

City of Brookings
MEETING AGENDA
Monday, June 17, 2024, 5:00pm

CITY COUNCIL WORKSHOP

EOC, 888 Elk Drive, Brookings, OR 97415

A. Call to Order

B. Topics

- 1.** Master Fee Schedule [Pg. 1]
 - a. Master Fee Schedule with 2023 actual and draft 2024 revisions [Pg. 2]
 - b. Resolution 23-R-1238 [Pg. 9]
- 2.** Measure 109 and Local Options [Pg. 10]
 - a. Memorandum from City Attorney dated June 11, 2024 [Pg. 12]
 - b. Resolution 22-R-1233 dated August 8, 2022 [Pg. 15]
 - c. Ordinance 22-O-801 dated September 12, 2022 [Pg. 17]

C. Council Member Requests for Workshop Topics

D. Adjournment

*All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least 72 hours advance notification. Please contact 541-469-1102 if you have any questions regarding this notice.

CITY OF BROOKINGS

COUNCIL WORKSHOP REPORT

Meeting Date: June 17, 2024

Originating Dept: Finance & Admin



Signature (submitted by)


City Manager Approval

Subject:

Master Fee Schedule

Background/Discussion:

The Master Fee Schedule is reviewed by staff annually to determine where changes are appropriate. The most recent 2023 Master Fee Schedule was adopted by the Council on April 10, 2023, pursuant to Resolution 23-R-1238.

In 2023, the Council chose to implement a 5.8% increase. Traditionally, the City uses the CPI for the annual increase. The Consumer Price Index (CPI-W) for February 2024 was 3.1% and was included in the proposed increase in the draft 2024 Master Fee Schedule.

The draft 2024 Master Fee Schedule is attached and those changes are indicated in red. It includes a cost-of-living increase of 3.1% rounded to the nearest dollar on most items. There are some costs that are not increased annually because of the amount (i.e. increase of less than \$0.50), and might be increased every few years.

This year, the finance team recommends the “Annual fee for businesses located outside City limits” and “Public Safety Fee per connection/unit/month” be increased. These figures are indicated in green.

Attachment:

- a. Master Fee Schedule with 2023 actual and draft 2024 revisions
- b. Resolution 23-R-1238

	<u>2023 FEE</u>	<u>2024 FEE</u>
<u>ADMINISTRATIVE - GENERAL</u>		
Building Code Violation Appeal Fee (16)	193.00	199.00
Business Licenses		
Annual fee based on total number of employees reported on Form 132		
0-10	80.00	82.00
11-25	131.00	135.00
26-50	195.00	201.00
51-75	388.00	400.00
76-100	771.00	795.00
101-200	1,282.00	1,322.00
>200	1,954.00	2,015.00
Annual fee for businesses located outside City limits	93.00	95.00
Late Fee	10.00	10.00
Temporary 90-Day	\$35.00 or 1/4 annual fee, whichever is greater	\$35.00 or 1/4 annual fee, whichever is greater
Public Safety Fee per connection/unit/month	\$3.25	3.40
Copying of City Records < 200 pages (based on 8-1/2 x 11 side) (1)	B&W \$0.35 /Color \$0.45	B&W \$0.35 /Color \$0.45
Copying City Records using off-site services (when necessary)	Actual costs + staff time	Actual costs + staff time
Certified copies of City records (for notarized copies – see Notary fee)		
First page + copy costs	B&W \$1.30/Color \$1.40	B&W \$1.30/Color \$1.40
Each additional page (per side) + copy costs	B&W \$0.70/Color \$0.80	B&W \$0.70/Color \$0.80
Duplication of City audio/video recordings to CD or DVD		
Personal Copy	18.00	19.00
Certified Copy	23.00	24.00
Electronic document preparation (10)		
Electronic documents or files copied to CD or DVD	17.00	18.00
Electronic documents, <10MB and 10 files, sent electronically	No additional cost	No additional cost
Electronic documents, ≥10MB and/or 10 files, sent electronically	15.00	16.00
Paper to electronic conversion (per side) to PDF format, ≤ 11” x 17”	\$0.20 per side	\$0.20 per side
Fax - per page (single sided – 8-1/2 x 14 max)	1.40	\$1.40
GIS		
8-1/2 x 11 Curry County Print (per single sided page)	B&W \$0.35; Color \$0.45	B&W \$0.35; Color \$0.45
11 x 17 Curry County Print (per single sided page)	B&W \$3.30; Color \$3.40	B&W \$3.30; Color \$3.40

