



CITY OF PHILOMATH CITY COUNCIL

October 28, 2024

City Hall Council Chambers
980 Applegate St., Philomath, OR 97370

Mission Statement

To promote ethical and responsive municipal government which provides its citizenry with high quality municipal services in an efficient and cost effective manner.

REGULAR MEETING

6:00 pm

A. ROLL CALL

B. PROCLAMATIONS

1. Resolution 24-21 Veterans Day Proclamation

C. PUBLIC COMMENTS (See Meeting Participation Instructions on Page 2)

This time is intended for individuals to speak and Council to listen. Members of the Council will not discuss topics or make decisions during this time, but may take comments or requests under advisement, assign topics to a future Council or Standing Committee agenda, or request staff to take action. Comments about a topic scheduled for a public hearing should be given during the hearing, not during visitors and comments. Testimony time is limited to 3-minutes per speaker; a 30-second warning will be provided. Speakers should provide their name and city of residence. Providing the Council with written copy of your comments prior to or during the meeting is greatly appreciated. Those who attend public meetings are required to adhere to the council's rules of proceedings and observe the same standards of decorum as members of the council. Further, at the discretion of the presiding officer, members of the public who fail to observe these rules of procedure will be asked to discontinue speaking and will not be allowed to speak again for the remainder of the meeting.

D. UNFINISHED BUSINESS

1. Transient Lodging Tax FY 2024-25 Grants

E. NEW BUSINESS

1. Willamette Valley Jaguars letter of support
2. Funding for Black and African American Heritage Month guest speaker

F. ORDINANCES & RESOLUTIONS

1. Ordinance #886 Amending Chapter 2.55 Park Advisory Board
2. Ordinance #887 Imposing reasonable time, place and manner regulations on the operation of psilocybin product manufacturers and psilocybin service centers
3. Ordinance #888 Declaring a ban on psilocybin product manufacturing and psilocybin centers, and referring the ban to the voters.

F. ADJOURNMENT

MEETING PARTICIPATION INSTRUCTIONS

This meeting is being held in-person at the City Hall Council Chambers, and the public is invited to attend. Public comments and testimonies are also available via written or electronic participation. City meetings are live-streamed on the City's YouTube channel at: [City of Philomath - YouTube](https://www.youtube.com/channel/UC1m1m1m1m1m1m1m1m1m1m1m). This is a public page; no account or user fee is required.

Given two business days' notice, an interpreter can be provided for the hearing impaired or those with limited proficiency in English.

Contact the City Manager's Office to make interpreter arrangements:
541-929-6148; cityhall@philomathoregon.gov; PO Box 400, Philomath, OR 97370

Opportunities to Comment

Methods:

Must be received by:

- | | |
|---|-----------------------------------|
| 1. Appear at City Hall Council Chambers | |
| 2. Sign up to speak via phone or Zoom by contacting City Hall | 4:00 p.m. the day of the meeting |
| 3. Email written comments to City Hall | 12:00 p.m. the day of the meeting |
| 4. Deliver written comments to City Hall | 12:00 p.m. the day of the meeting |
| 5. Mail written comments to City Hall | 12:00 p.m. the day of the meeting |

UPCOMING CITY MEETING AND EVENTS

(as of 10/22/2024)

October 22	5:30 PM	Inclusivity Committee Meeting
October 22	7:30 PM	Housing & Economic Development Committee
October 28	6:00 PM	City Council Meeting
November 4	6:00 PM	Planning Commission Meeting
November 5	5:30 PM	Park Advisory Board Meeting
November 11	All day	Holiday – City offices closed
November 12	7:00 PM	City Council Meeting
TBD	4:00 PM	Police Committee Meeting (if needed)
November 18	6:00 PM	Planning Commission Meeting
November 25	6:00 PM	City Council Meeting or Work Session (if needed)
November 26	5:30 PM	Inclusivity Committee Meeting
November 28 & 29	All Day	Holiday – City offices closed

Meetings may be cancelled or postponed. Refer to the City Meetings & Events calendar on the City's website for the most up-to-date meeting information.



CITY OF PHILOMATH RESOLUTION 24-21

VETERANS DAY PROCLAMATION

WHEREAS, this Veterans Day commemorates the 106th anniversary of the end of World War I; and

WHEREAS, the federal holiday honors the men and women who have fought and continue to fight to sustain our democracy; and

WHEREAS, the courage, honor, sacrifice, and dedication that our veterans have shown in the name of freedom and democracy are worthy of recognition; and

WHEREAS, Americans owe a great debt to all people who bravely serve in defense of this nation; and

WHEREAS, military service has resulted in permanent injury or death for many veterans, whose spirit remains in the continued preservation of our freedoms; and

WHEREAS, we affirm our duty as citizens to express our gratitude, both in words and in actions, for the service of our veterans; and

WHEREAS, Philomath has many veterans within our community who have served or currently serve our country with distinction and honor; and

WHEREAS, on November 9, 2024, Philomath will dedicate the newly constructed Veterans memorial park in honor of Paul J. Cochran, a 1966 graduate of Philomath High School and Vietnam Veteran who was killed in action on May 1, 1968.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Philomath that November 11, 2024 is recognized as Veterans Day and proclaims its gratitude for all veterans.

BE IT FURTHER RESOLVED, the City Council encourages all residents to honor the valor and sacrifice of our community's veterans, thank them for their service, and learn more about the sacrifices they have made to benefit our country and community.

PASSED by the Council this 28th day of October 2024.

APPROVED by the Mayor this 28th day of October 2024.

SIGNED:

ATTEST:

Chas Jones, Mayor
City of Philomath Resolution 24-21

Ruth Post, MMC, City Recorder



City Council Agenda Item Summary

Topic/Title: FY 2024-2025 Transient Lodging Tax (TLT) Grants Reconsideration

Meeting Date: October 28, 2024
Committee: Finance & Administration
Committee Chair: Chas Jones
Staff Contact: Mike Murzynsky

ISSUE STATEMENT

Shall the Council grant funding to the 2024-25 Transient Lodging Tax Grant applicants, having been provided updated requests for funding?

BACKGROUND

At the October 14, 2024 City Council meeting, a concern was raised about the Frolic & Rodeo organization knowing seemingly knowing that the funding available for this year's TLT Grant had increased significantly from previous years, while the other two organizations, the Chamber of Commerce and the Historical Society, may not have known this information. A Frolic & Rodeo volunteer, Ellen Hinchberger, called and spoke with City Manager Chris Workman about the available funding prior to submitting an application. Mr. Workman did not receive inquiries from the other two organizations and could not confirm whether or not other staff had spoken with directors or staff from the other two organizations prior to submitting their applications. The requested amount from the Frolic was substantially higher than its requests for funding in previous years, while this year's requests from the Chamber of Commerce and the Historical Society were relatively the same as in previous years.

The topic was tabled at the meeting and Mayor Jones agreed to reach out to each of the three applicants, inform them of the total funding available this year, and give each an opportunity to change their funding requests and provide an updated explanation of what the funds would be used for. All three organizations replied to this request.

The Historical Society increases its request from \$1,500 to \$7,000. In its email, it indicates that the narrative provided in its original application still worked for the increased funding request. The response in the application to how the funds would be used was answered, "The funds from the TLT program will be dedicated to the ongoing maintenance and operation of our 150-year-old building, which serves as the home for our nonprofit organization."

