



TUALATIN CITY COUNCIL

Monday, JULY 25, 2016

JUANITA POHL CENTER

8513 SW Tualatin Road

Tualatin, OR 97062

WORK SESSION - Canceled
BUSINESS MEETING begins at 7:00 p.m.

Mayor Lou Ogden

Council President Monique Beikman

Councilor Wade Brooksby Councilor Frank Bubenik
Councilor Joelle Davis Councilor Nancy Grimes
Councilor Ed Truax

Welcome! By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for your comments on its agenda, following Announcements, at which time citizens may address the Council concerning any item not on the agenda or to request to have an item removed from the consent agenda. If you wish to speak on a item already on the agenda, comment will be taken during that item. Please fill out a Speaker Request Form and submit it to the Recording Secretary. You will be called forward during the appropriate time; each speaker will be limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City website at www.tualatinoregon.gov/meetings, the Library located at 18878 SW Martinazzi Avenue, and on file in the Office of the City Manager for public inspection. Any person with a question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact Administration at 503.691.3011. Notification thirty-six (36) hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Council meetings are televised *live* the day of the meeting through Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org. Council meetings can also be viewed by live *streaming video* on the day of the meeting at www.tualatinoregon.gov/meetings.

Your City government welcomes your interest and hopes you will attend the City of Tualatin Council meetings often.

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

A **legislative** public hearing is typically held on matters which affect the general welfare of the entire City rather than a specific piece of property.

1. Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When the Council has finished questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *deny*, or *continue* the public hearing.

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

A **quasi-judicial** public hearing is typically held for annexations, planning district changes, conditional use permits, comprehensive plan changes, and appeals from subdivisions, partitions and architectural review.

1. Mayor opens the public hearing and identifies the case to be considered.
2. A staff member presents the staff report.
3. Public testimony is taken:
 - a) In support of the application
 - b) In opposition or neutral
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When Council has finished its questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *approve with conditions*, or *deny the application*, or *continue* the public hearing.

TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all provided all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 3 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

An Executive Session is a meeting of the City Council that is closed to the public to allow the City Council to discuss certain confidential matters. An Executive Session may be conducted as a separate meeting or as a portion of the regular Council meeting. No final decisions or actions may be made in Executive Session. In many, but not all, circumstances, members of the news media may attend an Executive Session.

The City Council may go into Executive Session for certain reasons specified by Oregon law. These reasons include, but are not limited to: ORS 192.660(2)(a) employment of personnel; ORS 192.660(2)(b) dismissal or discipline of personnel; ORS 192.660(2)(d) labor relations; ORS 192.660(2)(e) real property transactions; ORS 192.660(2)(f) information or records exempt by law from public inspection; ORS 192.660(2)(h) current litigation or litigation likely to be filed; and ORS 192.660(2)(i) employee performance of chief executive officer.



OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL MEETING FOR JULY 25, 2016

A. CALL TO ORDER
Pledge of Allegiance

B. CITIZEN COMMENTS
This section of the agenda allows anyone to address the Council regarding any issue not on the agenda, or to request to have an item removed from the consent agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

C. GENERAL BUSINESS
If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

1. Consideration of **Ordinance No. 1396-16** Imposing a Three Percent Tax on the Sale of Marijuana Items by a Marijuana Retailer and Referring the Ordinance to Voters

D. COMMUNICATIONS FROM COUNCILORS

E. ADJOURNMENT



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Sean Brady, City Attorney

DATE: 07/25/2016

SUBJECT: Consideration of **Ordinance No. 1396-16** Imposing a Three Percent Tax on the Sale of Marijuana Items by a Marijuana Retailer and Referring the Ordinance to Voters

ISSUE BEFORE THE COUNCIL:

Consideration of Ordinance No. 1396-16 Imposing a Three Percent Tax on the Sale of Marijuana Items by a Marijuana Retailer and Referring the Ordinance to Voters.

RECOMMENDATION:

Staff recommends Council consider the Ordinance.

EXECUTIVE SUMMARY:

Ordinance No. 1396-16 proposes a three percent (3%) sales tax on marijuana items sold within the City of Tualatin and refers the Ordinance to the voters at the November 8, 2016.

HB 3400 (2015), codified as ORS 475B.345, authorizes a city council to adopt a local sales tax on marijuana of up to three percent (3%) by referring an ordinance to the voters at a statewide general election. Under ORS 475B.345, the tax may be imposed on the sale of marijuana items sold within the jurisdiction of the City.

In compliance with ORS 475B.345, the Ordinance would impose a three percent (3%) sales tax on marijuana items sold within the City of Tualatin. The Ordinance would also repeal the prior marijuana tax provisions contained in Ordinance No. 1376-14, which was adopted before the enactment of HB 3400. Lastly, as required by ORS 475B.345, the Ordinance proposes to be referred to the voters at the statewide general election to be held November 8, 2016.

If Ordinance No. 1396-16 is adopted by Council, a separate resolution referring the Ordinance to the voters will be submitted to Council for consideration at the next Council meeting.

Attachments: Ord 1396-16 Marijuana Tax Referral

ORDINANCE NO. 1396-16

AN ORDINANCE IMPOSING A THREE PERCENT TAX ON THE SALE
OF MARIJUANA ITEMS BY A MARIJUANA RETAILER AND
REFERRING THE ORDINANCE TO VOTERS

WHEREAS, section 34a of House Bill 3400 (2015), codified as ORS 475B.345, 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 marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city;

WHEREAS, the 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 of Tualatin;

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Tualatin Municipal Code Chapter 13-1 is amended to read as follows:

TMC 13-1-010. Definitions. Unless the context clearly requires otherwise, the following words and phrases used in this Chapter have the following meanings:

- (1) "Marijuana item" has the meaning given that term in Oregon Laws 2015, chapter 614, section 1.
- (2) "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 marijuana retailer by or on behalf of a consumer of the marijuana item.

TMC 13-1-020. Tax Imposed. As provided in ORS 475B.345, the City of Tualatin imposes a tax of three percent (3%) on the retail sale price of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the City of Tualatin.

TMC 13-1-030. Collection. 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.

Section 2. Ordinance No. 1376-14, adopted September 29, 2014, is repealed.

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Section 3. Referral. This ordinance shall be referred to the electors of the City of Tualatin at the next statewide general election to be held on Tuesday, November 8, 2016.

ADOPTED this ____ day of _____, 2016.

CITY OF TUALATIN OREGON

BY _____
Mayor

APPROVED AS TO LEGAL FORM

BY _____
City Attorney

ATTEST

BY _____
City Recorder