



AGENDA STAYTON CITY COUNCIL

Friday, August 19, 2022
Stayton Community Center
400 W. Virginia Street
Stayton, Oregon 97383

HYBRID MEETING

The Stayton City Council will be holding a hybrid meeting utilizing Zoom video conferencing software. The meeting will be in-person but can also be live streamed on the City of Stayton's YouTube account. Please use the following option to view the meeting:

- 9:00 a.m. – City Council Special Session - [https://youtu.be/ u62blcartQ](https://youtu.be/u62blcartQ)

Public Comment and Public Hearing Testimony: Meetings allow for in-person, virtual, or written public comment. If a community member has a barrier which prevents them from participating via one of the methods below, they should contact City staff at citygovernment@staytonoregon.gov **no less than three hours prior to the meeting start time** to make arrangements to participate.

Comment and testimony are limited to three minutes. All parties interested in providing public comment or testifying as part of a public hearing shall participate using one of the following methods:

- **In-Person Comment:** Parties interested in providing in-person verbal public comment shall fill out a "Request for Recognition" form available at the meeting. Forms must be filled out and submitted to the Administrative Services Manager prior to the meeting start time.
- **Video or Audio Conference Call:** Parties interested in providing virtual public comment shall contact City staff at citygovernment@staytonoregon.gov **at least three hours prior to the meeting start time** with their request. Staff will collect their contact information and provide them with information on how to access the meeting to provide comment.
- **Written Comment:** Written comment submitted to citygovernment@staytonoregon.gov **at least three hours prior to the meeting start time** will be provided to the public body in advance of the meeting and added to the City Council's webpage where agenda packets are posted.

CALL TO ORDER

9:00 AM

FLAG SALUTE

GENERAL BUSINESS

Second Consideration of Ordinance No. 1058

ACTION

Declaring a Ban on Psilocybin Service Centers and the Manufacture of Psilocybin Products

- a. Staff Report – Julia Hajduk
- b. Public Comment
- c. Council Discussion
- d. Council Decision

Resolution No. 1042

ACTION

Calling an Election on November 8, 2022, to Refer to the Voters an Ordinance Prohibiting Psilocybin Businesses within the City of Stayton, Oregon and Adopting a Ballot Title and Explanatory Statement

- a. Staff Report – Julia Hajduk
- b. Public Comment
- c. Council Discussion
- d. Council Decision

ADJOURN

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or other accommodations for persons with disabilities should be made at least 24 hours prior to the meeting. If you require special accommodations, contact City Hall at (503) 769-3425.

CALENDAR OF EVENTS

AUGUST 2022

Wednesday	August 17	Library Board	<i>Cancelled</i>	
Friday	August 19	City Council Special Session	9:00 a.m.	https://youtu.be/_u62blcartQ
Monday	August 29	Planning Commission	7:00 p.m.	https://youtu.be/UjFAavqY2DI

SEPTEMBER 2022

Monday	September 5	CITY OFFICES CLOSED IN OBSERVANCE OF LABOR DAY HOLIDAY		
Tuesday	September 6	Parks and Recreation Board	6:00 p.m.	Stayton Community Center
Tuesday	September 6	City Council	7:00 p.m.	https://youtu.be/CWEQV00sass
Monday	September 19	City Council	7:00 p.m.	https://youtu.be/b3TX7i4IhuM
Wednesday	September 21	Library Board	6:00 p.m.	Stayton Public Library
Monday	September 26	Planning Commission	7:00 p.m.	https://youtu.be/ydiADlxdGc

OCTOBER 2022

Monday	October 3	City Council	7:00 p.m.	https://youtu.be/q8KlksHpkNg
Tuesday	October 4	Parks and Recreation Board	6:00 p.m.	Stayton Community Center
Monday	October 17	City Council	7:00 p.m.	https://youtu.be/mlkDmvFzVpk
Wednesday	October 19	Library Board	6:00 p.m.	Stayton Public Library
Monday	October 31	Planning Commission	7:00 p.m.	https://youtu.be/kbnC0ni5a1o

NOVEMBER 2022

Tuesday	November 1	Parks and Recreation Board	6:00 p.m.	Stayton Community Center
Monday	November 7	City Council	7:00 p.m.	https://youtu.be/9BKb73GAVIY
Friday	November 11	CITY OFFICES CLOSED IN OBSERVANCE OF VETERANS DAY HOLIDAY		
Wednesday	November 16	Library Board	6:00 p.m.	Stayton Public Library
Monday	November 21	City Council	7:00 p.m.	https://youtu.be/Q7q77tIMXB8
Thursday	November 24	CITY OFFICES CLOSED IN OBSERVANCE OF THANKSGIVING HOLIDAY		
Friday	November 25	CITY OFFICES CLOSED IN OBSERVANCE OF THANKSGIVING HOLIDAY		
Monday	November 28	Planning Commission	7:00 p.m.	https://youtu.be/LD4tKlo4uHE