The Chamber of Commerce increased its request from \$1,300 to \$3,000. In its email, it indicates that the funds will be used for annual events such as the Samaritan Awards, Sip and Stroll, Trunk or Treat, and Tree Lighting, as well as providing two locations for travel and tourism material, and the desire to purchase mapping software for adding businesses.

The Frolic & Rodeo did not request a change to its original request of \$15,000. Its email references its partnership with the city on the grandstands construction project.

The full email correspondence is provided as Attachment A. A total of \$17,700 is available for FY2024-25 grant allocations, and the updated requests from all three organizations total \$25,000, as shown in the table below.

Applicant	FY2023-24 Awarded	FY2024-25 F&A Committee Recommendation	FY2024-25 Revised Request
Benton Co. Historical Society	\$834	\$1,500	\$7,000
Philomath Chamber	\$833	\$1,500	\$3,000
Frolic & Rodeo Assoc.	\$833	\$15,000	\$15,000
TOTAL	\$2,500	\$17,700	\$25,000

Staff recommends the Council review the following provisions from State Statute (ORS 320.300) relating to use of lodging tax funds:

“[at least] 70% of net revenue from the new or increased tax shall be used for: “tourism promotion” or “tourism-related facilities” or finance/refinance debt of “tourism related facilities”

Key Definitions:

(7) “Tourism promotion” means any of the following activities:

- (a) Advertising, publicizing or distributing information for the purpose of attracting and welcoming tourists;
- (b) Conducting strategic planning and research necessary to stimulate future tourism development;
- (c) Operating tourism promotion agencies; and
- (d) Marketing special events and festivals designed to attract tourists.

(9) “Tourism-related facility” means:

- (a) A conference center, convention center or visitor information center; and
- (b) Other improved real property that has a useful life of 10 or more years and has a substantial purpose of supporting tourism or accommodating tourist activities.

(10) “Tourist” means a person who, for business, pleasure, recreation or participation in events related to the arts, heritage or culture, travels from the community in which that person is a resident to a different community that is separate, distinct from and unrelated to the person’s community of residence, and that trip:

- (a) Requires the person to travel more than 50 miles from the community of residence; or
- (b) Includes an overnight stay.

COUNCIL OPTIONS:

The Council should review and discuss each request and determine how much funding to provide each organization

CITY MANAGER RECOMMENDATION:

Proceed with granting funds as the Council sees fit. My only caution is funding local community efforts or events that may not actually attract “tourists.”

SUGGESTED MOTION:

I move to approve allocation of the Transient Lodging Tax Funding Grants as follows:
(List organization and amount) for a total of \$17,700.

Benton County Historical Society	\$ _____
Philomath Chamber	\$ _____
Philomath Frolic & Rodeo Association	\$ _____

From: Jen Waters <jen@bentoncountymuseums.org>
Sent: Monday, October 21, 2024 3:27 PM
To: Chas Jones <Chas.Jones@philomathoregon.gov>; Ruth Post <Ruth.Post@philomathoregon.gov>
Subject: Re: TLT applications

Hey Chas!

I just looked over the narrative and it actually still works for the increased amount. We've raised all but \$20K of the \$90K that this project is costing us, so that was all just coming out of our budget. Do I need to re-do the forms that we also sent over? Let me know.

Jen Waters (she/her)
Director of Development and Communications
Benton County Historical Society
541-929-6230 x405

From: Chas Jones <Chas.Jones@philomathoregon.gov>
Sent: Saturday, October 19, 2024 8:03 AM
To: Jen Waters <jen@bentoncountymuseums.org>; Ruth Post <Ruth.Post@philomathoregon.gov>
Subject: Re: TLT applications

Thank you Jen. Please do provide an updated narrative about how the museum would use the funds. We would need that information before Tuesday. Cheers

Chas

From: Jen Waters <jen@bentoncountymuseums.org>
Sent: Friday, October 18, 2024 11:29:28 AM
To: Chas Jones <Chas.Jones@philomathoregon.gov>; Ruth Post <Ruth.Post@philomathoregon.gov>
Subject: Re: TLT applications

Hello,

We would like to change the level of funding asked for to \$7,500. I'm happy to show what this funding will go towards and how it will allow us to welcome more people into our museum.

Jen Waters (she/her)
Director of Development and Communications
Benton County Historical Society
541-929-6230 x405

From: Chelle Krantz <director@philomathchamber.org>
Sent: Monday, October 21, 2024 7:31 PM
To: Chas Jones <Chas.Jones@philomathoregon.gov>
Subject: Re: TLT applications

Hello Chas! I apologize for the delay.

We would like amend the amount requested from \$1500.00 to \$3000.00. The Philomath Chamber host a **number** of events each year, that bring in folks not into only Philomath but also we promote the use of local businesses while they are here. A few examples of these events are that the Chamber hosts and put on:

Samaritan Awards: Approximately 200 people attend our yearly Samaritan Awards. We utilize our local bakeries and restaurants for the desserts.

Sip and Stroll: Approximately 300-600 people come in to Philomath as patrons of the Sip and Stroll, and we bring in approximately 100 vendors. We utilize our local businesses to host vendors, which not only helps bring in out of the area vendors, but it also brings revenue in for our host businesses.

Trunk or Treat: This event brings in roughly 500 kids/families into the Philomath area for the business front trick or treating, and also to the Benton County Museum.

Tree Lighting: This event brings in roughly 300+ people. We utilize local bakeries for cookies and a visit from Santa.

We currently have two locations for travel and tourism material. One is at the Benton County Museum, and the other is now currently up and functioning at the Philomath Library in the foyer. We would like to continue to expand on our selections of travel and tourism materials at both locations and grow our displays. We are also looking to purchase map software so that we can continue to offer updated maps, as we add businesses to our community. (We use our map for the Sip and Stroll currently)

I feel that The Philomath Chamber is providing many "hometown" events that are drawing people from other areas, not only for the events themselves, but also bringing revenue for the businesses that are already here.

Thank you for your time and consideration. If you have any questions, please feel free to contact me @509-280-5494

From: Ellen Hinchberger <ehinch69@gmail.com>
Sent: Monday, October 21, 2024 11:41 AM
To: Chas Jones <Chas.Jones@philomathoregon.gov>
Cc: Ruth Post <Ruth.Post@philomathoregon.gov>
Subject: Re: TLT applications

Dear Mayor Jones,

The Philomath Frolic and Rodeo requests no changes to our original request of \$15,000. Please see below additional context:

Dear Mayor Jones and City Council,

Thank you for the opportunity to provide some context to our grant request. Our partnership with the city is relatively new, and vital for the success of this great event moving forward. It's important for us all to keep in mind that the Frolic grounds and structures are all city property. The Frolic board and the Frolic association is made up of community members putting in long hours beyond our regular jobs, (just like city council members) to organize and grow this event annually.

Rebuilding the grandstands and the entire event facility is a unique project that, if done well, will not be addressed again for 30-50 years. As a result, we stand in need of funding for this massive project in a period of high inflation. We are in need of the requested \$15,000, which will go towards this City of Philomath event center. The Philomath Frolic and Rodeo being one of the annual events which are held there.

We know you are aware of the fundraising, beyond city and state funds that have been raised. We will continue to look for funding from community business, grant opportunities and beyond. Our fundraising from the Philomath business community alone has already exceeded \$200,000 in cash and materials.

