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# *Council Newsletter*

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## **CITY MANAGER'S NOTES** **November 15, 2012**

### **Upcoming Council Meetings**

City Council will meet on **Monday, November 19, 2012**. The Study Session will begin at 6:00 p.m. in the Community Room. The Regular Meeting will begin at 7:30 p.m. in Council Chambers. The agendas are attached. Sandwiches will be available at 5:30 p.m. in the Community Room.

Thanksgiving Holidays are **Thursday, November 22** and **Friday, November 23, 2012**. Most City facilities will be closed.

The next City Council meeting will be **Monday, November 26, 2012**.

### **Informative Memoranda**

The following are memoranda in response to City Council's requests, as well as other informational items.

1. Articles concerning the flow on sewage standards, wastewater rates, South Broadway Mile businesses and historical groups in Arapahoe County.
2. E-mail concerning Amendment 64.
3. E-mail concerning the Englewood Market Place.
4. Humane Society of South Platte Valley Colorado Gives Day, December 4, 2012.
5. Memorandum concerning the Project Update.
6. Memorandum concerning the Board and Commission Interview Process.
7. Memorandum concerning Board and Commission Term Expirations and Vacancies.
8. City Service Awards, November 28, 2012.
9. Calendar of Events.
10. Tentative Study Session Topics.
11. Minutes from the Parks and Recreation Commission meeting of October 11, 2012.

# Going with the flow on sewage standards

*Cities protest, but raise fees to address new rules*

By PETER JONES

To hear some tell it, \$15 million in planned upgrades to a sewer plant co-owned by the cities of Littleton and Englewood may be akin to flushing money down the toilet when one considers the root causes of metro area water pollution.

Both city councils have voted to begin required refurbishments of the Littleton/Englewood Wastewater Treatment Plant – construction that some city officials consider an unnecessary and unfunded mandate from the State of Colorado.

The improvements are designed to meet changing requirements. In 2022, the jointly owned plant will be subject to stricter nutrient-removal standards.

State officials say the plant's exiting water, which flows out of Arapahoe County via the South Platte River, contributes to about half of the algae-causing phosphorous found in Barr Lake in Adams County and Milton Reservoir in Weld County.

The other half of the problem can supposedly be attributed to the Centennial Water and Sanitation District, which serves unincorporated northern Douglas County.

Although who to blame may look clear when one follows the sewage pipes, officials with Littleton, Englewood and Centennial Water and Sanitation say they are being unfairly targeted for the problem.

According to Littleton Mayor Debbie Brinkman, the water leaving the Littleton/Englewood Plant is relatively clean when it enters the South Platte.

"Once it gets downstream, it

starts to collect nutrients and phosphorous and all that," she said. "We could put drinking water into the Platte and by the time it got to Barr Lake, it would have nutrients and phosphorous in it."

Englewood Mayor Randy Penn agrees.

"The water we put back in our effluent is pretty darn clean," he said. "By the time, it gets down to Evans [Avenue], it's back to what it once was."

While rate increases are already on tap for Englewood and Littleton residents, officials plan to turn on the pressure at the Colorado General Assembly before the problem gets any worse.

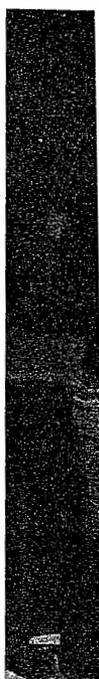
Hopes are that state lawmakers – with a nudge from the Arapahoe and Douglas counties delegations – will redress the issue next year, correcting what Brinkman calls an unworkable "one size fits all" approach of holding individual sewer plants responsible.

"We're not getting a lot of traction from them so far," she said.

Penn is hopeful that the political waters will eventually flow in their direction, noting that the planned \$15 million is only the beginning of what the two cities may be on the hook for if the state does not change the rules.

"We'll be paying a lot more for the nitrogen and nitrates. Those are going to cost our citizens an awful lot of money," he said. "We have to go to the state Capitol and at least reason with them."

Penn expects a coalition of affected sewer plants, including the Centennial Water and Sanitation, to come together as local government officials and their attorneys keep an eye on the issue in 2013.



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**UPCOM**  
**Tuesday**  
**Film Fest**  
**5:30 p.m.**  
**South**

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at 45 film  
Film trail  
available  
flix.com

**Wednesd**  
**Business**  
**7:30 p.m.**

★  
**Briefing**

**Your Infrastructure**

# Wastewater rates to rise for south metro users to fund improvements

**By Clayton Woullard**  
*YourHub Reporter*

Wastewater rates are set to go up slightly next year for Littleton and Englewood residents to put money toward construction to meet new standards at their shared wastewater plant.

Rates in Englewood are set to go up 4 percent each year for the next three years, so the average bill will be about \$248, said John Bock, Englewood's manager of administration. That will raise \$1.5 million. First reading before city council is scheduled for Nov. 19.

Doug Farman, finance director for the city of Littleton, said rates will go up 2.5 percent for all customers in and outside the city limits next year, raising \$239,000 for the plant. The money raised by the cities will largely go toward operating costs.

Earlier this year, the state Water Quality Control Commission set new standards for wastewater treatment plants

that stipulates the facilities have the treatment capacity to remove phosphorus and nitrogen compounds from wastewater.

Dennis Stowe, manager of the Littleton/Englewood Wastewater Treatment Plant, said the standards won't be mandated for another four to five years, but the plan to start construction on facilities in 2017 and need to start collecting toward the \$15 million cost for construction. The last year of construction would be 2019.

The plant will be going from a less-reliable chlorine disinfectant system to an ultraviolet light system to eliminate ammonia for wastewater. He said with the new systems in place they wouldn't have as much ammonia to make sure they get the reaction with the chlorine, so it's less reliable.

*Clayton Woullard: 303-954-2953 or*

## News

NEWS TIP? E-mail news@YourHub.com, post your story at YourHub.com or call 720-984-2HUB (2482).

## Your Business

## Englewood biz picking up

Shop owners on "South Broadway Mile" report a turnaround



Sue Hamm, left, prepares meals in the kitchen at Cafe 180 on South Broadway in Englewood on Nov. 9. The "South Broadway Mile" has seen an upturn in business recently. Seth A. McConnell, YourHub

By Clayton Woullard  
YourHub Reporter

Members of the South Broadway Englewood Business Improvement District are starting to see an upturn in business, a decrease in vacant storefronts and are hoping renovations at Groove Toyota will help boost business. Groove Toyota, 5460 S. Broadway, is building a new showroom and renovating its service drive at a cost of \$11.6 million, said Bill Carmichael, president and CEO of Groove Toyota.

"I think it will have a positive effect," Carmichael said. "There are a number of nice (dealerships) on South Broadway, and I think there are some that need to be updated."

Bob Laughlin, president of the district, said he's hoping the renovations will bring in more business.

He said over the past year or so, things have been getting better for the roughly

100 businesses on the "South Broadway Mile" that extends from Yale Avenue to Hampden Avenue. He said there are fewer vacant storefronts than six months ago.

"We're trying to make the area vibrant in a way of promoting outdoor art, promoting outdoor music festivals when we can," Laughlin said.

This fall, the group held a fundraiser for the family of fallen Englewood Police officer Jeremy Bitner with food and live music.

"No one's complaining about having too much business, but everybody says they're seeing things get a little better," Laughlin said.

Danny Cash, owner of Danny Cash Hot Sauce, 3378 S. Broadway, said he moved in two years ago and his business has really grown, especially in the past few months. He likes how the business improvement district is trying to make the mile more of a walking mall like downtown Littleton.

"It's quaint," Cash said. "I think they're really trying to expand on that and I think

it's a fantastic idea."

Cathy Matthews, owner of Cafe 180, 3315 S. Broadway, said her nonprofit restaurant has weathered the financial storm fairly well since it's a restaurant that takes donations of cash or volunteer services for food. She would like the mile to be a lot more pedestrian-friendly.

"You can drive 35 miles per hour and never see what's down here," Matthews said.

Laughlin said he wants the stores to have more sidewalk sales for afternoon shopping, and he wants to attract more restaurants and bars to bolster a thriving night life. He also hopes to have more music festivals in the summer.

"It's always finding the right mix and the right thing to get people out of their car and walking around," Laughlin said.

Clayton Woullard: 303-954-2953 or

## Your Community

## Historical groups look to band together

By Clayton Woullard  
YourHub Reporter

Jim Jordan said the historical groups of Arapahoe County are all facing the same dilemma: Their members are dying off, literally.

"We don't want to see history disappear in Arapahoe County," said Jordan, president of the Englewood Historical Preservation Society.

That's why he teamed up with other historical groups in the county to combine resources, attract new members and try to save historic landmarks from being developed, such as the Englewood Depot, an old train depot that has been in development limbo. Jordan and Bonita Hutcheson of the Sheridan Historical Society want to see it turned into a museum.

"I think it's great because we are so interlocked as a community, so we can learn from each other," Hutcheson said.

They have had one meeting with other Arapahoe County historical groups and have scheduled another one for January. Representatives from the Friends of Fort Logan, Historic Littleton and the Plains Conservation Center in Aurora also attended.

Jordan said a financial adviser told them the groups would have a better chance of securing properties if they were organized as one large group, rather than individual historical societies. Jordan said he also hopes by coming together they will attract more people to join. They also talked about putting together programs to take into schools.

## If you go

The group's next meeting is scheduled for Jan. 10. For more information, call 303-269-9768.

From: Lisa White [mailto:[lwhite@coloradomunicipalleague.org](mailto:lwhite@coloradomunicipalleague.org)]  
Sent: Tuesday, November 13, 2012 7:57 AM  
To:  
Subject: Amendment. 64

Attached is a memo to the membership regarding the amendment, as well as the full text of the amendment, and a concise implementation timeline from the Department of Revenue listing responsibilities and required deadlines.

We will continue to provide timely updates and resources for CML members as they become available to us. In the meantime, please do not hesitate to contact me, Deputy Director Kevin Bommer at <[kbommer@coloradomunicipalleague.org](mailto:kbommer@coloradomunicipalleague.org)> or staff attorney Rachel Allen at <[rallen@coloradomunicipalleague.org](mailto:rallen@coloradomunicipalleague.org)> if you have any questions.

Thanks!  
Lisa

Lisa C. White  
Membership Services Manager  
Colorado Municipal League  
(p) 303-831-6411 ext. 105 / 866-578-0936 · (f) 303-860-8175



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To: CML Membership  
From: Rachel Allen, CML Staff Attorney  
Kevin Bommer, CML Deputy Director  
Date: November 7, 2012  
Subject: Amendment 64 - Use and Regulation of Marijuana Passes

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### **Colorado voters approve marijuana for consumers at least 21 years old**

On November 6, 2012, Colorado voters passed Amendment 64 to Use and Regulation of Marijuana. Amendment 64 provides 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. Amendment 64 also creates the framework for a regulatory scheme for retail sales of marijuana.

This memo addresses issues of immediate consideration for Colorado's cities and towns. CML will continue to monitor and report on emerging issues and developments, such as workplace issues, rulemaking, and implementation. Please consult with your municipal attorney to address retail marijuana operations in your municipality.

### **Marijuana retail sales and home grows**

Unless specifically prohibited (see below), special retail stores will be allowed to sell marijuana in a system of licensed establishments regulated the by state and local governments.

