



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.

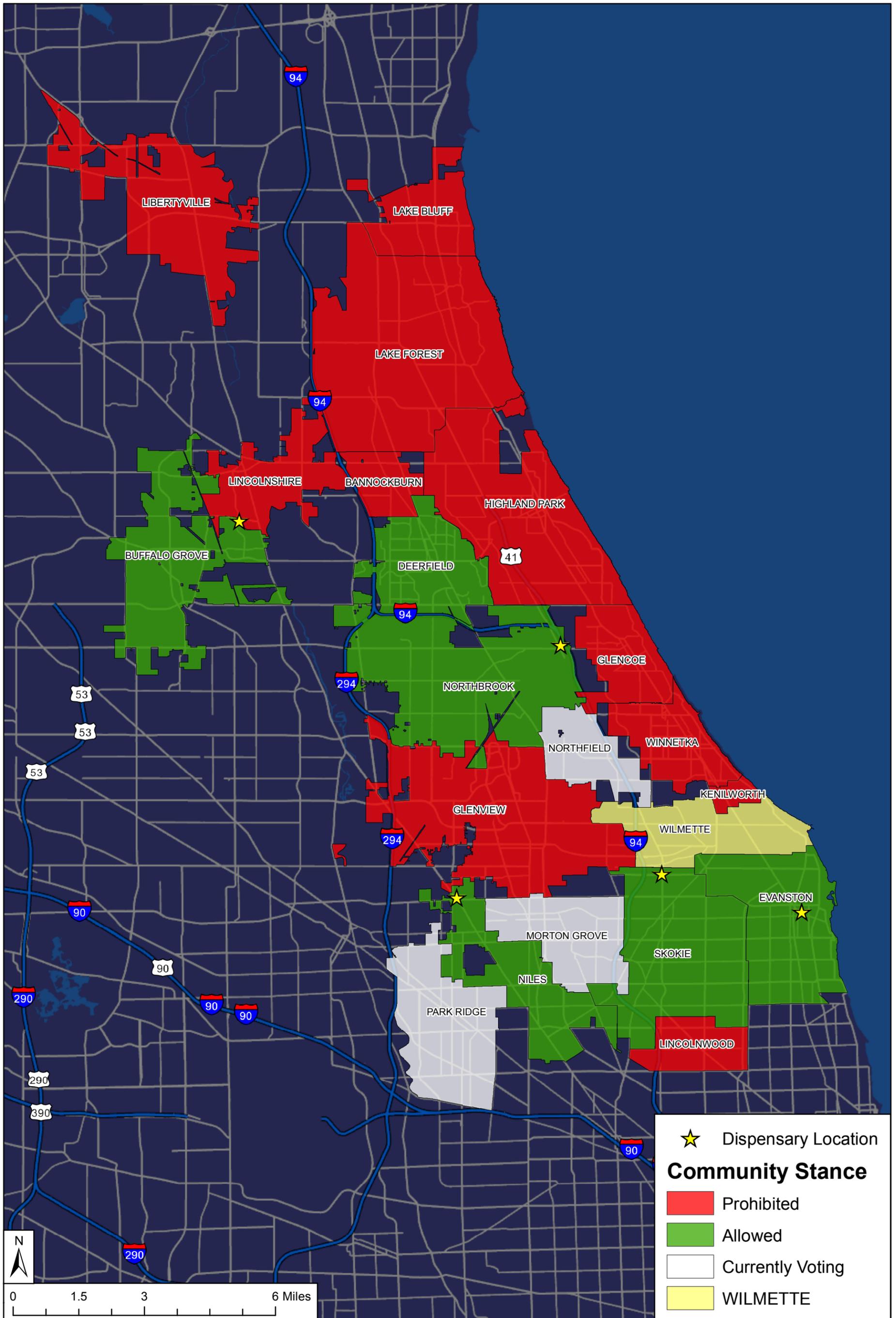
Documents Attached

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

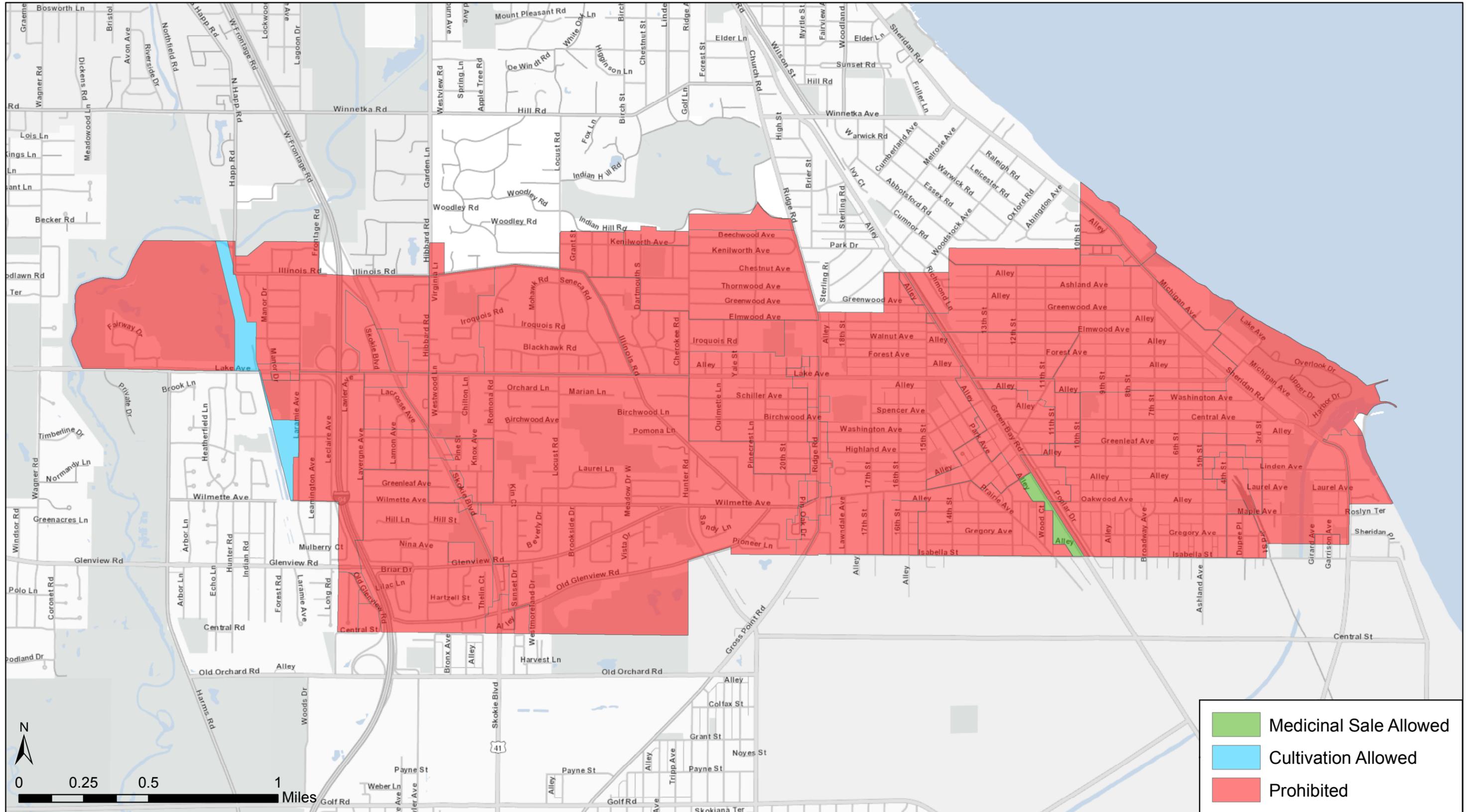


Regional Recreational Cannabis Business Policy

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.

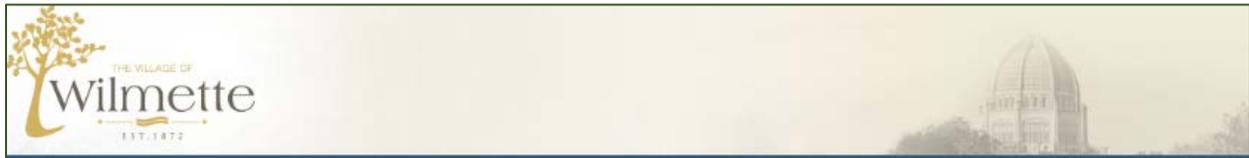
- **Where can I get additional information regarding the Cannabis Regulation and Tax Act?**

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

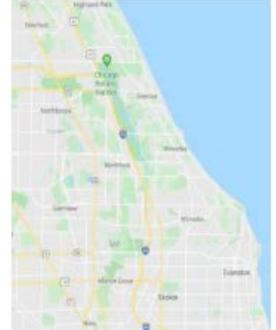
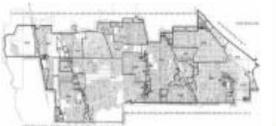
Visitors Business Government Village Services

