

RESOLUTION NO. 2016.14

A RESOLUTION APPROVING REFERRAL TO THE ELECTORS OF THE CITY OF SUTHERLIN THE QUESTION OF BANNING MEDICAL MARIJUANA PROCESSING SITES, MEDICAL MARIJUANA DISPENSARIES, RECREATIONAL MARIJUANA PRODUCERS, RECREATIONAL MARIJUANA PROCESSORS, RECREATIONAL MARIJUANA WHOLESALERS, AND RECREATIONAL MARIJUANA RETAILERS WITHIN THE CITY

WHEREAS, section ORS 475B.800 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of certain state-registered and state-licensed marijuana businesses in the area subject to the jurisdiction of the city;

WHEREAS, the City of Sutherlin city council adopted Ordinance No. 1046 which prohibits the establishment of medical marijuana processing sites, medical marijuana dispensaries, recreational marijuana producers, recreational marijuana processors, recreational marijuana wholesalers and recreational marijuana retailers in the area subject to the jurisdiction of the city;

NOW, THEREFORE, THE CITY OF SUTHERLIN RESOLVES AS FOLLOWS:

Section One: A measure election is hereby called for the purpose of submitting to the electors of the City of Sutherlin a measure prohibiting the establishment of marijuana facilities in the area subject to the jurisdiction of the city, a copy of which is attached hereto as "Exhibit 1," and incorporated herein by reference.

Section Two: The measure election shall be held in the City of Sutherlin on November 8, 2016. As required by ORS 254.465, the measure election shall be conducted by mail by the County Clerk of Douglas County, according to the procedures adopted by the Oregon Secretary of State.

Section Three: The City of Sutherlin authorizes the City Manager, or the City Manager's designee, to act on behalf of the city and to take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.

Section Four: The ballot title for the measure, which is attached hereto as "Exhibit 1" and incorporated herein by reference, is hereby approved.

Section Five: The City Election Officer shall publish in the next available edition of a newspaper of general circulation in the city a notice of receipt of the ballot title, including notice that an elector may file a petition for review of the ballot title.

Section Six: The explanatory statement for the measure, which is attached hereto as "Exhibit 2," and incorporated herein by reference, is hereby approved.

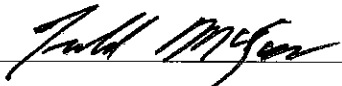
Section Seven: The City Election Officer shall deliver the Notice of Measure Election to the county clerk for Douglas County for inclusion on the ballot for November 8, 2016 election and take any other actions necessary to effectuate the intent of this Resolution..

Section Eight: This resolution is effective upon adoption.

PASSED BY THE CITY COUNCIL, ON THIS 11TH DAY OF JULY, 2016


APPROVED BY THE MAYOR ON THIS 11TH DAY OF JULY, 2016

APPROVED BY:



Todd McKnight, Mayor

ATTEST:



Debra L. Hamilton, CMC, City Recorder

Exhibit 1

BALLOT TITLE

Prohibits medical and recreational marijuana facilities in Sutherlin

QUESTION

Shall recreational and medical marijuana facilities be allowed in Sutherlin?

SUMMARY

State law allows operation of registered medical marijuana processors, medical marijuana dispensaries and licensed recreational marijuana producers, processors, wholesalers, and retailers. State law provides that a city council may adopt an ordinance to be referred to the voters to prohibit any of those registered or licensed facilities.

A no vote on this measure would prohibit the establishment and operation of medical marijuana processors, medical marijuana dispensaries, recreational marijuana producers, processors, wholesalers, and retailers within the city. A yes vote would permit such facilities.

If such facilities are prohibited, the city will be ineligible to receive distributions of state marijuana tax revenues and will be unable to impose a local tax or fee on the production, processing or sale of marijuana or any product into which contains marijuana.

This measure will not affect laws regulating the possession of medical or recreational marijuana within the City.

Exhibit 2

EXPLANATORY STATEMENT

Approval of this measure would prohibit the establishment and operation of certain marijuana facilities within the city.

The Oregon Medical Marijuana Act, as amended by the Legislature in 2015, provides that the Oregon Health Authority will register medical marijuana processors and medical marijuana dispensaries. Medical marijuana processors compound or convert marijuana into concentrates, extracts, edible products, and other products intended for human consumption and use. Medical marijuana dispensaries facilitate the transfer of marijuana and marijuana products between patients, caregivers, processors, and growers.

Measure 91, approved by Oregon voters in 2014 and amended by the Legislature in 2015, provides that the Oregon Liquor Control Commission will license recreational marijuana producers (those who manufacture, plant, cultivate, grow or harvest marijuana), processors, wholesalers, and retailers.

A city council may adopt an ordinance prohibiting the establishment of any of those facilities within the city, but the council must refer the ordinance to the voters. The Sutherlin city council has adopted an ordinance prohibiting the establishment of all types of marijuana facilities within the city and, as a result, has referred this measure to the voters.

A no vote on this measure would prohibit medical marijuana processors, medical marijuana dispensaries, and/or recreational marijuana producers, processors, wholesalers, and/or retailers within the city. A yes vote would permit such facilities within the City.

If Sutherlin prohibits marijuana facilities within the city, the city would be ineligible to receive distributions of state marijuana tax revenues.

Under state law, a city may impose up to a three percent tax on the sale of marijuana items by a recreational marijuana retailer in the city. However, a city that adopts an ordinance prohibiting the establishment of medical marijuana processors, medical marijuana dispensaries, or recreational marijuana producers, processors, wholesalers, or retailers may not impose a local tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated. Approval of this measure would therefore prevent Sutherlin from imposing a local tax on those activities.

This measure will not affect laws regulating the possession of medical or recreational marijuana within the City.