Amendment 64 also allows for people to grow up to six marijuana plants in their home or other enclosed, locked space. However, it is not clear at this time how this constitutional protection will interact with local land use powers, particularly any ordinances pertaining to home grows.

### **Amendment 64 does not change existing medical marijuana laws**

Retail operations may be licensed as a medical marijuana center or retail marijuana establishment, not both. Medical marijuana centers choosing to convert to a retail marijuana operation will pay a reduced fee for the marijuana application, but otherwise, Amendment 64 has no impact on the existing medical marijuana regulatory scheme. Local governments may choose to prohibit or license retail marijuana or medical marijuana operations. How your municipality has addressed medical marijuana does not dictate how your municipality will or should address retail marijuana establishments.

### **Timeline for local prohibition or regulation**

Amendment 64 tasks the Colorado Department of Revenue with issuing regulations for retail marijuana stores by July 1, 2013. Municipalities should opt whether to adopt 1) a prohibition or 2) local restrictions on the time, place, manner and number of retail marijuana operations in their jurisdiction before July 1, 2013.

Local governments may prohibit by council action at any time, but the first opportunity to refer a retail marijuana prohibition question to the ballot is the general election on November 4, 2014. Some municipalities may choose to issue a prohibition, moratorium, or regulations until the voters have the opportunity to be heard at the next general election.

### **Local licenses may be issued October 1, 2013**

In the event that the Colorado Department of Revenue does not issue regulations by July 1, 2013, then cities and towns may choose to issue local licenses starting on October 1, 2013, but there is no requirement for local governments to issue retail marijuana licenses in the absence of a state licensing program.

### **CML will keep you informed**

The League will monitor the Colorado Department of Revenue progress and keep municipalities abreast of developments. This is critical because if the Department of Revenue doesn't issue licenses by July 1, 2013, then municipalities that opt to issue local license will have 90 days to enact a regulation, licensing, and enforcement program.

CML will also keep our members informed on employee-employer issues, as it relates to the use and possession of marijuana in the workplace.

Finally, CML will investigate and report on the complex federal issues that are likely to arise as Amendment 64 is implemented in Colorado. Marijuana continues to be illegal under federal law, and it is possible that a lawsuit challenging the legality of Amendment 64 is forthcoming. That would set up a dynamic discussion of the 10<sup>th</sup> Amendment and the extent of state sovereignty on this issue.

For additional information, please go to [www.cml.org](http://www.cml.org), call (303) 831-6411 / (866) 578-0936 toll free or contact:

- Rachel Allen, CML staff attorney -
- Kevin Bommer, CML Deputy Director -

# STATE OF COLORADO

**DEPARTMENT OF REVENUE**  
State Capitol Annex  
1375 Sherman Street, Room 409  
Denver, Colorado 80261  
Phone (303) 866-3091  
Fax (303) 866-2400



John W. Hickenlooper  
Governor

Barbara J. Brohl  
Executive Director

November 7, 2012

Colorado voters have approved an amendment to the state constitution that makes the personal use, possession and limited home-growing of marijuana legal under Colorado law for adults 21 years of age and older and requires the state to establish a system in which marijuana is regulated and taxed similarly to alcohol.

The possession and use of marijuana remains a crime under federal law. Persons who use marijuana for recreational purposes will still be subject to criminal prosecution under federal law.

Because federal law generally preempts state law, Colorado's Department of Revenue will consult and work with the U.S. Department of Justice to understand the federal government's approach in light of potential conflicts with federal laws.

The Department of Revenue will take into consideration the federal government's intention to enforce federal marijuana prohibitions as the Department considers how to implement the regulatory and taxing system called for by the amendment.

## **Implementation Timeline:**

- November 6, 2012 – General Election
- January 2013 – Legislative Session – Drafting of enabling legislation begins
- July 1, 2013 – Department shall adopt necessary regulations
- October 1, 2013 – Department shall begin accepting and processing license applications
- January 1, 2014 – Department must begin issuing licenses (90-day requirement)
- July 1, 2014 – Deadline for legislature to enact legislation concerning industrial hemp

## Issues to Consider

### Legal:

- The amendment directs the General Assembly to create a regulatory structure for sale of marijuana, which remains an illegal substance under federal law.
- The amendment limits the ability of lawmakers and regulators to adjust deadlines and fees.
- The amendment creates conflicts with existing employment, housing and other law and policies that ban the use of illegal drugs.
- Federal banking laws prohibit accepting proceeds from activities that are illegal, so the marijuana industry likely would be comprised of cash-only businesses.
- The amendment creates a complex, and potentially confusing regulatory structure, e.g., if a local authority issues the license, state regulations do not apply.

### Financial:

- The amendment establishes an excise tax on marijuana and designates the first \$40 million collected to be used for constructing schools.
  - The tax must still be approved by a separate statewide vote.
- Application fees for a business to start selling marijuana may not exceed \$5,000 – far less than the application fee to start a medical marijuana business (range is \$7,500 to \$18,000 depending on the size of the operation), likely creating a funding gap from the outset.
- ~~The proposed regulatory structure assumes that the Medical Marijuana Enforcement Division is fully staffed with 55 FTE. Current staffing is 15 FTE.~~
- Blue Book analysis assumes that Medical Marijuana Enforcement Division is fully funded at \$5.7 million per year = funding is closer to \$2.1 million annually.

## Amendment 64 Requirements

GOVERNOR – Amendment becomes effective upon official declaration of the vote via Governor's Proclamation

LEGISLATURE – Statutory changes to be considered include:

1. Amend current statutes regarding possession, sale, distribution or transfer of marijuana.

2. Driving laws. While no specific changes are required by the amendment because current language says “. . . one or more drugs, or a combination of alcohol and one or more drugs,” the General Assembly may want to review existing laws.
3. Revise possession of drug paraphernalia laws to exclude “marijuana accessories” for those 21 and older.
4. Revise possession of marijuana laws to exclude possession of less than one ounce for persons 21 years of age or older.
5. Revise marijuana cultivation laws.
6. Codify allowable acts relative to marijuana testing facilities, marijuana product manufacturing facilities, and retail facilities.
7. Codify marijuana consumption restrictions to be consistent with the amendment, e.g., it can't be open, public, or done in manner to endanger others.
8. Establish excise tax.
9. Enact legislation regarding industrial hemp cultivation, processing and sale by July 1, 2014.

DEPARTMENT OF REVENUE – Establish regulations by July 1, 2013 that include:

1. Procedures for issuing, renewing, suspending and revoking a license to operate a marijuana establishment.
2. A schedule of application, licensing and renewal fees.
3. Qualifications for a license that are related to operating a marijuana establishment.
4. Security requirements for marijuana establishments.
5. Requirements to prevent the sale of marijuana and marijuana products to persons under 21 years old.
6. Labeling requirements for marijuana and marijuana products.
7. Health and safety standards for the manufacture of marijuana products and the cultivation of marijuana.
8. Restrictions on advertising and display of marijuana and marijuana products.
9. Civil penalties for noncompliance with regulations.

## LOCAL GOVERNMENTS

1. Ordinances and regulations are required by October 1, 2013.
2. Enact ordinance or regulation to identify office within local government to process marijuana licenses if the Department of Revenue does not adopt regulations or fails to process and issue licenses.
3. Can adopt ordinances or regulations governing time, place, manner and number of marijuana operations as long as they do not conflict with the amendment.
4. Can adopt ordinances or regulations establishing procedures for issuing, suspending and revoking a license to operate a marijuana establishment.
5. Can adopt ordinances or regulations establishing a schedule of annual operating, licensing and application fees for marijuana establishments.

**Amendment 64**  
**Use and Regulation of Marijuana**

1 **Ballot Title:** Shall there be an amendment to the Colorado constitution  
2 concerning marijuana, and, in connection therewith, providing for the regulation  
3 of marijuana; permitting a person twenty-one years of age or older to consume or  
4 possess limited amounts of marijuana; providing for the licensing of cultivation  
5 facilities, product manufacturing facilities, testing facilities, and retail stores;  
6 permitting local governments to regulate or prohibit such facilities; requiring the  
7 general assembly to enact an excise tax to be levied upon wholesale sales of  
8 marijuana; requiring that the first \$40 million in revenue raised annually by such  
9 tax be credited to the public school capital construction assistance fund; and  
10 requiring the general assembly to enact legislation governing the cultivation,  
11 processing, and sale of industrial hemp?

12 **Text of Measure:**

13 *Be it Enacted by the People of the State of Colorado:*

14 Article XVIII of the constitution of the state of Colorado is amended BY THE  
15 ADDITION OF A NEW SECTION to read:

16 **Section 16. Personal use and regulation of marijuana**

17 **(1) Purpose and findings.**

18 (a) IN THE INTEREST OF THE EFFICIENT USE OF LAW ENFORCEMENT  
19 RESOURCES, ENHANCING REVENUE FOR PUBLIC PURPOSES, AND INDIVIDUAL  
20 FREEDOM, THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT THE  
21 USE OF MARIJUANA SHOULD BE LEGAL FOR PERSONS TWENTY-ONE YEARS OF AGE  
22 OR OLDER AND TAXED IN A MANNER SIMILAR TO ALCOHOL.

23 (b) IN THE INTEREST OF THE HEALTH AND PUBLIC SAFETY OF OUR  
24 CITIZENRY, THE PEOPLE OF THE STATE OF COLORADO FURTHER FIND AND DECLARE  
25 THAT MARIJUANA SHOULD BE REGULATED IN A MANNER SIMILAR TO ALCOHOL SO  
26 THAT:

27 (I) INDIVIDUALS WILL HAVE TO SHOW PROOF OF AGE BEFORE PURCHASING  
28 MARIJUANA;

1 (II) SELLING, DISTRIBUTING, OR TRANSFERRING MARIJUANA TO MINORS  
2 AND OTHER INDIVIDUALS UNDER THE AGE OF TWENTY-ONE SHALL REMAIN  
3 ILLEGAL;

4 (III) DRIVING UNDER THE INFLUENCE OF MARIJUANA SHALL REMAIN  
5 ILLEGAL;

6 (IV) LEGITIMATE, TAXPAYING BUSINESS PEOPLE, AND NOT CRIMINAL  
7 ACTORS, WILL CONDUCT SALES OF MARIJUANA; AND

8 (V) MARIJUANA SOLD IN THIS STATE WILL BE LABELED AND SUBJECT TO  
9 ADDITIONAL REGULATIONS TO ENSURE THAT CONSUMERS ARE INFORMED AND  
10 PROTECTED.

11 (c) IN THE INTEREST OF ENACTING RATIONAL POLICIES FOR THE  
12 TREATMENT OF ALL VARIATIONS OF THE CANNABIS PLANT, THE PEOPLE OF  
13 COLORADO FURTHER FIND AND DECLARE THAT INDUSTRIAL HEMP SHOULD BE  
14 REGULATED SEPARATELY FROM STRAINS OF CANNABIS WITH HIGHER DELTA-9  
15 TETRAHYDROCANNABINOL (THC) CONCENTRATIONS.

