

RESOLUTION NO. 2627

A RESOLUTION AMENDING THE TEXT OF A BALLOT QUESTION, SUMMARY AND EXPLANATORY STATEMENT FOR AN ORDINANCE REFERRED TO THE ELECTORS OF THE CITY DECLARING A BAN ON ADDITIONAL RECREATIONAL MARIJUANA RETAILERS

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. In Ordinance 882, on March 14, 2023, the City Council adopted an ordinance and referred the text of the ordinance to the electors of the city, together with a Ballot Title, Question, Summary and Explanatory Statement, for adoption;
2. The City Council wishes to make minor clarifications to the Ballot Question, Summary and Explanatory Statement in order to update the information in them, and to clarify the statements made;
3. ORS 475C.950 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;
4. The city council continues to want to refer the question of whether to prohibit additional recreational marijuana retailers in the City, to the voters of Troutdale;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 1. **BALLOT TITLE.** The ballot title for the measure is set forth on the attached Exhibit A which is not changed, but set forth for purposes of completeness.

Section 2. **QUESTION.** The City Attorney has prepared the amended ballot title for the measure attached as Exhibit A which is hereby approved and adopted

Section 3. **SUMMARY.** The amended summary for the measure, which is attached hereto as Exhibit B is hereby approved and adopted.

Section 4. **EXPLANATORY STATEMENT.** The amended explanatory statement for the measure, which is attached hereto as Exhibit B is hereby approved and adopted.

Section 5. **NOTICE OF BALLOT TITLE AND RIGHT TO APPEAL.** Upon receiving the ballot title for this measure, the city elections officer shall publish in a timely fashion, and

in 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.

Section 6. FILING WITH COUNTY ELECTIONS OFFICE. The city elections officer shall deliver the Notice of Measure Election to the county clerk for Multnomah County (incorporating the amendments attached hereto, and Ordinance 882) for inclusion on the ballot for the next statewide general election, to be held in November 2024.

Section 7. FILING WITH OREGON LIQUOR AND CANNABIS COMMISSION. The city has previously delivered the notice of prohibition to the OLCC, including the text of the referred Ordinance in Ordinance 882, and no further action is required as set forth in ORS 475C.950.

Section 8. EFFECTIVE DATE. This resolution is effective upon adoption.

YEAS: 6
NAYS: 0
ABSTAINED: 0



Randy Lauer, Mayor
Date: June 26, 2024



Sarah Skroch, City Recorder
Adopted: June 25, 2024

EXHIBIT A

BALLOT TITLE

A caption which reasonably identifies the subject of the measure
10-word limit under ORS 250.035(1)(a)
10 Words

Prohibits additional recreational marijuana retailers in Troutdale, allows existing retailers.

QUESTION

A question which plainly phrases the chief purpose of the measure so that an affirmative response to the question corresponds to an affirmative vote on the measure
20-word limit under ORS 250.035(1)(b)
20 Words

Shall Troutdale prohibit additional recreational marijuana retailers in the city, but allow existing retailers and other types of marijuana businesses?

SUMMARY

A concise and impartial statement summarizing the measure and its major effect
175- word limit under ORS 250.035(1)(c)
166 Words

State law regulates both recreational and medical marijuana operations, including and retailers.

State law allows a city council to adopt ordinances to be referred to the voters that prohibit the establishment of any of registered or licensed marijuana activities, while allowing existing activities to continue.

Approval of this measure will prohibit the establishment of additional recreational marijuana retailers within the city. Existing recreational marijuana retailers, all producers, processors and wholesalers, as well as medical marijuana registrants will not be affected by this ordinance.

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.

Existing recreational marijuana retailers in the City may continue to offer for sale marijuana and marijuana products such as concentrates, extracts, edible products, and other products intended for human consumption and use in compliance with state law.

EXHIBIT B

EXPLANATORY STATEMENT

An impartial, simple and understandable statement explaining the measure and its effect for use in the county voters' pamphlet

500-word limit under ORS 251.345 and OAR 165-022-0040(3)
377 Words

Approval of this measure would prohibit the establishment and operation of additional recreational marijuana retailers within the city.

This measure will not apply to existing licensed recreational marijuana retailers in the City. It will not apply to any medical marijuana businesses or dispensaries. It will prohibit additional recreational marijuana retailers from locating in the city.

ORS chapter 475C directs the Oregon Liquor and Cannabis Commission to 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 Council of Troutdale has adopted the text of this ordinance prohibiting the establishment of additional recreational marijuana retailers within the city and has referred this measure to the voters.

If approved, this measure would prohibit recreational marijuana retailers from establishing new retail sales stores after March 14, 2023, within the City. Recreational Marijuana Retailers that were licensed to operate in the City prior to March 14, 2023 may continue to operate under those licenses. 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.

Approval of this measure has revenue impacts. In fiscal year 2021-22, the city received \$23,552 state marijuana tax revenues, and in fiscal year 2022-23, the City received \$17,798 under ORS chapter 475C. If approved, this measure would make the city ineligible to receive distributions of state marijuana tax revenues.

Currently, a city may impose up to a 3% tax on the sale of marijuana items by marijuana retailers in the city. The City does not currently collect such a tax. However, a city that adopts an ordinance prohibiting the establishment of any recreational marijuana 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.