

**AGENDA FOR THE
ENGLEWOOD CITY COUNCIL
STUDY SESSION
MONDAY, OCTOBER 1, 2012
COMMUNITY ROOM
6:00 P.M.**

- I. **Amendment 64**
City Council will discuss Amendment 64 pertaining to medical marijuana.

- II. **2013 Proposed Budget**
City Council and staff will discuss the 2013 Proposed Budget.

- III. **City Manager's Choice**
 - A. Update on traffic related to Wednesday, October 3rd presidential Debate.

- IV. **City Attorney's Choice**

- V. **City Council Choice**

Amendment 64 is Wrong for Colorado

Amendment 64 Negatively Affects Colorado Business

What Is Amendment 64?

Amendment 64 would:

- ▶ Make Colorado one of the first states to try to profit from the legalization of marijuana at the expense of its children.
- ▶ Make it legal to grow, transport and sell marijuana for recreational use.
- ▶ Make it legal for anyone 21 years or older to possess and consume up to one ounce of marijuana (the equivalent of 60 joints).
- ▶ Permit opening marijuana retail stores, growing facilities, manufacturing facilities and testing facilities in your community.

MEMORANDUM

TO: Colorado Employers
SUBJECT: Amendment 64



Amendment 64 “drastically curtails an employer’s rights to take action against an employee who has tested positive for marijuana.”

Amendment 64 makes it unclear whether “employers could terminate employees for off-the-job use as they can now.”

Amendment 64 allows “an employee terminated for testing positive the day after ingestion – or even several days or weeks later...” to “sue for wrongful termination.”

Amendment 64 “is at odds with the intent of the Drug-Free Workplace Act which is to ensure that government grants and contracts go only to employers who don’t tolerate drug use.”

Amendment 64 places “Colorado employers in a drastic competitive disadvantage vis-à-vis employers in states that have not legalized marijuana.”

Amendment 64 would be a DISASTER for Colorado Employers...

Read the full memo on the Resources page at www.VoteNoOn64.com

NO on 64

Wrong For Colorado

Paid for by Smart Colorado



- ▶ Join the Metro Denver Chamber of Commerce, the Colorado Association of Commerce and Industry, and businesses across the state in the fight to defeat Amendment 64! For information about why legalizing marijuana is Wrong for Colorado, and to connect with the growing coalition against Amendment 64, visit www.VoteNoOn64.com.



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Marijuana: Know the Facts

FACT

MYTH

Marijuana is safer than alcohol and tobacco.

First, it's hard to argue that one substance that wrecks and ruins millions of lives is "safer" than another substance that wrecks and ruins millions of lives. Alcohol and marijuana are not the same. They are consumed and metabolized differently by the body. Most

people who use alcohol do so responsibly and without becoming intoxicated, or "drunk," to the point of mental and physical impairment. However, the primary motivation for people who smoke marijuana recreationally is to "get high" or "stoned."

MYTH

Marijuana only hurts the user.

Marijuana does, indeed, hurt users—particularly adolescents, who are in stages of brain growth and development that make them especially susceptible to addiction.

Marijuana use also harms users' family and friends. Consider babies born to women who used during pregnancy and children who are neglected and/or physically abused by drug-using parents. Marijuana use also contributes to crime that harms innocent people. Marijuana use hurts employers, whose companies lose productivity and may be held responsible for problems caused by marijuana-using workers. Marijuana use harms taxpayers, whose resources are diverted to cover costly problems associated with marijuana use.

FACT

MYTH

We may as well legalize marijuana because kids already can get it very easily and are going to use it anyway.

Children and adolescents nationwide consistently report that marijuana is less available to them than alcohol and cigarettes. Studies have shown repeatedly that the less accessible a substance is, the less likely children and adolescents are to try it. Marijuana is less accessible simply because it's illegal. There are three main drivers of substance abuse and addiction: accessibility, social acceptability and perceived risk of harm. When accessibility and social acceptability go up and a person's sense of risk goes down, and that's when trouble starts.

MYTH

Marijuana isn't a gateway drug—it doesn't lead to other drug use.

At least ten very large studies conducted involving thousands of children and adolescents in several countries have shown that kids who use marijuana are 2-3 times more likely to go on to use other substances. While not everyone who uses marijuana will move on to other addictive substances, nearly all users of cocaine, meth and heroin used marijuana first.

FACT

FACT

MYTH

Marijuana isn't addictive.

Marijuana is both physically and psychologically addictive, according to the world's top medical researchers. Marijuana use is the No. 1 reason why adolescents are admitted to substance-use treatment in the United States and the No. 2 reason (behind alcohol) adults are admitted for substance-use treatment in the U.S. Today's marijuana is also more addictive than ever. Marijuana sold today is up to 10 times more potent than marijuana consumed in the 1960s.

NO on **64**
Wrong For Colorado

► Do what's best for Colorado

Join the fight to defeat Amendment 64! For information about why legalizing marijuana is Wrong for Colorado, and to connect with the growing coalition against Amendment 64, visit www.VoteNoOn64.com.



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Legalization of marijuana for recreational use is wrong for Colorado

MYTH

Taxing marijuana would provide much-needed revenue for the State of Colorado.

FACT

There's no proof this is true. It certainly hasn't been the case with alcohol and tobacco. Our country spends about **\$185 billion** on alcohol-related problems. Taxes on alcohol sales generate approximately **\$14.5 billion**. **That's only 10% of our costs.** Each year, our country spends **\$200 billion** on tobacco-related problems. Taxes on the sale of tobacco products generate **\$25 billion**. **That's only 12% of our costs.**

MYTH

Our prisons are packed with nonviolent marijuana offenders.

FACT

Several states, including Colorado, give citations and fines much like traffic tickets for possession of marijuana under certain amounts. **Less than 1% of the state's prison population is incarcerated for marijuana offenses—including large-scale dealers and growers.** **There are more people in prison for repeat traffic offenses than marijuana offenses.**

MYTH

Legalization in other countries has been a success.

