Local Licensing Authority

Agenda

January 28, 2019
City Hall, Council Chambers
749 Main Street
7:00 PM

I. Call to Order

II. Roll Call

III. Approval of Agenda

IV. Action on Minutes – 12/17/18

V. Consent Agenda

The following items on the Local Licensing Authority Agenda are considered routine by the Authority and the Consent Agenda as a whole shall be approved not as individual items, accepted, etc. by motion of the Authority and roll call vote unless the Local Licensing Authority or Authority Member specifically requests such item be considered under “Authority Business”. In such an event the item shall be removed from the “Consent Agenda” and Authority action taken separately on said item in the order appearing on the Agenda. Those items so approved under the heading “Consent Agenda” will appear in the Authority minutes in their proper order.

A. Designation of Posting Places for Posting Notices for Public Meetings

B. Renewal Application – Cane Nero LLC d/b/a Zucca Ristorante – Hotel and Restaurant Liquor License – 700 Main St.


E. Renewal Application – Dillon Companies, Inc. d/b/a King Soopers #13 – Fermented Malt Beverage License – 1375 S. Boulder Rd.

F. Renewal Application – American Legion Walter Rhoades Post 111
– Club Liquor License – 1150 Pine Street

G. Renewal Application – Sweet Spot Café LLC d/b/a Sweet Spot Café – Hotel and Restaurant Liquor License – 585 West Dillon Road

VI. Authority Business
A. Election of Officers

B. Public Hearing – New Marijuana Retail Store Application – J2H2 Holdings LLC d/b/a The Green Room – 972 W. Dillon Road

C. Conversation with Chief Hayes

D. 2018 Annual Report

VII. Police Department Report
A. Incident Report – Tri City Elks – 12/1/2018
B. Incident Report – Henry’s – 12/2/2018
C. Incident Report – Redgarden Restaurant – 12/14/18

VIII. Secretary’s Report
A. Distribution of Open Government and Ethics Pamphlet for 2018
B. Members appointed to the Local Licensing Authority
C. Show Cause for Mudrock’s scheduled for the February meeting

IX. Authority Attorney’s Report

X. Authority Comments

XI. Discussion Items for Next Meeting – February 25, 2019 @ 7:00 p.m.

XII. Adjournment
Local Licensing Authority

Meeting Minutes

December 17, 2018
City Hall, Spruce Room
749 Main Street
7:00 PM

Call to Order – Vice-Chairperson Machado called the meeting to order at 7:00 p.m.

Roll Call was taken and the following members were present:

Authority Members Present: Matthew Machado, Marguerite Lipton, Bart Watson, Kyle Brown and Elizabeth Kaufman.

Absent: John Carlson

Staff Members Present: Melinda Culley – Kelly P.C.
Ben Redard, Police Sergeant
Carol Hanson, Deputy City Clerk

Approval of Agenda – Vice-Chairperson Machado called for changes to the agenda. Lipton made a motion to approve the agenda. Watson seconded. All in favor. Agenda approved.

Approval of Meeting Minutes – 11/26/18 – Carlson called for any changes to the minutes. Kaufman noted the call to order needed to be changed to reflect Vice-Chairperson Machado presided over the meeting. Brown moved to approve the minutes with that change. Watson seconded. All in favor. Minutes approved.

Approval of Consent Agenda – The following items on the Local Licensing Authority Agenda are considered routine by the Authority and the consent agenda as a whole shall be approved not as individual items, accepted, etc. by motion of the Authority and roll call vote unless the Local Licensing Authority or Authority Member specifically requests such item be considered under “Authority Business”. In such an event the item shall be removed from the “Consent Agenda” and the Authority action taken separately on said item in the order appearing on the Agenda. Those items so approved under the heading “Consent Agenda” will appear in the Authority minutes in their proper order.
A. Renewal Application – Phuket LLC d/b/a Phuket LLC – Hotel and Restaurant Liquor License – 1156 W. Dillon Rd. #4


C. Manager Registration – Qdoba Restaurant Corporation d/b/a Qdoba Mexican Eats – Hotel and Restaurant Liquor License – 459 S. McCaslin Blvd. Ste. 1

D. Change of Trade Name – CST Metro LLC d/b/a Diamond Shamrock Corner Store #652 – 3.2% Beer License (Off Premise)

E. Renewal Application – Tri City Elks Lodge No. 2541 – Club Liquor License – 525 Main Street

Machado called for any changes to the consent agenda. Lipton moved the consent agenda be approved. Kaufman seconded. All in favor. Consent agenda approved.

Authority Business

A. Modification of Premises – Starbuds Louisville LLC d/b/a Starbuds Retail Marijuana Store – 1156 W. Dillon Road #3

Machado called the item and noted the establishment wants to expand the sales floor by moving a wall separating the lobby and the sales floor. The wall will now be taking up six feet of the lobby allowing the sales floor to be larger and allow adding a point of sale.

Authority members clarified which wall was being moved. Lipton moved the Authority approve the modification of premises for Starbuds. Kaufman seconded. All in favor.

