



CITY OF REDMOND

REVISED CITY COUNCIL

July 9, 2024
Council Chambers • 411 SW 9th Street

CITY HALL
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REDMOND, OR 97756
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COUNCIL MEMBERS

Ed Fitch
Mayor

Cat Zwicker
Council President

Tobias Colvin
Councilor

Clifford Evelyn
Councilor

John Nielsen
Councilor

Kathryn Osborne
Councilor

Shannon Wedding
Councilor

JULY 9, 2024

REGULAR MEETING AGENDA

6:00 PM

I. CALL TO ORDER / ESTABLISH A QUORUM

II. BLESSING - Pastor Thomas Benge, Redmond Community Church

III. PLEDGE OF ALLEGIANCE

IV. CITY ANNOUNCEMENTS

- A. Council Statement on Public Testimony
- B. Council Statement on Proclamations
- C. Redmond Police Department Review of 4th of July Weekend Calls for Service
- D. FairWell Festival Update
- E. Reservoir Drive Project Update

V. CONSENT AGENDA

- A. Minutes of May 14, 2024, Council Meeting
- B. Minutes of May 28, 2024, Council Meeting
- C. Proclamation Declaring the Results of the May 21, 2024, Primary Election

VI. ORDINANCES

In accordance with the City of Redmond Charter, an ordinance takes effect 30 days after its enactment except when a later effective date is specified in the ordinance; when the ordinance contains an emergency clause, it takes effective immediately.

- A. Ordinance #2024-10: An Ordinance declaring a two-year ban on psilocybin service centers. **Public Hearing**
- B. Ordinance #2024-11: An Ordinance Imposing a Three Percent (3%) Tax on the Sale of Marijuana Items by a Marijuana Retailer. **Public Hearing**

VII. ACTION ITEMS

- A. An Advisory Ballot Measure to Provide Public Input on Whether to Allow Marijuana Dispensaries Within City Limits

VIII. COMMENTS FROM CITIZENS AT THE MEETING

Citizen comments are limited to three (3) minutes per person and will be accepted for a period of 30 minutes. Comments should be focused on City of Redmond business. Attendees are asked to refrain from interrupting, calling-out, or cheering during citizen comments.

A. Written Comments from Redmond Collective Action

IX. CITY MANAGER COMMENTS

X. COUNCIL COMMENTS

XI. MAYOR'S COMMENTS

XII. ADJOURN

Regular Council meetings are broadcast live on COTV11 – BendBroadband Channel 11 beginning at 6:00 p.m. on the 2nd and 4th Tuesdays of each month. Rebroadcasts are scheduled for the non-meeting Tuesdays at 6:00 p.m.

The City of Redmond encourages all citizens to participate in its programs and activities. This meeting location is accessible to people with disabilities. Requests for accommodation may include sign language interpreter service, assistive listening devices, materials in an alternate format or any other accommodation. If any accommodations are needed, please contact the ADA Coordinator at 541-504-3036 or access@redmondoregon.gov. Requests should be made as soon as possible, but at least 3 business days prior to the scheduled meeting.

The City of Redmond does not discriminate on the basis of disability status in the admission or access to, or treatment, or employment in, its programs or activities

Public Comment:

As you know we currently have two opportunities for public comment at our regular City Council meetings, the first one at the beginning of Council meetings and the second towards the end. As you see in the agenda tonight the time for public comment is now only after the City business has been completed. There are two reasons for this:

- The primary reason is to have the public business of the City conducted first; that is the items on the agenda Council needs to work through.
- The second reason is because over the past 18 months, with increasing frequency, there have been objectively offensive comments at each meeting, which include:
 - o Racist comments
 - o Homophobic comments
 - o Personal attacks on individuals not associated with the City Council
 - o Comments that in no way reflect the opinions and values of this City Council or the character of our City.

These comments have very little or nothing to do with the conduct of City business. Because there is broad latitude on allowing public comment, Council unanimously feels it best that these comments occur after City business is completed.

Proclamation:

At our last meeting, City Council unanimously adopted a proclamation declaring July to be American Independence month in Redmond. This proclamation was submitted for our consideration a couple weeks beforehand. The Council as a whole reviewed the submitted proclamation and made revisions, which does occur from time to time. The Council incorporated most of the language from the submitted proclamation and broadened the scope of the proclamation to include all Americans who defend and fight for our country, our values, and the individual rights each American holds pursuant to our Constitution. From our perspective all of these Americans are our patriots.

REGULAR CITY COUNCIL MEETING OF THE CITY OF REDMOND WAS HELD MAY 14, 2024, IN COUNCIL CHAMBERS.

COUNCIL MEMBERS PRESENT: Tobias Colvin – Clifford Evelyn – Ed Fitch – Kathryn Osborne – Shannon Wedding – Cat Zwicker

COUNCIL MEMBERS EXCUSED: John Nielsen

STAFF PRESENT: City Manager Keith Witcosky – Deputy City Manager/Chief Financial Officer Jason Neff – City Attorney Keith Leitz – Acting Community Development Director Kyle Roberts – City Recorder Kelly Morse – Police Chief Devin Lewis – Assistant City Engineer Lindsey Croomsigt – Communications Director Heather Cassaro – Network Administrator Christian Armatas – PW Operations Manager-Water/Parks/Facilities Joshua Wedding – Finance Director James Wood – Budget Analyst Herlinda Corn

MEDIA PRESENT: None

EXECUTIVE SESSION

- A. Litigation – ORS 192.660(2)(h) authorizes executive session "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."**

Mayor Fitch convened the Council into Executive Session at 5:30 p.m. in accordance with ORS 192.660(2)(h) authorizing executive sessions 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.

Mayor Fitch adjourned the Executive Session at 5:41 p.m.

Mayor Fitch called the regular meeting to order at 6:00 pm. A quorum was established. There were no motions as a result of the Executive Session.

BLESSING

Deacon Jay Patrick led the blessing.

PLEDGE OF ALLEGIANCE

Councilor Colvin led the Pledge of Allegiance.

CITY ANNOUNCEMENTS

Councilor Osborne reported on the Downtown parking study, the 2024 Central Oregon Fire Year briefing, the farmers market, First Friday, the Redmond Street Festival, and new vehicle charging stations being installed near Grocery Outlet.

Mayor Fitch encouraged everyone to attend the Greater Redmond Historical Society's annual meeting on Saturday. He reported on inaccuracies with a former mayor's letter to the editor and last year's raccoon incident.

COMMENTS FROM CITIZENS AT THE MEETING

Redmond residents Donna Abelein, Debbie Meadows, Karin Stauder, Eve Ponder, and Latino Community Association Interim Executive Director Daniel Allamirano Hernandez addressed the Council.

CONSENT AGENDA

- A. Minutes of March 26, 2024, Council Meeting**
B. Minutes of April 2, 2024, Joint Workshop w/Deschutes County Commissioners

Councilor Colvin moved, seconded by Councilor Wedding to approve the Consent Agenda, motion passed. (Colvin-yes, Evelyn-yes, Fitch-yes, Osborne-yes, Wedding-yes, Zwicker-yes)

PUBLIC HEARINGS

A. Ordinance #2024-09: An ordinance approving a Site & Design Review and an Amendment to the 2040 Greater Redmond Area Comprehensive Plan and Zone Map.

Mayor Fitch read the Statement for Land Use Hearing into the record for the Redmond Area Park and Recreation District's (RAPRD) Regional Recreation Center, File Numbers 711-23-000278-PLNG PA-1 and 711-23-000279-PLNG for a proposed Comprehensive Plan and Zone Map Amendment and Site & Design Review at 3515 SW Lava Avenue (tax lot 1513180003100) in Redmond, Oregon.