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



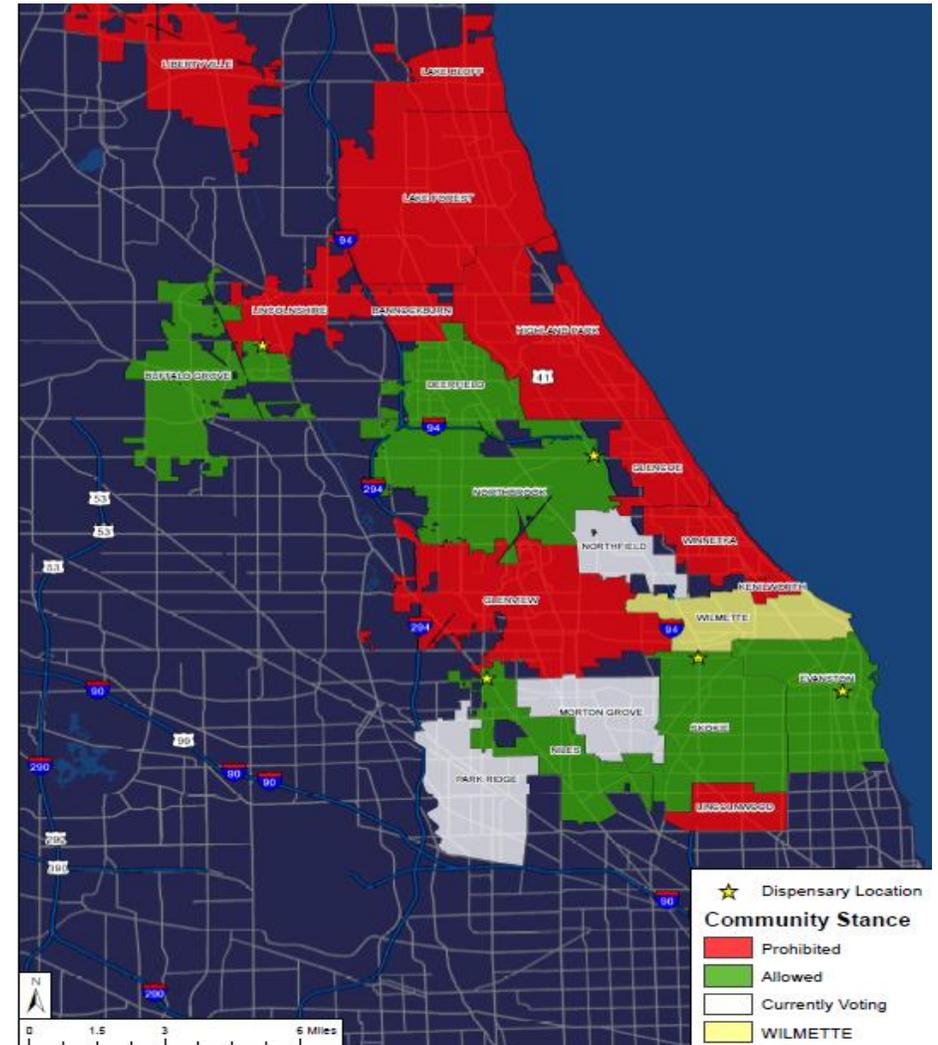
FAQ's and Additional Resources

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

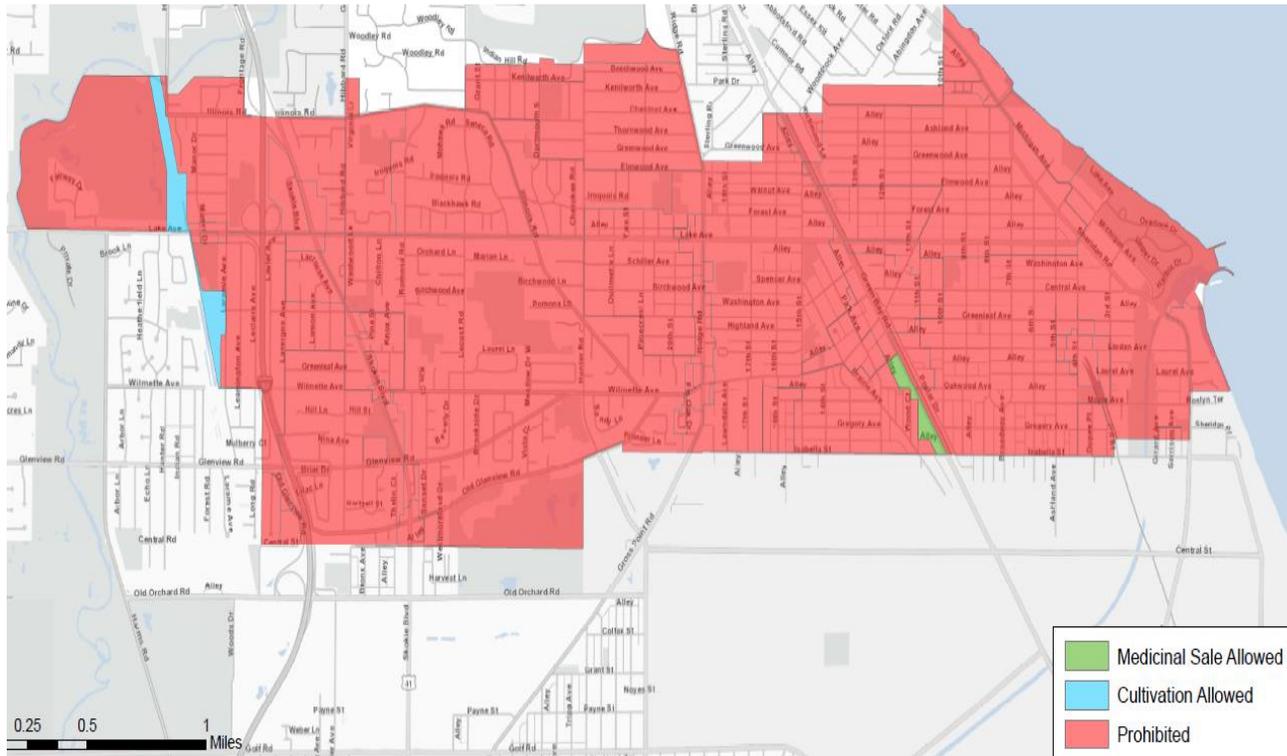
Resources will include information from State and County regarding Cannabis