B. Conversation with Chief Hayes

Chief Hayes was not able to attend and members discussed whether it was necessary for Chief Hayes to attend every meeting. They decided he did not need to attend every meeting since they are sure he has a very busy schedule.

Police Department Reports

A. Incident Report – Mudrock’s – 11/25/18
Authority members reviewed the report and talked about the amount of alcohol consumed by a person later arrested for a DUI and a passenger in the same vehicle. Both individuals reported they had been at Mudrock’s. Follow up by the police department at the establishment resulted in a summons being issued to a bartender at the establishment for serving to a visibly intoxicated person.

Lipton moved the Authority issue a show cause order to the establishment for serving to a visibly intoxicated person. Kaufman seconded. Roll Call Vote: Kaufman – yes, Brown – yes, Watson – yes, Lipton – yes and Machado – yes. Show Cause Ordered.

Machado moved to appoint a special prosecutor and set the show cause hearing for the next Authority meeting on January 28, 2018. Lipton seconded. All in favor.

Secretary’s Report

Hanson noted the attendance for the December 2 seller/server training was included in the packet. The training continues to be well attended.

Authority Attorney’s Report

No report.

Authority Comment

Adjourn – Machado moved to adjourn. Watson seconded. All in favor. The meeting was adjourned at 7:32 p.m.
SUBJECT: APPROVAL OF DESIGNATION OF PLACES FOR POSTING NOTICES FOR PUBLIC MEETINGS

DATE: JANUARY 28, 2019

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

Section 24-6-402(2)(c) of the Colorado Open Meetings Law requires all public bodies of the City designate the public place or places for posting of notices of public meetings. The designation must be made at the local body’s first regular meeting of each calendar year. Staff requests the Authority approve the following locations for the posting of meeting notices for 2019:

- City Hall, 749 Main Street
- Police Department/Municipal Court, 992 West Via Appia
- Recreation/Senior Center, 900 West Via Appia
- Louisville Public Library, 951 Spruce Street

Pursuant to the Home Rule Charter, meeting notices and agendas are also published on the City’s web site at www.LouisvilleCO.gov.

RECOMMENDATION:

Approve designation of posting locations as listed above.
SUBJECT: RENEWAL APPLICATION – CANE NERO, LLC D/B/A ZUCCA RISTORANTE – HOTEL AND RESTAURANT LIQUOR LICENSE - 808 MAIN STREET

DATE: JANUARY 29, 2019

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Cane Nero, LLC d/b/a Zucca Ristorante, has submitted an application for renewal of its Hotel & Restaurant Liquor License at 808 Main Street.

The lease for the premises is current and on file.

There were no employees who attended liquor training in the past year.

Certificate of Good Standing is current and on file.

There were no incidents over the past year that required the filing of a police report.

City of Louisville sales tax account is current.

RECOMMENDATION:

Authority approve the renewal application for Hotel & Restaurant License for Cane Nero, LLC d/b/a Zucca Ristorante – 808 Main Street.

Alternatively, the Authority may set a hearing on this renewal application, which hearing may be held after proper notice.
SUBJECT: RENEWAL APPLICATION – TAO ASIAN, INC. D/B/A BAO ASIAN FUSION AND SUSHI – HOTEL AND RESTAURANT LIQUOR LICENSE – 594 S. MCCASLIN BLVD

DATE: JANUARY 28, 2019

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Tao Asian, Inc. d/b/a Bao Asian Fusion and Sushi, has submitted an application for renewal of its Hotel & Restaurant Liquor License at 594 S. McCaslin Blvd.

The premises are leased and the current agreement is valid.

A Certificate of Good Standing is current and on file.

There were no employees who attended liquor training over the past year.

There were no incidents over the past year that required filing of police reports. However, the restaurant served to a minor during a State compliance check.

City of Louisville sales tax account is current.

RECOMMENDATION:

Authority approve the renewal application for– Tao Asian, Inc. d/b/a Bao Asian Fusion and Sushi – Hotel & Restaurant Liquor License – 594 S. McCaslin Blvd.

Alternatively, the Authority may set a hearing on the renewal application, which may be held after proper notice.
SUBJECT: REPORT OF CHANGES - COABANA D/B/A COABANA CUBAN FUSION – HOTEL AND RESTAURANT LIQUOR LICENSE – 701 MAIN STREET

DATE: JANUARY 28, 2019

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Coabana has submitted a change to their corporate structure.

Patrick Walsh replaces both Jesse Gosset and Mike Boselli to become 100% owner.

The application has also entered a report of changes for the entity name and withdrawn the trade name. The entity is now named “por wine house”.

RECOMMENDATION:

For informational purposes.
SUBJECT:  RENEWAL APPLICATION - DILLON COMPANIES, INC., D/B/A KING SOOPERS #13, 3.2% RETAIL BEER LICENSE (OFF PREMISES) - 1375 S. BOULDER ROAD

DATE:  JANUARY 28, 2019

PRESENTED BY:  CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Dillon Companies, Inc., d/b/a King Soopers #13 has submitted an application for renewal of its Liquor License located at 1375 S. Boulder Road.

