

# **City Council Legal Review Committee**

## **Meeting Agenda**

**May 6, 2020  
Electronic Meeting  
5:00 PM**

***This meeting will be held electronically. Residents interested in listening to the meeting should visit the City's website here to link to the meeting:***  
[louisvilleco.gov/government/city-council/city-council-meeting-agendas-packets-minutes#Other](http://louisvilleco.gov/government/city-council/city-council-meeting-agendas-packets-minutes#Other)

***The Council will accommodate public comments as much as possible during the meeting. Anyone may also email comments to the Council prior to the meeting at [Council@LouisvilleCO.gov](mailto:Council@LouisvilleCO.gov).***

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Approval of Minutes: February 25, 2020 & March 9, 2020
- V. Public Comments on Items Not on the Agenda
- VI. Discussion/Direction – Possible Quasi-Judicial Hearing Options During COVID-19 Restrictions
- VII. Discussion/Direction – Review of Back Up Prosecuting Attorney Applications
- VIII. Discussion/Direction – Retail Marijuana FAQs
- IX. Discussion Items for Next Meeting
- X. Adjourn

# ***City Council Legal Review Committee Meeting Minutes***

**February 25, 2020  
749 Main Street  
8:15 AM**

**Call to Order** – Councilmember Leh called the meeting to order at 8:19 am. Roll call was taken and the following members were present:

***Committee Members: Chris Leh, City Council  
Deborah Fahey, City Council  
Kyle Brown, City Council***

***Staff Present: Meredyth Muth, City Clerk  
Heather Balsler, City Manager  
Kathleen Kelly, City Attorney***

## **APPROVAL OF AGENDA**

The agenda was approved as presented.

## **APPROVAL OF MINUTES**

The minutes were approved as presented.

## **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

None.

## **DISCUSSION/DIRECTION – REVIEW OF JUDGE & DEPUTY JUDGE APPLICATIONS**

Members reviewed the short list of applicants taken from the earlier suggestions. Members reviewed the qualifications of those on the list and discussed who they would like to interview for presiding and deputy positions.

They chose six candidates to bring in for in-person interviews.

## **DISCUSSION/DIRECTION – REVIEW OF BACK UP PROSECUTING ATTORNEY APPLICATIONS**

Postponed to a later meeting.

**DISCUSSION ITEMS FOR NEXT MEETING**

At the April meeting the Committee will discuss retail marijuana FAQs and the back up prosecutor applications.

**ADJOURN**

The meeting was adjourned at 9:45 am.

# ***City Council Legal Review Committee Meeting Minutes***

**March 9, 2020  
749 Main Street  
5:00 PM**

**Call to Order** – Councilmember Leh called the meeting to order at 5:00 pm. Roll call was taken and the following members were present:

***Committee Members: Chris Leh, City Council  
Deborah Fahey, City Council  
Kyle Brown, City Council***

***Staff Present: Merydyth Muth, City Clerk  
Heather Balsler, City Manager  
Kathleen Kelly, City Attorney***

## **APPROVAL OF AGENDA**

The agenda was approved as presented.

## **DISCUSSION OF INTERVIEW QUESTIONS**

Members reviewed suggested questions for the applicants and created the final list to ask this evening.

## **INTERVIEWS OF CANDIDATES**

Members interviewed five candidates to fill the positions of Presiding Judge and Deputy Judge: David Thrower, Sunita Sharma, Karolyn Moore, Stefan Fredricksmeier, and Rob Gunning. One candidate withdrew her application prior to this meeting.

## **DISCUSSION OF CANDIDATES AND RECOMMENDATION TO CITY COUNCIL**

Following the interviews, the Committee members discussed the candidates and decided to make a recommendation to the full City Council to appoint Judge Thrower as Presiding Municipal Judge and Judges Gunning and Moore as Deputy Judges.

## **ADJOURN**

The meeting was adjourned at 8:20 pm.

