

The **MAYOR AND CITY COUNCIL** (the "Governing Body") of the City of Diamondhead, Mississippi (the "City"), took up for consideration the matter of opting out of the cultivation, processing, sale, and/or distribution of medical cannabis and cannabis products, all as authorized by the Mississippi Medical Cannabis Act of 2022, Senate Bill 2095, 2022 Regular Session, as amended (the "Mississippi Medical Cannabis Act"). After full discussion of the subject, Councilmember \_\_\_\_\_ offered and moved the adoption of the following resolution:

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DIAMONDHEAD, MISSISSIPPI OPTING OUT OF THE CULTIVATION, PROCESSING, SALE, AND/OR DISTRIBUTION OF MEDICAL CANNABIS AND CANNABIS PRODUCTS WITHIN THE GEOGRAPHICAL LIMITS OF THE CITY AS AUTHORIZED UNDER THE MISSISSIPPI MEDICAL CANNABIS ACT; AND FOR RELATED PURPOSES.**

**WHEREAS**, the Mississippi Medical Cannabis Act, effective February 2, 2022 (the "Effective Date"), authorizes the cultivation, processing, sale and distribution of medical cannabis and cannabis products in every county and municipality in the State of Mississippi (the "State"); and

**WHEREAS**, Section 30 the Mississippi Medical Cannabis Act also authorizes and empowers local governments to opt out of the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, within ninety (90) days of the Effective Date; and

**WHEREAS**, by opting out the Governing Body will be able to monitor the social, economic and financial effects of the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products in other parts of the State and will be able to opt in at any time in the future pursuant to the provisions of the Mississippi Medical Cannabis Act; and

**WHEREAS**, it is in the best interest of the citizens of the City for the Governing Body to opt out of the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products within the geographical limits of the City; and

**WHEREAS**, the Governing Body has provided due notice of this meeting as required by the Mississippi Medical Cannabis Act and said notice complies with Sections 25-41-1 *et seq.*, Mississippi Code of 1972, as amended and/or supplemented from time to time (the "Open Meetings Act"); and

**WHEREAS**, all conditions, acts and things required by the Mississippi Medical Cannabis Act, Open Meetings Act and the Constitution and laws of the State to have existed, to have happened and to have been performed precedent to and in connection with the adoption of this resolution (the "Resolution"), have happened and have been performed in regular and due time, form and manner as required by law.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY, ACTING FOR AND ON BEHALF OF THE CITY, AS FOLLOWS:**

**SECTION 1.** All statements, findings and determinations set forth in the above and foregoing recitations are hereby declared to be true and correct and are incorporated herein as facts.

**SECTION 2.** The Governing Body hereby opts out of the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products within the geographical limits of the City.

**SECTION 3.** The Governing Body, acting for and on behalf of the City, hereby reserves the right to opt in at any time in the future and allow the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products within the geographical limits of the City upon a vote of the Governing Body or upon an election of qualified electors duly held in accordance with the Mississippi Medical Cannabis Act.

**SECTION 4.** If any one or more of the provisions of this Resolution shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any of the other provisions of this Resolution, but this Resolution shall be construed and enforced as if such illegal or invalid provision or provisions had not been contained herein.

**SECTION 5.** This Resolution shall be in effect immediately upon its passage and enactment according to law, or at the earliest date of effect under law, and shall be spread upon the minutes of the Governing Body of the City.

Following the reading of the foregoing resolution, Councilmember \_\_\_\_\_ seconded the motion, and the question being put to a roll call vote, the result was as follows:

	Aye	Nay	Absent
Mayor Depreo	_____	_____	_____
Councilmember Maher	_____	_____	_____
Councilmember Finley	_____	_____	_____
Ward 2 Vacant	_____	_____	_____
Ward 3 Vacant	_____	_____	_____
Councilmember Clark	_____	_____	_____

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING RESOLUTION WAS ADOPTED IN THE AFFIRMATIVE BY THE FOLLOWING VOTE OF COUNCIL OF THE CITY OF DIAMONDHEAD ON THE \_\_\_TH DAY OF APRIL 2022.

ATTEST: \_\_\_\_\_

APPROVED: \_\_\_\_\_

JEANNIE KLEIN, CITY CLERK

NANCY DEPREO, MAYOR

SEAL