions aren't going to want any dispensaries in their city or county. The Medford City Council has already said it might revoke the license of any business that violates federal laws banning the growth, distribution and use of marijuana and a dispensary won't be able to operate without a license. There's disagreement as to whether such actions would be legal, but the

OHA's Tom Burns, who oversees the state's pharmaceuticals program, said cities can set their own rules and will do what they want.

TAKEAWAYS

This article intends to help readers recognize that:

- › Social and political views are rapidly changing with respect to medical marijuana and its eventual presence in the public workplace.
- › Employees will request—or demand—the right to use legally prescribed marijuana while at work or on paid leave.
- › The legal and operational implications are clear.
- › No one approach to this challenge will fit all.

By William Kirchhoff and Stephen Zimney

A proactive approach will enable managers to begin dealing with this sea change in workplace dynamics

MARIJUANA AT CITY HALL

The legalization of marijuana has stirred hot debate on both sides of the issue. According to ProCon.org, some 20 states and the District of Columbia have currently made medical marijuana legal, and there is every indication that more will follow. Until just recently, local governments could adopt a position on its use at the workplace that held—as long as the federal government considered marijuana illegal—they need not spend time or energy trying to proactively deal with the issue. There was little to do except to maintain a zero-tolerance stand. ▣

The game, however, has now changed. No longer will public managers be able to use previously existing case law to delay or deflect facing the medical marijuana issues head-on.

With Attorney General Eric Holder's August 2013 announcement that the federal government will no longer prosecute or incarcerate users, we coauthors submit this prediction: In those states where the use of medical marijuana is legal, managers and all government officials will be confronted with the pressing reality that employees will want, and in many cases demand, that they be allowed to treat certain medical conditions with medical marijuana, both on and off the job. It's also likely that other states will follow, given current societal trends.

The purpose of this article is twofold. First, it will hopefully generate additional study and debate, since across-the-board conclusions are hard to draw. Be it the differences in political and cultural realities or the array of actions taken by localities in a given state against which others will be compared, we suspect that each administration will face the need to customize its thinking regarding marijuana adaptation protocols.

The second purpose is to provide local government managers with the framework that will allow them to begin dealing with this complex issue. In no way does this article advocate for or against the use of medical marijuana. That discussion is left to physicians and scientists.

But the article does postulate that managers will have to wrestle with the practicalities, friction points, and dilemmas associated with the use of medical marijuana in the workplace. It also offers suggestions on how to practically and strategically address medical marijuana at city hall.

Profound Culture Swing

According to a 2013 Brookings Institute study, *The New Politics of Marijuana Legalization: Why Public Opinion Is*

Changing, public opinion has shifted dramatically toward support for the legalization of marijuana in less than a decade. Polls consistently show that substantially more than 50 percent of Americans support legalized medical marijuana. The ascendancy of the public's acceptance of it is nothing short of astonishing.

This year Colorado and Washington became the first states to legalize the recreational use of marijuana from among the 20-plus states that had already legalized marijuana for medical use when this copy was written. It is also noteworthy that the adoption of the resolution "In Support of States Setting Their Own Marijuana Policies Without Federal Interference" by the U.S. Conference of Mayors this year advises the federal government to back off and leave it up to the states and local governments as to how to regulate and manage marijuana.

A Proactive Approach

The speed of this emergent trend clearly warns us that, beyond the need to institute well-thought-out policies and practices to achieve effective management and accountability, pressure will also mount on city hall to develop new standards with a new mindset and a different business model—one that is much more adaptable to this 21st century sea change in workplace dynamics.

Tiptoeing away from medical marijuana at city hall is a mistake. Resisting on the basis of knee-jerk opinion will surely backfire. Smart managers will proactively address this change by seeking input and new ideas from employees, lawyers, physicians, insurance industry members, and others (see boxed copy *Get Informed*).

Failure to get ahead of the problem will result in unnecessary legal, operational, and morale costs for public entities and the taxpayers they serve. It appears that only a handful of forward-leaning city managers, such as Steve Pinkerton, Davis, California, and Betsy Fretwell, Las Vegas, Nevada, are using task forces and focus groups to address

the long-term ramifications of medical marijuana in the public workplace.

To put it simply, what do we do now that we know employees have a right to use legally prescribed medical marijuana?

Choices With Consequences

What seems to be a practical and appropriate first step is to think through all of the obvious day-to-day impacts that legalized medical marijuana might bring with it, including insurance and risk management issues, different testing protocols, training requirements, and other challenges.

But our research and work with focus groups tells us that there is a spiderweb cause-and-effect element to this, which can exponentially increase the frequency and consequences of decision making. Consider one example.

Blumberg Businessweek has reported that K-9 experts in Colorado and Washington worry that a dog trained to sniff out drugs cannot differentiate between marijuana and such other drugs as methamphetamine. And it is difficult and costly to retrain them otherwise. That means, according to the government lawyers, patrolling with K-9s currently used to sniff out drugs runs the risk of civil rights violations and lawsuits. So how do the local government manager, police chief, and K-9 supervisor handle this?

Do you simply retire and replace the animals like obsolete equipment at great cost to the operations of the police department, including the emotional reaction from the K-9 officers who view their animals as their partners? How the handlers react and what their labor organization does will require some deep thinking and controversial decision making.

Mishandled, the financial, emotional, and operational well-being of local governments currently using K-9s for marijuana detection will be stressed if the disposition of the animals is not handled satisfactorily to all interests.

This is just one of many "choices with consequences" that the legalization of marijuana for medical purposes will drop on the manager's decision-making plate.

The tension between those who believe that employees have an ethical imperative as well as the legal right to treat a legitimate medical problem with marijuana, and those who oppose such a viewpoint for any one of the many valid concerns associated with the use of legal medical marijuana, is certain to complicate matters.

While these unintended consequences will eventually be sorted out, there is a more complicated and strategic issue: How do we change the organizational culture surrounding medical marijuana?

To expect the organization as a whole to accept new policies that require some managers to suspend or eliminate deeply ingrained feelings, learning experiences, and biases without recognizing that such a change requires careful navigation between the intellectual versus the emotional side of any type of change activity is professionally wrong.

A manager can either adopt a reactive wait-and-see approach or move the organization into a proactive posture. If the wait-and-see reaction is subscribed to, then we submit that the results will be similar to such turtle-like adaptation to social changes we experienced in the past decades regarding sexual harassment, workplace discrimination, and diversity at city hall.

If managers can be open to the new thinking that medical marijuana should be treated no differently than such prescription drugs as Vicodin, Endocet, and Oxycodone, then the toll on the organization can be mitigated.

Agreement with this supposition requires the drafting of policies and the implementation of management procedures that benefit from the multiple viewpoints residing in the communities of healthcare professionals, behavioral researchers, safety experts, and a locality's own employees and union officials.

In the long run, we will need all of their input to help effectively

maintain maximum organizational productivity within the parameters of court decisions, moral concerns, and practical considerations.

Strategic Approach: Establish a Framework

Some fundamental questions and conflicts around moral, ethical, and values-based issues will necessarily be raised and accordingly will demand careful debate. We suspect that this exercise will lead to the inevitable conclusion that culture change is the linchpin dynamic that spells the difference between successful versus unsuccessful adaptation to medical marijuana.

Four stages of activity are required for an effective strategic planning effort. The players need to be interdisciplinary to include senior management personnel from all major functional and departmental entities within the organization.

Stage 1. Identify the collective corporate and social values at play within and throughout the organization around the subject of medical marijuana.

1. What is the corporate "world view" around employee relations principles?
2. What are the personal values of key senior management personnel, and how do those views impact organizational orientation around the issue?
3. Where are the disconnects between implicit (often hidden) values and the explicit values imbedded in formal policy statements (that now surface because of this new debate)?
4. Which values are, or potentially will be, in conflict with each other?

MEDICAL MARIJUANA POLICY QUESTION CHECKLIST

Throughout the process of formulating policy, it is helpful to have a set of guidelines to keep policymakers on track. Local governments need to examine the following questions before establishing policies pertaining to medical marijuana management:

- What is the purpose of your medical marijuana management policy?
- Who will be covered?
- What behavior will be prohibited?
- Will employees be required to notify their supervisors of their use of medical marijuana? What will the consequences be if the policy is violated?
- Will there be a reeducation effort and return-to-work provision?
- How will employee rights and confidentiality be protected?
- Who will be responsible for enforcing the policy for compliance?

PROACTIVE DECISION MAKING

FOR MANAGERS WHO WANT TO take a proactive approach, a decision-making tool—the “Medical Marijuana Decision Matrix” (see Figure 1)—will help them sort out the requirements for necessary change as well as identify accompanying dilemmas.

The matrix requires that the centerpiece—the 3-by-3 grid—be filled out, with all of the organization’s job positions distributed across the nine boxes based on the job performance conditions and the performance impairment impact that accordingly attends each job position.

Some position impairment categorizations are clear and simple, with others falling in the grey area. The propriety and common sense, for example, of restricting first responders and dispatchers from using medical marijuana is much clearer than when considering plan reviewer and librarian positions.

Our research and management experience points to the three large categories of employees into which all local job titles (see left side of figure) can be slotted. They are public safety employees, non-safety employees, and direct public contact employees.

Across the top of the grid are the three policy categories that can be applied to each job position. For each, the city can declare medical marijuana as clearly allowable, conditionally allowable, and clearly not allowable.

What makes this task particularly daunting are the interconnecting and often conflicting pressures that can and will emerge within and between four impacting realities that, in our chart, surround the central grid.

Organization integration requires that we anticipate and eliminate, to the extent possible, the lack of synergy between the legal implications, human resource policy and practices, and operational protocols.

How, for example, are the differing perspectives and beliefs between legal, human resources, and department directors dealt with? Who decides that an employee is impaired or otherwise—a medical, human resource, or legal specialist?

Policy dilemmas will emerge from the introduction of new policy around medical marijuana use and management. Are we calling into question, for example, existing policy that no longer is compatible with our new stand? And, do we create one new policy that is incompatible with other policies that are trying to meet a different set of pressures in our organization’s reality?

What do you do with police resources that were dedicated to the arrest and prosecution of medical marijuana users? Is it best to transfer the positions to other

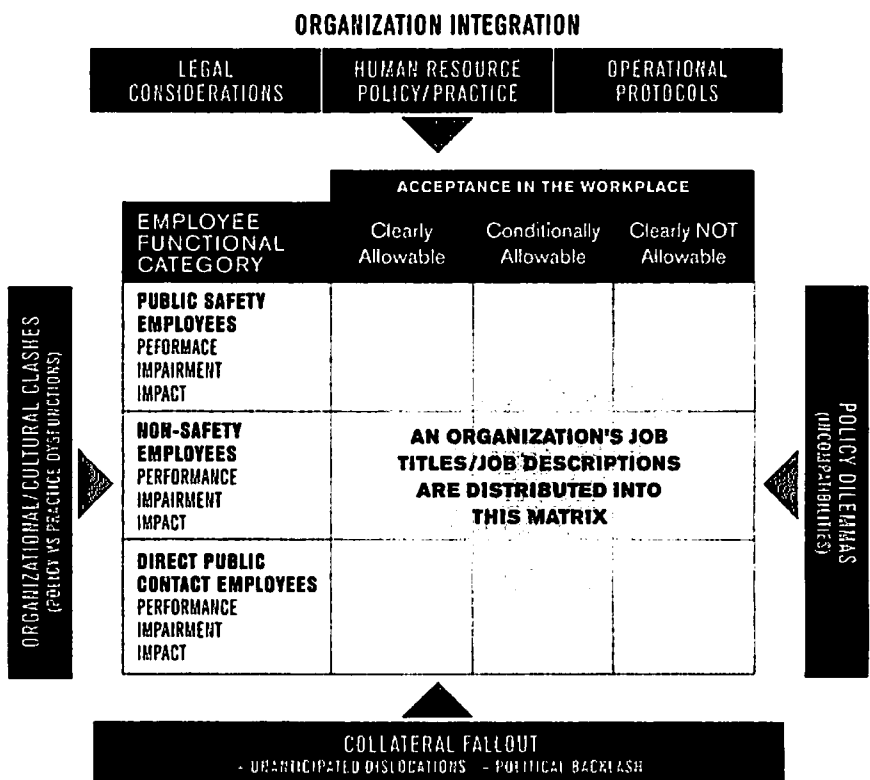
duties or eliminate positions to achieve cost savings?

Will there be a second-chance policy and if so, will it be the same for all employees, including senior management staff? Will certain positions and/or work units be subjected to more frequent and invasive drug testing for medical marijuana than others? Do testing policies for marijuana clash with existing policies for such legal pain medications as Vicodin?

How do we make such policies compatible? Will that effort call many more policies into question, as clear inequities between policies begin to emerge?

