

RESOLUTION NO. 20 FOR 2016

A RESOLUTION APPROVING REFERRAL TO THE ELECTORS OF THE CITY OF SWEET HOME THE QUESTION OF IMPOSING A THREE PERCENT TAX ON THE SALE OF MARIJUANA ITEMS BY A LICENSED MARIJUANA RETAILER WITHIN THE CITY OF SWEET HOME

WHEREAS, ORS 475B.345 provides that a City Council may adopt an ordinance to be referred to the voters that imposes up to a three percent tax or fee on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city;

WHEREAS, the City of Sweet Home City Council adopted Ordinances which impose a tax of three percent on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city;

NOW, THEREFORE, THE CITY OF 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 imposing a three percent tax on the sale of marijuana items by a marijuana retailer 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 "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 and approval thereof.

PASSED by the City Council and approved by the Mayor this 9th day of August, 2016.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Manager Pro Tem - Ex Officio City Recorder

**NOTICE OF BALLOT TITLE RECEIPT FOR THE CITY OF SWEET HOME**  
**Election Date November 08, 2016**

Notice is hereby given that a ballot title prepared by the City Attorney for a City-referred measure has been filed with the City Elections Officer of the City of Sweet Home on August 10, 2016. The measure is intended for the November 8, 2016 General Election.

**Ballot Title Caption:** Imposes city tax on marijuana retailer's sale of marijuana items

**Ballot Title Question:** Shall City of Sweet Home impose three percent tax on the sale of marijuana items by marijuana retailer?

**Ballot Title Summary:** Under state law, a city council may adopt an ordinance to be referred to the voters of the city imposing up to a three percent tax or fee on the sale of marijuana items in the city by a licensed marijuana retailer.

Approval of this measure would impose a three percent tax on the sale of marijuana items in the city by a licensed marijuana retailer. The tax would be collected at the point of sale and remitted by the marijuana retailer to the city.

Under state law, a city that adopts an ordinance that prohibits the establishment in the area subject to the jurisdiction of the city medical marijuana dispensaries, marijuana processing sites, marijuana producers, processors, wholesalers, or retailers may not impose a tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated. This measure would become operative only if the other two Sweet Home City measures proposing to prohibit the establishment of those marijuana entities do not pass.

**Explanatory Statement:** Approval of this measure would impose a three percent tax on the sale of marijuana items by a marijuana licensed retailer within the City of Sweet Home. There are no restrictions on how the city may use the revenues generated by this tax. However, this measure will become operative only if the two Sweet Home ballot measures prohibiting the establishment of certain marijuana registrants and licensees fail.

Under Measure 91, adopted by Oregon voters in November 2014, codified in ORS Chapter 475B and amended by the Legislature in 2016, the Liquor Control Commission must license the retail sale of recreational marijuana. ORS 475B.345 provides that a city council may adopt an ordinance imposing up to a three percent tax on the sale of marijuana items (which include marijuana concentrates, extracts, edibles, and other products intended for human consumption and use) by retailer licensees in the city, but the council must refer that ordinance to the voters at a statewide general election. The City of Sweet Home city council has adopted an ordinance imposing a three percent tax on the sale of marijuana items by a retail licensee in the city, and as a result, has referred this measure to the voters.

However, this measure will become operative only if the two City of Sweet Home ballot measures prohibiting the establishment of certain marijuana registrants and licensees fail. Under state law, a city that adopts an ordinance that prohibits the establishment in the area subject to the jurisdiction of the

city medical marijuana dispensaries, (medical) marijuana processing sites, marijuana producers, processors, wholesalers or retailers may not impose a tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated. As a result, if the voters pass a prohibition ordinance, this tax measure will not become operative, even if it also receives a majority of votes.

The three percent tax does not impose a tax on registered medical marijuana retailers.

Pursuant to ORS 250.296, an elector may file a petition for review of the ballot title with the Linn County Circuit Court no later than the seventh business day after the title is filed with the City Elections Officer. The petition must state reasons the title is insufficient, not concise, or unfair. The elector filing the petition shall notify the City Elections Official in writing that a petition was filed and the notice shall be given not later than 5 p.m. on the next business day following the day the petition is filed.

