



COLORADO • SINCE 1878

City Council Legal Review Committee

Meeting Agenda

**September 30, 2020
Electronic Meeting
6:00 PM**

This meeting will be held electronically. Residents interested in listening to the meeting or making public comments can join in one of two ways:

- 1) You can call in to +1 312 626 6799 or 877 853 5247 (Toll Free)
Webinar ID # 846 6362 1157.
- 2) You can log in via your computer. Please visit the City's website here to link to the meeting: www.louisvilleco.gov/council

The Council will accommodate public comments during the meeting. Comments may also be emailed to the Council prior to the meeting at Council@LouisvilleCO.gov.

- I. Call to Order & Roll Call
- II. Approval of Agenda
- III. Approval of Minutes: September 9, 2020
- IV. Public Comments on Items Not on the Agenda
- V. Discussion/Direction – 2021 City Attorney Legal Fee Increase
continued from 9/2/20
- VI. Discussion/Direction – Solicitation and Other Activities in Street Medians
- VII. Discussion/Direction – Electronic Signature Gathering for Referenda
- VIII. Discussion/Direction – Update of Court Customer Satisfaction Survey
- IX. Discussion/Direction – Back Up Prosecutor
- X. Discussion/Direction – Marijuana FAQs
- XI. Discussion Items for Next Meeting
- XII. Adjourn

City Council Legal Review Committee

Meeting Minutes

**September 9, 2020
Electronic Meeting
2:30 PM**

Call to Order – Councilmember Leh called the meeting to order at 3:15 pm.

Roll Call: 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 – ANNUAL REVIEWS OF CITY ATTORNEY, WATER ATTORNEY, PROSECUTING ATTORNEY, AND MUNICIPAL JUDGE *continued from 9/2/20*

Councilmember Fahey stated the Utility Committee responded that they had no interactions with the Water Attorney this year so they do not feel they have enough knowledge to participate in the review process.

Members reviewed the evaluation forms for the Prosecuting Attorney and Municipal Judge and made some changes to the questions.

Muth will distribute the forms to everyone to complete. Once those have been completed the Committee will meet again in October to review and discuss the results prior to the City Council executive session scheduled for November 2.

DISCUSSION/DIRECTION – 2021 CITY ATTORNEY LEGAL FEE INCREASE

continued from 9/2/20

This item was continued to a later meeting.

DISCUSSION ITEMS FOR NEXT MEETING

- 2010 Legal Fee Increase
- Code Updates Regarding Solicitation/Panhandling
- Electronic Signature Gathering for Referenda
- Update Court Customer Satisfaction Survey
- Marijuana FAQs
- Back Up Prosecutor

ADJOURN

The meeting was adjourned at 8:04 pm.

SUBJECT: DISCUSSION/DIRECTION – COMMITTEE RECOMMENDATION
ON 2021 CITY ATTORNEY LEGAL FEE INCREASE *continued*
from 9/2/20

DATE: SEPTEMBER 30, 2020

PRESENTED BY: MEREDYTH MUTH, CITY CLERK
KATHLEEN KELLY, CITY ATTORNEY

SUMMARY:

The City Attorney has proposed an increase in partner and associates rates effective January 1, 2021. The firm’s memo is attached. The last increase in fees for services for the firm was on January 1, 2019.

RECOMMENDATION:

Discussion of the fee increase to make a recommendation for City Council to have when this comes to them for consideration on October 20.

ATTACHMENT(S):

1. Memo from City Attorney
2. Update after September 20 Discussion

STRATEGIC PLAN IMPACT:

<input checked="" type="checkbox"/>	 Financial Stewardship & Asset Management	<input checked="" type="checkbox"/>	 Reliable Core Services
<input type="checkbox"/>	 Vibrant Economic Climate	<input type="checkbox"/>	 Quality Programs & Amenities
<input type="checkbox"/>	 Engaged Community	<input type="checkbox"/>	 Healthy Workforce
<input type="checkbox"/>	 Supportive Technology	<input type="checkbox"/>	 Collaborative Regional Partner



Kathleen M. Kelly
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MEMORANDUM

TO: Mayor and Councilmembers
Legal Review Committee
Heather Balsler, City Manager
City of Louisville

FROM: Kathleen M. Kelly 

DATE: August 16, 2020

RE: Fees for Legal Services

Based upon the firm's general review of its fees, services, and costs, we find it necessary to increase our rates for legal services to the City effective January 1, 2021. We last increased our fees on January 1, 2019. While cost-effective service to the City is a primary goal of our firm, we must also consider the ongoing increases in our own costs of doing business. In consideration of the ongoing COVID-19 pandemic, and the impact it has had on the City's budget, we are limiting our hourly fee increase to only reflect inflation (see attached CPI-U for 2019 and estimated 2020) since the time of our last fee increase, and we will re-evaluate our fee schedule at this time next year.

Attached is a copy of our fee schedule, which reflects rate increases of \$5/hour and an increase in the monthly retainer for attendance at regular City Council meetings of \$100 effective January 1, 2021. If acceptable to the City, the revised Exhibit A to our contract should be approved by the City Council. We have also included a revised Exhibit A for the Louisville Revitalization Commission (the only difference being omission of the flat retainer).

We have appreciated the opportunity to serve the City of Louisville, and look forward to continuing our services in 2021. We will, of course, continue to work with the City to identify and implement methods for managing legal work and fees.

Thank you for your consideration of this proposal, and if you have any questions or concerns, or care to discuss this matter, please contact me.

APPENDIX A – FEE SCHEDULE – CITY OF LOUISVILLE

General Legal Services:

- (1) Attorney time (except as per (3) below)
 - Principals \$210.00 per hour
 - Senior Associates \$200.00 per hour
 - Associates \$185.00 per hour

- (2) Paralegals/Law Clerks \$ 95.00 per hour

- (3) Monthly retainer for attendance at regular meetings of the Council and short telephone calls requiring no research: \$850.00

Expenses:

- (1) Copying: \$.15 per page

- (2) Travel: No mileage or attorney time charge for travel to and from Louisville

For other travel, travel time will be billed one-way and current IRS per mile

- (3) Long distance telephone calls: at cost

- (4) Delivery: at cost

AGREED AND ACCEPTED:

KELLY PC.