16 (d) THE PEOPLE OF THE STATE OF COLORADO FURTHER FIND AND DECLARE  
17 THAT IT IS NECESSARY TO ENSURE CONSISTENCY AND FAIRNESS IN THE  
18 APPLICATION OF THIS SECTION THROUGHOUT THE STATE AND THAT, THEREFORE,  
19 THE MATTERS ADDRESSED BY THIS SECTION ARE, EXCEPT AS SPECIFIED HEREIN,  
20 MATTERS OF STATEWIDE CONCERN.

21 **(2) Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
22 REQUIRES,

23 (a) "COLORADO MEDICAL MARIJUANA CODE" MEANS ARTICLE 43.3 OF  
24 TITLE 12, COLORADO REVISED STATUTES.

25 (b) "CONSUMER" MEANS A PERSON TWENTY-ONE YEARS OF AGE OR OLDER  
26 WHO PURCHASES MARIJUANA OR MARIJUANA PRODUCTS FOR PERSONAL USE BY  
27 PERSONS TWENTY-ONE YEARS OF AGE OR OLDER, BUT NOT FOR RESALE TO OTHERS.

28 (c) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE OR ITS  
29 SUCCESSOR AGENCY.

30 (d) "INDUSTRIAL HEMP" MEANS THE PLANT OF THE GENUS CANNABIS AND  
31 ANY PART OF SUCH PLANT, WHETHER GROWING OR NOT, WITH A DELTA-9

1 TETRAHYDROCANNABINOL CONCENTRATION THAT DOES NOT EXCEED THREE-  
2 TENTHS PERCENT ON A DRY WEIGHT BASIS.

3 (e) "LOCALITY" MEANS A COUNTY, MUNICIPALITY, OR CITY AND COUNTY.

4 (f) "MARIJUANA" OR "MARIHUANA" MEANS ALL PARTS OF THE PLANT OF  
5 THE GENUS CANNABIS WHETHER GROWING OR NOT, THE SEEDS THEREOF, THE RESIN  
6 EXTRACTED FROM ANY PART OF THE PLANT, AND EVERY COMPOUND,  
7 MANUFACTURE, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THE PLANT, ITS  
8 SEEDS, OR ITS RESIN, INCLUDING MARIHUANA CONCENTRATE. "MARIJUANA" OR  
9 "MARIHUANA" DOES NOT INCLUDE INDUSTRIAL HEMP, NOR DOES IT INCLUDE FIBER  
10 PRODUCED FROM THE STALKS, OIL, OR CAKE MADE FROM THE SEEDS OF THE PLANT,  
11 STERILIZED SEED OF THE PLANT WHICH IS INCAPABLE OF GERMINATION, OR THE  
12 WEIGHT OF ANY OTHER INGREDIENT COMBINED WITH MARIJUANA TO PREPARE  
13 TOPICAL OR ORAL ADMINISTRATIONS, FOOD, DRINK, OR OTHER PRODUCT.

14 (g) "MARIJUANA ACCESSORIES" MEANS ANY EQUIPMENT, PRODUCTS, OR  
15 MATERIALS OF ANY KIND WHICH ARE USED, INTENDED FOR USE, OR DESIGNED FOR  
16 USE IN PLANTING, PROPAGATING, CULTIVATING, GROWING, HARVESTING,  
17 COMPOSTING, MANUFACTURING, COMPOUNDING, CONVERTING, PRODUCING,  
18 PROCESSING, PREPARING, TESTING, ANALYZING, PACKAGING, REPACKAGING,  
19 STORING, VAPORIZING, OR CONTAINING MARIJUANA, OR FOR INGESTING, INHALING,  
20 OR OTHERWISE INTRODUCING MARIJUANA INTO THE HUMAN BODY.

21 (h) "MARIJUANA CULTIVATION FACILITY" MEANS AN ENTITY LICENSED TO  
22 CULTIVATE, PREPARE, AND PACKAGE MARIJUANA AND SELL MARIJUANA TO RETAIL  
23 MARIJUANA STORES, TO MARIJUANA PRODUCT MANUFACTURING FACILITIES, AND  
24 TO OTHER MARIJUANA CULTIVATION FACILITIES, BUT NOT TO CONSUMERS.

25 (i) "MARIJUANA ESTABLISHMENT" MEANS A MARIJUANA CULTIVATION  
26 FACILITY, A MARIJUANA TESTING FACILITY, A MARIJUANA PRODUCT  
27 MANUFACTURING FACILITY, OR A RETAIL MARIJUANA STORE.

28 (j) "MARIJUANA PRODUCT MANUFACTURING FACILITY" MEANS AN ENTITY  
29 LICENSED TO PURCHASE MARIJUANA; MANUFACTURE, PREPARE, AND PACKAGE  
30 MARIJUANA PRODUCTS; AND SELL MARIJUANA AND MARIJUANA PRODUCTS TO  
31 OTHER MARIJUANA PRODUCT MANUFACTURING FACILITIES AND TO RETAIL  
32 MARIJUANA STORES, BUT NOT TO CONSUMERS.

33 (k) "MARIJUANA PRODUCTS" MEANS CONCENTRATED MARIJUANA  
34 PRODUCTS AND MARIJUANA PRODUCTS THAT ARE COMPRISED OF MARIJUANA AND

1 OTHER INGREDIENTS AND ARE INTENDED FOR USE OR CONSUMPTION, SUCH AS, BUT  
2 NOT LIMITED TO, EDIBLE PRODUCTS, OINTMENTS, AND TINCTURES.

3 (l) "MARIJUANA TESTING FACILITY" MEANS AN ENTITY LICENSED TO  
4 ANALYZE AND CERTIFY THE SAFETY AND POTENCY OF MARIJUANA.

5 (m) "MEDICAL MARIJUANA CENTER" MEANS AN ENTITY LICENSED BY A  
6 STATE AGENCY TO SELL MARIJUANA AND MARIJUANA PRODUCTS PURSUANT TO  
7 SECTION 14 OF THIS ARTICLE AND THE COLORADO MEDICAL MARIJUANA CODE.

8 (n) "RETAIL MARIJUANA STORE" MEANS AN ENTITY LICENSED TO  
9 PURCHASE MARIJUANA FROM MARIJUANA CULTIVATION FACILITIES AND  
10 MARIJUANA AND MARIJUANA PRODUCTS FROM MARIJUANA PRODUCT  
11 MANUFACTURING FACILITIES AND TO SELL MARIJUANA AND MARIJUANA PRODUCTS  
12 TO CONSUMERS.

13 (o) "UNREASONABLY IMPRACTICABLE" MEANS THAT THE MEASURES  
14 NECESSARY TO COMPLY WITH THE REGULATIONS REQUIRE SUCH A HIGH  
15 INVESTMENT OF RISK, MONEY, TIME, OR ANY OTHER RESOURCE OR ASSET THAT THE  
16 OPERATION OF A MARIJUANA ESTABLISHMENT IS NOT WORTHY OF BEING CARRIED  
17 OUT IN PRACTICE BY A REASONABLY PRUDENT BUSINESSPERSON.

18 **(3) Personal use of marijuana.** NOTWITHSTANDING ANY OTHER PROVISION OF  
19 LAW, THE FOLLOWING ACTS ARE NOT UNLAWFUL AND SHALL NOT BE AN OFFENSE  
20 UNDER COLORADO LAW OR THE LAW OF ANY LOCALITY WITHIN COLORADO OR BE  
21 A BASIS FOR SEIZURE OR FORFEITURE OF ASSETS UNDER COLORADO LAW FOR  
22 PERSONS TWENTY-ONE YEARS OF AGE OR OLDER:

23 (a) POSSESSING, USING, DISPLAYING, PURCHASING, OR TRANSPORTING  
24 MARIJUANA ACCESSORIES OR ONE OUNCE OR LESS OF MARIJUANA.

25 (b) POSSESSING, GROWING, PROCESSING, OR TRANSPORTING NO MORE  
26 THAN SIX MARIJUANA PLANTS, WITH THREE OR FEWER BEING MATURE, FLOWERING  
27 PLANTS, AND POSSESSION OF THE MARIJUANA PRODUCED BY THE PLANTS ON THE  
28 PREMISES WHERE THE PLANTS WERE GROWN, PROVIDED THAT THE GROWING TAKES  
29 PLACE IN AN ENCLOSED, LOCKED SPACE, IS NOT CONDUCTED OPENLY OR PUBLICLY,  
30 AND IS NOT MADE AVAILABLE FOR SALE.

31 (c) TRANSFER OF ONE OUNCE OR LESS OF MARIJUANA WITHOUT  
32 REMUNERATION TO A PERSON WHO IS TWENTY-ONE YEARS OF AGE OR OLDER.

1 (d) CONSUMPTION OF MARIJUANA, PROVIDED THAT NOTHING IN THIS  
2 SECTION SHALL PERMIT CONSUMPTION THAT IS CONDUCTED OPENLY AND PUBLICLY  
3 OR IN A MANNER THAT ENDANGERS OTHERS.

4 (e) ASSISTING ANOTHER PERSON WHO IS TWENTY-ONE YEARS OF AGE OR  
5 OLDER IN ANY OF THE ACTS DESCRIBED IN PARAGRAPHS (a) THROUGH (d) OF THIS  
6 SUBSECTION.

7 **(4) Lawful operation of marijuana-related facilities.** NOTWITHSTANDING ANY  
8 OTHER PROVISION OF LAW, THE FOLLOWING ACTS ARE NOT UNLAWFUL AND SHALL  
9 NOT BE AN OFFENSE UNDER COLORADO LAW OR BE A BASIS FOR SEIZURE OR  
10 FORFEITURE OF ASSETS UNDER COLORADO LAW FOR PERSONS TWENTY-ONE YEARS  
11 OF AGE OR OLDER:

12 (a) MANUFACTURE, POSSESSION, OR PURCHASE OF MARIJUANA  
13 ACCESSORIES OR THE SALE OF MARIJUANA ACCESSORIES TO A PERSON WHO IS  
14 TWENTY-ONE YEARS OF AGE OR OLDER.

15 (b) POSSESSING, DISPLAYING, OR TRANSPORTING MARIJUANA OR  
16 MARIJUANA PRODUCTS; PURCHASE OF MARIJUANA FROM A MARIJUANA  
17 CULTIVATION FACILITY; PURCHASE OF MARIJUANA OR MARIJUANA PRODUCTS FROM  
18 A MARIJUANA PRODUCT MANUFACTURING FACILITY; OR SALE OF MARIJUANA OR  
19 MARIJUANA PRODUCTS TO CONSUMERS, IF THE PERSON CONDUCTING THE  
20 ACTIVITIES DESCRIBED IN THIS PARAGRAPH HAS OBTAINED A CURRENT, VALID  
21 LICENSE TO OPERATE A RETAIL MARIJUANA STORE OR IS ACTING IN HIS OR HER  
22 CAPACITY AS AN OWNER, EMPLOYEE OR AGENT OF A LICENSED RETAIL MARIJUANA  
23 STORE.

24 (c) CULTIVATING, HARVESTING, PROCESSING, PACKAGING, TRANSPORTING,  
25 DISPLAYING, OR POSSESSING MARIJUANA; DELIVERY OR TRANSFER OF MARIJUANA  
26 TO A MARIJUANA TESTING FACILITY; SELLING MARIJUANA TO A MARIJUANA  
27 CULTIVATION FACILITY, A MARIJUANA PRODUCT MANUFACTURING FACILITY, OR  
28 A RETAIL MARIJUANA STORE; OR THE PURCHASE OF MARIJUANA FROM A  
29 MARIJUANA CULTIVATION FACILITY, IF THE PERSON CONDUCTING THE ACTIVITIES  
30 DESCRIBED IN THIS PARAGRAPH HAS OBTAINED A CURRENT, VAILD LICENSE TO  
31 OPERATE A MARIJUANA CULTIVATION FACILITY OR IS ACTING IN HIS OR HER  
32 CAPACITY AS AN OWNER, EMPLOYEE, OR AGENT OF A LICENSED MARIJUANA  
33 CULTIVATION FACILITY.