The track record for drug legalization in other countries is a poor one. Great Britain, Sweden and Switzerland are among those that have tried—and failed with—legalization.

FACT

MYTH

The answer to the drug problem is increased prevention and treatment, not law enforcement.

FACT

Treatment is vital to reducing our drug problem, but it's only part of the solution. **We need a balanced approach that rejects the false choice between harsh law enforcement and drug legalization.** Ideally, drug policy is rooted in prevention and treatment while respecting the need for laws to keep our roads, neighborhoods, workplaces and schools safe.

MYTH

The "War on Drugs" has failed.

FACT

National and state drug policies have reduced our nation's drug use by 50% in the last 40 years. Drug policies have helped contain cocaine use to 0.6% of the U.S. population, methamphetamine use to 0.2% and heroin use to 0.01%.



► **Do what's best for Colorado**

Join the fight to **defeat Amendment 64!** For information about why legalizing marijuana is **Wrong for Colorado**, and to connect with the growing coalition against Amendment 64, visit www.VoteNoOn64.com.



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NO on 64

Wrong For Colorado

Why are so many reputable organizations and community leaders opposed to Amendment 64? Amendment 64 would make Colorado the first state to establish a “constitutional right” to grow, transport and sell marijuana for recreational use.

► TRUTH

Harms Our Children: Thousands of studies document the harmful impact of marijuana on our teenagers and young adults. Smoking marijuana permanently impairs brain development, leads to negative behavioral changes, impairs learning ability and contributes to depression and suicidal thoughts. Teenagers are more likely to develop problems with marijuana abuse, which accounts for 67% of the adolescents in substance abuse treatment programs in the United States. It is estimated that over 800,000 youth meet the criteria for marijuana addiction.

Promotes Increased Use: The more available and lower the perception of risk a drug is, the more likely young people are to use the drug. All experiments with legalization have led to increased use. For example, in Alaska, when personal use was legalized for adults, the rate of Alaskan teenage marijuana use was double that of the rest of the nation. Since the change in marijuana laws in 2009, suspensions for drug violations at Colorado’s public schools increased 45% over the past four years, expulsions for drug violations increased 35%, and referrals to police increased 17%. Drug policy experts believe that among the most vulnerable group, ages 12 to 25, marijuana use is projected to at least double.

Increases Impaired Driving: Studies from all over the world show marijuana significantly impairs one’s ability to operate a motor vehicle and those impaired are twice as likely to be involved in crashes. Approximately 10% of traffic fatalities in Colorado are due to marijuana-impaired drivers. Smoking pot adversely affects perception, coordination, and reaction time, all important in operating a vehicle safely.

Conflicts with Federal Law: Federal law will still continue to ban possession, cultivation, transportation, and distribution of marijuana in Colorado regardless of the voters’ decision on Amendment 64. If Amendment 64 passes, Colorado’s recreational marijuana users will believe they are operating under the protection of Colorado law while, in reality, they would be subject to federal criminal prosecution. It would also still be illegal in all other forty-nine states including California, which defeated legalization of marijuana in 2010.

► MYTHS

Marijuana is Safe: There are thousands of research studies from all over the world conducted by some of the most prestigious universities and medical schools that document the harmful physical, psychological, behavioral and societal consequences of marijuana use. It is indisputable that marijuana is addictive and five times more powerful than the marijuana in the 70’s.

Taxing Marijuana Would Provide Revenue for Colorado:

There is no proof this is true and certainly has not been the case with highly-taxed alcohol and tobacco. In the case of those two drugs, the income from taxes only pays for 10 to 12% or less of the collateral damage due to medical costs, treatment, productivity, crime under-the-influence, fatalities, etc. It is estimated that, at best, the taxes collected on marijuana will cover only 15% of the collateral damage of increased use. Not a good investment.

Prisons are Packed with Non-Violent Marijuana Offenders:

In Colorado, possession of two ounces or less (100 to 150 marijuana cigarettes) is punishable by a \$100 fine and no jail. In fact, less than 1% of Colorado’s prison population is incarcerated for any marijuana offense, including traffickers and growers. There are more people in prison for repeat traffic violations than marijuana offenses.

The “War on Drugs” has Failed:

The “War on Drugs” is poor wording and implies there is a win/loss scenario. We know we will never eradicate drug use, but the goal is to minimize use. National and state drug policies have reduced this nation’s drug use by 50% in the last forty years. That doesn’t sound like failure.

For more specific details and citations, see www.VoteNoOn64.com or www.healthydrugfreecolorado.org

What Would Amendment 64 Permit?

- ▶ **Preliminary research shows that Colorado marijuana laws would be the most liberal in the world, including those of the Netherlands, which have recently become much more restrictive.**
- ▶ **There are no limits on how much marijuana a store could have in stock or how many marijuana plants could be grown at a facility.**
- ▶ **There is no residency requirement, so out-of-state dealers and users could buy their marijuana in Colorado.**
- ▶ **There is no prohibition against opening private marijuana clubs where people could use marijuana in club-type settings.**
- ▶ **There are no limits on the potency of marijuana.**
- ▶ **Organized crime and drug cartels could easily use front people to cultivate unlimited amounts of marijuana and then distribute it from Colorado rather than across the border.**
- ▶ **There is no way to control the diversion of marijuana to other states or to our youth. Colorado would become the primary source for the rest of the country, where it would still remain illegal.**
- ▶ **Even if cities or counties ban licensed facilities, individuals could join together and form a co-op to exceed the six-plant-per-individual limit. They would have a constitutional right to grow marijuana in residential areas.**

NO_{on} 64

Wrong For Colorado

**LEGALIZING MARIJUANA IS
WRONG FOR COLORADO**

Join the fight to defeat Amendment 64!

For more information on why legalizing marijuana is Wrong for Colorado, and to join the growing coalition against Amendment 64, visit www.VoteNoOn64.com.





