

**Legal Counsel Update: June 28, 2022**

**1:30 p.m. – Board Conference Room**

Attending: Commissioners Herman E. Baertschiger Jr., Darin J. Fowler and Daniel E. DeYoung; Wally Hicks, Leah Harper and Alison Smith, Legal Counsel; Wendy Watkins, Recorder

Chair Herman E. Baertschiger Jr. called the meeting to order at 1:30 p.m.

**1. MOU between Josephine County and Friends of Josephine County Children's Advocacy for developing, constructing, and maintaining a Children's Advocacy Center for Josephine County**

Jim Goodwin, Juvenile Justice Director, explained this MOU with the County and Friends are in the process of developing, constructing, and maintaining a Children's Advocacy Center (CAC) for Josephine County to be constructed on a lot located at the corner of 5<sup>th</sup> Street and A Street. The County owns the property and is leasing the real property to Friends. Friends is applying for grants and obtaining funding for the development and construction of the new CAC building. *Staff was directed to place the item under Administrative Actions on next week's Weekly Business Session Agenda.*

**2. Ground Lease between Josephine County and Friends of Josephine County Children's Advocacy**

Mr. Goodwin said this will be a 99-year lease for a dollar a year for the purpose of the CAC center. The tenant intends to construct on the premises an approximately 4,300 square-foot building and related site improvements. *Staff was directed to place the item under Administrative Actions on next week's Weekly Business Session Agenda.*

**3. Resolution No. 2022-026; In the Matter of Amending the Emergency Operations Plan dated October 2021 (One original Resolution filed with the County Clerk)**

Emily Ring, Emergency Management Director, stated the Josephine County Community Emergency Operations Plan (EOP) is classified in two main parts, with the base plan for public use and the annexes and appendices for internal use only. The County reserves the right to redact those elements of the EOP that may contain sensitive information. The EOP is intended for use by elected officials, County and city departments heads and their senior staff members, emergency management staff, emergency services agency cooperators, and community and private sector partners that support emergency operations. One significant change was made, changing of the security language which said the entire EOP would be held secure, and we had a conversation, did we want to make the base plan publicly available and viewable. The language change has been made in the EOP and the security and public records request is secure and allows for the base plan to be intended for public use. If we are telling our community, they have a role to respond and recover they should be able to see the EOP. Commissioner Fowler moved to approve Resolution No. 2022-026; In the Matter of Amending the Emergency Operations Plan dated October 2021, seconded by Commissioner DeYoung. Upon roll call vote, motion passed 3-0; Commissioner DeYoung – yes, Commissioner Fowler – yes and Commissioner Baertschiger – yes.

**4. Measure 109 (Psilocybin) ordinances**

Alison Smith, Assistant County Legal Counsel, provided two draft ordinances to the Board prohibiting the establishment of Psilocybin service centers and referral to the electors. Ms. Smith explained in November 2020, Ballot Measure 109 was passed by the electors of Oregon, thereby creating a program to permit licensed manufacturers to manufacture psilocybin-producing mushroom and fungi products. Ms. Smith said with Board approval, she will provide the two draft ordinances to the City of Grants Pass and the City of Cave Junction. The Board agreed.

**5. Ordinance No. 2022-\_\_\_; An Ordinance Imposing a Tax on Retail Sales**

Wally Hicks, County Legal Counsel, mentioned state law allows local governments to tax the sale of most retail products and services; and a county tax on retail sales go into effect upon approval by the majority of

the county's electors at a regularly scheduled general election. The purpose of this ordinance is to impose a tax on retail sales that occur within Josephine County between April 15 and October 15 every year.

**6. Ordinance No. 2022-\_\_\_; An Ordinance Imposing a Commercial Activity Privilege Tax (Business Licenses)**

Mr. Hicks explained that crime negatively impacts the business activity in communities and this ordinance allows local governments to impose privilege taxes upon businesses. A privilege tax shall go into effect only upon approval by the majority of a county's electors at a regularly scheduled general election. The purpose of this ordinance is to impose an annual privilege tax on all businesses that have a workforce of twenty-five or more employees located within Josephine County. The revenue from this tax shall be used exclusively for law enforcement purposes. Expenditures of funds raised by this tax shall be subject to an annual, independent audit to endure compliance with the requirements of this ordinance.

**7. Local Option Tax to Fund Law Enforcement Services**

Mr. Hicks said another option would be a levy to help fund Law Enforcement.

**8. Additional Subjects/Matters from Commissioners – ORS 192.640(1)**

Commissioner Baertschiger disclosed that the Board is not in favor for all of these taxes, they are just ideas we are vetting with the public to try and figure out some sort of funding source for the Sheriff's Office.

Meeting adjourned at 2:27 p.m.