

Local Licensing Authority Agenda

**January 23, 2023
CITY COUNCIL CHAMBERS
749 Main Street
6:30 pm**

Members of the public are welcome to attend and give comments remotely. However, the in-person meeting may continue even if technology issues prevent remote participation.

- You can call in to +1 (719) 359-4580
Webinar ID: 825 6406 7379
- You can log in via your computer. Please visit the City's website to link to the meeting:
www.louisvilleco.gov/lla

The Local Licensing Authority will accommodate public comments during the meeting. Anyone may also email comments to the Local Licensing Authority prior to the meeting at gkline@louisvilleco.gov

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF AGENDA**
- 4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA AND ITEMS ON THE CONSENT AGENDA**
- 5. ACTION ON MINUTES**
 - A. Minutes for the November 28, 2022 meeting.
- 6. CONSENT AGENDA**

The following items on the Local Licensing Authority Agenda are considered routine by the Authority and the Consent Agenda as a whole shall be approved not as individual items, accepted, etc. by motion of the Authority and roll call vote unless the Local Licensing Authority or Authority Member specifically requests such item be considered under "Authority Business". In such an event the item shall be removed from the

Persons planning to attend the meeting who need sign language interpretation, translation services, assisted listening systems, Braille, taped material, or special transportation, should contact the City Clerk's Office at 303-335-4536 / 303-335-4574 or clerksoffice@louisvilleco.gov. A forty-eight (48) hour notice is requested.

Si requiere una copia en español de esta publicación o necesita un intérprete durante la reunión, por favor llame a la Ciudad al 303-335-4536 o 303-335-4574 o email clerksoffice@louisvilleco.gov

“Consent Agenda” and Authority action taken separately on said item in the order appearing on the Agenda. Those items so approved under the heading “Consent Agenda” will appear in the Authority minutes in their proper order.

- A. Renewal Application – Isidro Gonzalez, Inc. d/b/a Old Santa Fe Mexican Grill – Hotel & Restaurant Liquor License – 895 S McCaslin Blvd.
- B. Renewal Application – Tao Asian, Inc. d/b/a Bao Asian Fusion & Sushi – Hotel & Restaurant Liquor License – 594 S McCaslin Blvd.
- C. Renewal Application – BCT, LLC d/b/a Bob’s Sandwich Shop – Hotel & Restaurant Liquor License – 820 Main St., #100
- D. Renewal Application - Phuket, LLC d/b/a Phuket – Hotel & Restaurant Liquor License – 1156 W Dillon Rd., #4
- E. Report of Changes: Permanent Modification of Premises – Dillon Companies, LLC d/b/a King Soopers #13 – Fermented Malt Beverage Off-Premises Liquor License (*soon to be Fermented Malt Beverage/Wine Off-Premises Liquor License*) – 1375 S Boulder Rd
- F. Renewal Application – Silverpeak, Corp. d/b/a The Dab by Silverpeak – Retail Marijuana License – 972 W Dillon Rd., Unit B

7. AUTHORITY BUSINESS

- A. Election of Officers
- B. Meeting Posting Places and Schedule for 2023
- C. 2022 Annual Report
- D. Tastings Application / Process

8. POLICE DEPARTMENT REPORT

9. SECRETARY’S REPORT

- A. 2023 Open Government Pamphlet (provided to each member in their packet).
- B. Proposition 122 – Access to Natural Psychedelic Substances (aka “Mushrooms”)

10. AUTHORITY ATTORNEY’S REPORT

11. AUTHORITY COMMENTS

12. DISCUSSION ITEMS FOR NEXT MEETING – February 27, 2023 at 6:30pm

13. ADJORNMENT

Local Licensing Authority

Meeting Minutes

**November 28, 2022
ELECTRONIC MEETING
6:30 pm**

1. **Call to Order** – Vice-Chairperson Lipton called the meeting to order at 6:30 PM.
2. **Roll Call** was taken and the following members were present:

Authority Members Present: Elizabeth Kaufman
Marguerite Lipton
Matthew Machado (arrived late)
Nancy Newell
Michael Crowe

Authority Members Absent: John Carlson

Staff Members Present: Genny Kline, Deputy City Clerk
Melinda Culley, City Attorney

3. **Approval of Agenda**

Lipton called for any changes to the agenda. Seeing none, Kaufman moved to approve; Newell seconded. All in favor.