No members of the Council had pre-hearing contacts, ex-parte observations, or conflicts of interest to disclose. Seeing no challenges to any member of the Council to hear the land use requests, Mayor Fitch opened the public hearing.

Acting Community Development Director Kyle Roberts presented the Staff report of the proposed recreational center. Staff and the Planning Commission recommended approval of the two land use applications subject to 12 conditions of approval. Redmond's Bicycle and Pedestrian Advisory Committee (BPAC) submitted a letter recommending bike and ped enhancements to the project.

Mayor Fitch announced a five-minute break.

Mayor Fitch reconvened the meeting.

Cameron McCarthy Landscape Architecture & Planning's Principal Planner Colin McArthur presented RAPRD's application, confirmed the application proposed crossings on 35th Street at Lava and Juniper Avenues, moved some of the bike parking closer to the outdoor patio, and added more bike parking spaces to the north.

Mayor Fitch opened the public comment period.

Ms. Stauder expressed concerns about parking and traffic on 35th Street and asked when the second phase of the project will occur. BPAC member Trevor Johnson emphasized adding a pull-in bus area for safety. Urban Area Planning Commission Vice Chair Norm Schultz emphasized the need for safety and solving the intersection problem.

Mr. McArthur clarified Phase 2 was dependent on funding availability. In addition, the only on-street parking they considered to serve capacity was on Lava Avenue, and the proposed facility was compared to 22 other similar facilities of the same size in the U.S. regarding parking.

Questions from the Council were addressed with input from RAPRD Executive Director Katie Hammer.

There being no further testimony, Mayor Fitch closed the public hearing.

Councilor Wedding moved, seconded by Councilor Osborne, to have a first and second reading of Ordinance #2024-09 by title only, motion passed. (Colvin-yes, Evelyn-yes, Fitch-yes, Nielsen-absent, Osborne-yes, Wedding-yes, Zwicker-yes)

City Attorney Keith Leitz provided the first and second reading of Ordinance #2024-09 by title only.

Councilor Colvin moved, seconded by Councilor Wedding, to approve Ordinance #2024-09, motion passed. (ROLL CALL: Colvin-yes, Evelyn-yes, Fitch-yes, Nielsen-absent, Osborne-yes, Wedding-yes Zwicker-yes)

ACTION ITEMS

A. Resolution #2024-12: A resolution declaring certain territory as being annexed to and incorporated within the City of Redmond.

Mr. Roberts requested approval of the resolution that would formally annex the RAPRD property into the city.

Councilor Wedding moved, seconded by Councilor Osborne, to adopt Resolution #2024-12, motion passed. (Colvin-yes, Evelyn-yes, Fitch-yes, Nielsen-absent, Osborne-yes, Wedding-yes, Zwicker-yes)

B. Amendment to Consor Well 9 Design Contract in the amount of \$288,152 (WA2202)

Assistant City Engineer Lindsey Crowsigt requested approval of the amendment to the existing contract with Consor for the design of the Well 9 project for additional design scope as well as Engineer of Record services during construction.

Councilor Evelyn moved, seconded by Councilor Zwicker, to approve Amendment #1 to contract #2022-40 with Consor for additional design services of the Well 9 project in the amount of \$288,152 and authorize the City Manager to sign the amendment, motion passed. (Colvin-yes, Evelyn-yes, Fitch-yes, Nielsen-absent, Osborne-yes, Wedding-yes, Zwicker-yes)

C. Annual Investment Update and Policy Approval

Finance Director James Wood requested approval of the City's investment policy. PFM Asset Management Director Annette Gaston provided a market update, while Mr. Wood addressed the goals of the investment policy and provided an update on the investments in the City's portfolio.

Councilor Colvin moved, seconded by Councilor Osborne, to approve the City of Redmond investment policy FIN111-Investments. The motion passed. (Colvin-yes, Evelyn-yes, Fitch-yes, Nielsen-absent, Osborne-yes, Wedding-yes, Zwicker-yes)

ADDITIONAL COMMENTS FROM CITIZENS AT THE MEETING

Ms. Abelein addressed the council.

CITY MANAGER COMMENTS

City Manager Keith Witcosky announce there would not be a Council meet ing next week due to the election. Election packets will be available the week of Memorial Day for those who want to run for Mayor or Council. Stakeholder outreach will begin next week for the Transportation System Development Charges with the item coming before the Council on June 11, for discussion. This will also be another opportunity for stakeholder input. After receiving calls expressing concern, Code Enforcement and Community Service Officers have been contacting vendors in City rights-of-way and other places that may not have business licenses. The suspect that assaulted the mariachi band had been charged with various crimes by the District Attorney and was due for a court appearance May 16.

COUNCIL COMMENTS

Councilor Evelyn commented the City wants to move forward and urged people to stop talking about the past. The Council will not reply and buy into the nonsense.

Councilor Colvin reported the Tourism Committee received six Proposals for the Tourism Committee Master Plan and will be interviewing firms in the next two weeks. He encouraged everyone to watch the last Council meeting which contained information about water usage and free items that can help reduce consumption.

DRAFT

Councilor Wedding encouraged everyone to look at the City's website/social media and participate in the survey for the Parks Master Plan.

MAYOR'S COMMENTS

Mayor Fitch announced a water summit will be held on Thursday at City Hall. The summit will focus particularly on groundwater and the ability of cities to access it for future growth. He addressed comments made by Ms. Abelein earlier in the meeting.

There being no further business, the meeting was adjourned at 7:53 pm.

Prepared by ABC Transcription Services, Inc.
Reviewed by Kelly Morse, City Recorder

APPROVED by the City Council and SIGNED by the Mayor this 9th day of July 2024.

Ed Fitch, Mayor

ATTEST:

Kelly Morse, City Recorder

REGULAR CITY COUNCIL MEETING OF THE CITY OF REDMOND WAS HELD MAY 28, 2024, IN COUNCIL CHAMBERS.

COUNCIL MEMBERS PRESENT: Tobias Colvin – Clifford Evelyn – Ed Fitch – John Nielsen – Kathryn Osborne – Shannon Wedding – Cat Zwicker

STAFF PRESENT: City Manager Keith Witcosky – Deputy City Manager/Chief Financial Officer Jason Neff – City Attorney Keith Leitz – Interim CDD Director Kyle Roberts – Deputy City Recorder Kayla Duddy – Police Captain Jesse Petersen – Housing Program Analyst Linda Cline – Communications Director Heather Cassaro – Network Administrator Christian Armatas – Finance Director James Wood

MEDIA PRESENT: Central Oregon Daily

Mayor Fitch called the meeting to order at 6:00 pm. A quorum was established.

BLESSING

Father Saji Thomas, St. Thomas Catholic Church, led the blessing.

PLEDGE OF ALLEGIANCE

Councilor Zwicker led the Pledge of Allegiance.

CITY ANNOUNCEMENTS

There were no announcements from the Council.

COMMENTS FROM CITIZENS AT THE MEETING

Jay Patrick, Charles Baer, Donna Abelein, Kayla Boyd, Stephanie Hunter, Anne Graham, Trevor Johnson, Jamie Hampton, Karim Bouris, Lena Berry, Kimberly Randolph, Forrest McCauley, Judy Dow, Jim Donahue, Scott Stuart, Eve Ponder, and Ben Wolfe addressed the Council.

