



Law Department

SUBJECT: Retail Cannabis Moratorium and Referendum (3rd Memo)

MEETING DATE: July 28, 2020

TO: President and Village Board of Trustees

FROM: [Jeffrey M. Stein](#), Assistant Village Manager/Corporation Counsel
[Erik Hallgren](#), Assistant Village Manager
[Alex Arteaga](#), Management Analyst

Recommended Motion

Adoption of Resolution #2020-R-20 A Resolution Providing for and Requiring the Submission of an Advisory Question of Public Policy Concerning the Allowance of Recreational Cannabis Sales to Appear on the Ballot of the Electors of the Village of Wilmette, Cook County, Illinois at the November 3, 2020 General Election.

Background & Discussion

At the last Village Board meeting held on July 14, 2020, the Village Board directed the Village staff to place a resolution providing for and requiring the submission of a referendum in regard to the sale of cannabis within the Village limits on the next agenda. The referendum's language was discussed and agreed upon to be as follows:

“Shall the retail sale of adult use recreational cannabis be permitted within the Village of Wilmette at a business licensed by the State of Illinois?”

The referendum language above, if adopted as part of Resolution #2020-R-20, will appear on the ballot for all Wilmette voters at the November 3, 2020 election. This referendum is an “advisory” referendum that is not binding and carries no legal effect upon the authority given to the Village in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et. seq.)(“Act”).

Pursuant to the Illinois Constitution and the Illinois Election Code, public funds cannot be used to urge any elector to vote for or against any proposition; however, there is a clear exemption that allows public funds to be used to disseminate factual information relative to a proposition appearing on the ballot.

In addition to the ban on public funds being used to urge voters to vote for or against a referendum, the State Officials and Employees Ethics Act (“Ethics Act”) prohibits the use of any public resource from being used to engage in political activity. As such, Village assets

cannot be used to attempt to persuade electors in regard to the referendum question. Furthermore, the Ethics Act prohibits Village officials and employees from also engaging in political activity that is designed to urge a voter to cast their vote for or against the referendum when they are working or performing Village functions or when physically present on Village owned facilities. Village officials and employees may engage in any political activity, including such activity that is designed to persuade voters, on their own time and without the benefit of using Village resources.

These restrictions do not apply when the Village officials or staff disseminate factual information about the referendum, even while using Village resources or while on Village owned facilities. Accordingly, it is important for Village officials to be cautious and judicious about any statements or use of Village facilities or resources should such Village officials desire to advocate for or against the referendum. There should also be a clear divide between actions taken while performing Village functions and political activity taken when Village officials are not acting in their official capacity.

As permitted by law, the Village staff has developed some materials in regard to factual information that will be disseminated through various forms to Village residents. Attached to this memorandum is a memorandum from Village Manager Michael Braiman and Assistant Village Manager Erik Hallgren in regard to the Village staff's suggested factual information to disseminate.

Timeline

Unless the Village Board determines that a referendum is not the appropriate vehicle for determining whether cannabis dispensaries should be permitted in Wilmette, the following timeline will be followed:

- July 28 - Adoption of resolution placing a referendum on the November 2020 ballot.
- July 29 – Submission of the adopted resolution to the election authority.

Regardless of the outcome of the referendum, additional actions will be required to either make the restrictions imposed by the moratorium permanent or determine the appropriate zoning districts for retail cannabis dispensaries.

Budget Impact

There may be an increase in revenue should dispensaries be allowed and one or more dispensaries are operating within the Village limits.

Documents Attached

1. Resolution #2020-R-20 A Resolution Providing for and Requiring the Submission of an Advisory Question of Public Policy Concerning the Allowance of Recreational Cannabis Sales to Appear on the Ballot of the Electors of the Village of Wilmette, Cook County, Illinois at the November 3, 2020 General Election.
2. Memorandum regarding cannabis referendum communications plan
3. Memorandums from the June 23 and July 14 Village Board meetings

RESOLUTION NO. 2020-R-20

A RESOLUTION PROVIDING FOR AND REQUIRING THE SUBMISSION OF AN ADVISORY QUESTION OF PUBLIC POLICY CONCERNING THE ALLOWANCE OF RECREATIONAL CANNABIS SALES TO APPEAR ON THE BALLOT OF THE ELECTORS OF THE VILLAGE OF WILMETTE, COOK COUNTY, ILLINOIS AT THE NOVEMBER 3, 2020 GENERAL ELECTION

WHEREAS, the Village of Wilmette, Cook County, Illinois (the “Village”) is a home rule municipal corporation as provided in Article VII, Section 6 of the 1970 Constitution of the State of Illinois and, pursuant to said constitutional authority, may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare; and