LEGALIZING MARIJUANA IS WRONG FOR COLORADO

What is Amendment 64?

Amendment 64 would make Colorado one of the first states to try to profit from the legalization of marijuana at the expense of its children.

Amendment 64 would make it legal to grow, transport and sell marijuana for recreational use.

Amendment 64 would make it legal for anyone twenty-one years or older to possess and consume up to one ounce of marijuana (the equivalent of 60 joints or eight pans of pot brownies).

Amendment 64 would permit opening marijuana retail stores, growing facilities, manufacturing facilities and testing facilities in your community.

NO on 64

Wrong For Colorado



Why vote NO on Amendment 64?

Harms our children. Marijuana is an addictive drug. For children and young adults, smoking marijuana permanently affects brain development, impairs learning ability and contributes to depression. Adolescents are more likely than adults to develop problems with marijuana abuse and addiction. Marijuana abuse accounts for 67 percent of the adolescents in substance-abuse treatment programs in the United States.

Conflicts with federal law. Federal law will continue to ban the production, manufacture, transportation and distribution of marijuana in Colorado regardless of the voters' decision on Amendment 64. The U.S. Supreme Court has already made it clear that federal law supersedes state law in this area. If Amendment 64 passes, Colorado's recreational marijuana users will believe they are operating under the protection of Colorado law while, in reality, they would be subject to federal criminal prosecution.

Promotes increased use. The more available a drug is, the more likely young people are to use the drug. Marijuana use among students already is on the rise. Suspensions for drug violations at Colorado's public schools increased 45 percent over the past four years, expulsions for drug violations increased 35 percent, and referrals to police increased 17 percent. Among the most vulnerable group, ages 12 to 25, it is projected that the number of regular marijuana users will double.

Increases impaired driving. According to recent statistics, between 2006 and 2010, more than 400 people were killed in Colorado from car crashes involving a driver who was on drugs. Smoking pot reduces coordination and impairs decision making which will lead to a significant increase in the number of crashes and deaths due to people who are driving under the influence of marijuana.

Join the fight to defeat Amendment 64!

For more information on the why legalizing marijuana is Wrong for Colorado, and to join the growing coalition against Amendment 64, visit www.VoteNoOn64.com.

POINT/COUNTERPOINT: Marijuana legalization amendment

September 17, 2012 6:03 PM

CON: Legalization will harm us

Colorado is a state that values personal choice and individual rights. As strongly as I believe in these fundamental principles, I also oppose Amendment 64, the proposed constitutional amendment that would legalize recreational marijuana use and widespread commercial distribution. Drug policy does not belong in a Constitution where it cannot be readily changed as problems arise.

Amendment 64 would make it legal for anyone 21-years or older to possess and consume up to one ounce of marijuana — equal to about 60 joints or eight pans of marijuana-laced brownies. It would permit retail marijuana stores and growing, testing and manufacturing facilities with unlimited quantities of pot.

Why would more than 200 elected officials at the state, county and municipal levels, organizations, associations, businesses and individuals also oppose this amendment that to some Coloradans seems fairly innocuous?

We are convinced by facts that Amendment 64 isn't innocuous. Legalizing pot is wrong for Colorado. The reasons include crime, conflict with federal law, its effects on the workplace, on children and school environments, and public safety.

As Colorado Attorney General, it troubles me that Amendment 64 would make our marijuana law the most liberal in the world — not just in the United States. It is not hyperbole to say that we could easily become the top marijuana distribution hub in the country, attracting organized crime and drug cartels to grow here and distribute to other places where it is illegal. Without a residency requirement, out-of-state dealers and users could buy here for use anywhere. Colorado doesn't want that kind of "tourist." It's a problem with medical marijuana, and it will only get worse.

Amendment 64 wouldn't really "legalize" marijuana. All the activities it sanctions would still be in violation of federal law, which prohibits possession, cultivation, transportation and distribution of marijuana. It sends a mixed and very confusing message to Colorado citizens who could still be prosecuted under federal law, even while believing they were engaging in a lawful activity. The feds can be as aggressive as they choose to be in prosecuting marijuana users, manufacturers and distributors.

Huge uncertainties and potential problems for employers would occur if Amendment 64 passes, especially those who have zero-tolerance drug policies because of safety concerns. Their right to terminate employees who test positive for marijuana use would be severely limited. Moreover, under the federal Drug-Free Workplace Act, employers likely would not qualify for government grants and contracts that go only to employers who don't tolerate drug use.

Colorado teachers have joined Gov. Hickenlooper and me to oppose Amendment 64 because we are concerned about kids. Scientific research shows that marijuana use negatively affects brain development, behavior, and learning ability, and contributes to depression and suicidal thoughts. There are many kids in rehab for drug problems, and 67 percent of them are there for marijuana abuse. It's estimated that as many as 800,000 young people in the U.S. are addicted to pot. (Substance Abuse Mental Health Services Administration - "2009 National Survey of Drug Use and Health", September 2010). Since the Colorado Legislature sanctioned medical marijuana dispensaries in 2010, school suspensions for drug violations have shot up by 45 percent, expulsions by 35 percent and referrals to police by 17 percent. The cost of high school dropouts will far exceed the tax revenues from Amendment 64.

Many law enforcement officials join me in opposing Amendment 64 because of increases we've seen in marijuana-impaired driving, which would increase exponentially with greater use. Approximately 10 percent of Colorado's traffic fatalities are due to marijuana-impaired drivers. ("Drugged Driving Getting Worse in Colorado", KUSA, Channel 9News.com, Feb. 2011). Marijuana affects perception, coordination and reaction time — just as alcohol does. You cannot smoke or ingest marijuana without it harming your ability to operate a motor vehicle. And, of course, for those of us who don't and won't use marijuana, having more marijuana-impaired people on the road is a pretty frightening proposition.