CONSENT AGENDA

- A. Minutes of April 9, 2024, Council Meeting**
- B. Minutes of April 15, 2024, Council Workshop**
- C. Pride Month Proclamation**

Mayor Fitch removed Item C, Pride Month Proclamation, from the Consent Agenda.

Councilor Zwicker moved, seconded by Councilor Wedding, to approve the Consent Agenda as amended, motion passed. (Colvin-yes, Evelyn-yes, Fitch-yes, Nielsen-yes, Osborne-yes, Wedding-yes, Zwicker-yes)

Members of the Council shared their viewpoint on the Pride Month Proclamation.

Councilor Osborne moved, seconded by Councilor Colvin, to approve the proclamation as set forward, motion passed. (Colvin-yes, Evelyn-yes, Fitch-yes, Nielsen-yes, Osborne-yes, Wedding-no, Zwicker-yes)

Mayor Fitch announced a five-minute break.

Mayor Fitch reconvened the meeting.

PUBLIC HEARINGS

- A. Resolution #2024-13: A resolution adopting the Community Development Block Grant 5-year Consolidated Plan / 2024 Annual Action Plan and an amendment to the 2023 Annual Action Plan and authorizing the submission of these documents to the United States Department of Housing and Urban Development.**

Mayor Fitch opened the public hearing.

Housing Program Analyst Linda Cline and consultant Elizabeth McNannay provided an overview of the Community Development Block Grant (CDBG) 2024 5-Year Consolidated Plan and Annual Action Plan and the 2023 Annual Action Plan amendment. Total planned resources of \$259,394.26 include the 2024 annual entitlement of \$203,656 plus carry-over from 2023 of \$55,738.36.

Housing and Community Development Committee (HCDC) Chair Clair Sagiv addressed the HCDC's work on the CDBG plans.

There being no testimony, Mayor Fitch closed the public hearing.

Councilor Zwicker moved, seconded by Councilor Nielsen, to approve Resolution #2024-13 adopting the Community Development Block Grant 5-Year Consolidated Plan, 2024 Annual Action Plan, and an amendment to the 2023 Annual Action Plan and authorize the submission of these documents to the United States Department of Housing and Urban Development, motion passed. (Colvin-yes, Evelyn-yes, Fitch-yes, Nielsen-yes, Osborne-yes, Wedding-yes, Zwicker-yes)

ACTION ITEMS

- A. Northpoint Vista Mixed-Income Neighborhood: Authorize a contract for up to \$2,000,000 with deChase Miksis for project management, engineering, and development of public infrastructure at Northpoint.**

Ms. Cline requested approval of a contract with deChase Miksis for project management of the Northpoint Vista Mixed-Income Neighborhood project for up to \$2,000,000 including infrastructure engineering and to help with the bid process. The funds need to be spent by June 30, 2025.

Councilor Osborne moved, seconded by Councilor Colvin, to authorize the City Manager to execute a contract for up to \$2,000,000 with deChase Miksis for project management, engineering, and development of public infrastructure at Northpoint, motion passed. (Colvin-yes, Evelyn-yes, Fitch-yes, Nielsen-yes, Osborne-yes, Wedding-yes, Zwicker-yes)

- B. Intergovernmental Agreement with the Central Oregon Intergovernmental Council for the design and construction of 21st Street: \$750,000**

Finance Director James Wood and Central Oregon Intergovernmental Council (COIC) Resilience Planner Shelby Knight requested approval of an Intergovernmental Agreement between the City of Redmond and COIC for \$750,000 for the design and construction 21st Street.

Councilor Colvin moved, seconded by Councilor Wedding, to approve the Intergovernmental Agreement with Central Oregon Intergovernmental Council for \$750,000 for the design and construction of 21st Street and authorize the City Manager to sign the document, motion passed. (Colvin-yes, Evelyn-yes, Fitch-yes, Nielsen-yes, Osborne-yes, Wedding-yes, Zwicker-yes)

ADDITIONAL COMMENTS FROM CITIZENS AT THE MEETING

Mr. Patrick and Karin Stauder addressed the Council.

CITY MANAGER COMMENTS

City Manager Keith Witcosky reported on the final results of the ballot measures from last Tuesday's election, outreach on the Transportation System Development Charges proposed increase, the June 11, 2024, City Council meeting, and the Joint Legislative Committee meeting.

COUNCIL COMMENTS

Councilor Nielsen reported on the Airport Terminal Expansion project, HCDC's work on the CDBG grant funds, and the Northpoint Vista Mixed-Income Neighborhood project.

Councilor Zwicker reported on the Northpoint Vista Mixed-Income Neighborhood project, the Coordinated Homeless Response Office Request for Qualifications, and the Regional Housing Council.

Councilor Evelyn thanked everyone for coming to the meeting and commended the Council for working together to make decisions.

Councilor Osborne reported on the Redmond Proficiency Academy's graduation and the Juniper Springs Flag Ceremony.

Councilor Colvin reported on the Destination Marketing and Management Services Request for Proposal and the Water Summit.

MAYOR'S COMMENTS

Mayor Fitch discussed Local Improvement Districts.

There being no further business, the meeting was adjourned at 7:45 pm.

Prepared by ABC Transcription Services
Reviewed by Kayla Duddy, Deputy City Recorder

APPROVED by the City Council and SIGNED by the Mayor this 9th day of July 2024.

Ed Fitch, Mayor

ATTEST:

Kelly Morse, City Recorder



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STAFF REPORT

DATE: July 9, 2024
TO: City Council
THROUGH: Keith Witcosky, City Manager
FROM: Kelly Morse, City Recorder
SUBJECT: Proclamation Declaring the Results of the May 21, 2024, Primary Election

Report in Brief:

Per Oregon Revised Statute (ORS) Chapter 254 - Conduct of Elections requires the City Elections Official to determine election results based on the Abstract of Votes received from the Deschutes County Clerk. The votes have been canvassed, and a proclamation has been prepared declaring the results.

Background:

At the Primary Election held on May 21, 2024, qualified voters of the City of Redmond considered changes to the City Charter via the following Ballot Measures:

- 9-168 Qualification of Officers
- 9-169 Mayor Term Length and Term Limits
- 9-170 Councilor Term Limits

A canvass of votes has determined that Ballot Measures 9-168, 9-169, and 9-170 were approved by voters.

Discussion:

N/A

Fiscal Impact:

N/A

Alternative Courses of Action:

N/A

Recommendation / Suggested Motion:

"I move to accept the proclamation declaring the results of the May 21, 2024, Primary Election."

City of Redmond PROCLAMATION

A PROCLAMATION OF THE CITY OF REDMOND DECLARING THE RESULTS OF THE MAY 21, 2024, PRIMARY ELECTION.