	<u>2023 FEE</u>	<u>2024 FEE</u>
Large Format Print (> 11x17)	BW \$4/sq ft Color \$12/sq ft	BW \$4/sq ft Color \$12/sq ft
Large Format Scanning (> 11 x 17, per single side sheet) Per Sheet	23.00	24.00
Custom Map Per Hour	55.00	57.00
Legal review of public records for exempt determination (2)	Actual legal costs	Actual legal costs
Lien Search	30.00	30.00
Liquor License Application – New/Annual Renewal	30.00	30.00
Liquor License Application – Temporary/Annual	30.00	30.00
Meeting Room Rental – Council Chambers Per Hour	23.00	24.00
Meeting Room Rental – Fire Hall Per Hour	14.00	14.00
Monitoring of public review of City files	44.00	45.00
Payment Agreement- Set-up		
Set-Up Fee	131.00	135.00
Late Fee	43.00	44.00
Loan Rate	9%	9%
Records Search Per Hour	52.00	54.00
Returned (NSF) Check	47.00	48.00
Taxicab Driver's Permit/ Bi-Annual	36.00	36.00
Taxicab License/ Per Vehicle/Annual	86.00	89.00
Taxicab Photo Update	14.00	14.00
Transportation Network Company	86.00	89.00
Transportation Network Company Driver's Permit/Bi-Annual	35.00	36.00
Vacation – General (12)	1,568.00	1,617.00
<u>COURT</u>		
Community Service Sign Up Fee	61.00	63.00
Court Fee (Generally)	61.00	63.00
Driver's License Sanctions	30.00	31.00
Failure to Appear	60.00	62.00
Collections Fee	30.00	31.00
Payment Plan Fee (balance less than \$250)	30.00	31.00
Payment Plan Fee (balance greater than \$250)	59.00	61.00
Appeal Filing Motion	74.00	76.00
<u>FIRE</u>		
Burn Permits	15.00	15.00
Burn to Learn	1,902.00	1,961.00

	<u>2023 FEE</u>	<u>2024 FEE</u>
Insurance Company Report	30.00	31.00
Copies of County Road Directory	18.00	19.00
Roadway Wash Down	131.00	135.00
<u>PARK FACILITY / DAILY USE FEES</u> (3)(4)		
Capella Use Fees		
Basic Use Fee Per hour w/2 hour minimum	129.00	133.00
Musical Event Fee (minimum 3 event series) Per hour w/2 hour minimum	23.00	24.00
Security Deposit Per Event	258.00	266.00
Park Use/Standard		
City Residents; <i>non-resident add 50%, non-profit subtract 50%</i>		
0-200	53.00	55.00
201-400	97.00	100.00
401-600	186.00	192.00
601-1000	322.00	332.00
> Each additional 100	53.00	55.00
Park Use/Commercial		
City Resident 1-100	53.00	55.00
>Each additional 100	53.00	55.00
Non-City Resident 1-5	131.00	135.00
6-30	195.00	201.00
31-60	389.00	401.00
61-100	522.00	538.00
>Each additional 100	65.00	67.00
Other Park Facilities: <i>non-resident add 50%, non-profit subtract 50%</i>		
Bandshell/Stage Use	53.00	55.00
Concession Stand w/restrooms	98.00	101.00
Concession Restrooms Only	30.00	31.00
Folding Picnic Table / each, per event (8)	23.00	24.00
Tournaments per field per day	93.00	93.00
Soft Ball Field Lights per hour/per field	17.00	17.00
Recreational Sports (Soft Ball, Kick Ball, Soccer) per game/per team	27.00	27.00
Recreational Sports Courts/ Field Reservation per hour	27.00	27.00
Scoreboard Use/Remote Deposit	200.00	200.00
Tournament Cancellation fee 45 days or more \$25; 45 days or less 1/2 of deposit excluding light fees		
Key replacement	30.00	31.00