4. **Public Comments on Items Not on the Agenda**

None.

5. **Action on Minutes**

Lipton asked if there were any changes to the October 24, 2022 meeting minutes. Seeing none, Kaufman made a motion to approve the minutes; Crowe seconded. All in favor

6. **Consent Agenda**

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

City of Louisville

City Clerk's Office 749 Main Street Louisville CO 80027
303.335.4574 (phone) 303.335.4550 (fax) www.louisvilleco.gov

- A. Renewal Application – Spice China II, Inc. d/b/a Ginza Sushi-Hibachi – Hotel & Restaurant Liquor License – 269 McCaslin Blvd.
- B. Renewal Application – Eat, Drink, LLC d/b/a The Empire Lounge and Restaurant – Hotel & Restaurant Liquor License – 816 Main Street
- C. Renewal Application – Well Balfour Tenant, LLC d/b/a The Lodge at Balfour – Lodging & Entertainment Liquor License – 1331 E Hecla Drive
- D. Renewal Application – Well Balfour Tenant, LLC d/b/a The Residences at Balfour – Lodging & Entertainment Liquor License – 1336 E Hecla Drive

Lipton called for any changes to the consent agenda. Seeing none, Newell moved the consent agenda be approved; Kaufman seconded. All in favor.

7. Authority Business

- A. Discussion / Direction – State Ballot Measures regarding liquor

The board held a brief discussion on the impact of the ballot measure that passed allowing establishments (grocery stores and convenience stores) to sell wine in addition to Fermented Malt Beverage Off-Premises.

The Secretary informed the Authority that the state will automatically convert all impacted licenses and there will be no action required by the Authority.

The legislation also allows tastings to be conducted starting in March 2023. The Authority asked the Secretary to include the application and process for tastings to be included in the January 23, 2023 agenda for review and discussion.

8. Police Department Report

NONE

9. Secretary's Report

NONE

10. Authority Attorney's Report

NONE

11. Authority Comments

NONE

12. Discussion Items for Next Meeting – January 23, 2023 at 6:30 pm

NONE

13. Adjournment

Seeing no other business, Lipton moved to adjourn the meeting and Kaufman seconded. The meeting adjourned at 6:42 PM.

SUBJECT: RENEWAL APPLICATION
HOTEL & RESTAURANT LICENSE
ISIDRO GONZALEZ, INC d/b/a OLD SANTA FE MEXICAN GRILL
592 S MCCASLIN BLVD

DATE: JANUARY 23, 2023

PRESENTED BY: GENNY KLINE, AUTHORITY SECRETARY

SUMMARY:

YES NO

✓		The premises is either owned by the applicant or a copy of the current lease is on file with the City Clerk's Office
	✓	Employees attended liquor training in the past year If yes, the number of employees_____
	✓	Incidents over the past year that required the filing of a police report
✓		City of Louisville sales tax account is current

RECOMMENDATION:

APPROVE THE APPLICATION

SUBJECT: RENEWAL APPLICATION
HOTEL & RESTAURANT LICENSE
TAO ASIAN, INC d/b/a BAO ASIAN FUSION & SUSHI
594 S MCCASLIN BLVD

DATE: JANUARY 23, 2023

PRESENTED BY: GENNY KLINE, AUTHORITY SECRETARY

SUMMARY:

YES NO

✓		The premises is either owned by the applicant or a copy of the current lease is on file with the City Clerk's Office
	✓	Employees attended liquor training in the past year If yes, the number of employees_____
	✓	Incidents over the past year that required the filing of a police report
✓		City of Louisville sales tax account is current

RECOMMENDATION:

APPROVE THE APPLICATION

SUBJECT: RENEWAL APPLICATION
HOTEL & RESTAURANT LICENSE
BCT, LLC d/b/a BOB'S SANDWICH SHOP
820 MAIN STREET, #100

DATE: JANUARY 23, 2023

PRESENTED BY: GENNY KLINE, AUTHORITY SECRETARY

SUMMARY:

YES NO

✓		The premises is either owned by the applicant or a copy of the current lease is on file with the City Clerk's Office
	✓	Employees attended liquor training in the past year If yes, the number of employees_____
	✓	Incidents over the past year that required the filing of a police report
✓		City of Louisville sales tax account is current

RECOMMENDATION:

APPROVE THE APPLICATION

SUBJECT: RENEWAL APPLICATION
HOTEL & RESTAURANT LICENSE
PHUKET, LLC d/b/a PHUKET
1156 W DILLON RD, #4

DATE: JANUARY 23, 2023

PRESENTED BY: GENNY KLINE, AUTHORITY SECRETARY

SUMMARY:

YES NO

✓		The premises is either owned by the applicant or a copy of the current lease is on file with the City Clerk's Office
	✓	Employees attended liquor training in the past year If yes, the number of employees_____
	✓	Incidents over the past year that required the filing of a police report
✓		City of Louisville sales tax account is current

RECOMMENDATION:

APPROVE THE APPLICATION

SUBJECT: NEW APPLICATION
 MODIFICATION OF PREMISES - PERMANENT
 DILLON COMPANIES, LLC d/b/a KING SOOPERS #13
 1375 S BOULDER ROAD

DATE: JANUARY 23, 2023

PRESENTED BY: GENNY KLINE, AUTHORITY SECRETARY

SUMMARY:

YES NO

✓		The premises is either owned by the applicant or a copy of the current lease is on file with the City Clerk's Office
		Employees attended liquor training in the past year If yes, the number of employees_____
		Incidents over the past year that required the filing of a police report
		City of Louisville sales tax account is current

RECOMMENDATION:

APPROVE THE APPLICATION

The application is to increase the current liquor display area by 12 feet and to add an additional 88 feet of liquor display area on the other side of the store.

SUBJECT: RENEWAL APPLICATION
 MARIJUANA RETAIL STORE LICENSE
 SILVERPEAK, CORP. d/b/a THE DAB BY SILVERPEAK
 972 W DILLON ROAD, UNIT B

DATE: JANUARY 23, 2023

PRESENTED BY: GENNY KLINE, AUTHORITY SECRETARY

SUMMARY:

YES NO

✓		The premises is either owned by the applicant or a copy of the current lease is on file with the City Clerk's Office
		Employees attended liquor training in the past year If yes, the number of employees_____
	✓	Incidents over the past year that required the filing of a police report
✓		City of Louisville sales tax account is current

RECOMMENDATION:

APPROVE THE APPLICATION WITH CONDITIONS

Approve the application contingent on State Approval.

SUBJECT: ELECTION OF OFFICERS

DATE: JANUARY 23, 2023

PRESENTED BY: GENNY KLINE, AUTHORITY SECRETARY

SUMMARY:

The Local Licensing Authority Bylaws (Article III, Section 5) requires the election of officers (Chair and Vice-Chair) to be conducted during the first meeting of each year. Those elected will serve for one-year terms.

Past Officers

Year	Chair	Vice-Chair
2022	John Carlson	Marguerite Lipton
2021	Elizabeth Kaufman	Nancy Newell
2020	John Carlson	Elizabeth Kaufman
2019	Matt Machado	Bart Watson
2018	John Carlson	Matt Machado
2017	Marguerite Lipton	John Carlson

RECOMMENDATION:

Authority members are to nominate and elect officers for the 2023 calendar year.

**SUBJECT: POSTING PLACES FOR AGENDAS
SCHEDULE OF 2023 LLA MEETINGS**

DATE: JANUARY 23, 2023

PRESENTED BY: GENNY KLINE, AUTHORITY SECRETARY

SUMMARY:

1. The Authority must consider / approve posting locations for all Local Licensing Authority Agendas for public availability / review.

Currently the postings occur in the following locations:

- City Hall – 749 Main Street
- Louisville Public Library
- Louisville Police Department / Court Building
- Louisville Recreation Center
- Website – www.LouisvilleCO.gov

2. The Authority must also approve the meeting schedule for 2023. Attached is a calendar with all prospective meeting dates highlighted in yellow. The December meeting (in red) conflicts with a City Holiday Closure. The Authority may elect to either move or proactively cancel the December meeting, with the stipulation that the December meeting may be called on a different date if the necessity arises.