WHEREAS, on February 27, 2024, the Redmond City Council adopted Resolution No. 2024-05, directing the question of amending the City Charter, related to Council and Mayoral term limits, to be filed with the Deschutes County Elections Office and referred to a vote of the people at the May 21, 2024, Primary Election; and

WHEREAS, on February 27, 2024, the Redmond City Council adopted Resolution No. 2024-06, directing the question of amending the City Charter, related to Council qualifications, to be filed with the Deschutes County Elections Office and referred to a vote of the people at the May 21, 2024, Primary Election; and

WHEREAS, Resolution No. 2024-05 and 2024-06 also approved the final Ballot Titles and Explanatory Statements; and

WHEREAS, on March 4, 2024, a Notice of Redmond Ballot Title was duly published in a newspaper of general circulation and posted on the City's website; and

WHEREAS, on March 20, 2024, the City Elections Official filed the measure with the Deschutes County Clerk for the May 21, 2024, Primary Election; and

WHEREAS, on June 21, 2024, the City Elections Official received the Official Final Results of the Primary Election, attached as Exhibit A and by this reference incorporated herein; and

WHEREAS, the City Elections Official, being the proper official to do so, has canvassed the votes and finds that they are as follows:

BALLOT MEASURE 9-168 (QUALIFICATION OF OFFICERS)

Yes	6,193
No	1,182
Over Votes	1
Under Votes	307

Total Votes Cast: 7,683

BALLOT MEASURE 9-169 (MAYOR TERM LENGTH AND TERM LIMITS)

Yes	4,680
No	2,676
Over Votes	1
Under Votes	326

Total Votes Cast: 7,683

BALLOT MEASURE 9-170 (COUNCILOR TERM LIMITS)

Yes	5,702
No	1,582
Over Votes	1
Under Votes	398

Total Votes Cast: 7,683

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REDMOND, OREGON, AS FOLLOWS:

SECTION ONE: Measure 9-168, which posed the question to voters at the May 21, 2024, Primary Election, "Shall the City amend the Charter to prohibit first degree consanguinity or affinity relatives from holding elective office together?", is declared to have passed.

SECTION TWO: Measure 9-169, which posed the question to voters at the May 21, 2024, Primary Election, "Shall the City Charter be amended to change the term for Mayor to four years and two consecutive terms?", is declared to have passed.

SECTION THREE: Measure 9-170, which posed the question to voters at the May 21, 2024, Primary Election, "Shall the City Charter be amended to limit City Councilors to two consecutive terms?", is declared to have passed.

APPROVED by the City Council and **SIGNED** by the Mayor this 9th day of July 2024.

The City of Redmond, Oregon

Ed Fitch, Mayor

ATTEST:

Kelly Morse, City Recorder

Official Final Results
Statement of Ballots Cast

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Deschutes County, May 21, 2024 Primary Election

All Precincts, All Districts, All Counter Groups, All ScanStations, 9-168, City of Redmond, All Boxes

Total Ballots Cast: 7683, Registered Voters: 161143, Overall Turnout: 4.77%

4 precincts reported out of 4 total

9-168, City of Redmond (Vote for 1)

4 precincts reported out of 4 total

Precinct	Ballots Cast	Reg. Voters	Total Votes	Yes		No		Over Votes	Under Votes
Precinct 17	2494	8359	2379	1988	83.56%	391	16.44%	0	115
Precinct 28	1239	4187	1193	1022	85.67%	171	14.33%	0	46
Precinct 29	1964	6229	1893	1579	83.41%	314	16.59%	1	70
Precinct 36	1986	7256	1910	1604	83.98%	306	16.02%	0	76
Total	7683	26031	7375	6193	83.97%	1182	16.03%	1	307

I, Steve Dennison, Deschutes County Clerk, do hereby certify that the votes recorded on this report correctly summarize the tally of votes cast at the May 21, 2024 Primary Election.

Dated this 17th day of June, 2024.


Steve Dennison
Deschutes County Clerk



Official Final Results

Official Final Results
Statement of Ballots Cast

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Deschutes County, May 21, 2024 Primary Election

All Precincts, All Districts, All Counter Groups, All ScanStations, 9-169, City of Redmond, All Boxes

Total Ballots Cast: 7683, Registered Voters: 161143, Overall Turnout: 4.77%

4 precincts reported out of 4 total

9-169, City of Redmond (Vote for 1)

4 precincts reported out of 4 total

Precinct	Ballots Cast	Reg. Voters	Total Votes	Yes		No		Over Votes	Under Votes
Precinct 17	2494	8359	2373	1521	64.10%	852	35.90%	0	121
Precinct 28	1239	4187	1191	760	63.81%	431	36.19%	0	48
Precinct 29	1964	6229	1888	1162	61.55%	726	38.45%	1	75
Precinct 36	1986	7256	1904	1237	64.97%	667	35.03%	0	82
Total	7683	26031	7356	4680	63.62%	2676	36.38%	1	326

I, Steve Dennison, Deschutes County Clerk, do hereby certify that the votes recorded on this report correctly summarize the tally of votes cast at the May 21, 2024 Primary Election.

Dated this 17th day of June, 2024.


Steve Dennison
Deschutes County Clerk



Official Final Results
Statement of Ballots Cast

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06/17/2024

Deschutes County, May 21, 2024 Primary Election

All Precincts, All Districts, All Counter Groups, All ScanStations, 9-170, City of Redmond, All Boxes

Total Ballots Cast: 7683, Registered Voters: 161143, Overall Turnout: 4.77%

4 precincts reported out of 4 total

9-170, City of Redmond (Vote for 1)

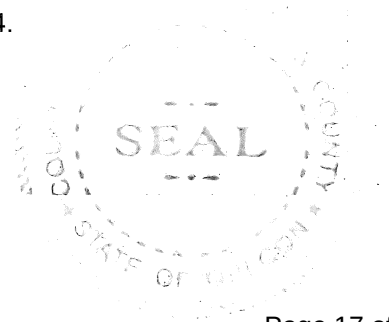
4 precincts reported out of 4 total

Precinct	Ballots Cast	Reg. Voters	Total Votes	Yes		No		Over Votes	Under Votes
Precinct 17	2494	8359	2351	1860	79.12%	491	20.88%	0	143
Precinct 28	1239	4187	1181	931	78.83%	250	21.17%	0	58
Precinct 29	1964	6229	1864	1443	77.41%	421	22.59%	1	99
Precinct 36	1986	7256	1888	1468	77.75%	420	22.25%	0	98
Total	7683	26031	7284	5702	78.28%	1582	21.72%	1	398

I, Steve Dennison, Deschutes County Clerk, do hereby
certify that the votes recorded on this report correctly
summarize the tally of votes cast at the May 21, 2024
Primary Election.

Dated this 17th day of June, 2024.


Steve Dennison
Deschutes County Clerk





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STAFF REPORT

DATE: July 9, 2024
TO: City Council
THROUGH: Keith Witcosky, City Manager
FROM: Keith Leitz, City Attorney
SUBJECT: Ordinance #2024-10: An Ordinance declaring a two-year ban on psilocybin service centers. **Public Hearing**

Report in Brief:

This item requests City Council conduct a public hearing and adopt Ordinance #2024-10 to declare a two-year ban on psilocybin service centers, and refer that decision to voters at the November 2024 general election.

Background:

Psilocybin is a psychedelic drug found in certain mushrooms. Ballot Measure 109 created a state law allowing for the licensed manufacturing and supervised use of psilocybin in licensed service centers. State law provides that a city or county may adopt an ordinance to be referred to voters to prohibit the establishment of licensed psilocybin product manufacturers and/or psilocybin service centers.

On November 8, 2022, voters approved a ballot measure to prohibit psilocybin service centers for two years (ending on December 31, 2024). On June 25, 2024, City Council received public testimony regarding continuing the prohibition or allowing it to sunset.

Council directed staff to draft a ballot measure to enable voters to decide whether to extend the prohibition for (2) two additional years (through December 31, 2026).

Discussion:

The Measure 109 program for psilocybin was modeled after the state's marijuana program. As with the marijuana program, there are different types of licenses that OHA will issue under the state's psilocybin program—manufacturer (production), laboratory (testing), facilitator (server), and service center licenses (location where provided and taken).