WHEREAS, the Village is authorized pursuant to its Home Rule authority as well as by the Illinois Election Code and the Illinois Municipal Code, to submit an advisory question of public policy (“referendum”) to the voters at an election; and

WHEREAS, pursuant to the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1 *et. seq.*)(“Act”), which took effect on January 1, 2020, individuals over the age of 21 will be allowed to lawfully possess and consume cannabis; and

WHEREAS, the Village adopted Ordinance 2019-O-63 on October 22, 2019, which amended the Village Code in regards to the possession and consumption of cannabis within the Village, but determined that public input was desired for the evaluation process for the allowance or prohibition of cannabis sales within the Village; and

WHEREAS, the Village Board has determined that an advisory referendum to be placed on the November 2020 election ballot will be one effective method of obtaining public input; and

WHEREAS, the Village staff is directed to place a resolution authorizing such an advisory referendum, in compliance with the Illinois Election Code, at the appropriate Village

Board meeting to ensure the placement of the proposed referendum upon the ballot at the November 2020 election; and

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Wilmette as follows:

SECTION ONE: The above recitals are incorporated into this section one as if fully set forth.

SECTION TWO: The following proposition (“Proposition”) shall be submitted to the voters of the Village of Wilmette, Cook County, Illinois at the General Election on November 3, 2020.

Shall the retail sale of adult use recreational cannabis be permitted within the Village of Wilmette at a business licensed by the State of Illinois?	Yes	
	No	

SECTION THREE: The Village Clerk is hereby directed to file and certify the Proposition to the proper Election Authorities including the County Clerk of Cook County, along with a signed and sealed original of this Resolution, in a timely manner so that the above Proposition shall be submitted to the voters of the Village of Wilmette at the General Election to be held on November 3, 2020.

SECTION FOUR: This Resolution shall be in full force and effect from and after its passage as provided by law.

ADOPTED by the President and Board of Trustees of the Village of Wilmette, Illinois, on the **28th** day of **July 2020** according to the following roll call vote:

AYES: None.

NAYS: None.

ABSTAIN: None.

ABSENT: None. _____

Village Clerk

Approved on July 28, 2020

Village President

Attest:

Village Clerk



Date: July 28, 2020

To: President Bielinski and Village Board of Trustees

From: Michael Braiman, Village Manager
Erik Hallgren, Assistant Village Manager

Subject: Cannabis Referendum Communication Plan

Background

At the July 14, 2020 Village Board meeting, there was a request to provide a communication plan regarding the Village's proposed cannabis referendum. This memo provides a broad scope of the content to be included in the Village referendum education, methods to share the educational materials, and a proposed timeline for communication.

Discussion

The Village's public education regarding the cannabis referendum will be comprehensive and include the following:

- State regulations and guidelines
- Status of retail cannabis sales in surrounding communities
- Wilmette specific site locations
- Past Village Board meeting materials on the subject
- Timeline regarding cannabis legalization in Illinois
- Frequently asked questions and additional resources

The following will discuss each of the above in greater detail.

State Regulation and Guidelines

This section will include links to the State of Illinois' Cannabis Regulation and Tax Act. The section will also include information regarding the financial impacts of adult-use recreational cannabis.

Surrounding Communities

This section will include a map of surrounding communities and their local regulations regarding adult-use recreational cannabis. The map will also include current or planned sites for recreational cannabis sales in surrounding communities. Attachment #1 is the draft map for the website. Additionally, this section will include a section on financial and community impacts reported by other municipalities that have allowed for the retail sale of adult use recreational cannabis.

Wilmette Site Location

This section will include a map of the locations where medical cannabis cultivation and dispensaries are currently permitted within the Village's jurisdiction. Attachment #2 is the map planned for the website. The intent is to provide a frame of reference for where the Village has previously approved cannabis-related locations.

Past Meetings and Discussions

This section will include links to prior Village meetings that discussed cannabis regulation within the Village of Wilmette. Key meetings include:

- August 27, 2019 – Discussion of Next Steps Concerning State Law Legalizing Possession and Use of Recreational Cannabis
- September 24, 2019 – Staff directed to prepare moratorium ordinance prohibiting recreation cannabis dispensaries in Wilmette. Prepare technical amendments to Village Code, Zoning Ordinance, and Tax Provisions to be consistent with State law. Appointment of Special Zoning Committee.
- October 18, 2019 – Judiciary Committee Meeting sat as a Special Zoning Committee to hold public hearing for cannabis related technical amendments and other regulatory items.
- October 22, 2019 – Village Board approved moratorium ordinance prohibiting recreation cannabis dispensaries in Wilmette. Village Board approved technical amendments to Village Code, Zoning Ordinance, and Tax Provisions to be consistent with State law.
- June 23, 2020 – Presentation on retail cannabis moratorium and referendum
- July 14, 2020 – Introduction of language for cannabis referendum
- July 28, 2020 – Adoption of resolution placing referendum on November 2020 ballot