**SUBJECT: DISCUSSION/DIRECTION – POSSIBLE QUASI-JUDICIAL  
HEARING OPTIONS DURING COVID-19 RESTRICTIONS**

**DATE: MAY 6, 2020**

**PRESENTED BY: MEREDYTH MUTH, CITY CLERK**

**SUMMARY:**

The City Council has asked the Committee to look into what possible options there are for holding public hearings for quasi-judicial items during the COVID-19 outbreak and while there are strict limitations on in-person gatherings. Some cities are moving ahead with electronic meetings for all items including quasi-judicial hearings while others are requiring an indemnification agreement from applicants to move forward with electronic hearings for such items.

Louisville's current regulations allow boards, commissions, and the City Council to have hearings for all quasi-judicial items except those subject to the referendum rules. In addition, the City Manager may choose to not hold public hearings for those allowed quasi-judicial items if she feels it is not in the best interest of the City or does offer enough public participation or transparency (see the attached resolution).

At this time, staff sees holding meetings electronically for all of May as the current Safer at Home regulations ask people to minimize the number of in-person meetings, maintain the 6-foot distancing, and avoid gatherings of more than 10 people. We are looking for guidance from Boulder County Health for June but that likely will not come until later this month.

For any application there are competing needs of transparency, public participation, due process (for both the applicant and the public), and the economic and personal property implications of holding up an application indefinitely.

Assuming public participation, transparency, and personal safety are the guiding principles, staff has looked at a variety of options for how to handle hearings. We do not have any specific recommendations at this time as we do not know under what circumstances gatherings will be allowed. There are pros and cons to all of the options and without exact guidance these are speculative at this point. Some of the things we are considering include:

- Holding Council/Planning Commission meetings in the Gym or the Brooks/Crown Room at the Rec Center to allow for more social distancing.
  - We can still broadcast from that location and have ordered the equipment necessary to do so.

- If we are allowed up to 50 people that would likely be a large enough room to spread out up to 50 people safely.
- Doesn't help us for a hearing that will bring in a very large crowd.
- Have speakers sign up for speaking appointments for the in-person meeting.
  - For example we could have one-hour slots in which 15 people at a time could come in to speak and we could rotate people through.
  - We would require people to sign up to speak in a specific time slot.
  - This is problematic in that people cannot sit through the entire hearing in person and may feel that is limiting their participation.
- Hold a meeting both in-person and electronically and take comments both in-person and electronically.
  - We could offer a limited number of in-person slots and have everyone else join the meeting electronically.
  - Perhaps save the in-person slots for those who cannot join electronically for lack of technology.
  - The number of in-person slots could be VERY limited. For example, seven Councilmembers and even a limited staff (City Manager, City Attorney, City Clerk, two Planners, the applicant, and the camera operator) is already 14+ people in attendance. If we are limited to say 25 that leaves very few in-person slots.
  - We may hear complaints that those attending in person have more influence over the application than those watching electronically.
- For any of the above options:
  - All meetings attendees would be required to undergo the same screenings as required to enter other public buildings (including taking temperatures); masks and appropriate social distancing would be required.
  - Rules related to building capacity may also dictate how large a gathering can take place.
  - The Council would still want to consider if they want to require indemnification from the applicant and if it wants to use a process like this for an item subject to referendum
- It should also be noted that the City always accepting public comments by email for any meeting item and those comments are given to Councilmembers/ Planning Commissioners and made a part of the public record of the proceedings.

**SUBJECT: QUASI-JUDICIAL HEARINGS**

**DATE: MAY 6, 2020**

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**RECOMMENDATION:**

Discussion/Direction.

**ATTACHMENT(S):**

1. Resolution No. 20, Series 2020
2. Commerce City Policy for Public Hearing at Electronic Meetings
3. City of Westminster Guidelines for Public Participation at Virtual Public Meetings

**RESOLUTION NO. 30**  
**SERIES 2020**

**A RESOLUTION REGARDING QUASI-JUDICIAL HEARINGS AT MEETINGS  
CONDUCTED BY ELECTRONIC PARTICIPATION**

**WHEREAS**, on March 15, 2020, the Mayor of the City of Louisville, pursuant to Chapter 2.32 of the Louisville Municipal Code and C.R.S. § 24-33.5-709, executed a Declaration of Local Disaster Emergency in and for the City of Louisville (the “Mayor’s Declaration”) in response to the widespread pandemic Novel Coronavirus (COVID-19); and