Proponents of Amendment 64 argue that marijuana is safe, that the state stands to get millions of dollars in tax revenue, that our prison populations will go down and that the War on Drugs is a failure, anyway. Forgive the pun, but they're blowing smoke. Get the facts on why Amendment 64 is wrong for Colorado. Visit www.VoteNoOn64.com.

John Suthers is Colorado's 37th Attorney General.

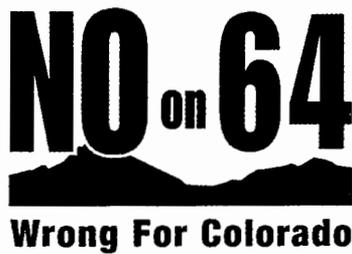
Read more: <http://www.gazette.com/articles/marijuana-144943-prohibition-amendment.html#ixzz27gZh7LO4>



Who Opposes Amendment 64?

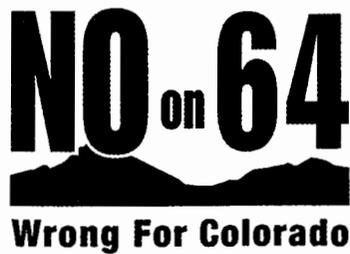
Elected Officials, Cities, and Counties

- Governor John Hickenlooper
- Speaker of the House Frank McNulty
- State Representative Carole Murray
- State Representative Chris Holbert
- State Representative J. Paul Brown
- State Representative Jeanne Labuda
- State Representative Ken Summers
- State Representative Spencer Swalm
- State Representative Scott Renfroe
- State Senator Ted Harvey
- State Senator Steve King
- Regent (4th CD) University of Colorado - Sue Sharkey
- Adams County District Attorney Don Quick
- Adams County Sheriff Doug Darr
- Adams County Commissioners
- Arapahoe County Commissioner Nancy Sharpe
- Arapahoe County Sheriff Grayson Robinson
- Archuleta County Sheriff Peter L. Gonzalez
- Baca, Cheyenne, Kiowa, and Prowers County District Attorney Jennifer Swanson
- Blue River Trustee Thomas Hill
- Bob Null, Director - Colorado Springs School District 11 Board of Education
- Boulder County Sheriff Joe Pelle
- Broomfield Mayor Pat Quinn
- Canon City Councilman Roger Parsons
- Castle Rock Councilman Joseph Procopio
- Castle Rock Mayor Paul Donahue
- Centennial Mayor Cathy Noon
- Center Trustee John Faron
- Center Trustee Moe Jones
- Chaffee County Sheriff William Palmer Jr.
- Cherry Hills Village City Council Harriet Crittenden LaMair
- City of Lone Tree
- Columbine Valley Mayor Gale Christy
- Clear Creek Sheriff Don Kruger
- Conejos County Commissioner Tressesa Martinez
- Custer County Sheriff Fred Jobe
- Delta County Commissioners
- Delta County Sheriff Fred McKee
- Denver Councilman Charlie Brown
- Denver Councilman Chris Herndon
- Denver Councilwoman Peggy Lehmann
- Douglas County Commissioner Jill Rapella
- Douglas County Commissioner Steven Board
- Douglas County Coroner Lora Thomas
- Douglas County Sheriff David Weaver
- Durango Councilman Paul Broderick
- Eagle Sheriff Joseph Hoy
- Eagle Trustee Scot Webster
- El Paso County Commissioner Dennis Hisey
- El Paso County District Attorney Dan May
- El Paso County Sheriff Terry Maketa
- Elbert County Commissioners
- Elbert County Commissioner Del Schwab
- Elbert County Commissioner John Shipper
- Elbert County Commissioner Kurt Schlegel
- Elbert County Sheriff Shayne Heap
- Englewood Mayor Randy Penn
- Fremont County Commissioners
- Fremont County Sheriff James Beicker
- Frisco Councilor Larry Sawyer
- Garfield County Commissioners
- Garfield County District Attorney Martin Beeson
- Garfield County Sheriff Lou Vallario
- Gilpin County Sheriff Bruce Hartman
- Glendale City Council Jeff Allen
- Grand County Sheriff Rod Johnson



Who Opposes Amendment 64?

- Grand Lake Mayor Judy Burke
- Greenwood Village City Council
- Greenwood Village Councilmember Leslie Schluter
- Greenwood Village Mayor Ron Rakowsky
- Gunnison Councilman Bob Drexel
- Gunnison County Sheriff Rick Besecker
- Hinsdale County Sheriff Robert Bruce
- Jackson County Sheriff Scott Fischer
- Jefferson County District Attorney Scott Storey
- Jefferson County Sheriff Ted Mink
- Kiowa County Sheriff Forrest Frazee
- Kit Carson County Sheriff Tom Ridnour
- Kit Carson, Logan, Morgan, Phillips, Sedwick, Washington and Yuma County District Attorney Robert Watson
- Lake County Sheriff Rod Fenske
- Larimer County District Attorney Larry Abrahamson
- Larimer County Sheriff Justin Smith
- Lincoln County Sheriff Tom Nestor
- Logan County Sheriff Brett Powell
- Logan County Commissioners
- Lone Tree Councilman Harold Anderson
- Lone Tree Councilwoman Sharon Van Ramshorst
- Lone Tree Councilwoman Susan Squyer
- Lone Tree Mayor Jim Gunning
- Lyons Councilman Kirk Udovich
- Mesa County Commissioners
- Mesa County Sheriff Stan Hilkey
- Mineral County Sheriff Fred Hosselkus
- Minturn Mayor Pro Tem George Brodin
- Montezuma County Sheriff Dennis Spruell
- Montrose County Sheriff Rick Dunlap
- Morgan County Sheriff Jim Crone
- Mountain Village Mayor Bob Delves
- New Castle Councilwoman Mary Metzger
- Orchard City Trustee Jan Gage
- Otero County Commissioner Jim Baldwin
- Ouray County Sheriff Dominic Mattivi
- Park County Sheriff Fred Wegener
- Platteville Mayor Bonnie Dunston
- Platteville Trustee Penny Salazar
- Prowers County Commissioners
- Prowers County Sheriff Jim Faull
- Pueblo Sheriff Kirk Taylor
- Rifle Mayor Jay Miller
- Routt County Sheriff Garrett Wiggins
- Salida Councilman Michael W. Bowers
- Salida Councilor Tom Yerkey
- Sedgwick County Sheriff Randy Peck
- Superior Mayor Robert Muckle
- Thornton Councilman Mack Goodman
- Town of Bow Mar
- Washington County Sheriff Larry Kuntz
- Weld County Commissioner Bill Garcia
- Weld County Commissioner Sean Conway
- Weld County Commissioners
- Weld County District Attorney Ken Buck
- Weld County Sheriff John Cooke
- Westminster Mayor Nancy McNally
- Westminster Councilman Mark Kaiser
- Wheat Ridge Councilwoman Joyce Jay
- Winter Park Councilwoman Katie Riemenschneider
- Winter Park Mayor Pro Tem Jimmy Lahrman