Our partnership and cohesiveness is vital as we build this event center to enrich the community and draw visitors from the pacific NW and beyond.

Respectfully,

Ellen Hinchberger
Philomath Frolic and Rodeo

From: [Chas Jones](#)
To: [Ruth Post](#); [Chris Workman](#)
Subject: Fw: TLT applications
Date: Tuesday, October 22, 2024 2:24:38 PM

From: Chelle Krantz <director@philomathchamber.org>
Sent: Monday, October 21, 2024 7:31 PM
To: Chas Jones <Chas.Jones@philomathoregon.gov>
Subject: Re: TLT applications

Hello Chas! I apologize for the delay.

We would like amend the amount requested from \$1500.00 to \$3000.00. The Philomath Chamber host a **number** of events each year, that bring in folks not into only Philomath but also we promote the use of local businesses while they are here. A few examples of these events are that the Chamber hosts and put on:

Samaritan Awards: Approximately 200 people attend our yearly Samaritan Awards. We utilize our local bakeries and restaurants for the desserts.

Sip and Stroll: Approximately 300-600 people come in to Philomath as patrons of the Sip and Stroll, and we bring in approximately 100 vendors. We utilize our local businesses to host vendors, which not only helps bring in out of the area vendors, but it also brings revenue in for our host businesses.

Trunk or Treat: This event brings in roughly 500 kids/families into the Philomath area for the business front trick or treating, and also to the Benton County Museum.

Tree Lighting: This event brings in roughly 300+ people. We utilize local bakeries for cookies and a visit from Santa.

We currently have two locations for travel and tourism material. One is at the Benton County Museum, and the other is now currently up and functioning at the Philomath Library in the foyer. We would like to continue to expand on our selections of travel and tourism materials at both locations and grow our displays. We are also looking to purchase map software so that we can continue to offer updated maps, as we add businesses to our community. (We use our map for the Sip and Stroll currently)

I feel that The Philomath Chamber is providing many "hometown" events that are drawing people from other areas, not only for the events themselves, but also bringing revenue for the businesses that are already here.

Thank you for your time and consideration. If you have any questions, please feel free to contact me @509-280-5494

On 10/21/2024 5:13 PM PDT Chas Jones <chas.jones@philomathoregon.gov>
wrote:

Hi Chelle,

I just wanted to follow up and make sure that you received this email. I sent this email last week and am requesting a response by tomorrow. Thank you so much!

Sincerely,

Chas

From: Chas Jones <Chas.Jones@philomathoregon.gov>
Sent: Thursday, October 17, 2024 10:35:13 AM

To: Ruth Post <Ruth.Post@philomathoregon.gov>; Chas Jones
<Chas.Jones@philomathoregon.gov>
Subject: TLT applications

Dear Philomath TLT Grant Applicant,

Thank you for your application for funding this year. We appreciate the efforts your organization makes toward encouraging, welcoming, and servicing Philomath's growing tourism industry.

Based on the grant requests received, the City Council expressed concerns that the original call for grant funding requests did not include the total amount of funds available this year. Due to the recent passage of the city's own TLT tax, the total funding available this year has increased to \$17,700.

Last month, we received the following requests for funding:

Philomath Frolic & Rodeo: \$15,000 for rodeo grounds bleachers and public restroom construction

Benton County Historical Society: \$1,500 for ongoing building maintenance

Philomath Area Chamber of Commerce: \$1,200 for development of a map with business locations; Chamber info location at the library.

Total requested funds: \$17,700

The Council has asked me to reach out to all three applicants and provide an opportunity to change your grant request for this year. Please let me know if you would like to keep it unchanged, or, modify your request and provide me an updated narrative on what the funds will be used for. Please get back to me next Tuesday so the Council can vote to award these funds at its meeting on Oct. 28th.

Thank you,
Chas Jones, PhD
Philomath Mayor

This email is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing or other use of this email by persons or entities other than the addressee is prohibited. If you have received this email in error, please contact the sender immediately, and delete the material from your computer.

From: [Chas Jones](#)
To: [Ruth Post](#); [Chris Workman](#)
Subject: Fw: TLT applications
Date: Tuesday, October 22, 2024 2:26:40 PM

Chas Jones, PhD
Philomath Mayor
Chas.Jones@PhilomathOregon.gov

From: Ellen Hinchberger <ehinch69@gmail.com>
Sent: Monday, October 21, 2024 11:41 AM
To: Chas Jones <Chas.Jones@philomathoregon.gov>
Cc: Ruth Post <Ruth.Post@philomathoregon.gov>
Subject: Re: TLT applications

Dear Mayor Jones,
The Philomath Frolic and Rodeo requests no changes to our original request of \$15,000.
Please see below additional context:

Dear Mayor Jones and City Council,
Thank you for the opportunity to provide some context to our grant request. Our partnership with the city is relatively new, and vital for the success of this great event moving forward. It's important for us all to keep in mind that the Frolic grounds and structures are all city property. The Frolic board and the Frolic association is made up of community members putting in long hours beyond our regular jobs, (just like city council members) to organize and grow this event annually.

Rebuilding the grandstands and the entire event facility is a unique project that, if done well, will not be addressed again for 30-50 years. As a result, we stand in need of funding for this massive project in a period of high inflation. We are in need of the requested \$15,000, which will go towards this City of Philomath event center. The Philomath Frolic and Rodeo being one of the annual events which are held there.

We know you are aware of the fundraising, beyond city and state funds that have been raised. We will continue to look for funding from community business, grant opportunities and beyond. Our fundraising from the Philomath business community alone has already exceeded \$200,000 in cash and materials.

Our partnership and cohesiveness is vital as we build this event center to enrich the community and draw visitors from the pacific NW and beyond.

Respectfully,
Philomath Frolic and Rodeo

On Thu, Oct 17, 2024 at 10:35 AM Chas Jones <Chas.Jones@philomathoregon.gov> wrote:

Dear Philomath TLT Grant Applicant,

Thank you for your application for funding this year. We appreciate the efforts your organization makes toward encouraging, welcoming, and servicing Philomath's growing tourism industry.

Based on the grant requests received, the City Council expressed concerns that the original call for grant funding requests did not include the total amount of funds available this year. Due to the recent passage of the city's own TLT tax, the total funding available this year has increased to \$17,700.

Last month, we received the following requests for funding:

Philomath Frolic & Rodeo:	\$15,000 for rodeo grounds bleachers and public restroom construction
Benton County Historical Society:	\$1,500 for ongoing building maintenance
Philomath Area Chamber of Commerce:	\$1,200 for development of a map with business locations; Chamber info location at the library.
Total requested funds:	\$17,700

The Council has asked me to reach out to all three applicants and provide an opportunity to change your grant request for this year. Please let me know if you would like to keep it unchanged, or, modify your request and provide me an updated narrative on what the funds will be used for. Please get back to me next Tuesday so the Council can vote to award these funds at its meeting on Oct. 28th.

Thank you,

Chas Jones, PhD
Philomath Mayor

This email is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing or other use of this email by persons or entities other than the addressee is prohibited. If you have received this email in error, please contact the sender immediately, and delete the material from your computer.

From: [Chas Jones](#)
To: [Ruth Post](#); [Chris Workman](#)
Subject: Fw: TLT applications
Date: Tuesday, October 22, 2024 2:25:25 PM

From: Jen Waters <jen@bentoncountymuseums.org>
Sent: Monday, October 21, 2024 3:27 PM
To: Chas Jones <Chas.Jones@philomathoregon.gov>; Ruth Post <Ruth.Post@philomathoregon.gov>
Subject: Re: TLT applications

Hey Chas!