**WHEREAS**, by Resolution No. 27, Series 2020, adopted on March 16, 2020, the City Council continued in effect the Mayor’s Declaration until terminated by resolution of the City Council; and

**WHEREAS**, by Resolution No. 26, Series 2020, also adopted on March 16, 2020, the City Council amended its Rules of Procedure to provide for electronic meeting participation in certain situations, including when meeting in person is not practical or prudent due to a health epidemic or pandemic; and

**WHEREAS**, on March 25, 2020, the Governor of the State of Colorado issued Executive Order 2020-17, ordering the Colorado Department of Health and Environment (“CDPHE”) to issue a state-wide “Stay at Home” public health order; and

**WHEREAS**, also on March 25, 2020, the CDPHE issued an Amended Public Health Order 20-24 Implementing Stay at Home Requirements, which Order has since been updated twice, and which Order requires all individuals currently living within the State of Colorado to stay at home whenever possible, and only to leave to perform or utilize “Necessary Activities,” as defined in the Order; and

**WHEREAS**, by Resolution No. 29, series 2020, adopted on March 31, 2020, the City Council authorized boards, commissions, and committees established by the City Council (“Appointed Bodies”) to also hold meetings by electronic participation when meeting in person is not practical or prudent due to a health epidemic or pandemic; and

**WHEREAS**, the City Council Rules of Procedure, as amended by Resolution No. 26 do not permit quasi-judicial hearings be held at electronic meetings; and

**WHEREAS**, Appointed Bodies also may not hold quasi-judicial hearings at electronic meetings unless and until the City Council adopts a resolution establishing guidelines for such matters that confirm with the requirements of the City’s Home Rule Charter, the Louisville Municipal Code, and constitutional due process requirements; and

**WHEREAS**, current available information indicates the City Council and Appointed Bodies may not be able to meet in person for an extended period of time and thus the nature and extent of the COVID-19 Pandemic is extraordinary; and

**WHEREAS**, the City Council finds that holding quasi-judicial hearings constitutes an important function of City government; that not holding such hearings for an extended period of time may present a burden to City residents, property owners, and businesses; and that the public health, safety, and welfare of the City will best be secured and protected during this COVID-19 Pandemic by permitting quasi-judicial hearings to proceed at electronic meetings in accordance with the procedures set forth herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:**

**Section 1.** The amended City Council Rules of Procedure are hereby approved in the form accompanying this Resolution.

**Section 2.** The City Council and Appointed Bodies are hereby authorized to hold quasi-judicial hearings at a meeting by Electronic Participation, subject to the procedures set forth in this Section 2; provided, however, no quasi-judicial hearing shall be held for any matter the decision of which is subject to referendum.

A. Applicant's Written Request. In the event a pending quasi-judicial matter is scheduled for a public meeting to be conducted by Electronic Participation, or an applicant wishes to request an as-yet unscheduled hearing be conducted by Electronic Participation, a written request shall be made on a form provided by the City. The applicant shall acknowledge that holding a quasi-judicial hearing by Electronic Participation presents certain legal risks and involves an area of legal uncertainty, and the applicant shall agree that moving forward with a quasi-judicial hearing by Electronic Participation shall be at their own risk. Land use applicants shall additionally agree to defend and indemnify the City in any action that may arise out of, or in connection with, conducting the hearing by Electronic Participation.

B. City Manager to Determine Suitability of Conducting Quasi-Judicial Hearing by Electronic Participation. The procedures adopted by this Resolution create no right in any party to a quasi-judicial matter to have a hearing conducted by Electronic Participation. Upon receipt of a written request, the City Manager or their designee shall determine whether the City has the capability to hold the particular type of hearing by Electronic Participation, what available form of Electronic Participation is most appropriate for the type of hearing, and set date(s) for the hearing(s). Such hearings shall be open to the public and provide the ability for interested members of the public to join the hearing electronically. The method chosen by the City Manager or their designee shall ensure the public has the ability to view or listen to the hearing in real time and interested parties may speak. If at any point the City Manager or their designee

determines it not possible or prudent to hold the hearing by Electronic Participation, whether due to technical issues or an inability to do so while meeting constitutional due process requirements, the hearing shall be vacated and the matter will be held in abeyance until in-person meetings have resumed.