DECEMBER 2022

Monday	December 5	City Council	7:00 p.m.	https://youtu.be/OjEfem54esY
Tuesday	December 6	Parks and Recreation Board	6:00 p.m.	Stayton Community Center
Monday	December 19	City Council	7:00 p.m.	https://youtu.be/IGeZe0Px6Ns
Wednesday	December 21	Library Board	6:00 p.m.	Stayton Public Library
Friday	December 23	CITY OFFICES CLOSED IN OBSERVANCE OF CHRISTMAS HOLIDAY		
Monday	December 26	CITY OFFICES CLOSED IN OBSERVANCE OF CHRISTMAS HOLIDAY		
Tuesday	December 27	Planning Commission	7:00 p.m.	https://youtu.be/I5zP9SUFFAU



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor Henry Porter and the Stayton City Council
FROM: Julia Hajduk, City Manager
DATE: August 19, 2022
SUBJECT: Ordinance 1058, declaring a ban on psilocybin service centers and the manufacture of psilocybin products

ISSUE

Shall the City Council pass Ordinance 1058 declaring a ban on psilocybin service centers and the manufacture of psilocybin products?

ENCLOSURE(S)

- Ordinance 1058

STAFF RECOMENDATION

Staff does not have a recommendation on this as it is ultimately a Council decision whether to place a ban on psilocybin service centers and the manufacture of psilocybin products before the voters in the city at the November general election.

BACKGROUND INFORMATION

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. Measure 109 effectively permits the use and manufacture of psilocybin in all cities and counties in Oregon. As authorized by ORS 475A.718, the City Council could consider adopting an ordinance to be referred to the voters that would prohibit one or both of the following uses:

- Licensed psilocybin product manufacturers
- Licensed psilocybin service center operators

To opt out completely or partially, the City would need to refer an ordinance to the voters at the next general election. The Council would need to pass an ordinance, followed by a resolution directing the issue to be placed on the ballot. If the majority of voters approve of the prohibition at the November general election, the prohibition would go into effect 30 days after the election. To reiterate, Ordinance 1058 would not go into effect until voted on by the voters in a general election.

This is the second reading of the Ordinance. The first reading was on August 15th and was passed with a vote of 3:2. Because it was not approved unanimously, a second reading is required per City Charter and Council rules. Due to the deadlines to place the issue on the next general election (November 2022) this Ordinance would need to be adopted prior to the end of the day on August 19, 2022. In addition, due to publishing deadlines, notice of a ballot title must be sent to the newspaper by 11:00 am on Friday August 19, 2022. If the Ordinance is not adopted by the 19th, then the prohibition will not be place on the November 2022 ballot because the time to do so will have passed.

FISCAL IMPACT

There is not fiscal impact associated with the adoption of this ordinance.

OPTIONS

1. Proceed with the approval process for the Ordinance and Resolution, as outlined below.
2. Provide further direction to staff.
3. Take no action.

MOTION(S)

Move to conduct the second reading and adopt Ordinance No. 1058

ORDINANCE NO. 1058

**AN ORDINANCE DECLARING A BAN ON PSILOCYBIN SERVICE CENTERS AND
THE MANUFACTURE OF PSILOCYBIN PRODUCTS**

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 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; and

WHEREAS, as of July 28, 2022, the Oregon Health Authority has not completed the rulemaking process for implementing the state's psilocybin regulatory program, and the City of Stayton is uncertain how the manufacture, delivery and administration of psilocybin at licensed psilocybin facilities will operate within the City; 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 product manufacturers and/or psilocybin service centers in the area subject to the jurisdiction of the city; and

WHEREAS, the City Council for the City of Stayton believes that prohibiting psilocybin product manufacturers and psilocybin service centers within the City's jurisdictional boundaries prior to the state commencing its psilocybin licensing and regulatory program is in the best interest of the health, safety and welfare of the people of the City of Stayton; and

WHEREAS, the City Council shall refer to the voters of Stayton at the next general election the question of whether to establish a ban on state-licensed psilocybin product manufacturers and psilocybin service centers within the City's jurisdictional boundaries.

NOW, THEREFORE, the City of Stayton ordains as follows:

Section 1. Prohibition. The establishment of psilocybin product manufacturers licensed under ORS 475A.290 and psilocybin service centers licensed under ORS 475A.305 is prohibited in the City of Stayton.

Section 2. Referral. This Ordinance is referred to the electors of the City of Stayton for approval at the next statewide general election on November 8, 2022.