I just looked over the narrative and it actually still works for the increased amount. We've raised all but \$20K of the \$90K that this project is costing us, so that was all just coming out of our budget.

Do I need to re-do the forms that we also sent over?

Let me know.

Jen Waters (she/her)
Director of Development and Communications
Benton County Historical Society
541-929-6230 x405



From: Chas Jones <Chas.Jones@philomathoregon.gov>
Sent: Saturday, October 19, 2024 8:03 AM
To: Jen Waters <jen@bentoncountymuseums.org>; Ruth Post <Ruth.Post@philomathoregon.gov>
Subject: Re: TLT applications

Thank you Jen. Please do provide an updated narrative about how the museum would use the funds. We would need that information before Tuesday. Cheers

Chas

Get [Outlook for Android](#)

From: Jen Waters <jen@bentoncountymuseums.org>
Sent: Friday, October 18, 2024 11:29:28 AM
To: Chas Jones <Chas.Jones@philomathoregon.gov>; Ruth Post <Ruth.Post@philomathoregon.gov>
Subject: Re: TLT applications

Hello,

We would like to change the level of funding asked for to \$7,500. I'm happy to show what this funding will go towards and how it will allow us to welcome more people into our museum.

Jen Waters (she/her)
Director of Development and Communications
Benton County Historical Society
541-929-6230 x405



From: Chas Jones <Chas.Jones@philomathoregon.gov>
Sent: Thursday, October 17, 2024 10:35 AM
To: Ruth Post <Ruth.Post@philomathoregon.gov>; Chas Jones <Chas.Jones@philomathoregon.gov>
Subject: TLT applications

Dear Philomath TLT Grant Applicant,

Thank you for your application for funding this year. We appreciate the efforts your organization makes toward encouraging, welcoming, and servicing Philomath's growing tourism industry.

Based on the grant requests received, the City Council expressed concerns that the original call for grant funding requests did not include the total amount of funds available this year. Due to the recent passage of the city's own TLT tax, the total funding available this year has increased to \$17,700.

Last month, we received the following requests for funding:

Philomath Frolic & Rodeo:	\$15,000 for rodeo grounds bleachers and public restroom construction
Benton County Historical Society:	\$1,500 for ongoing building maintenance
Philomath Area Chamber of Commerce:	\$1,200 for development of a map with business locations; Chamber info location at the library.
Total requested funds:	\$17,700

The Council has asked me to reach out to all three applicants and provide an opportunity to change your grant request for this year. Please let me know if you would like to keep it unchanged, or, modify your request and provide me an updated narrative on what the funds will be used for. Please get back to me next Tuesday so the Council can vote to award these funds at its meeting on Oct. 28th.

Thank you,

Chas Jones, PhD
Philomath Mayor

This email is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing or other use of this email by persons or entities other than the addressee is prohibited. If you have received this email in error, please contact the sender immediately, and delete the material from your computer.



City Council Agenda Item Summary

Topic/Title: Willamette Valley Jaguars Letter of Support

Meeting Date: October 28, 2024
Council Lead: Chas Jones
Staff Contact: Chris Workman

ISSUE STATEMENT

Shall the Council approve a letter of support for the Willamette Valley Jaguars?

BACKGROUND

Owner/Team President Marion Clark Jr. of the Emerald City Jaguars reached out to Mayor Jones back in August to discuss plans to move his professional basketball team from Eugene to the valley area. The team has held practices and tryouts at Philomath High School, and recently hosted a free, two-day youth basketball camp. The team is part of The Basketball League (TBL), which promotes delivering a World Class Professional Basketball experience to communities, fans, and business partners.

Most recently, Mr. Clark asked about placing the City's seal on the new team's new jerseys. The city manager has prepared the attached letter of support for the team in hopes it can be used to gain support throughout the community. It specifically permits the use of the City's seal on the jerseys and welcomes additional collaboration on growing the team within the area.

I am looking for approval of the letter of support and direction for Mayor Jones to sign and send the letter to Mr. Clark.

COUNCIL OPTIONS

1. Approve the letter of support as written
2. Approve the letter of support with modifications
3. Do not approve the letter of the support.

CITY MANAGER RECOMMENDATION

Approve the letter of support as written.

SUGGESTED MOTION

"I move to approve the letter of support of the Willamette Valley Jaguars and direct Major Jones to sign it and have it delivered."

ATTACHMENTS

- A. Letter of Support
- B. Jersey mock ups



[Date]

Marion Clark Jr.
Owner & Team President
Willamette Valley Jaguars
mclark@wvjags.com

Dear Marion,

On behalf of the City Council and the residents of Philomath, it is with great enthusiasm that I extend our heartfelt support to the Willamette Valley Jaguars as you embark on this exciting new chapter of rebranding and community engagement. It was a pleasure to meet you and learn about your vision for the team, and we are thrilled to collaborate on your mission to deliver affordable, family-oriented professional basketball to our community.

The commitment of the Jaguars to unite our community through the joy of basketball resonates deeply with our values here in Philomath. We believe that sports can be a powerful tool for bringing people together, fostering local pride, and nurturing the growth of our talented athletes. Your dedication to creating an environment that emphasizes both personal and professional development is commendable and aligns perfectly with our community-oriented culture.

We are particularly excited about the opportunity to feature the City of Philomath seal on the Jaguars' newly designed jerseys. This recognition not only signifies our partnership but also reinforces our shared commitment to uplifting our community through sports. It is an honor to be a community support partner, and we look forward to seeing our seal proudly displayed during your games this season.

As we explore this partnership, we are eager to look for additional ways that small communities like Philomath can support professional basketball teams and vice versa. Here are a few ideas:

1. **Community Engagement Events:** Hosting basketball clinics, workshops, or family nights can provide valuable opportunities for our residents to connect with the team and foster a love for the game.
2. **Local Sponsorships:** Encouraging local businesses to support the Jaguars through sponsorships can create a robust network of community investment that benefits both the team and our economy.
3. **Youth Programs:** Collaborating on youth development programs can help identify and nurture future basketball talent while instilling values of teamwork, discipline, and sportsmanship.

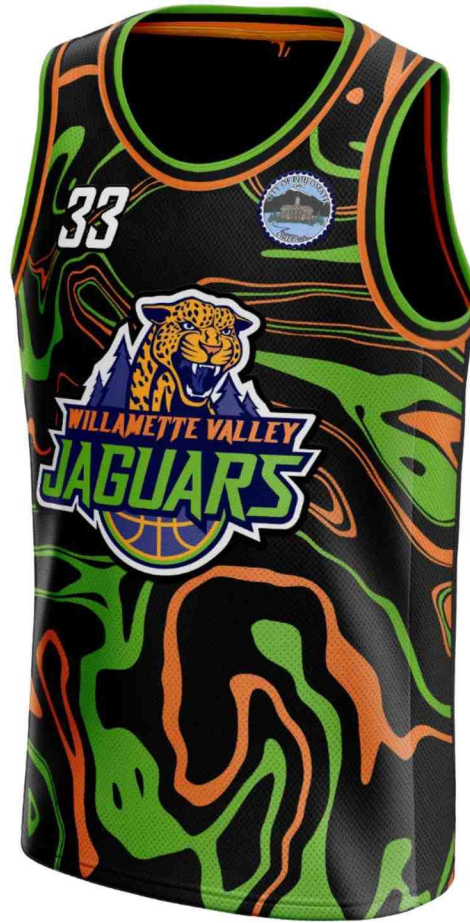
4. **Volunteer Initiatives:** Encouraging community members to volunteer at games and events can strengthen the bond between the team and our residents, making everyone feel like part of the Jaguars family.
5. **Promotional Collaborations:** Joint marketing efforts can enhance visibility for both the team and local businesses, driving more foot traffic to our downtown area and supporting our local economy.