Collateral fallout that attends our efforts will include unintended dislocations, community backlash resulting in elected official conflicts that politicize policy-making efforts. How does the fire chief, for example, deal with the potential need to reassign first responders to non-field duty when current budgeting has eliminated the needed number of slots that are required to handle the new reality?

FIGURE 1. Medical Marijuana Decision Matrix.



Organizational/culture clashes will be the most significant and problematic area of the four. In our study, we have heard widely dispersed reactions ranging all the way from "It's about time this happened" to "This spells the beginning of the end of our society's strength and sense of responsibility and accountability."

This range of opinion and bias will exist in the workforce, too. What employees sign-on to in terms of formal policy versus how they actually behave in the workplace will test the best of human resource professionals.

The tension between those who believe that employees have an ethical imperative as well as the legal right to treat a legitimate medical problem with marijuana, and those who oppose such a viewpoint for any one of the many valid concerns associated with the use of legal medical marijuana, is certain to complicate matters.

How are police department attitudes and practices successfully changed to accept that the use of medical marijuana is no longer an act for which one can be prosecuted or incarcerated? How will age differences among the supervisors affect the development of new medical marijuana policies? Is labor to be treated as an equal policy-making partner regarding medical marijuana or should it be business as usual?

These are just a few examples of the complex consequences and dilemmas that will confront managers, many whose career experience and view was heretofore molded for years by the singular principle of zero-tolerance.

Add to this the inevitable core value dilemmas that will emerge from normal labor and management tensions, workforce age differences, moral convictions, laws, professional standards, and science versus speculation that will be included in the problematic mix of influencers, and one can easily see the Rubik's-cube nature of policy-making efforts.

Stage 2. Identify the juxtaposed realities within the organization that are/will come in conflict vis-à-vis the introduction of medical marijuana.

1. Safety concerns versus equitable personnel deployment.
2. Legal exposure versus relaxed HR policy formation.
3. Labor relations versus political imperatives.
4. External PR (*image*) impacts versus internal adaptation realities.

Stage 3. Convene functional areas separately in groups (adding staff as needed) to formulate an integration template for their area of responsibility in the organization, taking the output of Stages 1 and 2 as the starting-point guidelines for their efforts.

Necessarily, different functional areas and departments will have different priorities and trade-offs. Each group should be encouraged to develop its scenarios without consideration of the rest of the organization, so as to get to the bottom-line implementation paradigm for their functional area.

Stage 4. Reconvene the larger organization planning group, with senior representatives of each functional area returning with the output(s) from their group's individual efforts. The goal in this stage is to complete

an organization-wide integration of all plans, ironing out the conflicts and inconsistencies that will undoubtedly surface.

Only with thorough and careful efforts can the unintended consequences of "policies in conflict" be minimized and hopefully avoided once the integration and its policies "go live."

It goes without saying that legalization of medical marijuana places many a quandary at the doorstep of city hall. This article is intended to help managers begin addressing all the complicated policy-making issues that will accompany this sea change in workplace dynamics. **PM**



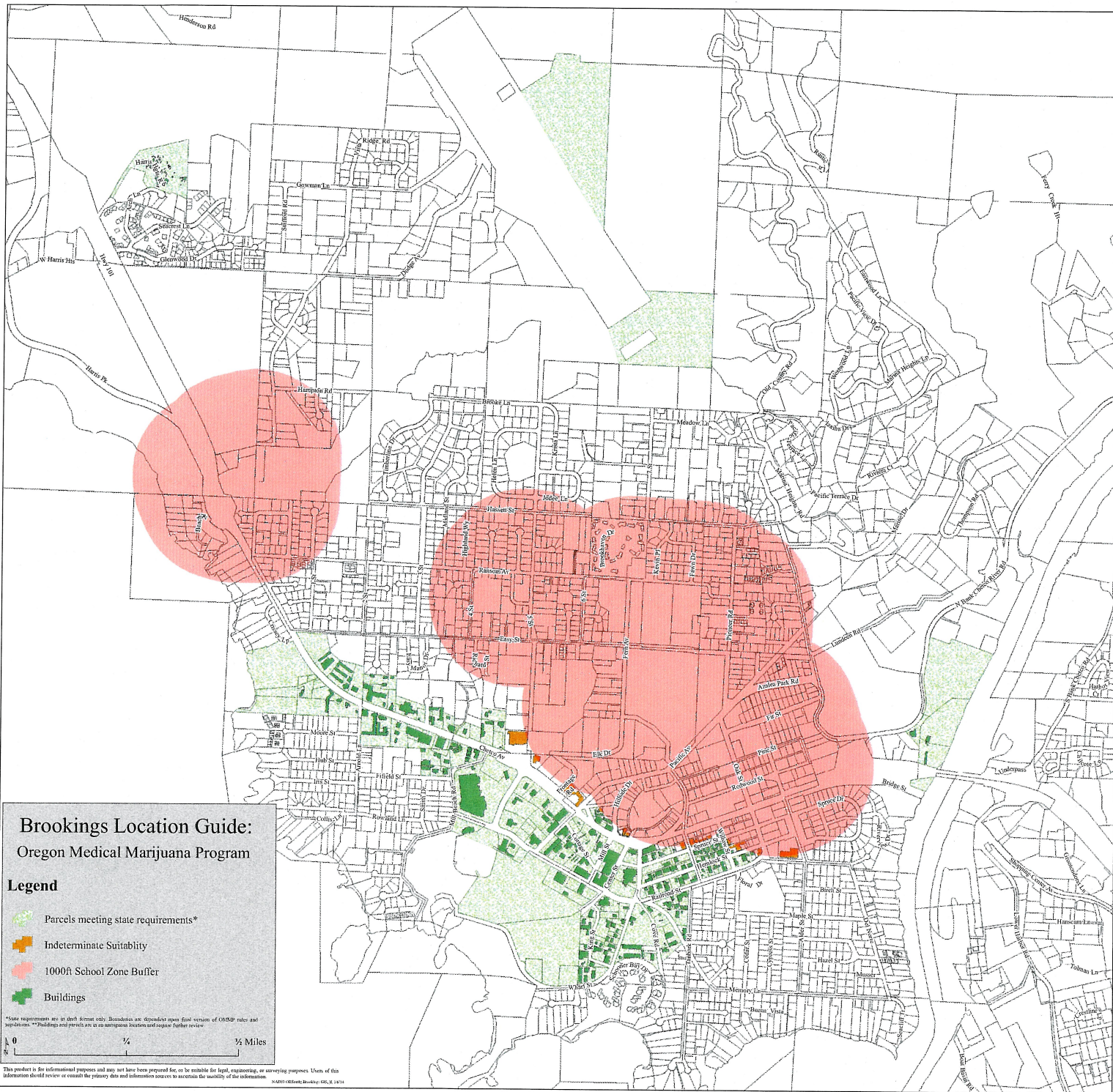
WILLIAM KIRCHHOFF is a municipal adviser, Coronado, California, who served as a city manager for 30 years with five communities (billkirchhoff@yahoo.com). **STEPHEN ZIMNEY** is president, Zimney Associates, New York, New York (szimney@zimney.com).

Editor's Note: The authors want to thank the many professionals who reviewed drafts of this article and provided input and ideas. Among them were the general counsel to a large public safety union; retired and active city managers; labor officials; police and fire chiefs; human resource directors; municipal attorneys; plaintiff's attorneys; physicians; CEOs of development and technology companies; and public employees who shared how easy it is to use medical marijuana in the workplace.

GET INFORMED

These additional resources can help public administrators learn more about the use of marijuana for medical purposes:

- *Marijuana Myth Facts: A Review of the Scientific Evidence* by Lynn Zimmer, Ph.D., and John Morgan, M.D.
- *Smoke Signals: A Social History – Medical, Recreational, and Scientific* by Martin Lee.
- *The Pot Book – A Complete Guide to Cannabis and Its Role in Medicine, Politics, Science, and Culture*, edited by Julie Holland, M.D.
- *CNN 2013 documentary "Weed,"* Dr. Sanjay Gupta reports on the attitudinal recalibration taking place among a growing number of medical professionals (<http://www.youtube.com/watch?v=tShnVEmdS2o>).



Brookings Location Guide: Oregon Medical Marijuana Program

Legend

- Parcels meeting state requirements*
- Indeterminate Suitability
- 1000ft School Zone Buffer
- Buildings

*State requirements are in draft format only. Boundaries are dependent upon final version of OMSD rules and regulations. **Buildings and parcels are in an unapproved location and require further review.

0 1/4 1/2 Miles

This product is for informational purposes only and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the suitability of the information.

NAD83 Oregon State Plane North, GCS, NAD83

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: January 13, 2014

Originating Dept: PW/DS


Public Works/Development Services Director

City Manager Approval

Subject: Contract for as needed Geotechnical Engineering support

Recommended Motion: Authorize the City Manager to execute a two (2) year professional services contract with Chris Ell, GRI to provide as needed geotechnical engineering development review and public works support.

Financial Impact: Each project will be establish a task order defining “not to exceed” costs. Depending on the project, the services will be reimbursed by developers, or paid from contract services operating accounts, or paid from budgeted capital improvement funds. Chris Ell agreed to reduce his hourly billing rate as an associate engineer from \$180/hr to \$160/hr. Since these services are specialized and limited, this rate is competitive in the industry.

Background/Discussion: Chris Ell, PE is an associate and registered geotechnical engineer with GRI and has a track record of successful projects for the City of Brookings. Over the past few years, Mr. Ell has provided invaluable support to City staff in identifying next steps for projects suffering from soils/slope related issues. He was instrumental in assisting the public works director after the November 20, 2012 storm damage. The Beach Lift Station slope stabilization, Oil Can Henry storm drain repair, Old County Road slope stabilization, and Eastwood Lane water line relocation are all examples of projects the City worked directly with Ell at GRI and all projects were effectively addressed and under budget.

The site committee recognizes the need for geotechnical engineering review from time to time on sensitive geological site developments. This type of expertise and licensing is not available from our City Engineer, the Dyer Partnership. As projects require this level of expertise, this work is subcontracted by the city engineer which includes a surcharge and costs to administer the geotechnical work. Approving this contract will allow staff to directly coordinate with the geotechnical engineer and reduce costs to the City.

Policy Considerations: None

Attachment(s):

- a. Contract for professional services with rate sheet

City of Brookings
PROFESSIONAL SERVICES CONTRACT

CONTRACT NO. 14-001

This Contract is between the CITY OF BROOKINGS, a municipal corporation of the State of Oregon (City) and GRI (Contractor). The City's Project Manager for this Contract is Loree Pryce. The City's contracted project geotechnical engineer is Chris Ell, PE. Reassignment of the project engineer must be approved by the City.

The parties mutually covenant and agree as follows:

1. Effective Date and Duration.

This contract is effective on January 14, 2014 or on the date at which every party has signed this contract, whichever is later. The work under this contract shall be completed, unless otherwise terminated or extended, on or before January 15, 2016.

2. Statement of Work.

The work under this contract is for ongoing as needed geotechnical services for development projects as well as internal City managed projects. The statement of work, including the delivery schedule for the work, is contained in Exhibit A. Contractor shall, at its own risk and expense, perform the work described and furnish all labor, equipment, materials and permits required for the proper performance of the work. The risk of loss for such work shall not shift to the City until written acceptance of the work by the City.

3. Consideration.

- a. City agrees to pay Contractor for accomplishing all work required by this contract, including allowable expenses (*check and complete as applicable*):

_____ a lump sum not to exceed \$ _____.

_____ time and materials not to exceed an estimated sum of \$ _____.

_____ time and materials with a maximum sum not to exceed task order amount,
X or land development deposit and billing rate of \$160/hr.

Time and material payments shall be made in accordance with the requirements of Exhibit A.

- b. Any interim payments to Contractor shall be made only in accordance with the schedule and requirements in Exhibit A.
- c. City certifies that sufficient funds have been appropriated to make payments required by this contract during the current fiscal year. Payment for work performed after June 30 of any given year is subject to funds being appropriated by the Brookings City Council. If

EXHIBIT A
STATEMENT OF WORK, COMPENSATION
and
PAYMENT SCHEDULE

Provide material and labor for ongoing geotechnical engineering services based on the 2013 Fee Schedule per attached herein.

Payment shall be in the amount as identified in each approved scope of work and cost estimate per project, to be paid upon certification by Project Manager that project is complete and within 14 business days of receipt of invoice.



