

Notice of City Measure Election

RECEIVED
9:00 AM
AUG 17 2016

17-73

SEL 802

rev 1/12: ORS 250.036, 250.041,
250.275, 250.285, 254.095, 254.465

JOSEPHINE
COUNTY CLERK

City and Notice Information

Notice is hereby given on August 17, 2016, that a measure election will be held in

Grants Pass

Oregon on November 8, 2016.

Name of City or Cities

Date of Election

The following shall be the ballot title of the measure to be submitted to the city's voters:

Caption 10 words

Prohibits marijuana registrants and licensees in Grants Pass.

Question 20 words

Shall medical marijuana processors, medical marijuana dispensaries, and recreational marijuana producers, processors, wholesalers, and retailers be prohibited in Grants Pass?

Summary 175 words

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 medical marijuana processors, medical marijuana dispensaries, recreational marijuana producers, processors, wholesalers, and retailers within the City of Grants Pass.

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.

The following authorized city official hereby certifies the above ballot title is true and complete, which includes publication of notice and the completion of the ballot title challenge process.

Signature of Authorized City Official not required to be notarized

8/17/16

Date Signed mm/dd/yy

Karen Frerk

Printed Name of Authorized City Official

City Recorder

Title

Notice of receipt of Ballot Title

The City of Grants Pass Elections Officer received the ballot title for a measure to be placed on the ballot for election on November 8, 2016 in the City of Grants Pass for the purpose of submitting to the voters of the city a measure banning medical marijuana processing sites, medical marijuana dispensaries, recreational marijuana producers, recreational marijuana processors, recreational marijuana wholesalers, and recreational marijuana retailers within the City of Grants Pass:

BALLOT TITLE: Prohibits marijuana registrants and licensees in Grants Pass.

QUESTION: Shall medical marijuana processors, medical marijuana dispensaries, and recreational marijuana producers, processors, wholesalers, and retailers be prohibited in Grants Pass?

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 medical marijuana processors, medical marijuana dispensaries, recreational marijuana producers, processors, wholesalers, and retailers within the City of Grants Pass.

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.

It has been determined that this measure meets the single subject requirement and the municipal legislation requirement of the Oregon Constitution Article IV, Section 1, (2)(d) and (5), and ORS 250.270. The ballot title may be reviewed in the City of Grants Pass Administration Office, 101 NW "A" Street, Grants Pass Oregon 97526 between the hours of 8:00 a.m. and 5:00 p.m. Pursuant to ORS 250.035, 250.275, and 250.296, any elector dissatisfied with this ballot title may petition the Josephine County Circuit Court seeking a different title and stating the reasons the title is insufficient, not concise, or unfair. That petition must be filed no later than the 7th business day after the title was filed with the City Elections Officer. The ballot title was filed with the City Elections Officer on August 3, 2016. Petitions for judicial review are due no later than August 15, 2016.

Karen Frerk
City Recorder (Elections Officer)

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Notice of receipt of Explanatory Statement

The City of Grants Pass Elections Officer received the Explanatory Statement for a measure to be placed on the ballot for general election on November 8, 2016 in the City of Grants Pass for the purpose of submitting to the voters of the city a proposal to prohibit the establishment and operation of certain marijuana activities in the City.

Prohibiting medical marijuana processing sites, medical marijuana dispensaries, recreational marijuana producers, recreational marijuana processors, recreational marijuana wholesalers, and recreational marijuana retailers within the City of Grants Pass - Explanatory Statement:

Approval of this measure would prohibit the establishment and operation of certain marijuana activities within the City.

ORS 475B.400 to 475B.525 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. 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.

The 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 Grants Pass City Council has adopted an ordinance prohibiting the establishment of medical marijuana processors, medical marijuana dispensaries, and recreational marijuana producers, processors, wholesalers, and retailers within the City and, as a result, has referred this measure to the voters.

If approved, this measure would prohibit medical marijuana processors, medical marijuana dispensaries, and recreational marijuana producers, processors, wholesalers, and retailers within the 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 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 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.

A “yes” vote would be in favor of prohibiting the establishment and operation of certain marijuana activities within the City. A “no” vote would be against prohibiting the establishment and operation of certain marijuana activities within the City.