C. Notice Requirements.

1. The required notice for the hearing and the agenda for the meeting at which the hearing will be held shall each include information about how the hearing will be conducted and how the public can access, observe, and participate in the hearing. If such notice as required by the Louisville Municipal Code or otherwise by law has already been provided for a hearing to be held in person, such additional notice shall be given as to reasonably inform interested persons that such hearing will instead be held by Electronic Participation; provided, however, this additional notice shall not be deemed jurisdictional.

2. The notice shall advise that relevant documents will be made available online, that any interested party may contact the City Clerk to receive a paper copy if unable to access the online documents, and that the City will reasonably accommodate interested parties who lack necessary equipment or the ability to access equipment. Interested parties will be encouraged to submit written comments in advance of the hearing, which comments will be made a part of the record of the hearing.

D. Documents. The City Clerk or Secretary of the applicable board or commission shall set deadlines for submission of documents depending on the nature of the hearing. Materials relevant to the hearing, including but not limited to materials related to specific applications and other documents to be shown electronically during the hearing, will be made available online at least 72 hours in advance for public inspection prior to, during, and after the hearing.

E. Hearing Procedures. At the outset of the hearing, the presiding officer of the Public Body shall describe the hearing procedure, including how testimony and public comment will be received. The applicant shall be given an opportunity to object to the hearing procedure. The presiding officer shall rule on any such objection, and the decision of the presiding officer shall be final.

F. Record. The City Clerk or Secretary of the applicable board or commission shall ensure that all equipment used for the hearing is adequate and functional for allowing clear communication among the participants and for creating a record of the hearing as required by law. Provided, however, the City Clerk or Secretary shall not be responsible for resolving any technical difficulties incurred by any person participating in the hearing.

**PASSED AND ADOPTED** this 7<sup>th</sup> day of April, 2020.

  
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Ashley Stolzmann, Mayor

ATTEST:

  
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Meredyth Muth, City Clerk



**RESOLUTION ESTABLISHING POLICIES FOR CONDUCTING PUBLIC HEARINGS  
DURING ELECTRONIC MEETINGS**

**NO. 2020-30**

WHEREAS, the City Council of the City of Commerce City enacted certain policies pursuant to Section 4.27 of the City Charter, including Council Policies 20 and 22 regarding the conduct and order of public hearings;

WHEREAS, the City Council has enacted Ordinance 2271 authorizing the conduct of City Council meetings conducted by Electronic Means during certain declared emergencies or disasters, but a resolution is require to establish guidelines for public hearings on quasi-judicial matters and related votes to ensure conformance with the requirements of the Charter, the Commerce City Revised Municipal Code, and the requirements of due process;

WHEREAS, the City Council finds that this resolution establishes guidelines to ensure that public hearings may continue during prolonged emergencies in an open and impartial manner, that the public has the ability to hear or view the proceedings in real time, that allows interested parties to provide testimony, and allows an opportunity for the City Council to give fair consideration to all issues presented at the public hearing;

WHEREAS, the City Council finds that the guidelines established by this resolution are necessary and appropriate to promote the efficient and orderly conduct of municipal business, to ensure the validity of municipal proceedings, and to protect the health, safety, and welfare of the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

**1. Application.** This resolution is adopted pursuant to Ordinance 2271, as it may be amended, and supplements Council Policies CP-20 and CP-22 and any other policy related to public hearings when a public hearing, as defined in CP-22, is conducted by Electronic Means as provided in Ordinance 2271. All other provisions of applicable Council Policies will apply to a public hearing held pursuant to this resolution to the extent not in conflict with this resolution and Ordinance 2271. References to the “body” means the City Council or applicable board or commission.

