

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION 10-21

A RESOLUTION SETTING A TITLE AND SUBMITTING TO THE ELECTORATE ON APRIL 6, 2021 A MEASURE CONCERNING THE REPEAL OF THE 2011 REFERRED MEASURE A TO ALLOW MARIJUANA BUSINESS(ES) IN THE CITY OF GRAND JUNCTION, COLORADO

RECITALS.

The City of Grand Junction, Colorado is a home rule municipal corporation duly organized and existing under the laws and Constitution of the State of Colorado and the City Charter. The City Council is duly authorized by the Charter and the Constitution to act for and on behalf of the City and the Council does hereby find and determine that it is in the public interest to propose a ballot measure respecting the repeal of the 2011 prohibition of marijuana businesses in the City of Grand Junction, Colorado. If the 2011 prohibition is repealed, based upon the further consideration and action by the City Council, marijuana businesses may or may not be permitted that (i) sell marijuana and marijuana products, and/or (ii) manufacture marijuana products, and/or (iii) cultivate marijuana for sale.

In 2010, the City Council prohibited the operation of medical marijuana businesses in the City limits and amended the Grand Junction Municipal Code by the addition of certain sections prohibiting specified uses relating to marijuana. A petition protesting those actions was filed, found to be sufficient, and the ordinance was suspended. The City Council referred a ballot question to the April 5, 2011 municipal election. That ballot question, known as Referred Measure A, prohibited the operation of medical marijuana businesses and amended the Grand Junction Municipal Code to prohibit certain uses relating to marijuana. Referred Measure A was approved with 7802 in favor and 5703 against.

On January 20, 2021 the City Council considered this Resolution, to refer a ballot question to repeal 2011 Measure A (the "Repeal Measure") to the regular municipal election on April 6, 2021. The question proposed by this resolution provides that repeal of 2011 Measure A shall be contingent on and subject to voter approval of another measure on the April 6, 2021 ballot (the "Marijuana Tax Measure") relating to the taxation of marijuana business(es) in the City of Grand Junction.

With the referral of this measure to the April 6, 2021 ballot the City Council is not sanctioning or permitting any type(s) of marijuana business(es) in Grand Junction but instead is providing voters an opportunity to repeal or continue the current prohibition on marijuana business(es) in the City of Grand Junction. If the voters approve this Repeal Measure and also approve the Marijuana Tax Measure, then the City Council will consider enacting ordinance(s) and certain regulations that would allow marijuana business(es) in the City. If this ballot question and the taxation question are approved

then the 2011 prohibition will be repealed and marijuana businesses that the City Council may or may not allow could include (i) sale of marijuana and marijuana products and/or, (ii) marijuana product manufacturing and/or (iii) cultivation of marijuana for sale. The exact number, type and location, if any, of any marijuana business(es) will be determined by and in the sound discretion of the City Council with no greater than six retail stores allowed in the City.

Furthermore, if either this Repeal Measure or the Marijuana Tax Measure is not approved by voters then the prohibition established by 2011 Measure A will continue. The Repeal Measure and the Marijuana Tax Measure must each be approved to repeal the prohibition on marijuana businesses in Grand Junction.

Voter approval of this Repeal Measure and the Marijuana Tax Measure does not authorize or approve any marijuana business(es). Approval, if any, of a marijuana business(es), will be by separate action(s) of the City Council, which action(s) may include amending and/or adding new sections to the Grand Junction Municipal Code relating to marijuana permitting, licensing, regulations, tax, zoning, signage and any manner of enforcement, regulation and any and all matters arising out of and/or related thereto.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Grand Junction that:

1. All actions heretofore taken (not inconsistent with the provisions of this resolution) by the City and the officers thereof, directed towards the election and the objects and purposes herein stated are hereby ratified, approved and confirmed.
2. Pursuant to the Charter and all other applicable laws of the State of Colorado, the Council hereby determines that an election shall be held on April 6, 2021 at which there shall be submitted to the registered electors of the City the question set forth herein.
3. The Council hereby authorizes and directs the City Clerk to submit the following ballot title to the registered electors on Tuesday, April 6, 2021.
4. On January 20, 2021 the City Council considered this Resolution, the adoption of which will refer a ballot question to repeal Referred Measure A to the regular municipal election on April 6, 2021, all as specifically and generally provided herein.

SHALL THE CITY OF GRAND JUNCTION, COLORADO ALLOW THE OPERATION OF MARIJUANA BUSINESSES IN THE CITY AND AMEND THE GRAND JUNCTION MUNICIPAL CODE BY THE ADDITION OF NEW SECTIONS PERMITTING, SUBJECT TO REGULATIONS TO BE ADOPTED BY ORDINANCES OF THE CITY, CERTAIN ACTIVITIES RELATING TO MARIJUANA, AND BY SO DOING REPEAL THE 2011 VOTER APPROVED MEASURE A, WITH THE APPROVAL OF THIS QUESTION AND THE REPEAL OF THE 2011 MEASURE A BEING SUBJECT TO AND EXPRESSLY CONTINGENT UPON VOTER APPROVAL OF MEASURE 2A ON THE APRIL 6, 2021 CITY OF GRAND JUNCTION BALLOT AUTHORIZING TAXATION OF MARIJUANA

BUSINESSES IN GRAND JUNCTION, ALL AS A VOTER APPROVED MEASURE UNDER ARTICLE XVI, PARAGRAPH 137, OF THE CITY CHARTER?

_____ YES _____ NO

4. Pursuant to Article XX of the State Constitution and the Charter, all State statutes that might otherwise apply in connection with the provisions of this ordinance (including, without limitation, § 31-11-111, C.R.S.) are hereby superseded to the extent of any inconsistencies or conflicts between the provisions of this ordinance and such statutes. Any such inconsistency or conflict is intended by the City Council and shall be deemed made pursuant to the authority of Article XX of the State Constitution and the Charter.

6. The ballot title is set based upon the requirements of the Colorado Constitution and the City Charter and, pursuant to Section 31-11-102, C.R.S., is an alternative to the provisions of Section 31-11-111, C.R.S. regarding both a title and a submission clause. Pursuant to Section 31-10-1308, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

7. The officers of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

8. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

Adopted this 20th day of January 2021.



C.E. "Duke" Wortmann
President of the Council



ATTEST:



Wanda Winkelmann
City Clerk