

Local Licensing Authority

Agenda

**January 29, 2025
CITY COUNCIL CHAMBERS
749 Main Street
6:30 pm**

Please see the end of the agenda for information on public comment, remote meeting access and translation services (servicios de traduccion)

- 1. CALL TO ORDER**
- 2. INTRODUCTION OF NEW MEMBERS AND 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 18, 2024 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 "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: Dillon Companies, LLC d/b/a King Soopers #13 – Fermented Malt Beverage and Wine Liquor License – 1375 South Boulder Road
- B. Renewal Application: BCT, LLC d/b/a Bob's Sandwich Shop – Hotel & Restaurant Liquor License – 820 Main Street, # 100
- C. Renewal Application: Azul Fuego, LLC d/b/a Azul Fuego – Hotel & Restaurant Liquor License – 1006 Pine Street
- D. Renewal Application: Silverpeak Corp., d/b/a The Dab – Retail Marijuana Store License – 972 West Dillon Avenue, Suite B
- E. Renewal Application: Silverpeak Corp. d/b/a The Dab by Silverpeak – Retail Marijuana Store License – 1063 Courtesy Road

City of Louisville

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

7. AUTHORITY BUSINESS

- A. Election of Officers
- B. Meeting Schedule for 2024
- C. LLA Meeting Agenda Posting Places
- D. 2024 Annual Report
- E. Discussion / Direction – 2025 Work Plan Items
 - Licensing of Massage Parlors
 - Local Licensing Authority Bylaws
 - 1. Presentation
 - 2. Public Comments
 - 3. Authority Direction

8. POLICE DEPARTMENT REPORT

9. SECRETARY’S REPORT

- A. 2024 Open Government Pamphlet and General Board Rules of Procedure (provided to each member in their packet).
- B. Status of DJ’s Watering Hole

10. AUTHORITY ATTORNEY’S REPORT

11. AUTHORITY COMMENTS

12. DISCUSSION ITEMS FOR NEXT MEETING – February 24, 2025 at 6:30pm

- A. In person meeting – new application for Ironton Distillery

13. ADJOURNMENT

PUBLIC COMMENT & REMOTE MEETING ACCESS	TRANSLATION SERVICES / SERVICIOS de TRADUCCION
Public comment will be accommodated during the meeting. Comments may also be emailed to the board prior to the meeting at: gkline@louisvilleco.gov 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. Computer Log In: www.louisvilleco.gov/lla Call in phone number: (833) 548-0276 (toll free) Meeting ID: 899 6693 1838 Passcode: 745458	Persons planning to attend the meeting who need sign language interpretation, translation services, assisted listening systems, Braille, or taped material, 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

Local Licensing Authority

Meeting Minutes

**November 18, 2024
CITY HALL – SPRUCE ROOM
6:30 pm**

1. **Call to Order** – Kaufman 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
Mike Crowe
John Carlson
Marguerite Lipton
Matt Machado

Authority Members Absent: None

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

3. **Approval of Agenda**

Machado moved to remove item 6-B from the consent agenda and consider it under Authority business. Seconded by Crowe. All in favor.

4. **Public Comments on Items Not on the Agenda or Items on Consent**
None

5. **Action on Minutes**

Kaufman asked if there were any changes to the September 23, 2024, and October 28, 2024 meeting minutes. Seeing none, she moved to approve the meeting minutes; seconded by Carlson. All in favor.

6. **Consent Agenda**

- A. Renewal Application: Tao Asian Inc. d/b/a Bao Asian Fusion & Sushi – Hotel & Restaurant Liquor License – 594 S McCaslin Blvd.

Carlson moved the remaining item on the consent agenda be approved; Machado seconded. All in favor.

7. Authority Business

- A. *Moved to Authority Business from the Consent Agenda* - Change of Controlling Beneficial Owner: Louisville SC, LLC d/b/a Social Cannabis Dispensary – Retail Marijuana Store – 1413 Hecla Way –

Machado addressed the letter received by the Authority regarding this business. He stated the issues in the letter are not the purview of the Authority. Machado moved to approve the change; Carlson seconded. All in favor.

- B. **Public Hearing:** New Application – Relish, LLC d/b/a Relish – Entertainment Liquor License – 550 South McCaslin Blvd., Unit B

The Public Hearing was opened by Kaufman. The Secretary stated the application was complete, the premises was posted, notice published as required and no comments were received. Background checks were conducted as required. There was no reason to deny the application.