34 (d) PACKAGING, PROCESSING, TRANSPORTING, MANUFACTURING,  
35 DISPLAYING, OR POSSESSING MARIJUANA OR MARIJUANA PRODUCTS; DELIVERY OR

1 TRANSFER OF MARIJUANA OR MARIJUANA PRODUCTS TO A MARIJUANA TESTING  
2 FACILITY; SELLING MARIJUANA OR MARIJUANA PRODUCTS TO A RETAIL MARIJUANA  
3 STORE OR A MARIJUANA PRODUCT MANUFACTURING FACILITY; THE PURCHASE OF  
4 MARIJUANA FROM A MARIJUANA CULTIVATION FACILITY; OR THE PURCHASE OF  
5 MARIJUANA OR MARIJUANA PRODUCTS FROM A MARIJUANA PRODUCT  
6 MANUFACTURING FACILITY, IF THE PERSON CONDUCTING THE ACTIVITIES  
7 DESCRIBED IN THIS PARAGRAPH HAS OBTAINED A CURRENT, VALID LICENSE TO  
8 OPERATE A MARIJUANA PRODUCT MANUFACTURING FACILITY OR IS ACTING IN HIS  
9 OR HER CAPACITY AS AN OWNER, EMPLOYEE, OR AGENT OF A LICENSED MARIJUANA  
10 PRODUCT MANUFACTURING FACILITY.

11 (e) POSSESSING, CULTIVATING, PROCESSING, REPACKAGING, STORING,  
12 TRANSPORTING, DISPLAYING, TRANSFERRING OR DELIVERING MARIJUANA OR  
13 MARIJUANA PRODUCTS IF THE PERSON HAS OBTAINED A CURRENT, VALID LICENSE  
14 TO OPERATE A MARIJUANA TESTING FACILITY OR IS ACTING IN HIS OR HER  
15 CAPACITY AS AN OWNER, EMPLOYEE, OR AGENT OF A LICENSED MARIJUANA  
16 TESTING FACILITY.

17 (f) LEASING OR OTHERWISE ALLOWING THE USE OF PROPERTY OWNED,  
18 OCCUPIED OR CONTROLLED BY ANY PERSON, CORPORATION OR OTHER ENTITY FOR  
19 ANY OF THE ACTIVITIES CONDUCTED LAWFULLY IN ACCORDANCE WITH  
20 PARAGRAPHS (a) THROUGH (e) OF THIS SUBSECTION.

21 **(5) Regulation of marijuana.**

22 (a) NOT LATER THAN JULY 1, 2013, THE DEPARTMENT SHALL ADOPT  
23 REGULATIONS NECESSARY FOR IMPLEMENTATION OF THIS SECTION. SUCH  
24 REGULATIONS SHALL NOT PROHIBIT THE OPERATION OF MARIJUANA  
25 ESTABLISHMENTS, EITHER EXPRESSLY OR THROUGH REGULATIONS THAT MAKE  
26 THEIR OPERATION UNREASONABLY IMPRACTICABLE. SUCH REGULATIONS SHALL  
27 INCLUDE:

28 (I) PROCEDURES FOR THE ISSUANCE, RENEWAL, SUSPENSION, AND  
29 REVOCATION OF A LICENSE TO OPERATE A MARIJUANA ESTABLISHMENT, WITH  
30 SUCH PROCEDURES SUBJECT TO ALL REQUIREMENTS OF ARTICLE 4 OF TITLE 24 OF  
31 THE COLORADO ADMINISTRATIVE PROCEDURE ACT OR ANY SUCCESSOR  
32 PROVISION;

33 (II) A SCHEDULE OF APPLICATION, LICENSING AND RENEWAL FEES,  
34 PROVIDED, APPLICATION FEES SHALL NOT EXCEED FIVE THOUSAND DOLLARS, WITH  
35 THIS UPPER LIMIT ADJUSTED ANNUALLY FOR INFLATION, UNLESS THE DEPARTMENT

1 DETERMINES A GREATER FEE IS NECESSARY TO CARRY OUT ITS RESPONSIBILITIES  
2 UNDER THIS SECTION, AND PROVIDED FURTHER, AN ENTITY THAT IS LICENSED  
3 UNDER THE COLORADO MEDICAL MARIJUANA CODE TO CULTIVATE OR SELL  
4 MARIJUANA OR TO MANUFACTURE MARIJUANA PRODUCTS AT THE TIME THIS  
5 SECTION TAKES EFFECT AND THAT CHOOSES TO APPLY FOR A SEPARATE  
6 MARIJUANA ESTABLISHMENT LICENSE SHALL NOT BE REQUIRED TO PAY AN  
7 APPLICATION FEE GREATER THAN FIVE HUNDRED DOLLARS TO APPLY FOR A  
8 LICENSE TO OPERATE A MARIJUANA ESTABLISHMENT IN ACCORDANCE WITH THE  
9 PROVISIONS OF THIS SECTION;

10 (III) QUALIFICATIONS FOR LICENSURE THAT ARE DIRECTLY AND  
11 DEMONSTRABLY RELATED TO THE OPERATION OF A MARIJUANA ESTABLISHMENT;

12 (IV) SECURITY REQUIREMENTS FOR MARIJUANA ESTABLISHMENTS;

13 (V) REQUIREMENTS TO PREVENT THE SALE OR DIVERSION OF MARIJUANA  
14 AND MARIJUANA PRODUCTS TO PERSONS UNDER THE AGE OF TWENTY-ONE;

15 (VI) LABELING REQUIREMENTS FOR MARIJUANA AND MARIJUANA  
16 PRODUCTS SOLD OR DISTRIBUTED BY A MARIJUANA ESTABLISHMENT;

17 (VII) HEALTH AND SAFETY REGULATIONS AND STANDARDS FOR THE  
18 MANUFACTURE OF MARIJUANA PRODUCTS AND THE CULTIVATION OF MARIJUANA;

19 (VIII) RESTRICTIONS ON THE ADVERTISING AND DISPLAY OF MARIJUANA  
20 AND MARIJUANA PRODUCTS; AND

21 (IX) CIVIL PENALTIES FOR THE FAILURE TO COMPLY WITH REGULATIONS  
22 MADE PURSUANT TO THIS SECTION.

23 (b) IN ORDER TO ENSURE THE MOST SECURE, RELIABLE, AND ACCOUNTABLE  
24 SYSTEM FOR THE PRODUCTION AND DISTRIBUTION OF MARIJUANA AND MARIJUANA  
25 PRODUCTS IN ACCORDANCE WITH THIS SUBSECTION, IN ANY COMPETITIVE  
26 APPLICATION PROCESS THE DEPARTMENT SHALL HAVE AS A PRIMARY  
27 CONSIDERATION WHETHER AN APPLICANT:

28 (I) HAS PRIOR EXPERIENCE PRODUCING OR DISTRIBUTING MARIJUANA OR  
29 MARIJUANA PRODUCTS PURSUANT TO SECTION 14 OF THIS ARTICLE AND THE  
30 COLORADO MEDICAL MARIJUANA CODE IN THE LOCALITY IN WHICH THE  
31 APPLICANT SEEKS TO OPERATE A MARIJUANA ESTABLISHMENT; AND

1 (II) HAS, DURING THE EXPERIENCE DESCRIBED IN SUBPARAGRAPH (I),  
2 COMPLIED CONSISTANTLY WITH SECTION 14 OF THIS ARTICLE, THE PROVISIONS OF  
3 THE COLORADO MEDICAL MARIJUANA CODE AND CONFORMING REGULATIONS.

4 (c) IN ORDER TO ENSURE THAT INDIVIDUAL PRIVACY IS PROTECTED,  
5 NOTWITHSTANDING PARAGRAPH (a), THE DEPARTMENT SHALL NOT REQUIRE A  
6 CONSUMER TO PROVIDE A RETAIL MARIJUANA STORE WITH PERSONAL  
7 INFORMATION OTHER THAN GOVERNMENT-ISSUED IDENTIFICATION TO DETERMINE  
8 THE CONSUMER'S AGE, AND A RETAIL MARIJUANA STORE SHALL NOT BE REQUIRED  
9 TO ACQUIRE AND RECORD PERSONAL INFORMATION ABOUT CONSUMERS OTHER  
10 THAN INFORMATION TYPICALLY ACQUIRED IN A FINANCIAL TRANSACTION  
11 CONDUCTED AT A RETAIL LIQUOR STORE.

12 (d) THE GENERAL ASSEMBLY SHALL ENACT AN EXCISE TAX TO BE LEVIED  
13 UPON MARIJUANA SOLD OR OTHERWISE TRANSFERRED BY A MARIJUANA  
14 CULTIVATION FACILITY TO A MARIJUANA PRODUCT MANUFACTURING FACILITY OR  
15 TO A RETAIL MARIJUANA STORE AT A RATE NOT TO EXCEED FIFTEEN PERCENT  
16 PRIOR TO JANUARY 1, 2017 AND AT A RATE TO BE DETERMINED BY THE GENERAL  
17 ASSEMBLY THEREAFTER, AND SHALL DIRECT THE DEPARTMENT TO ESTABLISH  
18 PROCEDURES FOR THE COLLECTION OF ALL TAXES LEVIED. PROVIDED, THE FIRST  
19 FORTY MILLION DOLLARS IN REVENUE RAISED ANNUALLY FROM ANY SUCH EXCISE  
20 TAX SHALL BE CREDITED TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION  
21 ASSISTANCE FUND CREATED BY ARTICLE 43.7 OF TITLE 22, C.R.S., OR ANY  
22 SUCCESSOR FUND DEDICATED TO A SIMILAR PURPOSE. PROVIDED FURTHER, NO  
23 SUCH EXCISE TAX SHALL BE LEVIED UPON MARIJUANA INTENDED FOR SALE AT  
24 MEDICAL MARIJUANA CENTERS PURSUANT TO SECTION 14 OF THIS ARTICLE AND  
25 THE COLORADO MEDICAL MARIJUANA CODE.

26 (e) NOT LATER THAN OCTOBER 1, 2013, EACH LOCALITY SHALL ENACT AN  
27 ORDINANCE OR REGULATION SPECIFYING THE ENTITY WITHIN THE LOCALITY THAT  
28 IS RESPONSIBLE FOR PROCESSING APPLICATIONS SUBMITTED FOR A LICENSE TO  
29 OPERATE A MARIJUANA ESTABLISHMENT WITHIN THE BOUNDARIES OF THE  
30 LOCALITY AND FOR THE ISSUANCE OF SUCH LICENSES SHOULD THE ISSUANCE BY  
31 THE LOCALITY BECOME NECESSARY BECAUSE OF A FAILURE BY THE DEPARTMENT  
32 TO ADOPT REGULATIONS PURSUANT TO PARAGRAPH (a) OR BECAUSE OF A FAILURE  
33 BY THE DEPARTMENT TO PROCESS AND ISSUE LICENSES AS REQUIRED BY  
34 PARAGRAPH (g).