There were no employees who attended liquor training in the past year.

The lease for the premises is current and on file.

The Corporate Certificate of Good Standing is current and on file.

There were no incidents over the past year that required filing of police reports.

City of Louisville sales tax is current.

RECOMMENDATION:

Authority approve the renewal application for a 3.2% Retail Beer License (Off Premises) for Dillon Companies, Inc., d/b/a King Soopers #13, Inc. - 1375 S. Boulder Road.

Alternatively, the Authority may set a hearing on the renewal application, which may be held after proper notice.
SUBJECT: RENEWAL APPLICATION – AMERICAN LEGION WALTER RHODES POST NO. 0111 – CLUB LIQUOR LICENSE – 1150 PINE STREET

DATE: JANUARY 28, 2019

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, American Legion Walter Rhodes No. 111 has submitted an application for renewal of its Club Liquor License at 1150 Pine Street.

The premises are owned by the licensee.

Certificate of Good Standing is current and on file.

There were two employees who attended liquor training over the past year.

There were no incidents requiring police attention since the previous application for renewal.

City of Louisville sales tax account is current.

RECOMMENDATION:

Authority approves the renewal application for a Club Liquor License for American Legion Walter Rhodes Post No. 0111 – 1150 Pine Street.

Alternatively, the Authority may set a hearing on this renewal application, which may be held after proper notice.
SUBJECT: RENEWAL APPLICATION – SWEET SPOT CAFÉ LLC D/B/A SWEET SPOT CAFE - HOTEL & RESTAURANT LIQUOR LICENSE – 585 W. DILLON ROAD.

DATE: JANUARY 28, 2019

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Sweet Spot Café LLC d/b/a Sweet Spot Cafe, has submitted an application for renewal of its Hotel & Restaurant Liquor License at 585 W. Dillon Road.

The premises are leased and the current agreement is valid.

A Certificate of Good Standing is current and on file.

There were no employees who attended liquor training over the past year.

There were no incidents over the past year that required filing of police reports.

City of Louisville sales tax account is current.

RECOMMENDATION:

Authority approve the renewal application for– Sweet Spot Café LLC d/b/a Sweet Spot Cafe – Hotel & Restaurant Liquor License – 585 W. Dillon Road.

Alternatively, the Authority may set a hearing on the renewal application, which may be held after proper notice.
SUBJECT: ELECTION OF OFFICERS

DATE: JANUARY 28, 2019

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

Local Licensing Authority Bylaws (Article III, Section 5) require election of officers at the first meeting of each year. Election of a Chair-person and Vice-Chairperson to serve for one year should take place at this meeting.

Here is a short history of the members who have served as chair and vice chair.

<table>
<thead>
<tr>
<th>Year</th>
<th>Chair</th>
<th>Vice-Chair</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>John Carlson</td>
<td>Matt Machado</td>
</tr>
<tr>
<td>2017</td>
<td>Marguerite Lipton</td>
<td>John Carlson</td>
</tr>
<tr>
<td>2016</td>
<td>Tom Tennessen</td>
<td>Marguerite Lipton</td>
</tr>
<tr>
<td>2015</td>
<td>Matt Machado</td>
<td>David Hughes</td>
</tr>
<tr>
<td>2014</td>
<td>John Carlson</td>
<td>Marguerite Lipton</td>
</tr>
</tbody>
</table>

RECOMMENDATION:

Authority nominates and elects officers for the 2019 calendar year.
SUBJECT: PUBLIC HEARING – RETAIL MARIJUANA STORE APPLICATION – J2H2 HOLDINGS LLC D/B/A THE GREEN ROOM – 972 W. DILLON ROAD

DATE: JANUARY 28, 2019

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

J2H2 Holdings LLC d/b/a The Green Room has applied to the State for a Retail Marijuana Store License. The State has forwarded the license to the City of Louisville for local approval.

RECOMMENDATION:

Authority hold a public hearing on the application.
SUBJECT: CONVERSATION WITH POLICE CHIEF HAYES

DATE: JANUARY 28, 2019

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The Local Licensing Authority expressed a desire to continue conversations with Police Chief Dave Hayes. He has been invited to attend this meeting.
2018 was a relatively quiet year for the Louisville Local Licensing Authority. We attribute the high level of compliance in Louisville with state and local licensing laws in large part to responsible licensees, responsible patrons, and the police department and town administration's hands-on approach of encouraging compliance through building and maintaining good working relationships with licensees. We strongly believe this outreach is key to avoiding problems. Instances of actual or potential noncompliance were addressed by appropriate enforcement or other actions by the Authority, the police department or administration, and for the most part these issues were resolved in an effective and satisfactory manner.

The Louisville Police Department, working with other area law enforcement agencies, has continued to provide training to licensees. We have observed a consistent level of participation from our Louisville licensees. The Authority appreciates the Police Department's continued effort to educate and train local licensees. The Authority believes the training and assistance offered to local licensees by the Police Department and Carol Hanson, Deputy City Clerk and Secretary to the Authority, have made a positive impact on licensee compliance with state and local laws.