A copy of the measure, ballot title and explanatory statement is available for review at Sweet Home City Hall, 1140 12<sup>th</sup> Avenue, Sweet Home, Oregon and at [www.ci.sweet-home.or.us](http://www.ci.sweet-home.or.us)

Christy Wurster  
City Manager Pro Tem – City Elections Officer

Exhibit 2

EXPLANATORY STATEMENT  
500 words for voters' pamphlet

Approval of this measure would impose a three percent tax on the sale of marijuana items by a marijuana licensed retailer within the City of Sweet Home. There are no restrictions on how the city may use the revenues generated by this tax. However, this measure will become operative only if the two Sweet Home ballot measures prohibiting the establishment of certain marijuana registrants and licensees fail.

Under Measure 91, adopted by Oregon voters in November 2014, codified in ORS Chapter 475B and amended by the Legislature in 2016, the Liquor Control Commission must license the retail sale of recreational marijuana. ORS 475B.345 provides that a city council may adopt an ordinance imposing up to a three percent tax on the sale of marijuana items (which include marijuana concentrates, extracts, edibles, and other products intended for human consumption and use) by retail licensees in the city, but the council must refer that ordinance to the voters at a statewide general election. The City of Sweet Home city council has adopted an ordinance imposing a three percent tax on the sale of marijuana items by a retail licensee in the city, and as a result, has referred this measure to the voters.

However, this measure will become operative only if the two City of Sweet Home ballot measures prohibiting the establishment of certain marijuana registrants and licensees fail. Under state law, a city that adopts an ordinance that prohibits the establishment in the area subject to the jurisdiction of the city medical marijuana dispensaries, (medical) marijuana processing sites, marijuana producers, processors, wholesalers or retailers may not impose a tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated. As a result, if the voters pass a prohibition ordinance, this tax measure will not become operative, even if it also receives a majority of votes.

The three percent tax does not impose a tax on registered medical marijuana retailers.

**Notice of Measure Election**  
**City**

22-160

**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 has been published and the ballot title challenge process has been completed.

**FILED**

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

Imposes city tax on marijuana retailer's sale of marijuana items.

**AUG 23 2016**

**STEVE DRUCKENMILLER, Clerk**

By *[Signature]*  
11:47 AM Deputy

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

Shall City of Sweet Home impose three percent tax on the sale of marijuana items by marijuana retailer?

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

Under state law, a city council may adopt an ordinance to be referred to the voters of the city imposing up to a three percent tax or fee on the sale of marijuana items in the city by a licensed marijuana retailer.

Approval of this measure would impose a three percent tax on the sale of marijuana items in the city by a licensed marijuana retailer. The tax would be collected at the point of sale and remitted by the marijuana retailer to the city.

Under state law, a city that adopts an ordinance that prohibits the establishment in the area subject to the jurisdiction of the city medical marijuana dispensaries, marijuana processing sites, marijuana producers, processors, wholesalers, or retailers may not impose a tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated. This measure would become operative only if the other two Sweet Home City measures proposing to prohibit the establishment of those marijuana entities do not pass.

**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.

**08/23/16**

**Signature**

*Christy Wurster*  
*City Manager Pro Tem*

**Date Signed**

**Request for Ballot Title  
Preparation or Publication of Notice**

**SEL 805**

rev 01/16  
OAR 165-014-0005

No later than the **80<sup>th</sup> 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	
<b>Election Date</b> November 8, 2016	<b>Authorized Official</b> Robert Snyder, City Attorney
<b>Contact Phone</b> 541.367.5191	<b>Email Address</b> rsnyder@ci.sweet-home.or.us
Referral Information	
<b>Title, Number or other Identifier</b> Imposes three percent tax on sale of marijuana items - see Resolution No. 20 for 2016	
<b>This Filing is For</b>	
<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	
<b>Caption</b> 10 words which reasonably identifies the subject of the measure. Imposes city tax on marijuana retailer's sale of marijuana items	
<b>Question</b> 20 words which plainly phrases the chief purpose of the measure. Shall City of Sweet Home impose three percent tax on the sale of marijuana items by marijuana retailer?	
<b>Summary</b> 175 words which concisely and impartially summarizes the measure and its major effect. Under state law, a city council may adopt an ordinance to be referred to the voters of the city imposing up to a three percent tax or fee on the sale of marijuana items in the city by a licensed marijuana retailer. Approval of this measure would impose a three percent tax on the sale of marijuana items in the city by a licensed marijuana retailer. The tax would be collected at the point of sale and remitted by the marijuana retailer to the city. Under state law, a city that adopts an ordinance that prohibits the establishment in the area subject to the jurisdiction of the city medical marijuana dispensaries, marijuana processing sites, marijuana producers, processors, wholesalers, or retailers may not impose a tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated. This measure would become operative only if the other two Sweet Home City measures proposing to prohibit the establishment of those marijuana entities do not pass.	
By signing this document: → I hereby state that I am authorized by <del>the county</del> or 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*