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



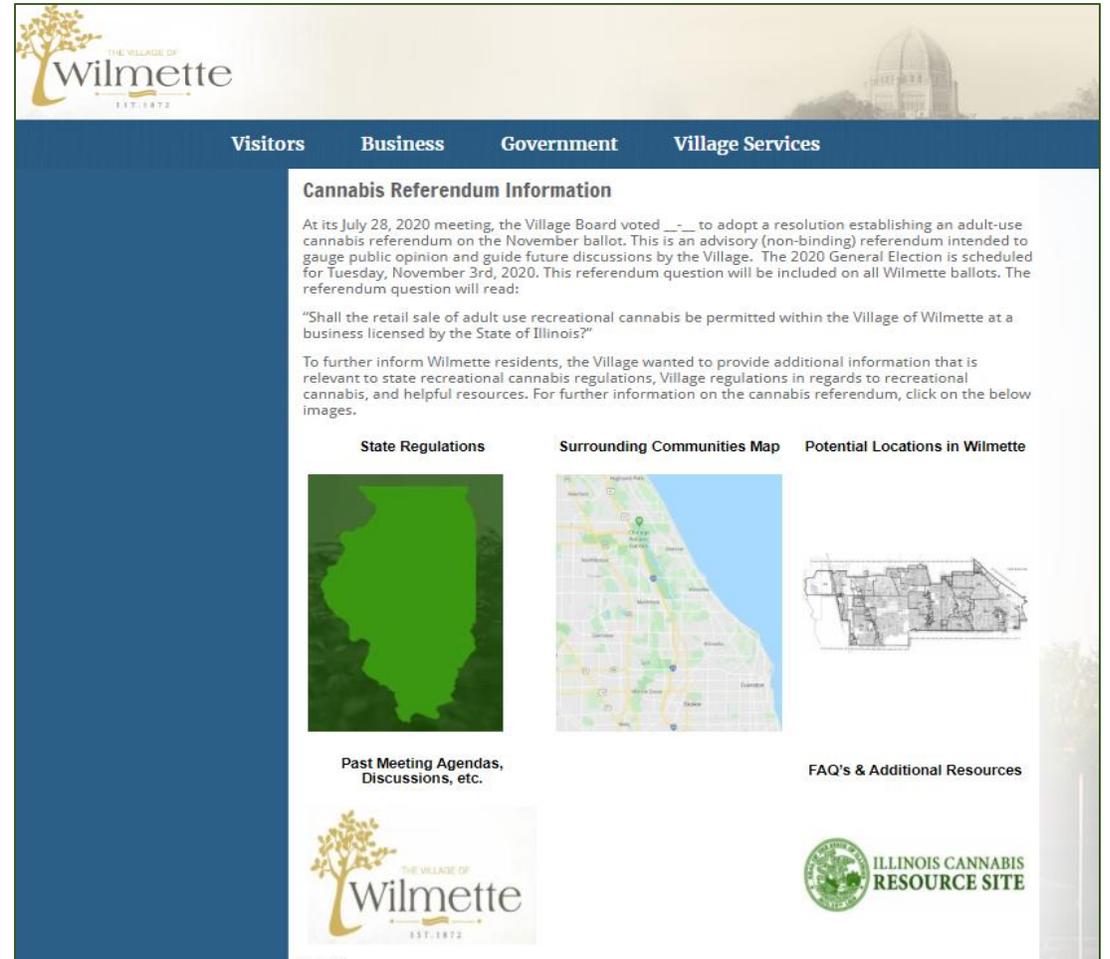
Referendum Communication



- **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 displays the Village of Wilmette website's navigation menu with options for Visitors, Business, Government, and Village Services. The main content area is titled "Cannabis Referendum Information" and contains the following text:

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.

Below the text are three interactive links with corresponding images:

- State Regulations**: A green map of Illinois.
- Surrounding Communities Map**: A street map showing the village's location relative to neighboring areas.
- Potential Locations in Wilmette**: A detailed street map of the village with specific areas highlighted.

At the bottom of the page, there are two more links:

- Past Meeting Agendas, Discussions, etc.**: Accompanied by the Village of Wilmette logo.
- FAQ's & Additional Resources**: Accompanied by the Illinois Cannabis Resource Site logo.

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
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



Law Department

SUBJECT: Retail Cannabis Moratorium and Referendum (2nd Memo)

MEETING DATE: July 14, 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

Background

At the last Village Board meeting held on June 23, 2020, a memorandum and brief presentation providing an update on cannabis regulations imposed by Cook and Lake County municipalities was given. In addition, information in regards to the current financial status and potential future financial impacts was also provided.

As provided for in the timeline, July 14 will be the second of three planned discussions on this topic. This memorandum is intended on providing the Village Board with updated information that was requested at the previous meeting as well as recommended (and alternative) referendum language.

Discussion

Since the last meeting on this topic took place, the Corporation Counsel was asked to provide additional information in regards to adverse impacts and financial projections. In addition, the Corporation Counsel was requested to provide more detail about the State imposed regulations enacted to guard against the sale of cannabis to underage individuals. Finally, the main discussion and the only decision points that need to be made are if there will be a referendum and the language it will contain so a resolution can be voted on at the July 28 Village Board meeting.

Financial Components and Projections

At the last Village Board meeting, the Corporation Counsel presented that the Village would receive approximately \$22,000 from the state from the 8% statewide tax imposed upon the sale of recreational cannabis. The Corporation Counsel incorrectly stated that this was "year to date" when instead it is the annual projection based on revenues received to date and estimates from the Illinois Municipal League (IML).

Neighboring Communities

During the presentation it was discussed that Evanston projects its annual income to be approximately \$250,000, per their budget documents. There was an inquiry about the taxation components of that projected amount. Per Evanston's response to our inquiry, Evanston's local taxation amount of 5.25% (1% state tax, 1.25% Home Rule Tax, 3% cannabis tax) is what is used to make up the \$250,000 projected amount. This estimates \$4.76 million in sales for one dispensary.

In addition to Evanston, Oak Park projected \$200,000 based upon the 3% cannabis tax only (this does not take into account their home rule tax or 1% sales tax). However, Oak Park has reduced that projection to \$100,000 due to the impact the pandemic may have upon cannabis sales. The updated projection of \$100,000 estimates \$3.33 million in sales for one dispensary.

Adverse Impacts

In addition to the financial inquiries, there was a question about the specifics of what was considered an "adverse impact." In order to ensure there was no confusion, Management Analyst Alex Arteaga reached out to multiple municipalities (including additional municipalities outside of Cook and Lake Counties) that have a dispensary operating within their boundaries and asked the following in regards to adverse impacts:

1. Were there any citations issued for illegal sales of cannabis?
2. Was there any increase in citations or other enforcement actions for underage possession of cannabis?
3. Was there an increase in police reports in the surrounding areas of the dispensary?
4. Were there any other impacts in the surrounding areas of the dispensary?

The municipalities indicated that:

1. There has been no enforcement action taken for illegal sales of cannabis. Romeoville indicated citations have decreased since cannabis has been legalized.
2. There was no reportable increase in enforcement of underage cannabis sales.
3. There was no reportable increase in any additional criminal activity or calls for service in the surrounding areas of the dispensary. However, Romeoville did indicate that their dispensary was looted during the periods of civil unrest.
4. Multiple municipalities reported increased vehicular traffic and parking issues when their respective dispensaries first opened.

State Regulations

The Corporation Counsel received a request to provide the Village Board with some of the regulations that the State imposes upon dispensaries when it comes to guarding against illegal sales. A few of the relevant regulations are listed below.