The Authority would like to recognize its appreciation of the Police Department for their time and commitment to the Authority and the community, particularly Sergeant Ben Redard. Police Chief Hayes has implemented his participation in Authority meetings enabling an open dialogue to address Authority concerns. We would also like to acknowledge the advice and counsel from Melinda Culley, Kelly P.C., Attorney for the Authority. Finally, we recognize the invaluable attention to detail and expertise on authority matters of Carol Hanson.

The Authority is fortunate to have the services of these dedicated professionals and board members. In 2019 we look forward to continuing our efforts to maintain and improve licensing, outreach, and enforcement efforts.

John Carlson
Chairperson
Local Licensing Authority
MEMBERS OF THE AUTHORITY 2018

John Carlson, Chairperson                        Matthew Machado, Vice-Chairperson
Marguerite Lipton                         Bart Watson
Kyle Brown                                       Elizabeth Kaufman, associate

Attorney to the Authority       Melinda Culley and Nick Cotton-Baez –
                                Kelly PC
Secretary to the Authority       Carol Hanson, Deputy City Clerk
Police Department Representative  Ben Redard, Police Sergeant

TRAINING
The City of Louisville and the City of Lafayette established a shared quarterly training
program and successfully continued those joint training sessions through 2018. Three
regular training sessions were held during the year. A total of 92 sellers and servers
from licensed establishments attended the training sessions, with 60 from Louisville
businesses. The Police Department also provided training for the Downtown Business
Association volunteers for the street faire.

ACTIONS ITEMS

The Authority held twelve regularly scheduled meetings in 2018.

In 2018, the Authority renewed 59 liquor licenses, one retail marijuana license and one
retail/medical combined marijuana license. The Authority approved one new Hotel and
Restaurant liquor licenses in 2018. Applications for transfer of five liquor licenses were
considered and approved. In addition, 39 Special Events Permits were issued to
thirteen non-profit organizations. The Authority considered other changes to licenses as
they occurred. The Authority continues to work with the downtown restaurants to
provide for alcohol service on the street patios.

The breakdown for the 60 liquor licenses held in the City of Louisville is as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hotel &amp; Restaurant</td>
<td>39</td>
</tr>
<tr>
<td>Beer &amp; Wine</td>
<td>3</td>
</tr>
<tr>
<td>3.2% Beer (Off Premises)</td>
<td>4</td>
</tr>
<tr>
<td>Retail Liquor Store</td>
<td>5</td>
</tr>
<tr>
<td>Tavern</td>
<td>2</td>
</tr>
<tr>
<td>Club</td>
<td>2</td>
</tr>
<tr>
<td>Brew-Pub</td>
<td>2</td>
</tr>
<tr>
<td>Lodging &amp; Entertainment</td>
<td>3</td>
</tr>
</tbody>
</table>
Suspected liquor code violations continue to be reviewed on an individual basis by the Authority as incidents occur. The Authority ordered two show cause hearings this year. One hearing ordered in 2017 was held in January of 2018.

A number of incidents were reviewed and determined to require no further action by the Authority. The Authority asked letters to be written to the establishments concerning some of the incidents. State Liquor Enforcement checked on many of the liquor license holders over the course of 2018. The Authority continues to encourage license holders to appear before the Authority to discuss questions and concerns either the licensee or the Authority might have and what can be done to avoid problems.

The Authority wishes to extend its gratitude to the Louisville City Council for Council’s ongoing support.

Approved by the Louisville Local Licensing Authority this 22nd day of January 2018.

_____________________________________
John Carlson
Chairperson
Local Licensing Authority

ATTEST:

____________________________
Carol Hanson, Deputy City Clerk
LOUISVILLE POLICE DEPARTMENT
CRIME & INCIDENT REPORTS

TRI CITY ELKS
(12/1/18)
#18-3275

AGENDA ITEM
VII-A
HENRY’S
(12/2/18)
#18-3276
LOUISVILLE POLICE DEPARTMENT
CRIME & INCIDENT REPORTS

REDGARDEN RESTAURANT
(12/14/18)
#18-3403

AGENDA ITEM
VII-C
Secretary’s Report

AGENDA ITEM

VIII
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Participation in Government

The City of Louisville encourages citizen involvement and participation in its public policy process. There are many opportunities for citizens to be informed about and participate in City activities and decisions. All meetings of City Council, as well as meetings of appointed Boards and Commissions, are open to the public and include an opportunity for public comments on items not on the agenda. No action or substantive discussion on an item may take place unless that item has been specifically listed as an agenda item for a regular or special meeting. Some opportunities for you to participate include:

Reading and inquiring about City Council activities and agenda items, and attending and speaking on topics of interest at public meetings

City Council Meetings:
- Regular meetings are generally held on the first and third Tuesdays of each month at 7:00 PM in the City Council Chambers, located on the second floor of City Hall, 749 Main Street;
- Study sessions are generally held on the second and fourth Tuesdays of each month at 7:00 PM in the Library Meeting Room, located on the first floor of the Library, 951 Spruce Street;
- Regular meetings are broadcast live on Comcast Cable Channel 8 and copies of the meeting broadcasts are available on DVD in the City Manager’s Office beginning the morning following the meeting;
- Regular meetings are broadcast live and archived for viewing on the City’s website at www.LouisvilleCO.gov.
- Special meetings may be held occasionally on specific topics. Agendas are posted a minimum of 48 hours prior to the meeting.