CITY OF LOUISVILLE

By: *h. n. j.*

By: _____

Title: *President*

Title: _____

Date: *8/16/2020*

Date: _____

APPENDIX A – FEE SCHEDULE – LOUISVILLE REVITALIZATION COMMISSION

General Legal Services:

- (1) Attorney time
 - Principals \$210.00 per hour
 - Senior Associates \$200.00 per hour
 - Associates \$185.00 per hour
- (2) Paralegals/Law Clerks \$ 95.00 per hour

Expenses:

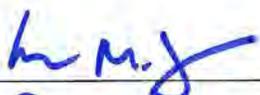
- (1) Copying: \$.15 per page
- (2) Travel: No mileage or attorney time charge for travel to and from Louisville

For other travel, travel time will be billed one-way and current IRS per mile
- (3) Long distance telephone calls: at cost
- (4) Delivery: at cost

AGREED AND ACCEPTED:

KELLY PC

LOUISVILLE REVITALIZATION
COMMISSION

By: 
Title: President
Date: 8/16/2020

By: _____
Title: _____
Date: _____

Consumer Price Index, All Items (CPI-U)

Index 100 = 1982-84

Year	All U.S. Urban Areas		Denver-Aurora-Lakewood*		
	Index	Inflation Rate	Index	Inflation Rate	
1981	90.9	10.3%	87.2	11.2%	
1982	96.5	6.2%	95.1	9.1%	
1983	99.6	3.2%	100.5	5.7%	
1984	103.9	4.3%	104.3	3.8%	
1985	107.6	3.6%	107.1	2.7%	
1986	109.6	1.9%	107.9	0.7%	
1987	113.6	3.6%	110.8	2.7%	
1988	118.3	4.1%	113.7	2.6%	
1989	124.0	4.8%	115.8	1.8%	
1990	130.7	5.4%	120.9	4.4%	
1991	136.2	4.2%	125.6	3.9%	
1992	140.3	3.0%	130.3	3.7%	
1993	144.5	3.0%	135.8	4.2%	
1994	148.2	2.6%	141.8	4.4%	
1995	152.4	2.8%	147.9	4.3%	
1996	156.9	3.0%	153.1	3.5%	
1997	160.5	2.3%	158.1	3.3%	
1998	163.0	1.6%	161.9	2.4%	
1999	166.6	2.2%	166.6	2.9%	
2000	172.2	3.4%	173.2	4.0%	
2001	177.1	2.8%	181.3	4.7%	
2002	179.9	1.6%	184.8	1.9%	
2003	184.0	2.3%	186.8	1.1%	
2004	188.9	2.7%	187.0	0.1%	
2005	195.3	3.4%	190.9	2.1%	
2006	201.6	3.2%	197.7	3.6%	
2007	207.3	2.9%	202.0	2.2%	
2008	215.3	3.8%	209.9	3.9%	
2009	214.6	-0.3%	208.5	-0.6%	
2010	218.1	1.6%	212.4	1.9%	
2011	224.9	3.1%	220.3	3.7%	
2012	229.6	2.1%	224.6	1.9%	
2013	233.0	1.5%	230.8	2.8%	
2014	236.7	1.6%	237.2	2.8%	
2015	237.0	0.1%	240.0	1.2%	
2016	240.0	1.3%	246.6	2.8%	
2017	245.1	2.1%	255.0	3.4%	
2018	251.1	2.4%	262.0	2.7%	
2019	255.7	1.8%	267.0	1.9%	
June 2020	2020	257.4	0.7%	269.7	1.0%
Forecast	2021	262.3	1.9%	275.1	2.0%
	2022	268.1	2.2%	281.1	2.2%

Source: U.S. Bureau of Labor Statistics and Legislative Council Staff.

*A consumer price index (CPI-U) is not calculated for the state of Colorado. The CPI-U for the Denver-Aurora-Lakewood core based statistical area is often used as a proxy for the inflation rate of Colorado. Beginning in February 2018, a bi-monthly index is published for the Denver-Aurora-Lakewood core based statistical area, instead of a semi-annual index for the Denver-Boulder-Greeley combined metropolitan statistical area.

Prepared by Legislative Council Staff.



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MEMORANDUM

TO: Legal Review Committee
Heather Balsler, City Manager
City of Louisville

FROM: Kathleen M. Kelly /s/

DATE: September 8, 2020

RE: Fees for Legal Services

As requested at the Committee’s September 2nd meeting, I contacted multiple attorneys at four law firms that specialize in representation of Colorado municipalities as City or Town Attorney to inquire whether any have retainer-based billing arrangements for City Council or Town Board meetings. Two attorneys at one firm responded that they each used to have such arrangements for a single municipal client (one was the City of Wheat Ridge, the other unidentified), but had ceased the billing practice a while ago.

Also as requested, the following is a break-down of the City Council regular meeting time for the twelve month period from July 2019 through June 2020:

July:	4.6 hours	
August:	3.1 hours	
September:	4.9 hours	
October:	5.5 hours	
November:	6.6 hours	
December:	2.8 hours	
January:	3.0 hours	
February:	6.0 hours	
March:	5.5 hours	
April:	5.4 hours	
May:	5.2 hours	
June:	<u>9.1 hours</u>	
Total:	61.7 hours	Average 5.1 hours per month

At the current retainer of \$750 per month, Council meeting attendance was compensated at \$147 per hour. At the proposed \$850 per month, meeting attendance would be compensated at \$167 per hour, assuming similar meeting lengths.

Finally, the Committee asked for additional information regarding the budgetary impact of the proposed fee increase. As noted in our previous memorandum, the \$5 per hour increase proposed for 2021 represents only an inflationary adjustment since our current fees were established in January 2019.