1. Dispensaries are prohibited from selling cannabis to anyone through a drive-through, vending machine or via delivery.
2. Operating hours are allowed between 6:00 a.m. and 10:00 p.m. local time.
3. The dispensary must have surveillance equipment and point of sale equipment in operation during the time any sales are to be made.
4. The dispensary must have two people working in the dispensary at a time.
5. The age of the customer (who must be over 21) must be verified by an employee checking a government issued identification card by use of an electronic reader or scanner. The reader will verify the validity of the ID.
6. All sales are recorded and entered into a statewide database. This information includes the scanned ID, the employee making the sale, what was sold, and the date and time of sale.

The above are just some of the more relevant regulations that are listed to demonstrate the regulations in place to guard against the sale of cannabis to a minor.

Referendum

At the last Village Board meeting, the Village staff indicated that proposed referendum language would be provided for the Village Board to consider. Below is not only recommended language, but also some other language options for discussion purposes.

General Referenda Process

An advisory referendum, which is what is being proposed in regards to the sale of cannabis, can be initiated by either citizen action (through the petition process) or the Village Board can adopt a resolution to place such a referendum on a ballot. The latter is the method in which the Village Board is considering putting a referendum on the ballot for the November 2020 election. Section 5/3.1-40-60 of the Illinois Municipal Code states:

Advisory referenda. By a vote of the majority of the members of the city council, the council may authorize an advisory question of public policy to be placed on the ballot at the next regularly scheduled election in the municipality. The city council shall certify the question to the proper election authority, which must

submit the question at an election in accordance with the Election Code.¹ 65 ILCS 3.1-40-60

To place a referendum on the ballot, a majority of the Village Board must pass a resolution, which must be approved not less than 79 days prior to the election in which the question is to appear on the ballot. An advisory question is not binding and has no legal effect on the Village's ability to allow or restrict cannabis uses within the Village limits.

It is important to note that only a total three advisory referenda questions can be placed upon the ballot for each jurisdiction. The first three certified questions, that are relevant to the jurisdiction, shall be placed on the ballot and all others thereafter will not appear on the ballot. Essentially, this is first come, first serve.

Advisory Referendum Question Language:

There has been a request for the Corporation Counsel to provide sample language and a recommendation as to what language may appear on the ballot in November. While there are no legal restrictions as to the actual language to be used in the referendum, it is important to keep in mind the purpose of the question. That purpose is to obtain information and data about how the voting population of the Village feels about the sale of cannabis within the Village limits. Therefore, the simpler the question asked, the better the voting population will understand the question and be able to vote in a way that truly demonstrates the voter's position on the subject.

For reference, the Village submitted three questions of public policy, on a arguably similar issue, in 1974 in regards to the sale of alcohol. Those three questions were as follows:

- (1) "Shall the sale of alcoholic beverages be permitted in restaurants?"
- (2) "Shall the sale of packaged alcohol beverages be permitted?"
- (3) "Shall the sale of alcoholic beverages be permitted in taverns?"

These questions are simple in that they ask about what should be permitted and where. However, one difference between the sale of alcohol and the sale of cannabis is that the Village does not have the authority to determine what types of cannabis products can be sold as it can with alcoholic beverages.

Accordingly, with the goal of keeping the question simple, using past Village language as a model and the constraints of what can be regulated, the recommended question is as follows:

¹ While this section of the Illinois Municipal Code states "city council," Section 5/3.1-45-5 of the Illinois Municipal Code states that boards of trustees shall exercise the same powers and perform the same duties as the city council in cities.

“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?” This language is similar to and modeled after the City of Park Ridge’s proposed referendum.

Alternative Language used in other Municipalities

Alternative language used in other municipalities addressed the type of businesses differently than the proposed language above. Some municipalities specifically address the business as a “dispensary.” This may be problematic for the voter who may not be familiar with the term “dispensary” and as such that language may cause some voter confusion.

Other alternative language also did not limit the referendum question to the retail sale of cannabis, but rather the operation of cannabis business establishments. This question is much broader than a question about the retail sale of cannabis, as cannabis business establishments also include the manufacturing and growing components of the cannabis industry. These are not uses that the Village has been inclined to allow within its limits based on previous discussions.

Finally, other alternative language asked the question in the negative. It asked if the municipality should “prohibit” the sale of cannabis. This language is not recommended because a “yes” vote would necessarily mean one is against the sale of cannabis, while a “no” vote would be in favor of the sale of cannabis. As recommended, asking the question in the affirmative will equate a “yes” vote with supporting the sale of cannabis and a “no” vote with opposing the sale of cannabis.

Language from other Municipalities

For reference purposes, please see the chart below which provides either used or proposed referendum language from other municipalities throughout the State

Municipality	Current Status	Referendum Language
Naperville	Referendum approved.	Shall the city of Naperville, in light of state legislation legalizing the possession, consumption, and sale of recreational adult use cannabis, allow the sale of recreational adult use cannabis within its jurisdiction?
O’Fallon	Referendum approved.	Shall the City of O’Fallon allow adult-use cannabis business establishments within the city limits of O’Fallon including the corresponding taxation and legislation?

Park Ridge	Referendum to be held in November.	Shall the City of Park Ridge allow the retail sale of adult use recreational cannabis products at dispensary businesses licensed by the state of Illinois?
Northlake	Referendum approved.	Shall the City of Northlake allow cannabis businesses to operate within the City of Northlake?
Lemont	Referendum rejected.	Shall the Village of Lemont, in Counties of Cook, Will and DuPage, Illinois, allow the operation of a recreational cannabis (marijuana) dispensary within its jurisdiction?
Rosemont	Referendum approved.	Shall the Village of Rosemont, Cook County, Illinois, allow cannabis dispensaries to operate within the boundaries of the Village of Rosemont?
Westchester	Referendum approved.	Shall the Village of Westchester prohibit the location of adult-use cannabis dispensing organizations within the Village of Westchester?
Cicero	Referendum approved.	Should the sale of cannabis and cannabis products for recreational use by adults 21 and older be allowed at licensed dispensaries within the Town of Cicero?