Meeting agendas for all City Council meetings, other than special meetings, are posted a minimum of 72 hours prior to the meeting at the following locations:
- City Hall, 749 Main Street
- Police Department/Municipal Court, 992 West Via Appia
- Recreation/Senior Center, 900 West Via Appia
- Louisville Public Library, 951 Spruce Street
- City website at www.LouisvilleCO.gov

Meeting packets with all agenda-related materials are available 72 hours prior to each meeting and may be found at these locations:
- Louisville Public Library Reference Area, 951 Spruce Street,
- City Clerk’s Office, City Hall, 749 Main Street,
- City website at www.LouisvilleCO.gov

You may receive eNotifications of City Council news as well as meeting agendas and summaries of City Council actions. Visit the City’s website (www.LouisvilleCO.gov) and look for the eNotification link to register.

After they are approved by the City Council, meeting minutes of all regular and special meetings are available in the City Clerk’s office and on the City’s website (www.LouisvilleCO.gov).

Information about City activities and projects, as well as City Council decisions, is included in the Community Update newsletter, mailed to all City residents and businesses. Information is also often included in the monthly utility bills mailed to City residents.

Communicating Directly with the Mayor and City Council Members

Contact information for the Mayor and City Council members is available at www.LouisvilleCO.gov, as well as at City Hall, the Louisville Public Library, and the Recreation/Senior Center. You may email the Mayor and City Council as a group at CityCouncil@LouisvilleCO.gov.

Mayor’s Town Meetings and City Council Ward Meetings are scheduled periodically. These are informal meetings at which all residents, points of view, and issues are welcome. These meetings are advertised at City facilities and on the City’s website (www.LouisvilleCO.gov).

Mayor or City Council Elections

City Council members are elected from three Wards within the City and serve staggered four-year terms. There are two Council representatives from each ward. The mayor is elected at-large and serves a four-year term. City Council elections are held in November of odd-numbered years. For information about City elections, including running for City Council, please contact the City Clerk’s Office, first floor City Hall, 749 Main Street, or call 303.335.4571.

Serving as an Appointed Member on a City Board or Commission

The City Council makes Board and Commission appointments annually. Some of the City’s Boards and Commissions are advisory, others have some decision-making powers. The City Council refers questions and issues to these appointed officials for input and advice. (Please note the Youth Advisory Board has a separate appointment process.) The City’s Boards and Commissions are:
- Board of Adjustment
- Building Code Board of Appeals
- Cultural Council
- Historic Preservation Commission
- Historical Commission
- Housing Authority
- Library Board of Trustees
- Local Licensing Authority
The City follows the Colorado Open Meetings Law ("Sunshine Law") as well as additional open meetings requirements found in the City's Home Rule Charter. These rules and practices apply to the City Council and appointed Boards and Commissions (referred to as a "public body" for ease of reference). Important open meetings rules and practices include the following:

**Regular Meetings**
All meetings of three or more members of a public body (or a quorum, whichever is fewer) are open to the public. All meetings of public bodies must be held in public buildings and public facilities accessible to all members of the public. All meetings must be preceded by proper notice. Agendas and agenda-related materials are posted at least 72 hours in advance of the meeting at the following locations:
- City Hall, 749 Main Street
- Police Department/Municipal Court, 992 West Via Appia
- Recreation/Senior Center, 900 West Via Appia
- Louisville Public Library, 951 Spruce Street
- City web site at www.LouisvilleCO.gov

**Study Sessions**
Study sessions are also open to the public. However, study sessions have a limited purpose:
- Study sessions are to obtain information and discuss matters in a less formal atmosphere;
- No preliminary or final decision or action may be made or taken at any study session; further, full debate and deliberation of a matter is to be reserved for formal meetings; If a person believes in good faith that a study session is proceeding contrary to these limitations, he or she may submit a written objection. The presiding officer will then review the objection and determine how the study session should proceed.
- Like formal meetings, a written summary of each study session is prepared and is available on the City's website.

**Executive Sessions**
The City Charter also sets out specific procedures and limitations on the use of executive sessions. These rules, found in Article 5 of the Charter, are intended to further the City policy that the activities of City government be conducted in public to the greatest extent feasible, in order to assure public participation and enhance public accountability. The City’s rules regarding executive sessions include the following:

**Timing and Procedures**
The City Council and City Boards and Commissions may hold an executive session only at a regular or special meeting.
No formal action of any type, and no informal or “straw” vote, may occur at any executive session. Rather, formal
actions, such as the adoption of a proposed policy, position, rule or other action, may only occur in open session.