9725 SW Beaverton-Hillsdale Hwy, Suite 140
Beaverton, OR 97005-3364
p| 503-641-3478 f| 503-644-8034

2014 FEE SCHEDULE

City of Brookings

Personnel	Rate/Hour
Principal	\$ 190
Associate	\$ 160
Senior Engineer/Geologist	\$ 145
Project Engineer/Geologist	\$ 130
Staff Engineer/Scientist	\$ 100
Engineering Assistant	\$ 80
Contract Administrator	\$ 110
Drafter	\$ 90
Secretarial Services	\$ 60

Other Charges

Vehicle:	Vehicles will be billed at the current IRS business mileage reimbursement rate.
Fill Control Equipment:	Nuclear Density Gage rental will be billed at \$5 per hour, with maximum charge of \$25 per day or \$125 per week.
Reproduction:	In-house reproduction, \$0.10 per sheet.
Field Instrumentation and Monitoring Equipment:	Due to varied conditions, equipment requirements, location and use, rates for field instrumentation, monitoring, and other specialized equipment will be provided as required.
Subcontractor Services:	Charges for subcontractor services will be computed at cost plus 10%.
Travel and Subsistence:	All charges related to travel and subsistence will be computed at cost plus 10%.

(LAST REVISED 1/6/14)

Terra Insurance Company
(A Risk Retention Group)
Two Fifer Avenue, Suite 100
Corte Madera, CA 94925



CERTIFICATE OF INSURANCE

DATE

01/01/14

NAME AND ADDRESS OF INSURED

Geotechnical Resources, Inc. (GRI)
9725 SW Beaverton-Hillsdale Hwy., Suite 140
Beaverton, OR 97005

This certifies that the "claims made" insurance policy (described below by policy number) written on forms in use by the Company has been issued. This certificate is not a policy or a binder of insurance and is issued as a matter of information only, and confers no rights upon the certificate holder. This certificate does not alter, amend or extend the coverage afforded by this policy.

The policy of insurance listed below has been issued to the insured named above for the policy period indicated. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policy described herein is subject to all the terms, exclusions and conditions of such policy. Aggregate limits shown may have been reduced by paid claims.

TYPE OF INSURANCE Professional Liability

POLICY NUMBER
214202

EFFECTIVE DATE
01/01/14

EXPIRATION DATE
12/31/14

LIMITS OF LIABILITY \$1,000,000 EACH CLAIM
\$1,000,000 ANNUAL AGGREGATE

PROJECT DESCRIPTION

Contract No. 12-030 Professional Geotechnical Engineering Services On-Call

CANCELLATION: If the described policy is cancelled by the Company before its expiration date, the Company will mail written notice to the certificate holder thirty (30) days in advance, or ten (10) days in advance for non-payment of premium. If the described policy is cancelled by the insured before its expiration date, the Company will mail written notice to the certificate holder within thirty (30) days of the notice to the Company from the insured.

CERTIFICATE HOLDER

City of Brookings
Attn: Loree Pryce
898 Elk Drive
Brookings, OR 97415

ISSUING COMPANY:

TERRA INSURANCE COMPANY
(A Risk Retention Group)

A handwritten signature in blue ink, appearing to read "David C. Cook", is written over a horizontal line.

President

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: January 13, 2014

Originating Dept: PW/DS


Public Works/Development Services Director

City Manager Approval

Subject: Public Art Committee (PAC) Selection of Aerial Photos for City Council Chambers

Recommended Motion: Authorize replacement of the existing aerial photos in Council Chambers with the proposed aerial photos as recommended by PAC.

Financial Impact: Reproduction of the full size photos will cost roughly \$100/each. City Council approved a budget of \$500 for this priority and an annual budget of \$2,500 for PAC strategic plan fiscal year 2013/14.

Background/Discussion: The PAC committee has shown interest in updating the aerial photos in the City Council chambers which will also make the backdrop more attractive. Dan Brattain , Cal-Ore Life Flight, donated and piloted a helicopter for photographers Heidi Jenkin and Ron Hedenskog. The following power point presentation shows the five (5) photos recommended for 24x36" reproduction and will be placed on a canvas setting.

Policy Considerations: None

Attachment(s):

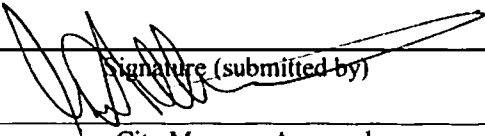
- a. None- a power point presentation will be provided at City Council meeting

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: January 13, 2014

Originating Dept: City Manager



Signature (submitted by)

City Manager Approval

Subject: Community Forest Grant Program

Recommended Action:

Motion to authorize staff to submit a grant application under the Community Forest Program to fund the acquisition of approximately 120 acres of land owned by U.S. Borax adjacent to the City's northern City Limits.

Financial Impact:

The application will propose that the land acquisition be funded through a combination of grant funding and write-down by the owner. City costs are estimated at \$19,500, including a \$5,000 contingency.

Background/Discussion:

U.S. Borax owns approximately 120 acres located just north of the City Limits (see map) that is not included in the Lone Ranch development plan. The property is described as forested with some meadows/grasslands.

Staff has become aware of a program funded through the U.S. Forest Service which assists local agencies in acquiring a "Community Forest." Staff has discussed this program with the USFS representatives and the Borax owner's representative.

Borax would be interested in selling the property to the City for use as a community forest. The owner's representative reports that the timber value of the property was appraised in 2001 at \$400,000. The owner's representative reports that the property was last logged in the 1940's. Staff has researched comparable sales of timberland property since 2010. Based on these comparables, the estimated value of the subject property would be \$527,112-584,536. (U.S. Borax is reviewing this information). For purposes of the application, staff is using a value of \$600,000; the property will be appraised as a part of the acquisition process.

Borax has indicated that they are willing to sell the property for the prescribed purpose and taking 50 per cent of the agreed-upon sales price as a tax credit. USFS has indicated that the tax credit value could be used toward the required 50 per cent local match requirement.

Property acquired under the Community Forest program can be used for mix use: conservation, education, recreation and timber production.

Grant funding would be used to acquire the property (50 per cent grant/50 per cent write-down by owner).

City costs would include an appraisal, title fees, development of a forest management plan, and any other non-federal eligible costs. A management plan would identify appropriate conservation, production and recreational uses, and prescribe a multi-year plan for the management of the property. The property has potential for generating additional revenue for the City, and a portion of the property may be conducive for recreational use.

Nearby community forests are owned by the Cities of Arcata and Ashland.

Attachment(s):

- a. DRAFT Community Forest Program Project Application Narrative.
- b. Location map.
- c. Community Forest Program summary.

The City of Brookings, Oregon

Community Forest Program Project Application

1) About the Proposed Community Forest

The City of Brookings, Oregon proposes to acquire 120 acres of forested land and in so doing create the Brookings Community Forest. Once purchased the City's Public Works Department will manage the 120 acres. The City will also create a Community Forest Plan for its use and the creation of trails and operation. The City envisions the proposed Brookings Community Forest as a natural space that residents and visitors will use for recreation, trails, interpretation and green space. The property is located at the northern end of the city, outside of the city limits and urban growth boundary.

The proposed community forest is contiguous with the City and bordered on the west side by Highway 101. The green space is already used casually as a walking area and hiking area, but there are no set trails and the property owner has posted the area. However, the proximity to the community makes the forest attractive as a spot for picnics and hikes. Converting the land to public ownership and using it for conservation, education and recreation offers a wide range of benefits to residents, visitors and the community, while also conserving the forest for green space.

As an integral part of the project, the City intends to develop a "community forest plan" to guide the use and management of the property. The creation of the plan will be a public process and entail the cooperation of individuals, the city, the community college, as well as the Oregon Department of Forestry and the Coos Forest Protective Association. The resulting plan will be implemented and continue to allow for public participation and input.

Description

The City of Brookings has identified 120 acres of forested land for acquisition to form a community forest. The property was harvested in the early decades of the 20th Century, but has since been undisturbed. The property owner, U.S. Borax Corporation is willing to sell the property. The property location is: T40S, R14W, SEC 15, W.M.

The property is located on the northern edge of the City's urban growth boundary and is bound on the west side by Highway 101. The forest has no developed or maintained roads or trails. There is evidence of roads cut into the property many decades ago to provide logging access. However, these logging roads were made more than fifty years ago and never maintained as such. There are no improved roads on the property.

The ecosystem is a mixed costal forest with conifers and deciduous trees. The property does not have a permanent watercourse on it. Boardman State Park is across the highway from the property and while the community forest will be managed by the community, the proximity does create opportunities to complement one another. For example, there is the potential to share parking and signage, as well as the obvious benefit of increasing the overall recreational inventory in the area. The more and varied recreational opportunities the community has the better its ability to attract and hold visitors thereby improving the local economy. The proximity

to the coast and the coastal park makes the community forest a logical opportunity to create permanent green space in a form that is not present today.

Current Land use

The land targeted for acquisition is not being used or actively managed for any specific purpose or goal. The land is forested and there are no organized or purposeful activities taking place on it. The owner, U.S. Borax Corporation is not using the land and it does not have a specific plan for it, hence their interest in selling the property. At present, the land provides habitat as well as green space and cover for plants and animals. No known or reported attempts at thinning for fire protection have taken place. So far as the City and its contacts with U.S. Borax Corporation know, there have been no cultural assessments of the property with or without consultation of any Native American tribes. Similarly, there have been no assessments of the environmental resources, threatened or endangered species on the land.

The only evaluation of the property that has been done is the work of an appraiser to determine the value of the undeveloped land for the purpose of the proposed sale. There are no lease agreements and no organized or permitted harvesting or gathering of plants or animals in the last several decades. There is evidence however, that local residents and some visitors walk or hike on the property without permission. So far, the limited use of the land for walking or hiking does not appear to have a significant impact on the health of the forest ecosystem, but again, there has been no assessment.

Forest Type & Vegetative Cover¹

The property lies in the southern Oregon coast range eco-region in the Sitka spruce vegetation zone. The western edge of the property is 0.25 miles from the coastline. Elevation ranges from 260 to 720 feet above sea level in the southwest and northeast corners of the property, respectively. Several small intermittent streams flow westward from the property to the ocean. Fish presence in these streams is unknown. The predominant soil types are Cuniff silty clay loam, 0 to 15 percent slopes (40%) and Hooskanaden-Loneranch-Reinhart complex, 0 to 30 percent slopes (60%). Several native soil surface primitive roads exist on the property, probably the result of mining and/or logging activities in the early 1990's or earlier. Persistent wet, boggy areas exist in the southern part of the property.

The current overstory tree cover consists of mature Sitka spruce (estimated 24-30" diameter, with some larger), Douglas-fir (est. 16-20" diameter), red alder, and a few tanoak and shore pine. Most of the Sitka spruce appears to be of good quality, while the Douglas-fir has significant form defect the apparent result of past storm damage. Understory vegetation in the open areas is dominated by salal, especially on ridges, and dense thickets of manzanita. Other understory vegetation includes evergreen huckleberry, salmonberry, and sword fern. A few planted redwoods also occur in the understory. The property is in an area that is heavily infested with sudden oak death, a non-native disease that kills tanoak, and as such is subject to state and federal quarantine regulations.

¹ Prepared by Alan Kanaskie, Oregon Department of Forestry, December 23, 2013.

Maps

Two maps are attached showing the property in relation to roads and other improvements, as well as other lands in the vicinity.

Relationship of Forest to Landscape Conservation

The 120 acres of forest are located along Highway 101, north of Brookings, Oregon in Curry County and across the highway from the Boardman State Park. The state park is by definition an effort to conserve the scenic landscape along the Oregon Coast and the addition of the community forest will create a conservation corridor leading from tidewater inland. The community of Brookings is growing as a destination for retirees and visitors, which puts additional pressure on the existing land resources and in turn makes presents challenges to landscape conservation. By purchasing the available property and dedicating it to forest management, especially in conjunction with to the adjacent state park, the project furthers the goal of landscape conservation.

In addition to the proximity of the property to other conservation efforts, the project also fits with the community's growing network of trails and walking paths. The City has made a concerted effort to connect key services and providers to residential areas by bicycle and pedestrian pathways. For example, the local Community College has expanded its presence and the network of paths and trails is expanding to allow residents to get to and from the college without automobiles. The proposed project creates an opportunity to incorporate future trails and pathways into the growing network in a logical and complimentary fashion.

The decision to pursue the purchase and creation of a community forest was preceded by research and conversations locally in order to better understand the project. According to the Communities Committee, a community forest is a forest in which local residents play a role in the stewardship of the land. While the city is certainly committed to promoting a healthy forest ecosystem and the involvement of forest professionals, it is also excited about the potential to enhance citizen involvement and build a stronger sense of community. Creating a forest plan will require collaboration and provide tangible results that will reinforce the process and strengthen the partnerships.

Zoning

The property is currently zoned as forest land and is outside the city's urban growth boundary. However, the property is adjacent to the urban growth boundary and likely to be incorporated into the city as it grows. As a community forest, the property is a logical addition to the City's park resources. Moreover, the property is across Highway 101 from the Boardman State Park and the creation of a community forest would be consistent and complimentary to the state park.