08/10/16

Signature

Date Signed

**Notice of Measure Election**  
City

22-159

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

<b>Notice</b>		
<b>Date of Notice</b> 08-23-16	<b>Name of City or Cities</b> City of Sweet Home	<b>Date of Election</b> 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.

**FILED**

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

Prohibits certain marijuana registrants and licensees in Sweet Home.

**AUG 23 2016**

**STEVE DRUCKENMILLER, Clerk**

By *[Signature]* Deputy

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

Shall City of Sweet Home prohibit registered marijuana processing sites and licensed marijuana producers, processors, wholesalers and retailers?

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

State law allows operation of registered marijuana processing sites and licensed 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 the establishment of any of those registered or licensed activities.

Approval of this measure would prohibit the establishment of registered marijuana processing sites and licensed marijuana producers, processors, wholesalers and retailers within the area subject to the jurisdiction of the city provided that state law allows for continued operation of marijuana processing sites already registered or in some cases that have applied to be registered and have successfully completed the city land use application process.

If this measure is approved the city 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.

<b>Name</b> Christy S. Wurster	<b>Title</b> City Manager Pro Tem - City Elections Officer
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<b>Mailing Address</b> 1140 12th Avenue, Sweet Home OR 97386	<b>Contact Phone</b> 541.367.8969
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*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*

08/23/16

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

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

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Approval of this measure would prohibit the establishment of registered marijuana processing sites and licensed marijuana producers, processors, wholesalers and retailers within the area subject to the jurisdiction of the city provided that state law allows for continued operation of marijuana processing sites already registered or in some cases that have applied to be registered and have successfully completed the city land use application process.

If this measure is approved the city 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

Title

Christy S. Wurster

City Manager Pro Tem-City Elections Officer

Mailing Address

Contact Phone

1140 12th Avenue Sweet Home OR 97386

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

Date Signed

*Christy S. Wurster*  
City Manager Pro Tem

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 **80<sup>th</sup> 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 MARIJUANA REGISTRANTS AND LICENSEES IN SWEET HOME - SEE RESOLUTION NO. 19 FOR 2016

**This Filing is For**

Drafting of Ballot Title Attach referral text.

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 marijuana registrants and licensees in Sweet Home.

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

Shall City of Sweet Home prohibit registered marijuana processing sites and licensed marijuana producers, processors, wholesalers and retailers?

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State law allows operation of registered marijuana processing sites and licensed 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 the establishment of any of those registered or licensed activities.

Approval of this measure would prohibit the establishment of registered marijuana processing sites and licensed marijuana producers, processors, wholesalers and retailers within the area subject to the jurisdiction of the city provided that state law allows for continued operation of marijuana processing sites already registered or in some cases that have applied to be registered and have successfully completed the city land use application process.

If this measure is approved the city 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.

*By signing this document:*

→ 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 marijuana activities within the City of Sweet Home.

ORS 475B.400 to 475B.525 provides that the Oregon Health Authority will register marijuana processing sites. At marijuana processing sites people compound or convert marijuana into medical concentrates, extracts, and other products intended for human consumption and use. ORS 475B.005 to 475B.399 provides that the Oregon Liquor Control Commission will license 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 entities 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 registered marijuana processing sites, licensed marijuana producers, licensed marijuana processors, licensed marijuana wholesalers, and licensed marijuana retailers within the city and, as a result, has referred this measure to the voters.

If approved, this measure would prohibit registered marijuana processing sites and licensed marijuana producers, marijuana processors, marijuana wholesalers, and marijuana retailers within the city. Marijuana processing sites that were registered with the state before the city council adopted the ordinance, or 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 registered marijuana processing sites and licensed marijuana producers, processors, wholesalers, and retailers 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 those activities.