

Notice of Measure Election

City

24-430

Received 8-1-2018

SEL 802

rev 01/18 ORS 250.035, 250.041, 250.275, 250.285, 254.095, 254.465

Notice		
Date of Notice 8/1/2018	Name of City or Cities City of Gates	Date of Election November 6, 2018
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.		
Prohibits certain marijuana registrants and licensees in Gates, Oregon.		
Question 20 words which plainly phrases the chief purpose of the measure.		
Shall Gates prohibit medical marijuana processors, medical marijuana dispensaries, recreational marijuana producers, processors, wholesalers and retailers within Gates city limits?		
Summary 175 words which concisely and impartially summarizes the measure and its major effect.		
<p>ORS 250.035(1)(c)</p> <p>State law allows operation of registered medical marijuana processors, medical marijuana dispensaries and licensed recreational marijuana producers, processors, wholesalers and retailers. Citizens in municipalities may initiate the adoption of an ordinance to be placed on the ballot to vote to prohibit the establishment of any of those registered or licensed activities.</p> <p>Approval of this measure would prohibit the establishment and operation of medical marijuana processors, medical marijuana dispensaries, recreational marijuana producers, processors, wholesalers and retailers subject to the jurisdiction of the City of Gates.</p> <p>If this measure is approved, the city will be ineligible to receive distributions of state marijuana tax revenues and will not be able to collect on the local tax or fee that has already been passed on the production, processing or sale of marijuana or any product into which marijuana has been incorporated.</p>		
Explanatory Statement 500 words that impartially explains the measure and its effect.		
<p>If the county is producing a voters' pamphlet an explanatory statement must be drafted and attached to this form for:</p> <p>→ any measure referred by the city governing body; or Explanatory Statement Attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>→ any initiative or referendum, if required by local ordinance.</p>		
Authorized City Official Not required to be notarized.		
Name Traci Archer	Title City Elections Official/Recorder	
Mailing Address 101 Sorbin Ave W, Gates, OR 97346	Contact Phone 503-897-2669	
<p><i>By signing this document:</i></p> <p>→ I hereby state that I am authorized by the city to submit this Notice of Measure Election; and</p> <p>→ I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.</p>		


Signature

8/1/2018

Date Signed

EXPLANATORY STATEMENT

Approval of this measure would prohibit the establishment and operation of certain 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. Measure 91, approved by Oregon voters in 2014 and by the Legislature in 2015, 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.

If approved, this measure would prohibit medical marijuana processors, medical marijuana dispensaries, and recreational marijuana producers, processors, wholesalers, and retailers within the city. Medical marijuana processors and medical marijuana dispensaries that were registered with state before the adoption of the ordinance, and medical marijuana dispensaries that had applied to be registered on or before July 1, 2015, can continue operation in the city even if this measure is approved, if those entities have successfully completed a local land use application process.

Approval of this measure has revenue impacts. Currently, ten percent of the state marijuana tax revenue 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 distributions of state marijuana tax revenues.

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