Council has three options regarding psilocybin service centers:

- Option 1:** Approve an Ordinance extending the ban on psilocybin service centers within City limits for an additional two years, and referring the matter to voters to be decided during the November 5, 2024 general election.
- Option 2:** Impose time, place and manner restrictions on such facilities under the Development Code, which can be completed after the November 5, 2024 general election.
- Option 3:** Take no action and let the current prohibition sunset on December 31, 2024. Under state law, applicants for licenses must still obtain a land use compatibility statement from the City stating that the proposed facility is consistent with the local government's comprehensive plan and land use regulations.

Key Considerations / Analysis:

Option 1 - Redmond can extend the ban on psilocybin service centers within the city limits, permanently or for a limited duration. Pursuant to state law, a psilocybin ban must be approved by the voters during a statewide general election. Thus, if the Council wants to propose a temporary ban to the voters, it must do so for this November's election or it will need to wait until the November 2026 election to do so.

Option 2 - Council may also impose time, place, and manner restrictions on such facilities. Often, such regulations are included as part of a local jurisdiction's development code. State law already prohibits locating psilocybin service centers within 1000 feet of schools.

Approval of the attached Ordinance would direct staff to complete the ballot measure paperwork for the purpose of submitting a two-year moratorium on the establishment of psilocybin service centers within the city. The moratorium would sunset after two years. Councilors have the option individually of submitting arguments for or against the measure.

Fiscal Impact:

None.

Alternative Courses of Action:

Conduct the public hearing and consider additional public testimony. Courses of action include:

1. Approve Ordinance #2024-10.
2. Do not approve Ordinance #2024-10 and allow the current prohibition to sunset on December 31, 2024.

Recommendation / Suggested Motion:

"I move to have a first and second reading of Ordinance #2024-10, by title only." (Voice vote)

(The City Attorney will read the ordinance by title only, twice.)

"I move to approve Ordinance #2024-10" (Roll call vote)

**CITY OF REDMOND
ORDINANCE NO. 2024-10**

AN ORDINANCE DECLARING A TEMPORARY BAN ON PSILOCYBIN SERVICE CENTERS.

WHEREAS, in November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act (codified at ORS 475A), which allows for the manufacture, delivery, and administration of psilocybin at licensed facilities; and

WHEREAS, 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; and

WHEREAS, the Oregon Health Authority has conducted ongoing rulemaking processes to implement the state's psilocybin regulatory program and began accepting applications for psilocybin-related licenses on January 2, 2023; and

WHEREAS, ORS 475A.718 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of state licensed psilocybin service centers in the area subject to the jurisdiction of the city; and

WHEREAS, the Redmond City Council believes that temporarily prohibiting psilocybin service centers within the city's jurisdictional boundaries to enable the adoption of the state's psilocybin licensing and regulatory program and to allow the City to adopt reasonable time, place, and manner regulations on the operation of psilocybin facilities is in the best interest of the health, safety, and welfare of the people of Redmond; and

WHEREAS, the Redmond City voters approved a ballot measure in 2022 to place a two-year moratorium on psilocybin service centers, which expires on December 31, 2024; and

WHEREAS, the City Council seeks to refer to the voters of Redmond the question of whether to extend the two-year moratorium on state-licensed psilocybin service centers within the City's jurisdictional boundaries.

NOW, THEREFORE, THE CITY OF REDMOND ORDAINS AS FOLLOWS:

SECTION ONE: PROHIBITION. The establishment of psilocybin service centers licensed under ORS 475A.305 is prohibited in the city of Redmond

SECTION TWO: REFERRAL. This ordinance is referred to the electors of the city of Redmond for approval at the next statewide general election on November 5, 2024.

SECTION THREE: SEVERABILITY. The provisions of this Ordinance are severable. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given without such invalid part or parts.

SECTION FOUR: EFFECTIVE DATE. The City Council finds that it is in the best interest of the City of Redmond to have this Ordinance take effect on January 1, 2025, if approved by voters during the next statewide general election.

SECTION FIVE: SUNSET. This ordinance is repealed on December 31, 2026.

PASSED by the City Council and **APPROVED** by the Mayor this 9th day of July 2024.

Ed Fitch, Mayor

ATTEST:

Kelly Morse, City Recorder



CITY OF REDMOND

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STAFF REPORT

DATE: July 9, 2024
TO: City Council
THROUGH: Keith Witcosky, City Manager
FROM: Keith Leitz, City Attorney
SUBJECT: Ordinance #2024-11: An Ordinance Imposing a Three Percent (3%) Tax on the Sale of Marijuana Items by a Marijuana Retailer. **Public Hearing**

Report in Brief:

This item requests City Council conduct a public hearing and adopt Ordinance #2024-11 to be referred to the voters that would enact a three percent (3%) tax on the sale of marijuana items by a marijuana retailer within the City.

Background:

Currently, retail sale of marijuana is prohibited in the city by the City's business license provisions. If retail marijuana sales were to be allowed within the city, the City would be allowed by state law to impose a local retail marijuana tax. Under state law, a city council may adopt an ordinance to be referred to the voters of the city imposing up to a three percent (3%) tax or fee on the sale of marijuana items in the city by a licensed marijuana retailer. Approval of this measure would impose a three percent (3%) tax on the sale of marijuana items in the city by a licensed marijuana retailer. The tax would be collected at the point of sale and remitted to the city by the marijuana retailer.

Discussion:

Approval of this ordinance would refer to voters a ballot measure to impose a three percent (3%) tax on the sale of marijuana items by a marijuana retailer within the city.

This tax would only become applicable if City Council adopts code changes to allow for the sale of retail marijuana within the city.

There are no restrictions on how the city may use the revenues generated by this tax. Under Measure 91, adopted by Oregon voters in November 2014, codified in ORS chapter 475C and amended later by the Legislature, the Oregon Liquor Control Commission must license the retail sale of recreational marijuana. ORS 475C.453 provides that a city council may adopt an ordinance imposing up to a three percent (3%) tax on the sale of marijuana items (which include marijuana concentrates, extracts, edibles, and other products intended for human consumption and use) by retail licensees in the city, but the council must refer that ordinance to the voters at a statewide general election.

Fiscal Impact:

This ordinance would not have a direct financial impact because it only refers the decision to voters. If the ballot measure is passed at the next statewide general election AND City Council changes the City Code to allow for the sale of retail marijuana, the expectation is that revenues would accrue to the City General Fund. The revenues would likely exceed \$100,000 annually.

Alternative Courses of Action:

Conduct the public hearing and consider additional public testimony. Courses of action include:

1. Approve Ordinance #2024-11.
2. Do not approve Ordinance #2024-11.
3. Request more information.

Recommendation / Suggested Motion:

"I move to have a first and second reading of Ordinance #2024-11, by title only." (Voice vote)

(The City Attorney will read the ordinance by title only, twice.)

"I move to approve Ordinance #2024-11" (Roll call vote)

**CITY OF REDMOND
ORDINANCE NO. 2024-11**

AN ORDINANCE IMPOSING A THREE PERCENT TAX ON THE SALE OF MARIJUANA ITEMS BY A MARIJUANA RETAILER.

WHEREAS, the City of Redmond has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant to allow the City; and

WHEREAS, the City of Redmond adopted by Ordinance 2014-19, a retail sales tax on marijuana items of fifteen percent (15%); and

WHEREAS, ORS 475C.453 provides that a city council may adopt an ordinance to be referred to the voters that imposes up to a three percent (3%) tax on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city; and

WHEREAS, the City Council wants to impose a tax on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city.

