

RESOLUTION NO. 1242

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK A MEASURE SUBMITTING TO THE ELECTORATE FOR THE NOVEMBER 8, 2016 ELECTION, A PROPOSED REMOVAL OF A CITYWIDE BAN ON MARIJUANA BUSINESSES WITHIN CANBY.

WHEREAS, House Bill 3400 provides that a city council may adopt an ordinance prohibiting the establishment of marijuana businesses within the city limits; and

WHEREAS, the City of Canby City Council adopted Ordinance 1427 on November 4, 2015, which declared a ban of marijuana businesses in the City of Canby; and

WHEREAS, HB 3400 requires the citywide ban on marijuana businesses to be referred to the electors of the City for Canby for approval or denial at the November 8, 2016 statewide general election.

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Canby, as follows:

1. An election is hereby called for the purpose of submitting to the qualified voters of the City the question of allowing the establishment of marijuana businesses within the City.
2. The City Recorder of the City of Canby is hereby authorized and directed to certify to the Clackamas County Clerk for submission to the voters at the November 8, 2016 election, the Notice of City Measure. Such Notice of City Measure Election is attached to this Resolution in proper form and adopted by the City.
3. The City Recorder of the City of Canby is further authorized and directed to submit a Summary of the Measure to be placed in the voter's pamphlet explaining in clear and concise language the effect of such ballot measure. Such summary is attached to this Resolution in proper form and adopted by the City.
4. The City Recorder, the City Administrator, and the City Attorney are hereby authorized to do all other necessary and proper acts to place the ballot measure before the voters at the November 8, 2016 election.

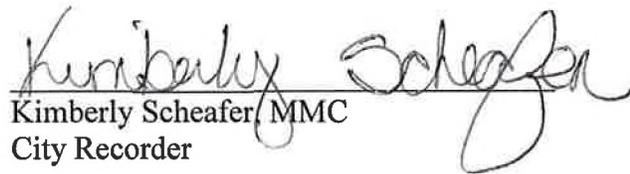
This Resolution shall take effect upon adoption.

ADOPTED this 15th day of June 2016, by the Canby City Council. ..



Brian Hodson
Mayor

ATTEST:



Kimberly Scheafer, MMC
City Recorder

Notice of Measure Election City

SEL 802

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

Notice		
Date of Notice 6/15/16	Name of City or Cities City of Canby	Date of Election 11/8/2016

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.

REMOVING A CITYWIDE BAN ON MARIJUANA BUSINESSES IN CANBY

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

SHALL THE CITY OF CANBY ALLOW THE ESTABLISHMENT OF MARIJUANA BUSINESSES WITHIN THE CITY?

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

Oregon State law now allows operation of state-licensed marijuana businesses: producers, processors, wholesalers, dispensaries, and retailers for both medical and recreational uses of marijuana. If properly licensed in this state, the Oregon Liquor Control Commission authorizes marijuana businesses for recreational use while the Oregon Health Authority still regulates marijuana businesses that are solely for medical uses.

In accordance with HB 3400, Oregon State law now permits a City Council to adopt an ordinance prohibiting the establishment of marijuana businesses within the city limits, which must then be referred to the electors of the City for approval. On November 4, 2015, Canby City Council adopted Ordinance No. 1427, declaring a ban on marijuana businesses (both recreational and medical). By law, Ordinance No. 1427 is now being referred to the electors of the City of Canby for approval or denial at the November 8, 2016 statewide General Election. This is a vote to either remove the ban on marijuana businesses and allow such businesses within the city limits, or to continue the ban.

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.

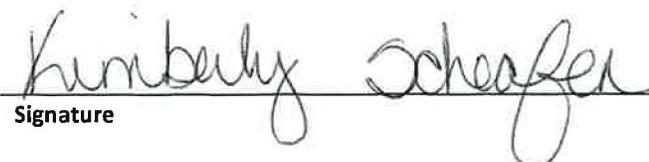
Explanatory Statement Attached? Yes No

Authorized City Official Not required to be notarized.

Name Kimberly Scheafer, MMC	Title City Recorder
Mailing Address PO Box 930, Canby, OR 97013	Contact Phone 503.266.0733

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

6-15-16
Date Signed

Measure Explanatory Statement for County Voters' Pamphlet

Important! Please read all instructions before completing this form. This form is to be used when filing a 'Measure Explanatory Statement for County Voters' Pamphlet' with your County Elections office. If a local government is located in more than one county, the county clerk of the county in which the city hall of the city or the administrative office of the local government is located shall be the filing officer for the 'Measure Explanatory Statement for County Voters' Pamphlet'.

Filing Information

Election: Primary 20____ General 20¹⁶____ Special _____ Measure # ____ - ____

Ballot Title Caption

REMOVING A CITYWIDE BAN ON MARIJUANA BUSINESSES IN CANBY

Name of Person responsible for content of 'Explanatory Statement' (as it should appear in the Voters' Pamphlet):

Joseph Lindsay, City Attorney

Name of Jurisdiction/Organization Person is authorized to represent (as it should appear in the Voters' Pamphlet):

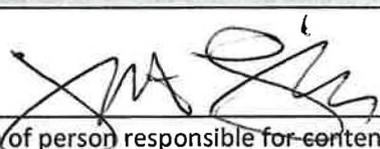
City of Canby

CONTACT INFORMATION

Phone: Cell: _____ Work: (503) 266-0754 Home: _____

E-Mail: lindsayj@ci.canby.or.us

SIGNATURE



10-15-16

Signature of person responsible for content of 'Explanatory Statement'

Date

MEASURE EXPLANATORY STATEMENT

See attached for 'Measure Explanatory Statement' (500 word/number MAX).

