

**MALHEUR COUNTY COURT MINUTES**  
**August 8, 2018**

County Court met with Judge Dan Joyce presiding with Commissioner Larry Wilson present. Staff present was Administrative Officer Lorinda DuBois.

Also present was Larry Meyer of the Argus Observer.

**SECOND PUBLIC HEARING - ORDINANCE NO. 216**

Judge Joyce opened the second public hearing for consideration of Ordinance No. 216: An Ordinance Relating to a Tax Imposed on the Sale of Marijuana Items that are Sold in the Unincorporated Areas of Malheur County by a Marijuana Retailer that Holds a License Issued under ORS 475B.105; and Referring the Ordinance to the Voters for Approval. Present for the hearing was public member Ben Fortner. Notice of the hearing was published in the Argus Observer and Malheur Enterprise. The purpose of the ordinance is to establish a 3% tax on the retail sale of marijuana items in the event Ordinance No. 210 (prohibits activities related to marijuana) is repealed at the November 6, 2018 election. The first hearing on the ordinance was held July 18, 2018. The ordinance will be referred to the electors of Malheur County at the election on November 6, 2018.

Judge Joyce asked for proponent testimony.

Ben Fortner: I think it's really imperative that we say yes.

Judge Joyce: Okay.

Ben Fortner: I think the trend of ending the cannabis prohibition is getting more prevalent as more and more facts come out of the places where it's legal and so the only way to really sink the most benefit into this area, if it becomes legal by popular opinion, is to offer up the 3% tax, which I feel like is in the community's best interest.

Judge Joyce asked for opponent testimony; there was none.

The hearing was closed. Commissioner Wilson moved to approve Ordinance No. 216: An Ordinance Relating to a Tax Imposed on the Sale of Marijuana Items that are Sold in the Unincorporated Areas of Malheur County by a Marijuana Retailer that Holds a License Issued under ORS 475B.105; and Referring the Ordinance to the Voters for Approval. Judge Joyce seconded and the motion passed. See instrument #[2018-2942](#)

Commissioner Wilson moved to approve Resolution No. R18-4: In the Matter of Referring to the Electors the Question of Imposing a Three Percent (3%) Tax on the Retail Sale of Marijuana Items within Unincorporated Malheur County. Judge Joyce seconded and the motion passed. See instrument #[2018-2943](#)

**Clerk's Note - Regarding above hearing- Ordinance No 216**

*Due to the failure of an initiative petition regarding repealing Malheur County's ban on marijuana to gather enough valid signatures to allow the initiative measure on the November 6, 2018 ballot, the County has chosen not to place the measure regarding "Imposing a 3% tax on the retail sale of marijuana items" the November 6, 2018 ballot.*

**COURT MINUTES**

Commissioner Wilson moved to approve Court Minutes of August 1, 2018 as written. Judge Joyce seconded and the motion passed.

**ORDER - TRENDWELL WEST**

Commissioner Wilson moved to approve Findings of Fact, Conclusions of Law, and Final Order, Order No. GO-10-18, In the Matter of: Conditional Use Application for Exploration for Oil and Gas (Map 19S4613, Tax Lot 300, Reference No. 9453), Applicant Trendwell West Inc. Judge Joyce seconded and the motion passed. The Order grants the appeal of Trendwell West, reverses the Planning Commission decision, and approves the request for exploration of gas and oil on the above reference property. The County Court heard the appeal matter on July 11, 2018. See instrument #[2018-2941](#)

**ORDER DESIGNATING NEWSPAPER**

Treasurer/Tax Collector Jennifer Forsyth met with the Court regarding designating a newspaper for publication of the 2018 tax foreclosure list. Ms. Forsyth requested the Argus Observer be designated. Judge Joyce moved to authorize the publication of the 2018 tax foreclosure list in the Argus Observer as requested by Ms. Forsyth. Commissioner Wilson seconded and the motion passed. Order No. GO-12-18 In the Matter of the Designation of a Newspaper for the Publication of the 2018 Malheur County Tax Foreclosure List was signed. See instrument #[2018-2940](#)

**EOCA INVOICE**

By consensus, the Court authorized payment of an EOCA (Eastern Oregon Counties Alliance) invoice for residual expenses in the amount of \$244.14.

**COURT ADJOURNMENT**

The meeting was adjourned.