	<u>2023 FEE</u>	<u>2024 FEE</u>
Expedited Plan Review for Special Events (20)	609.00	628.00
Capella/Park Use Cancellation Fee	25.00	25.00
Event Permit Request		
Event Permit (18)	48.00	49.00
Barricade and Cone Delivery (19)	105.00	108.00
Refundable Barricade/Cone Use	389.00	401.00
<u>PLANNING</u>		
Annexation (5)	6,471.00	6,672.00
Appeal to City Council (9)	Equal to Application Fee	Equal to Application Fee
Appeal to Planning Commission	195.00	201.00
Combined Preliminary/Final Plat Approval	1,040.00	1,072.00
Comprehensive Plan Amendment (5)	4,674.00	4,819.00
Conditional Use Permit (Generally)	3,314.00	3,417.00
Detailed Development Plan (5)	9,279.00	9,567.00
Extension of Time SUB/CUP	65.00	67.00
Home Occupation	51.00	53.00
Home Occupation Permit for Non-profit	No Fee	No Fee
Lot Line Adjustment/Lot Line Vacation	183.00	189.00
LU Compatibility Statements	53.00	55.00
Master Plan Development (5)	10,938.00	11,277.00
Minor Change	1,276.00	1,316.00
Partition	2,551.00	2,630.00
Mural Application	98.00	101.00
Permit Clearance Review	216.00	223.00
Minor Additions & Repairs	72.00	74.00
Planned Unit Development (5)	5,701.00	5,878.00
Pre-Application Services (6)	670.00	691.00
Re-Notification	175.00	180.00
Sign Approval	168.00	173.00
Street Naming	126.00	130.00
Subdivision (5)	2,639.00	2,721.00
Subdivision Final Approval	195.00	201.00
Subdivision Replat (5)	2,604.00	2,685.00
Variance	3,105.00	3,201.00

	<u>2023 FEE</u>	<u>2024 FEE</u>
Vacation – Land Use (12)	3,139.00	3,236.00
Workforce Housing Accessory Dwelling Registration Fee	31.00	32.00
Zone Change (without Comp Plan Amendment)	3,502.00	3,611.00
<u>POLICE</u>		
Fingerprinting – per card	15.00	15.00
Intoxilizer	5.00	5.00
Police Reports/per report	11.00	11.00
Incident Reports	5.00	5.00
Digital Media Redact	Actual costs + staff time	Actual costs + staff time
Digital Media Duplication	35.00	36.00
Urinalysis	10.00	10.00
<u>PUBLIC WORKS</u>		
Building Inspection Fees	Pursuant to OR State Building Codes Div established fees	Pursuant to OR State Building Codes Div established fees
Public Works / Right-of-Way Plan Review (5) (13) Per plan sheet	93.00	96.00
Public Works / Right-of-Way Permit and Inspection (7)(17)	\$100.00 or 5% of project value, whichever is greater	\$100.00 or 5% of project value, whichever is greater
Right to Use/Encroachment Permit (17)	53.00	55.00
Hydrology report review (5)	253.00	261.00
TV Inspection Fee 2 hour minimum	216.00	223.00
<u>SEWER & WATER</u>		
<i>Sewer</i>		
4” Sewer Tap-in (14)	Actual time & materials with minimum of \$4,617	Actual time & materials with minimum of \$4,617
6” Sewer Tap-in (w/o existing lateral to property line) (14)	Actual time & materials with minimum of \$6,242	Actual time & materials with minimum of \$6,242
BOD/SS Compiler (15)	190.00	196.00
Flow Meter Data Logger (15)	190.00	196.00
Oil & Grease Trap Inspection - stand alone	59.00	61.00
Oil & Grease Trap Inspection w backflow inspection	30.00	31.00
<i>Water</i>		
Annual Backflow Inspection	127.00	131.00

	<u>2023 FEE</u>	<u>2024 FEE</u>
Meter Drop-in Connection Fee		
5/8 x 3/4"	498.00	513.00
3/4"	539.00	556.00
1"	695.00	717.00
1-1/2"	2,190.00	2,258.00
2"	2,569.00	2,649.00
4" (14)	Actual time & materials with estimated deposit	Actual time & materials with estimated deposit
Hydrant Meter Installation (includes uninstal)	126.00	130.00
Service Extension inside City limits		
1 inch single service	4,738.00	4,885.00
2 inch single service	6,425.00	6,624.00
2 inch dual service	7,514.00	7,747.00
4" Service and larger	Contractor only	Contractor only
Service Extension Outside City Limits	Add 20% to inside City limit fees	Add 20% to inside City limit fees
4" Service and larger	Contractor only	Contractor only
<u>SWIMMING POOL USE</u>		

Notes:

- (1) All copy charges are calculated based on a single-sided 8 1/2 x 11 page. An 8-1/2 x 14 page will be charged at one and one-half (1-1/2) the cost of single sided page, and 11 x 17 pages will be charged as two (2) single sided pages. Large copying projects (>200 single sided pages or >100 double sided) will be charged actual copying and labor costs, with prior notification to, and acknowledgement of the requestor.
- (2) Determination of need for legal review must be made by the City Manager.
- (3) A refundable deposit will be charged equaling the total daily use fee, per application.
- (4) Park Use Fees will be waived for the Azalea Festival, American Music Festival, Natures Coastal Holiday and Festival of Art at Stout Park. The City Manager may waive Parks Use Fees for non-profit events when the total is less than \$50.
- (5) Base fee. If the City cost for processing the application exceeds the base fee, the applicant will be liable for, and billed monthly, for staff and/or consultant's time and other associated costs incurred with processing the application (including but not limited to planning, public works, engineering, City administration, legal and inspection services).
- (6) Pre-application meeting fee will be applied to the application fee if the application is submitted within one (1) year of the pre-application meeting. Each pre-application meeting increases the application fee by the same amount.
- (7) Fee is collected at time of permit issuance.
- (8) Tables may be rented at a reduced 50% rate with a minimum of 5 tables when both pick-up and delivery are handled by the applicant.
- (9) Appeal fee will be equal to the applicable application fee and adjusted, up or down, based on final cost recovery.

	<u>2023 FEE</u>	<u>2024 FEE</u>
(10) Fees noted are in addition to applicable records search fees. Any request requiring more than 1 hour of staff time for conversion, copying to disc, etc., will be charged the records search rate, in addition to standard fees, with prior notification to, and acknowledgement of the requestor. Sending and receiving of electronic files, and conversion of paper documents to PDF format, is limited to current available in-house technology.		
(11) Fee to be determined per event; based on staff requirements for pick-up, delivery and placement of barricades and cones.		
(12) Vacations requiring an additional hearing before the Planning Commission will be charged at twice the standard fee. (Standard fee includes a hearing before the City Council).		
(13) One-time fee. Incomplete submittals will not be accepted.		
(14) Deposit based on estimate to be applied to actual cost of time and materials. Any deposit amount exceeding actual costs will be refunded upon project completion. Amounts in excess of the deposit will be billed at the earliest known stage in the project, or upon project completion.		
(15) Subject to availability.		
(16) If appellant prevails, appeal fee will be refunded.		
(17) Fee will be doubled for failure to obtain permit in advance of performing work.		
(18) Non-contiguous recurring events will be charged the base fee for the first event and \$10 for each recurrence during a calendar year.		
(19) Barricade/cone fee for non-contiguous recurring events will be applied only once.		
(20) For event application forms submitted less than 14 days from date of event.		

**CITY OF BROOKINGS
STATE OF OREGON**

RESOLUTION 23-R-1238

A RESOLUTION OF THE CITY OF BROOKINGS UPDATING THE BROOKINGS MASTER FEE SCHEDULE AND REPEALING 22-R-1224

WHEREAS, the City of Brookings adopted the Brookings Master Fee Schedule under Resolution 09-R-610; and

WHEREAS, Resolution 09-R-910 established the method of updating the Brookings Master Fee Schedule (Fee Schedule) by Resolution, recognizing that the establishment of certain fees from time to time is necessary to recover the true cost of providing services; and

WHEREAS, Resolution 09-R-910 also provides that the City Council may apply an annual CPI adjustment to the Fee Schedule; and

WHEREAS, the last update to the Fee Schedule was in July 2022;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Brookings, Curry County, Oregon, that the 2023 Brookings Master Fee Schedule, attached herein as Exhibit A, is hereby adopted, and Resolution 22-R-1224 is repealed.

BE IT FURTHER RESOLVED that the 2022 Brookings Master Fee Schedule will become effective on July 1, 2023.

Passed by the City Council April 10, 2023; effective July 1, 2023.