We are committed to actively seeking opportunities to work together in both the near and long term. The potential for a thriving partnership is immense, and we are excited to see how we can collectively elevate the spirit of Philomath through the passion of basketball.

Thank you once again for the opportunity to partner with the Willamette Valley Jaguars. Together, let's inspire our community, uplift our athletes, and create unforgettable experiences for all.

Warmest regards,

Chas Jones
Mayor of Philomath, Oregon
chas.jones@philomathoregon.gov





City Council Agenda Item Summary

Topic/Title: Funding for Black and African American Heritage Month Speaker

Meeting Date: October 28, 2024
Committee: Inclusivity
Committee Co-Chair: Christopher McMorran
Staff Contact: Chris Workman

ISSUE STATEMENT

The Inclusivity Committee is planning to have a guest speaker to honor Black and African American Heritage Month. Honorarium should be approved by the Council.

BACKGROUND

The Inclusivity Committee has approved the recommendation to invite Zachary Stocks, Executive Director, Oregon Black Pioneers, as a guest speaker on Wednesday February 12, 2025, on the topic of Strong Black Women. The City has been providing honorarium of \$300 for similar presentations this year. There are still some details to be ironed out, but the presentation will be virtual, with a live stream on Facebook, and recorded for later viewing.

This funding comes from the City Council Department in the budget under the Education and Training line item. The Council should come to an agreement on the use of these funds.

COUNCIL OPTIONS

1. Agree to approve use of the Education and Training funds for honorarium for Zachary Stocks.
2. Provide staff with other direction on how to proceed.

CITY MANAGER RECOMMENDATION

Approve the honorarium.

SUGGESTED MOTION

"I move to approve the payment of \$300 to Zachary Stocks as honorarium for speaking to the community in February."

ATTACHMENTS

- A. None



Philomath City Council Agenda Item Summary

Title/Topic: Update to PMC Chapter 2.55 Park Advisory Board

Meeting Date: October 28, 2024
Referring committee: Park Advisory Board
Chair: Larry Sleeman
Staff Contact: Chelsea Starner, Assistant City Manager

BACKGROUND

The Philomath Park Advisory Board Municipal Code Chapter 2.55 was established by Ordinance 723 in 2004. The Park Advisory Board asked if staff could assist with updating the code to reflect current needs and operations of the Park Advisory Board. The Board began a review process of the current code in June and made a final recommendation of changes in September.

Objectives of the update were as follows:

1. To reflect the operations of officers including the election process and duties of each officer.
2. To reflect the current and recent year duties and functions of the Board.
3. To keep the overall language of the code reasonable and relevant to the duties and operations of the Board.

During the September 3, 2024, Park Advisory Board meeting, members voted unanimously to approve changes to Chapter 2.55 of the Philomath Municipal Code and make a recommendation to the City Council to formally adopt the changes.

COUNCIL OPTIONS

- Approve the amendments to PMC Chapter 2.55 Park Advisory Board as presented.
- Do not approve the amendments to PMC Chapter 2.55 Park Advisory Board as presented.

ASSISTANT CITY MANAGER RECOMMENDATION

Approve the presented updates to PMC Chapter 2.55 Park Advisory Board as presented.

RECOMMENDED MOTION

Action is by roll call vote on ordinance as presented (or amended).

ATTACHMENTS

1. Redline markup of current PMC Chapter 2.55 Park Advisory Board
2. Ordinance #886 amending PMC Chapter 2.55 Park Advisory Board

Chapter 2.55
PARK ADVISORY BOARD

Sections:

- 2.55.010 Establishment.
- 2.55.020 Composition.
- 2.55.030 ~~Duties.Officers~~
- 2.55.040 ~~Duties.~~

2.55.010 Establishment.

The Philomath park advisory board is hereby established. [Ord. 723 § 1, 2004.]

2.55.020 Composition.

The park advisory board shall be composed of a minimum of five and maximum of seven citizen members.

A. Terms. Initial appointments are for two positions for one year, two positions for two years, and the remaining positions are for three years; thereafter the terms of all members shall be for three years, expiring on December 31st. No member shall serve more than three consecutive terms. ~~unless with the approval of a majority of the city council.~~

B. Vacancies. All vacancies shall be filled by appointment by the mayor, with confirmation by the council.

C. Eligibility. Any citizen residing within the city or urban growth boundary is eligible to serve on this committee. Two positions may be filled from outside the urban growth boundary but within Benton County. [Ord. 723 § 2, 2004.]

2.55.030 ~~OfficersDuties.~~

A. ~~Election of Officers. Upon appointment by the council, members shall meet to establish a chairperson and vice-chair/secretary for the advisory board. At the first meeting of each calendar year, the committee shall elect a chair and vice chair. Should the office of chair and/or vice-chair become vacant, the park advisory board will elect a successor from its members at the next regular meeting and such election will be for the unexpired term of such office. The chair and vice-chair may be removed from office at any time by a majority of votes by the park advisory board or at the city council's discretion.~~

B. ~~Chair and Vice-Chair Duties. The chair will help designated city staff prioritize agenda items and preside over meetings. The vice-chair will perform the duties of the chair in their absence. In the absence of the chair and vice-chair, the park advisory board will elect a temporary chair for the meeting in question.~~

~~B. Process. The chair shall receive matters referred from the public works committee. The chair shall report the board's findings or recommendations to the public works committee. The public works committee shall use those findings or recommendations as the committee sees fit.~~

2.55.040 Duties.

~~A. B-Process. As an advisory board to the city council, the board~~ The chair shall receive matters referred from the ~~public works committee~~ city council or designated city staff. The chair or designated city staff shall report the board's findings or recommendations to the ~~public works committee~~ city council. The ~~public works committee~~ city council shall use those findings or recommendations as the ~~committee~~ council sees fit.

~~B. C. Meetings. The park advisory board shall meet only as necessary to provide assistance to the public works committee will meet at least quarterly. Additional meetings may be held to discuss time-sensitive subjects as needed.~~

~~C. D. Examples of Duties. The park advisory board shall will advise the public works committee city council and designated city staff regarding any park matters pertaining to city parks as referred by the public works committee. These items include~~ inge, but are not limited to:

1. Amendments to city ordinances referencing general park activities.
2. General policies concerning the selection, care and removal of park assets.
3. Funding for the purchase and development of city parks. [~~Ord. 723 § 3, 2004.~~]
4. ~~Reviewing and participating in recommendations to the city council for park master plan and strategic plan updates.~~
5. ~~Participating in the annual budgetary process of the city as that process pertains to parks and recreation services.~~
6. ~~Encouraging widespread public support and use of park and recreation services and facilities.~~
7. ~~Coordinating with designated city staff in the organization of and implementation of recreational events such as Music in the Park.~~
8. ~~Performing other duties as authorized by the city council~~

**CITY OF PHILOMATH
ORDINANCE NO. 886**

**AN ORDINANCE AMENDING PHILOMATH MUNICIPAL CODE CHAPTER 2.55 REGARDING
THE PARK ADVISORY BOARD.**

WHEREAS, PMC Chapter 2.55 of the Philomath Municipal Code provides for the establishment, guidelines and activities of the Park Advisory Board; and,

WHEREAS, PMC Chapter 2.55 specifically provides for the establishment of membership terms, election and duties of officers, and examples of the duties of the Park Advisory Board; and,

WHEREAS, the Park Advisory Board recommends amendments to PMC Chapter 2.55 to include more consistent and operationally relevant language.