Timeline

This section will include a timeline with information regarding the history of cannabis regulation in the State of Illinois and Village of Wilmette. Dates will include the following:

- January 1, 2014 – Compassionate Use of Medical Cannabis Pilot Program went into effect in the State of Illinois
- January 28, 2014 – Passed Ordinance 2014-O-1 regarding Zoning Ordinance and Village Code for medical cannabis
- January 1, 2020 – Cannabis Regulation and Tax Act went into effect in the State of Illinois
- Include dates included above regarding Village actions for cannabis regulation in Wilmette

Frequently Asked Questions (FAQ) & Additional Resources

This section will include a FAQ listing developed by the Village and additional resource sites provided by other governmental agencies. The draft FAQ is included as Attachment #3 and will be updated based upon community engagement. The links will include State of Illinois Resources and may be updated based upon new information.

- LetsTalkCannabisIL.com - Provides resources and information to Illinois residents about health and safety issues related to legal cannabis use.
- [Illinois Cannabis Resource Site](#) – Includes information for residents on adult-use cannabis.

Communication Methods

The Village will utilize the following communication methods which are discussed in greater detail below:

- Village website
- E-news
- Social media
- Communicator

Village Website

A webpage template has been developed by Village Staff and is included as Attachment #4. This webpage will be included as a scrolling banner item on the Village's main page and will be updated as new information is compiled by staff.

E-News

The Village sends out weekly E-News to community members and will include content regarding the cannabis referendum in future E-News.

Social Media

The Village utilizes Facebook, Twitter, and Nextdoor to communicate information on a daily basis to community members. This content typically reiterates the messaging provided in the prior weeks E-News. Cannabis information will be shared through social media using the same methodology.

Communicator

The Village's Fall/Winter newsletter is currently under development and is expected to be sent to residents in the last week of September. The Communicator will dedicate all of Page 3 to cannabis referendum content.

Communication Timeline

Information regarding the cannabis referendum will be communicated in accordance with the following timeline:

Week Of	E-News	Social Media	Communicator	Content
July 26	X	X		Update on Final Board action from July 28 meeting
August 2	X	X		Notification that Website is updated with referendum resources
August 16	X	X		Referendum Messaging
September 6	X	X		Referendum Messaging
September 20	X	X		Referendum Messaging
September 27			X	Full Page with information on referendum and link to resources
October 4	X	X		Reminder of in-person/mail-in voter registration deadline (10/6) and referendum
October 11	X	X		Reminder of online voter registration deadline (10/18) and referendum
October 18	X	X		Referendum Messaging
October 25	X	X		Referendum Messaging
November 1	X	X		Voting Reminder message with information on referendum
November 8	X	X		Election Results and Next Steps regarding Cannabis regulations

Budget Impacts

In reviewing this plan, staff has determined that the work described above can be completed within the existing retainer with Metro Strategies and no additional costs for communication are anticipated at this time.