**2. Applicant Agreement.** Except for any public hearing held initiated by the City or based on an appeal of an action initiated by the City, each applicant must request and consent, on a form provided by the City, that a public hearing be conducted pursuant to this resolution. The request form shall provide that, without condition, the applicant: a) acknowledges that holding a quasi-judicial hearing by electronic means presents legal risks and involves an area of legal uncertainty and that the applicant has reviewed this resolution; b) agrees that the applicant assumes all risk of conducting the quasi-judicial hearing by electronic means; and c) agrees to defend and indemnify the City in any action arising from or in connection with any alleged deficiency in the conduct of the hearing as a result of the use of electronic means. If such a request and consent is not provide, no public hearing will be held until in-person meetings resume and the applicant will

be deemed to have consented a delay in the processing of related application and the timing of the public hearing.

**3. Special Notice Required.** In addition to any notice required by law, the following notice requirements apply:

a. Any agenda including a public hearing that will be conducted remotely must be published at least 3 business days before the hearing (e.g., for a hearing on Monday, the agenda must be posted by Wednesday) and shall include:

i. Materials to be presented by the City and the applicant during the hearing (except for rebuttal materials);

ii. Information about how the hearing will be conducted and how the public can access, observe, and provide testimony for the hearing (including registration requirements); and

iii. Information about how to request paper copies of materials from the City.

The agenda notice will be part of the record. Agendas may be amended. This does not modify the notice requirements of the Land Development Code and will not be deemed jurisdictional.

b. Mailed, published and placard notices (as required by the Land Development Code) for the public hearing shall include a notification that the public hearing may be conducted electronically, that advance registration for testifying will be required, and that information for participation will be provided in the published agenda. Any previously issued notice shall be supplemented to comply with this resolution, but such supplement will not affect the validity of the previously issued ordinance.

**4. Public Testimony – Advance Submission or Registration.** Testimony other than by the applicant, its consultants, and city staff during the public hearing will be limited to written testimony submitted in advance and oral testimony from previously-registered participant, as follows:

a. For **written testimony**, submit written testimony by mail or through a web-based portal established by the City and identified in the agenda. All written testimony must be received a deadline established by the clerk or secretary that is published in the agenda. Written testimony received or submitted late will not be entered into the record. The clerk or secretary of the body will amend the published materials specific to the matter to include all timely-received written testimony.

b. For **oral testimony**, register to testify through means to be established by the City and identified in the agenda. All persons wishing to testify must register by a deadline to be established by the clerk or secretary that is published in the agenda. Persons who do not register on time will not be permitted to testify. Speakers must have a reliable phone or internet connection and respond when called upon to testify. Persons who submit written testimony may also provide oral testimony. The clerk or secretary will provide a list of registered persons to the chair and will provide speakers with information on connecting to the hearing and providing testimony.

c. **An applicant's written presentation materials and exhibits** must be submitted at least 5 business days before the meeting to be included in the record.

d. No presentations or exhibits other than rebuttal exhibits from the applicant or the City will be accepted during oral testimony by the applicant or any registered speaker.

**5. Oral Testimony by Applicant & Public.** This section's use of technological terms shall be interpreted according to the capabilities and features of the platform used to conduct the public hearing.

a. The applicant shall appear by video with audio unless only an audio connection is viable and the body consents to an audio-only appearance. The public hearing should be continued in the absence of such consent or if the applicant's connection does not allow the applicant to hear or respond to questions or if the body cannot hear the applicant's presentation.

b. Registered speakers may be limited to audio presentations unless a video connection is technologically feasible and secure. If disconnected or if the connection limits the speaker from being heard, the speaker will forfeit their opportunity to speak unless the body votes to allow the speaker to attempt to re-connect or to continue the public hearing.

c. All presented exhibits and all testimony and questions must be clearly audible and visible (for those using video connections) to the body, City staff, the applicant, and to the public.

d. The applicant and registered speakers must remain muted, with any video disabled, until recognized to speak. Any person who fails to remain muted or uses video, without being recognized, and as a result, disrupts or interferes with the meeting, will forfeit the opportunity to speak and will be disconnected.

e. Once recognized to speak, a registered speaker must promptly state their name and provide their testimony. If the speaker does not promptly begin, the chair may direct the clerk or secretary to mute and disable the video of the speaker and the speaker will forfeit their opportunity to speak. Once a speaker's testimony is concluded or time is expired, the clerk or secretary will mute the speaker and disable the speaker's video.

f. Speakers are asked to disconnect from the meeting platform once they have concluded their testimony and should watch the remainder of the hearing and meeting online or on television. The applicant should remain connected until the conclusion of the hearing.

g. The chair may direct the clerk or secretary to mute, disable, or disconnect any speaker whose time has expired or who violates applicable rules.

h. A member of the public may only speak once during the public hearing.