35 (f) A LOCALITY MAY ENACT ORDINANCES OR REGULATIONS, NOT IN  
36 CONFLICT WITH THIS SECTION OR WITH REGULATIONS OR LEGISLATION ENACTED  
37 PURSUANT TO THIS SECTION, GOVERNING THE TIME, PLACE, MANNER AND NUMBER

1 OF MARIJUANA ESTABLISHMENT OPERATIONS; ESTABLISHING PROCEDURES FOR THE  
2 ISSUANCE, SUSPENSION, AND REVOCATION OF A LICENSE ISSUED BY THE LOCALITY  
3 IN ACCORDANCE WITH PARAGRAPH (h) OR (i), SUCH PROCEDURES TO BE SUBJECT  
4 TO ALL REQUIREMENTS OF ARTICLE 4 OF TITLE 24 OF THE COLORADO  
5 ADMINISTRATIVE PROCEDURE ACT OR ANY SUCCESSOR PROVISION; ESTABLISHING  
6 A SCHEDULE OF ANNUAL OPERATING, LICENSING, AND APPLICATION FEES FOR  
7 MARIJUANA ESTABLISHMENTS, PROVIDED, THE APPLICATION FEE SHALL ONLY BE  
8 DUE IF AN APPLICATION IS SUBMITTED TO A LOCALITY IN ACCORDANCE WITH  
9 PARAGRAPH (i) AND A LICENSING FEE SHALL ONLY BE DUE IF A LICENSE IS ISSUED  
10 BY A LOCALITY IN ACCORDANCE WITH PARAGRAPH (h) OR (i); AND ESTABLISHING  
11 CIVIL PENALTIES FOR VIOLATION OF AN ORDINANCE OR REGULATION GOVERNING  
12 THE TIME, PLACE, AND MANNER OF A MARIJUANA ESTABLISHMENT THAT MAY  
13 OPERATE IN SUCH LOCALITY. A LOCALITY MAY PROHIBIT THE OPERATION OF  
14 MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING  
15 FACILITIES, MARIJUANA TESTING FACILITIES, OR RETAIL MARIJUANA STORES  
16 THROUGH THE ENACTMENT OF AN ORDINANCE OR THROUGH AN INITIATED OR  
17 REFERRED MEASURE; PROVIDED, ANY INITIATED OR REFERRED MEASURE TO  
18 PROHIBIT THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA  
19 PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, OR  
20 RETAIL MARIJUANA STORES MUST APPEAR ON A GENERAL ELECTION BALLOT  
21 DURING AN EVEN NUMBERED YEAR.

22 (g) EACH APPLICATION FOR AN ANNUAL LICENSE TO OPERATE A  
23 MARIJUANA ESTABLISHMENT SHALL BE SUBMITTED TO THE DEPARTMENT. THE  
24 DEPARTMENT SHALL:

25 (I) BEGIN ACCEPTING AND PROCESSING APPLICATIONS ON OCTOBER 1, 2013;

26 (II) IMMEDIATELY FORWARD A COPY OF EACH APPLICATION AND HALF OF  
27 THE LICENSE APPLICATION FEE TO THE LOCALITY IN WHICH THE APPLICANT DESIRES  
28 TO OPERATE THE MARIJUANA ESTABLISHMENT;

29 (III) ISSUE AN ANNUAL LICENSE TO THE APPLICANT BETWEEN FORTY-FIVE  
30 AND NINETY DAYS AFTER RECEIPT OF AN APPLICATION UNLESS THE DEPARTMENT  
31 FINDS THE APPLICANT IS NOT IN COMPLIANCE WITH REGULATIONS ENACTED  
32 PURSUANT TO PARAGRAPH (a) OR THE DEPARTMENT IS NOTIFIED BY THE RELEVANT  
33 LOCALITY THAT THE APPLICANT IS NOT IN COMPLIANCE WITH ORDINANCES AND  
34 REGULATIONS MADE PURSUANT TO PARAGRAPH (f) AND IN EFFECT AT THE TIME OF  
35 APPLICATION, PROVIDED, WHERE A LOCALITY HAS ENACTED A NUMERICAL LIMIT  
36 ON THE NUMBER OF MARIJUANA ESTABLISHMENTS AND A GREATER NUMBER OF  
37 APPLICANTS SEEK LICENSES, THE DEPARTMENT SHALL SOLICIT AND CONSIDER

1 INPUT FROM THE LOCALITY AS TO THE LOCALITY'S PREFERENCE OR PREFERENCES  
2 FOR LICENSURE; AND

3 (IV) UPON DENIAL OF AN APPLICATION, NOTIFY THE APPLICANT IN WRITING  
4 OF THE SPECIFIC REASON FOR ITS DENIAL.

5 (h) IF THE DEPARTMENT DOES NOT ISSUE A LICENSE TO AN APPLICANT  
6 WITHIN NINETY DAYS OF RECEIPT OF THE APPLICATION FILED IN ACCORDANCE WITH  
7 PARAGRAPH (g) AND DOES NOT NOTIFY THE APPLICANT OF THE SPECIFIC REASON  
8 FOR ITS DENIAL, IN WRITING AND WITHIN SUCH TIME PERIOD, OR IF THE  
9 DEPARTMENT HAS ADOPTED REGULATIONS PURSUANT TO PARAGRAPH (a) AND HAS  
10 ACCEPTED APPLICATIONS PURSUANT TO PARAGRAPH (g) BUT HAS NOT ISSUED ANY  
11 LICENSES BY JANUARY 1, 2014, THE APPLICANT MAY RESUBMIT ITS APPLICATION  
12 DIRECTLY TO THE LOCALITY, PURSUANT TO PARAGRAPH (e), AND THE LOCALITY  
13 MAY ISSUE AN ANNUAL LICENSE TO THE APPLICANT. A LOCALITY ISSUING A  
14 LICENSE TO AN APPLICANT SHALL DO SO WITHIN NINETY DAYS OF RECEIPT OF THE  
15 RESUBMITTED APPLICATION UNLESS THE LOCALITY FINDS AND NOTIFIES THE  
16 APPLICANT THAT THE APPLICANT IS NOT IN COMPLIANCE WITH ORDINANCES AND  
17 REGULATIONS MADE PURSUANT TO PARAGRAPH (f) IN EFFECT AT THE TIME THE  
18 APPLICATION IS RESUBMITTED AND THE LOCALITY SHALL NOTIFY THE DEPARTMENT  
19 IF AN ANNUAL LICENSE HAS BEEN ISSUED TO THE APPLICANT. IF AN APPLICATION  
20 IS SUBMITTED TO A LOCALITY UNDER THIS PARAGRAPH, THE DEPARTMENT SHALL  
21 FORWARD TO THE LOCALITY THE APPLICATION FEE PAID BY THE APPLICANT TO THE  
22 DEPARTMENT UPON REQUEST BY THE LOCALITY. A LICENSE ISSUED BY A LOCALITY  
23 IN ACCORDANCE WITH THIS PARAGRAPH SHALL HAVE THE SAME FORCE AND EFFECT  
24 AS A LICENSE ISSUED BY THE DEPARTMENT IN ACCORDANCE WITH PARAGRAPH (g)  
25 AND THE HOLDER OF SUCH LICENSE SHALL NOT BE SUBJECT TO REGULATION OR  
26 ENFORCEMENT BY THE DEPARTMENT DURING THE TERM OF THAT LICENSE.  
27 A SUBSEQUENT OR RENEWED LICENSE MAY BE ISSUED UNDER THIS PARAGRAPH ON  
28 AN ANNUAL BASIS ONLY UPON RESUBMISSION TO THE LOCALITY OF A NEW  
29 APPLICATION SUBMITTED TO THE DEPARTMENT PURSUANT TO PARAGRAPH (g).  
30 NOTHING IN THIS PARAGRAPH SHALL LIMIT SUCH RELIEF AS MAY BE AVAILABLE TO  
31 AN AGGRIEVED PARTY UNDER SECTION 24-4-104, C.R.S., OF THE COLORADO  
32 ADMINISTRATIVE PROCEDURE ACT OR ANY SUCCESSOR PROVISION.

33 (i) IF THE DEPARTMENT DOES NOT ADOPT REGULATIONS REQUIRED BY  
34 PARAGRAPH (a), AN APPLICANT MAY SUBMIT AN APPLICATION DIRECTLY TO A  
35 LOCALITY AFTER OCTOBER 1, 2013 AND THE LOCALITY MAY ISSUE AN ANNUAL  
36 LICENSE TO THE APPLICANT. A LOCALITY ISSUING A LICENSE TO AN APPLICANT  
37 SHALL DO SO WITHIN NINETY DAYS OF RECEIPT OF THE APPLICATION UNLESS IT  
38 FINDS AND NOTIFIES THE APPLICANT THAT THE APPLICANT IS NOT IN COMPLIANCE

1 WITH ORDINANCES AND REGULATIONS MADE PURSUANT TO PARAGRAPH (f) IN  
2 EFFECT AT THE TIME OF APPLICATION AND SHALL NOTIFY THE DEPARTMENT IF AN  
3 ANNUAL LICENSE HAS BEEN ISSUED TO THE APPLICANT. A LICENSE ISSUED BY A  
4 LOCALITY IN ACCORDANCE WITH THIS PARAGRAPH SHALL HAVE THE SAME FORCE  
5 AND EFFECT AS A LICENSE ISSUED BY THE DEPARTMENT IN ACCORDANCE WITH  
6 PARAGRAPH (g) AND THE HOLDER OF SUCH LICENSE SHALL NOT BE SUBJECT TO  
7 REGULATION OR ENFORCEMENT BY THE DEPARTMENT DURING THE TERM OF THAT  
8 LICENSE. A SUBSEQUENT OR RENEWED LICENSE MAY BE ISSUED UNDER THIS  
9 PARAGRAPH ON AN ANNUAL BASIS IF THE DEPARTMENT HAS NOT ADOPTED  
10 REGULATIONS REQUIRED BY PARAGRAPH (a) AT LEAST NINETY DAYS PRIOR TO THE  
11 DATE UPON WHICH SUCH SUBSEQUENT OR RENEWED LICENSE WOULD BE EFFECTIVE  
12 OR IF THE DEPARTMENT HAS ADOPTED REGULATIONS PURSUANT TO PARAGRAPH  
13 (a) BUT HAS NOT, AT LEAST NINETY DAYS AFTER THE ADOPTION OF SUCH  
14 REGULATIONS, ISSUED LICENSES PURSUANT TO PARAGRAPH (g).

15 (j) NOT LATER THAN JULY 1, 2014, THE GENERAL ASSEMBLY SHALL ENACT  
16 LEGISLATION GOVERNING THE CULTIVATION, PROCESSING AND SALE OF  
17 INDUSTRIAL HEMP.

18 **(6) Employers, driving, minors and control of property.**

19 (a) NOTHING IN THIS SECTION IS INTENDED TO REQUIRE AN EMPLOYER TO  
20 PERMIT OR ACCOMMODATE THE USE, CONSUMPTION, POSSESSION, TRANSFER,  
21 DISPLAY, TRANSPORTATION, SALE OR GROWING OF MARIJUANA IN THE WORKPLACE  
22 OR TO AFFECT THE ABILITY OF EMPLOYERS TO HAVE POLICIES RESTRICTING THE  
23 USE OF MARIJUANA BY EMPLOYEES.