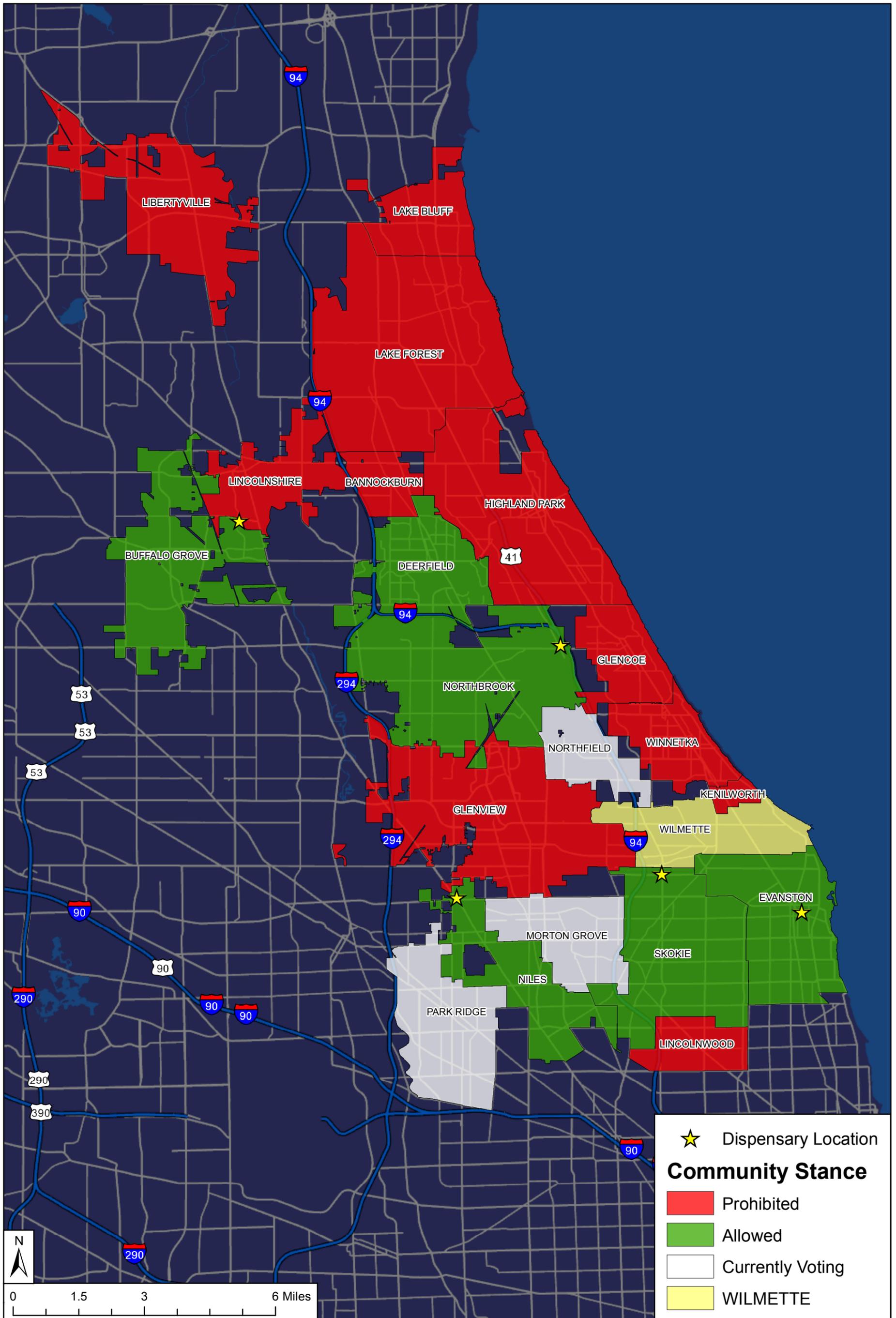
Documents Attached

1. Map of surrounding community's policies regarding recreational cannabis and site locations
2. Map of zoning districts where medicinal cultivation and dispensaries can operate with the Village of Wilmette
3. Frequently Asked Questions
4. Website Template for information regarding the Village's referendum
5. Presentation on Cannabis Communication Plan