Who Opposes Amendment 64?

Organizations and Associations

- Action 22
- Adams County Youth Initiative
- American Academy of Pediatrics
- American Society of Addiction Medicine (ASAM)
- Associated General Contractors
- Association of Chiefs of Police
- Boys and Girls Club - La Plata County
- Boys and Girls Club - South Park
- CALM
- Club 20
- Coalition for a Drug Free California
- Colorado Association of Colorado State Patrol Professionals
- Colorado Association of Commerce and Industry
- Colorado Association of School Resource Officers
- Colorado Child and Adolescent Psychiatric Society
- Colorado Concern
- Colorado District Attorney Council
- Colorado Drug Investigator's Association
- Colorado Elks Association
- Colorado Fraternal Order of Police
- Colorado Hotel & Lodging Association
- Colorado Municipal League
- Colorado Restaurant Association
- Colorado Society of Addiction Medicine
- County Sheriffs of Colorado
- Denver Metro Economic Development Corporation
- Douglas County Citizens for Professional Law Enforcement
- Drug Free Kids: America's Challenge
- Drug Free Projects Coalition
- Drug Free Schools Coalition
- Fort Collins Chamber of Commerce
- Fraternal Order of Police - Arapahoe Lodge 31
- Fraternal Order of Police – Longmont
- Glenwood Springs Chamber of Commerce
- Grand Junction Chamber of Commerce
- Greeley Chamber of Commerce
- International Faith Based Coalition
- Loveland Chamber of Commerce
- Metro Denver Chamber of Commerce
- Metro Denver Hotel Association
- National Drug Free Workplace Alliance
- Nip it in the Bud USA
- Northern Colorado Economic Development Corporation
- Northern Colorado Legislative Alliance
- Society of Former Special Agents of the FBI (RM Chapter)
- South Metro Denver Chamber of Commerce
- Stars and Stripes United
- Students Taking Action Not Drugs
- Take Back America Campaign
- Team Fort Collins
- Teller County Sheriff Mike Ensminger
- Treatment Providers Alliance of Colorado
- VISIT Denver
- Westminster Area Community Awareness Action Team



Who Opposes Amendment 64?

Individuals & Businesses

- 3rd Day Design, LLC
- Choice House in Lafayette
- Coffee for Conservatives
- Communication Specialties, Inc.
- Community Health Initiatives
- Conspire!
- Courage to Change Addiction Recovery Ranch
- Former Denver Director of Public Safety Butch Montoya
- Former Speaker of the House Terrance Carroll
- Harmony Foundation
- Insight Intensive at Gold Lake
- Jaywalker Lodge
- John Wren – CEO and Founder of Small Business Chamber of Commerce
- Johnson Storage & Moving
- North Teller Build A Generation
- Partners Mentoring Youth
- Peak Addiction and Recovery Center
- Prevent Child Abuse Colorado
- Raleigh House of Hope
- Red Mountain Adolescent & Family Center
- Retired Peace Officer's of Colorado
- Rose Transitional Home
- Safe and Healthy Mesa County
- Scott Strode - Executive Director of Phoenix Multisport
- Sheridan School District 2
- Stout Street
- Teen Challenge of the Rocky Mountains
- The Freedom Center
- Thoughtful Living
- Valley Partnership for Drug Prevention

AMENDMENT 64



BUILDING A STRONG PARTNERSHIP WITH COLORADO'S CITIES AND TOWNS

To: Colorado Municipal League Members
From: Rachel Allen, Staff Attorney
Date: August 24, 2012
Subject: Amendment 64 - Legalization of Marijuana for Consumers Over 21

CML OPPOSES AMENDMENT 64

Amendment 64 proposes to amend the Colorado Constitution

Amendment 64 would provide for persons 21-years-of-age or older to legally consume or possess 1 ounce or less of marijuana without a doctor's recommendation and tax marijuana similar to alcohol. Special stores would be allowed to sell marijuana in a system of licensed establishments overseen by state and local governments. Amendment 64 would also allow for people to grow up to six marijuana plants in their home or other enclosed, locked space.

Amendment 64 does not change existing *medical* marijuana laws

Although the use of marijuana for medical purposes is not authorized under federal law, Colorado and several other states have enacted legislation allowing the use of medical marijuana. Amendment 64 does not change existing state medical marijuana laws, so patients, caregivers and licensed entities would retain the same rights and remain unauthorized to sell marijuana absent a doctor's recommendation. Under the measure, licensed medical marijuana cultivators, manufacturers, and dispensaries may apply for a separate marijuana establishment license under the measure, and are eligible for a reduced application fee. However, medical marijuana dispensaries may not sell marijuana to retail customers or operate on the same premises as retail marijuana stores.