NOW THEREFORE, THE CITY OF REDMOND ORDAINS AS FOLLOWS:

SECTION ONE: The City of Redmond hereby amends the Redmond City Code Sections 7.180 through 7.193. The amendments and adopted text are attached hereto as "Exhibit A".

SECTION TWO: SEVERABILITY. The sections, subsections, paragraphs, and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs, and clauses.

SECTION THREE: SAVINGS. Notwithstanding any amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION FOUR: CODIFICATION. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 2-4) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

SECTION FIVE: REFERRAL.

This ordinance shall be referred to the electors of the City of Redmond at the next statewide general election on November 5, 2024.

PASSED by the City Council and **APPROVED** by the Mayor this 9th day of July 2024.

Ed Fitch, Mayor

ATTEST:

Kelly Morse, City Recorder

Exhibit A:
Chapter 7, Business – Code Amendments

Proposed Code Amendment – Retail Marijuana Items Tax

City of Redmond Code, Chapter 7, Business, Section 7.180 through 7.193 (new code highlighted in red text and removed text shown in strikethrough).

~~MARIJUANA AND MARIJUANA-INFUSED PRODUCT TAX~~

RETAIL MARIJUANA ITEMS TAX

Sec. 7.180. - Purpose.

For the purposes of Sections 7.180 through 7.193, every person who sells ~~medical marijuana or marijuana-infused products~~ **purchases retail marijuana items** in the City of Redmond is exercising a taxable privilege. The purpose of this chapter is to impose a tax upon the retail **purchase** sale of marijuana ~~items, medical marijuana, and marijuana-infused products.~~

Sec. 7.181. - Definitions.

When not clearly otherwise indicated by the context, the following words and phrases, as used in in Sections 7.180 through 7.193, shall have the following meanings:

Marijuana item has the meaning given that term in ORS 475.009(25).

Marijuana retailer means a person who sells marijuana items to a consumer in this state.

Retail sale price means the price paid for a marijuana item, excluding tax, to a marijuana retailer by or on behalf of a consumer of the marijuana item.

~~Gross Taxable Sales means the total amount received in money, credits, property or other consideration from sales of marijuana, medical marijuana and marijuana-infused products that is subject to the tax imposed by this chapter.~~

~~Manager means the City Manager for the City of Redmond or his/her designee.~~

~~Marijuana means all parts of the plant of the 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, as may be defined by Oregon Revised Statutes as they currently exist or may from time to time be amended. 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 there from), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.~~

~~Oregon Medical Marijuana Program means the office within the Oregon Health authority that administers the provisions of ORS 475.300 through 475.346, the Oregon Medical Marijuana Act, and all policies and procedures pertaining thereto.~~

~~Person means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or any group or combination acting as a unit,~~

~~including the United States of America, the State of Oregon and any political subdivision thereof, or the manager, lessee, agent, servant, officer or employee of any of them.~~

~~Purchase or Sale means the acquisition or furnishing for consideration by any person of marijuana within the City.~~

~~Purchaser means any person who acquires marijuana from a seller for any valuable consideration.~~

~~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 Oregon Health Authority.~~

~~Retail Sale means the transfer of goods or services in exchange for any valuable consideration.~~

~~Seller means any person who is required to be licensed or has been licensed by the State of Oregon to provide marijuana or marijuana-infused products to purchasers for money, credit, property or other consideration.~~

~~Tax means either the tax payable by the seller or the aggregate amount of taxes due from a seller during the period for which the seller is required to report collections under this chapter.~~

~~Taxpayer means any person obligated to account to the Manager for taxes collected or to be collected, or from whom a tax is due, under the terms of this chapter.~~

Sec. 7.182. - Levy of Tax.

As described in ORS 475C.453, the City of Redmond hereby imposes a tax of three percent (3%) on the retail sale price of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city.

~~1. There is hereby levied and shall be paid a tax by every seller exercising the taxable privilege of selling marijuana and marijuana-infused products as defined in this chapter.~~

~~2. The amount of tax levied is as follows:~~

~~A. Five percent of the gross sale amount paid to the seller by a registry identification cardholder.~~

~~B. Fifteen percent of the gross sale amount paid to the seller of marijuana and marijuana-infused products by individuals who are not purchasing marijuana under the Oregon Medical Marijuana Program.~~

~~C. The purchaser shall pay the tax to the seller at the time of the purchase or sale of marijuana.~~

7.183 Deductions. ~~The following deductions shall be allowed against sales received by the seller providing marijuana:~~

~~1. Refunds of sales actually returned to any purchaser;~~

~~2. Any adjustments in sales which amount to a refund to a purchaser, providing such adjustment pertains to the actual sale of marijuana or marijuana-infused products and does not include any adjustments for other services furnished by a seller.~~

7.184 Seller Responsible for Payment of Tax.

~~1. The taxes collected by the seller are due and payable to the Manager on a calendar basis on the 20th day of the month for the preceding month and are delinquent on the last day of the month in which they are due. The seller shall make a return to the Manager, on forms~~

provided by the City, specifying the total sales subject to this chapter and the amount of tax collected under this chapter. The Manager may require further information in the return relevant to payment of the tax. A return shall not be considered filed until it is actually received by the Manager.

2. ~~At the time the return is filed, the full amount of the tax collected shall be remitted to the Manager. Payments received by the Manager for application against existing liabilities will be credited toward the period designated by the taxpayer under conditions that are not prejudicial to the interest of the City. A condition considered prejudicial is the imminent expiration of the statute of limitations for a period or periods.~~
3. ~~Non-designated payments shall be applied in the order of the oldest liability first, with the payment credited first toward any accrued penalty, then to interest, then to the underlying tax until the payment is exhausted. Crediting of a payment toward a specific reporting period will be first applied against any accrued penalty, then to interest, then to the underlying tax. If the Manager, in his or her sole discretion, determines that an alternative order of payment application would be in the best interest of the City in a particular tax or factual situation, the Manager may order such a change. The Manager also may require additional information in the return relevant to payment of the liability. All taxes collected by sellers pursuant to this chapter shall be held in trust for the account of the City until payment is made to the Manager. A separate trust bank account is not required in order to comply with this provision.~~
4. ~~For good cause, the Manager may extend the time for filing a return or paying the tax for not more than one month. Further extension may be granted only by the City Council. A seller to whom an extension is granted shall pay interest at the rate of one percent (1%) per month on the amount of tax due, without proration for a fraction of a month. If a return is not filed and if the tax and interest due are not paid by the end of the extension granted, the interest shall become a part of the tax for computation of penalties prescribed in Section 7.185.~~
5. ~~Every seller required to remit the tax imposed in this chapter shall be entitled to retain five percent (5%) of all taxes due to defray the costs of bookkeeping and remittance.~~
6. ~~Every seller must keep and preserve in an accounting format established by the Manager records of all sales made by the dispensary and such other books or accounts as may be required by the Manager. Every seller must keep and preserve for a period of three (3) years and six (6) months all such books, invoices and other records. The Manager shall have the right to inspect all such records at all reasonable times.~~

Every seller of retail marijuana items shall collect a tax from the purchaser. In addition to being property of the City held in trust by the seller, the tax collected or accrued by the seller constitutes a debt owing by the seller to the City. The tax shall be collected at the point of sale of a marijuana item by a marijuana retailer at the time at which the retail sale occurs and remitted by each marijuana retailer that engages in the retail sale of marijuana items.