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

Section 1. The Philomath Municipal Code Chapter 2.55 Parks is amended to read as shown in the attached Exhibit A.

Section 2. This ordinance takes effect 30 days after the day on which it is passed.

Section 3. To the extent permitted by law, if any section, subsection, sentence, clause, or portion of this ordinance is for any reason found to be invalid, unenforceable, or unconstitutional, such invalid, unenforceable, or unconstitutional section, subsection, sentence, clause, or portion will (A) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (B) not affect the validity, enforceability, or constitutionality of the remaining portion of this ordinance. This ordinance may be corrected by order of the City Council to cure editorial or clerical errors.

PASSED by the Council this 28th day of October 2024.

APPROVED by the Mayor this 28th day of October 2024.

SIGNED:

Chas Jones, Mayor

ATTEST:

Ruth A. Post, MMC, City Recorder

Exhibit A
Chapter 2.55
PARK ADVISORY BOARD

Sections:

- 2.55.010 Establishment.
- 2.55.020 Composition.
- 2.55.030 Officers
- 2.55.040 Duties.

2.55.010 Establishment.

The Philomath park advisory board is hereby established. [Ord. 723 § 1, 2004.]

2.55.020 Composition.

The park advisory board shall be composed of a minimum of five and maximum of seven citizen members.

A. Terms. Initial appointments are for two positions for one year, two positions for two years, and the remaining positions are for three years; thereafter the terms of all members shall be for three years, expiring on December 31st. No member shall serve more than three consecutive terms unless with the approval of a majority of the city council.

B. Vacancies. All vacancies shall be filled by appointment by the mayor, with confirmation by the council.

C. Eligibility. Any citizen residing within the city or urban growth boundary is eligible to serve on this committee. Two positions may be filled from outside the urban growth boundary but within Benton County. [Ord. 723 § 2, 2004.]

2.55.030 Officers.

A. Election of Officers. At the first meeting of each calendar year, the committee shall elect a chair and vice chair. Should the office of chair and/or vice-chair become vacant, the park advisory board will elect a successor from its members at the next regular meeting and such election will be for the unexpired term of such office. The chair and vice-chair may be removed from office at any time by a majority of votes by the park advisory board or at the city council's discretion.

B. Chair and Vice-Chair Duties. The chair will help designated city staff prioritize agenda items and preside over meetings. The vice-chair will perform the duties of the chair in their absence. In the absence of the chair and vice-chair, the park advisory board will elect a temporary chair for the meeting in question.

2.55.040 Duties.

A. Process. As an advisory board to the city council, the board shall receive matters referred from the city council or designated city staff. The chair or designated city staff shall report the board's findings or

recommendations to the city council. The city council shall use those findings or recommendations as the council sees fit.

B. Meetings. The park advisory board will meet at least quarterly. Additional meetings may be held to discuss time-sensitive subjects as needed.

C. Examples of Duties. The park advisory board will advise the city council and designated city staff regarding park matters including, but not limited to:

1. Amendments to city ordinances referencing general park activities.
2. General policies concerning the selection, care and removal of park assets.
3. Funding for the purchase and development of city parks.
4. Reviewing and participating in recommendations to the city council for park master plan and strategic plan updates.
5. Participating in the annual budgetary process of the city as that process pertains to parks and recreation services.
6. Encouraging widespread public support and use of park and recreation services and facilities.
7. Coordinating with designated city staff in the organization of and implementation of recreational events such as Music in the Park.
8. Performing other duties as authorized by the city council

**CITY OF PHILOMATH
ORDINANCE NO. 887**

**AN ORDINANCE OF THE CITY OF PHILOMATH IMPOSING REASONABLE TIME, PLACE,
AND MANNER REGULATIONS ON THE OPERATION OF PSILOCYBIN PRODUCT
MANUFACTURERS AND 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 directs the Oregon Health Authority to oversee the license, control, and regulation of the manufacturing of psilocybin products and the provision of psilocybin services to persons 21 years of age and older; 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, if psilocybin product manufacturing and psilocybin service centers are permitted within a city’s jurisdiction, ORS 475A.530 permits the city’s governing body to adopt ordinances imposing reasonable regulations on the operation of psilocybin product manufacturing and psilocybin centers; and

WHEREAS, ORS 475A.530(1) defines reasonable regulations to include reasonable time, place, and manner conditions; and

WHEREAS, the City Council seeks to refer to the voters of Philomath the question of whether to establish a ban on state-licensed psilocybin product manufacturers and psilocybin service centers within the city’s jurisdictional boundaries at the City’s next general election; and

WHEREAS, should the voters reject the establishment of a psilocybin product manufacturers and psilocybin service centers ban within the city’s jurisdictional boundaries, the City Council seeks to establish reasonable regulations on the operation of psilocybin product manufacturing and psilocybin centers within the city’s jurisdictional boundaries.

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

Section 1. Philomath Municipal Code Chapter 9.30 – Psilocybin is ~~enacted~~amended and reads as follows:

9.30.010 Purpose.

Repealed.

9.30.0109.30.020 Definitions.

A. "Licensed facilitator" means a person who is licensed by the Oregon Health Authority to own or operate a service center and sell and administer psilocybin products.

B. "Manufacturer" means a person who is licensed by the Oregon Health Authority to produce psilocybin products.

C. "Manufacturing site" means a location licensed by the Oregon Health Authority for the production of psilocybin products.

1 **D. "Principal"** means members, partners or corporate officers, and all stockholders holding
2 more than ten percent of the voting stock for any applicant who is not a natural person.

3 **E. "Psilocybin products"** means psilocybin mushrooms or other preparations such as
4 edibles or tinctures produced in a manner authorized by the Oregon Health Authority.

5 **F. "Psilocybin services"** means the preparation, administration, and facilitation of
6 integration or consumption sessions of psilocybin products. Psilocybin services shall only be
7 performed by persons licensed by the Oregon Health Authority to produce or
8 administer psilocybin products.

9 **G. "Service center"** means a location licensed by the Oregon Health Authority for the
10 administration of psilocybin products to members of the public by licensed facilitators.

11 **9.30.020 Licenses and registration.**

12 **A. Business License Required.** Manufacturing sites and service centers must be licensed
13 annually under [city business license chapter] to operate within the City.

14 **B. State Registration Required.** To be eligible to apply for a business license under [city
15 business license chapter], manufacturing sites, manufacturers, service centers, and licensed
16 facilitators must be registered with the Oregon Health Authority and authorized by state law to
17 operate.