RECOMMENDATION:

Approve the above locations for posting of 2023 Local Licensing Authority Agendas.

Approve the meeting schedule as presented or amend as determined by the Authority.

2023

JANUARY

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31	1	2	3	4
5	6	7	8	9	10	11

FEBRUARY

Su	Mo	Tu	We	Th	Fr	Sa
29	30	31	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	1	2	3	4
5	6	7	8	9	10	11

MARCH

Su	Mo	Tu	We	Th	Fr	Sa
26	27	28	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	1
2	3	4	5	6	7	8

APRIL

Su	Mo	Tu	We	Th	Fr	Sa
26	27	28	29	30	31	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	1	2	3	4	5	6

MAY

Su	Mo	Tu	We	Th	Fr	Sa
30	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	1	2	3
4	5	6	7	8	9	10

JUNE

Su	Mo	Tu	We	Th	Fr	Sa
28	29	30	31	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	1
2	3	4	5	6	7	8

JULY

Su	Mo	Tu	We	Th	Fr	Sa
25	26	27	28	29	30	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1	2	3	4	5

AUGUST

Su	Mo	Tu	We	Th	Fr	Sa
30	31	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31	1	2
3	4	5	6	7	8	9

SEPTEMBER

Su	Mo	Tu	We	Th	Fr	Sa
27	28	29	30	31	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
1	2	3	4	5	6	7

OCTOBER

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31	1	2	3	4
5	6	7	8	9	10	11

NOVEMBER

Su	Mo	Tu	We	Th	Fr	Sa
29	30	31	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	1	2
3	4	5	6	7	8	9

DECEMBER

Su	Mo	Tu	We	Th	Fr	Sa
26	27	28	29	30	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31	1	2	3	4	5	6

SUBJECT: 2022 ANNUAL REPORT

DATE: JANUARY 23, 2023

PRESENTED BY: GENNY KLINE, AUTHORITY SECRETARY

SUMMARY:

Per Louisville Municipal Code § 5.08.100 (D) “the Authority shall file a report with the City Council setting forth the number of applications for licenses acted upon, the number of licenses granted and the number denied, and any other actions taken by the Authority during the past year.”

Attached is a draft of the 2022 Annual Report.

RECOMMENDATION:

Review the 2022 Annual Report and either approve or amend.

Local Licensing Authority 2022 Annual Report

The Louisville Local Licensing Authority experienced a relatively quiet year in 2022. The high level of compliance can be attributed to state and local licensing laws, as well as responsible licensees, patrons, the Louisville Police Department and city administration. The city has established good working relationships with licensees and assists them in avoiding actual or potential non-compliance.

Unfortunately, due to staffing issues and the lingering effects of the Marshall Fire, the Louisville Police Department was not able to reestablish their practice of providing in person server training to local licensees.

The Authority would like to recognize its appreciation of the Louisville Police Department for their time and commitment to the Authority and the community.

We would also like to acknowledge Melinda Culley, Kelly P.C., Attorney for the Authority for her advice and counsel during 2022.

The Authority is fortunate to have the services of dedicated professionals and board members. In 2023 we look forward to continuing our efforts to maintain and improve licensing, outreach and enforcement efforts.

Insert Name

Chair

Local Licensing Authority

MEMBERS OF THE AUTHORITY 2022

John Carlson – Chair

Marguerite Lipton – Vice Chair

Elizabeth Kaufman

Matthew Machado

Nancy Newell

Mike Crowe - Associate Member Position

Attorney to the Authority

Melinda Culley, Kelly P.C.

