

CITY OF PHOENIX
PHOENIX, OREGON
RESOLUTION NO. 960

A RESOLUTION CALLING FOR AN ELECTION APPROVING REFERAL TO THE ELECTORS OF THE CITY OF PHOENIX THE QUESTION OF IMPOSING A 3 PERCENT TAX ON THE SALE OF RECREATIONAL MARIJUANA ITEMS BY A MARIJUANA RETAILER WITHIN THE CITY

WHEREAS, section 34a of House Bill 3400 (2015) provides that a city council may adopt an ordinance to be referred to the voters that imposes up to a three percent tax or fee on the sale of recreational marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city;

WHEREAS, the city council proposes an ordinance which imposes a tax of 3 percent on the sale of recreational marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city;

WHEREAS, the City Council has determined that the enactment of such ordinance should be by a vote of the people of the City.

NOW, THEREFORE, THE CITY OF PHOENIX RESOLVES AS FOLLOWS:
MEASURE: A measure election is hereby called for the purpose of submitting to the electors of the city an ordinance imposing a 3 percent tax on the sale of recreational marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city, a copy of which is attached hereto as "Exhibit 1," and incorporated herein by reference. The City Manager is authorized and shall take such other actions to proceed with the election as provided in state law and is further authorized to act so as to carry out the purposes of this resolution. The ordinance, if approved by the voters, shall require that all revenues derived therefrom shall be expended for purposes of education, public safety and parks within the City.

ELECTION CONDUCTED BY MAIL. The measure election shall be held in the city of Phoenix on. November 8, 2016 for the next general election. As required by law, the measure election shall be conducted by mail by the County Clerk of Jackson County, according to the procedures adopted by the Oregon Secretary of State.

DELEGATION. The city authorizes the City Manager, or the City Manager's 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 elections officer within the times set forth by law.

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.

FILING WITH COUNTY ELECTIONS OFFICE. The city recorder shall deliver the Notice of Measure Election to the county clerk for Jackson County for inclusion on the ballot for the November 2016 election.

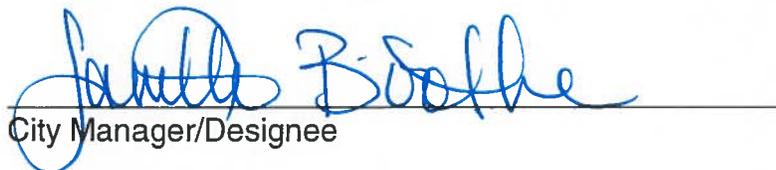
EFFECTIVE DATE. This resolution is effective upon adoption.

PASSED AND ADOPTED by the City Council and signed by me in authentication thereof on this ____ day of _____, 2016.



Mayor

ATTEST:



City Manager/Designee

EXHIBIT 1
CITY OF PHOENIX
PHOENIX, OREGON
ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF PHOENIX IMPOSING A 3 PERCENT TAX ON
THE SALE OF RECREATIONAL MARIJUANA ITEMS BY A MARIJUANA RETAILER
AND REFERRING ORDINANCE**

WHEREAS, section 34a of House Bill 3400 (2015) provides that a city council may adopt an ordinance to be referred to the voters that imposes up to a three percent tax or fee on the sale of recreational marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city; 17 Cities that imposed marijuana taxes prior to the effective date of HB 3400 (2015) should talk to their city attorney about the status of those taxes.

WHEREAS, the city council wants to impose a tax on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city;

NOW THEREFORE, BASED ON THE FOREGOING, THE CITY OF PHOENIX ORDAINS AS FOLLOWS:

DEFINITIONS. Recreational marijuana item has the meaning given that term in Oregon Laws 2015, chapter 614, section 1. Marijuana retailer means a person who sells recreational marijuana items to a consumer in this state. Retail sale price means the price paid for a marijuana item, excluding tax, to a marijuana retailer by or on behalf of a consumer of the marijuana item.

TAX IMPOSED. As described in section 34a of House Bill 3400 (2015), the City of Phoenix hereby imposes a tax of 3 percent on the retail sale price of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city.

COLLECTION AND EXPENDITURE. The tax shall be collected at the point of sale of a marijuana item by a marijuana retailer at the time at which the retail sale occurs and remitted by each marijuana retailer that engages in the retail sale of marijuana items. All revenues derived herefrom shall be expended for purposes of education, public safety and parks within the City.

REFERRAL. This ordinance shall be referred to the electors of the city at the next statewide general election on Tuesday, November 8, 2016.

BALLOT TITLE

Imposes tax on marijuana retailer's sale of recreational marijuana items.

QUESTION

Shall the City of Phoenix impose a 3 percent tax on the sale of recreational marijuana items by a marijuana retailer?

SUMMARY

Under state law, the city council may adopt an ordinance to be referred to the voters of the city imposing up to a 3 percent tax or fee on the sale of recreational marijuana items in the city by a licensed marijuana retailer. Approval of this measure would impose a 3 percent tax on the sale of recreational marijuana items in the city by a licensed marijuana retailer. The tax would be collected at the point of sale and remitted by the marijuana retailer.

EXPLANATORY STATEMENT

This measure would impose a 3 percent tax on the sale of recreational marijuana items by a marijuana retailer within the city. If approved, the revenues from this tax are estimated to be \$15,000 or more annually, based upon current sales data. All revenues shall be expended for purposes of education, public safety and parks within the City.

Under Measure 91, adopted by Oregon voters in November 2014 and amended by the Legislature in 2015, the Oregon Liquor Control Commission must license the retail sale of recreational marijuana. The 2015 Legislation provides that a city council may adopt an ordinance imposing up to a 3 percent tax on the sale of marijuana items by retail licensees in the city, but the council must refer that ordinance to the voters at a statewide general election. The city council has adopted an ordinance imposing a 3 percent tax on the sale of marijuana items by a retail licensee in the city, and, as a result, has referred this measure to the voters.