7.185 Penalties and Interest.

1. Any seller who fails to remit any portion of any tax imposed by this chapter within the time required shall pay a penalty of ten percent (10%) of the amount of the tax.
2. Any seller who fails to remit any delinquent remittance on or before a period of 31 days following the date on which the remittance first became delinquent, shall pay a second delinquency penalty of fifteen percent (15%) of the amount of the tax in addition to the amount of the tax and the penalty first imposed.
3. If the Manager **tax administrator** determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to the penalties stated in subparagraphs A and B of this section.
4. In addition to the penalties imposed, any seller who fails to remit any tax imposed by this chapter shall pay interest at the rate of one percent (1%) per month or fraction thereof on the

amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

5. Every penalty imposed, and such interest as accrues under the provisions of this section, shall become a part of the tax required to be paid.
6. ~~An operator~~ **A seller** who fails to remit the tax within the required time may petition the tax administrator for waiver and refund of the penalty or a portion of it. The administrator may, if good cause is shown, direct a refund of the penalty or a portion of it.

7.186 Failure to Report and Remit Tax – Determination of Tax by Manager ~~Tax Administrator~~.

If any seller should fail to make, within the time provided in this chapter, any report of the tax required by this chapter, the ~~tax administrator~~ **Manager** shall proceed in such manner as deemed best to obtain facts and information on which to base the estimate of tax due. As soon as the ~~tax administrator~~ **Manager** shall procure such facts and information as is able to be obtained, upon which to base the assessment of any tax imposed by this chapter and payable by any seller, the ~~Manager~~ **tax administrator** shall proceed to determine and assess against such seller the tax, interest and penalties provided for by this chapter. In case such determination is made, the ~~Manager~~ **tax administrator** shall give a notice of the amount so assessed by having it served personally or by depositing it in the United States mail, postage prepaid, addressed to the seller so assessed at the last known place of address. Such seller may appeal such determination as provided in section 7.187. If no appeal is filed, the ~~Manager's~~ **determination of the tax administrator** is final and the amount thereby is immediately due and payable.

7.187 Appeal.

1. ~~Any seller aggrieved by any decision of the Manager with respect to the amount of such tax, interest and penalties, if any, may appeal to the City Council by filing a notice of appeal with the Manager within fifteen (15) days of mailing of the notice of a decision. The City Manager shall fix a time and place for hearing the appeal, as prescribed by the City Council, and shall give the appellant fifteen (15) days written notice of the time and place of the hearing before the City Council.~~
2. ~~The appellant shall pay a nonrefundable appeal fee to facilitate the appeal. Appeal Fees shall be set at \$150 for each decision appealed, and may be adjusted by Resolution of the City Council.~~
3. ~~The parties shall be entitled to appear personally and by counsel and to present such facts, evidence and arguments as may tend to support the respective positions on appeal.~~
4. ~~The City Council shall afford the parties an opportunity to be heard at an appeal hearing after reasonable notice. The City Council shall take such action upon the appeal it sees fit. The City Council shall at a minimum:~~
 - a. ~~At the commencement of the hearing, explain the relevant issues involved in the hearing, applicable procedures and the burden of proof.~~
 - b. ~~At the commencement of the hearing place on the record the substance of any written or oral ex parte communications concerning any relevant and material fact in issue at the hearing which was made outside the official proceedings during the pendency of the proceeding. The parties shall be notified of the substance of the communication and the right to rebut the communication. Notwithstanding the above, the parties are prohibited from engaging in ex parte communications with the members of the city council.~~
 - c. ~~Testimony shall be taken upon oath or affirmation of the witnesses.~~
 - d. ~~The City Council shall ensure that the record developed at the hearing shows a full and fair inquiry into the relevant and material facts for consideration for the issues properly before the hearings officer.~~
 - e. ~~Written testimony may be submitted under penalty of false swearing for entry into the record. All written evidence shall be filed with the City Recorder no less than five (5)~~

- working days before the date of the hearing.
- f. ~~The City Council shall hear and consider any records and evidence presented bearing upon the Manager's determination of amount due, and make findings affirming, reversing or modifying the determination.~~
- g. ~~Informal disposition may be made of any case by stipulation, agreed settlement, consent order or default.~~
5. ~~The action of the Manager shall be stayed pending the outcome of an appeal properly filed pursuant to this section.~~
6. ~~Failure to strictly comply with the applicable appeal requirements, including but not limited to the required elements for the written notice of appeal, time for filing of the notice of appeal, and payment of the applicable appeal fee, shall constitute jurisdictional defects resulting in the summary dismissal of the appeal.~~
7. ~~The findings of the City Council shall be final and conclusive, and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.~~

Any person aggrieved by any decision of the tax administrator may appeal to the City Council by filing a notice of appeal with the tax administrator within ten days of notice of the decision. The tax administrator shall transmit the notice, together with the file of the appealed matter, to the Council. The Council shall fix a time and place for hearing the appeal and shall give the appellant not less than ten days written notice of the time and place of hearing.

7.188 Refunds.

Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once, or has been erroneously collected or received by the City under this chapter, it may be refunded as provided in subparagraph B of this section, provided a claim in writing, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the Manager **tax administrator** within three (3) years of the date of payment. The claim shall be on forms furnished by the Manager **tax administrator**.

1. Whenever the amount of any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or received by the tax administrator under this chapter, it may be refunded if a verified claim in writing, stating the specific reason for the claim, is filed with the tax administrator within three years from the date of payment. The claim shall be made on forms provided by the tax administrator. If the claim is approved by the tax administrator, the excess amount may be refunded or may be credited on any amounts then due and payable by the operator, and the balance may be refunded to the operator **seller**, or the operator's **seller's** administrators, executors or assigns.
2. No refund shall be paid under the provisions of this section unless the claimant established the right by written records showing entitlement to such refund and the Manager **tax administrator** acknowledged the validity of the claim.

7.189 Actions to Collect.

Any tax required to be paid by any seller under the provisions of this chapter shall be deemed a debt owed by the seller to the City. Any such tax collected by a seller which has not been paid to the City shall be deemed a debt owed by the seller to the City. Within three years after the tax becomes payable or within three years after a determination becomes final, the City may bring an action in the name of the City in the courts of this state, another state or the United States to collect the amount delinquent and penalties and interest. In lieu of filing an action for the recovery, the City, when taxes due are more than 30 days delinquent, can submit any outstanding tax to a collection agency. So long as the City has complied with the provisions set forth in ORS 697.105 (as hereafter amended), in the event the City turns over a delinquent tax account to a collection agency, it may add to the amount owing an

amount equal to the collection agency fees, not to exceed the greater of fifty dollars (\$50.00) or fifty percent (50%) of the outstanding tax, penalties and interest owing.

7.190 Confidentiality.

Except as otherwise required by law, it shall be unlawful for the City, any officer, employee or agent to divulge, release or make known in any manner any financial information submitted or disclosed to the City under the terms of this chapter. Nothing in this section shall prohibit:

1. The disclosure of the names and addresses of any person who is operating a licensed establishment from which marijuana is sold or provided; or
2. The disclosure of general statistics in a form which would not reveal an individual seller's financial information; or
3. Presentation of evidence to the court, or other tribunal having jurisdiction in the prosecution of any criminal or civil claim by the Manager or an appeal from the Manager for amount due the City under this chapter; or
4. The disclosure of information when such disclosure of conditionally exempt information is ordered under public records law procedures; or
5. The disclosure of records related to a business' failure to report and remit the tax when the report or tax is in arrears for over six months or the tax exceeds five thousand dollars (\$5,000). The City Council expressly finds and determines that the public interest in disclosure of such records clearly outweighs the interest in confidentiality under ORS 192.501(5).