Attest:

Mayor Ron Hedenskog

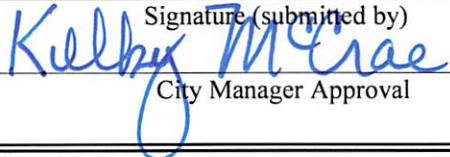
City Recorder Janell K Howard

CITY OF BROOKINGS

COUNCIL WORKSHOP REPORT

Meeting Date: June 17, 2024

Originating Dept: City Manager

Signature (submitted by)

City Manager Approval

Subject:

Measure 109 and Local Options

Background/Discussion:

Measure 109 was approved by Oregon voters in 2020 and allows for the use, delivery, and manufacture of psilocybin through Oregon Health Authority licensed psilocybin product manufacturers and service center operators. Psilocybin is a psychedelic drug, sometimes referred to as “magic mushrooms”, and remains prohibited under federal law.

This measure preempts the ability of the City Council, acting on its own, to prohibit the manufacture or sale of psilocybin, but does allow the City Council to regulate time, place, and manner regulations through land use. Measure 109 also authorizes the voters within a City to prohibit the manufacture and use, either temporarily (two years) or permanently.

On August 8, 2022, Council voted to adopt Resolution 22-R-1233, placing a measure on the November 8, 2022 ballot to prohibit psilocybin manufacture and service centers for two years. On September 12, 2022, Council voted to adopt Ordinance 22-O-801 enacting a two-year prohibition, pending voter approval. In November of 2022, City of Brookings voters adopted a two-year prohibition on psilocybin related businesses which sunsets on December 31, 2024.

The City Council has three options for addressing this matter (see attached memorandum from city attorney):

1. Adopt an ordinance that:
 - a. Puts a measure before voters that, if approved, would permanently prohibit the manufacture, use and/or both the manufacture and use; or,
 - b. Puts a measure before voters that, if approved, would prohibit the manufacture, use and/or both the manufacture and use (i.e. service centers) for two years.
2. Adopt an ordinance putting a measure before voters that, if approved, would regulate the time, place and manner of manufacture and/or use. Under this option the manufacture and/or use would be allowed subject to the City’s building, zoning and development codes, plus time (i.e. hours of operation), place (i.e. specific zones or distances from other uses, or the same use) and manner (i.e. only at a facility licensed by the State of Oregon).
3. Do nothing. Psilocybin facilities would be allowed wherever according to current City zoning and codes.

Attachment(s):

- a. Memorandum from City Attorney dated June 11, 2024
- b. Resolution 22-R-1233 dated August 8, 2022
- c. Ordinance 22-O-801 dated September 12, 2022

Memo

To: Brookings City Council
From: Lori Cooper, Attorney
Date: June 11, 2024
Re: Measure 109 and Local Options

In November of 2022, after approval by City voters, the City of Brookings adopted a temporary prohibition on psilocybin related businesses to allow time for the City to adopt time, place, and manner regulations and to review the City's development code.

The current ban on psilocybin labs and facilities is set to sunset in December of 2024. If the City wishes to move forward with a permanent ban or extend the temporary ban for two more years instead of adopting time, place, and manner regulations, it must refer the question to the voters in the November 2024 general election. The following deadlines apply to the November election:

August 16, 2024 - Last day for City to file referral text or prepared ballot title in order to complete challenge period by deadline to file notice of measure election.

September 5, 2024 - Last day for City to file the notice of measure election and any required explanatory statement.

September 9, 2024 - Last day for measure arguments to be filed for inclusion in voters' pamphlet.

Options

The purpose of this memorandum is to provide the City of Brookings with possible options related to the prohibition, allowance, and regulation of psilocybin after passage of Measure 109 (2020) - now codified in ORS Chapter 475A.

Measure 109, passed by Oregon voters in 2020, allows the manufacture and use of psilocybin (a naturally occurring psychedelic compound produced by fungi) within the state. Oregon is the first state in the United States to allow the use and manufacture of psilocybin. The measure was drafted by the same authors of the cannabis bills, so you'll notice some similarities. Measure 109 effectively permits the use and manufacture of psilocybin in all cities and counties in

Oregon. The following options are presented for Council's consideration and not listed in any specific or preferred order.

OPTION 1: As authorized by ORS 475A.718, the City Council could consider adopting an ordinance to be referred to the voters that would prohibit or allow any one or more of the following:

- Licensed psilocybin product manufacturers
- Licensed psilocybin service center operators
- Any combination of the two

As mentioned above, Measure 109 allows psilocybin in all Oregon cities and counties. To opt out completely or partially (for instance, a city may choose to allow manufacturing but prohibit service centers), the City will need to refer an ordinance to the voters at the next general election. To do so, the Council would need to pass a resolution directing the issue to be put on the ballot. The resolution would contain the ballot measure and would also include as Exhibit A the ordinance that would become effective after the election if supported by the majority of voters. As things stand now, the option to opt out is available at every general election. In other words, if Council decides to do nothing this time and later psilocybin becomes an issue, then Council could refer an ordinance to the voters at the next approaching general election.