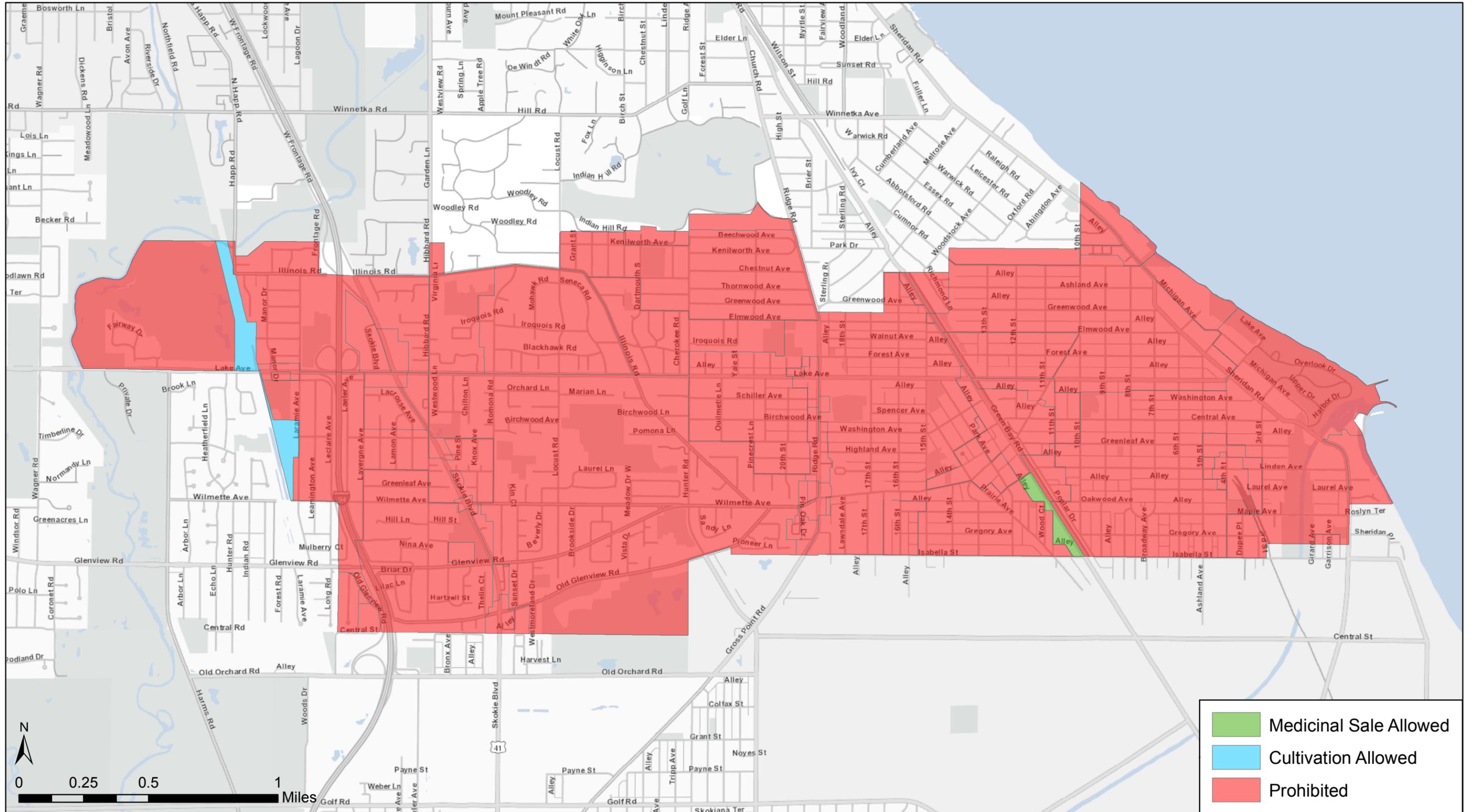


Regional Recreational Cannabis Business Policy

GIS Consortium



Wilmette Medicinal Cannabis Zoning



- **What will be the referendum question on the November 3, 2020 ballot?**
At its July 28, 2020 meeting, the Village Board voted ___-___ to adopt a resolution establishing an adult-use cannabis referendum on the November ballot. This is an advisory (non-binding) referendum intended to gauge public opinion and guide future discussions by the Village. The referendum question will read:

“Shall the retail sale of adult use recreational cannabis be permitted within the Village of Wilmette at a business licensed by the State of Illinois?”

- **How do I vote?**
If you are currently registered to vote, you will vote on the November 3, 2020 General Election Ballot, the referendum question will be included.

If you are not currently registered to vote, you can register through the Cook County Clerk’s Office at <https://www.cookcountyclerk.com/agency/register-vote> Registration in person or by mail must be submitted by October 6, 2020 and registration online must be completed by October 18, 2020.

- **What does a “Yes” vote mean?**
A “Yes” vote will indicate that you are in favor of the retail sales of adult use recreational cannabis within Wilmette. Since this is an advisory (non-binding referendum); the outcome of the referendum will be utilized as a gauge for public opinion. The Village Board will make the final determination if adult use recreational cannabis will be permitted within the Village.
- **What does a “No” vote mean?**
A “No” vote will indicate that you are not in favor of the retail sales of adult use recreational cannabis within Wilmette. Since this is an advisory (non-binding referendum); the outcome of the referendum will be utilized as a gauge for public opinion. The Village Board will make the final determination if adult use recreational cannabis will be permitted within the Village.
- **What happens after the referendum?**
There will still be an opportunity after the referendum for the public to provide input on the final determination by the Village Board. There will be a public input process to have discussions on the following items:
 - Ordinance prohibiting or allowing cannabis establishments in the Village
 - Determine if all uses or only certain uses may be permitted (dispensary vs. cultivation)
 - Zoning Regulations and Locations
 - Determined in which zoning districts such uses can be located
 - Make such uses special uses
 - Enact reasonable regulation not inconsistent with State Law
 - Limit the number of establishments within the Village
 - Create minimum distances from other sensitive establishments

- **Are retail sales of adult use recreational cannabis currently permitted within the Village of Wilmette?**

Currently, the retail sale of adult use recreational cannabis is not allowed within the Village of Wilmette. The Village Board adopted Ordinance 2019-O-63 which included a moratorium on the retail sale of cannabis within the Village. The moratorium is set to expire on June 30, 2021.

- **Who can consume recreational cannabis in Illinois under the new law?**

Adults age 21 years and older can possess and consume limited quantities of cannabis or cannabis-infused product. You cannot legally possess or use any amount of cannabis if you are under the age of 21.

- **How much recreational cannabis can I legally possess?**

Illinois residents age 21 and older can legally possess 30 grams of cannabis leaf, 5 grams of cannabis concentrate or 500 milligrams of cannabis-infused product. Out of state residents can legally possess half of those amounts.

- **Where can I consume recreational cannabis?**

You can legally consume cannabis or THC-infused products in your home, on your private property or in businesses specifically licensed for cannabis consumption. Landlords and property owners can ban cannabis consumption on their property.