For Office Use only:

County: _____

Word Count (500 max):

Signed? Yes No

Digital copy? Yes No

'Measure Explanatory Statement' attached?

Review Staff Initials:

Yes No

Intake Staff Initials:

Measure Explanatory Statement for County Voters' Pamphlet Instructions

Filing Explanatory Statement – per OAR 165-022-0040

1. The governing body for any local government which has referred a measure to the voters shall submit an impartial, simple and understandable statement explaining the measure and its effect.
2. For an initiative or referendum by petition, an impartial, simple and understandable statement explaining the measure and its effect shall be submitted by the governing body of the local government only if the local government has an ordinance requiring the submission of such a statement.
3. 'Measure Explanatory Statement' shall be limited to 500 words/numbers maximum.
4. The County Clerk shall reject any 'Referred Measure' submitted without an 'Explanatory Statement'.

General Instructions

1. An original, faxed, e-mail attachment or copy of a typewritten and signed 'Measure Explanatory Statement for County Voters' Pamphlet' must be filed with the County Elections office no later than 5 pm on the 'Notice of Measure' filing deadline. Postmarks do not count. **Any filings received or are unsigned after 5 pm on the deadline will be rejected.**
2. Submit the 'Measure Explanatory Statement' complete on a standard 8 ½" x 11" white paper containing the 'Measure Explanatory Statement' and attach to the signed form. 'Measure Explanatory Statement' is to be submitted typewritten.
3. **The word count must not exceed 500 words/numbers. If the explanation exceeds 500 words/numbers it will be edited by the County Elections office.**
4. The 'Measure Explanatory Statement' shall include the name and signature of the person responsible for the content of the statement and the name of the governing body that person is authorized to represent.
5. Pursuant to ORS 251.415 the County Clerk shall reject any statement which:
 - a. Contains any obscene, profane or defamatory language;
 - b. Incites or advocates hatred, abuse or violence toward any person or group; or
 - c. Contains any language which may not legally be circulated through the mail.
6. The County Clerk will not correct spelling, grammar or punctuation errors. 'Measure Explanatory Statement' will not be returned for proofreading after it has been filed.
7. **In addition to filing the 'Measure Explanatory Statement for County Voters' Pamphlet', it is recommended that the responsible party for the 'Measure Explanatory Statement' e-mail the electronic text (Word) to the County Elections office. The electronic text must mirror the submitted print version exactly.**

Contact Information

- **Clackamas County Elections**, 1710 Red Soils Ct, Ste 100, Oregon City OR 97045-4300
 phone 503-655-8510 fax 503-655-8461 e-mail elections@co.clackamas.or.us
- **Multnomah County Elections**, 1040 SE Morrison St, Portland OR 97214-2417
 phone 503-988-3720 fax 503-988-3719 e-mail elections@multco.us
- **Washington County Elections**, 3700 SW Murray Blvd, Ste 101, Beaverton OR 97005-2365
 phone 503-846-5800 fax 503-846-5810 e-mail elections@co.washington.or.us
- **Yamhill County Elections**, 414 NE Evans St, McMinnville, OR 97218-4607
 phone 503-434-7518 fax 503-434-7520 e-mail elections@co.yamhill.or.us

EXPLANATORY STATEMENT FOR THE VOTERS PAMPHLET

MEASURE REMOVING A CITYWIDE BAN ON MARIJUANA BUSINESSES IN CANBY

Measure No. _____

Word Total 345 (500 max)

Oregon State law now allows operation of state-licensed marijuana businesses: producers, processors, wholesalers, dispensaries, and retailers for both medical and recreational uses of marijuana. If properly licensed in this state, the Oregon Liquor Control Commission authorizes marijuana businesses for recreational use while the Oregon Health Authority still regulates marijuana businesses that are solely for medical uses.

In accordance with House Bill 3400, Oregon State law now permits a city council to adopt an ordinance prohibiting the establishment of marijuana businesses within the city limits, which must then be referred to the electors of the City for approval. On November 4, 2015, the Canby City Council adopted Ordinance No. 1427, declaring a ban on marijuana businesses (both recreational and medical). By law, Ordinance No. 1427 is now being referred to the electors of the City of Canby for approval or denial at the November 8, 2016 statewide general election.

The current ban does not affect any individual's rights regarding the legal possession of marijuana within Canby or any individual's rights regarding their ability to legally grow marijuana plants within the legal limits set by Measure 91 and subsequent, related laws.

This referral allows the electorate to either allow marijuana businesses in the City of Canby or to continue to have a ban on such businesses within the city limits.

A "yes" vote would allow marijuana businesses to operate in the City of Canby. It would remove the ban established by the Canby City Council in Ordinance 1427. A "yes" vote says yes to marijuana businesses. If marijuana businesses are allowed to operate in Canby, and the three percent city tax on the retail sale of marijuana items is also approved by voters, then that additional tax revenue will go to the City's general fund.

A "no" vote would continue the ban on the establishment of any marijuana businesses in the City of Canby. A "no" vote says no to marijuana businesses. If marijuana businesses are banned in Canby, then the City cannot collect any tax revenue from retail sales of marijuana items sold in the city.