Section 3. Codification. Provisions of this Ordinance shall be incorporated into the City Code, and the words “ordinance” or “section” may be changed to “code,” “article,” “chapter,” “division,” or another word, and the sections of this Ordinance may be renumbered or re-lettered, provided however, that any recital clause and boilerplate provisions of this Ordinance (i.e., Section Nos. 3 through 4) need not be codified, and the City Recorder is authorized to correct any cross-references and any typographical errors.

Section 4. Effective Date. This Ordinance takes effect and becomes operative 30 days after the day on which it is approved by a majority of voters.

PASSED AND APPROVED BY THE CITY COUNCIL THIS 19TH DAY OF AUGUST 2022.

Date: _____

By: _____
Henry A. Porter, Mayor

Date: _____

Attest: _____
Julia Hajduk, City Manager



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor Henry Porter and the Stayton City Council
FROM: Julia Hajduk, City Manager
DATE: August 19, 2022
SUBJECT: Resolution 1042, calling an election on November 8, 2022, to refer to the voters an ordinance prohibiting psilocybin businesses within the city of Stayton, Oregon and adopting a ballot title and explanatory statement

ISSUE

Shall the City Council pass Resolution 1042 calling an election on November 8, 2022, to refer to the voters an ordinance prohibiting psilocybin businesses within the city of Stayton, Oregon and adopting a ballot title and explanatory statement?

ENCLOSURE(S)

- Resolution 1042 with Exhibits A (Ordinance 1058) and B (explanatory statement)

STAFF RECOMENDATION

If Council approves Ordinance 1058, staff recommends that Council approve Resolution 1042 calling an election on November 8, 2022, to refer to the voters an ordinance prohibiting psilocybin businesses within the city of Stayton, Oregon and adopting a ballot title and explanatory statement.

BACKGROUND INFORMATION

See the background information provided for Ordinance 1058. If Council adopts Ordinance 1058, then Council can consider this resolution.

FISCAL IMPACT

For measures referred to voters during a general election, there are no costs to local jurisdictions, therefore there would be no fiscal impact associated with referring this measure to the voters for November 2022.

OPTIONS

- 1) Adopt Resolution 1042 calling an election on November 8, 2022, to refer to the voters an ordinance prohibiting psilocybin businesses within the city of Stayton, Oregon and adopting a ballot title and explanatory statement
- 2) Council could approve the resolution with changes to the ballot title and explanatory statement. The ballot title and explanatory statement has been prepared by the City Attorney's office. If changes are requested, it could result in submittal that is not consistent with best practices regarding submittal of ballot titles and explanatory statements.
- 3) Council could take no action. If Council has approved the Ordinance banning psilocybin in one evening, then it would be moot to have taken that action if they choose not to adopt the resolution to place it on the ballot.

MOTION(S)

Move to approve Resolution No. 1042, calling an election on November 8, 2022, to refer to the voters an ordinance prohibiting psilocybin businesses within the city of Stayton, Oregon and adopting a ballot title and explanatory statement.

RESOLUTION NO. 1042

A RESOLUTION CALLING AN ELECTION ON NOVEMBER 8, 2022, TO REFER TO THE VOTERS AN ORDINANCE PROHIBITING PSILOCYBIN BUSINESSES WITHIN THE CITY OF STAYTON, OREGON AND ADOPTING A BALLOT TITLE AND EXPLANATORY STATEMENT

WHEREAS, Ballot Measure 109, known as the Oregon Psilocybin Services Act, which passed in November 2020 and is now codified in ORS chapter 475A, requires the Oregon Health Authority (OHA) to begin accepting applications for licenses to manufacture, deliver, and administer psilocybin on January 2, 2023; and

WHEREAS, ORS 475A.718 provides that the governing body of a city may adopt ordinances to be referred to the electors of the city that prohibit the establishment of licensed psilocybin product manufacturers and licensed psilocybin service center operators within the city's jurisdiction; and

WHEREAS, by adoption of Ordinance No. 1058, the City of Stayton City Council (the City Council) voted to exercise its authority under ORS 475A.718 to prohibit psilocybin product manufacture and psilocybin service center operators within the City of Stayton; and

WHEREAS, pursuant to ORS 475A.718, the Council wishes to refer Ordinance No. 1058 to the voters and hereby adopts the appropriate ballot title and explanatory statement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Stayton as follows:

Section 1. The City Council refers to the November 8, 2022 election a ballot measure proposing a prohibition on psilocybin product manufacturers and psilocybin service center operators within the City of Stayton as adopted by Council via Ordinance No. 1058, attached here as Exhibit A and incorporated herein by reference.

Section 2. The City Council adopts the following ballot title for referral:

CAPTION: Prohibits psilocybin-related businesses within the City of Stayton.

QUESTION: Shall the City of Stayton prohibit psilocybin-related businesses within the city?