24 (b) NOTHING IN THIS SECTION IS INTENDED TO ALLOW DRIVING UNDER THE  
25 INFLUENCE OF MARIJUANA OR DRIVING WHILE IMPAIRED BY MARIJUANA OR TO  
26 SUPERSEDE STATUTORY LAWS RELATED TO DRIVING UNDER THE INFLUENCE OF  
27 MARIJUANA OR DRIVING WHILE IMPAIRED BY MARIJUANA, NOR SHALL THIS SECTION  
28 PREVENT THE STATE FROM ENACTING AND IMPOSING PENALTIES FOR DRIVING  
29 UNDER THE INFLUENCE OF OR WHILE IMPAIRED BY MARIJUANA.

30 (c) NOTHING IN THIS SECTION IS INTENDED TO PERMIT THE TRANSFER OF  
31 MARIJUANA, WITH OR WITHOUT REMUNERATION, TO A PERSON UNDER THE AGE OF  
32 TWENTY-ONE OR TO ALLOW A PERSON UNDER THE AGE OF TWENTY-ONE TO  
33 PURCHASE, POSSESS, USE, TRANSPORT, GROW, OR CONSUME MARIJUANA.

34 (d) NOTHING IN THIS SECTION SHALL PROHIBIT A PERSON, EMPLOYER,  
35 SCHOOL, HOSPITAL, DETENTION FACILITY, CORPORATION OR ANY OTHER ENTITY

1 WHO OCCUPIES, OWNS OR CONTROLS A PROPERTY FROM PROHIBITING OR  
2 OTHERWISE REGULATING THE POSSESSION, CONSUMPTION, USE, DISPLAY,  
3 TRANSFER, DISTRIBUTION, SALE, TRANSPORTATION, OR GROWING OF MARIJUANA  
4 ON OR IN THAT PROPERTY.

5 **(7) Medical marijuana provisions unaffected.** NOTHING IN THIS SECTION SHALL  
6 BE CONSTRUED:

7 (a) TO LIMIT ANY PRIVILEGES OR RIGHTS OF A MEDICAL MARIJUANA  
8 PATIENT, PRIMARY CAREGIVER, OR LICENSED ENTITY AS PROVIDED IN SECTION 14  
9 OF THIS ARTICLE AND THE COLORADO MEDICAL MARIJUANA CODE;

10 (b) TO PERMIT A MEDICAL MARIJUANA CENTER TO DISTRIBUTE MARIJUANA  
11 TO A PERSON WHO IS NOT A MEDICAL MARIJUANA PATIENT;

12 (c) TO PERMIT A MEDICAL MARIJUANA CENTER TO PURCHASE MARIJUANA  
13 OR MARIJUANA PRODUCTS IN A MANNER OR FROM A SOURCE NOT AUTHORIZED  
14 UNDER THE COLORADO MEDICAL MARIJUANA CODE;

15 (d) TO PERMIT ANY MEDICAL MARIJUANA CENTER LICENSED PURSUANT TO  
16 SECTION 14 OF THIS ARTICLE AND THE COLORADO MEDICAL MARIJUANA CODE TO  
17 OPERATE ON THE SAME PREMISES AS A RETAIL MARIJUANA STORE; OR

18 (e) TO DISCHARGE THE DEPARTMENT, THE COLORADO BOARD OF HEALTH,  
19 OR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FROM  
20 THEIR STATUTORY AND CONSTITUTIONAL DUTIES TO REGULATE MEDICAL  
21 MARIJUANA PURSUANT TO SECTION 14 OF THIS ARTICLE AND THE COLORADO  
22 MEDICAL MARIJUANA CODE.

23 **(8) Self-executing, severability, conflicting provisions.** ALL PROVISIONS OF  
24 THIS SECTION ARE SELF-EXECUTING EXCEPT AS SPECIFIED HEREIN, ARE SEVERABLE,  
25 AND, EXCEPT WHERE OTHERWISE INDICATED IN THE TEXT, SHALL SUPERSEDE  
26 CONFLICTING STATE STATUTORY, LOCAL CHARTER, ORDINANCE, OR RESOLUTION,  
27 AND OTHER STATE AND LOCAL PROVISIONS.

28 **(9) Effective date.** UNLESS OTHERWISE PROVIDED BY THIS SECTION, ALL  
29 PROVISIONS OF THIS SECTION SHALL BECOME EFFECTIVE UPON OFFICIAL  
30 DECLARATION OF THE VOTE HEREON BY PROCLAMATION OF THE GOVERNOR,  
31 PURSUANT TO SECTION 1(4) OF ARTICLE V.

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**From:** Michael Flaherty  
**Sent:** Friday, November 09, 2012 4:26 PM  
**To:** Sue Carlton-Smith  
**Subject:** Fw: Englewood Market Place

Sue, please include in next week's Council newsletter

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**From:** John Lichtenegger  
**To:** Michael Flaherty  
**Cc:** '  
**Sent:** Fri Nov 09 15:30:40 2012  
**Subject:** Englewood Market Place

Michael, It with regret I inform you that we will not be proceeding with a McAlister's at Englewood Marketplace. I also want to tell you that we were overwhelmed by the support and assistance you and your staff gave to me and our group. I hope to call you early next week and visit, but our decision as to this location has been made. We surely hope to locate a restaurant in Englewood in the future. The Romney event which I saw on television in Englewood was a tremendous and positive statement about your people and city. Thank you, your City Council and Staff for putting up with us for so long. John

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Support us on  
**Colorado Gives Day!**  
**Tuesday, December 4**  
online at [GivingFirst.org](http://GivingFirst.org)

*100% goes to charity*

Presented by  
Community First Foundation  
and FirstBank



Please join the  
**HUMANE SOCIETY**  
**OF THE SOUTH PLATTE VALLEY**  
**December 4**  
**5:30 – 8 p.m.**

To celebrate *Colorado Gives Day* with a cocktail party in the shelter's Community Room.

Computers will be available for online giving!

All proceeds and *Colorado Gives Day* incentive funds will directly help the animals!

**[www.givingfirst.org/hsspv](http://www.givingfirst.org/hsspv)**



**HUMANE SOCIETY**  
**OF THE SOUTH PLATTE VALLEY**

2129 W. Chenango Ave. | Littleton, CO 80120  
303-703-2938 | [hsspv.org](http://hsspv.org)

All food, beverage and event supplies have been donated by Creatively Affordable Marketing

# MEMORANDUM



**TO:** Gary Sears, City Manager

**THROUGH:** Rick Kahm, Director of Public Works ✓

**FROM:** David Henderson, Engineering/Capital Projects Administrator ✓

**DATE:** November 15, 2012

**SUBJECT:** PROJECT UPDATES – Traffic Signal Upgrade - Dartmouth/Downing, Belleview/Broadway Denver Water Project, Pirates Cove Improvements, West Harvard Gulch Trail Project, Kent Place, Street Maintenance Projects 2012, CityCenter Site Development, Englewood McLellan Reservoir Foundation, Air Quality/Energy Savings Projects, GPS in City Vehicles

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## TRAFFIC SIGNAL UPGRADE-DARTMOUTH/DOWNING

Upgrades to the traffic signal at the intersection of Dartmouth and Downing continued. Three of the signal poles have been installed. Underground conduit installation is substantially complete. The project will replace the signal poles, traffic cabinet, and UPS battery backup; and will include new LED signal heads. The project is anticipated to be complete by the end of November.

## BELLEVIEW/BROADWAY DENVER WATER PROJECT

The Denver Water Department completed locating utilities at the intersection of Broadway/Belleview and at Broadway/Quincy. Denver Water is using this information to design a relocation project to be constructed next spring.

## PIRATES COVE IMPROVEMENTS/REPAIRS

Public Works and Parks and Recreation staff will be coordinating repairs and improvements to Pirates Cove during the off-season. Concrete repairs will be performed around the first week of September. We are working with an engineering firm to evaluate options to repair the Concession Building. The building has settled a couple of inches and is experiencing problems with the doors and concrete block cracking. Monitoring wells were installed to determine soil and groundwater conditions under the building. The geotechnical report has been delivered. **Staff will monitor any movement in the building through the winter.**

## WEST HARVARD GULCH TRAIL PROJECT

The Urban Drainage and Flood Control District is managing a project to complete a trail connection from our Northwest Greenbelt (Harvard Gulch) to the Platte River Trail System. This project will construct a concrete trail, beginning at the end of our trail system east of Raritan Street, and passing under the railroad tracks in Denver. This will complete the trail system connection to the Platte River. **Design of the retaining wall design is now complete.**

## KENT PLACE

Colorado Structures Inc., continued construction of the “Fresh Fare by King Soopers”. Patxis Chicago Pizza place is scheduled to open on November 19<sup>th</sup>. Construction of the bank is nearly complete.

**Excavation and exporting of soil for Kent Place residential development is substantially complete.** Colorado Structures (the same contractor performing retail construction) was awarded the contract. Staff has met with the contractor regarding access and working hours, and also to make sure they are aware of truck restrictions in the surrounding neighborhoods.

## STREET MAINTENANCE PROJECTS 2012

Asphalt crack sealing (in-house) is complete. Contract crack sealing is underway and will continue through the winter months as weather allows.

## CITYCENTER SITE DEVELOPMENT

### Alexan East and West Parcels

438 residential units. Alexan's occupancy level for March, 2012 is 94.5%. Commercial uses: Let It Bead, State Farm, Lifetime Family Practice, Cuttin' It Loose, Jackson Hewitt Tax Service, Foothills Physical Therapy, CityCenter Community, Solid Grounds, and Weingarten Realty.

**Tenant finish for the new Liquor Store continued. The opening date is not determined at this time.** They will occupy the vacant space west of Let It Bead on the north side of the Englewood Parkway.

### Parkway Retail / Office Buildings

Commercial uses: The International House of Pancakes (IHOP), Qdoba, GNC, Supercuts, Nails Center, CityCenter Dental Group, Tableaux Interior Design, Englewood Eyecare, Collective Licensing Int'l, Inc., M.P. Hayutin, LLC, Quizno's, Air Walk, "Insurance Company of the West", Fred Astaire Dance Studio, Wellness Treatment Center, SB Clark Companies, Unifocus, and Bartertown Comics.

Collective Licensing is expanding and will occupy the old Miller space. **Tenant finish for Collective Licensing continued.**

### Bally's Building

Tenants include Bally's, "Blondies Fire House Pub and Restaurant", and MaxFour.

### Retail South of the Parkway

Tenants: Petco, Ross, Coldstone Creamery, Noodles, Sports Authority, and Office Depot. Einstein Bagels will move into the space north of Coldstone Creamery. **Tenant finish continued (equipment installation) and they expect to open around the first week of December.**

### Gold Mine Pad

Tenants include: Jamba Juice, Tokyo Joe's, Mega Wraps, and Doctors Express.

### CityCenter Site

EEFI continues project management of all infrastructure on the site. Staff is monitoring the security, sweeping, snow removal, and day porter services performed under the Common Area Maintenance.