The total hours billed for the period July 2019 through June 2020, not including City Council meeting time covered by the retainer, were 1757.2, and of these 250.9 were for COVID-19 work, which should be reimbursed by federal funds.

Total time: $1757.2 \times \$5 \text{ per hour} = \$8,787 + \$1200 \text{ retainer increase} = \$9,987 \text{ per year}$
/ \$832 per month

Non-COVID: $1506.3 \times \$5 \text{ per hour} = \$7,532 + \$1200 \text{ retainer increase} = \$8,732 \text{ per year}$
/ \$728 per month

If meeting time were billed at the regular hourly rate of \$210 per hour for partner time under the proposed Fee Schedule for 2021, these amounts would increase by \$2,757 per year to the following:

Total time: \$12,744 per year / \$1,062 per month

Non-COVID: \$11,489 per year / \$957 per month

Please let me know if you have any questions or desire further information to evaluate our proposed increase for 2021.

SUBJECT: SOLICITATION AND OTHER ACTIVITIES IN STREET MEDIANS

DATE: SEPTEMBER 30, 2020

PRESENTED BY: KATHLEEN KELLY, CITY ATTORNEY

SUMMARY: In 2018, the City Council adopted Ordinance No. 1759, which repealed and re-enacted Chapter 5.06 of the Louisville Municipal Code (“LMC”) to permanently remove a total ban on door-to-door solicitation, but left in place the prohibition against solicitation when a “No Solicitation” or “No Trespassing” sign is posted as well the prohibition against solicitors knowingly making false or deceptive statements to obtain an invitation to visit private premises. It also carried forward the general prohibition against sales from or upon sidewalks, streets, parks and other public property without approval by the City Manager or her designee. Section 12.20.100 of the Code also addresses solicitation, making it unlawful for a person to solicit on or near a street or a highway, such as from a median.

The Legal Committee last discussed regulation of medians and solicitation a year ago, in September 2019, in response to a Tenth Circuit Court of Appeals decision in the case of *Evans v. Sandy City*, 928 F.3d 1171 (10th Cir. 2019). The City of Sandy City had adopted an ordinance prohibiting standing or sitting on any unpaved median or any median of less than 36 inches for any period of time; the ordinance did not mention panhandling or solicitation. The Court analyzed the constitutionality of the ordinance assuming the medians are traditional public fora, which is consistent with prior court decisions in Colorado that streets are traditional public fora.

The evidence before the court included:

- The city had received complaints of several “close calls” of pedestrians who were almost struck by vehicles;
- The city prosecutor viewed medians located within the city to identify “dangerous” ones, and determined 36-inch width was the threshold for safety;
- There remained approximately 7,000 linear feet of medians in the city unaffected by the ordinance.

The Court found that even though the ordinance had an incidental affect on some speakers, it was not content-based and was narrowly tailored to serve a significant government interest – safety – and there were ample alternative channels of communication available. In fact the plaintiff in the lawsuit had received two tickets for violation of the ordinance on a median where 10 feet away it was 36” wide and therefore would have been lawful for him to stand there.

The Tenth Circuit Court of Appeals issued another decision regarding median regulation on August 31, 2020, in the case of *McGraw v. City of Oklahoma City*, No. 19-6008 (W.D. Okla. 2020). Plaintiffs in this lawsuit included Oklahoma City residents (and runners), a minority political party in Oklahoma, and an independent news organization who claimed they use medians to panhandle, engage in protests or other expressive activity, mount political campaigns, cover the news, or have personal conversations. They claimed the ordinance violated their constitutional rights, but there was no mention in the Court's opinion that any of the Plaintiffs had been issued a ticket or the City had otherwise attempted to enforce the ordinance against them.

This case involved an original ordinance and an amendment to the ordinance that was adopted while the litigation was pending, and included a challenging factual record. Unlike the record in the *Evans* case, which contained complaints about pedestrians who were almost hit and studies of the actual medians in Sandy City, Oklahoma City officials and others specifically pointed to panhandlers as the impetus for this ordinance. The Police Chief gave a presentation to the City Council that was originally titled "Panhandler Presentation," but was changed to "Median Safety Presentation" amidst concerns from the City Attorney, who recognized the ordinance was potentially unconstitutional as a panhandler regulation.

Although there was traffic safety data included in the record, there were no pedestrian-related accidents on medians. Photos of damaged medians and accidents where vehicles crossed onto or entered the median were in the record, but there was no evidence that any of these involved pedestrians. The City Councilmembers themselves disagreed about whether safety concerns justified the ordinance, which was adopted on a 7-2 vote.

The ordinance, as amended, made it unlawful for a pedestrian to be present on a median located within a street with a speed limit of 40 miles per hour or more, but exempted:

- Government employees; and
- People on the median
 - to cross the street;
 - perform "legally authorized work"; or
 - respond to any emergency situation.

The ordinance prohibited pedestrians from being on approximately 400 medians across Oklahoma City. The City claimed at least 103 medians were not affected by the ordinance, but Plaintiffs argued at least 27 of these were unavailable to panhandlers under the City's Aggressive Panhandling Ordinance.

The ordinance included findings, with citations to a report by the Centers for Disease Control regarding risk factors for auto-pedestrian crashes and a Federal Highway

Administration publication regarding the likelihood of fatality for a pedestrian struck by a moving vehicle. Neither report addressed medians. And, without citation to any authority, the ordinance concluded that people sitting, standing, or remaining on medians “create additional distractions for the operators of motor vehicles using such streets and highways.” The record included testimony from a City Police Department investigator who opined the longer a pedestrian remained on a median, the greater the risk, but the investigator was unable to quantify that risk or provide any support in safety literature for his opinion.

During the litigation, Plaintiffs requested copies of all accident reports involving medians or pedestrians. These reports included:

- 504 reports dating from 2012 to 2017, none of which involved a pedestrian struck on any median;
- 39,833 accidents reported from 2010 to 2015, none of which involved pedestrians or medians.