Threats

There is no pressing threat to the property or its resources, other than the press of development along Highway 101 and the growth of Brookings. The steady growth of Brookings means that the community is moving toward the targeted property. Without the project, the forested land will be eventually be brought inside the urban growth boundary and developed.

2) Establishing the Community Forest

Objectives

The City of Brookings seeks to create its first community forest and to then develop a forest management plan. This effort is in response to community input, ongoing planning and an opportunity to steward a unique piece of property and thereby enhance the quality of life in Brookings. The City of Brookings intends to take a participatory approach to forest management that will protect the forest ecosystem while integrating social, ecological and economic priorities.

With the community forest Brookings believes it can manage the natural resources with a community-driven process, along with the assistance of professional foresters to create recreational opportunities for residents, while also protecting the forest and its ecosystem. To pursue this goal, the City intends to create a Community Forest Plan and has budgeted for it as described below. Further the City intends to work closely with the state parks, especially the Boardman Park, as well as Southwestern Oregon Community College, the Oregon Department of Forestry and the Coos Forest Protective Association, which has a station in Brookings. These partners, in combination with residents and the USDA will help ensure that the proposed Brookings Community Forest remains healthy and contributes to the quality of life in Brookings, as well as draw visitors.

Significantly, after reviewing other community forests, including those in Ashland, Oregon and Arcata, California, the City of Brookings is committed to a community-based management process. A community forest creates a wide range of opportunities for people to come together to pursue complementary goals including the creation of a stronger sense of community involvement and the definition of shared goals and objectives. Therefore, the City has the following objectives for the project.

- Acquire the 120 acres from the U.S. Borax Corporation
- Designate the property a "community forest"
- Reach out to the community to identify preferences and needs
- Conduct outreach to engage the public and recruit participants that are representative of the community
- Create a "community forest plan" rooted in community participation and collaboration
- Identify opportunities and strategies for habitat protection or restoration
- Identify opportunities for education and implement strategy
- Integrate the forest into existing walking, hiking or bicycle trails
- Demonstrate sustainable forest management practices
- Identify opportunities for revenue generation and identify use for any revenue

Benefiting Community

The primary beneficiaries of the project will be the residents of the City of Brookings and Curry County, Oregon. The City of Brookings is home to approximately 6,370 people, while the greater Brookings Area is home to approximately 13,000 people. Brookings is the largest City in

Curry County; about 29 per cent of the total County population resides in Brookings. The community forest will serve all of these residents along with the tens of thousands of visitors to the area.

Tourism serves as a major element of the City's economic base as the southern Oregon Coast and nearby Redwood National Park attract thousands of visitors from within the United States and internationally. The Port of Brookings Harbor supports a thriving recreational fishing industry, and Harris Beach State Park is among the most popular ocean-front park destinations in Oregon. The traffic on Highway 101 totals more than a million vehicles per year. At milepost 347, approximately eight miles north of the city limits, the average daily traffic is 3,000 vehicles per day, or 1,095,000 vehicles annually. The traffic counts in Brookings are four times as high, but that number reflects commuter and local traffic. The traffic gauging station north of Brookings gives a truer picture of the number of visitors and people passing through the community over the course of the year.

Over the long-term, the community forest will benefit thousands of community members and create educational opportunities and significantly expand the recreational opportunities in Brookings. The ultimate goal is to create a community forest, with a management plan that reflects the needs, preferences and priorities of the people of Brookings, now and for the future. In this way, the project should benefit thousands of people for years to come.

Community Involvement

The City has prioritized the creation of a community forest and the decision to commit its resources to the project reflects a community discussion, both during council meetings and in the wider community. The project has been discussed and reported on at public meetings in the local newspaper and on the City's website. Once the land is secure, or the sale pending, the City will begin announcing the public planning process and solicit input and involvement from the widest possible range of constituents, including local groups, nonprofits, the schools and businesses.

The City will track the number of people and groups involved in the planning, as well as the announcements and public notifications. Further, the City intends to create a plan that will formalize community involvement in the management and stewardship of the forest. This involvement will be ongoing and critical to the implementation of the management plan.

Planned Public Access

The City of Brookings presumes that the to be created community forest will have public access, from multiple entry points. The precise location and nature of the public access will be determined by the planning process. Nonetheless, the City expects that its bicycle and pedestrian trail system will extend to and link with the community forest. The state park that already exists across Highway 101 may help in identifying parking and access points that facilitate the use of both properties.

The Oregon Department of Transportation has recently funded a \$1.2 million multi-use path from Harris Beach State Park to the vicinity of Dawson Road, south of the project site. The City expects that as the Lone Ranch housing project, which is just south of the U.S. Borax

Corporation property is constructed, bicycle and pedestrian facilities will be extended into the project site.

Support for the Project

The project has support from the City in the form of the City Council, staff, the U.S. Borax Corporation and the community members who have elected to comment on the project. As the development of the forest moves forward, the number of participants and supporters will increase as the plan is drafted, considered, revised and adopted.

3) Acquiring the Community Forest

The property that the City of Brookings has identified to become a community forest is owned by the U.S. Borax Corporation. The property has been offered to the City, but has not been generally advertised as "for sale." The City is moving forward and has initiated an appraisal process to set the price. The U.S. Borax Corporation has indicated it is willing to sell the land and has agreed to the appraised value. The City has the cash resources to contribute its portion to the purchase as described below in the budget section of this application.

Status of Due Diligence

The City and staff have investigated the history of the property, confirmed that there are no environmental hazards, dumps or other materials present that will create a long-term liability. Likewise, the City staff has investigated the question of how other communities create and manage community forests. The City has confirmed it has the resources to operate the forest as part of its Public Works and Development Services Department and that there is strong community support for the project. The appraisal has been completed and the negotiations with the U.S. Borax Corporation await the City's raising of the funds necessary.

Proposed Timeline

The City of Brookings began this project in 2013 and has considered it in open council meetings. Staff have spoken with and corresponded with U.S. Borax Corporation officials and have confirmed the Corporations willingness to sell the property for the purpose of becoming a community forest. Were the property offered on the open market for development, it is likely that it would command a higher price. The timetable below reflects the work done to date and the anticipated timeline for completion.

<u>Activity</u>	<u>Timeframe</u>	<u>Status</u>
Initial Discussion with U.S. Borax Corporation:	Spring 2013	Completed
Appraisal of property	Summer 2013	Completed
City Council meetings & public discussion	Fall Winter 2013	Completed
Fund dedication & budgeting	Fall 2013	Ongoing
Fundraising	Fall 2013	Ongoing
Purchase Property	Spring 2014	
Community Forest Operation Plan Development	May - September 2014	
Adoption of management plan	October 2014	
Implementation of management plan	2015	

4) Budget

The following budget reflects the known capital acquisition costs, as well as approximated costs for a community planning process.

Estimated Project Cost

Costs	Amount	Federal	Non-Federal
Land Cost	\$ 600,000	\$ 300,000	\$ 300,000
Appraisal	\$ 2,500	\$ -	\$ 2,500
Title Fees	\$ 1,500	\$ -	\$ 1,500
Community Forest Plan Dev.	\$ 9,500	\$ -	\$ 9,500
Miscellaneous real estate fees	\$ 1,000	\$ -	\$ 1,000
Subtotal	\$ 614,500	\$ 300,000	\$ 309,500
Contingencies	\$ 5,000	\$ -	\$ 5,000
Total	\$ 619,500	\$ 300,000	\$ 319,500

Explanation of Cost

The costs of the project include the appraised cost of the 120 acres owned by the U.S. Borax Corporation targeted for acquisition. The appraisal cost reflects the known cost paid by the City for the required appraisal. The title fees likewise are known costs for the property transfer. The City of Brookings estimates that the development of a community forest plan will entail the following costs.

Advertising Costs	\$ 500
Community Facilitator 3-meetings & write-ups	\$3,500
Research & Plan Drafting	\$4,000
Revisions	\$ 750
Publishing plan / copies	<u>\$ 750</u>
Total:	\$9,500

The contingency budget reflects the unknowns in the community planning process and the expenses associated with research and drafting of a community forest plan. Because of the less defined nature of the costs, Brookings has partnered in this project with the property owner to pay the local match for the project, along with all of the related closing costs, fees and expenses. U.S. Borax has offered to reduce the cash purchase price to \$300,000 with the remaining \$300,000 to be a write-down contribution to the project by the U.S. Borax Corporation.

The City of Brookings reviewed comparable property sales in the area over the last four years and compiled the following list of properties, including the data of the recorded sale, the total number of acres involved and the cost per acre. Taking the average price would put the proposed property value at \$584,500. Significantly, this comparison takes values from one of the most depressed real estate markets in decades. The data suggests that the price of \$600,000 a very reasonable appraisal, especially in light of their willingness to work with the City to provide a match.

Comparable Sales

Recorded	# Acres	Cost Per Acre
05/03/13	79.2	\$ 2,335
10/03/13	80	\$ 3,628
04/25/13	82.77	\$ 4,095
02/04/11	82.93	\$ 6,029
12/20/12	98.62	\$ 9,800
03/26/13	120	\$ 3,758
12/02/10	157.2	\$ 4,453
<i>Totals</i>	<i>700.72</i>	<i>\$ 34,098</i>

Average Cost Per Acre \$4,871.14

Cost Share

The City of Brookings, in partnership with U.S. Borax Corporation will provide a 1:1 match of the acquisition cost, along with an additional \$19,500. The match will come in the form of a write-down contribution from the owner and cash resources that are available. The City will provide all documentation of the matching funds as required by the USDA.

Explanation of Funding

As noted above the City of Brookings and U.S. Borax Corporation are providing the match for the proposed project. The property owner, U.S. Borax Corporation will provide a write-down contribution of \$300,000 and the City will also provide cash for closing costs and other expenses related to the title transfer. The balance will be a combination of in-kind and cash resources to develop a Community Forestry Plan, including community meetings and outreach, as well as making the resulting plan available to the public and partners. The budget below describes the sources of the match.

Funding Source	Federal	Non-Federal	Total
Community Forest Program	\$300,000	\$ -	\$300,000
U.S. Borax Corporation	\$ -	\$300,000	\$300,000
City of Brookings	\$ -	\$ 19,500	\$ 19,500
Total	\$300,000	\$319,500	\$619,500

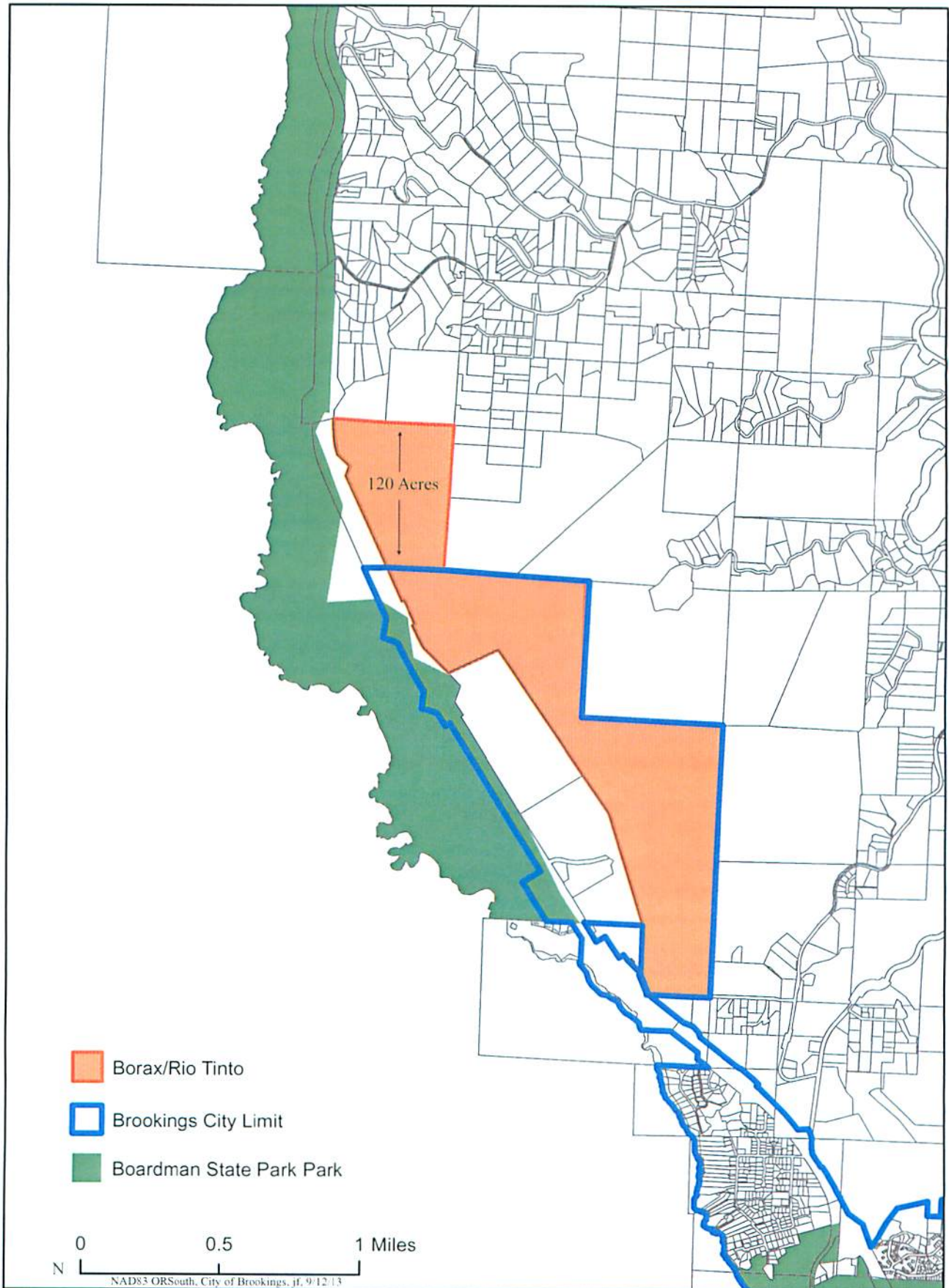
Technical Assistance Request

Not Applicable.

