

**CANBY CITY COUNCIL
SPECIAL MEETING MINUTES
April 23, 2014**

Presiding: Mayor Brian Hodson

Council Present: Todd Rocha, Traci Hensley, Tim Dale, Greg Parker, and Ken Rider. Councilor Clint Coleman was absent.

Staff Present: Amanda Zeiber, Interim City Administrator/HR Director; Joseph Lindsay, City Attorney, and Sue Ryan, Deputy City Recorder.

Others Present: Bob Cornelius, Jacob Daniels and Gordon Goodwin.

CALL TO ORDER: Mayor Hodson called the Special Meeting to order at 7:33 p.m. in the Council Chambers.

RESOLUTIONS & ORDINANCES: Ordinance 1400 – Joseph Lindsay, City Attorney, said the recent changes to the city's business license structure disallows any illegal business. He explained the recent passage of Senate Bill 1531 that allows a moratorium for a one-year period from May 1, 2014 until May 1, 2015 of removing immunity from state prosecution for a person responsible for or employed by a registered medical marijuana facility. He said the impetus for Canby to adopt this ordinance was brought forward by the Police Chief to be in sync with other cities and not lose the ability to deliver for prosecution of delivery of marijuana as it is still classified as a controlled substance.

Mayor Hodson asked what would happen with the next state legislature on this issue then would they need to revisit the issue.

City Attorney Lindsay said it can always be revisited depending upon changes with the law at the state level. He said many cities and several counties had adopted a similar moratorium.

Councilor Hensley asked if it sunsets May 1, 2015 with or without action of the council.

City Attorney Lindsay said the ordinance will automatically end on May 1, 2015.

Councilor Hensley said the advantage of doing this is to be able to prosecute it as a federal crime.

City Attorney Lindsay said he looked at numbers of the county's population and number of medical marijuana users in town. He said because of HIPPA rules they don't know who the actual card holders are. He said there is between 150-180 proposed users in town based on calculating a proportional percentage of Canby's population to Clackamas County's population. He said they can get their prescription somewhere else so it doesn't prohibit access to medication by passing this moratorium. He said the other issues involving the siting of such clinics including 1,000 feet distance from schools and the siting requirement either in commercial or industrial zones would leave very few places within the city limits that such a clinic could be located.

Councilor Parker said he understood the reasons why some individuals would need medical marijuana but ultimately he would support the ordinance.

****Councilor Dale moved to approve Ordinance 1400, AN ORDINANCE OF THE CITY OF CANBY, OREGON, DECLARING A MORATORIUM ON MEDICAL MARIJUANA FACILITIES, AND DECLARING AN EMERGENCY to come up for second reading on April 30, 2014. Motion was seconded by Councilor Rocha and passed 5-0.**

Jacob Daniels and Gordon Goodwin explained they were attending as part of their Extended Application for a graduation requirement at Canby High School.

ACTION REVIEW:

1. Approved Ordinance 1400 to come up for second reading on April 30, 2014.

Mayor Hodson adjourned the Special Meeting at 7:46 p.m.



Sue Ryan, CMC
Deputy City Recorder



Brian Hodson
Mayor