**Holiday lighting installation is nearly complete. The tree was installed this week. A tree lighting ceremony is scheduled for November 26<sup>th</sup> at 5:30.**

**Staff is coordinating with the Englewood Chamber of Commerce for the Holiday Parade scheduled for the morning of December 1<sup>st</sup>.**

## ENGLEWOOD MCLELLAN RESERVOIR FOUNDATION (EMRF)

### PA-84 West

The Mike Ward Infiniti dealership opened on Monday, August 29, 2011.

The EMRF lease with the Larry Miller Nissan Dealership was signed on February 7<sup>th</sup>.

### PA-85 (RTD site)

RTD paid the final billing in the amount of \$591,836.86. Finance has deposited this money in the LTAR fund.

### PA-85 (Benjamin Franklin Charter School)

The Benjamin Franklin Charter School has received their Certificate of Occupancy.

## AIR QUALITY/ENERGY SAVING PROJECTS

### Flex Fuel Program

Currently, 39 of our fleet vehicles are running on E-85 ethanol fuel. All new replacement vehicles (less than ¾ ton) will be compatible with E-85. Approximately 50 Flex Fuel vehicles will be in our fleet within two years. Currently, the cost of E-85 fuel is approximately \$0.40 per gallon less than regular

unleaded gasoline. Ten of our fleet vehicles run on Compressed Natural Gas (CNG). 39 on-road vehicles and 23 off road (construction equipment) run on biodiesel fuel.

Hybrid Vehicle Purchase

Two hybrid vehicles are in service, one in the Fire Department and one in the Building Division.

"Green" Programs

We continue to work with our vendors to expand the Green product line as it becomes available. 90% of our custodial paper supplies are from recycled sources. The Servicer is now "single-streaming" waste at the Servicer and a dumpster has been supplied for *cardboard only* recycling.

Energy Saving Projects

In 2001, the Public Works Traffic Division began an ongoing program to convert traffic signals from incandescent lamps to Light-Emitting-Diode (LED) bulbs. To date, 80% of our City maintained signals have been converted. LED traffic signals use 90% less energy than incandescent lamps, last 5 times longer, and provide better visibility.

GPS IN VEHICLES

The City received a grant, through RAQC (Regional Air Quality), to install 37 GPS units in some of our fleet vehicles. Our match to the project is the installation. The Servicer Garage will install with in-house labor. The GPS units will be installed in Police patrol vehicles, Public Works vehicles, Fire Department equipment, and some Wastewater Treatment Plant vehicles. **GPS equipment installation is substantially complete. Staff is in the process of refining software for tracking vehicles.** The system will allow us to track locations, easily obtain information regarding quantities of ice slicer dispensed, monitor idle times, and allow the public to track where plow trucks have been.

## MEMORANDUM



**TO:** Board, Commission and Authority Members  
**FROM:** Mayor Penn and Members of City Council  
**DATE:** November 14, 2012  
**SUBJECT:** Board, Commission & Authority Interview Process & 2011 Ballot Question

At the Study Session on March 3, 2008, City Council discussed the board, commission and authority interview process. Changes were made concerning those members who request reappointment to a board, commission or authority. City Council wanted to streamline the application/interview process and make it as seamless as possible.

In an effort to identify vacancies, City Council has created two deadlines for receiving applications. One deadline is for board, commission and authority members who are seeking **reappointment** to their current position. The second deadline is for **new applicants** and current board, commission and authority members seeking appointment to another board/commission. Interviews will be held for the new applicants and current board, commission and authority members seeking appointment to a new board.

The application deadline for board, commission and authority members who are seeking **reappointment** to their current board, commission or authority is **Wednesday, November 14, 2012**. City Council will discuss at a Study Session on **Monday, November 21, 2012**, the current vacancies and those who are seeking reappointment. Following that discussion, the remaining vacancies will be posted for those residents who are interested in applying for a position on a board, commission or authority.

The deadline for **new applicants** and board, commission and authority members seeking appointment to a new or different board/commission is **Friday, January 4, 2013**. New applicants and other board, commission and authority members seeking appointment to a new board or commission will be interviewed on **Monday, January 14, 2013**, along with applicants who are seeking reappointment to their current board/commission but failed to meet the **Wednesday, November 14, 2012**, deadline.

City Council continues to request an attendance report prior to the interviews and comments from the Chairs concerning members who are seeking reappointment. The deadline for comments from Chairs concerning those members who are seeking reappointment is **Wednesday, November 21, 2012**.

The City Council values each board, commission and authority member and their contribution to the City of Englewood. Thank you for volunteering for such an important facet of the City.

Additionally, on November 1, 2011, residents approved a citizen initiative stating "*Each member of a Board or Commission will have the opportunity to serve up to three terms per Board or Commission, when a term expires that member will have the opportunity to be reappointed to that same Board or Commission after a 4 year period.*" If a Board or Commission member has served three terms, they can only apply for their current board after a four-year period or may apply immediately for another board or commission.

Cc: Englewood City Council  
City Manager Gary Sears  
City Attorney Dan Brotzman  
Departmental Directors  
Recording Secretaries

**BOARD, COMMISSION AND AUTHORITY**  
**APPLICATION DEADLINE AND INTERVIEW SCHEDULE**

- Wednesday, November 14, 2012    Application deadline for Board/Commission Members seeking **reappointment**.
- Wednesday, November 21, 2012    Deadline for information from Chairs concerning members seeking reappointment.
- Monday, November 26, 2012    City Council discussion of Board/Commission Members seeking reappointment at a Study Session.
- Friday, January 4, 2013    Deadline for applications for board/commission **new vacancies** and for current board/commission members who wish to serve on a new/different board, commission or authority.
- Monday, January 14, 2013    Interviews with City Council for:  
(1) new applications,  
(2) current board/commission members seeking a new board/commission,  
(3) and current board/commission members applying for their current board/commission that missed the November 14, 2012, deadline.
- Monday, February 4, 2013    All Board, Commission and Authority Members reappointed or appointed at the City Council Regular Meeting.



# Memorandum

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City Council

TO: Board, Commission and Authority Members  
FROM: Sue Carlton-Smith, Executive Assistant to City Council and City Manager  
DATE: November 14, 2012  
SUBJECT: Term Expirations and Applying for Board/Commission Vacancies

City Council interviews board and commission applicants twice a year, in January and June of each year. Applications are requested from new applicants as well as those applicants who would like to be reappointed to their current board or commission. The City Council appoints residents to 18 boards, commission, authorities and committees.

In 2011, a ballot question was brought forward by a citizen initiative proposing an amendment to the Englewood Municipal Code relating to board and commission term limits. Question No. 2C stated

*"Shall the Englewood Municipal code of the City of Englewood, Colorado be amended by changing the Code to provide:*

*In order to broaden the opportunities for public service and guard against excessive concentrations of power, no appointed voting member of any Board or Commission in the City of Englewood shall hold any elected public office unless specifically designated by the Englewood City Charter. In the event an existing member of any board or Commission is elected to public office that member shall be required to resign their position. Each member of a Board or Commission will have the opportunity to serve up to three terms per Board or Commission, when a term expires that member will have the opportunity to be reappointed to that same Board or Commission after a 4 year period."*

Question No. 2C was approved by the Englewood voters 3,785 to 1,589 on November 1, 2011.

Based upon Ballot Question No. 2C, it states that if you have served 3 terms on your board, commission, authority or committee, you may not apply for your current board or commission for four years but you can apply for another board or commission. The City of Englewood has 18 boards and commissions and we encourage you to apply to another board or commission.

A list of vacancies is available on the City's web site at <http://www.ci.Englewood.co.us/Index.aspx?page=119>.

If you have any questions, please call 303-762-2310.

CC: Mayor Penn and Members of City Council  
City Manager Gary Sears  
City Attorney Dan Brotzman  
Deputy City Manager Mike Flaherty  
Departmental Directors  
Board & Commission Chairs and Recording Secretaries

# City of Englewood 2012 Service Awards

*Please join us in honoring employees who have reached  
a years-of-service milestone in 2012!*

*Wed, November 28, 2012*

*The awards ceremony will begin at 1:00 pm  
in Hampden Hall – Second Floor of the Civic Center.*

*There will be cake and socializing in the Community Room  
immediately after the ceremony.*



Presented by:

City of Englewood  
Project Thanks / 2012 Service Awards Committee

**CITY OF ENGLEWOOD  
2012/2013 CALENDAR OF EVENTS**



Mon., Nov. 19	6:00 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers
Tues. Nov. 20	7:00 p.m.	Planning and Zoning Commission, City Council Chambers
Wed., Nov. 21	6:30 p.m.	Code Enforcement Advisory Board, City Council Conf. Rm.
	<b>Cancelled</b>	Local Liquor and Medical Marijuana Licensing Authority
<b>Thurs., Nov. 22</b>		<b>City Hall closed — Thanksgiving Day</b>
<b>Fri., Nov. 23</b>		<b>City Hall closed — Thanksgiving Holiday</b>
Mon., Nov. 26	6:00 p.m.	Study Session, Community Room
Mon., Dec. 3	6:00 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers
Tues. Dec. 4	7:00 p.m.	Planning and Zoning Commission, City Council Conference Room
Wed., Dec. 5	4:00 p.m.	Englewood Housing Authority Board Meeting, Housing Authority Board Room
	5:45 p.m.	Cultural Arts Commission, City Council Conference Room
	7:00 p.m.	Local Liquor and Medical Marijuana Licensing Authority, City Council Chambers
Mon., Dec. 10	6:00 p.m.	Study Session, Community Room
Tues. Dec. 11	<b>Canceled</b>	Water and Sewer Board, Community Development Conference Room
	6:30 p.m.	Keep Englewood Beautiful Meeting, Council Conference Room
	7:00 p.m.	Library Board, Library Board Room
Wed. Dec 12	6:30 p.m.	Urban Renewal Authority, Community Development Conference Room
	7:00 p.m.	Board of Adjustment and Appeals, Council Chambers
Thurs. Dec. 13	11:30 a.m.	Alliance for Commerce in Englewood Committee, City Council Conference Room

	5:30 p.m.	Parks and Recreation Commission, Service Center
Mon., Dec. 17	7:30 p.m.	Council Meeting, Council Chambers
Tues. Dec. 18	7:00 p.m.	Planning and Zoning Commission, City Council Chambers/City Council Conference Room
Wed., Dec. 19	7:00 p.m.	Local Liquor and Medical Marijuana Licensing Authority, City Council Chambers
<b>Mon., Dec. 24</b>		<b>City Hall closed — Christmas Eve</b>
<b>Tues., Dec. 25</b>		<b>City Hall closed — Christmas Day</b>
<b>Mon., Dec. 31</b>		<b>City Hall closed — New Year's Eve</b>
<b>Tues., Jan. 1</b>		<b>City Hall closed — New Year's Day</b>
Wed., Jan. 2	4:00 p.m.	Englewood Housing Authority Board Meeting, Housing Authority Board Room
	5:45 p.m.	Cultural Arts Commission, City Council Conference Room
	7:00 p.m.	Local Liquor and Medical Marijuana Licensing Authority, City Council Chambers
Mon., Jan. 7	6:00 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers
Tues., Jan. 8	5:00 p.m.	Water and Sewer Board, Comm. Dev. Conference Room
	6:30 p.m.	Keep Englewood Beautiful, Council Conference Room
	7:00 p.m.	Planning and Zoning, City Council Conf. Room/Council Chambers
Wed., Jan 9	7:00 p.m.	Board of Adjustment and Appeals, Council Chambers
	6:30 p.m.	Englewood Urban Renewal Authority, Community Development Conference Room
Thurs., Jan 10	11:30 a.m.	Alliance for Commerce, City Council Conference Room
	5:30 p.m.	Parks and Recreation Commission, City Council Conference Room
	6:30 p.m.	Transportation Advisory Board, Public Works Conference Room
Mon., Jan. 14	6:00 p.m.	Study Session, City Council Conference Room