Prior to holding an executive session, there must be a public announcement of the request and the legal authority for convening in closed session. There must be a detailed and specific statement as to the topics to be discussed and the reasons for requesting the session.

The request must be approved by a supermajority (two-thirds of the full Council, Board, or Commission). Prior to voting on the request, the clerk reads a statement of the rules pertaining to executive sessions. Once in executive session, the limitations on the session must be discussed and the propriety of the session confirmed. If there are objections and/or concerns over the propriety of the session, those are to be resolved in open session.

Once the session is over, an announcement is made of any procedures that will follow from the session.

Executive sessions are recorded, with access to those tapes limited as provided by state law. Those state laws allow a judge to review the propriety of a session if in a court filing it is shown that there is a reasonable belief that the executive session went beyond its permitted scope. Executive session records are not available outside of a court proceeding.

**Authorized Topics**

For City Council, an executive session may be held only for discussion of the following topics:

- Matters where the information being discussed is required to be kept confidential by federal or state law;
- Certain personnel matters relating to employees directly appointed by the Council, and other personnel matters only upon request of the City Manager or Mayor for informational purposes only;
- Consideration of water rights and real property acquisitions and dispositions, but only as to appraisals and other value estimates and strategy for the acquisition or disposition; and
- Consultation with an attorney representing the City with respect to pending litigation. This includes cases that are actually filed as well as situations where the person requesting the executive session believes in good faith that a lawsuit may result, and allows for discussion of settlement strategies.

The City's Boards and Commissions may only hold an executive session for consultation with its attorney regarding pending litigation.

**Ethics**

Ethics are the foundation of good government. Louisville has adopted its own Code of Ethics, which is found in the City Charter and which applies to elected officials, public body members, and employees. The Louisville Code of Ethics applies in addition to any higher standards in state law. Louisville’s position on ethics is perhaps best summarized in the following statement taken from the City Charter:

*Those entrusted with positions in the City government must commit to adhering to the letter and spirit of the Code of Ethics. Only when the people are confident that those in positions of public responsibility are committed to high levels of ethical and moral conduct, will they have faith that their government is acting for the good of the public. This faith in the motives of officers, public body members, and employees is critical for a harmonious and trusting relationship between the City government and the people it serves.*

The City’s Code of Ethics (Sections 5-6 though 5-17 of the Charter) is summarized in the following paragraphs. While the focus is to provide a general overview of the rules, it is important to note that all persons subject to the Code of Ethics must strive to follow both the letter and the spirit of the Code, so as to avoid not only actual violations, but public perceptions of violations. Indeed, perceptions of violations can have the same negative impact on public trust as actual violations.

**Conflicts of Interest**

One of the most common ethical rules visited in the local government arena is the “conflict of interest rule.” While some technical aspects of the rule are discussed below, the general rule under the Code of Ethics is that if a Council, Board, or Commission member has an “interest” that will be affected by his or her “official action,” then there is a conflict of interest and the member must:

- Disclose the conflict, on the record and with particularity;
- Not participate in the discussion;
- Leave the room; and
- Not attempt to influence others.

An “interest” is a pecuniary, property, or commercial benefit, or any other benefit the primary significance of which is economic gain or the avoidance of economic loss. However, an “interest” does not include any matter conferring similar benefits on all property or persons similarly situated. (Therefore, a City Council member is not prohibited from voting on a sales tax increase or decrease if the member’s only interest is that he or she, like other residents, will be subject to the higher or lower tax.) Additionally, an “interest” does not include a stock interest of less than one percent of the company’s outstanding shares.

The Code of Ethics extends the concept of prohibited interest to persons or entities with whom the member is associated. In particular, an interest of the following persons and entities is also an interest of the member: relatives (including persons related by blood or marriage to certain
degrees, and others); a business in which the member is an officer, director, employee, partner, principal, member, or owner; and a business in which member owns more than one percent of outstanding shares.

The concept of an interest in a business applies to profit and nonprofit corporations, and applies in situations in which the official action would affect a business competitor. Additionally, an interest is deemed to continue for one year after the interest has ceased. Finally, “official action” for purposes of the conflict of interest rule, includes not only legislative actions, but also administrative actions and “quasi-judicial” proceedings where the entity is acting like a judge in applying rules to the specific rights of individuals (such as a variance request or liquor license). Thus, the conflict rules apply essentially to all types of actions a member may take.

Contracts

In addition to its purchasing policies and other rules intended to secure contracts that are in the best interest of the City, the Code of Ethics prohibits various actions regarding contracts. For example, no public body member who has decision-making authority or influence over a City contract can have an interest in the contract, unless the member has complied with the disclosure and recusal rules. Further, members are not to appear before the City on behalf of other entities that hold a City contract, nor are they to solicit or accept employment from a contracting entity if it is related to the member’s action on a contract with that entity.

Gifts and Nepotism

The Code of Ethics, as well as state law, regulates the receipt of gifts. City officials and employees may not solicit or accept a present or future gift, favor, discount, service or other thing of value from a party to a City contract, or from a person seeking to influence an official action. There is an exception for the “occasional nonpecuniary gift” of $15 or less, but this exception does not apply if the gift, no matter how small, may be associated with the official’s or employee’s official action, whether concerning a contract or some other matter. The gift ban also extends to independent contractors who may exercise official actions on behalf of the City.