At trial, the City could not identify anyone injured on a median in Oklahoma City or any accident caused by a pedestrian on a median.

The Tenth Circuit Court of Appeals first found all Plaintiffs were engaged in protected speech on the medians, including the runners who described stopping on medians to have personal conversations with running companions. As in *Evans*, the Court also found medians a traditional public fora, subject to strict scrutiny under constitutional analysis.

The Court found, based on the record before it, the ordinance failed to survive even intermediate scrutiny, which would be applied to a content-neutral ordinance, and this ordinance placed a “severe burden” on speech.

Oklahoma City also did not show its regulation was narrowly tailored to meet its purported safety interest. The Court found Oklahoma City had not met its burden to show that its recited harms were real or that the ordinance would in fact alleviate the harms in a direct and material way, instead describing Oklahoma City’s concerns as hypothetical rather than an actual issue. The Court went on to say it was “baffled” as to why there was no impersonal hard evidence of harm. The generic “speed kills” evidence did not address medians or any other factor, including the width or composition of medians.

While the court acknowledged a city need not wait for accidents and fatalities to address its interest through safety regulations, it must show the recited harms are real.

Finally, the Court noted Oklahoma City had not evaluated any alternatives to address its safety concerns that did not burden speech, and the City already had existing laws that

prohibited people from stepping into the street, which could advance its interest in pedestrian safety on medians.

The City of Louisville does not have an ordinance generally prohibiting pedestrians in medians, but LMC Section 12.20.100 prohibits solicitation on or near a street or highway. The United States Supreme Court has found solicitation to be speech protected by the First Amendment. So the City's ordinance would be required to satisfy strict scrutiny, meaning:

- Necessary to serve a compelling state interest; and
- Narrowly drawn to achieve that end.

The Oklahoma City case underscores the importance of having a good factual record to support ordinances that impact constitutional rights, and how a court will likely look behind the findings set forth in the ordinance for evidence of pretext.

Based on the factual records in each case, the Court came to different conclusions regarding the constitutionality of the ordinances enacted in Sandy City and Oklahoma City. The Court in the *Evans* case was not persuaded by the plaintiff's allegation that Sandy City's safety claims was a "façade" for the City's improper motive of suppressing panhandlers' speech. But the Court was highly suspect of the real reason for the Oklahoma City ordinance.

Last year we discussed the *Evans* case did not authorize a ban on standing or sitting in medians narrower than 36 inches; rather, that prohibition was upheld only under the facts of that particular case and the record developed before the City Council for Sandy City. The Court's decision in the *Oklahoma City* case shows that, without a strong factual record, such a prohibition is subject to challenge.

We recommend the Legal Review Committee consider whether LMC § 12.20.100 should be repealed or amended to be content-neutral and tailored to specific, real concerns at identified locations within the City as demonstrated by a solid factual record. Additional pedestrian safety regulations could also be considered, including an ordinance that requires pedestrians to cross at crosswalks, such as Boulder Municipal Code ("BMC") 7-5-17, or prohibiting pedestrian interference with roadways like BMC § 5-6-15. Both of these Boulder ordinances appear content-neutral, as does its median ordinance, BMC § 5-6-16.

From the dissenting opinion in *Evans*, some other options to consider include:

- Limiting activity at night, when the dark would make it more difficult for drivers to see;
- Examining pedestrian and vehicle patterns, and limit restrictions to certain times of day when traffic is busiest or certain areas where speed limit is greatest;

SUBJECT: SOLICITATION IN STREET MEDIANS

DATE: SEPTEMBER 30, 2020

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- Limiting to areas where the City may have received complaints about safety (not likely, since currently prohibited).

The key is to base restrictions on actual data, even if from another municipality (provided that data is relevant, and not specific to a traffic situation in that municipality), and not on speculative safety concerns.

ATTACHMENT(S):

1. LMC Chapter 5.06
2. LMC § 12.20.100
3. BMC § 7-5-17
4. BMC §§ 5-6-15 and 5-6-16

STRATEGIC PLAN IMPACT:

<input type="checkbox"/>	 Financial Stewardship & Asset Management	<input type="checkbox"/>	 Reliable Core Services
<input type="checkbox"/>	 Vibrant Economic Climate	<input type="checkbox"/>	 Quality Programs & Amenities
<input type="checkbox"/>	 Engaged Community	<input type="checkbox"/>	 Healthy Workforce
<input type="checkbox"/>	 Supportive Technology	<input type="checkbox"/>	 Collaborative Regional Partner

Chapter 5.06 - SOLICITORS AND VENDORS

Footnotes:

--- (1) ---

Editor's note— *Ord. No. 1759-2018, § 1, adopted June 5, 2018, repealed the former Ch. 5.06, §§ 5.06.010—5.06.070, and enacted a new chapter as set out herein. The former Ch. 5.06 pertained to peddlers, solicitors and vendors and derived from Ord. No. 1481-2005, § 1, adopted Dec. 6, 2005.*

Sec. 5.06.010. - Purpose of provisions.

The purpose of this chapter is to protect the health, safety and welfare of the citizens and residents of the city through regulation and appropriate prohibitions of certain activities of solicitors and vendors.

(Ord. No. 1759-2018, § 1, 6-5-2018)

Sec. 5.06.020. - All solicitations prohibited by posting of "No Solicitation" or "No Trespassing" sign.

No person shall enter or remain upon any public or private premises or in any office building in the city, not having been requested or invited by the occupant thereof, for the purpose of soliciting the immediate or future purchase or sale of goods, services, or any other thing of value, or for the purpose of soliciting any gift or donation, when a "No Solicitation" sign or "No Trespassing" sign is posted at or near the entrance to such premise. This section shall apply to all solicitations, including without limitation, those that are by a religious, charitable, school or civic organization, or other organization eligible for exemption under Section 501(c) of the Internal Revenue Code.

(Ord. No. 1759-2018, § 1, 6-5-2018)

Sec. 5.06.030. - Attempt to obtain invitation.