Explanation of Technical Assistance Costs

Not Applicable.

U.S. Borax property: Brookings, OR





Community Forest Program

Overview: Through the Community Forest and Open Space Conservation Program (Community Forest Program or CFP), the Forest Service is authorized to provide financial assistance grants to local governments, Indian tribes, and qualified nonprofit organizations to establish community forests. Communities and Indian tribes can sustainably manage forests these community forests for many public benefits, including recreation, income, wildlife habitat, stewardship demonstration sites, and environmental education.

Authorization: CFP is authorized by Section 8003 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-234); which amends the Cooperative Forestry Assistance Act of 1978. The law authorized the Forest Service to establish the CFP.

Funding:

- CFP was funded \$500,000 in the FY10, \$1 million in FY11, and \$2 million in FY12.
- President's request for FY13 is at \$4 million.
- A request for applications was published February 15, 2012, and can be found at the CFP website: (<http://www.fs.fed.us/spf/coop/programs/loa/cfp.shtml>)

Implementing Guidance:

- Implementing regulations was published October 20, 2011, and can be found at the CFP website.
- Public comments were solicited and Tribal consultation was conducted on the proposed rule.

Program Specifics:

- Provides financial assistance grants to local governments, Indian tribes, and qualified nonprofit organizations to establish a community forest through fee simple land acquisition.
- Requires a 50% non-federal match.
- Requires public access, which may be limited to protect resources or public health and safety.
- Requires involving the community when establishing the community forest, developing the community forest plan, and deciding on long-term management needs.
- Focuses on community benefit, including economic benefits resulting from sustainable forest management, environmental benefits, forest-based experiential learning, replicable models of effective forest stewardship, and recreational benefits such as hiking, hunting and fishing secured with public access.
- CFP complements the Forest Service's existing land acquisition program, Forest Legacy Program, with each program engaging unique partners and utilizing different tools for land protection.
- CFP complements the Forest Service's Urban and Community Forestry Program, which encourages and promotes the creation of healthier, more livable communities.

Project Selection Process

- The Forest Service will issue a national request for applications (RFA) for grants.
- Applications for local government and nonprofit entities are required to go to the State Forester, while Tribal applications go to the equivalent Tribal Governments official.



Community Forest Program

- Applicants will notify the Forest Service when submitting an application to the State Forester or equivalent officials of the Indian tribe.
- State Foresters and equivalent official of the Indian tribe will forward all applications to the Forest Service, and, as time and resources allow will:
 1. Provide a review of each application to help the Forest Service determine that the applicant is an eligible entity, that the land is eligible, and whether the project contributes to a landscape conservation initiative.
 2. Confirm that the proposed project has not been submitted for funding consideration under the Forest Legacy Program
 3. Describe what technical assistance they may render in support of implementing the proposed community forest project and an estimate of needed financial assistance.

Program Benefits

- Provide Recreational Opportunities- Protect existing and establish new public recreation opportunities, including hiking, hunting, fishing, and bird watching.
- Provide Educational Opportunities- Provide forest-based experiential learning opportunities to youth and adults, including K-12 conservation education programs; vocational education programs; and environmental education through individual study or voluntary participation in programs offered by organizations such as 4-H, Boy or Girl Scouts, Master Gardeners, etc.
- Establish Model Demonstration Forests- Establish replicable models of effective forest stewardship for private landowners.
- Provide Economic Opportunities- Generate revenue to support the communities' financial needs through sustainable management, timber and non-timber forest production, wood for energy production, recreation and tourism, and other compatible working forest activities.
- Protect Habitat- Protect threatened and endangered species critical habitat, maintains important habitat connectivity for migratory species, protects habitat for species of concerns, and provides opportunities for habitat restoration.
- Improve Forest Health- Provide opportunities for survey and monitoring of invasive insects, noxious weeds, and diseases, as well as protect locations that will provide opportunities for conducting forest health treatments.
- Conserve Water Supply and Watershed- Conserve surface drinking water supplies and aquifer recharge areas, as well as protects ecologically important water resources including riparian areas, wetlands, shorelines, and river systems.
- Mitigate Climate Change- Help mitigate climate change by protecting trees that will sequester carbon, as well as protect land for community and natural resource adaptation to a changing climate.

Contact: Kathryn Conant, 202-401-4072, kconant@fs.fed.us
Maya Solomon, 202-205-1379, mayasolomon@fs.fed.us
Scott Stewart, 202-205-1618, ss Stewart@fs.fed.us

Part 1. What are Community Forests?

Community forests differ from other private or government-owned forests in the role that local residents play in their stewardship. Local residents are involved in determining the goals and purposes of these forests, developing a governance structure, selecting individuals or organizations responsible for managing them, and in enjoying the many social and economic benefits of the forests. Creating and managing a community-owned forest requires the collaborative development of a community vision and mission for the forest, a commitment to sharing in the costs and benefits of that forest, and the crafting of a governance and operational structure that ensures consistent, long-term management for forest resiliency and sustainability.

Community-owned and community-managed forests are not a new concept, and examples can be found around the world. Some New England “town forests,” for instance, were established well over a century ago. Today in the U.S., over 3,000 communities in 43 states own 4.5 million acres of forestland, and these numbers continue to grow (Little, 2005).

A. Benefits from Community Forests

Establishing a community-owned forest protects forest land from unwanted development and gives communities a better ability to shape their future. A community forest also provides many economic, social and environmental benefits for the community, including:

- Protecting water sources
- Providing wildlife habitat
- Outdoor recreation
- Educational opportunities
- Demonstration of sustainable forest management practices
- Income from forestry activities or forest products for community use
- Heat and/or energy for local schools and other public buildings



Water resources in Blackfoot Community Conservation Area, MT. (Greg Neudecker, U.S. Fish and Wildlife Service)

Forestry activities in many community-owned forests provide enough income to cover management costs, and often produce revenue for the town:

- Arcata Community Forest, CA (2 tracts, 2,100 total acres) – Forest Stewardship Council certified and generates \$500,000-\$700,000 of revenue per year from timber harvesting, of which \$245,000 covers management costs and \$20,000 goes toward salary for a ranger; forest is self-supporting and excess net revenue is used to purchase and maintain other city parkland and open space.
- Conway Town Forest, NH (1,840 acres) – timber sales generated \$81,171 in revenue between 1978 and 2003; revenues go toward additional land acquisition.
- Enosburg Town Forest, VT (120 acres) – a recent sale of 92,729 board feet of timber, 45 cords of wood and 238 tons of chips generated \$11,324 in income.

- Hillsboro Town Forest, Starksboro, VT – the Town of Starksboro has used timber from its town forest to build bookshelves for its library, and is conducting a pilot project to use wood chips from its town forest to generate energy for the local high school.
- Mount Washington Valley, ME and NH – a study of 12 town forests showed that they generated \$3.6 million over five years in taxes, payments in lieu of taxes and forest land reimbursement.
- Goshen, VT – timber sales and a lease to a local sugarmaker generated over \$250,000 in revenue in just over 20 years.

In addition to their economic value, community-owned forests give many benefits that are more difficult to measure – such as providing an outdoor classroom for local students or protecting important historical or cultural sites. The process of establishing a community-owned forest will also build residents' capacity to act together on other community efforts. Moreover, local forest ownership will change how residents relate to the land, fostering an ethic of stewardship. Deborah Brighton of Vermont Family Forests notes, "a community forest makes people owners of working land in their community, and ownership changes the way people think about the land." (Shillinglaw, Morgan and Vaughan, 2007).

B. Changing Forest Ownership

In recent years, privately-owned forestland has been changing hands rapidly, particularly as large timber and forest products companies divest their land holdings. The result is often smaller parcels of forest land and increasing fragmentation of ownership. Since 1978, 20-25% of *all* privately-owned forest land has changed ownership, and since 1996 approximately half of *industry-owned* private forestland. (Little, 2005). Estimates suggest that another 20% of private forestland could change hands in the next ten years. (Block and Sample, 2001).

As ownership patterns shift, forests are increasingly being developed for commercial or residential uses. Research by the USDA Forest Service shows that conversion of forest land to developed uses reached 1 million acres per year in the 1990s. Projections are that in the next 30 years, another 44.2 million acres, over 11% of all private forest land, will experience "dramatic increases in housing development." (Stein et al., 2005).

Development of private forestland has significant consequences for the ecological functions of the forest as well as the communities near them. Loss of forest means loss of wildlife habitat and degradation of wetlands and riparian areas. Communities also lose forest-based businesses and jobs, in both forestry and recreation-based industries. Moreover, much of the forestland in private timber company ownership has traditionally been open to public access. As timber companies sell their lands to other private owners, this access could disappear. In fact, according to the Forest Service, the number of acres of private forest land open to outdoor recreation has been declining in recent years. (Smith and Darr, 2002).

Community members, conservation organizations and government agencies are working to keep some of these lands as contiguous forest through acquisition by land trusts or state or federal governments. However, this option is not always feasible or favored by local residents. Community forests offer a promising alternative for maintaining forested lands *and* for putting in the hands of local residents the critical economic, environmental, recreational, social, cultural, and aesthetic values those forests have traditionally provided.

City of Brookings

City Council Meeting Minutes

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415
Monday, December 9, 2013

Council met in Executive Session at 6:30 PM, in the City Manager's office, under authority of ORS 192.660(2)(h), "to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed."

Call to Order

Mayor Hedenskog called the meeting to order at 7:04 PM.

Roll Call

Council Present: Mayor Ron Hedenskog, Councilors Bill Hamilton, Brent Hodges, Jake Pieper and Kelly McClain; a quorum present.

Staff Present: City Manager Gary Milliman, Finance & Human Resources Director Janell Howard, Public Works & Development Director Loree Pryce, City Attorney Martha Rice, Planning Manager Donna Colby-Hanks and City Recorder Joyce Heffington.

Others Present: No media; approximately 8 others.

Ceremonies/Appointments/Announcements

Mayor Hedenskog moved, a second followed and Council voted unanimously to appoint Jacquie Farr to the Public Art Committee.

Mayor Hedenskog recognized Sergeant Kelby McClain and Officer Curtiss Lunsford for ten years of dedicated service to the City and Officer Kyle Kennedy, Detective Tyler McCourt and Treatment Supervisor Ray Page for five years of dedicated service.

Public Hearings/Ordinances/Resolutions/Final Orders

Public Hearing and Ordinance 13-O-719 regarding the vacation of a planting screen dedicated in the Woodland Park Addition.

The public hearing was opened at 7:15 PM and Manager Colby-Hanks gave the staff report and reported that no written objection or remonstrance was received.

Larry Carpenter, applicant, commented that he would like to get the proper set-back on his property which the vacation would provide.

The hearing was closed at 7:19 PM.

Councilor Pieper moved, a second followed and Council voted unanimously to approve the vacation under File VAC-1-13 and proceed to the adopting Ordinance.

Councilor Pieper moved, a second followed and Council voted unanimously to do a first reading of Ordinance 13-O-719 by title only.

Mayor Hedenskog read the title.

Councilor Pieper moved, a second followed and Council voted unanimously to do a second reading of Ordinance 13-O-719 by title only.

Mayor Hedenskog read the title.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt Ordinance 13-O-719, [vacating the "planting screen" in the Woodland Park Addition].

Ordinance 13-O-720, amending Exhibit "A" of Ordinance 13-O-712, to correct metes and bounds descriptions.

Manager Colby-Hanks provided the staff report.