- **Are there any places where smoking or consuming cannabis is not permitted under the new law?**

You cannot consume cannabis or THC-infused products in any public place. This is defined as any place where a person could reasonably be expected to be seen by others and includes streets, sidewalks, parks, playgrounds and parking garages. Consumption is also prohibited in motor vehicles, on any preschool, primary or secondary school grounds, or anywhere smoking is already prohibited, like restaurants and bars.

- **Where can I purchase recreational cannabis?**

The only place to legally purchase cannabis or THC-infused products is at a licensed business. Private sales are illegal.

- **Who is allowed to grow cannabis in Illinois under the new law?**

Only registered medical marijuana patients over 21 years of age are permitted to grow up to five marijuana plants at a time, and growing is only allowed in a locked, secure area outside of public view.

- **Who is allowed to possess cannabis in Illinois in a vehicle under the new law?**

Like alcohol, consumption of cannabis in a motor vehicle is prohibited and must

be transported in a sealed, odor proof, child resistant container that is reasonably inaccessible in the vehicle.

- **What is the legal limit of THC blood concentration for a DUI in Illinois?**

The legal limit for driving is a THC blood concentration of more than five nanograms per milliliter. If you have more than that in your system, or are impaired, you may be charged with a DUI.

- **Can an employer restrict the use of cannabis?**

The Act permits an employer to utilize a Zero Tolerance Policy, meaning no cannabis consumption. It is recommended that individuals check with their employer and the personnel manual.

- **What are the penalties for violating cannabis laws?**

Wilmette has updated its municipal code to match the state law, and anyone found in violation of the new law will be issued a citation or subject to other enforcement action.

- **Where can I get additional information regarding the Cannabis Regulation and Tax Act?**

The Illinois Department of Finance and Professional Regulation is responsible for implementing and administrating multiple aspects of the Cannabis Regulation and Tax Act and is a source for additional information about the new law.

The State has also compiled a resource site for reference:

<https://www2.illinois.gov/cannabis/Pages/default.aspx>

Attachment #4 – Draft Webpage Template for Cannabis Referendum



THE VILLAGE OF Wilmette
EST. 1872

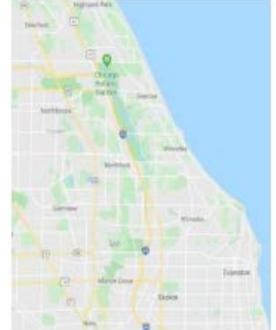
Visitors Business Government Village Services

Cannabis Referendum Information

At its July 28, 2020 meeting, the Village Board voted ___ to adopt a resolution establishing an adult-use cannabis referendum on the November ballot. This is an advisory (non-binding) referendum intended to gauge public opinion and guide future discussions by the Village. The 2020 General Election is scheduled for Tuesday, November 3rd, 2020. This referendum question will be included on all Wilmette ballots. The referendum question will read:

“Shall the retail sale of adult use recreational cannabis be permitted within the Village of Wilmette at a business licensed by the State of Illinois?”

To further inform Wilmette residents, the Village wanted to provide additional information that is relevant to state recreational cannabis regulations, Village regulations in regards to recreational cannabis, and helpful resources. For further information on the cannabis referendum, click on the below images.

<p>State Regulations</p> 	<p>Surrounding Communities Map</p> 	<p>Potential Locations in Wilmette</p> 
<p>Past Meeting Agendas, Discussions, etc.</p> 	<p>FAQ's & Additional Resources</p> 	



Cannabis Referendum Communication Plan

July 28, 2020

Cannabis Referendum

- At July 14, 2020, Village Board directed staff to place resolution for referendum on July 28, 2020. The proposed language is:

“Shall the retail sale of adult use recreational cannabis be permitted within the Village of Wilmette at a business licensed by the State of Illinois?”

- Once adopted, the Village will begin a public communication campaign regarding the referendum

Referendum Communication

- Pursuant to Illinois Election Code public funds cannot be used to urge any elector to vote for or against any proposition
 - Therefore, all materials will provide information related to adult-use recreational cannabis
- Communication Information will include:
 - State regulations and guidelines
 - Past Village Board meeting materials
 - Timeline regarding cannabis legalization in Illinois
 - Frequently asked questions and additional resources
 - Status of retail cannabis in surrounding communities
 - Wilmette specific site locations

Referendum Communication



State regulations and Guidelines

Links to information provided by State of Illinois regarding the Cannabis Regulation and Tax Act

Information regarding financial impact of adult-use recreational cannabis



Past Village Board meeting materials

Links to prior board packet materials discussing cannabis regulation in Village of Wilmette