OPTION 2: As authorized by ORS 475A.530, adopt time, place, and manner regulations.

If Council does not want to completely prohibit the use, then Council may want to consider adopting time, place, and manner regulations of the use. These regulations do not need to go to the voters and are very similar to the time, place, and manner regulations for cannabis. Under this option, psilocybin would be allowed subject to the City's existing zoning, building, and development codes plus time, place, and manner regulations.

As a slight alternative, Council could decide to allow one of the uses (centers or manufacture) and put that ordinance before the voters and also adopt time, place, and manner regulations for the psilocybin use the City (and voters) choose to allow.

OPTION 3: Take no action.

The City is not required to do anything if it chooses not to. Under this option, the temporary ban enacted by the voters in 2002 would expire, and psilocybin facilities would be allowed and located wherever the use is compatible with the zoning district and other applicable code that is already in place.

This third option is the "wait and see approach." Even if Council chooses to do nothing, it might be a good idea to review the City's existing zoning districts to determine where these uses might be permitted. To do this, you probably need to know what is envisioned for "psilocybin product manufacturers" and "psilocybin service centers." The relevant definitions in statute (ORS 475A.220) are as follows:

"Manufacture" means the manufacture, planting, cultivation, growing, harvesting, production, preparation, propagation, compounding, conversion or processing of a psilocybin product, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of

extraction and chemical synthesis, and includes any packaging or repackaging of the psilocybin product or labeling or relabeling of its container.

"Psilocybin products" means:

- (A) Psilocybin-producing fungi; and
- (B) Mixtures or substances containing a detectable amount of psilocybin.

"Psilocybin products" does not include psilocybin services.

"Psilocybin service center" means an establishment:

- (a) At which administration sessions are held; and
- (b) At which other psilocybin services may be provided.

"Psilocybin services" means services provided to a client before, during, and after the client's consumption of a psilocybin product, including:

- (a) A preparation session;
- (b) An administration session; and
- (c) An integration session.

"Integration session" means a meeting between a client and a psilocybin service facilitator that may occur after the client completes an administration session.

"Administration session" means a session held at a psilocybin service center at which a client purchases, consumes, and experiences the effects of a psilocybin product under the supervision of a psilocybin service facilitator.

"Preparation session" means a meeting between a client and a psilocybin service facilitator that must occur before the client participates in an administration session.

After Measure 109 passed in 2020, the Oregon Psilocybin Advisory Board was formed and tasked with developing recommendations to the Oregon Health Authority for program development. Some administrative rules have been adopted, and the rulemaking process is ongoing. Here is the state website for the program development:

<https://www.oregon.gov/oha/PH/PREVENTIONWELLNESS/Pages/Oregon-Psilocybin-Services.aspx>

Additional Notes

ORS 475A.527 provides that local governments are prohibited from requiring a license for the manufacturing or sale of psilocybin products, or for the provision of psilocybin services.

ORS 475A.534 provides that local governments are prohibited from adopting or enacting an ordinance imposing a fee or tax on the manufacturing, sale, or provision of psilocybin services.

Like cannabis, OHA will require a land use compatibility statement from local jurisdictions (ORS 475A.270).

Please let me know if I can help answer any additional questions or help draft documents based on Council's decision regarding next steps.

**CITY OF BROOKINGS
STATE OF OREGON**

RESOLUTION 22-R-1233

A RESOLUTION APPROVING REFERRAL TO THE ELECTORS OF THE CITY OF BROOKINGS THE QUESTION OF PROHIBITING THROUGH DECEMBER 31, 2024 PSILOCYBIN MANUFACTURING AND SERVICE CENTERS WITHIN THE CITY OF BROOKINGS.