No person shall attempt to obtain, by telephone or otherwise, an invitation to visit any private residence or other private premises for the purpose of soliciting the purchase or sale of goods, services, or any other thing of value, by knowingly making a false or deceptive representation or statement.

(Ord. No. 1759-2018, § 1, 6-5-2018)

Sec. 5.06.040. - Sales on public property.

No person shall sell or offer for sale any goods, services, or any other thing of value from or upon any street, alley, sidewalk, park, or property owned or controlled by the public or by the city, except as may be authorized by the city council or its designee. The city council shall have the power to grant the privilege of conducting the activities described in this section pursuant to request, competitive bid, or otherwise as the council may from time to time determine. Such privilege shall be upon such terms and conditions as the city council deems appropriate to avoid an excess of vendors, derive revenue for the city, address public health and safety concerns, and to serve the public need. The city council delegates to the city manager or the manager's designee the power to act on behalf of the city council in granting the above privileges, subject to the same terms and restrictions set forth above.

(Ord. No. 1759-2018, § 1, 6-5-2018)

Sec. 5.06.050. - Violation; penalty.

Any person who violates any provision of this chapter shall be guilty of a municipal offense, punishable as provided in section 1.28.010 of this code. Each and every day during any portion of which any violation of any provision of this chapter is committed, continued, or permitted by any such person shall be deemed a separate offense.

(Ord. No. 1759-2018, § 1, 6-5-2018)

Sec. 12.20.100. - Solicitation on or near street or highway.

- A. The purpose of this section is to prevent dangers to persons and property, to prevent delays, and to avoid interference with the traffic flow. Roadways that have center medians often are designed to deal with specific traffic flow problems. Any delay or distraction may interfere with traffic planning. Sometimes persons stand near intersections and near traffic lights to contact drivers or passengers in cars that are passing or that are stopped temporarily due to traffic lights.
- B. It shall be unlawful for any person to solicit employment, business, contributions, or sales of any kind, or collect monies for the same, from the occupant of any vehicle traveling upon any street or highway when such solicitation or collection:
 - 1. Causes the person performing the activity to enter onto the traveled portion of a street or highway.
 - 2. Involves the person performing the activity to be located upon any median area which separates traffic lanes for vehicular travel in opposite directions.
 - 3. The person performing the activity is located such that vehicles cannot move into a legal parking area to safely conduct the transaction.
- C. It shall be unlawful for any person to solicit or attempt to solicit employment, business, or contributions of any kind from the occupant of any vehicle on U.S. Highway 36 and State Highway 42 including any entrance to or exit from such highway.
- D. For purposes of this section, the traveled portion of the street or highway shall mean that portion of the road normally used by moving motor vehicle traffic.
- E. Any person who violates any provision of this section shall be subject to the penalty provided in section 1.28.010.

(Ord. No. 1311-1999, § 1, 11-3-99)

7-5-17. - Pedestrian Crossing at Other Than Crosswalk.

- (a) No pedestrian shall cross a roadway other than by a route at right angles to the curb or by the shortest route to the opposite curb.
- (b) Where a traffic control signal is in operation at an intersection, no pedestrian shall cross a roadway within fifty feet of the crosswalk at the intersection except in the crosswalk in conformance with Section 7-5-15, "Pedestrian Obedience to Traffic Signal Required," B.R.C. 1981.
- (c) The provisions of this section do not apply to pedestrians crossing in crosswalks or in accordance with Subsection 7-5-15(d), B.R.C. 1981, or pedestrians walking along and upon streets designated as shared streets.

Ordinance Nos. 7965 (2014); 7996 (2014)

5-6-15. - Pedestrian Interference in Roadway Prohibited.

Every pedestrian crossing or otherwise within a roadway shall yield the right of way to and avoid any interference with all vehicles upon or approaching the roadway. This section does not apply to pedestrians crossing in crosswalks or in accordance with Subsection 7-5-15(d), B.R.C. 1981, or to pedestrians walking along and upon roadways designated as shared streets.

Ordinance Nos. 7965 (2014); 7996 (2014)

5-6-16. - Staying on Medians Prohibited.

- (a) No person shall stand or be upon a median of any street for longer than is reasonably necessary to cross the street.
- (b) For the purposes of this section, *median* means:
 - (1) The area of a street, generally in the middle, which separates traffic traveling in one direction from traffic traveling in another direction, or which, at intersections, separates traffic turning left from traffic proceeding straight. Such an area is physically defined by curbing, landscaping, or other physical obstacles to the area's use by motor vehicles, or by traffic control markings which prohibit use of a portion of the pavement of a street by motor vehicles other than to drive generally perpendicularly across the markings, or to wait there awaiting the opportunity to cross or merge with the opposing lanes of traffic (also known as painted medians, which are wider than a double yellow line); or
 - (2) The area of a street at an intersection between the streets and a right turn only lane, roughly triangular in shape, and separated from the motor vehicular traffic lanes by curbing, landscaping, or other physical obstacles to the area's use by motor vehicles (also known as a right turn island).
- (c) This section does not apply to any median other than those which are unpaved or less than thirty-six inches wide, to the medians on Mapleton Avenue between Fourth Street and Ninth Street, or to persons maintaining or working on the median for the government which owns the underlying right of way or for a public utility.

Ordinance Nos. 7965 (2014); 8382 (2020).

SUBJECT: DISCUSSION/DIRECTION – SIGNATURE GATHERING FOR REFERENDA PETITIONS

DATE: SEPTEMBER 30, 2020

**PRESENTED BY: MEREDYTH MUTH, CITY CLERK
KATHLEEN KELLY, CITY ATTORNEY**

SUMMARY:

At the June 16 City Council meeting the Council asked the Legal Review Committee to begin looking at options for a possible ballot initiative in 2021 that would ask residents if they would like to amend the Charter to allow for electronic signature gathering for referenda petitions.