Secretary to the Authority

Genny Kline, Deputy City Clerk

Police Department Representative

Sergeant Ben Redard

ACTION ITEMS

The Authority held 10 regularly scheduled meetings in 2022. **The January meeting was canceled due to the Marshall Fire.*

The Authority took the following actions in 2022:

- Renewal of Established Liquor Licenses – 58
- Approval of New Liquor Licenses – 4
- Transfer of Ownership for Liquor License – 2
- Special Event Liquor Licenses – 13
- Renewal of Established Marijuana Licenses – 6
- Surrender of Liquor License – 2 (Rotary and Qdoba)
- Tasting Permits Issued – 1

The City of Louisville lost one licensee as a result of the Marshall Fire. The Rotary, which had just obtained its liquor license two days prior to the fire, sustained heavy damage and decided to surrender the license.

While Council approved the creation of a Festival Permit and associated fee in 2021, no Festival Permits were applied for or granted in 2022.

Again this year, the Authority worked with 12 downtown restaurants to provide alcohol service on street patios and parklets starting in April through early November.

The Authority reviewed suspected violations by licensees but all instances were resolved without additional action being required. No violations were reported to the Authority by the Louisville Police Department.

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

Approved by the Louisville Local Licensing Authority this 23rd day of January 2023.

Insert Name

Chairperson

Local Licensing Authority

ATTEST:

Genny Kline

Deputy City Clerk

SUBJECT: REVIEW OF TASTINGS APPLICATION / PROCEDURES

DATE: JANUARY 23, 2023

PRESENTED BY: GENNY KLINE, AUTHORITY SECRETARY

SUMMARY:

With the passage of Proposition 125, current Fermented Malt Beverage (Off-premises) Liquor License holders will convert to Fermented Malt Beverage and Wine Retailer Liquor License. This new license, effective March 1, 2023, will allow these licensees to conduct tastings.

Per the Authority’s request, the local tasting application and process are submitted for review, discussion and direction of any adjustments that are needed or wanted by the Authority.

RECOMMENDATION:

The following are recommendations by City Attorney Melinda Culley:

- § 5.08.075 of the Louisville Municipal Code authorizes tastings at retail liquor stores only. The Authority will need to ask City Council to amend the Code to apply to grocery stores, convenience stores and liquor-licensed drugstores.
- Currently the City’s regulations for Tastings are stricter than the State regulations (which is allowed). The Authority should consider if they want to maintain the City’s regulations or change to mirror the State.

Regulation	City	State
Tasting Hours	Between 11am and 7pm only	Between 11am and 9pm only
Limit of Days per Year	A limit of 104 per year and no more than four of the six days from Monday to Saturday	No more than 156 per year.



Tastings Permit Application

This application is for Retail Liquor Store Tastings. If approved, a Tasting Permit will be issued to the Retail Liquor Store which shall be displayed in plain sight along with the State and Local liquor licenses.

Applicant Information		
Licensee Name		
Trade Name or D/B/A Name		
Liquor License Number	Business Phone Number	Email Address
Premises Address		
City Louisville	State CO	Zip Code 80027
Mailing Address		
City	State	Zip Code
<p>Applicant Checklist:</p> <p><input type="checkbox"/> Completed Tasting Permit Application – including signed acknowledgement of Louisville Tasting Limitations.</p> <p><input type="checkbox"/> Permit Application Fee of \$50.00 made payable to the City of Louisville.</p> <p><input type="checkbox"/> Attach a written Control Plan establishing how the tastings will be conducted without violating Colorado statutes and Louisville Municipal Code.</p> <p><input type="checkbox"/> Attach a listing of the name(s) of the owner(s) and employees that have attending Server Training, the date of training and a copy of the certification received for each individual.</p> <p><u>It is the licensee's responsibility to ensure that all future employees complete server training.</u></p>		
Certification of Applicant		
I hereby certify that the information on this application and all attachments are true, correct and complete to the best of my knowledge. I certify that it is my responsibility to ensure that all future employees complete Server Training. I certify that it is my responsibility and the responsibility of my agents and employees to comply with all applicable laws, including applicable provisions of the Louisville Municipal Code and Colorado State Statutes.		
Authorized Signature		
Title	Date	
Report & Approval of City Licensing Authority		
The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such permit, if granted, will comply with the provisions of Title 44 C.R.S and Liquor Rules. Therefore this application is approved.		
Local Licensing Authority -- City of Louisville		
Signature	Title	Date
Signature	Title	Date

TASTING LIMITATIONS

The following limitations for Tastings can be found in the Louisville Municipal Code § 5.08.075.