WHEREAS, In November 2020, Oregon voters approved Measure 109, which directed the Oregon Health Authority to license and regulate the manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services; and

WHEREAS, Section 128 allows the City of Brookings the option to prohibit the establishment of psilocybin manufacturers and/or psilocybin service centers licensed under Measure 109 from operating in the area subject to the jurisdiction of the City; and

WHEREAS, The City finds it would be in the public interest to refer the question of prohibiting until December 31, 2024, psilocybin manufacturers and service centers within City limits to the electors.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Brookings, Curry County, Oregon, as follows:

- 1. MEASURE:** A measure election is hereby called for the purpose of submitting to the electors of the City of Brookings a measure prohibiting until December 31, 2024 the sale and establishment of certain psilocybin activities in the area subject to the jurisdiction of the City, a copy of which is attached hereto as "Exhibit A," and incorporated herein by reference.
- 2. ELECTION CONDUCTED BY MAIL:** The measure election shall be held in the City of Brookings on November 8, 2022. As required by ORS 254.465, the measure election shall be conducted by mail by the County Clerk of Curry County, according to the procedures adopted by the Oregon Secretary of State.
- 3. DELEGATION:** The City of Brookings authorizes the City Recorder or her designee, to act on behalf of the City and to take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.
- 4. BALLOT TITLE:** The ballot title for the measure set forth as Exhibit A" to this resolution is hereby adopted.
- 5. NOTICE OF BALLOT TITLE AND RIGHT TO APPEAL:** Upon receiving the ballot title for this measure, the City Elections Officer shall publish in the next available

edition of a newspaper of general circulation in the City a notice of receipt of the ballot title, including notice that an elector may file a petition for review of the ballot title.

- 6. FILING WITH COUNTY ELECTIONS OFFICE:** The City Elections Officer shall deliver the Notice of Measure Election to the Curry County Elections Office and the ballot title for inclusion on the primary election ballot to be held on Tuesday, November 8, 2022.
- 7. EXPLANATORY STATEMENT:** The explanatory statement for the measure, which is attached hereto as "Exhibit" B," and incorporated herein by reference, is hereby approved.
- 8. EFFECTIVE DATE OF THIS RESOLUTION:** This Resolution shall become effective immediately upon its adoption.

BE IT FURTHER RESOLVED that

Passed by the City Council August 8, 2022; effective the same day.

Ron Hedenskog
Mayor Ron Hedenskog

Attest:

Gary Milliman
City Recorder Pro Tem Gary Milliman

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 22-O-801**

IN THE MATTER OF ORDINANCE 22-O-801, AN UNCODIFIED ORDINANCE DECLARING A PROHIBITION ON PSILOCYBIN PRODUCT MANUFACTURERS AND PSILOCYBIN SERVICE CENTER OPERATORS WITHIN THE JURISDICTION OF THE CITY OF BROOKINGS, OREGON UNTIL DECEMBER 31, 2024 ONLY UPON VOTER APPROVAL ON THE NOVEMBER 8, 2022 GENERAL ELECTION.

Sections:

- Section 1. Ordinance identified.**
- Section 2. Explanation.**
- Section 3. Effective Date.**

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance Operative December 31, 2022, only upon voter approval of the City's Measure prohibiting until December 31, 2024 the sale and establishment of certain psilocybin activities in the area subject to the jurisdiction of the City.

Section 2. Explanation In November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act (codified as ORS chapter 475A), which allows for the manufacture, delivery, and administration of psilocybin at licensed facilities

ORS 475A.235 provides that the Oregon Health Authority will regulate the manufacturing, transportation, delivery, sale, and purchase of psilocybin products and the provision of psilocybin services in the state.

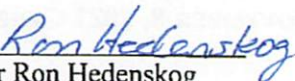
The Oregon Health Authority has initiated a rulemaking process to implement the state's psilocybin regulatory program and intends to begin accepting applications for psilocybin-related licenses on January 2, 2023.


Under Measure 109, cities may place referendums on local ballots to prohibit psilocybin product manufacturers and/or psilocybin service centers within their jurisdictions. The City Council of Brookings has adopted a resolution referring to this measure to prohibit until December 31, 2024, such uses in Brookings City limits to the voters.

Section 3. Effective Date

Subject to approval by the voters of the City of Brookings on November 8, 2022 General Election Ballot, psilocybin product manufacturers and psilocybin service centers shall be prohibited within the City of Brookings' jurisdictional boundaries until December 31, 2024.

First Reading: September 12, 2022 Passage: September 12, 2022
Second Reading: September 12, 2022 Effective Date: January 1, 2023
Signed by me in authentication of its passage this 12th, day of September, 2022


Mayor Ron Hedenskog


City Recorder Pro Tem Gary Milliman