Amendment 64 is expected to increase state & local revenue & spending

Under the measure, marijuana is subject to existing state and local sales taxes and a new state excise tax to be set by the legislature.¹ Each year, the first \$40 million in revenue raised by the excise tax will be credited to a state fund used for constructing public schools. Amendment 64 requires the legislature to enact the state excise tax; however, the Taxpayer's Bill of Rights (TABOR) requires a separate statewide vote to approve the tax and any future tax increases. Under the measure, the excise tax is limited to 15 percent until January 1, 2017, when the legislature may set it at any rate.

The Colorado Municipal League opposes Amendment #64

If adopted, the measure will impose upon municipalities certain restrictive and burdensome regulatory mandates like:

- Licensing marijuana establishments is the default rule, and municipalities would have to take action to pass an ordinance to prohibit locally licensed marijuana facilities.

¹ An excise tax is a tax on the use or consumption of certain products such as gasoline, alcohol, or cigarettes. The tax is generally collected at the wholesale level and passed on to consumers in the retail price. Marijuana cultivation facilities will pay the excise tax when selling marijuana to either marijuana product manufacturing facilities or to retail marijuana stores.

- Cities and towns that refer a ballot measure or have citizens that pursue prohibition through an initiated ballot measure shall only do so at a general election (i.e. November even-numbered years); thus, all but ten municipalities must have a costly special election (that would likely be coordinated with the county) to seek voter approval to prohibit marijuana facilities.
 - In cities and towns that enact a prohibition against licensed marijuana facilities, individuals could join together and form a co-op to exceed the six plant limit per individual. They could even grow in a residential area.
- Amendment 64 dictates tight timelines for burdensome compliance by the Colorado Department of Revenue (DOR) and local governments.
 - The election on Amendment 64 takes place on November 6, 2012, and the measure requires the DOR to adopt regulations by July 1, 2013, concerning licensing and security requirements for marijuana establishments, the prevention of marijuana sales to underage individuals, labeling requirements for marijuana products, health and safety standards for marijuana manufacturing, advertising restrictions, and civil penalties for violations. The measure specifies that the regulations may not prohibit marijuana establishments or make the operation of such establishments unreasonably impracticable.
 - The amendment includes the ambiguous term "unreasonably impracticable" and other language that could lead to costly litigation for local jurisdictions as well as potential impacts on businesses, drug-free workplaces, drug tests, medical facilities, transportation, universities, detention facilities, etc.
 - The DOR must also develop a schedule of application, licensing, and renewal fees. The DOR must issue or deny the license within 90 days. If the DOR denies the license, it must notify the applicant in writing of its reason for doing so.
 - In the event that the DOR does not adopt regulations by July 1, 2013, the measure states that marijuana establishment applicants may apply for an annual license with a local government. Applicants may only apply for a locally issued license after October 1, 2013. A municipality endeavoring to license marijuana establishments within 90 days without state support would require a daunting amount of resources. Unlike HB 10-1284, Amendment 64 would place impediments on the licensing municipality's ability to recoup those formidable costs to license, regulate, and enforce.
 - Applicants may also apply for a locally issued license if the DOR adopts regulations but has not issued any licenses by January 1, 2014. In the event that a licensee is operating under a locally issued license, the marijuana establishments are not subject to regulation by the DOR, so municipalities would have six months to license, regulate, and enforce marijuana facilities.
- Amendment 64 would likely create a funding shortfall
 - Marijuana application fees may not exceed \$5,000, adjusted annually for inflation, unless the DOR determines that a greater fee is necessary. If a licensed medical marijuana business applies for a separate license created by the measure, the application fee may not exceed \$500. After the DOR receives a license application from a prospective marijuana establishment, it must forward the application and half of the application fee to the local government involved.
 - Local jurisdictions that license medical marijuana facilities currently charge more than \$2500 in application fees, and Durango recently issued a moratorium

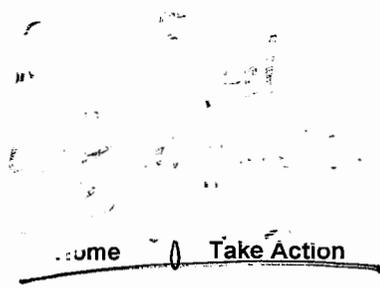
on medical marijuana licenses because the city was not charging enough fees to cover the costs associated with medical marijuana.

- This measure prohibits excise taxes on marijuana and delegates taxing authority to the General Assembly. At least twelve Colorado municipalities have already passed an excise tax on *medical* marijuana sales to offset the enforcement and regulatory costs.
- There is no funding to create a regulatory body to oversee provisions of the amendment for retail stores, cultivation sites, testing facilities, infusion centers, or the separately-regulated hemp industry called for in the amendment.
- Amendment 64 declares the personal use and regulation of marijuana a matter of statewide concern.
- Since this measure is a constitutional amendment, the Colorado legislature is limited in implementing regulations.

Conclusion

There would be costs borne by municipalities whether they prohibit or license marijuana. If a municipality wants to prohibit, it would bear the costs inherent in passing ordinances and holding special elections. If a municipality wants to simply regulate use, it would be financially impacted by the provisions of Amendment 64 that limit municipal ability to regulate, as well as collect excise taxes and licensing fees.

For more information from proponents of Amendment 64, see www.regulatemarijuana.org. For more information from those opposing Amendment 64, see www.voteno64.com. For additional information, please contact Rachel Allen, CML staff attorney, at _____ or (303) 831-6411 / (866) 578-0936 toll free.



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720.890.4247

P.O. Box 18768, Denver, CO 80218-0768

WE NEED YOUR SUPPORT

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How can we help?