Mayor Hedenskog said the annexation of the property was done, but a lot was omitted and this fixes that issue, and asked Colby-Hanks if this was correct; she said it was.

Councilor Pieper moved, a second followed and Council voted unanimously to do a first reading of Ordinance 13-O-720 by title only.

Mayor Hedenskog read the title.

Councilor Hodges moved, a second followed and Council voted unanimously to do a second reading of Ordinance 13-O-720 by title only.

Mayor Hedenskog read the title.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt Ordinance 13-O-720, [amending Ordinance 13-O-712, to correct metes and bounds descriptions].

Oral Requests and Communications from the audience

Carolyn Milliman, Brookings, wished everyone a happy holiday.

Staff Reports

Allocate Transient Occupancy Tax revenues and enter agreement with the Curry County Board of Realtors for Community Christmas Tree project.

City Manager Milliman gave the staff report.

Councilor Hamilton said he had no problem allocating the funds, but needed clarification as to whether or not this was an appropriate use.

Mayor Hedenskog said the City had some "wiggle room" as to how the funds could be used and Milliman said the definition was broad; the Brookings Municipal Code specifies that it is to be used to promote tourism.

Councilor McClain said he would like to see Tourism Advisory Promotion Committee come up with new projects and ideas instead of supporting projects that were already being done.

Councilor Pieper said he disagreed, and encouraged the Committee to look for more projects, exactly like this, one to fund.

Councilor Hodges moved, a second followed and Council voted unanimously to allocate \$500 in Transient Occupancy Tax revenues and authorize the City Manager to enter into agreement with the Curry County Board of Realtors for the Brookings Community Christmas Tree project; funding to be used for paying electric costs and purchasing ornaments.

Joint letter with Curry Health Network (CHN) seeking support from Governor Kitzhaber to designate the Brookings clinic as a remote hospital under existing license.

Mayor Hedenskog provided background and City Manager Milliman added that minor adjustments had been made to the final letter which would request the Governor to help CHN avoid having to go through a two year Certificate of Need process.

Councilor Hodges asked about the 30-mile rule and Milliman said it was a state and federal regulation that only applied to the Certificate of Need for new hospitals.

Councilor Pieper moved, a second followed and Council voted unanimously to authorize Mayor Hedenskog to execute a joint letter with Curry Health Network (CHN) seeking support from Governor Kitzhaber for the designation of the Brookings clinic as a remote hospital under the existing CHN provider license.

Request to eliminate the Deferred Improvement Agreement requirement at 530 Hassett for Weaver Lane Street and drainage improvements.

Director Pryce gave the staff report.

Mayor Hedenskog said that, in the case of two linked DIAs, it seemed the second DIA would be released with the first one and Pryce said the way the DIA was written, it included Weaver.

Councilor Hodges asked if Meadow and Weaver would ever be connected and Pryce said some of the larger lots would have to be partitioned for that to happen. Hodges then said other property owners with corner lots have had to pay DIAs for both streets and the owner of this property should have known about them when the property was purchased. He suggested leaving it "as is" if Weaver and Meadow might someday connect.

Mayor Hedenskog said if 50% of the residents hold DIA's they'd all have to pay if a Local Improvement District (LID) were formed.

Councilor Pieper said the City needed to be consistent, but he could see looking into the matter and coming up with a policy to deal with DIAs.

Mayor Hedenskog suggested that the City Attorney review the DIA to see if it had been fulfilled and Councilor McClain said it didn't appear to him that it had.

Councilor Hodges said he was in favor of looking at creating a policy, but he wouldn't feel comfortable relieving the DIA now.

Councilor McClain said the City likely wouldn't call in the DIAs unless it was considering starting work on that street. If work was started on Weaver then the City would call the DIAs in anyway. DIAs, he said, let new owners know about possible future costs.

Councilor Hodges asked what would trigger the City to call in the DIAs and Pryce said the City would call them when it planned to pave.

Councilor Pieper asked if a property owner could do their own half-street improvements, and Pryce said they could, but the City wouldn't really want half-street improvements on an unpaved street.

Councilor Pieper said he couldn't really see a reason to relieve the property owner of the DIA.

Councilor Hodges asked if someone could cash-out a DIA and Pryce said it would be difficult from an accounting perspective since the funds would have to be tied to that specific property frontage. Pryce also said she couldn't find where this had been done in other cities.

Councilor McClain said the City needed to look at cash-out as an option and Councilor Pieper said property owners would rather do the improvements themselves than give the government the money to hold onto until the work was done.

Councilor Hodges said he would rather just give the City the money and Councilor McClain agreed.

Mayor Hedenskog said to call in the DIAs now and pave the street. However, he said he wasn't sure how sidewalks would go in later on.

City Manager Milliman said there a few things to consider before moving forward with paving the street now, such as the need for a fire truck turnaround and what to do at the end of the street, but he could have staff do a preliminary analysis.

Councilor McClain said even if the DIAs were called in, a number of owners might just let the City lien the property as they did on Hassett, and the City would have to front that cost until those properties sold.

There was no motion made; Milliman said staff would schedule a future workshop on the subject of Weaver Lane.

Authorization to proceed with design and bid of priority project paving list and execute a change order for additional paving on the Easy Street Water Main Replacement Project.

Director Pryce presented the staff report.

Councilor Hodges said he would be more comfortable with delaying the project so that sidewalks could be added on Easy Street. He said it was a tight area with a lot of foot traffic.

Discussion ensued regarding ADA and other considerations and Mayor Hedenskog said he would be okay with adding sidewalks on one side of the street. He also said he would like to see ditches replaced all over town with culverts and gravel, at the least. He said he didn't think it would be a huge cost factor.

City Manager Milliman asked Council if they wanted to provide direction to staff to come back with a cost estimate for sidewalks on one side of the street before paving.

Councilor McClain asked what a delay would do to the project and Pryce said it would probably mean going back out for bid.

Councilor Pieper said he was not good with the idea of delaying the project. He also said he thought it would use different funds and Milliman said it would and added that to access current pricing the City would need to act now.

Councilor Hamilton asked if a temporary bike lane could be added on one side of the street or the other and Mayor Hedenskog said it could be widened even if gravel was used in ditch areas.

Councilor Pieper moved, a second followed and Council voted unanimously to authorize City staff to proceed with design and bidding [of] a priority project paving list which includes Fifth Street, Hassett Street and City-wide pothole repair project to be identified by staff.

Councilor Pieper moved, a second followed and Council voted unanimously to authorize the City Manager to execute a change order with McLennan Excavation for additional paving for the Easy Street Water Main Replacement Project in an amount not to exceed \$36,475.

Authorization to proceed with task order to update the City's Sewer Master Plan.

Director Pryce gave the staff report.

Councilor Hodges said he thought this was an important study.

Councilor Hodges moved, a second followed and Council voted unanimously to authorize the City Manager to execute a task order with Dyer Engineering to update the City's Sewer Master Plan in an amount not to exceed \$75,000.

Authorization to execute a Change Order for additional storm drain replacement .

Director Pryce provided the staff report.

Councilor Pieper moved, a second followed and Council voted unanimously to authorize City Manager to execute a change order with McLennan Excavation for additional storm drain replacement in an amount not to exceed \$20,000.

Approval of City of Brookings Personnel Policy Handbook.

City Manager Milliman presented the staff report.

Councilor Hodges moved, a second followed and Council voted unanimously to approve the City of Brookings Personnel Policy Handbook.

Authorization to execute Legal Services Agreement with Black and Rice, LLP.

City Manager Milliman gave the staff report.

Councilor Hodges moved, a second followed and Council voted unanimously to authorize the Mayor to execute a Legal Services Agreement with Black and Rice, LLP.

Audit report for fiscal year ended June 30, 2013.

Director Howard provided the staff report, stating it was a clean audit.

Mayor Hedenskog moved, a second followed and Council voted unanimously to accept the City's Audit for the fiscal year ended June 30, 2013.

Consent Calendar

1. Approve Council minutes for November 12, 2013.
2. Accept Parks and Recreation minutes for September 26, 2013.
3. Accept Tourism Promotion Advisory minutes for August 15, August 27, September 10 and October 24, 2013.
4. Accept November 2013 Vouchers in the amount of \$402,992.63.
5. Receive October 2013 monthly financial report.

Councilor Hodges moved, a second followed and Council voted unanimously to approve the Consent Calendar as written.

Adjournment

Mayor Hedenskog moved, a second followed and Council voted unanimously to adjourn by voice vote at 8:48 PM.

Respectfully submitted:

ATTESTED:
this _____ day of _____ 2014:

Ron Hedenskog, Mayor

Joyce Heffington, City Recorder

Report Criteria:

Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
12/13	12/25/2013	70677	1	Richard Verkaaik	20-00-2005	81.50- V
12/13	12/11/2013	71401	4324	OMFOA	10-00-2005	280.00- V
12/13	12/05/2013	71936	5227	AK Consulting LLC	15-00-2005	3,500.00
12/13	12/05/2013	71937	5231	Amy Aldinger	10-00-2005	50.00
12/13	12/05/2013	71938	4939	BI- Mart Corporation	25-00-2005	136.39
12/13	12/05/2013	71939	4363	Black & Rice LLP	10-00-2005	888.00
12/13	12/05/2013	71940	5004	Blumenthal Uniforms	10-00-2005	503.34
12/13	12/05/2013	71941	335	Branom Instrument Co	20-00-2005	74.85
12/13	12/05/2013	71942	1169	Brookings Electronic Svs Inc	25-00-2005	130.00
12/13	12/05/2013	71943	416	Brookings Lock & Safe Co	20-00-2005	381.00
12/13	12/05/2013	71944	313	Brookings Vol Firefighters	10-00-2005	2,250.00
12/13	12/05/2013	71945	4767	Brookings-Harbor Chamber of Commere	10-00-2005	10,000.00
12/13	12/05/2013	71946	5048	Brookings-Harbor Medical Center	10-00-2005	75.00
12/13	12/05/2013	71947	417	Cabela's Mktg & Brand Mgt Inc	25-00-2005	379.90
12/13	12/05/2013	71948	528	Caselle, Inc	25-00-2005	839.33
12/13	12/05/2013	71949	3834	Clean Sweep Janitorial Service	10-00-2005	772.50
12/13	12/05/2013	71950	822	Coast Auto Center	10-00-2005	339.04
12/13	12/05/2013	71951	183	Colvin Oil Company	10-00-2005	3,078.84
12/13	12/05/2013	71952	182	Coos-Curry Electric	10-00-2005	22,674.70
12/13	12/05/2013	71953	5228	Curry Community Health	10-00-2005	683.00
12/13	12/05/2013	71954	648	Curry County Sheriffs Office	10-00-2005	2,929.23
12/13	12/05/2013	71955	173	Curry Equipment	25-00-2005	204.00
12/13	12/05/2013	71956	1	Avery O'Connor	20-00-2005	181.17
12/13	12/05/2013	71957	4714	Dept of Consumer & Business Services	25-00-2005	89.60
12/13	12/05/2013	71958	2640	Dyer Partnership Inc., The	15-00-2005	4,490.00
12/13	12/05/2013	71959	261	Engineered Control Products	20-00-2005	75.67
12/13	12/05/2013	71960	5125	Fanning, Jordan	25-00-2005	37.00
12/13	12/05/2013	71961	3342	Fastenal	15-00-2005	544.73
12/13	12/05/2013	71962	2186	Ferguson	20-00-2005	151.63
12/13	12/05/2013	71963	298	Freeman Rock, Inc	58-00-2005	700.00
12/13	12/05/2013	71964	4646	Frontier	30-00-2005	536.51
12/13	12/05/2013	71965	4874	The Galli Group	25-00-2005	1,751.44
12/13	12/05/2013	71966	5172	Gowman Electric, Inc	58-00-2005	595.80
12/13	12/05/2013	71967	154	Hagen's Dry Cleaners	10-00-2005	15.00
12/13	12/05/2013	71968	199	Richard Harper	10-00-2005	300.00
12/13	12/05/2013	71969	162	Kerr Hardware	10-00-2005	642.30
12/13	12/05/2013	71970	328	Les Schwab Tire Center	10-00-2005	159.53
12/13	12/05/2013	71971	5229	Adam Miller	10-00-2005	202.00
12/13	12/05/2013	71972	4269	Milliman, Gary	10-00-2005	67.50
12/13	12/05/2013	71973	2971	Mission Communications	20-00-2005	1,100.00
12/13	12/05/2013	71974	283	Muffler & More	10-00-2005	163.95
12/13	12/05/2013	71975	4443	Napa Auto Parts	10-00-2005	46.00
12/13	12/05/2013	71976	685	Neilson Research Corporation	25-00-2005	130.05
12/13	12/05/2013	71977	4487	Net Assets Corporation	10-00-2005	140.00
12/13	12/05/2013	71978	334	North Coast Electric Company	25-00-2005	259.08
12/13	12/05/2013	71979	4748	Northstar Chemical, Inc	20-00-2005	7,164.10
12/13	12/05/2013	71980	279	One Call Concepts, Inc	25-00-2005	33.00
12/13	12/05/2013	71981	5008	Online Information Services	10-00-2005	67.75
12/13	12/05/2013	71982	3814	Optics Planet	10-00-2005	50.00
12/13	12/05/2013	71983	4559	Oregon Assoc of Clean Water Agencies	53-00-2005	2,000.00
12/13	12/05/2013	71984	5230	Oregon Legislative Counsel	10-00-2005	615.00
12/13	12/05/2013	71985	252	Paramount Pest Control	10-00-2005	45.00
12/13	12/05/2013	71986	4815	Platt	58-00-2005	797.98