18 **9.30.030 Prohibition.**

19 Repealed.

20 **9.30.040 Sunset.**

21 Repealed.

22 **9.30.0309.30.050 Transferability.**

23 Business licenses for service centers and manufacturing sites shall not be transferred to any
24 other person.

25 **9.30.0409.30.060 Waiver and Indemnification.**

26 **A. Waiver.** By accepting a business license for a service center or manufacturing site, the
27 licensee(s), jointly and severally if there is more than one, waive and release the City, its
28 officers, elected and appointed officials, employees, volunteers and agents from any liability for
29 injuries, damages or liabilities of any kind that result from any arrest or prosecution of a licensed
30 facilitator or manufacturer, principal, person or legal entity with a financial interest in the facility,
31 person or entity that has leased or otherwise provided real property to the facility, employee,
32 volunteer, client or customer for a violation of federal, state or local laws and regulations.

33 **B. Indemnification.** By accepting a business license for a service center or manufacturing
34 site, the licensee(s), jointly and severally if there is more than one, agree to defend, indemnify
35 and hold harmless the city, its officers, elected officials, employees, volunteers, and agents,
36 insurers, and self-insurance pool against all liability, claims, and demands on account of any
37 injury, loss, or damage, including, without limitation, claims arising from bodily injury, personal
38 injury, sickness, disease, death, property loss or damage, or any other loss of any kind

1 whatsoever arising out of or in any manner connected with the operation of service center or
2 manufacturing site that is the subject of the business license.

3 **9.30.0509.30.070 Criminal Background Check.**

4 All applicants, principals, employees, volunteers, persons with a financial interest in the service
5 center or manufacturing site must submit to a criminal background check performed by the
6 police chief before a business license will be issued. A person who has been convicted of a
7 felony may not be a licensee.

8 **9.30.0609.30.080 Standards of Operation.**

9 **A. Registration and Compliance with Oregon Health Authority Rules.** The facility's
10 registration as a service center or manufacturing site under ORS 475A must be in good standing
11 with the Oregon Health Authority, and the facility must comply with all applicable laws and
12 regulations administered by the Oregon Health Authority for facilities.

13 **B. Compliance with Other Laws.** The facility must comply with all applicable laws and
14 regulations, including, but not limited to, zoning regulations, building codes, and fire codes.

15 **C. Hours of Operation.** Operating hours for service centers and manufacturing sites must
16 be no earlier eight a.m. and no later than ten p.m. on the same day.

17 **D. Public View into Facility.** All doorways, windows, and other openings shall be located,
18 covered, or screened in such a manner to prevent a view into the interior from any existing
19 public or semipublic area.

20 **E. Odors.** The facility must use an air filtration and ventilation system which, to the greatest
21 extent feasible, confines all objectionable odors associated with the facility to the premises. For
22 the purposes of this provision, the standard for judging "objectionable odors" shall be that of an
23 average, reasonable person with ordinary sensibilities after taking into consideration the
24 character of the neighborhood in which the odor is made and the odor is detected.

25 **F. Lighting.** Facilities must maintain adequate outdoor lighting over each exterior exit.
26 Exterior lighting is subject to the limits in Section [city code section regarding exterior lighting].

27 **G. On-Site Use.** Psilocybin products shall be consumed on the premises in accordance
28 with Oregon Health Authority rules.

29 **H. Outdoor Storage.** Outdoor storage of merchandise, raw materials or other material
30 associated with a service center or manufacturing site is prohibited.

31 **I. Secure Disposal.** A service center or manufacturing site must provide for secure
32 disposal of psilocybin product remnants or by-products; remnants or by-products shall not be
33 placed within the facility's exterior refuse containers.

34 **J. Home Occupation.** A psilocybin services facility, service center, or manufacturing site
35 may not be operated as a home occupation.

36 **K. Drive-Through, Walk-Up.** A psilocybin services facility, service center, or manufacturing
37 site may not have a walk-up or drive-through window.

1 **L. Labeling.** All products containing psilocybin products must be labeled as required by
2 Oregon Health Authority rules.

3 **9.30.0709.30.090 Location.**

4 **A.** A psilocybin service center or manufacturing site shall not locate:

- 5 1. within a residence or mixed-use property that includes a residence.
- 6 2. within one thousand feet of a public elementary or secondary school for which
7 attendance is compulsory under ORS 339.020.
- 8 3. within one thousand feet of a private or parochial elementary or secondary
9 school teaching children as described in ORS 339.030(1)(a).

10 **B.** A psilocybin service center or manufacturing site shall solely be located within one of the
11 following zones:

12 [list zones where permitted]

13 **C. Distances.** For purposes of subsections A.2 and A.3, all distances shall be measured as
14 a straight line from the nearest point on the perimeter of the tax lot containing the psilocybin
15 service center or manufacturing site to the nearest point of the perimeter of the tax lot containing
16 the psilocybin service center or manufacturing site.

17 **9.30.0809.30.100 Signs.**

18 A psilocybin services facility or manufacturing site may display signs as allowed under
19 Chapter [sign chapter reference].

20 **9.30.0909.30.110 Examination of Books, Records, Premises.**

21 **A. Examination of Books, Records and Premises.** To determine compliance with the
22 requirements of this chapter and other chapters of the Philomath Municipal Code, a licensee
23 shall allow the city manager, police chief, building official, public works director, finance director,
24 or other city official designated by the city manager to examine, at any reasonable time, the
25 premises of the facility, including wastewater from the facility, and any and all facility financial,
26 operational and facility information, including books, papers, payroll reports, and state and
27 federal income tax returns. Every licensee is directed and required to furnish the means,
28 facilities and opportunity for making such examinations and investigations.

29 **B. Compliance with Law Enforcement.** As part of investigation of a crime or a violation of
30 this chapter which law enforcement officials reasonably suspect has taken place on the facility's
31 premises or in connection with the operation of the facility, the police chief or his or her designee
32 shall be allowed to view surveillance videotapes or digital recordings at any reasonable time.
33 Without reducing or waiving any provisions of this chapter, the Philomath Police Department
34 shall have the same access to the facility, its records and its operations as allowed to state
35 inspectors.

36 **9.30.1009.30.120 Enforcement.**

37 **A. Business License.** The City may deny, suspend or revoke a business license for failure
38 to comply with this chapter, for submitting falsified information to the city or the Oregon Health
39 Authority, or for noncompliance with any other city ordinances or state law.

1 **B. Civil Penalty.** In addition to the other remedies provided in the Philomath Municipal
2 Code, any person or entity, including any person who acts as the agent of, or otherwise assists,
3 a person or entity who fails to comply with the requirements of this chapter or the terms of a
4 license issued under this chapter, who undertakes an activity regulated by this chapter without
5 first obtaining a license, who fails to comply with a cease and desist order issued pursuant to
6 this chapter, or who fails to comply with state law shall be subject to a civil penalty not to exceed
7 [one thousand dollars] per violation.

8 **C. Other Remedies.** In addition to the other remedies provided in this section, the city may
9 institute any legal proceedings in municipal court or circuit court necessary to enforce the
10 provisions of this chapter. Proceedings may include, but are not limited to, injunctions to prohibit
11 the continuance of a licensed activity, and any use or occupation of any building or structure
12 used in violation of this chapter.

13 **D. Remedies not Exclusive.** The remedies provided in this section are not exclusive and
14 shall not prevent the city from exercising any other remedy available under the law, nor shall the
15 provisions of this chapter prohibit or restrict the city or other appropriate prosecutor from
16 pursuing criminal charges under city ordinance or state law.