The Code of Ethics also prohibits common forms of nepotism. For example, no officer, public body member, or employee shall be responsible for employment matters concerning a relative. Nor can he or she influence compensation paid to a relative, and a relative of a current officer, public body member or employee cannot be hired unless certain personnel rules are followed.

Other Ethics Rules of Interest

Like state law, Louisville’s Code of Ethics prohibits the use of non-public information for personal or private gain. It also prohibits acts of advantage or favoritism and, in that regard, prohibits special considerations, use of employee time for personal or private reasons, and use of City vehicles or equipment, except in same manner as available to any other person (or in manner that will substantially benefit City). The City also has a “revolving door” rule that prohibits elected officials from becoming City employees either during their time in office or for two years after leaving office. These and other rules of conduct are found in Section 5-9 of the Code of Ethics.

Disclosure, Enforcement, and Advisory Opinions

The Code of Ethics requires that those holding or running for City Council file a financial disclosure statement with the City Clerk. The statement must include, among other information, the person’s employer and occupation, sources of income, and a list of business and property holdings.

The Code of Ethics provides fair and certain procedures for its enforcement. Complaints of violations may be filed with the City prosecutor; the complaint must be a detailed written and verified statement. If the complaint is against an elected or appointed official, it is forwarded to an independent judge who appoints a special, independent prosecutor for purposes of investigation and appropriate action. If against an employee, the City prosecutor will investigate the complaint and take appropriate action. In all cases, the person who is subject to the complaint is given the opportunity to provide information concerning the complaint.

Finally, the Code allows persons who are subject to the Code to request an advisory opinion if they are uncertain as to applicability of the Code to a particular situation, or as to the definition of terms used in the Code. Such requests are handled by an advisory judge, selected from a panel of independent, disinterested judges who have agreed to provide their services. This device allows persons who are subject to the Code to resolve uncertainty before acting, so that a proper course of conduct may be identified. Any person who requests and acts in accordance with an advisory opinion issued by an advisory judge is not subject to City penalty, unless material facts were omitted or misstated in the request. Advisory opinions are posted for public inspection; the advisory judge may order a delay in posting if the judge determines the delay is in the City’s best interest.

Citizens are encouraged to contact the City Manager’s Office with any questions about the City’s Code of Ethics. A copy of the Code is available at the City’s website (www.LouisvilleCO.gov) and also from the Offices of the City Manager and City Clerk.
Other Laws on Citizen Participation in Government

Preceding sections of this pamphlet describe Louisville’s own practices intended to further citizen participation in government. Those practices are generally intended to further dissemination of information and participation in the governing process. Some other laws of interest regarding citizen participation include:

Initiative and Referendum

The right to petition for municipal legislation is reserved to the citizens by the Colorado Constitution and the City Charter. An initiative is a petition for legislation brought directly by the citizens; a referendum is a petition brought by the citizens to refer to the voters a piece of legislation that has been approved by the City Council. In addition to these two petitioning procedures, the City Council may refer matters directly to the voters in the absence of any petition. Initiative and referendum petitions must concern municipal legislation—as opposed to administrative or other non-legislative matters. By law the City Clerk is the official responsible for many of the activities related to a petition process, such as approval of the petition forms, review of the signed petitions, and consideration of protests and other matters. There are minimum signature requirements for petitions to be moved to the ballot; in Louisville, an initiative petition must be signed by at least five percent of the total number of registered electors. A referendum petition must be signed by at least two and one-half percent of the registered electors.

Public Hearings

In addition to the opportunity afforded at each regular City Council meeting to comment on items not on the agenda, most City Council actions provide opportunity for public comment through a public hearing process. For example, the City Charter provides that a public hearing shall be held on every ordinance before its adoption. This includes opportunities for public comment prior to initial City Council discussion of the ordinance, as well as after Council’s initial discussion but before action. Many actions of the City are required to be taken by ordinance, and thus this device allows for citizen public hearing comments on matters ranging from zoning ordinances to ordinances establishing offenses that are subject to enforcement through the municipal court.

Additionally, federal, state, and/or local law requires a public hearing on a number of matters irrespective of whether an ordinance is involved. For example, a public hearing is held on the City budget, the City Comprehensive Plan and similar plans, and a variety of site-specific or person-specific activities, such as annexations of land into the city, rezonings, special use permits, variances, and new liquor licenses. Anyone may provide comments during these hearings.

Public Records

Access to public records is an important aspect of citizen participation in government. Louisville follows the Colorado Open Records Act (CORA) and the additional public records provisions in the City Charter. In particular, the Charter promotes the liberal construction of public records law, so as to promote the prompt disclosure of City records to citizens at no cost or no greater cost than the actual costs to the City.

