

RESOLUTION NO. 19 FOR 2016

A RESOLUTION APPROVING REFERRAL TO THE ELECTORS OF THE CITY OF SWEET HOME THE QUESTION OF BANNING MARIJUANA PROCESSING SITES, MARIJUANA PRODUCERS, MARIJUANA PROCESSORS, MARIJUANA WHOLESALERS, AND MARIJUANA RETAILERS WITHIN THE CITY OF SWEET HOME

WHEREAS, ORS 475B.800 (section 134, chapter 614, Oregon Laws 2015) 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; and

WHEREAS, the City of Sweet Home City Council adopted Ordinance 1242 , which prohibits the establishment of marijuana processing sites, marijuana producers, marijuana processors, marijuana wholesalers, and marijuana retailers in the area subject to the jurisdiction of the city;

NOW, THEREFORE, THE CITY OF SWEET HOME RESOLVES AS FOLLOWS:

MEASURE. A measure election is hereby called for the purpose of submitting to the electors of the City of Sweet Home a measure prohibiting the establishment of certain marijuana activities in the area subject to the jurisdiction of the city, a copy of which is attached hereto as "Exhibit 1," incorporated herein by reference and hereby approved.

ELECTION CONDUCTED BY MAIL. The measure election shall be held in the City of Sweet Home on November 8, 2016 as part of the general election. As required by ORS 254.465, the measure election shall be conducted by mail by the County Clerk of Linn County, according to the procedures adopted by the Oregon Secretary of State.

DELEGATION. The City of Sweet Home authorizes the City Manager Pro Tem, Ex officio city recorder and elections officer or other appropriate city official 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.

PREPARATION OF BALLOT TITLE. The City Attorney is hereby directed to prepare the ballot title for the measure, and deposit the ballot title with the city elections officer within the times set forth by law.


NOTICE OF BALLOT TITLE AND RIGHT TO APPEAL. Upon receiving the ballot title for this measure, the city elections 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.

EXPLANATORY STATEMENT. The explanatory statement for the measure, a copy of which is attached hereto as "Exhibit2," is incorporated herein by reference and hereby approved.

FILING WITH COUNTY ELECTIONS OFFICE. The city elections officer shall deliver the Notice of Measure Election to the County Clerk for Linn County for inclusion on the ballot for the November 8, 2016 election.

This resolution shall be effective upon the passage thereof.

PASSED by the City Council and approved by the Mayor this 26th day of July, 2016.



Mayor

ATTEST:



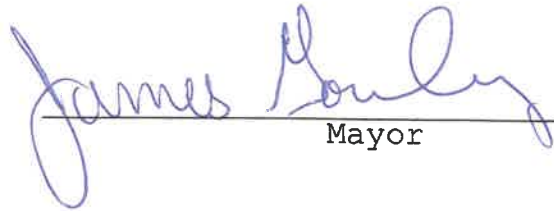
City Manager Pro Tem - Ex Officio City Recorder

EXPLANATORY STATEMENT. The explanatory statement for the measure, a copy of which is attached hereto as "Exhibit 2," is incorporated herein by reference and hereby approved.

FILING WITH COUNTY ELECTIONS OFFICE. The city elections officer shall deliver the Notice of Measure Election to the county clerk for Linn County for inclusion on the ballot for the November 8, 2016 election.

This resolution shall be effective upon the passage thereof.

PASSED by the City Council and approved by the Mayor this 26th day of July, 2016.



Mayor

ATTEST:



City Manager Pro Tem - Ex Officio City Recorder

Notice of Measure Election

City

22-158

COPY **SEL 802**
rev 01/16 ORS 250.035, 250.041,
250.275, 250.285, 254.095, 254.465

Notice

Date of Notice
08-23-16

Name of City or Cities
City of Sweet Home

Date of Election
November 8, 2016

Final Ballot Title The following is the final ballot title of the measure to be submitted to the city's voters. The ballot title notice has been published and the ballot title challenge process has been completed.

Caption 10 words which reasonably identifies the subject of the measure.

Prohibits certain medical marijuana dispensaries in Sweet Home.

FILED
AUG 23 2016

STEVE DRUCKENMILLER, Clerk

Question 20 words which plainly phrases the chief purpose of the measure.

Shall City of Sweet Home prohibit certain medical marijuana dispensaries in City of Sweet Home?

Summary 175 words which concisely and impartially summarizes the measure and its major effect.