17 **9.30.1109.30.130 Public Nuisance.**

18 **A. Public Nuisance.** Any premises, house, building, structure or place of any kind where
19 psilocybin products are grown, processed, manufactured, sold, bartered, distributed or given
20 away in violation of state law or this chapter, or any place where marijuana is kept or possessed
21 for sale, barter, distribution or gift in violation of state law or this chapter, is a public nuisance.

22 **B. Action to Remedy Public Nuisance.** The city may institute an action in municipal
23 court or circuit court in the name of the city to abate, and to temporarily or permanently enjoin,
24 such nuisance. The court has the right to make temporary and final orders as in other injunction
25 proceedings. The city shall not be required to give bond in such an action.

26 **9.30.1209.30.140 Confidentiality**

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

31 **A.** The disclosure of names and facility addresses of any licensee under this chapter or of
32 other individuals associated with a psilocybin services facility such as other owners;

33 **B.** The disclosure of general statistics in a form which would prevent identification of
34 financial information regarding a facility or facility operator;

35 **C.** The presentation of evidence to a court or other tribunal having jurisdiction in the
36 prosecution of any criminal law or civil claim by the city under this chapter;

37 **D.** The disclosure of information upon request of a local, state, or federal law enforcement
38 official; or

1 **E.** The disclosure of information when such disclosure of conditionally exempt information
2 is required under public records law procedures or when such disclosure is required under the
3 Oregon Public Records Law.

4 **Section 2. Operative Date.** Section 1 of this ordinance shall immediately become operative
5 should a majority of the electors of the city of Philomath reject the psilocybin prohibition set forth
6 in Ordinance No. XY.

7 **Section 3. Effective Date.** This ordinance takes effect 30 days after the day on which it is
8 passed.

9 **Section 4. Severability.** To the extent permitted by law, if any section, subsection, sentence,
10 clause, or portion of this ordinance is for any reason found to be invalid, unenforceable, or
11 unconstitutional, such invalid, unenforceable, or unconstitutional section, subsection, sentence,
12 clause, or portion will (A) yield to a construction permitting enforcement to the maximum extent
13 permitted by applicable law, and (B) not affect the validity, enforceability, or constitutionality of
14 the remaining portion of this Ordinance. This ordinance may be corrected by order of the
15 Council to cure editorial or clerical errors.

16

17 First reading this ____ day of _____, 2024.

18 Second reading and passage by this Council this ____ day of _____, 2024.

19 Signed by the Mayor this ____ day of _____, 2024.

20

21 SIGNED:

ATTEST:

22

23 Chas Jones, Mayor

Ruth Post, MMC, City Recorder

CITY OF PHILOMATH

ORDINANCE 888

AN ORDINANCE OF THE CITY OF PHILOMATH DECLARING A BAN ON PSILOCYBIN PRODUCT MANUFACTURING AND PSILOCYBIN SERVICE CENTERS, AND REFERRING THE BAN TO THE VOTERS

WHEREAS, in November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act (codified at ORS 475A), which directs the Oregon Health Authority to oversee the license, control, and regulation of the manufacturing of psilocybin products and the provision of psilocybin services to persons 21 years of age and older; and

WHEREAS, ORS 475A.718 provides that a city council may adopt an ordinance, to be referred to the electors of the city at the next statewide general election, 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, Philomath City Council declared, and the electorate approved, a two-year moratorium on psilocybin product manufacturing and psilocybin service centers within city limits via Ordinance #873 to provide time to see how other cities are impacted by the new rules; and

WHEREAS, Ordinance #873 shall sunset on December 31, 2024; and

WHEREAS, establishment of psilocybin manufacturing and service centers was delayed in Oregon due to rule making, so the previous moratorium did not produce examples of how other cities have been impacted by the new rules yet; and

WHEREAS, the Philomath City Council believes that continuing to prohibit psilocybin product manufacturers and psilocybin service centers within the city's jurisdictional boundaries is in the best interest of the health, safety and welfare of the people of Philomath; and

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

WHEREAS, Philomath City Council has adopted time, place and manner restrictions on psilocybin product manufacturing and service centers which will be enforceable if voters of Philomath vote not to enact the ban on state-licensed psilocybin facilities within the city.

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

Section 1. Prohibition. The establishment of psilocybin product manufacturers licensed under ORS 275A.290 and psilocybin service centers licensed under ORS 475A.305 is prohibited in the City of Philomath.

Section 2. Referral. This ordinance is referred to the electors of the city of Philomath for approval at the next statewide general election on November 3, 2026.

Section 3. Repeal. Should a majority of the electors of the city of Philomath reject the psilocybin prohibition described in Section 1, this ordinance shall thereafter be immediately repealed.

Section 3. Effective Date. This ordinance takes effect and becomes operative 30 days after the day on which it is passed.

Section 4. Severability. To the extent permitted by law, if any section, subsection, sentence, clause, or portion of this ordinance is for any reason found to be invalid, unenforceable, or unconstitutional, such invalid, unenforceable, or unconstitutional section, subsection, sentence, clause, or portion will (A) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (B) not affect the validity, enforceability, or constitutionality of the remaining portion of this Ordinance. This ordinance may be corrected by order of the Council to cure editorial or clerical errors.

First reading this ____ day of _____, 2024.

Second reading and passage by this Council this ____ day of _____, 2024.

Signed by the Mayor this ____ day of _____, 2024.

SIGNED:

Chas Jones, Mayor

ATTEST:

Ruth Post, MMC, City Recorder

BALLOT TITLE

A caption which reasonably identifies the subject of the measure.
10-word limit under ORS 250.035(1)(a)

Prohibits psilocybin-related businesses and psilocybin product manufacturing within Philomath

QUESTION

A question which plainly phrases the chief purpose of the measure so that an affirmative response to the question corresponds to an affirmative vote on the measure.

20-word limit under ORS 250.035(1)(b)

Shall Philomath prohibit psilocybin-related businesses and psilocybin product manufacturing within Philomath city limits?

SUMMARY

A concise and impartial statement summarizing the measure and its major effect.

175-word limit under ORS 250.035(1)(c)

State law allows operation, manufacturing, distribution, and possession of psilocybin and psilocin. State law provides that a city council may adopt an ordinance to be referred to the voters to prohibit the establishment of any of those registered or licensed activities. Approval of this measure would prohibit the establishment of psilocybin project manufacturers and psilocybin service center operators within the area subject to the jurisdiction of the city.

EXPLANATORY STATEMENT

An impartial, simple and understandable statement explaining the measure and its effect for use in the county voters' pamphlet.

500-word limit under ORS 251.345 and OAR 165-022-0040(3)

Approval of this measure would prohibit psilocybin product manufacturing and the establishment and operation of psilocybin-related businesses within the city.

A city council may adopt an ordinance prohibiting psilocybin product manufacturing and the establishment of psilocybin related businesses within the city, but the council must refer the ordinance to the voters at the next statewide general election. The City of Philomath City Council has adopted an ordinance prohibiting the establishment of psilocybin-related businesses within the city and, as a result, has referred this measure to the voters.

If approved, this measure would prohibit psilocybin-related businesses within the city.

If denied, reasonable time, place, and manner regulations regulating psilocybin-related businesses and psilocybin product manufacturing, as set forth in Ordinance **No. XX**, would immediately become operative.