1. Tastings shall be conducted only by a person who has completed a server training program that meets the standards established by the Liquor Enforcement Division of the Colorado Department of Revenue and who is a retail liquor store licensee, or an employee of a licensee, and only on the licensee's premises.
2. The alcohol used in tastings shall be purchased through a licensed wholesaler, licensed brew pub, licensed distillery pub or winery licensed pursuant to section 44-3-403, C.R.S. at a cost that is not less than the laid in cost of such alcohol. Such suppliers shall have licenses from the city to the extent required by this section and section 44-3-301, C.R.S.
3. The size of an individual alcohol sample shall not exceed one ounce of malt or vinous liquor or one-half of one ounce of spirituous liquor.
4. Tastings shall not exceed a total of five hours in duration per day, which need not be consecutive.
5. Tastings shall only be conducted during the operating hours in which the licensee on whose premises the tastings occur is permitted to sell alcohol beverages, and in no case earlier than 11:00 a.m. or later than 7:00 p.m.
6. The licensee shall prohibit patrons from leaving the licensed premises with an unconsumed sample.
7. The licensee shall promptly remove all open and unconsumed alcohol beverage samples from the licensed premises or shall destroy samples immediate following the completion of the tasting.
8. The licensee shall not serve a person who is under 21 years of age or who is visibly intoxicated.
9. The licensee shall not serve more than four individual samples to a patron during a tasting.
10. Alcohol samples shall be in open containers and shall be provided to the patron free of charge.
11. Tastings may occur on no more than four of the six days from a Monday to the following Saturday, not to exceed 104 days per year. **A log of all tastings shall be kept and available for inspection at all times.
12. No manufacturer of spirituous or vinous liquors shall induce a licensee through free goods or financial or in-kind assistance to favor the manufacturer's products being sampled at the tasting. The licensee shall bear the financial and all other responsibility for a tasting.
13. The applicant for a tastings permit shall certify on the application that all persons serving alcohol at tastings have completed a server training program that meets the standards established by the Liquor Enforcement Division of the Colorado Department of Revenue.

I have read and acknowledge the above Tasting Limitations.

I acknowledge that a violation of a limitation specified above by the retail liquor store licensee, the licensee's employees or agents shall be the responsibility of the retail liquor store licensee who is conducting the tasting.

I acknowledge that conducting a tasting subjects the licensee to the same revocation, suspension and enforcement provisions as otherwise apply to the licensee and are imposed by the local licensing authority.

I acknowledge that the local licensing authority shall conduct a hearing with regard to any violations of Louisville Municipal Code, the authority's bylaws and rules of procedure and section 44-3-601 C.R.S

Applicant Signature

Date

Applicant Printed Name



Open Government & Ethics Pamphlet 2023

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Louisville CO 80027
ClerksOffice@LouisvilleCO.gov
303.335.4536*

 **City of
Louisville**
COLORADO • SINCE 1878

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Citizen Participation in Government

The City of Louisville encourages citizen involvement and participation in its public policy process. There are many opportunities for citizens to be informed about and participate in City activities and decisions. All meetings of City Council, and of appointed Boards and Commissions, are open to the public and include an opportunity for public comments. No action or substantive discussion on an item may take place unless that item has been specifically listed as an agenda item for a regular or special meeting. Some opportunities for you to participate include:

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

City Council Meetings:

- Regular meetings are generally held the first and third Tuesdays of each month at 6:00 PM in the City Council Chambers, located on the second floor of City Hall, 749 Main Street;
- Study sessions are generally held the second and fourth Tuesdays of each month at 6:00 PM in the Library Meeting Room, located on the first floor of the Library, 951 Spruce Street;
- Regular meetings include a remote participation option via Zoom, are broadcast live on Comcast Channel 8, and are available on demand on the City's website;
- Special meetings may be held occasionally on specific topics. Agendas are posted a minimum of 48 hours prior to the meeting.

