

RESOLUTION NO. 1441

A RESOLUTION APPROVING REFERRAL TO THE ELECTORS OF THE CITY OF CENTRAL POINT THE QUESTION OF BANNING MEDICAL MARIJUANA PROCESSING SITES AND MEDICAL MARIJUANA DISPENSARIES WITHIN THE CITY OF CENTRAL POINT

RECITALS:

- A. Section 134 of HB 3400 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;
- B. the City of Central Point city council adopted Ordinance No. ____, 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;

THE CITY OF CENTRAL POINT, RESOLVES AS FOLLOWS:

Section 1.

MEASURE. A measure election is hereby called for the purpose of submitting to the electors of the City of Central Point 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 A," and incorporated herein by reference.

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

DELEGATION. The City of Central Point authorizes the City Recorder or her 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.

PREPARATION OF BALLOT TITLE. The ballot title for the measure set forth in Exhibit "A" to this resolution is hereby adopted.

NOTICE OF BALLOT TITLE AND RIGHT TO APPEAL. Upon receiving the ballot title for this measure, the City Recorder 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, which is attached hereto as "Exhibit "B," and incorporated herein by reference, is hereby approved.

FILING WITH COUNTY ELECTIONS OFFICE. The City Recorder shall deliver the Notice of Measure Election to the county clerk for Jackson County for inclusion on the ballot for the November 8, 2016 election.

EFFECTIVE DATE. This resolution is effective upon adoption.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CENTRAL POINT, OREGON ON THE DATE LAST WRITTEN BELOW.

Passed by the Council and signed by me in authentication of its passage this 20th day of January, 2016.


Mayor Hank Williams

ATTEST:

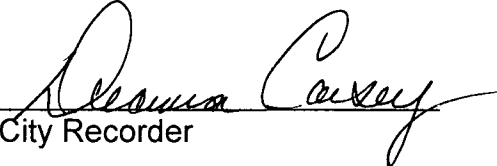

City Recorder

EXHIBIT A

BALLOT TITLE:

PROHIBITS CERTAIN MEDICAL MARIJUANA REGISTRANTS IN
CITY OF CENTRAL POINT

QUESTION:

SHALL CITY OF CENTRAL POINT PROHIBIT MEDICAL MARIJUANA
PROCESSORS AND MEDICAL MARIJUANA DISPENSARIES IN CITY LIMITS

SUMMARY:

State law allows operation of registered medical marijuana processors and 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 either or both of those registered activities.

Approval of this measure would prohibit the establishment and operation of medical marijuana processors and medical marijuana dispensaries within the area subject to the jurisdiction of the City of Central Point.

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 local tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated.

EXHIBIT B

EXPLANATORY STATEMENT

Approval of this measure would prohibit the establishment and operation of certain registered medical marijuana activities 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.

A city council may adopt an ordinance prohibiting the establishment of any of these entities within the city, but the council must refer the ordinance to the voters at a statewide general election. The City of Central Point city council has adopted an ordinance prohibiting the establishment of registered medical marijuana processors and registered medical marijuana dispensaries within the city and, as a result, has referred this measure to the voters.

If approved, this measure would prohibit registered medical marijuana processors and registered medical marijuana dispensaries within the city. Medical marijuana processors and 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 local land use application process. However, there are currently no such medical marijuana dispensaries within City.

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 Measure 91. If approved, this measure would make the city ineligible to receive its share of the ten percent of the distributions of state marijuana tax revenues.

Currently, under the 2015 legislation, 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 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 the city from imposing a local tax on those activities.