**6. Limitation.** The City Manager may choose to vacate any public hearing to be conducted by this resolution if and hold the matter in abeyance if the City Manager determines it is not possible or prudent to hold the public hearing by electronic means. This resolution may not be relied upon during an emergency meeting, as permitted by Ordinance 2271, as it may be amended.

**7. Severability.** If any provision of this resolution or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the resolution that can be given effect without the invalid portion or applications, provided such remaining portions or applications are not determined by the court to be inoperable.

RESOLVED AND PASSED THIS 20TH DAY OF APRIL 2020.

CITY OF COMMERCE CITY, COLORADO



*Benjamin A. Huseman*  
\_\_\_\_\_  
Benjamin A. Huseman, Mayor

ATTEST

*Dylan A. Gibson*  
\_\_\_\_\_

Dylan A. Gibson, Deputy City Clerk

## CITY OF WESTMINSTER GUIDELINES FOR PUBLIC PARTICIPATION IN VIRTUAL PUBLIC HEARINGS

### TO SUBMIT YOUR TESTIMONY IN ADVANCE:

#### Email testimony to [PublicHearing\\_ItemXX@cityofwestminster.us](mailto:PublicHearing_ItemXX@cityofwestminster.us)

- Send your written testimony no later than 12:00 p.m. (noon) the day of the public hearing.
- Please include your full name and address for the record.
- Your email testimony will be distributed to the City Council for their review and consideration by 1:00 p.m., and added to the official record.

#### Leave a recorded message to be played during the live the Public Hearing.

- Call (303) 658-XXXX by no later than 12:00 p.m. (noon) on the day of the public hearing.
- After the tone, state your full name and address for the record.
- Your recorded message is limited to 5 minutes, so please be aware of the time as you give your comments.
- There will be no time warnings, and the call will end after the 5 minute limit has expired.

### TO GIVE YOUR TESTIMONY DURING THE LIVE VIRTUAL MEETING:

#### Sign up to speak through the City Clerk's Office.

- Add your name to the list of speakers by emailing the City Clerk's Office at [cityclerk@cityofwestminster.us](mailto:cityclerk@cityofwestminster.us) by no later than 12:00 (noon) on the day of the public hearing.
- Provide your full name and address.
- Speakers will be called in the order that they sign up to speak.
- A web link to the live meeting will be sent in response to your email.
- You must have the ability to log in to the virtual meeting using your own computer equipment. In order to speak, you must use your computer's microphone, a headset, or call in on your phone for sound.
- Once you join the meeting, you will be automatically muted.
- During the Public Hearing, the Mayor will call on each person who signed up in order.
- When your name is called, you will be unmuted and may proceed to give your testimony.
  - If you experience technical difficulties when you are called to speak, and are unable to give live testimony:
    - i. To have your comments included as part of the official record, immediately call (303)658-XXXX to leave a recorded message of your testimony.
    - ii. After the tone, state your full name and address for the record.
    - iii. Your recorded message is limited to 5 minutes, so please be aware of the time as you give your comments.
    - iv. There will be no time warnings, and the call will end after the 5 minute limit has expired.
    - v. Your testimony will be played back before the close of the Public Hearing.

**SUBJECT: DISCUSSION/DIRECTION – REVIEW OF BACK UP  
PROSECUTOR APPLICATIONS**

**DATE: MAY 6, 2020**

**PRESENTED BY: MEREDYTH MUTH, CITY CLERK**

**SUMMARY:**

Staff received two applications for the backup prosecutor position. Staff would like the Committee to review the process for filling this position and the applications, and discuss next steps.

**RECOMMENDATION:**

Discussion/Direction.

**ATTACHMENT(S):**

None.