Meeting Agendas for City Council meetings, other than special meetings, are posted a minimum of 72 hours prior to the meeting at the following locations:

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

Meeting packets with all agenda-related materials for regular meetings are available 72 hours prior to each meeting and may be found at these locations:

- Louisville Public Library Reference Area,
- 951 Spruce Street,
- City Clerk's Office, City Hall, 749 Main Street,
- City website at www.LouisvilleCO.gov

You may receive eNotifications of City Council news as well as meeting agendas and summaries of City Council actions by registering for eNotifications on the City's web site at www.LouisvilleCO.gov.

Meeting minutes of all regular and special meetings are available in the City Clerk's office and on the City's website (www.LouisvilleCO.gov) once they are approved.

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

Communicating Directly with the Mayor and City Council Members

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

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

Mayor or City Council Elections

City Council members are elected from three Wards within the City and serve staggered four-year terms. There are two Council representatives from each ward. The mayor is elected at-large and serves a four-year term. City Council elections are held in November of odd-numbered years. For information about City elections, including running for City Council, please contact the City Clerk's Office, at ClerksOffice@LouisvilleCO.gov or 303.335.4536.

Serving as an Appointed Member on a City Board or Commission

The City Council makes Board and Commission appointments annually. Some of the City's Boards and Commissions are advisory, others have some decision-making powers. The City Council refers questions and issues to these appointed officials for input and advice. (Please note the Youth Advisory Board has a separate appointment process.)

The City's Boards and Commissions are:

- Board of Adjustment
- Building Code Board of Appeals
- Cultural Council
- Historic Preservation Commission
- Historical Commission
- Library Board of Trustees
- Local Licensing Authority
- Open Space Advisory Board
- Parks & Public Landscaping Advisory Board
- Planning Commission
- Recreation Advisory Board
- Revitalization Commission
- Sustainability Advisory Board
- Youth Advisory Board

Board information, meeting agendas, and schedules are available on the City's website (www.LouisvilleCO.gov).

Agendas for all Board and Commission meetings are posted a minimum of 72 hours prior to each meeting at these locations:

- City Hall, 749 Main Street
- Police Department/Municipal Court, 992 West Via Appia
- Recreation/Senior Center, 900 West Via Appia
- Louisville Public Library, 951 Spruce Street
- City web site at www.LouisvilleCO.gov

Copies of meeting packets containing agenda-related materials are available at least 72 hours prior to each meeting and may be found at the following locations:

- Louisville Public Library Reference Area, 951 Spruce Street;
- City Clerk's Office, City Hall, 749 Main Street
- City web site at www.LouisvilleCO.gov

Planning Commission

The Planning Commission evaluates land use proposals against zoning laws and holds public hearings as outlined in City codes. Following a public hearing, the Commission makes a recommendation of approval or denial to the City Council for all land use proposals.

- Regular Planning Commission meetings are held at 6:30 PM on the second Thursday of each month.
- Overflow meetings are scheduled for 6:30 PM on the 4th Thursday of the month as needed.
- Study Sessions are held occasionally as needed.
- Regular meetings include a remote participation option via Zoom, are broadcast live on Comcast Channel 8, and are available on demand on the City's website.

Open Government Training

All City Council members and members of a permanent Board or Commission are required to participate in at least one City-sponsored open government-related seminar, workshop, or other training program at least once every two years.

Open Meetings

The City follows the Colorado Open Meetings Law ("Sunshine Law") as well as additional open meetings requirements found in the City's Home Rule Charter. These rules and practices apply to the City Council and appointed Boards and Commissions (referred to as a "public bodies" for ease of reference). Important open meetings rules and practices include the following:

Regular Meetings

All meetings of three or more members of a public body (or a quorum, whichever is fewer) are open to the public.

All meetings of public bodies must be held in public buildings and public facilities accessible to all members of the public. Meetings may be held electronically under specific circumstances.