There were no authority member disclosures, and the members agreed that the boundaries of the neighborhood are the current city boundaries.

Kaufman moved the entire application be made part of the record of the hearing; Lipton seconded. All in favor.

The applicant, Jeff Youngstrom, was sworn in by the Secretary and gave testimony on the application for a new Entertainment Liquor License. Mr. Youngstrom gave a brief presentation regarding the food hall and pickleball courts covered in the application.

There were questions from the Authority regarding the areas in which alcohol would be allowed, how the liquor license works in the food hall setting, the tenants of the food stalls and what type of food they will be serving. There was also discussion of the outdoor area. The applicant stated he hoped they will be open in March 2025.

There was no additional member discussion. Carlson noted that the applicant was of good moral character, there is a desire for the license to be granted and that all City and State law requirements have been met. Based on those findings, Carlson moved that the application for a new Entertainment Liquor License be approved. The motion was seconded by Crowe. Roll call vote was unanimous for approval.

8. Police Department Report

None

9. Secretary's Report

The Secretary let the Authority know that all positions will be filled on the Authority for 2025.

10. Authority Attorney's Report

None

11. Authority Comments

None

12. Discussion Items for Next Meeting – January 27, 2025 at 6:30pm

The Secretary reminded the Authority that their first meeting in January will include the election of Chair and Vice-Chair, as well as approving the meeting dates and agenda posting locations.

13. Adjournment

Seeing no other business, Carlson moved to adjourn the meeting and Lipton seconded. The meeting adjourned at 6:58 PM.

SUBJECT: RENEWAL APPLICATION
FERMENTED MALT BEVERAGE AND WINE LIQUOR LICENSE
DILLON COMPANIES, LLD d/b/a KING SOOPERS # 13
1375 SOUTH BOULDER ROAD

DATE: JANUARY 29, 2024

PRESENTED BY: GENNY KLINE, AUTHORITY SECRETARY

SUMMARY:

Yes	No	N/A	
✓			The premises is either owned by the applicant or a copy of the current lease is on file with the City Clerk's Office
✓			Proof of Server Training for the owner or current manager is on file with the City Clerk's Office
	✓		Incidents over the past year that required the filing of a police report
	✓		Sales Tax account with the City of Louisville is current
	✓		Two Year Renewal Requested

RECOMMENDATION:

Approve the application.

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

DATE: JANUARY 29, 2024

PRESENTED BY: GENNY KLINE, AUTHORITY SECRETARY

SUMMARY:

Yes	No	N/A	
✓			The premises is either owned by the applicant or a copy of the current lease is on file with the City Clerk's Office
✓			Proof of Server Training for the owner or current manager is on file with the City Clerk's Office
	✓		Incidents over the past year that required the filing of a police report
	✓		Sales Tax account with the City of Louisville is current
	✓		Two Year Renewal Requested

RECOMMENDATION:

Approve the application.

SUBJECT: RENEWAL APPLICATION
HOTEL & RESTAURANT LIQUOR LICENSE
AZUL FUEGO, LLC d/b/a AZUL FUEGO
1006 PINE STREET

DATE: JANUARY 29, 2024

PRESENTED BY: GENNY KLINE, AUTHORITY SECRETARY

SUMMARY:

Yes	No	N/A	
✓			The premises is either owned by the applicant or a copy of the current lease is on file with the City Clerk's Office
✓			Proof of Server Training for the owner or current manager is on file with the City Clerk's Office
	✓		Incidents over the past year that required the filing of a police report
	✓		Sales Tax account with the City of Louisville is current
	✓		Two Year Renewal Requested

RECOMMENDATION:

Approve the application.

SUBJECT: RENEWAL APPLICATION
RETAIL MARIJUANA STORE LICENSE
SILVERPEAK CORP. d/b/a THE DAB
972 WEST DILLON AVENUE, SUITE B

DATE: JANUARY 29, 2024

PRESENTED BY: GENNY KLINE, AUTHORITY SECRETARY

SUMMARY:

Yes	No	N/A	
✓			The premises is either owned by the applicant or a copy of the current lease is on file with the City Clerk's Office
✓			Proof of Server Training for the owner or current manager is on file with the City Clerk's Office
	✓		Incidents over the past year that required the filing of a police report
	✓		Sales Tax account with the City of Louisville is current
		✓	Two Year Renewal Requested

RECOMMENDATION:

Approve the application.