The Charter states signatures for either an initiative or a referendum are to be collected in compliance with the State statutes for such procedures. State statute requires a petition circulator affirm by affidavit that “each signature thereon was affixed in the affiant’s presence.” This rule therefore precludes the collection of signatures electronically for these petitions.

Attached for you is a presentation from the recent Colorado Municipal League (CML) conference with some general information about national legal decisions regarding petitioning and how much petitioning was done during the pandemic.

Staff asks the Committee to have a brief discussion of the timeline for this item moving forward and how the Committee sees it fitting in the 2021 Work Plan.

Information from July 7 Legal Committee Packet

If Council wants to consider a Charter amendment to change this in 2021 here are some of the issues that will need to be addressed:

- Under what circumstances would electronic signature gathering be allowed
- What type of “electronic signature” is required (a wet signature that is scanned, a electronic signature, etc.)
- What type of signature verification will be used if any
- What security measures would be needed to prevent abuse

It should be noted that earlier this year Governor Polis issued an executive order creating an exception to the in-person rule for signature collecting during this pandemic. This order only affected statewide elections, not municipal elections. This was followed by the Secretary of State (SOS) issuing rules on how electronic signature gathering

could happen. Following a legal challenge, the Colorado Supreme Court ruled the Governor did not have the authority to create such an exception. However, the rules from the SOS do give some ideas on how such a process could work.

Boulder looked into allowing electronic signature gathering a few years ago but decided not to pursue it. They did not get far enough into the process to determine any actual procedures.

PROGRAM/SUB-PROGRAM IMPACT:

Changes to this process may allow for further participation in government and help the City meet its goals of inclusive, transparent, and efficient governance during the COVID-19 pandemic.

RECOMMENDATION:

Discussion/Direction.

ATTACHMENT(S):

- 1. CML Presentation

STRATEGIC PLAN IMPACT:

<input type="checkbox"/>	 Financial Stewardship & Asset Management	<input checked="" type="checkbox"/>	 Reliable Core Services
<input type="checkbox"/>	 Vibrant Economic Climate	<input type="checkbox"/>	 Quality Programs & Amenities
<input checked="" type="checkbox"/>	 Engaged Community	<input checked="" type="checkbox"/>	 Healthy Workforce
<input type="checkbox"/>	 Supportive Technology	<input type="checkbox"/>	 Collaborative Regional Partner



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Preview of 2020 State Ballot Questions and Reflections on Petitioning in a Pandemic

DAVID W. BROADWELL

CML GENERAL COUNSEL

Eleven questions will appear on the November 3 state ballot

Deciphering what succeeded and what failed to make the ballot in the strangest of all election years

This session will cover

- National legal trends upholding state petitioning laws during the pandemic
- Key Colorado Supreme Court rulings doing the same
- How state public health orders did or did not affect petitioning at the state level in Colorado
- Key municipal-impact measures that fell by the wayside
- Six 2020 ballot questions of greatest potential interest to municipalities



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National View: Pandemic doesn't justify suspension of petitioning laws

- On July 30, SCOTUS stayed a ruling in Idaho that would have forced that state to suspend signature requirements or allow virtual signature gathering in contravention of state law. *Little v. Reclaim Idaho*, 591 U.S. ___, 2020 WL 4360897 (2020)
- On August 11 SOTUS likewise granted a stay on a district court decision in Oregon that would have forced the state to accept an initiative petition with half the required signatures. *Clarno v. People Not Politicians*
- Three federal circuits uphold petitioning laws in OH, AR, IL; *Thompson v. DeWine*, 959 F.3d 804 (CA6 2020); *Miller v. Thurston*, 2020 WL 4218245(CA8, July 23, 2020); *Morgan v. White*, 2020 WL 3818059 (CA7 2020)
- Other federal district courts likewise uphold state laws in AZ, CT, ND and TX.
- But compare one circuit ruling extending the petition filing deadline in MI: *SawariMedia LLC v. Whitmer*, 963 F.3d 595 (CA6 2020).



Colorado Supreme Court requires adherence to state petitioning laws

- *Ritchie v. Polis* 2020 WL 3969873 (Colo. July 1, 2020)
 - The Governor does not have the authority to allow remote signature gathering on state initiative petitions due to the pandemic
 - The Governor's emergency powers do not include the ability to ignore or suspend any provision of the Colorado Constitution
 - The Colorado Constitution requires in-person signing and witnessing of signatures on state initiative and referendum petitions
- *Griswold v. Ferrigno Warren*, 462 P.3d 1081 (Colo. 2020)
 - Strict compliance, not mere "substantial compliance," is required for any state law specifying a certain number of signatures on a petition
 - Neither a court nor the SOS herself can waive or alter the signature requirement due to the pandemic



Municipalities enjoy greater authority to alter petitioning laws than does the state

- The constitutional language requiring in-person signatures cited in *Ritchie v. Polis* does not necessarily apply to municipalities
- "(C)ities, towns, and municipalities may provide for the manner of exercising the initiative and referendum powers as to their municipal legislation." Art. V, Sec. 1(9), Colo. Const.
- "This article shall apply to municipal initiatives, referenda, and referred measures unless alternative procedures are provided by charter, ordinance, or resolution." C.R.S. 31-11-102
- Example: the City of Boulder charter was amended in 2018 to allow the council to authorize remote signature gathering on petitions (though the City Council chose not to do so). Boulder Home Rule Charter, Sec. 38(b), 45.
- Query: Does the same flexibility exist for initiated charter amendments?



The pandemic did not prevent Coloradan's from exercising their right to petition in 2020

The Safer at Home order "*imposes a significant hurdle for ballot petition circulators, who play an essential role in our democratic republic and have significant and determinative barriers due to state and local public health orders that prevent them from the normal statutory conduct of in-person signature gathering.*" Gov. Jared Polis, May 15, 2020.