7.191 Audit of Books, Records or Persons.

1. It shall be the duty of every seller liable for the collection and payment to the city of any tax imposed by this chapter to keep and preserve, for a period of three (3) years and six (6) months all records, books, reports, income tax reports and other matters required by this chapter as may be necessary to determine the amount of such tax as the seller may have been liable for the collection of and payment to the City, which records the Manager shall have the right to inspect at all reasonable times as set forth below. Every operator shall maintain records of marijuana purchase and sales, accounting books and records of income. Sellers must, at a minimum, include a cash receipt and deposit journal, and a cash disbursements journal/check register for all authorized deductions. These records and books shall reconcile to the tax reports and be auditable. They shall also reconcile to the seller's income tax reports. If the Manager finds the books and records of the seller are deficient in that they do not provide adequate support for tax reports filed, or the seller's accounting system is not auditable, it shall be the responsibility of the seller to improve its accounting system to the satisfaction of the Manager.
2. The City, for the purpose of determining the correctness of any tax return, or for the purpose of an estimate of taxes due, may examine or may cause to be examined by an agent or representative designated by the City for that purpose, any books, papers, records, or memoranda, including copies of seller's state and federal income tax return, bearing upon the matter of the seller's tax return. All books, invoices, accounts and other records shall be made available within the City limits and be open at any time during regular business hours for examination by the Manager or an authorized agent of the Manager. If any taxpayer refuses to voluntarily furnish any of the foregoing information when requested, the Manager may immediately seek a subpoena to require that the taxpayer or a representative of the taxpayer attend a hearing or produce any such books, accounts and records for examination.

7.192 Penalties.

1. It is unlawful for any seller or any other person so required to fail or refuse to furnish any return required to be made, or fail or refuse to furnish the supplementary return or other data required

by the Manager **tax administrator** or to enter a false or fraudulent report, with intent to defeat or evade the determination of any amount due required by this chapter.

2. Violation of any provision of this chapter of this code shall be punishable by a Class A civil infraction and/or a Class A administrative infraction. Every day in which the violation is caused or permitted to exist constitutes a separate infraction, and the punishment therefore shall be in addition to any other penalty, interest, sum or charge imposed by this code or this chapter. Delinquent taxes and fees, penalty and interest imposed by this chapter and this code may be collected in a civil action.
3. The remedies provided by this section are not exclusive and shall not prevent the City from exercising any other remedy available under the law, nor shall the provisions of this ordinance prohibit or restrict the City or other appropriate prosecutor from pursuing criminal charges under state law or City ordinance.

7.193 Forms and Regulations.

The Manager **tax administrator** is hereby authorized to prescribe forms and promulgate rules and regulations to aid in the making of returns, the ascertainment, assessment and collection of said medical marijuana tax and in particular and without limiting the general language of this chapter, to provide for:

1. A form of report on sales and purchases to be supplied to all vendors;
2. The records which sellers providing marijuana **items** and ~~marijuana-infused products~~ are to keep concerning the tax imposed by this chapter.



CITY OF REDMOND

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STAFF REPORT

DATE: July 9, 2024
TO: City Council
THROUGH: Keith Witcosky, City Manager
FROM: Keith Leitz, City Attorney
SUBJECT: An Advisory Ballot Measure to Provide Public Input on Whether to Allow Marijuana Dispensaries Within City Limits

Report in Brief:

Pursuant to state law, the City may allow distribution, possession, and use of marijuana in certain amounts for recreational (i.e. non-medical) personal use. Currently, retail distribution of marijuana is not allowed by City Code (RCC 7.022). This item requests City Council to refer an advisory ballot measure to voters on November 5, 2024, to seek input on whether to change the city Code to allow for retail marijuana sales within the City.

Background:

In 2014, Oregon voters adopted Measure 91, legalizing the growing, distribution, possession, and use of marijuana in certain amounts for recreational (i.e. non-medical) personal use; retail marijuana sales are allowed within Deschutes County. However, the city requires businesses to comply with the provisions of the city code, city ordinances, and all state and federal laws. Because retail marijuana sales do not comply with federal law, the City does not issue business licenses for the sale of retail marijuana.

Discussion:

Advisory ballot measures are a non-binding tool for municipalities to seek input from voters on the direction for certain specific issues. This ballot measure will seek input from voters on whether to change the Redmond City Code to allow for licensing of retail marijuana sales. If the measure is approved, the City Council could change the city code by ordinance, and create time, place, and manner restrictions to regulate the location(s) of retail marijuana sales.

Fiscal Impact:

There is no direct financial impact. If retail marijuana sales were to be allowed AND voters approved a 3% local sales tax on retail marijuana sales, revenues would accrue to the City General Fund. The revenues would likely exceed \$100,000 annually.

Alternative Courses of Action:

There are three options:

1. Approve an advisory ballot measure to provide public input on whether to allow marijuana dispensaries within city limits.
2. Do not approve an advisory ballot measure to provide public input on whether to allow marijuana dispensaries within city limits.
3. Take no Action and Request more information.

Recommendation / Suggested Motion:

"I move to approve an advisory ballot measure to provide public input on whether to allow marijuana dispensaries within city limits."

Kayla Duddy

From: Redmond Collective Action [REDACTED]
Sent: Wednesday, July 3, 2024 1:48 PM
To: Linda Cline; Kyle Roberts; Natalie Lantz; John Roberts; Cat Zwicker; Kathryn Osborne; Clifford Evelyn; Ed Fitch; John Nielsen; Tobias Colvin; Shannon Wedding; Marissa Cummings; Keith Witcosky; Public Testimony; Phil.Chang@deschutes.org; Patti.Adair@deschutes.org; Tony.DeBone@deschutes.org; Jim [REDACTED] Bob Bohac; Gwenn Wysling; Ken Cardwell; [REDACTED]; [REDACTED]
Subject: Heat Wave Help for houseless neighbors

[EXTERNAL]: This email originated from outside of the city. Do not click links or open attachments unless you

Good afternoon City of Redmond & Deschutes County crews,

Redmond Collective Action is working on direct outreach to houseless camps in Eastern Redmond during the current forecasted heat wave, which will have multiple days above 100°F, which has activated the city, county & community networks for emergency heat response.

Our most vulnerable neighbors experiencing houselessness are already low on resources & have less ability to mobilize/drive to acquire supplies needed to stay alive during emergency weather events. Many folks do not have transportation and have to walk & carry supplies to & from their camps which are several miles away from town as well.

In cooperation with Deschutes County, the Juniper Ridge camps have 3 water tanks available for use out in the camp locations that have a vendor who fills them and which are monitored by security and checked on for filling needs.

Redmond does not have a water tank available for our houseless camp communities.

RCA has had a 500 gallon water tank donated to help fill this need. We need Redmond city & council and Deschutes County folks to help us to have this life-saving resource available to our neighbors in the Redmond houseless camps. This water tank resource will help our community build lasting resiliency to respond to this heat wave, future weather emergencies and generally help to provide this life-sustaining resource directly to people in need long term!

Please help me to place & maintain a water tank for our houseless neighbors in East Redmond!

Please also activate your networks for donations which will be shared directly with our houseless community out at the camps.

Supply drop off location is 1215 SW Dogwood Ave, Redmond.

In solidarity,
Lena Berry
[REDACTED]

[REDACTED]

[REDACTED]