State law allows operation of registered medical marijuana dispensaries. State law provides that a city council may adopt an ordinance to be referred to the voters to prohibit the establishment of certain medical marijuana dispensaries. Approval of this measure would prohibit the establishment of medical marijuana dispensaries within the area subject to the jurisdiction of the City of Sweet Home provided that state law allows for continued operation of medical marijuana dispensaries already registered or in some cases, that have applied to be registered and that have successfully completed the city land use application process.

If this measure is approved, the City of Sweet Home will be ineligible to receive distributions of state marijuana tax revenues and will be unable to impose a city tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated.

Explanatory Statement 500 words that impartially explains the measure and its effect.

If the county is producing a voters' pamphlet an explanatory statement must be drafted and attached to this form for:

→ any measure referred by the city governing body; or
→ any initiative or referendum, if required by local ordinance.

Explanatory Statement Attached? Yes No

Authorized City Official Not required to be notarized.

Name
Christy S. Wurster

Title
City Manager Pro Tem - City Elections Officer

Mailing Address
1140 12th Avenue, Sweet Home OR 97386

Contact Phone
541.367.8969

By signing this document:

→ I hereby state that I am authorized by the city to submit this Notice of Measure Election; and
→ I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.

Christy S. Wurster
Signature *City Manager Pro Tem*

08/23/2016

Date Signed

Notice of Measure Election

EXHIBIT 1

SEL 802

rev 01/16 ORS 250.035, 250.041,
250.275, 250.285, 254.095, 254.465

City

Notice

Date of Notice

Name of City or Cities

Date of Election

City of Sweet Home

November 8, 2016

Final Ballot Title The following is the final ballot title of the measure to be submitted to the city's voters. The ballot title notice has been published and the ballot title challenge process has been completed.

Caption 10 words which reasonably identifies the subject of the measure.

Prohibits certain medical marijuana dispensaries in Sweet Home.

Question 20 words which plainly phrases the chief purpose of the measure.

Shall City of Sweet Home prohibit certain medical marijuana dispensaries in City of Sweet Home?

Summary 175 words which concisely and impartially summarizes the measure and its major effect.

State law allows operation of registered medical marijuana dispensaries. State law provides that a city council may adopt an ordinance to be referred to the voters to prohibit the establishment of certain medical marijuana dispensaries. Approval of this measure would prohibit the establishment of medical marijuana dispensaries within the area subject to the jurisdiction of the City of Sweet Home provided that state law allows for continued operation of medical marijuana dispensaries already registered or in some cases, that have applied to be registered and that have successfully completed the city land use application process.

If this measure is approved, the City of Sweet Home will be ineligible to receive distributions of state marijuana tax revenues and will be unable to impose a city tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated.

Explanatory Statement 500 words that impartially explains the measure and its effect.

If the county is producing a voters' pamphlet an explanatory statement must be drafted and attached to this form for:

→ any measure referred by the city governing body; or

→ any initiative or referendum, if required by local ordinance.

Explanatory Statement Attached?

Yes

No

Authorized City Official Not required to be notarized.

Name

Christy S. Wurster

Title

City Manager Pro Tem-City Elections Officer

Mailing Address

1140 12th Avenue Sweet Home OR 97386

Contact Phone

541-367-8969

By signing this document:

→ I hereby state that I am authorized by the city to submit this Notice of Measure Election; and

→ I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.

Signature

Christy S. Wurster
City Manager Pro Tem

Date Signed

8/10/2016

Request for Ballot Title

Preparation or Publication of Notice

SEL 805

rev 01/16
OAR 165-014-0005

No later than the 80th day before an election, a governing body that has referred a measure must prepare and file with the local elections official the text of the referral for ballot title preparation or the ballot title for publication of notice of receipt of ballot title. This form may be used to file the text of the referral and request the elections official begin the ballot title drafting process or file a ballot title and request the elections official publish notice of receipt of ballot title.