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JOSEPHINE
COUNTY CLERK

RESOLUTION NO. 16-6458

A RESOLUTION OF THE COUNCIL OF THE CITY OF GRANTS PASS APPROVING REFERRAL TO THE ELECTORS OF THE CITY OF GRANTS PASS THE QUESTION OF BANNING MEDICAL MARIJUANA PROCESSING SITES, MEDICAL MARIJUANA DISPENSARIES, RECREATIONAL MARIJUANA PRODUCERS, RECREATIONAL MARIJUANA PROCESSORS, RECREATIONAL MARIJUANA WHOLESALERS, AND RECREATIONAL MARIJUANA RETAILERS WITHIN THE CITY OF GRANTS PASS.

WHEREAS:

1. Section ORS 475B.800 provides that the 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; and
2. The Grants Pass City Council adopted Ordinance No. 16-5691, which prohibits the establishment and operation of Medical Marijuana Processing Sites, Medical Marijuana Dispensaries, Recreational Marijuana Producers, Recreational Marijuana Processors, Recreational Marijuana Wholesalers, and Recreational Marijuana Retailers.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Grants Pass:

MEASURE. A measure election is hereby called for the purpose of submitting to the electors of the City of Grants Pass a measure prohibiting the establishment of certain marijuana activities in the City of Grants Pass, a copy of which is attached hereto as "Exhibit 1," and incorporated herein by reference.

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

DELEGATION. The City of Grants Pass authorizes the City Manager, or 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.

BALLOT TITLE. The ballot title for the measure set forth in Exhibit '1' 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 '2' and incorporated herein by reference, is hereby approved.

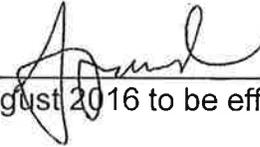
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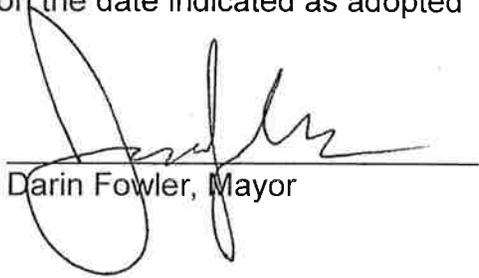
FILING WITH COUNTY ELECTIONS OFFICE. The City Recorder shall deliver the Notice of Measure Election to the county clerk for Josephine County for inclusion on the ballot for the November 8, 2016 election.

PRIOR RESOLUTIONS REPEALED. Resolution No. 15-6366 and Resolution No. 15-6367 are hereby repealed.

EFFECTIVE DATE of this Resolution shall be immediate upon its passage by the City Council and approval by the Mayor.

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session this 3rd day of August 2016.

SUBMITTED to and  by the Mayor of the City of Grants Pass, Oregon, this 3 day of August 2016 to be effective on the date indicated as adopted by the City Council.


Darin Fowler, Mayor

ATTEST:


Karen Frerk, City Recorder

Date submitted to Mayor: 8/3/16

Approved as to Form, Mark Bartholomew, City Attorney 

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Exhibit 1

BALLOT TITLE: Prohibits marijuana registrants and licensees in Grants Pass.

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Exhibit 2

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Grants Pass
Daily Courier

P.O. Box 1468, 409 S.E. 7th Street • Grants Pass, Oregon 97528

AFFIDAVIT OF PUBLICATION

State of Oregon)
County of Josephine) ss.

I, Deborah M. Thomas, being first duly sworn, depose and say that I am a manager of Courier Publishing Co., printer of the Grants Pass Daily Courier, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Grants Pass, in the aforesaid county and state; that the LEGAL NOTICE, a printed copy of which is herein enclosed, was published in the entire issue of said paper, for one insertion, on the following date:

August 5, 2016.

Deborah M. Thomas

Subscribed and sworn to before me this
fifth day of August, 2016.

Christine Holly Craine

Notary Public of Oregon

My commission expires the twenty fifth day of
March, 2019.

374473

OFFICIAL STAMP
CHRISTINE HOLLY CRAINE
NOTARY PUBLIC-OREGON
COMMISSION NO. 937625
MY COMMISSION EXPIRES MARCH 25, 2019

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LEGAL NOTICE

NOTICE OF RECEIPT OF BALLOT TITLE

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Karen Frerk

City Recorder (Elections Officer)

No. 00374473 - August 5, 2016

