

A RESOLUTION APPROVING REFERAL TO THE) RESOLUTION NO. 2016-24
ELECTORS OF THE CITY OF LEBANON THE)
QUESTION OF BANNING RECREATIONAL)
MARIJUANA PRODUCERS, RECREATIONAL)
MARIJUANA PROCESSORS, RECREATIONAL)
MARIJUANA WHOLESALERS, AND)
RECREATIONAL MARIJUANA RETAILERS)
WITHIN THE CITY OF LEBANON)

Whereas, 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;

Whereas, the City of Lebanon city council adopted Ordinance No, 2863, which prohibits the establishment of recreational marijuana processing sites, recreational marijuana producers, recreational marijuana processors, recreational marijuana wholesalers and recreational marijuana retailers in the area subject to the jurisdiction of the City of Lebanon;

NOW, THEREFORE, THE CITY OF LEBANON RESOLVES:

MEASURE. A measure election is hereby called for the purpose of submitting to the electors of the City of Lebanon a measure prohibiting the establishment of certain marijuana activities in the area subject to the jurisdiction of the city.

ELECTION CONDUCTED BY MAIL. The measure election shall be held in the City of Lebanon on November 8, 2016. 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 Lebanon authorizes the City Manager or the City Recorder, 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 City Attorney is hereby directed to prepare the ballot title for the measure, and deposit the ballot title with the City Recorder within the times set forth by law. Attached hereto as Exhibit 1 and hereby approved by the City of Lebanon City Council is the Ballot, containing the approved Ballot Title, Question, Summary and Explanatory Statement.

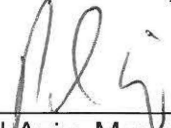
NOTICE OF BALLOT TITLE AND RIGHT TO APPEAL. Upon receiving the ballot title for this measure, the City Recorder shall publish in the next available edition of a newspaper of general circulation in the city a notice of receipt of the ballot title, including notice that an elector may file a petition for review of the ballot title.

FILING WITH COUNTY ELECTIONS OFFICE. The City Recorder 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.

EFFECTIVE DATE. This resolution is effective upon adoption.

Passed by the Lebanon City Council by a vote of 4 for and 0 against and executed by the Mayor on this 13th day of July, 2016.

City of Lebanon, OREGON



Paul Aziz, Mayor
Bob Elliott, Council President

ATTEST:



Linda Kaser, City Recorder

Exhibit 1 to Resolution Referring Recreational Marijuana Ordinance

BALLOT TITLE

Prohibits certain marijuana registrants and/or licenses in Lebanon, Oregon.

QUESTION

Shall Lebanon, Oregon prohibit recreational marijuana producers, processors, wholesalers, and retailers in Lebanon, Oregon?

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 the establishment of any of those registered or licensed activities. Approval of this measure would prohibit the establishment and operation of recreational marijuana producers, processors, wholesalers, and retailers within the area subject to the jurisdiction of the City of Lebanon.

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.

EXPLANATORY STATEMENT

Approval of this measure would prohibit the establishment and operation of certain marijuana activities within the city. ORS 475B.005 to 475B.399 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 entities within the city, but the council must refer the ordinance to the voters at a statewide general election. The City of Lebanon City Council has adopted an ordinance prohibiting the establishment and operation of recreational marijuana producers, processors, wholesalers, and retailers within the City of Lebanon and, as a result, has referred this measure to the voters. If approved, this measure would prohibit recreational marijuana producers, processors, wholesalers, and retailers within the City of Lebanon.

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 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 a city from imposing a local tax on those activities.