Timeline of cannabis legalization in Illinois

History of Cannabis regulation in the State of Illinois and Village of Wilmette



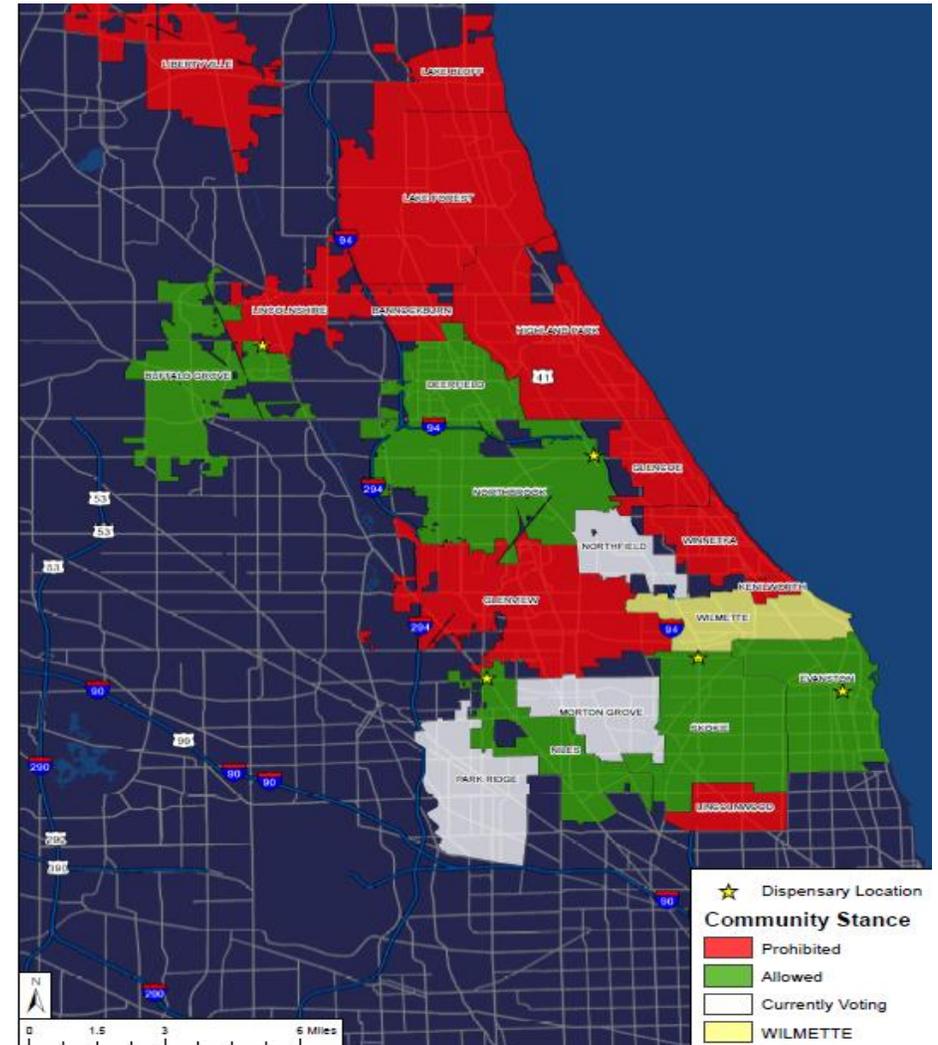
FAQ's and Additional Resources

FAQ Listing will include information about referendum process and cannabis regulation in State