The City Clerk is the custodian of the City’s public records, except for financial, personnel, and police records which are handled, respectively, by the Finance, Human Resources, and Police Departments. The City maintains a public policy on access to public records, which include a records request form, a statement of fees, and other guidelines. No fee is charged for the inspection of records. No fee is charged for locating or making records available for copying, except in cases of voluminous requests or dated records, or when the time spent in locating records exceeds two hours. No fees are charged for the first 25 copies requested or for electronic records.

Many records, particularly those related to agenda items for City Council and current Board and Commission meetings, are available directly on the City’s website (www.LouisvilleCO.gov). In addition to posting agenda-related material, the City maintains communication files for the City Council and Planning Commission. These are available for public inspection at the City Clerk’s Office, 749 Main Street.

CORA lists the categories of public records that are not generally open to public inspection. These include, for example, certain personnel records and information, financial and other information about users of city facilities, privileged information, medical records, letters of reference, and other items listed in detail in CORA. When public records are not made available, the custodian will specifically advise the requestor of the reason.

Citizens are encouraged to review the City’s website (www.LouisvilleCo.gov) for information, and to contact the City with any questions regarding City records.

Public Involvement Policy

Public participation is an essential element of the City’s representative form of government. To promote effective public participation City officials, advisory board members, staff and participants should all observe the following guiding principles, roles and responsibilities:

Guiding Principles for Public Involvement

Inclusive not Exclusive - Everyone’s participation is
welcome. Anyone with a known interest in the issue will be identified, invited and encouraged to be involved early in the process.

Voluntary Participation - The process will seek the support of those participants willing to invest the time necessary to make it work.

Purpose Driven - The process will be clearly linked to when and how decisions are made. These links will be communicated to participants.

Time, Financial and Legal Constraints - The process will operate within an appropriate time frame and budget and observe existing legal and regulatory requirements.

Communication - The process and its progress will be communicated to participants and the community at-large using appropriate methods and technologies.

Adaptability - The process will be adaptable so that the level of public involvement is reflective of the magnitude of the issue and the needs of the participants.

Access to Information - The process will provide participants with timely access to all relevant information in an understandable and user-friendly way. Education and training requirements will be considered.

Access to Decision Making - The process will give participants the opportunity to influence decision making.

Respect for Diverse Interests - The process will foster respect for the diverse values, interests and knowledge of those involved.

Accountability - The process will reflect that participants are accountable to both their constituents and to the success of the process.

Evaluation - The success and results of the process will be measured and evaluated.

Roles and Responsibilities - City Council

City Council is ultimately responsible to all the citizens of Louisville and must weigh each of its decisions accordingly. Councilors are responsible to their local constituents under the ward system; however they must carefully consider the concerns expressed by all parties. Council must ultimately meet the needs of the entire community—including current and future generations—and act in the best interests of the City as a whole.

During its review and decision-making process, Council has an obligation to recognize the efforts and activities that have preceded its deliberations. Council should have regard for the public involvement processes that have been completed in support or opposition of projects.

Roles and Responsibilities - City Staff and Advisory Boards

The City should be designed and run to meet the needs and priorities of its citizens. Staff and advisory boards must ensure that the Guiding Principles direct their work. In addition to the responsibilities established by the Guiding Principles, staff and advisory boards are responsible for:

- ensuring that decisions and recommendations reflect the needs and desires of the community as a whole;
- pursuing public involvement with a positive spirit because it helps clarify those needs and desires and also adds value to projects;
- fostering long-term relationships based on respect and trust in all public involvement activities;
- encouraging positive working partnerships;
- ensuring that no participant or group is marginalized or ignored;
- drawing out the silent majority, the voiceless and the disempowered; and being familiar with a variety of public involvement techniques and the strengths and weaknesses of various approaches.

All Participants

The public is also accountable for the public involvement process and for the results it produces. All parties (including Council, advisory boards, staff, proponents, opponents and the public) are responsible for:

- working within the process in a cooperative and civil manner;
- focusing on real issues and not on furthering personal agendas;
- balancing personal concerns with the needs of the community as a whole;
- having realistic expectations;
- participating openly, honestly and constructively, offering ideas, suggestions and alternatives;
- listening carefully and actively considering everyone’s perspectives;
- identifying their concerns and issues early in the process;
- providing their names and contact information if they want direct feedback;
- remembering that no single voice is more important than all others, and that there are diverse opinions to be considered;
- making every effort to work within the project schedule and if this is not possible, discussing this with the proponent without delay;
- recognizing that process schedules may be constrained by external factors such as limited funding, broader project schedules or legislative requirements;
- accepting some responsibility for keeping themselves aware of current issues, making others aware of project activities and soliciting their involvement and input; and
- considering that the quality of the outcome and how that outcome is achieved are both important.

Updated December 2015
This pamphlet is prepared pursuant to the Home Rule Charter of the City of Louisville.

This is a compilation of Articles 4 and 5 of the Charter of the City of Louisville and is available at all times in the City Clerk’s Office, 749 Main Street, Louisville, Colorado, and on the City’s web site at www.LouisvilleCO.gov.

This pamphlet is also provided to every member of a public body (board or commission) at that body’s first meeting each year.