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 14 - Presentation of suggested referendum language
- July 28 - Adoption of resolution placing a referendum on the November 2020 ballot

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. Draft resolution approving a referendum to be placed on the November 2020 general election ballot
2. June 23, 2020 Memorandum

RESOLUTION NO. 2020-R-XX

**A RESOLUTION PROVIDING FOR AN REQUIRING THE SUBMISSION OF AN
ADVISORY QUESTIONS 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



Law Department

SUBJECT: Retail Cannabis Moratorium and Referendum

MEETING DATE: June 23, 2020

TO: President and Village Board of Trustees

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

Background

In October of 2019, the Village Board adopted Ordinance 2019-O-63 (“Ordinance”), which included a moratorium on the retail sale of cannabis within the Village that may otherwise now be lawful pursuant to the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et. seq.) (“Act”).

Pursuant to the direction given by the Village Board at that time, the Village staff was to present a resolution to adopt an advisory referendum regarding the sale of cannabis for the General Election to be held in November 2020. The deadline to place a referendum on the November ballot is August 2020.

Given this topic was last discussed several months ago, staff will make a brief presentation at the June 23, 2020 Village Board meeting including:

- The background of the current direction and policy,
- An update on any impacts that the sale of cannabis has had upon nearby communities, and
- The potential financial benefits those municipalities may receive.

In accordance with the previously adopted Ordinance, Staff intends to present suggested referendum language at the July 14 Village Board meeting for discussion and a resolution on the July 28 Village Board agenda which if adopted, would place a referendum on the November ballot.

Current Cannabis Regulations, Policies and Direction

The Ordinance adopted in October 2019 provided for multiple provisions related to the Act. While the Ordinance adopted substantive amendments to the Village Code, which included the Miscellaneous Offense Chapter, Finance Chapter, and the Zoning Ordinance, those

specific amendments were intended to remain a part of the Village Code no matter what the Village's determination was about the sale of cannabis being allowed within the Village limits.

Accordingly, the outstanding item that the Village staff is seeking direction on relates to the allowance or restriction of the sale of cannabis within the Village limits. Currently, the Village has imposed a moratorium prohibiting the sale of cannabis at retail within its boundaries. The reason for this moratorium was for the Village to place upon the ballot at the next General Election an advisory referendum seeking the public's input about the sale of cannabis. The moratorium is set to expire (unless some intervening action altering this expiration date is taken by the Village Board) on June 30, 2021.

Discussion

Attached is a memorandum authored by then Village Manager Timothy Frenzer that provides information regarding the moratorium. The information includes the purpose of a referendum and past referenda presented for the sale of alcoholic beverages within the Village. The memorandum also discusses that Cook County already put out a referendum seeking an opinion about the sale of cannabis within the County, though the question was not specific to such sale in Wilmette.

Since 2019, numerous municipalities and counties have allowed for the retail sale of recreational cannabis. The Village staff has conducted a survey to obtain information about the impacts of retail sales and the financial impacts received by those municipalities. To date, data has been limited but below is what the staff has uncovered thus far.

The following Cook County and Lake County municipalities have allowed dispensary operations and currently have at least one dispensary open for business.

Municipality	Current Status	Adverse Impacts	Projected Revenue
Evanston	Dispensary operating	No adverse impacts reported	\$200,000 to \$250,000 projected
Niles	Dispensary operating	No adverse impacts reported	\$5,000 revenue ¹
Chicago	Dispensaries operating	No adverse impacts reported	No projected or actual revenue figures
Elmwood Park	Dispensary operating	No adverse impacts reported	No projected or actual revenue figures
Oak Park	Dispensary operating	No adverse impacts reported	No projected or actual revenue figures
Mundelein	Dispensary operating	No adverse impacts reported	No projected or actual revenue figures
Justice	Dispensary operating	No adverse impacts reported	No projected or actual revenue figures
Posen	Dispensary	No adverse impacts	No projected or actual revenue

¹ This revenue figure is as of 6/16/20. Please note that the dispensary opened in late May 2020.

	operating	reported	figures
Worth	Dispensary operating	No adverse impacts reported	No projected or actual revenue figures
Homewood	Dispensary operating	No adverse impacts reported	No projected or actual revenue figures

As the above data indicates, municipalities with retail cannabis dispensaries have not reported any adverse impacts. The only impacts that were noted were traffic and parking occurring during the early months that the facilities were open to the public.

There are two revenues associated with retail cannabis sales. The first revenue is distributed on a per capita basis to all municipalities regardless of local sale restrictions. It is estimated that Wilmette will receive \$22,750 annually (approximately \$0.84 per capita). The second revenue would be related to local use tax if local sales are allowed (up to 3% of retail sales). Currently, the State has not released any statistics of the sale amount or of the finances that will be distributed to each municipality with a dispensary. However, data for the sale of cannabis statewide is available. One current article stated that more than \$44 million of cannabis products were sold in April which exceeded the record set in January earlier this year.

The following Cook County and Lake County municipalities have not prohibited the operation of cannabis dispensaries but have yet to have any operating dispensary within their boundaries.

Municipality	Current Status	Referendum
Skokie	Allowed – Facility will be opening in near future	No Referendum
Northbrook	Allowed – Facility will be opening in near future	No Referendum
Deerfield	Allowed– Facility will be opening in near future	No Referendum
Buffalo Grove	Allowed – Facility will be opening in near future	No Referendum
Rosemont	Allowed	Referendum held at March election
Northlake	Allowed	Referendum held at March election
Westchester	Allowed	Referendum held at March election
Cicero	Allowed	Referendum held at March election

The following Cook County and Lake County municipalities have prohibited the operation of cannabis dispensaries.