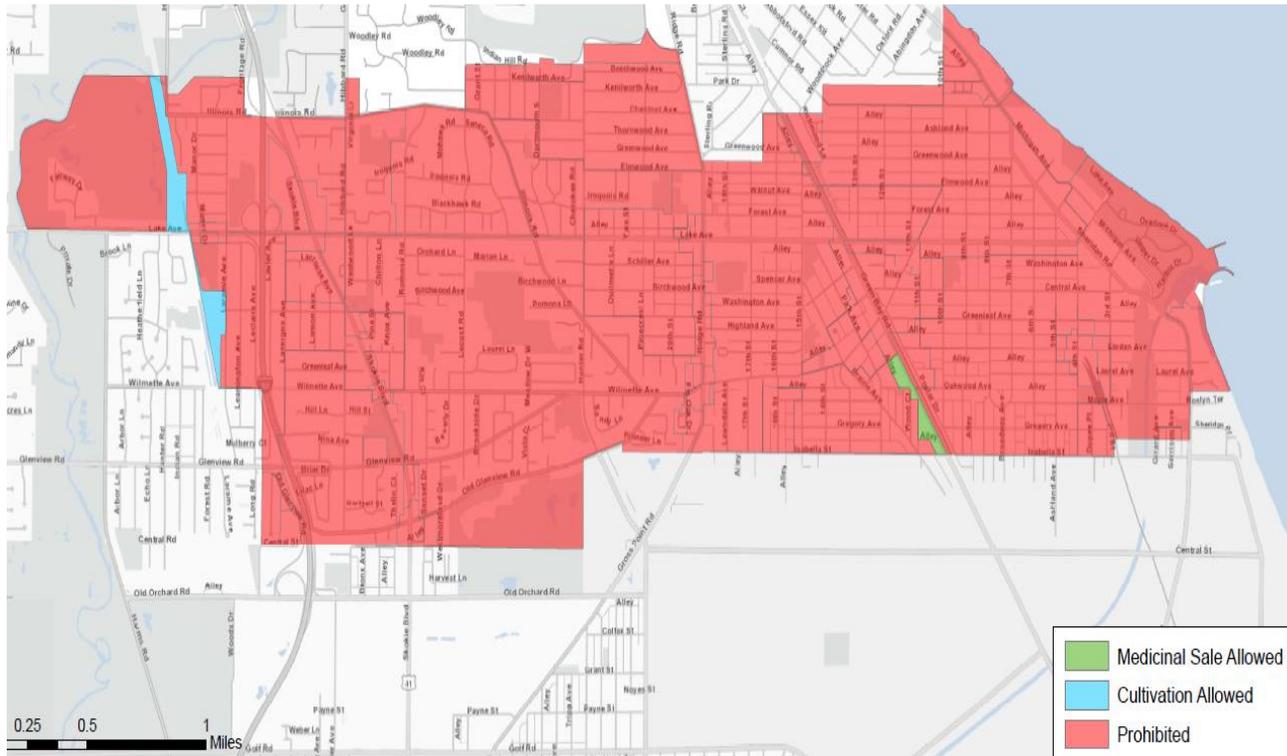
Resources will include information from State and County regarding Cannabis

Referendum Communication

- **Status of retail cannabis in surrounding communities**
 - Map of surrounding communities and their local regulation regarding cannabis
 - Map will include current or planned dispensary locations
 - Section will include information on financial and community impacts reported by other municipalities



Referendum Communication



- **Wilmette Site Locations**
 - Maps includes locations where medical cannabis cultivation and dispensaries are currently permitted within the Village

Communication Methods

- **Village Website**
 - Scrolling Banner on Village's main page and updated regularly
- **E-News**
 - Weekly E-News to community members will include content on referendum
- **Social Media**
 - Facebook, Twitter, and Nextdoor to provide information to community members; recaps messaging from E-News
- **Communicator**
 - Fall/Winter Communicator will be sent end of September and dedicate all of Page 3 content to referendum

The screenshot shows the Village of Wilmette website's "Cannabis Referendum Information" page. The page features a blue header with navigation links for "Visitors", "Business", "Government", and "Village Services". The main content area is white and contains the following text:

Cannabis Referendum Information

At its July 28, 2020 meeting, the Village Board voted ___ to adopt a resolution establishing an adult-use cannabis referendum on the November ballot. This is an advisory (non-binding) referendum intended to gauge public opinion and guide future discussions by the Village. The 2020 General Election is scheduled for Tuesday, November 3rd, 2020. This referendum question will be included on all Wilmette ballots. The referendum question will read:

"Shall the retail sale of adult use recreational cannabis be permitted within the Village of Wilmette at a business licensed by the State of Illinois?"

To further inform Wilmette residents, the Village wanted to provide additional information that is relevant to state recreational cannabis regulations, Village regulations in regards to recreational cannabis, and helpful resources. For further information on the cannabis referendum, click on the below images.

The page includes three main sections with corresponding images:

- State Regulations:** A green map of Illinois.
- Surrounding Communities Map:** A map showing the Village of Wilmette and its neighbors.
- Potential Locations in Wilmette:** A map of the Village of Wilmette showing potential locations for recreational cannabis businesses.

At the bottom of the page, there are two additional sections:

- Past Meeting Agendas, Discussions, etc.:** A link to past meeting agendas and discussions.
- FAQ's & Additional Resources:** A link to frequently asked questions and additional resources.

The page also features the Village of Wilmette logo in the top left and bottom left corners, and the Illinois Cannabis Resource Site logo in the bottom right corner.

Communication Timeline

Week Of	E-News	Social Media	Communicator	Content
July 26	X	X		Update on Final Board action from July 28 meeting
August 2	X	X		Notification that Website is updated with referendum resources
August 16	X	X		Referendum Messaging
September 6	X	X		Referendum Messaging
September 20	X	X		Referendum Messaging
September 27			X	Full Page with information on referendum and link to resources
October 4	X	X		Reminder of in-person/mail-in voter registration deadline (10/6) and referendum
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October 18	X	X		Referendum Messaging
October 25	X	X		Referendum Messaging
November 1	X	X		Voting Reminder message with information on referendum
November 8	X	X		Election Results and Next Steps regarding Cannabis regulations