**TENTATIVE**

**STUDY SESSIONS TOPICS  
FOR ENGLEWOOD CITY COUNCIL**



November 26	Study Session Holiday Tree Lighting @ 5:30 p.m. in Piazza Board/Commission Reappointment Discussion Board and Commission Reports
December 3	Study Session & Regular Meeting Englewood Academy Motel Regulations
December 10	Study Session ESCI Fire Study Presentation to Englewood & Littleton Councils
December 17	Study Session & Regular Meeting Holiday Dinner – No Study Session Scheduled
December 24	No meeting scheduled
December 31	No meeting scheduled
January 7	Study Session & Regular Meeting Executive Session – Negotiations/Real Estate (Flood) Fire Training Facility/Stormwater Regulations South Metro Denver Chamber of Commerce - tentative
January 14	Study Session Board and Commission Interviews
January 22	Study Session & Regular Meeting – Tuesday Alliance for Commerce in Englewood Committee – tentative Financial Report Citizen of the Year Selection Board and Commission Reports
January 28	Study Session Executive Session - Personnel

February 4	Study Session & Regular Meeting Executive Session – Negotiations (Xcel) Board and Commission Appreciation event discussion Mill Levy
February 11	Study Session Legislators – Colorado and Federal
February 19	Study Session & Regular Meeting - Tuesday RTD Representative Arapahoe County Commissioners Financial Report
February 25	Study Session Board and Commission Reports
March 4	Study Session & Regular Meeting
March 11	Study Session NLC Conference – Washington D. C.
March 18	Study Session & Regular Meeting Financial Report
March 25	Study Session

### **FUTURE STUDY SESSION TOPICS**

Citizens Budget Committee  
Comprehensive Plan Update (October)  
    Neighborhood Preservation  
Water Conservation Plan (October)  
Citizen Engagement/Mindmixer  
City of Englewood/Xcel Energy Residential and Small  
    Business Energy Efficiency Outreach  
Public Comment Process

**City of Englewood**  
**PARKS AND RECREATION COMMISSION**  
**Minutes of October 11, 2012**

**I. Call to Order**

The regular monthly meeting of the Englewood Parks and Recreation Commission was called to order at 5:30 p.m. by Chairperson Gomes at the Malley Recreation Center, 3380 S. Lincoln Street.

**Present:** Austin Gomes, Chairperson  
Mitch Waldman, Vice Chairperson  
Mark Husbands, Commission Member  
Duane Tucker, Englewood Schools Liaison  
Donna Schnitzer, Cultural Arts Commission Liaison  
Jerrell Black, Ex-Officio

**Absent:** Douglas Garrett, Commission Member  
Karen Miller, Commission Member  
Bob McCaslin, City Council Liaison

**Also Present:** Dave Lee, Manager of Open Space  
Joe Sack, Recreation Manager  
Bob Spada, Golf Manager  
Joyce Musgrove, Recreation Program and Facility Supervisor

**II. Approval of Minutes**

**Chairperson Gomes asked if there were any changes or corrections to the minutes of September 13, 2012. Director Black noted that the location of the meeting was incorrect and should read the Englewood Recreation Center. The minutes were approved as amended.**

**III. Scheduled Public Comment**

There were no scheduled guests.

**IV. Unscheduled Public Comment**

There were no unscheduled guests.

**V. Park Signage**

Dave Lee, Manager of Open Space, told the Board that in 2002, new park signage information was brought to the Board for its review and approval. Lee distributed to the board members four examples of park signage that was shown to the Board in 2002. Lee noted that the Board chose option #2. Lee went on to explain that he wanted to bring forth discussion on the signage again because of wanting new signage at Duncan Park when it is developed.

Englewood Schools Liaison Duane Tucker asked if there were any other reasons besides aesthetics that Design #2 was chosen. Lee replied no, explaining that the current signage is very outdated, dating back to the 1970's. Lee stated that in

2002, the City had decided to move forward with new signage for the four entry points into Englewood but then the economy changed and it was put on the back burner. Black explained that Community Development had contracted with Tacitio Design to look at signage for the entry points into Englewood so the Department decided to partner with Community Development and have Tacitio Design come up with some designs for park signage. Black reported that the Department spent approximately \$15,000 for the conceptual designs. Discussion followed.

Gomes asked where the new signage would be placed. Lee stated that the new signs would go where the existing park signs are with additional smaller scale signs going in at the secondary entries. Board members were told that the price listed on the information they received is 2002 dollars. Lee told the Board that the purchase of the new signage would be spread out, and not done all at once. Black explained to the Board that they wanted to have the Board look at the signage now so when they start developing Duncan Park, things will be in place. Discussion followed. The question was asked in regard to damage and vandalism to the signs. Black stated that the Department wants to make sure that part replacement is key and anything that is damaged or vandalized can be fixed or replaced.

Discussion followed in regard to board members choice for signage. Design #2 was the Board's preference.

**A motion was made by Vice Chairperson Waldman and seconded by Commission Member Husband recommending that design option 2 be pursued for park signage for the City of Englewood parks.**

**Ayes: Gomes, Waldman, Husband, Schnitzer, Tucker  
Nays: None  
Motion passed.**

#### **VI. 2013 Budget**

Discussion turned to an update on the 2013 budget. Black stated that the 2013 budget will be going to second reading at Monday night's City Council meeting. Board members were told that Council had requested a two percent reduction in 2012 budgets with another two percent reduction going into 2013. Black explained that for Parks and Recreation, the reduction meant the elimination of a full-time Program Administrator position. Black reported that City Council is now requesting another one percent reduction going into 2013. Board members were told that the additional one percent reduction will mean the elimination of the Youth Program Administrator in addition to all youth programs, impacting approximately 7,000 participants. Black reported that at Monday night's City Council work session, Council decided to accept the budget as is without the additional one percent reduction and look at it again in February after holiday sales. Black noted that Council will vote Monday night as part of the second reading. Black told the Board that he needs to iterate that the budget cuts are way beyond a little here and a little there, that it is now into personnel and program cuts.

#### **VII. Recreation Update**

Recreation Manager Joe Sack gave an update on Department events. In regard to the Freedom Service Dog's Festival of the Bastardino that was held on Saturday, September 8<sup>th</sup> in Belleview Park and Pirates Cove, Sack reported that they have recently met with staff from Freedom Service Dogs for a debriefing. Sack passed

on Freedom Service Dogs staff's appreciation for allowing them to use the City's facilities. In regard to attendance at the event, board members were told that 650 dogs participated in Pirates Cove's Doggie Plunge and an estimated 1500 people attended the event in the park. Sack stated that Freedom Service Dogs is looking at ways to make next year's event even bigger. Board members were also told that a representative from Freedom Service Dogs will be attending Monday night's City Council meeting to pass along the organization's appreciation in using the City's facilities.

Sack reported that he and Joanne Gould from South Suburban Parks and Recreation District are working on a partnership with shared facilities for youth programs. Sack explained that each of their youth summer camps have used the other's facilities such as South Suburban using Pirates Cove and the City of Englewood using South Suburban's batting cages, miniature golf and Family Sports Center. Sack stated that they will be meeting next week to discuss numbers.

Board members were invited to the Department's Halloween Carnival on Saturday, October 27<sup>th</sup> from 5-8:30pm. Sack discussed changes to this year's carnival and noted that they are still looking for volunteers if anyone is interested.

#### **VIII. Centennial Park Cyclo-Cross Race**

Lee informed the Board that the City of Englewood has been approached by two gentlemen from Denver's cycling industry in regard to holding a cyclo-cross race in Belleview or Centennial Park. Lee said that originally he had said no to the Belleview request but after further thought, decided that they could give it a try at Centennial Park. Lee reported that the event is scheduled for Thanksgiving Day and will consist of three heats, the first one beginning at 8:00am. A map of the course was distributed to board members. Lee discussed the course layout and said that he has gone out with the gentlemen to walk the course. Lee reported that the course will go through native, non-irrigated areas, the trail and the parking lot. Lee noted that the course is one and a half miles that will be repeated four times for a total of six miles. Lee stated that they are expecting about 100 to 150 participants. The Board was told that the organization is being charged a special event fee in addition to a damage deposit and labor charges for park staff that day. Lee stated that event sponsors have been told that they cannot close the park or the trail but added that he does not feel there will be a problem due to the race being held on Thanksgiving morning. Discussion followed regarding cyclo-cross racing. Board members were also told that the organization is required to return the park back to pre-race condition. Lee stated that the request goes to the City's "Development Review Team" that includes representatives from Community Development, Police, Fire and Public Works who review the request, ask questions and give its approval. Lee explained that the organization will be bringing in medics, trash cans and port-a-potties.

#### **IX. Cultural Arts Commission Update**

Cultural Arts Commission Liaison Donna Schnitzer reported that at the October 3<sup>rd</sup> Cultural Arts Commission meeting, the Board had selected artwork for the 2013 Student Art Calendar and the Top 50 Reception for the artists will be held on Wednesday, October 24<sup>th</sup>. Schnitzer also reported that the Museum of Outdoor Arts has started a new internet radio show and the second concert in Englewood Arts 2012-2013 Classic Concern Series will be Saturday, October 20<sup>th</sup>.

**X. Director's Choice**

Black informed the Board that the Department currently has two vacant positions that they are accepting applications for: the Englewood Recreation Center Program/Facility Supervisor and a Parks Horticulture Technician.

**XI. Commission Member's Choice**

Waldman commented on the condition of a couple of fairways at the golf course this past weekend. Bob Spada, Golf Manager and Lee both replied that they would look into it.

Tucker stated that all of the demolition at the high school has been completed and a small ground breaking ceremony was held at the new campus.

Spada announced that at the recent Colorado Parks and Recreation Association's fall banquet, Broken Tee Golf Course received the Columbine Award for its Jr. Golf program. Board members were told that the Columbine Award is the most prestigious award that the State presents.

Joyce Musgrove, Recreation Program/Facility Supervisor for the Malley Recreation Center, updated the Board on things that are happening at the Malley Center. Musgrove reported that new lunch room tables were recently purchased and the Department's Art Show is winding down. In regard to the Malley Center's extended hours that were put into place last year, Musgrove told the Board that the numbers show that there are 1,325 more people using the extended hours this last month compared to last year at this time. Musgrove explained to the Board that half of the funding for the program is coming from the Malley Trust Fund.

Board members were told that the Holiday Bazaar will be on Saturday, November 3<sup>rd</sup> from 9am to 4pm and Breakfast with Santa will be on Saturday, December 8<sup>th</sup> with the first breakfast being served at 8:00am and the second breakfast being served at 9:30am.

**XII. Adjournment**

The meeting was adjourned at 6:18pm.

/s/ D. Severa  
Recording Secretary