First Name (required)

Gary

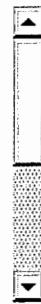
Last Name (required)

Sears

Your Email (required)

Your Message

On Monday evening, October 1, the Mayor and City Council of Englewood Colorado would like to invite you to meet with them in a Study Session, starting at 6:00 p.m. in the CityCenter (Hampden and Santa Fe) community room to discuss your viewpoint of Amendment 64. A representative in opposition to the initiative will also be in attendance.. The Mayor and City Council would appreciate a presentation of up to 10 minutes



STAY INFORMED

E-mail Address* :

First Name :

Last Name :

Zip Code :

Sign up →

Gary Sears

From: on behalf of Brian Vicente []
Sent: Thursday, September 27, 2012 3:51 PM
To: Gary Sears
Cc: Shaleen Title
Subject: Re: FROM SENSIBLE COLORADO CONTACT US PAGE

Thanks, Gary.

I'll be there. Here is my bio:

Brian Vicente is co-director of the 2012 Campaign to Regulate Marijuana Like Alcohol and one of the primary authors of the initiative. He is executive director of Sensible Colorado, the state's leading nonprofit working on behalf of medical marijuana patients and providers, and he is a founding member of Vicente Consulting, LLC, a law firm providing legal solutions for the medical marijuana community. Brian is the chair of the Denver Mayor's Marijuana Policy Review Panel, serves on the Colorado Department of Revenue Medical Marijuana Oversight Panel, and coordinates the Colorado Bar Association's Drug Policy Project. He received the Gideon Award in recognition of his First Amendment advocacy during the 2008 Democratic National Convention, and his work has been highlighted in numerous state and national publications including the American Bar Association Journal, the Washington Post, and Time magazine.

On Thu, Sep 27, 2012 at 12:04 PM, Gary < > wrote:
From: Gary

Message Body:

On Monday evening, October 1, the Mayor and City Council of the City of Engelwood Colorado would like to invite you to meet with them in a Study Session at the City Center Building Community Room at Santa Fe and Hampden, starting at 6:00 p.m. to discuss your viewpoint of Amendment 64. A representative in opposition to the initiative will also be in attendance. The Mayor and City Council would appreciate a presentation of up to 10 minutes. Please let me know by email or at [303-762-2311](tel:303-762-2311) if you will be able to send a representative.

Thank you, Gary Sears

--

This mail is from the Sensible Colorado Contact Us

--

Brian Vicente, Esq.
Attorney at Law
720 280 4067



Campaign to
**Regulate Marijuana
Like Alcohol**

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Overview of Amendment 64



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**Boulder: House Party
Fundraiser**
October 2nd

**Boulder's Fox Theatre:
Benefit Concert for 64 w/
Special Musical Guests**
October 7th

**IMPORTANT: Last day to
register to vote**
October 9th

**Mail ballots sent to voters
who have requested them**
October 15th

Early voting begins
October 22nd

**Last day to request a ballot
by mail**
October 30th

Early voting ends
November 2nd

**Last day to request a ballot
in person**
November 2nd

[More events...](#)

The initiative to regulate marijuana like alcohol, **Amendment 64**, will appear on the November 2012 ballot in Colorado.

In summary, Amendment 64:

- makes the personal use, possession, and limited home-growing of marijuana legal for adults 21 years of age and older;
- establishes a system in which marijuana is regulated and taxed similarly to alcohol; and
- allows for the cultivation, processing, and sale of industrial hemp.

In particular, Amendment 64 removes all legal penalties for personal possession of up to one ounce of marijuana and for the home-growing of up to six marijuana plants, similar to the number allowed under current medical marijuana laws, in an enclosed locked space.

The initiative creates legal marijuana establishments – retail stores, cultivation facilities, product manufacturing facilities, and testing facilities – and directs the Department of Revenue to regulate a system of cultivation, production (including infused products), and distribution. Under the provisions of the measure, the Department will license marijuana establishments at the state level, and should it fail to act, localities will be permitted to issue such licenses. Localities will have the right to ban marijuana establishments through either their elected representative bodies, or through referred or citizen-initiated ballot measures.

The general assembly will be required to enact an excise tax of up to 15 percent on the wholesale sale of non-medical marijuana applied at the point of transfer from the cultivation facility to a retail store or product manufacturer. The first \$40 million of revenue raised annually will be directed to the Public School Capital Construction Assistance Fund. This new tax must be approved by a majority of voters in a statewide general election in accordance with the Colorado Taxpayer Bill of Rights (TABOR). The general assembly will also be required to enact legislation governing the cultivation, processing, and sale of industrial hemp.

The initiative does not change existing medical marijuana laws for patients, caregivers, and medical marijuana businesses. Medical marijuana will be exempt from the excise tax mentioned above. Consumer privacy will be enhanced because individuals will only need to provide proof of age to purchase marijuana.

The initiative does not increase or add penalties for any current marijuana-related infractions, nor does it change existing laws regarding driving under the influence of marijuana, or the ability of employers to maintain their current employment policies.

[Click here to read the ballot language and full text of Amendment 64.](#)



The Campaign

The Campaign to Regulate Marijuana Like Alcohol is the driving force behind **Amendment 64**, a 2012 statewide ballot initiative to end marijuana prohibition and regulate marijuana like alcohol in Colorado. It is a locally based effort being carried out by a broad and growing coalition of activists, organizations, businesses, and professionals throughout the state and across the nation.



[Click here to see a list of organizations and individuals that have endorsed Amendment 64.](#)

Amendment 64, otherwise known as the Regulate Marijuana Like Alcohol Act, will appear on the Colorado ballot during this year's presidential election and will be decided on November 6, 2012. It makes personal adult use of marijuana legal, establishes a system in which marijuana is regulated and taxed similarly to alcohol, and allows for the cultivation of industrial hemp.

[Click here to read the full text of the initiative and the question as it will appear on the ballot.](#)

Passage of this initiative will be historic, resulting in Colorado becoming the first state in the nation – and the first geographic area in the world – to make the possession, use, and regulated production and distribution of marijuana legal for adults.



