

RESOLUTION NO. 2015-07

A RESOLUTION OF THE CITY OF LA PINE RELATING TO CERTAIN TAXES ON THE SALE OF MARIJUANA AND MARIJUANA-INFUSED PRODUCTS IMPOSED UNDER CITY OF LA PINE ORDINANCE NO. 2014-07.

WHEREAS, the City of La Pine, an Oregon municipal corporation ("City"), has all the powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant or allow City; and

WHEREAS, on October 22, 2014, City adopted the La Pine Marijuana Tax Ordinance, Ordinance No. 2014-07 (the "Ordinance"), pursuant to which City established a tax on the sale or transfer of marijuana and marijuana-infused products within City's incorporated limits; and

WHEREAS, on October 22, 2014, pursuant to Section 4 of the Ordinance, City adopted Resolution No. 2014-12, which resolution established (a) a tax rate of 5% of the gross taxable sale amount paid to the seller of marijuana and/or marijuana-infused products by a registry identification cardholder, and (b) a tax rate of 15% of the gross taxable sale amount paid to the seller of marijuana and/or marijuana-infused products by any person who is not purchasing marijuana under the Oregon Medical Marijuana Program; and

WHEREAS, after careful thought and consideration, including, without limitation, the financial impact administration and enforcement of the Ordinance may have on City, the La Pine City Council (the "Council") has determined that it is in City's best interests to repeal the Ordinance in its entirety.

NOW, THEREFORE, BE IT RESOLVED, by and through the Council meeting in regular session, the following:

1. Findings. The above-stated findings contained in this Resolution No. 2015-7 (this "Resolution") and those findings made by the Council during its regular meeting held on December 9, 2015 are hereby adopted.
2. Ordinance Repeal. Council repeals the Ordinance in its entirety. The Ordinance will be of no further force and effect. To further effectuate the repeal, the Council directs City staff to prepare and present the appropriate repealing ordinance for the Council's adoption at the Council's next regular meeting scheduled for January 13, 2016.
3. No Tax Collection and/or Payment. Effective immediately, City will not collect any tax under the Ordinance from any seller exercising the privilege of selling marijuana and/or marijuana-infused products within City's jurisdictional limits. Sellers will not (a) collect or impose any tax under the Ordinance on the sale or transfer of marijuana and/or marijuana-infused products, (b) pay any tax to City pursuant to the Ordinance, and/or (c) prepare and file any tax returns required under the Ordinance.
4. Return of Tax Collections. As of the date of this Resolution, City has received or collected approximately \$ 6,000 in tax funds remitted by sellers. Within thirty (30) days after the date of this Resolution, City will return any tax funds collected to the appropriate dispensary operators in City that remitted the tax pursuant to the Ordinance. Upon a seller's receipt of any returned tax funds, the seller will exercise the seller's commercially reasonable efforts to return the tax collected to the payor of the tax within thirty (30) days after receipt of the returned tax funds from City.

5. Miscellaneous. To the fullest extent permitted by law, this Resolution supersedes all City ordinances, resolutions, and/or policies to the extent such ordinances, resolutions, and/or policies are in conflict with this Resolution, including, without limitation, Resolution No. 2014-12. The provisions of this Resolution are hereby declared to be severable. If any section, subsection, sentence, clause, and/or portion of this Resolution is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Resolution. Unless otherwise provided in this Resolution, terms contained herein that are defined under Section 3 of the Ordinance will have the meanings assigned to such terms under the Ordinance.

APPROVED and ADOPTED by the Council on December 9, 2015.



Ken Mullenex, Mayor

ATTEST:



Richard L. Allen, City Manager