Filing Information	
Election Date November 8, 2016	Authorized Official Robert Snyder, City Attorney
Contact Phone 541-367-5191	Email Address rsnyder@ci.sweet-home.or.us
Referral Information	
Title, Number or other Identifier PROHIBITS CERTAIN MEDICAL MARIJUANA DISPENSARIES IN SWEET HOME - SEE RESOLUTION NO. 18 FOR 2016	
This Filing is For	
<input type="checkbox"/> Drafting of Ballot Title Attach referral text.	<input checked="" type="checkbox"/> Publication of Notice Ballot title below.
Ballot Title Additional requirements may apply	
Caption 10 words which reasonably identifies the subject of the measure. Prohibits certain medical marijuana dispensaries in Sweet Home.	
Question 20 words which plainly phrases the chief purpose of the measure. Shall City of Sweet Home prohibit certain medical marijuana dispensaries in City of Sweet Home?	
Summary 175 words which concisely and impartially summarizes the measure and its major effect. <p>State law allows operation of registered medical marijuana dispensaries. State law provides that a city council may adopt an ordinance to be referred to the voters to prohibit the establishment of certain medical marijuana dispensaries. Approval of this measure would prohibit the establishment of medical marijuana dispensaries within the area subject to the jurisdiction of the City of Sweet Home provided that state law allows for continued operation of medical marijuana dispensaries already registered or in some cases, that have applied to be registered and that have successfully completed the city land use application process.</p> <p>If this measure is approved, the City of Sweet Home will be ineligible to receive distributions of state marijuana tax revenues and will be unable to impose a city tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated.</p>	
<i>By signing this document:</i> → I hereby state that I am authorized by the county city governing body to submit this Request for Ballot Title – Preparation or Publication of Notice.	

This Ballot Title prepared by Robert Snyder, Sweet Home City Attorney

Robert Snyder, city attorney

7/28/16

Signature

Date Signed

Exhibit 2

EXPLANATORY STATEMENT
500 words for voters' pamphlet

Approval of this measure would prohibit the establishment of certain medical marijuana dispensaries within the city.

ORS 475B.400 to 475B.525 provides that the Oregon Health Authority will register medical marijuana dispensaries. Medical marijuana dispensaries facilitate the transfer of marijuana and marijuana products between patients, caregivers, processors, and growers.

A city council may adopt an ordinance prohibiting the establishment of medical marijuana dispensaries within the city, but the council must refer the ordinance to the voters at a statewide general election. The City of Sweet Home city council has adopted an ordinance prohibiting the establishment of certain medical marijuana dispensaries within the city and, as a result, has referred this measure to the voters.

If approved, this measure would prohibit medical marijuana dispensaries within the city. Medical marijuana dispensaries that were registered with the state before the city council adopted the ordinance, and medical marijuana dispensaries that had applied to be registered on or before July 1, 2015, can continue operating in the city even if this measure is approved, if those entities have successfully completed a city land use application process.

Approval of this measure has revenue impacts. Currently, ten percent of state marijuana tax revenues will be distributed to cities to assist local law enforcement in performing their duties under ORS 475B.760(2). If approved, this measure would make the city ineligible to receive distributions of state marijuana tax revenues.

Currently, under ORS 475B.345, a city may impose up to a three percent tax on the sale of marijuana items by a marijuana retailer in the city. However, a city that adopts an ordinance prohibiting the establishment of medical marijuana dispensaries may not impose a city tax on the production, processing or sale of marijuana or any product into which marijuana has been incorporated. Approval of this measure would therefore prevent a city from imposing a city tax on that activity.

RESOLUTION NO. 18 FOR 2016

A RESOLUTION APPROVING REFERRAL TO THE ELECTORS OF THE CITY OF SWEET HOME THE QUESTION OF BANNING MEDICAL MARIJUANA DISPENSARIES WITHIN THE CITY OF SWEET HOME

WHEREAS, ORS 475B.800 (section 134, chapter 614, Oregon Laws 2015) provides that a City Council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of registered medical marijuana dispensaries in the area subject to the jurisdiction of the city; and

WHEREAS, the City of Sweet Home City Council adopted Ordinance 1243, which prohibits the establishment of registered medical marijuana dispensaries in the area subject to the jurisdiction of the city;

NOW, THEREFORE, THE CITY OF SWEET HOME RESOLVES AS FOLLOWS:

MEASURE. A measure election is hereby called for the purpose of submitting to the electors of the City of Sweet Home a measure prohibiting the establishment of registered medical marijuana dispensaries in the area subject to the jurisdiction of the city, a copy of which is attached hereto as "Exhibit 1," incorporated herein by reference and hereby approved.

ELECTION CONDUCTED BY MAIL. The measure election shall be held in the City of Sweet Home on November 8, 2016 as part of the general election. As required by ORS 254.465, the measure election shall be conducted by mail by the County Clerk of Linn County, according to the procedures adopted by the Oregon Secretary of State.

DELEGATION. The CITY OF SWEET HOME authorizes the City Manager Pro Tem, Ex officio city recorder and elections officer or other appropriate city official 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.

PREPARATION OF BALLOT TITLE. The City Attorney is hereby directed to prepare the ballot title for the measure, and deposit the ballot title with the city elections officer within the times set forth by law.

NOTICE OF BALLOT TITLE AND RIGHT TO APPEAL. Upon receiving the ballot title for this measure, the city elections 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.