



RESOLUTION 2016-073

AMENDING THE CITY OF SHERWOOD MUNICIPAL CODE AND HOME RULE CHARTER AS APPROVED BY CITY ELECTORS AT THE NOVEMBER 2016 ELECTION

WHEREAS, with its approval of Resolution 2016-070, the City Council accepted the City Recorder's canvassing of the official results of the November 2016 election as provided by the Washington County Elections Official; and

WHEREAS, as documented in the official results of the election, the City's electors approved Ballot Measures 34-259, 34-262, 34-263, and 34-264, variously amending the City's Municipal Code and Home Rule Charter; and

WHEREAS, as such, the City Council now finds it appropriate to amend the Sherwood Home Rule Charter to incorporate the voter-approved changes pursuant to Ballot Measures 34-259 and 34-262 as set forth in the attached Exhibits A and B, respectively, and to amend the Sherwood Municipal Code to incorporate the voter-approved changes pursuant to Ballot Measures 34-263 and 34-264, as set forth in the attached Exhibits C and D, respectively.


NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The City Council hereby adopts the amendments to Section 34 and Section 16 of the Sherwood Home Rule Charter, and Chapter 3.25 and Chapter 5.30 of the Sherwood Municipal Code, such that the language of the respective sections and chapters is as set forth in Exhibits A through D, attached to this Resolution.

Section 2. The City Recorder is hereby directed to enter a copy of this Resolution in the record of the proceedings of this Council and to take such other actions necessary to effectuate the amendment of the Charter and Municipal Code.

Section 3. This Resolution is and shall be effective upon approval by the City Council.

Duly passed by the City Council on this 20th day of December, 2016.


Krisanna Clark, Mayor

Attest:


Sylvia Murphy, MMC, City Recorder

EXHIBIT A

Section 34. City Recorder.

(a) The office of city recorder is established as the council clerk, city custodian of records and city elections official. The recorder must attend all council meetings unless excused by the City Manager.

(b) The City Manager must appoint and may remove the recorder. The appointment must be made without regard to political considerations and solely on the basis of education and experience.

(c) When the recorder is temporarily disabled from acting as recorder or when the office becomes vacant, the City Manager must appoint a recorder pro tem. The recorder pro tem has the authority and duties of the recorder.

EXHIBIT B

Section 16. Ordinance Adoption.

(a) Except as this provision provides otherwise, adoption of an ordinance requires reading of the proposed ordinance by title at two separate meetings separated by at least six days, and approval by a majority of council, which approval may occur at the meeting at which the second reading is conducted or a subsequent meeting.

(1) The text of the proposed ordinance shall be posted and available to the public on the City's website at least six days in advance of each meeting at which the ordinance will be read or considered pursuant to this section.

(2) At each meeting that the ordinance is read or considered pursuant to this section, the title of the ordinance shall be read and public comments shall be accepted, prior to any vote of the council on adoption.

(3) An ordinance may be adopted at a single meeting of the council by unanimous vote of all sitting councilors on the question upon being read by title twice.

(b) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.

(c) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.

(d) After adoption of an ordinance, the city recorder must endorse it with the date of adoption and the recorder's name and title. The city recorder must submit the ordinance to the mayor for approval. If the mayor approves the ordinance, the mayor must sign and date it.

(e) If the mayor vetoes the ordinance, the mayor must return it to the city recorder with written reasons for his veto within 10 days of receipt of the ordinance. If the ordinance is not so returned, it takes effect as if approved.

(f) At the first council meeting after veto by the mayor, the council will consider the reasons of the mayor and again vote on the ordinance. If four councilors vote to adopt the ordinance, it will take effect.

(g) After July 1, 2015, any ordinance, resolution or order approved by a majority of the City Council that imposes a new city tax, charge, or fee and/or increases by more than two percent annually any city utility tax, charge, or fee including but not limited to water charges, sewer and surface water charges, and street utility fees that are imposed on residential properties occupied by owners and/or occupants within the City of Sherwood boundaries, shall not be effective unless ratified by a majority vote of the City's qualified electors voting in an election where at least 50 percent of the registered voters cast a ballot, or the election is a general election in an even-numbered year.

EXHIBIT C

Chapter 3.25 Marijuana Tax

3.25.010 Definitions

As used in this chapter, unless the context requires otherwise:

- (1) "Marijuana Item" has the meaning given that term in Oregon Laws 2015, chapter 614, section 1.
- (2) "Recreational Marijuana Retailer" means a person who sells Marijuana Items to a consumer in this state.
- (3) "Retail Sale Price" means the price paid for a Marijuana Item, excluding tax, to a Recreational Marijuana Retailer by or on behalf of a consumer of the Marijuana Item.

3.25.020 Tax Imposed

As described in section 34a of House Bill 3400 (2015), the City of Sherwood hereby imposes a tax of three percent (3%) on the Retail Sale Price of Marijuana Items by a Recreational Marijuana Retailer in the area subject to the jurisdiction of the City.

3.25.030 Collection

The tax shall be collected at the point of sale of a Marijuana Item by a Recreational Marijuana Retailer at the time at which the retail sale occurs and remitted by each Recreational Marijuana Retailer that engages in the retail sale of Marijuana Items.

EXHIBIT D

Chapter 5.30 Recreational Marijuana Businesses

5.30.010 Definitions

As used in this chapter, unless the context requires otherwise:

- (1) "Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.
- (2) "Recreational Marijuana Processor" means an entity licensed by the Oregon Liquor Control Commission to process Marijuana.
- (3) "Recreational Marijuana Producer" means an entity licensed by the Oregon Liquor Control Commission to manufacture, plant, cultivate, grow or harvest Marijuana.
- (4) "Recreational Marijuana Retailer" means an entity licensed by the Oregon Liquor Control Commission to sell Marijuana items to a consumer in this state.
- (5) "Recreational Marijuana Wholesaler" means an entity licensed by the Oregon Liquor Control Commission to purchase Marijuana items in this state for resale to a person other than a consumer.

5.30.020 Ban Declared

As described in section 134 of House Bill 3400 (2015), the City of Sherwood hereby prohibits the establishment and operation of the following in the area subject to the jurisdiction of the City:

- (1) Recreational Marijuana Producers;
- (2) Recreational Marijuana Processors;
- (3) Recreational Marijuana Wholesalers;
- (4) Recreational Marijuana Retailers.