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
12/13	12/05/2013	71987	322	Postmaster	25-00-2005	820.00
12/13	12/05/2013	71988	187	Quality Fast Lube & Oil	20-00-2005	41.25
12/13	12/05/2013	71989	207	Quill Corporation	10-00-2005	714.38
12/13	12/05/2013	71990	3220	Radar Shop, The	10-00-2005	235.37
12/13	12/05/2013	71991	3309	Roberts & Associates	10-00-2005	360.00
12/13	12/05/2013	71992	517	Santiam Emergency Equipment	10-00-2005	415.00
12/13	12/05/2013	71993	3093	Shelton Turnbull Printers Inc	10-00-2005	251.17
12/13	12/05/2013	71994	3487	Tailored Solutions Corp	10-00-2005	596.00
12/13	12/05/2013	71995	142	Tidewater Contractors Inc	58-00-2005	25,560.80
12/13	12/05/2013	71996	797	Town & Country Animal Clinic	61-00-2005	89.55
12/13	12/05/2013	71997	3752	Trace Analytics, LLC	10-00-2005	75.00
12/13	12/05/2013	71998	990	UPS	20-00-2005	41.11
12/13	12/05/2013	71999	2863	Verizon Wireless	10-00-2005	428.00
12/13	12/05/2013	72000	861	Village Express Mail Center	10-00-2005	42.10
12/13	12/05/2013	72001	2122	Cardmember Service	25-00-2005	5,691.59
12/13	12/05/2013	72002	169	Waste Connections Inc	25-00-2005	3,265.68
12/13	12/05/2013	72003	917	Wm. H. Reilly & Co	25-00-2005	737.73
12/13	12/12/2013	72004	4734	Aramark Uniform Services	10-00-2005	67.35
12/13	12/12/2013	72005	5232	Bainbridge Associates, Inc	53-00-2005	14,744.86
12/13	12/12/2013	72006	3996	Beery Elsner & Hammond LLP	10-00-2005	1,350.00
12/13	12/12/2013	72007	5004	Blumenthal Uniforms	10-00-2005	385.13
12/13	12/12/2013	72008	4827	Boldt, Carlisle & Smith LLC	75-00-2005	5,210.00
12/13	12/12/2013	72009	714	Brookings Signs & Graphics	25-00-2005	112.00
12/13	12/12/2013	72010	715	Budge McHugh Supply	15-00-2005	664.99
12/13	12/12/2013	72011	4193	C & K Markets, Inc	25-00-2005	160.68
12/13	12/12/2013	72012	822	Coast Auto Center	10-00-2005	479.04
12/13	12/12/2013	72013	182	Coos-Curry Electric	58-00-2005	466.74
12/13	12/17/2013	72014	566	Curry County Assessor	10-00-2005	.00 V
12/13	12/12/2013	72015	5233	Curry County Board of Realtors	32-00-2005	500.00
12/13	12/12/2013	72016	4746	Curry County Treasurer	10-00-2005	470.33
12/13	12/12/2013	72017	259	Da-Tone Rock Products	25-00-2005	3,180.02
12/13	12/12/2013	72018	1	Donald Alexander	20-00-2005	17.13
12/13	12/12/2013	72019	1	Jason Cooke	20-00-2005	175.56
12/13	12/12/2013	72020	1	Juan & Anne Cruz	20-00-2005	18.46
12/13	12/12/2013	72021	1	Jessica Lamoreau	20-00-2005	19.21
12/13	12/12/2013	72022	1	Michael McGrath	20-00-2005	48.09
12/13	12/12/2013	72023	1	Benitez Russ	20-00-2005	23.98
12/13	12/12/2013	72024	1	Jeffrey Shanks	20-00-2005	183.85
12/13	12/12/2013	72025	1	Darrin Worman	20-00-2005	117.81
12/13	12/12/2013	72026	3342	Fastenal	10-00-2005	315.45
12/13	12/12/2013	72027	153	Ferrellgas	25-00-2005	1,321.98
12/13	12/12/2013	72028	4646	Frontier	10-00-2005	20.12
12/13	12/12/2013	72029	4978	Grants Pass Daily Courier	10-00-2005	37.56
12/13	12/12/2013	72030	198	Grants Pass Water Lab	20-00-2005	256.00
12/13	12/12/2013	72031	139	Harbor Logging Supply	20-00-2005	159.70
12/13	12/12/2013	72032	4918	K9 Tactical Gear	61-00-2005	168.00
12/13	12/12/2013	72033	5173	KOBI/KOTI-TV	32-00-2005	825.00
12/13	12/12/2013	72034	328	Les Schwab Tire Center	61-00-2005	956.24
12/13	12/12/2013	72035	4981	McLennan Excavation, Inc	56-00-2005	82,447.82
12/13	12/12/2013	72036	5045	MPH Industries, INC	10-00-2005	101.04
12/13	12/12/2013	72037	329	New Hope Plumbing	58-00-2005	1,300.00
12/13	12/12/2013	72038	4781	OHA Cashier	20-00-2005	200.00
12/13	12/12/2013	72039	4324	OMFOA	10-00-2005	380.00
12/13	12/12/2013	72040	4754	Oregon Building Officials Association	10-00-2005	140.00
12/13	12/12/2013	72041	4728	Oregon Department of Revenue	10-00-2005	1,923.25
12/13	12/12/2013	72042	252	Paramount Pest Control	10-00-2005	45.00

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
12/13	12/12/2013	72043	4733	PARC Resources, LLC	10-00-2005	3,450.00
12/13	12/12/2013	72044	187	Quality Fast Lube & Oil	25-00-2005	41.25
12/13	12/12/2013	72045	207	Quill Corporation	10-00-2005	239.80
12/13	12/12/2013	72046	3220	Radar Shop, The	10-00-2005	321.04
12/13	12/12/2013	72047	444	Secretary of State	75-00-2005	450.00
12/13	12/12/2013	72048	380	Stadelman Electric Inc	25-00-2005	2,199.80
12/13	12/12/2013	72049	978	U. S. Bank	25-00-2005	400.00
12/13	12/12/2013	72050	861	Village Express Mail Center	10-00-2005	70.86
12/13	12/12/2013	72051	169	Waste Connections Inc	25-00-2005	2,805.72
12/13	12/12/2013	72052	718	Western Mercantile Agency Inc	01-00-2005	33.24
12/13	12/12/2013	72053	4068	Wireless Connections LLC	30-00-2005	165.00
12/13	12/13/2013	72054	1357	Curry County Clerk	10-00-2005	71.75
12/13	12/19/2013	72055	2578	Action Trophies	10-00-2005	30.00
12/13	12/19/2013	72056	715	Budge McHugh Supply	15-00-2005	306.60
12/13	12/19/2013	72057	5070	Canon Solutions America	10-00-2005	445.29
12/13	12/19/2013	72058	3015	Charter Communications	10-00-2005	1,074.90
12/13	12/19/2013	72059	183	Colvin Oil Company	25-00-2005	4,291.04
12/13	12/19/2013	72060	1357	Curry County Clerk	10-00-2005	450.00
12/13	12/19/2013	72061	166	Dan's Auto & Marine Electric	10-00-2005	44.92
12/13	12/19/2013	72062	185	Del Cur Supply	15-00-2005	13.15
12/13	12/19/2013	72063	1	Judd Anderson	20-00-2005	300.00
12/13	12/19/2013	72064	1	Ankia Gillispie	20-00-2005	180.00
12/13	12/19/2013	72065	1	Jerry Huether	20-00-2005	25.23
12/13	12/19/2013	72066	1	Diana Madden	20-00-2005	246.41
12/13	12/19/2013	72067	1	Ron & Dena Manley	20-00-2005	45.00
12/13	12/19/2013	72068	2640	Dyer Partnership Inc., The	53-00-2005	25,851.34
12/13	12/19/2013	72069	4646	Frontier	30-00-2005	94.32
12/13	12/19/2013	72070	5078	Geotechnical Resources, Inc	15-00-2005	5,400.00
12/13	12/19/2013	72071	3961	Grizzly Fence & Construction	10-00-2005	274.00
12/13	12/19/2013	72072	4128	GSI Water Solutions Inc	56-00-2005	320.00
12/13	12/19/2013	72073	4498	Mauldin Electric	10-00-2005	40.50
12/13	12/19/2013	72074	3159	NorthCoast Health Screening	25-00-2005	115.00
12/13	12/19/2013	72075	4481	Oregon Society of CPA's	10-00-2005	189.00
12/13	12/19/2013	72076	5101	Pitney Bowes Bank, Inc	10-00-2005	583.00
12/13	12/19/2013	72077	207	Quill Corporation	10-00-2005	383.82
12/13	12/19/2013	72078	3	Judd Anderson	20-00-2005	1.88
12/13	12/19/2013	72079	582	South Coast Office Supply	10-00-2005	29.84
12/13	12/19/2013	72080	5234	StopTech, Ltd	10-00-2005	449.00
12/13	12/19/2013	72081	142	Tidewater Contractors Inc	54-00-2005	71,084.00
12/13	12/19/2013	72082	4370	Verizon Business	10-00-2005	85.03
12/13	12/26/2013	72083	5046	911 Supply	10-00-2005	343.84
12/13	12/26/2013	72084	1314	Bernie Bishop Mazda	20-00-2005	69.50
12/13	12/26/2013	72085	4827	Boldt, Carlisle & Smith LLC	75-00-2005	3,185.00
12/13	12/26/2013	72086	714	Brookings Signs & Graphics	10-00-2005	630.00
12/13	12/26/2013	72087	715	Budge McHugh Supply	20-00-2005	259.02
12/13	12/26/2013	72088	1373	Cascade Fire Equipment	10-00-2005	45.14
12/13	12/26/2013	72089	4928	CIS Trust	10-00-2005	17,308.02
12/13	12/26/2013	72090	5107	Coastal Concrete Cutting	15-00-2005	450.00
12/13	12/26/2013	72091	182	Coos-Curry Electric	10-00-2005	24,811.07
12/13	12/26/2013	72092	185	Del Cur Supply	15-00-2005	36.45
12/13	12/26/2013	72093	1	Jackie Bingham	20-00-2005	245.94
12/13	12/26/2013	72094	1	Sherry Birney	20-00-2005	40.23
12/13	12/26/2013	72095	1	Brandy Marrington	20-00-2005	216.52
12/13	12/26/2013	72096	1	Karen McMahon	20-00-2005	2.28
12/13	12/26/2013	72097	1	Richard Verkaaik	20-00-2005	81.50
12/13	12/26/2013	72098	4714	Dept of Consumer & Business Services	10-00-2005	179.20

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
12/13	12/26/2013	72099	371	Dept. of Environmental Quality	25-00-2005	320.00
12/13	12/26/2013	72100	3342	Fastenal	58-00-2005	589.37
12/13	12/26/2013	72101	298	Freeman Rock, Inc	58-00-2005	390.69
12/13	12/26/2013	72102	4646	Frontier	30-00-2005	24.16
12/13	12/26/2013	72103	5078	Geotechnical Resources, Inc	15-00-2005	1,075.75
12/13	12/26/2013	72104	139	Harbor Logging Supply	10-00-2005	162.17
12/13	12/26/2013	72105	442	OCCMA	10-00-2005	196.58
12/13	12/26/2013	72106	4781	OHA Cashier	25-00-2005	300.00
12/13	12/26/2013	72107	687	Owen Equipment Company	15-00-2005	998.13
12/13	12/26/2013	72108	322	Postmaster	10-00-2005	200.00
12/13	12/26/2013	72109	3	Alan Bergstedt	20-00-2005	16.55
12/13	12/26/2013	72110	3	Brookings Village LLC	20-00-2005	76.31
12/13	12/26/2013	72111	3	Premier Properties	20-00-2005	19.77
12/13	12/26/2013	72112	3	Rogue Federal Credit Union	20-00-2005	49.85
12/13	12/26/2013	72113	3	Kevin & Carol West	20-00-2005	32.97
12/13	12/26/2013	72114	142	Tidewater Contractors Inc	15-00-2005	237.50
Grand Totals:						<u>406,231.77</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Report Criteria:

Report type: Summary

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 5 MONTHS ENDING NOVEMBER 30, 2013

GENERAL FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
TAXES	2,559,259.00	1,668,879.08	1,836,524.81	722,734.19	71.8
LICENSES AND PERMITS	97,500.00	3,218.14	23,297.94	74,202.06	23.9
INTERGOVERNMENTAL	237,600.00	21,171.65	233,860.41	3,739.59	98.4
CHARGES FOR SERVICES	133,000.00	9,523.98	286,293.39	(153,293.39)	215.3
OTHER REVENUE	130,500.00	1,796.52	20,125.56	110,374.44	15.4
TRANSFERS IN	240,452.00	.00	.00	240,452.00	.0
	<u>3,398,311.00</u>	<u>1,704,589.37</u>	<u>2,400,102.11</u>	<u>998,208.89</u>	<u>70.6</u>
<u>EXPENDITURES</u>					
JUDICIAL:					
PERSONAL SERVICES	15,156.00	1,287.70	6,955.14	8,200.86	45.9
MATERIAL AND SERVICES	7,770.00	300.00	2,882.66	4,887.34	37.1
CAPITAL OUTLAY	500.00	.00	.00	500.00	.0
	<u>23,426.00</u>	<u>1,587.70</u>	<u>9,837.80</u>	<u>13,588.20</u>	<u>42.0</u>
LEGISLATIVE/ADMINISTRATION:					
PERSONAL SERVICES	162,891.00	12,853.49	64,251.11	98,639.89	39.4
MATERIAL AND SERVICES	112,900.00	7,535.08	50,877.15	62,022.85	45.1
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	<u>275,791.00</u>	<u>20,388.57</u>	<u>115,128.26</u>	<u>160,662.74</u>	<u>41.7</u>
POLICE:					
PERSONAL SERVICES	1,919,165.00	145,201.80	746,460.43	1,172,704.57	38.9
MATERIAL AND SERVICES	153,740.00	10,139.18	60,583.26	93,156.74	39.4
CAPITAL OUTLAY	57,400.00	.00	207,838.15	(150,438.15)	362.1
TRANSFERS OUT	.00	.00	.00	.00	.0
	<u>2,130,305.00</u>	<u>155,340.98</u>	<u>1,014,881.84</u>	<u>1,115,423.16</u>	<u>47.6</u>
FIRE:					
PERSONAL SERVICES	158,330.00	12,285.27	61,420.11	96,909.89	38.8
MATERIAL AND SERVICES	109,000.00	3,975.37	27,283.35	81,716.65	25.0
CAPITAL OUTLAY	42,080.00	30,579.01	62,636.78	(20,556.78)	148.9
TRANSFERS OUT	.00	.00	.00	.00	.0
	<u>309,410.00</u>	<u>46,839.65</u>	<u>151,340.24</u>	<u>158,069.76</u>	<u>48.9</u>
PLANNING AND BUILDING:					
PERSONAL SERVICES	182,871.00	14,930.85	73,331.15	109,539.85	40.1
MATERIAL AND SERVICES	45,600.00	1,212.51	6,472.88	39,127.12	14.2
CAPITAL OUTLAY	.00	.00	.00	.00	.0
TRANSFERS OUT	.00	.00	.00	.00	.0
	<u>228,471.00</u>	<u>16,143.36</u>	<u>79,804.03</u>	<u>148,666.97</u>	<u>34.9</u>

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 5 MONTHS ENDING NOVEMBER 30, 2013

GENERAL FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
PARKS & RECREATION:					
PERSONAL SERVICES	122,864.00	11,990.56	64,828.49	58,035.51	52.8
MATERIAL AND SERVICES	35,400.00	1,213.98	16,751.88	18,648.12	47.3
CAPITAL OUTLAY	10,000.00	5,203.14	7,235.57	2,764.43	72.4
TRANSFERS OUT	.00	.00	.00	.00	.0
	168,264.00	18,407.68	88,815.94	79,448.06	52.8
FINANCE AND HUMAN RESOURCES:					
PERSONAL SERVICES	164,330.00	12,087.90	65,251.07	99,078.93	39.7
MATERIAL AND SERVICES	31,900.00	1,788.38	9,279.68	22,620.32	29.1
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	196,230.00	13,876.28	74,530.75	121,699.25	38.0
SWIMMING POOL:					
PERSONAL SERVICES	55,205.00	.00	40,079.30	15,125.70	72.6
MATERIAL AND SERVICES	38,800.00	1,057.33	23,167.54	15,632.46	59.7
CAPITAL OUTLAY	10,000.00	2,080.42	5,393.23	4,606.77	53.9
	104,005.00	3,137.75	68,640.07	35,364.93	66.0
NON-DEPARTMENTAL:					
MATERIAL AND SERVICES	132,500.00	12,668.29	36,527.31	95,972.69	27.6
CAPITAL OUTLAY	.00	.00	.00	.00	.0
TRANSFERS OUT	52,000.00	.00	.00	52,000.00	.0
CONTINGENCIES AND RESERVES	639,709.00	.00	.00	639,709.00	.0
	824,209.00	12,668.29	36,527.31	787,681.69	4.4
	4,260,111.00	288,390.26	1,639,506.24	2,620,604.76	38.5
	(861,800.00)	1,416,199.11	760,595.87	(1,622,395.87)	88.3

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 5 MONTHS ENDING NOVEMBER 30, 2013

STREET FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
INTERGOVERNMENTAL	440,000.00	30,713.79	279,308.14	160,691.86	63.5
OTHER REVENUE	12,450.00	.00	2,241.20	10,208.80	18.0
TRANSFER IN	.00	.00	.00	.00	.0
	<u>452,450.00</u>	<u>30,713.79</u>	<u>281,549.34</u>	<u>170,900.66</u>	<u>62.2</u>
<u>EXPENDITURES</u>					
EXPENDITURES:					
PERSONAL SERVICES	168,706.00	12,480.01	62,656.38	106,049.62	37.1
MATERIAL AND SERVICES	194,100.00	17,783.76	81,283.40	112,816.60	41.9
CAPITAL OUTLAY	141,300.00	67,915.00	69,558.93	71,741.07	49.2
TRANSFERS OUT	27,015.00	.00	.00	27,015.00	.0
CONTINGENCIES AND RESERVES	105,329.00	.00	.00	105,329.00	.0
	<u>636,450.00</u>	<u>98,178.77</u>	<u>213,498.71</u>	<u>422,951.29</u>	<u>33.6</u>
	<u>636,450.00</u>	<u>98,178.77</u>	<u>213,498.71</u>	<u>422,951.29</u>	<u>33.6</u>
	<u>(184,000.00)</u>	<u>(67,464.98)</u>	<u>68,050.63</u>	<u>(252,050.63)</u>	<u>37.0</u>

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 5 MONTHS ENDING NOVEMBER 30, 2013

WATER FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
SOURCE 03	.00	.00	.00	.00	.0
CHARGES FOR SERVICES	1,413,500.00	117,705.48	657,239.16	756,260.84	46.5
OTHER INCOME	9,000.00	4,116.46	1,360,760.31	(1,351,760.31)	15119.
TRANSFERS IN	.00	.00	.00	.00	.0
	<u>1,422,500.00</u>	<u>121,821.94</u>	<u>2,017,999.47</u>	<u>(595,499.47)</u>	<u>141.9</u>
<u>EXPENDITURES</u>					
WATER DISTRIBUTION:					
PERSONAL SERVICES	370,334.00	28,705.42	150,637.44	219,696.56	40.7
MATERIAL AND SERVICES	176,350.00	3,914.25	93,806.63	82,543.37	53.2
CAPITAL OUTLAY	59,900.00	.00	34,549.16	25,350.84	57.7
	<u>606,584.00</u>	<u>32,619.67</u>	<u>278,993.23</u>	<u>327,590.77</u>	<u>46.0</u>
WATER TREATMENT:					
PERSONAL SERVICES	255,128.00	18,609.08	93,467.06	161,660.94	36.6
MATERIAL AND SERVICES	173,100.00	4,091.65	32,439.28	140,660.72	18.7
CAPITAL OUTLAY	24,900.00	.00	2,384.49	22,515.51	9.6
TRANSFERS OUT	384,498.00	.00	.00	384,498.00	.0
CONTINGENCIES AND RESERVES	133,290.00	.00	.00	133,290.00	.0
	<u>970,916.00</u>	<u>22,700.73</u>	<u>128,290.83</u>	<u>842,625.17</u>	<u>13.2</u>
DEPARTMENT 24:					
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.0</u>
	<u>1,577,500.00</u>	<u>55,320.40</u>	<u>407,284.06</u>	<u>1,170,215.94</u>	<u>25.8</u>
	<u>(155,000.00)</u>	<u>66,501.54</u>	<u>1,610,715.41</u>	<u>(1,765,715.41)</u>	<u>1039.2</u>

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 5 MONTHS ENDING NOVEMBER 30, 2013

WASTEWATER FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
CHARGES FOR SERVICES	2,831,000.00	219,484.35	1,209,887.29	1,621,112.71	42.7
OTHER REVENUE	1,000.00	.00	.00	1,000.00	.0
TRANSFER IN	.00	.00	.00	.00	.0
	<u>2,832,000.00</u>	<u>219,484.35</u>	<u>1,209,887.29</u>	<u>1,622,112.71</u>	<u>42.7</u>
<u>EXPENDITURES</u>					
WASTEWATER COLLECTION:					
PERSONAL SERVICES	475,680.00	35,982.23	180,644.44	295,035.56	38.0
MATERIAL AND SERVICES	257,150.00	3,234.47	79,595.69	177,554.31	31.0
CAPITAL OUTLAY	36,900.00	.00	2,384.49	34,515.51	6.5
	<u>769,730.00</u>	<u>39,216.70</u>	<u>262,624.62</u>	<u>507,105.38</u>	<u>34.1</u>
WASTEWATER TREATMENT:					
PERSONAL SERVICES	446,888.00	32,757.78	165,681.82	281,206.18	37.1
MATERIAL AND SERVICES	509,000.00	22,322.67	158,699.34	350,300.66	31.2
CAPITAL OUTLAY	636,900.00	1,027.10	25,563.61	611,336.39	4.0
TRANSFERS OUT	1,094,801.00	.00	.00	1,094,801.00	.0
CONTINGENCIES AND RESERVES	218,681.00	.00	.00	218,681.00	.0
	<u>2,906,270.00</u>	<u>56,107.55</u>	<u>349,944.77</u>	<u>2,556,325.23</u>	<u>12.0</u>
	<u>3,676,000.00</u>	<u>95,324.25</u>	<u>612,569.39</u>	<u>3,063,430.61</u>	<u>16.7</u>
	<u>(844,000.00)</u>	<u>124,160.10</u>	<u>597,317.90</u>	<u>(1,441,317.90)</u>	<u>70.8</u>

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 5 MONTHS ENDING NOVEMBER 30, 2013

URBAN RENEWAL AGENCY FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
TAXES	545,678.00	373,832.61	380,835.58	164,842.42	69.8
INTERGOVERNMENTAL	.00	.00	.00	.00	.0
OTHER REVENUE	1,000,500.00	.00	.00	1,000,500.00	.0
	<u>1,546,178.00</u>	<u>373,832.61</u>	<u>380,835.58</u>	<u>1,165,342.42</u>	<u>24.6</u>
<u>EXPENDITURES</u>					
GENERAL:					
PERSONAL SERVICES	.00	.00	.00	.00	.0
MATERIAL AND SERVICES	70,000.00	1,135.00	2,604.65	67,395.35	3.7
CAPITAL OUTLAY	1,677,257.00	.00	.00	1,677,257.00	.0
DEBT SERVICE	.00	.00	.00	.00	.0
TRANSFERS OUT	448,921.00	.00	.00	448,921.00	.0
CONTINGENCIES AND RESERVES	.00	.00	.00	.00	.0
	<u>2,196,178.00</u>	<u>1,135.00</u>	<u>2,604.65</u>	<u>2,193,573.35</u>	<u>.1</u>
DEPARTMENT 20:					
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.0</u>
DEPARTMENT 22:					
MATERIAL AND SERVICES	.00	.00	.00	.00	.0
DEBT SERVICE	.00	.00	.00	.00	.0
	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.0</u>
DEPARTMENT 24:					
CONTINGENCIES AND RESERVES	.00	.00	.00	.00	.0
	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.0</u>
	<u>2,196,178.00</u>	<u>1,135.00</u>	<u>2,604.65</u>	<u>2,193,573.35</u>	<u>.1</u>
	<u>(650,000.00)</u>	<u>372,697.61</u>	<u>378,230.93</u>	<u>(1,028,230.93)</u>	<u>58.2</u>