Nevertheless seven initiative petitions successfully garnered in-person signatures during the pandemic:

- Late term abortion ban (48,000 cure signatures in May)
- Paid family and medical leave
- Voter-approval requirement for new state enterprises
- Reduction in state income tax rate
- Local option gaming expansion
- Two oil and gas industry measures* (*withdrawn after deal cut with the Governor in July)



Key state petition efforts that fell by the wayside during the pandemic

- The proponents of several notable petitioning efforts cited the pandemic (along with their inability to utilize remote signature gathering after the supreme court ruling in *Ritchie v. Polis*) as their reason for suspending their efforts. Of greatest interest to municipalities:
 - Initiated statute to impose a 1% residential growth cap on all front range counties
 - Initiated constitutional amendment to dramatically change state and local petitioning laws
 - Reprise of initiated statute to impose 2500-foot setback on oil and gas wells
 - Initiated constitutional amendment to adopt graduated state income tax and authorize a \$2.5 billion state income tax increase



Key measures to watch on the November 2020 state ballot

Of the eleven statewide ballot questions appearing on the November 3 ballot, the following are probably of greatest interest to municipalities:

- Repeal of the Gallagher Amendment (Amendment 76)
- Tobacco, nicotine and vaping products tax increases
- Minimum qualifications for voting
- Local option for gaming expansion
- Paid family and medical leave
- Voter approval requirement for new state fee-based "enterprises"



Repeal of the Gallagher Amendment (Amendment 76)

- The 1982 Gallagher Amendment requires that residential property owners throughout Colorado bear the burden of paying no more than 45% of the total property taxes collected statewide. Art. X, Sec. 3(2), Colo. Const.
- Due to the massive run-up in residential property value since 1982, mill levies are now applied to only 7.15% of the actual value of a residential property statewide in order to stay under the 45% Gallagher cap. The residential assessment ratio is projected to decline to 5.88% next year.
- Adoption of Amendment 76 will stabilize the property tax base for local governments by preventing further automatic reductions in the residential assessment rate, will prevent growing disparities in the tax burden on commercial properties as compared to residential properties, but will also cause residential owners to bear a larger share of property taxes in the future.
- Some municipalities are also referring their own "de-Gallagher" questions to the November 2020 ballot.



Tobacco, nicotine and vaping products tax increase

- A referred \$294 million state tax increase, and the first state tax ever specifically aimed at vaping products
- While most of the revenue will be devoted to education and health programs, a small percentage in the first three years of implementation will be earmarked for housing programs and tenant assistance
- The measure will basically triple the amount of state tax on a pack of cigarettes and impose for the first time a minimum sales price of \$7.00 on a pack of cigarettes.
- The measure preserves the 27% local share of cigarette taxes, C.R.S. 39-22-623
- The measure preserves local authority to tax and regulate nicotine products, as confirmed last year in HB 19-1033



Minimum qualifications for voting

- This initiated measure would amend Art. VII, Sec. 1, Colo. Const., to absolutely require U.S. citizenship as a qualification for voting in Colorado. Proponents stated that one objective of the measure was to prevent "liberal cities" from extending voting rights to non-citizens.
- The measure does not, however, amend Art. XX, Sec. 6 which empowers home rule municipalities to control their own elections. Traditionally, when a constitutional amendment intends to override home rule authority, it must expressly say so.
- The measure incidentally requires a minimum age of 18 to vote.
- Telluride allows "persons holding a permanent alien registration card" to vote in town elections
- In 2018, Golden referred a charter amendment that would have allowed 16-year olds to vote in town elections, but the measure failed.



Local option for gaming expansion

- This measure will allow voters in Black Hawk, Central City and Cripple Creek to expand both the types of games and the betting limits in the casinos in each of their communities
- Most of the new tax revenue derived from expanded gambling will go to community colleges, as was true in a previous 2008 measure that raised the ceiling on "limited stakes" gambling
- But the three gambling towns along with the counties in which they are located (Teller and Gilpin) will receive 22% of the new tax revenue



Paid family and medical leave insurance program

- This referred statute will establish a statewide program providing for 12 weeks of paid family and medical leave, with premiums paid 50/50 by employers and employees
- Municipal employers will be included, but with the ability to opt out
- Even in municipalities that opt out, individual employees may choose to participate in the program by authorizing payroll deductions that will enable the employee to take paid leave in accordance with program requirements
- If this measure passes, it may render the recent paid sick leave mandates adopted by the General Assembly (SB 20-205) redundant. Municipalities are fully bound by the new sick leave statute adopted by the General Assembly



Voter approval requirement for new state enterprises

- This initiated statute will prevent the state, absent voter approval, from creating any new fee-based "enterprises" that are anticipated to garner at least \$100 million in revenue in the first five years.
- Although applying only to the state, this measure will be of interest to municipalities that sometimes directly or indirectly benefit from state enterprises, for example the transportation enterprises created in 2009 and funded with motor vehicle registration fee increases to finance road and bridge improvements throughout Colorado. *TABOR Foundation v. Colorado Colorado Bridge Enterprise*, 353 P.3d 896 (Colo. App. 2014)
- The state has used "enterprises" in the past to shelter revenue and thereby avert TABOR refunds. But due to the steep economic recession, current revenue estimates show the state \$2.7 billion below their TABOR cap in FY 20-21, thus reducing any immediate motivation to create new enterprises.





Questions?



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THANK YOU



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SUBJECT: DISCUSSION/DIRECTION – UPDATE OF COURT CUSTOMER SATISFACTION SURVEY

DATE: SEPTEMBER 30, 2020

PRESENTED BY: MEREDYTH MUTH, CITY CLERK

SUMMARY:

During discussion of the annual evaluation of the prosecutor and judge the Committee asked about updating the Court’s customer satisfaction survey. A copy is attached for review.

RECOMMENDATION:

Discussion/direction.