**SUBJECT: DISCUSSION/DIRECTION – RETAIL MARIJUANA FAQ’S**

**DATE: MAY 6, 2020**

**PRESENTED BY: MEREDYTH MUTH, CITY CLERK**

**SUMMARY:**

Staff prepared the attached retail marijuana FAQs in January. Councilmember Leh would like the Legal Review Committee to review them prior to posting these on the City’s website.

**RECOMMENDATION:**

Discussion/Direction.

**ATTACHMENT(S):**

1. Retail Marijuana FAQs

## Retail Marijuana FAQs

Marijuana is legal under Colorado state law and the City of Louisville has opted to allow retail sales in town. The following rules include both State and local regulations. The City can impose stricter regulations than the State if the City Council passes such rules.

### Number of Stores and Zoning Rules

- Louisville has a limit of six retail stores.
- As of January 1, 2020 all six of the licenses have been issued, although not all of the retail stores are yet open.
- Retail stores are limited to commercially zoned properties with the following restrictions:
  - They must be at least 1500 feet from another marijuana store (although the three stores near the intersection of Dillon Road and McCaslin were grandfathered in when this rule changed.)
  - They must be at least 1000 feet from any public or private elementary, middle, junior high, or high school.
  - They are not allowed in Downtown Louisville
  - If you have questions about a specific location in town, please contact the Planning Department (303.335.4596).
- Stores may not be larger than 5000 square feet

### Licensing

- All retail stores must have both a State and City retail marijuana license to operate.
- Both the State and the City can enforce regulations. Locally, the Louisville Police Department and the Local Licensing Authority handle aspects of enforcement. The Department of Revenue's Marijuana Enforcement Division handles enforcement for the State.
- Licensing requirements include but are not limited to:
  - Background checks
  - Approval of site plan including security
  - Ventilation plans
  - Building Inspection
- The State handles all aspects of product preparation and edible preparation.

## Buying and Selling

- You must be 21:
  - It's illegal for people under 21 to buy, have, or use retail marijuana.
  - It's a felony for anyone to give or sell to, or share marijuana with, anyone under 21.
  - You must present a valid ID proving you're 21 or older.
- Limits to buying:
  - You can only buy retail marijuana from licensed retail stores.
  - Adults over the age of 21 can buy and possess up to 1 ounce of marijuana at a time.
- Limits to selling:
  - Only licensed retailers can sell marijuana products.
  - Adults over 21 can give up to 1 ounce of marijuana to another adult 21 or older, but can't sell marijuana. This includes homegrown product.

## Using and Having

- No more than 1 ounce:
  - Adults 21 and older can have up to 1 ounce of marijuana. Having more can result in legal charges and fines.
- Public use is illegal:
  - Using marijuana in any way — smoking, eating, or vaping — isn't allowed in public places. This includes the following outdoor and indoor areas, and many more:
    - Sidewalks.
    - Parks and amusement parks.
    - Ski resorts.
    - Concert venues.
    - Businesses.
    - Restaurants, cafes, or bars.
    - Common areas of apartment buildings or condominiums.
- Consumption of the product in a retail marijuana store is not allowed.
- Use on federal land is illegal:
  - Since marijuana is still illegal under federal law, you can't use on federal land, including national parks and national forests. This includes ski slopes.
- Where you CAN use:
  - Private property is your best bet. However, property owners can ban the use and possession of marijuana on their properties. If you rent, you may not be allowed to use marijuana in your home.

- Hotel owners can ban the use and possession of marijuana on their properties, so you may not be able to use in a hotel room. Be sure to research the places you'll be staying in Colorado.
- Drug testing at work:
  - Despite legalization, employers can still test for marijuana and make employment decisions based on drug test results. Be sure you know your workplace policies before you use.

## Point-of-Sale Regulations

- You must present a valid ID proving you're at least 21 years old.
- No minors allowed:
  - No one under 21 is allowed in the restricted portion of a retail store.
- Limited hours of sale:
  - In Louisville, retail marijuana businesses may be open only between 8 a.m. and 10 p.m.
- Packaging requirements:
  - Retail businesses are required to sell all marijuana products in packaging that's resealable, child-resistant, and not see-through. The packaging protects children, teens, and adults from accidentally eating something that they don't realize contains marijuana.