Memorandum

City Manager's Office

TO: Mayor Penn and Members of City Council
THROUGH: Gary Sears, City Manager
FROM: Michael Flaherty, Deputy City Manager
DATE: September 26, 2012
SUBJECT: 2013 Budget Alternatives

During the City Council 2013 budget discussion on September 24, Council requested additional information on alternatives for addressing the current imbalance between General Fund revenues and expenditures. In addition, some members of Council noted their desire for budget alternatives to be sustainable into the future. Staff has previously discussed, both internally and with City Council, a variety of alternatives that Council may consider to meet these objectives.

The 2013 budget reflects continued cost containment efforts on the part of City departments. On a global basis, these efforts are illustrated by the reduction of permanent personnel by over 50 FTEs since the peak year of 2001. Budget growth over the past five years has averaged 0.8% per year, and the growth in actual expenditures over the same period averaged 0.7% annually. At the same time, citizens have seen little negative impact on City service levels. However, most departments are functioning with fewer personnel and many employees have taken on additional responsibilities. Departments have also cross-trained employees in order to provide services more efficiently.

Further reductions of any significance will require City Council to make difficult choices that may impact service levels and/or the way in which the City conducts business. The following list of alternatives, with the exception of the last two bullet points, was written in 2011 in preparation for 2012 budget deliberations with City Council. While somewhat dated, the list remains largely valid. Note that some of the alternatives listed have either been implemented in the 2012 budget or considered and rejected by City Council (see notes in *italics*). Other alternatives will require additional internal, and in some cases, external discussions and some cannot be attained in 2013, but would require additional time for implementation. Except as otherwise noted, these alternatives for expenditure reduction and revenue enhancement are sustainable.

Personnel Savings Alternatives

- Personnel reduction through attrition – *personnel reductions since 2003 have resulted in only three layoffs; the remainder of these reductions has occurred through attrition. Currently, 21 employees are in the City's DROP plan with retirement dates ranging from 2013-2015. Upon scheduled retirement of these employees, some of these positions could be eliminated.*
- Early retirement incentive
- Eliminate or reduce personal leave payouts – *accomplished in 2012/2013*
- Reduce or consolidate paid time-off – *accomplished in 2012/2013*
- EEA employee contribution requirement to benefit pension plan – *accomplished 2012*
- Furloughs – *previously implemented - not sustainable*

- Pay plan adjustments – *accomplished 2012*

Programmatic Budget Adjustment Alternatives

- Reduction of hours/closure of one day/week
 - Library – *Library hours were reduced in 2011, but restored in 2012*
 - ERC and Malley Center
 - Municipal Courts – *previously considered but rejected by City Council*
- Fleet policy review - take-home vehicles, mileage reimbursement, auto allowance alternatives – *previously eliminated underutilized vehicles and extended service life of certain vehicles*
- Specific program reduction or elimination
 - Art Shuttle – *previously considered but rejected by City Council*
 - CD Housing programs – *Council has requested additional study on contracting options*
 - CD Catalyst program – *LTAR funded in 2011, returned to General Fund in 2012*
 - Special events, e.g. July 4th Celebration - *previously considered but rejected by City Council*
 - P&R Recreation programs/personnel- *revenue/service impacts*
 - Police Impact Team – *grant funding ends in 2013, LTAR funded in 2014*
 - Medic 23 closure – *revenue/service impacts, previously considered but rejected by City Council*
- Revenue review
 - City-wide review of fees and charges – *annually reviewed; waste transfer fee increased in 2012*
 - Eliminate vendor fee on sales tax – *implemented 2012*

Shared Services/Mergers/Outsourcing Alternatives

- Police Dispatch – contract with Arapahoe County – *further study required/issue of Fire dispatch unresolved*
- IT shared service agreements with other municipalities – *discussion on some specific shared services currently in progress*
- Library alternatives
 - Provide services to Sheridan via agreement with Arapahoe County Library District (revenue enhancement) – *studied in 2011, not implemented*
 - Contract for COE library services with Arapahoe County Library District – *possible issues with State law*
 - Merger with Arapahoe County Library District- *Merger would require a TABOR vote to establish a mill levy*
- Fire Department Alternatives
 - Provide EMS services for Cherry Hills Village area via agreement with South Metro Fire (revenue enhancement) – *studied in 2011, not implemented*
 - Contract for Fire Dispatch services – *Englewood/Littleton Fire cooperative feasibility study underway*
 - Contract for fire services with other City or District - *Englewood/Littleton Fire cooperative feasibility study underway*

- Parks and Recreation Alternatives
 - Joint operating agreement for golf course with Denver – *2011 meeting with Denver Parks & Recreation, no action taken/no future contact from Denver*
 - Contract for P&R services (or merger) with South Suburban P&R District – *Merger would require a TABOR vote to establish a mill levy*
 - Shared service agreement(s) for landscaping maintenance, snow plowing and other services with EEF and Englewood Schools.

Revenue Enhancement Alternatives

- Ballot initiatives – *each would require a TABOR vote*
 - Dedicated Mill Levy to support public safety (Police and/or Fire) services
 - Dedicated Mill Levy to support capital improvements
 - Occupational privilege tax
- Review of 2103 Sales Tax revenues- not specifically accounted in 2013 budget
 - Kent Place
 - Centennial Shopping Center (new King Soopers)
- McLellan Properties Lease Revenues
 - Two parcels currently under consideration by prospective tenants

This list of alternatives is not all inclusive. Other program reductions and outsourcing options could be identified; however, additional program reductions or outsourcing could also impact service levels and current employees. Any alternative may be considered at any time. However, as previously stated, some of the listed alternatives will require additional study, cooperation from outside agencies, and/or a TABOR vote. Most program reductions could be implemented at any time Council directs but most, if not all, of the programmatic reductions would result in elimination of employees. Council may choose to consider one of more of these alternatives for implementation in 2013 or at a later date depending upon economic conditions. At the direction of City Council, staff will initiate implementation of chosen alternatives.