ATTACHMENT(S):

1. Current Survey Form

STRATEGIC PLAN IMPACT:

<input type="checkbox"/>	 Financial Stewardship & Asset Management	<input checked="" type="checkbox"/>	 Reliable Core Services
<input type="checkbox"/>	 Vibrant Economic Climate	<input type="checkbox"/>	 Quality Programs & Amenities
<input type="checkbox"/>	 Engaged Community	<input type="checkbox"/>	 Healthy Workforce
<input type="checkbox"/>	 Supportive Technology	<input type="checkbox"/>	 Collaborative Regional Partner

CUSTOMER SURVEY

Date _____

Your responses to these questions will assist us in improving our customer service in the Louisville Municipal Court. All responses are voluntary and confidential, so it is requested that you not include your name unless you would like us to contact you.

1. What is your gender? Male Female
2. What is your age? _____
3. What was your business with the Court today? (Please check one)

<input type="checkbox"/> Paying a ticket	<input type="checkbox"/> Defendant in a case	<input type="checkbox"/> Attorney	<input type="checkbox"/> Police officer
<input type="checkbox"/> Witness	<input type="checkbox"/> Juror	<input type="checkbox"/> Other	

Please rate your experience in each of the areas below on a scale of 1 (poor) to 4 (excellent).

COURT CLERK

- | | | | | | | |
|------------------------------------|----------|-------------------|-------------|----------|---------------|-----|
| 4. Was courteous | 1 (poor) | 2 (below average) | 3 (average) | 4 (good) | 5 (excellent) | N/A |
| 5. Answered my questions | 1 (poor) | 2 (below average) | 3 (average) | 4 (good) | 5 (excellent) | N/A |
| 6. Took time to explain things | 1 (poor) | 2 (below average) | 3 (average) | 4 (good) | 5 (excellent) | N/A |
| 7. Presented professional demeanor | 1 (poor) | 2 (below average) | 3 (average) | 4 (good) | 5 (excellent) | N/A |

PROSECUTOR

- | | | | | | | |
|-------------------------------------|----------|-------------------|-------------|----------|---------------|-----|
| 8. Was courteous | 1 (poor) | 2 (below average) | 3 (average) | 4 (good) | 5 (excellent) | N/A |
| 9. Answered my questions | 1 (poor) | 2 (below average) | 3 (average) | 4 (good) | 5 (excellent) | N/A |
| 10. Took time to explain things | 1 (poor) | 2 (below average) | 3 (average) | 4 (good) | 5 (excellent) | N/A |
| 11. Presented professional demeanor | 1 (poor) | 2 (below average) | 3 (average) | 4 (good) | 5 (excellent) | N/A |

JUDGE

- | | | | | | | |
|---|----------|-------------------|-------------|----------|---------------|-----|
| 12. Courteous to those in the courtroom | 1 (poor) | 2 (below average) | 3 (average) | 4 (good) | 5 (excellent) | N/A |
| 13. Answered my questions | 1 (poor) | 2 (below average) | 3 (average) | 4 (good) | 5 (excellent) | N/A |
| 14. Took time to explain things | 1 (poor) | 2 (below average) | 3 (average) | 4 (good) | 5 (excellent) | N/A |
| 15. Presented professional demeanor | 1 (poor) | 2 (below average) | 3 (average) | 4 (good) | 5 (excellent) | N/A |

GENERAL EXPERIENCE

- | | | | | | | |
|--|----------|-------------------|-------------|----------|---------------|-----|
| 16. Time to complete business | 1 (poor) | 2 (below average) | 3 (average) | 4 (good) | 5 (excellent) | N/A |
| 17. Overall experience | 1 (poor) | 2 (below average) | 3 (average) | 4 (good) | 5 (excellent) | N/A |
| 18. Opportunity to present information | 1 (poor) | 2 (below average) | 3 (average) | 4 (good) | 5 (excellent) | N/A |

19. Suggestions or comments about our court services that you think were well done or need improvement _____

20. If you wish to be contacted for follow up, please list you name and contact information:

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

DATE: SEPTEMBER 30, 2020

PRESENTED BY: MEREDYTH MUTH, CITY CLERK

SUMMARY:

Staff received two applications for the backup prosecutor position. Staff would like the Committee to discuss if you still want to move forward with this item and if yes, what the process should be to fill this position.

RECOMMENDATION:

Discussion/Direction.

ATTACHMENT(S):

None.

STRATEGIC PLAN IMPACT:

<input type="checkbox"/>	 Financial Stewardship & Asset Management	<input checked="" type="checkbox"/>	 Reliable Core Services
<input type="checkbox"/>	 Vibrant Economic Climate	<input type="checkbox"/>	 Quality Programs & Amenities
<input type="checkbox"/>	 Engaged Community	<input type="checkbox"/>	 Healthy Workforce
<input type="checkbox"/>	 Supportive Technology	<input type="checkbox"/>	 Collaborative Regional Partner

SUBJECT: DISCUSSION/DIRECTION – RETAIL MARIJUANA FAQ’S

DATE: SEPTEMBER 30, 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.

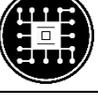
RECOMMENDATION:

Discussion/Direction.

ATTACHMENT(S):

1. Retail Marijuana FAQs

STRATEGIC PLAN IMPACT:

<input type="checkbox"/>	 Financial Stewardship & Asset Management	<input type="checkbox"/>	 Reliable Core Services
<input type="checkbox"/>	 Vibrant Economic Climate	<input type="checkbox"/>	 Quality Programs & Amenities
<input checked="" type="checkbox"/>	 Engaged Community	<input type="checkbox"/>	 Healthy Workforce
<input type="checkbox"/>	 Supportive Technology	<input type="checkbox"/>	 Collaborative Regional Partner

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 licenses have been issued.
- Retail stores are limited to commercially zoned properties with the following restrictions:
 - They must be at least 1500 feet from another marijuana store (the three stores near the intersection of Dillon Road and McCaslin predate this rule change).
 - 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, 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 may 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 one ounce of marijuana to another adult 21 or older, but can't sell marijuana. This includes homegrown product.

Using and Having

- No more than one ounce – Adults 21 and older may 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 including smoking, eating, or vaping is not 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 cannot use it 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 may 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 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.