

RESOLUTION NO. 1134

A RESOLUTION APPROVING REFERRAL TO THE ELECTORS OF TOWN OF LAKEVIEW THE QUESTION OF PROHIBITING PSILOCYBIN-RELATED BUSINESSES IN THE TOWN, INCLUDING PSILOCYBIN PRODUCT MANUFACTURERS AND SERVICE CENTER OPERATORS.

WHEREAS, in November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act (codified at ORS 475A), which allows for the manufacture, delivery, and administration of psilocybin at licensed facilities; and

WHEREAS, ORS 475A.235 provides that the Oregon Health Authority ("OHA") will regulate the manufacture, transportation, delivery, sale, and purchase of psilocybin products and the provision of psilocybin services in the state; and

WHEREAS, OHA will begin accepting applications for licensure to manufacture, deliver, and administer psilocybin on January 2, 2023; and

WHEREAS, OHA has initiated a rulemaking process to implement the state's psilocybin regulatory program. As of July 20, 2022, OHA has not completed the rulemaking process. Oregon counties and cities are uncertain how the manufacture, delivery and administration of psilocybin at licensed psilocybin facilities will operate within local jurisdictions; and

WHEREAS, ORS 475A.718 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of state licensed psilocybin product manufacturers and/or psilocybin service centers in the area subject to the city's jurisdiction; and

WHEREAS, the town council (the "Council") for Town of Lakeview ("Town") adopted Ordinance No. 1134 which ordinance prohibits state-licensed psilocybin manufacturers and psilocybin-related businesses in Town's jurisdictional boundaries to be referred to the voters at the next statewide general election held on November 8, 2022; and

WHEREAS, the Council desires to refer the question of whether to prohibit (i.e., ban) state-licensed psilocybin manufacturers and psilocybin-related businesses to the voters of Town at the next statewide general election held on November 8, 2022.

NOW, THEREFORE, the Town of Lakeview resolves as follows:

1. Findings. The above-stated findings contained in this Resolution No. 1134 (this "Resolution") are hereby adopted.

2. Prohibition. The Council refers to Town's voters Ordinance No. 1134 which ordinance concerns a prohibition on state-licensed psilocybin manufacturers and psilocybin-related businesses in Town's jurisdictional boundaries.

3. General Election Conducted by Mail. The general election will be held on November 8, 2022. Pursuant to ORS 254.465 and ORS 254.470, the election will be conducted by mail by the Lake County Clerk according to procedures adopted by the Oregon Secretary of State and applicable Oregon law.

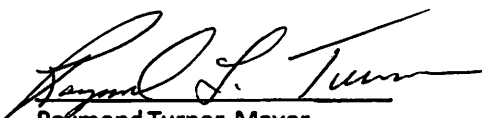
4. Ballot Title. Town's legal counsel has prepared a ballot title concerning the proposed ordinance in the form attached hereto as Exhibit A. The ballot title in the form attached hereto as Exhibit A is approved.

5. Explanatory Statement. Town's legal counsel has prepared an explanatory statement to be provided in the Voters' Pamphlet in the form attached hereto as Exhibit B. The explanatory statement in the form attached hereto as Exhibit B is approved.

6. Delegation. The town recorder (or his or her designee) is authorized to act on behalf of Town to take such further action as the town recorder (or his or her designee) deems necessary or appropriate to effect and carry out the intent and purposes set forth herein, including, without limitation, providing proper public notice and submitting the required forms with the county elections officer.

7. Miscellaneous. All pronouns contained in this Resolution and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. Any reference to a particular law, rule, regulation, code, and ordinance includes the law, rule, regulation, code, and ordinance as now in force and/or which may hereafter be amended. The provisions of this Resolution are hereby declared 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. This Resolution may be corrected by order of the Council to cure editorial and/or clerical errors.

APPROVED and ADOPTED by the Town Council of the Town of Lakeview and signed by the mayor this 10 day of July 2022.


Raymond Turner, Mayor

ATTEST:


Dawn Lepori, Town Recorder