Municipality	Current Status	Referendum
Northfield	Moratorium	Referendum to be held in November.
Morton Grove	Moratorium	Referendum to be held in November.
Park Ridge	Moratorium	Referendum to be held in November.
Lemont	Prohibited	Referendum held at March election.
Glenview	Prohibited	No referendum
Winnetka	Prohibited	No referendum
Kenilworth	Prohibited	No referendum
Lincolnwood	Prohibited	No referendum
Glencoe	Prohibited	No referendum
Highland Park	Prohibited	No referendum
Bannockburn	Prohibited	No referendum
Lincolnshire	Prohibited	No referendum
Lake Forest	Prohibited	No referendum
Lake Bluff	Prohibited	No referendum
Libertyville	Prohibited	No referendum

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:

- June 23 - Staff presentation and questions and answers
- July 14 - Presentation of suggested referendum language
- July 28 - Adoption of resolution placing a referendum on the November 2020 ballot

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. August 22, 2019 Memorandum



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

(847) 853-7501
Facsimile (847) 853-7700
TDD (847) 853-7634

OFFICE OF THE
VILLAGE MANAGER

Date: August 22, 2019
To: Village President and Board of Trustees
From: [Timothy J. Frenzer](#), Village Manager
Subject: **Discussion of Next Steps Concerning State Law Legalizing Possession and Use of Recreational Cannabis**

Appointment of Judiciary Committee as Special Zoning Committee

Recommended Actions

1. Appoint the Judiciary Committee as a Special Zoning Committee to review amendments to the Zoning Ordinance necessitated by the Illinois Cannabis Regulation and Tax Act, as described in the accompanying memorandum prepared by the Corporation Counsel.
2. Review the options discussed in this memorandum on how to proceed, and provide Staff with additional direction in September.

Overview

In connection with this Agenda item, the Village Board will have received a detailed memorandum from Corporation Counsel Jeffrey Stein, discussing the provisions of the new Illinois Cannabis Regulation and Tax Act ("Act"), which will take effect on January 1, 2020.¹ Mr. Stein's memo explains the provisions of the Act and also explains the permitted scope of municipal regulation. While municipalities may not prohibit the lawful possession of recreational cannabis after January 1, 2020, they do still retain the

¹ 410 ILCS 705, *et seq.*

authority to determine whether or not to permit sale of recreational cannabis at retail, and if so, where and under what limitations as may be allowed under the Act. While not identical, the choices left to the Village under the Act parallel local choices concerning the sale of alcoholic beverages.

Mr. Stein is recommending to the Village Board that, regardless of what next steps the Village Board decides to take, there are amendments to the “Definitions” part of the Zoning Ordinance and other Village Code amendments necessitated by the Act relating to the differentiation between medical cannabis and non-medical cannabis. As any amendment to the Zoning Ordinance requires the Village Board to appoint a Special Zoning Committee to conduct the required public hearing, we recommend that the Village Board appoint the Judiciary Committee as a Special Zoning Committee. The Judiciary Committee will then be authorized to review the Corporation Counsel’s recommendations and submit a report and recommendation to the Village Board in sufficient time to adopt an Ordinance prior to the end of 2019. As the Judiciary Committee reviews matters related to the Liquor Control Ordinance and liquor licensing, it seems the most appropriate standing committee to review this matter.

Aside from the technical amendments to the Zoning Ordinance that need to be done regardless of what approach the Village decides to take regarding the sale of cannabis for recreational purposes, the Village does need to take additional legislative actions to prepare for the Act taking effect. This is the case regardless of whether the Village intends to permit or prohibit the sale of non-medical cannabis. The purpose of this memorandum is to provide some background on the Village’s prior treatment of cannabis and to outline in broad terms the Village’s options going forward.

Prior Treatment of Cannabis in Wilmette

Consistent with the State’s Compassionate Use of Medical Cannabis Pilot Program Act (as discussed in the Corporation Counsel’s memorandum), Wilmette amended its Zoning Ordinance and Village Code in 2014 to provide for the potential sale of medical cannabis.² Although there are no medical cannabis dispensaries in Wilmette, in compliance with State law the Village did amend its Zoning Ordinance to identify the limited area where a dispensary could be located if the State should provide such a license.

Insofar as non-medical, recreational use of cannabis is concerned, possession has been unlawful in Wilmette and statewide. However, Wilmette was one of the first communities in Illinois to “decriminalize” possession of small amounts of cannabis. “Decriminalization” means that, by local ordinance, police may, in their discretion, issue local ordinance tickets for possession of small amounts of cannabis, instead of arresting and charging the offender with a criminal offense under State law. Wilmette authorized local ordinance tickets in 1991, and this provision of the Village Code is still in effect.³

² Ord. 2014-O-1, adopted Jan. 28, 2014.

³ Ord. 91-O-74, adopted Nov. 5, 1991. See Wilmette Village Code (2019), Ch. 12, §12-350, *et seq.*

Options Going Forward

As the Corporation Counsel's memorandum discusses in more detail, the Village essentially has three regulatory paths it may choose from going forward. While the Act preempts considerable municipal authority, it still allows for a municipality to prohibit recreational cannabis dispensaries.

1. Permit the Sale of Cannabis by a Licensed Dispensary

The Village could elect to let the Act take effect here, which would allow a dispensary properly licensed by the State to conduct business in Wilmette. This is the option that Northbrook, for example, is pursuing.

Although the Act will take effect without any action by a municipality, if a municipality wants to permit a dispensary to operate it will still need to adopt a local zoning ordinance amendment identifying the zoning district or districts in which such a business would be permitted to operate, whether it would be a permitted or special use, and any other limitations, such as density standards (*i.e.* limiting how many are allowed and how close to each other they can be located). A local tax ordinance would also need to be adopted. Such ordinances should be in place before the end of 2019.