All meetings must be preceded by proper notice. Agendas and agenda-related materials are posted

at least 72 hours in advance of the meeting at the following locations:

- City Hall, 749 Main Street
- Police Department/Municipal Court, 992 West Via Appia
- Recreation/Senior Center, 900 West Via Appia
- Louisville Public Library, 951 Spruce Street
- On the City web site at www.LouisvilleCO.gov

Study Sessions

Study sessions are also open to the public however, study sessions have a limited purpose:

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

Executive Sessions

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

Timing and Procedures

The City Council and City Boards and Commissions may hold an executive session only at a regular or special meeting. No formal action of any type, and no informal or "straw" vote, may occur at any executive session. Rather, formal actions,

such as the adoption of a proposed policy, position, rule or other action, may only occur in open session.

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

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

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

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

Authorized Topics

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

- Matters where the information being discussed is required to be kept confidential by federal or state law;
- Certain personnel matters relating to employees directly appointed by the Council, and other personnel matters only upon request of the City Manager or Mayor for informational purposes only;
- Consideration of water rights and real property acquisitions and dispositions, but only as to appraisals and other value estimates and strategy for the acquisition or disposition; and

- Consultation with an attorney representing the City with respect to pending litigation. This includes cases that are actually filed as well as situations where the person requesting the executive session believes in good faith that a lawsuit may result, and allows for discussion of settlement strategies.

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

Ethics

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

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

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

Conflicts of Interest

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

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

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

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

The concept of an interest in a business applies to profit and nonprofit corporations, and applies in situations in which the official action would affect a business competitor. Additionally, an interest is deemed to continue for one year after the interest has ceased. Finally, "official action" for purposes of the conflict of interest rule, includes not only legislative actions, but also administrative actions and "quasi-judicial" proceedings where the entity is acting like a judge in applying rules to the specific

rights of individuals (such as a variance request or liquor license). Thus, the conflict rules apply essentially to all types of actions a member may take.

Conflicts

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

Gifts and Nepotism

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

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

Other Ethics Rules of Interest

Like state law, Louisville's Code of Ethics prohibits the use of non-public information for personal or private gain. It also prohibits acts of advantage or

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

Disclosure, Enforcement, and Advisory Opinions

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

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

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

inspection; the advisory judge may order a delay in posting if the judge determines the delay is in the City's best interest.

Citizens are encouraged to contact the City Clerk's Office with any questions about the City's Code of Ethics or to request a copy. A copy of the Code is also available at the City's website (www.LouisvilleCO.gov).

Other Laws on Citizen Participation in Government

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

Initiative and Referendum

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

Public Hearings

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

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

Public Records

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

The City Clerk is the custodian of the City's public records, except for police records which are handled by the Police Department. The City maintains a public policy on access to public records, which includes a records request form, a statement of fees, and other guidelines. No fee is charged for the inspection of records or for locating or making records available for copying, except in cases of voluminous requests or dated records, or when the

time spent in locating records exceeds two hours. No fees are charged for the first 25 copies requested or for electronic records.

Many records, particularly those related to agenda items for City Council and current Board and Commission meetings, are available directly on the City's website (www.LouisvilleCO.gov). In addition to posting agenda-related material, the City maintains a communication file (email) for the City Council which is available on the City's website (www.LouisvilleCO.gov).

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

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

Public Involvement Policy

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

Guiding Principles for Public Involvement

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

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

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

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

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

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

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

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

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

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

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

Roles and Responsibilities - City Council

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

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

Roles and Responsibilities - City Staff and Advisory Boards

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

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

All Participants

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

- working within the process in a cooperative and civil manner;
- focusing on real issues and not on furthering personal agendas;
- balancing personal concerns with the needs of the community as a whole;
- having realistic expectations;
- participating openly, honestly and constructively,
- offering ideas, suggestions and alternatives;
- listening carefully and actively considering everyone's perspectives;
- identifying their concerns and issues early in the process;
- providing their names and contact information if they want direct feedback;

- remembering that no single voice is more important than all others, and that there are diverse opinions to be considered;
- making every effort to work within the project schedule and if this is not possible, discussing this with the proponent without delay;
- recognizing that process schedules may be constrained by external factors such as limited funding, broader project schedules or legislative requirements;
- accepting some responsibility for keeping themselves aware of current issues, making others aware of project activities and soliciting their involvement and input; and
- considering that the quality of the outcome and how that outcome is achieved are both important.

Updated December 2022

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

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

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