SUMMARY: State law permits persons licensed, controlled and regulated by the State to legally manufacture psilocybin products and provide psilocybin services to persons 21 years of age and older. State law authorizes the governing bodies of cities and counties to adopt ordinances to be referred to the voters that prohibit the establishment of psilocybin product manufacturers and psilocybin service center operators within the area subject to the local government's jurisdiction. The City of Stayton is referring to the voters an ordinance prohibiting psilocybin product manufacturers and psilocybin service center operators within the city.

Approval of this measure would prohibit the establishment of psilocybin product manufacturers and psilocybin service center operators within the area subject to the City of Stayton's jurisdiction.

Section 3. The City Council orders this City election to be held in the City of Stayton, Oregon, concurrently with the general election, on November 8, 2022, in accordance with the provisions of Chapter 254 of the Oregon Revised Statutes. The ballots shall be counted and tabulated and the results certified as provided by law.

Section 4. The election shall be conducted by Marion County. The County Clerk for Marion County is hereby instructed to prepare ballots and to take other actions necessary to conduct the election.

Section 5. If a majority of the legal voters of the City voting on this measure approve this measure, Ordinance No. 1058 will take effect 30 days from the date approved by the voters.

Section 6. The explanatory statement for this measure, attached as Exhibit B to this Resolution, is hereby approved by the Council.

Section 7. This Resolution, including the proposed ballot title and explanatory statement shall be delivered to the City Recorder on the date of its adoption.

Section 8. The City Recorder shall give notice of this measure as required by law and take such other actions and otherwise proceed with the election as provided by law.

Section 9. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF STAYTON THIS 19TH DAY OF AUGUST 2022.

Date: _____

By: _____
Henry A. Porter, Mayor

Date: _____

Attest: _____
Julia Hajduk, City Manager

EXHIBIT A
ORDINANCE NO. 1058

**AN ORDINANCE DECLARING A BAN ON PSILOCYBIN SERVICE CENTERS AND
THE MANUFACTURE OF PSILOCYBIN PRODUCTS**

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 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; and

WHEREAS, as of July 28, 2022, the Oregon Health Authority has not completed the rulemaking process for implementing the state's psilocybin regulatory program, and the City of Stayton is uncertain how the manufacture, delivery and administration of psilocybin at licensed psilocybin facilities will operate within the City; 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 product manufacturers and/or psilocybin service centers in the area subject to the jurisdiction of the city; and

WHEREAS, the City Council for the City of Stayton believes that prohibiting psilocybin product manufacturers and psilocybin service centers within the City's jurisdictional boundaries prior to the state commencing its psilocybin licensing and regulatory program is in the best interest of the health, safety, and welfare of the people of the City of Stayton; and

WHEREAS, the City Council shall refer to the voters of Stayton at the next general election the question of whether to establish a ban on state-licensed psilocybin product manufacturers and psilocybin service centers within the City's jurisdictional boundaries.

NOW, THEREFORE, the City of Stayton ordains as follows:

Section 1. Prohibition. The establishment of psilocybin product manufacturers licensed under ORS 475A.290 and psilocybin service centers licensed under ORS 475A.305 is prohibited in the City of Stayton.

Section 2. Referral. This Ordinance is referred to the electors of the City of Stayton for approval at the next statewide general election on November 8, 2022.

Section 3. Codification. Provisions of this Ordinance shall be incorporated into the City Code, and the words “ordinance” or “section” may be changed to “code,” “article,” “chapter,” “division,” or another word, and the sections of this Ordinance may be renumbered or re-lettered, provided however, that any recital clause and boilerplate provisions of this Ordinance (i.e., Section Nos. 3 through 4) need not be codified, and the City Recorder is authorized to correct any cross-references and any typographical errors.

Section 4. Effective Date. This Ordinance takes effect and becomes operative 30 days after the day on which it is approved by a majority of voters.

PASSED AND APPROVED BY THE CITY COUNCIL THIS 19TH DAY OF AUGUST 2022.

Date: _____

By: _____
Henry A. Porter, Mayor

Date: _____

Attest: _____
Julia Hajduk, City Manager

Exhibit B

Explanatory Statement

Approval of this measure would prohibit the establishment and operation of psilocybin-related businesses within the City of Stayton.

In November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act, and now codified in Oregon Revised Statutes (ORS) Chapter 475A. That act allows the manufacture, delivery, and administration of psilocybin at facilities licensed by the Oregon Health Authority (OHA).

OHA has initiated a rulemaking process to implement the State's psilocybin program, but has not yet completed that process. The uncompleted rulemaking leaves uncertainty in how the manufacture, delivery, and administration of psilocybin at licensed psilocybin facilities will operate within the City of Stayton.

ORS 475A.718 authorizes the City Council to refer an ordinance prohibiting psilocybin product manufacturers and psilocybin service centers within the City of Stayton's jurisdiction and the City Council desires to refer this prohibition to the voters.