2. Prohibit the Sale of Recreational Cannabis

The Act does allow a municipality to prohibit dispensaries within its jurisdiction (although possession of lawfully acquired cannabis cannot be prohibited). This is the option that Lake Bluff, for example, is considering.

Prohibiting recreational cannabis dispensaries would require a local ordinance to that effect, adopted prior to the end of 2019. Medical dispensaries cannot be prohibited. Regardless, a local ordinance adopting the new statutory definitions (as recommended by the Corporation Counsel) will still be necessary. It also may be advisable to adopt a local taxation ordinance, even if recreational sale is prohibited, to guard against future State preemption of local regulation or taxation (as occurred with the State preemption of local tobacco taxes).

3. Adopt a Moratorium (Red Flag) Ordinance, Pending Review or Referendum

Another option would be to adopt an ordinance initially prohibiting recreational cannabis dispensaries, either indefinitely or with a sunset clause, with the objective of conducting additional review and gathering more resident input. This amounts to a moratorium on sale of cannabis for recreational use, and are sometimes referred to as "red flag" ordinances. Park Ridge, for example, indicated its intention to adopt a "red flag" ordinance pending the result of an advisory referendum in 2020.

During the moratorium period, the experience of municipalities that decided to allow dispensaries could be evaluated. One concern in that regard is that, depending on the speed of the State's licensing process, there may be some significant time before a

meaningful period of experience occurs. As discussed above in the case of outright prohibition, it will also still be necessary to adopt a local ordinance making the appropriate changes to definitions, and a local taxation ordinance may still be advisable.

In terms of gathering additional public opinion, Park Ridge has indicated its desire to proceed with an advisory referendum. That is consistent with how many municipalities, including Wilmette, dealt with the somewhat comparable issue of going from “dry” to allowing the sale of alcoholic beverages.

Wilmette does have precedent in this regard, in terms of liquor control. In 1974, after about one hundred years of prohibiting the sale of alcoholic beverages, and at the urging of the business community, the Village Board voted to add referendum questions on whether the sale of alcohol should be permitted in Wilmette to the March 1974 Special Election ballot.⁴ The Village Board chose this election because a referendum on the creation of the Regional Transportation Authority (RTA) was also on the ballot (apparently in the belief that there would be strong voter turnout).⁵ The voters’ approval led to the adoption of ordinances legalizing the sale of alcoholic beverages at retail and in restaurants.⁶

The March 20, 2018 Gubernatorial Primary Election included a Cook County-wide referendum question asking voters whether they approved of the legalization of cannabis for recreational use by persons 21 years of age or older.⁷ The results showed that the proposition was approved by a margin of 68% to 32% county-wide (both Chicago and suburban Cook County).⁸ The referendum was also approved by Wilmette voters by an almost identically substantial margin of 67% to 33%.⁹ It should be noted, however, that the referendum question asked if the State of Illinois should legalize “marijuana,” which is not the same as asking whether the retail sale of cannabis should

⁴ The Village Board actually voted to add three referendum questions concerning sale of alcohol: (1) “Shall the sale of alcoholic beverages be permitted in restaurants?” (2) “Shall the sale of packaged alcohol beverages be permitted?” and (3) “Shall the sale of alcoholic beverages be permitted in taverns?” *Minutes of the Special Meeting of the President and Board of Trustees of the Village of Wilmette, Jan. 10, 1974.*

⁵ Bushnell, George D., *Wilmette: A History*, Wilmette Bicentennial Comm’n (2d Ed., 1997), pp. 193-196.

⁶ The canvass of results showed that the question of permitting sale of alcohol in restaurants was approved 5,778 to 3,223, the question of permitting sale at retail was approved 4,596 to 4,242, and the question of sale in taverns was disapproved, 6,694 to 2,007. *Minutes of the Regular Meeting of the President and Board of Trustees of the Village of Wilmette, April 2, 1974.*

⁷ The referendum question was, “Shall the State of Illinois legalize the cultivation, manufacture, distribution, testing, and sale of marijuana and marijuana products for recreational use by adults 21 and older subject to state regulation, taxation and local ordinance?” *Source: Cook County Clerk*

⁸ *Source: Cook County Clerk, Post-Election Report, March 20, 2018.*

⁹ *Source: Cook County Clerk.* It should be noted the Wilmette results are approximate, as the county-wide referendum results are organized by township precinct, and a small portion of Wilmette is included in Northfield Township Precinct 35, in addition to New Trier Township. Precinct 35 totals are included, but it is unknown how many of the 326 votes cast on the referendum are from Wilmette residents. Nevertheless, they cannot materially alter the substantial margin of approval.

be permitted in Wilmette, specifically. The same result may not have been obtained if the referendum question was specific to Wilmette or asked about licensing dispensaries.

Although a public hearing process may and often is also utilized, public hearings also generate comment from participants who self-select, and therefore may not represent an accurate cross-section of public opinion. A referendum would engage a considerably larger sample size of residents, particularly if tied to an election which was expected to have above-average voter turnout. As discussed above, referenda are often used with liquor control issues because such decisions are quality of life/nature of the community issues, as opposed to purely administrative matters. A referendum would also demonstrate whether the apparently overwhelming resident support for legalization of cannabis in 2018 translates into actual support for local dispensaries.

Should the Village choose this option, the next logical election to add such a referendum to would be the November 2020 General Election, as interest in the Presidential election is likely to be very high. Spring primary elections are more problematic, as not all persons want to declare a political affiliation to obtain a ballot, so special non-partisan referendum ballots are required. Additionally, one political party may or may not have as substantial a level of interest in the primary election. Therefore, a general or consolidated election is preferable.

TJF