SUBJECT: RENEWAL APPLICATION
RETAIL MARIJUANA STORE LICENSE
SILVERPEAK CORP. d/b/a THE DAB by SILVERPEAK
1063 COURTESY ROAD

DATE: JANUARY 29, 2024

PRESENTED BY: GENNY KLINE, AUTHORITY SECRETARY

SUMMARY:

Yes	No	N/A	
✓			The premises is either owned by the applicant or a copy of the current lease is on file with the City Clerk's Office
✓			Proof of Server Training for the owner or current manager is on file with the City Clerk's Office
	✓		Incidents over the past year that required the filing of a police report
	✓		Sales Tax account with the City of Louisville is current
		✓	Two Year Renewal Requested

RECOMMENDATION:

Approve the application.

SUBJECT: ELECTION OF OFFICERS

DATE: JANUARY 29, 2025

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 serve one-year terms.

Past Officers

Year	Chair	Vice-Chair
2024	Elizabeth Kaufman	Mike Crowe
2023	Matt Machado	Marguerite Lipton
2022	John Carlson	Marguerite Lipton
2021	Elizabeth Kaufman	Nancy Newell
2020	John Carlson	Elizabeth Kaufman

RECOMMENDATION:

Authority members must nominate a chair & vice-chair for the 2025 calendar year and confirm nominations with a voice vote.

SUBJECT: MEETING DATES 2025

DATE: JANUARY 29, 2025

PRESENTED BY: GENNY KLINE, AUTHORITY SECRETARY

SUMMARY:

Attached is the LLA Meeting Calendar for 2025.

There are three dates on the calendar that will require action by the Authority.

- May 26 – This is Memorial Day and the City will be closed
- November 24 – The week of Thanksgiving
- December 22 – The week of Christmas

RECOMMENDATION:

The Authority can either move these meetings to alternate dates or the Authority may choose to cancel these meetings.

Any action to change or cancel these dates requires a motion, second and a voice vote.

2025

JANUARY

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	31	1
2	3	4	5	6	7	8

FEBRUARY

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	1
2	3	4	5	6	7	8

MARCH

Su	Mo	Tu	We	Th	Fr	Sa
23	24	25	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

APRIL

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	1	2	3
4	5	6	7	8	9	10

MAY

Su	Mo	Tu	We	Th	Fr	Sa
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	7

JUNE

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	1	2	3	4	5
6	7	8	9	10	11	12

JULY

Su	Mo	Tu	We	Th	Fr	Sa
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	7	8	9

AUGUST

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
31	1	2	3	4	5	6

SEPTEMBER

Su	Mo	Tu	We	Th	Fr	Sa
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	10	11

OCTOBER

Su	Mo	Tu	We	Th	Fr	Sa
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	7	8

NOVEMBER

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

DECEMBER

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

SUBJECT: LLA MEETING AGENDA POSTING PLACES

DATE: JANUARY 29, 2025

PRESENTED BY: GENNY KLINE, AUTHORITY SECRETARY

SUMMARY:

The Local Licensing Authority must consider and approve posting locations for their meeting agenda, so they are available for public review. Currently agendas are posted at the following locations:

- Louisville City Hall
- Louisville Public Library
- Louisville Police Department / Court Building
- Louisville Recreation Center
- City website – www.LouisvilleCO.gov

RECOMMENDATION:

Approve the above locations for posting of the 2025 Local Licensing Authority Agendas.

SUBJECT: 2024 LOCAL LICENSING AUTHORITY ANNUAL REPORT

DATE: JANUARY 29, 2025

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.”*

A draft copy of the 2024 Annual Report is attached for Authority review.

RECOMMENDATION:

The Authority may either approve the report as written or make amendments prior to approval.

Local Licensing Authority 2024 Annual Report

While the Louisville Local Licensing Authority experienced another active year in 2024 there was still a high level of compliance by liquor licensees. This is attributed to state and local licensing laws, as well as responsible licensees, patrons, and the Louisville Police Department. The city has established good working relationships with licensees and assists them in avoiding actual or potential non-compliance.

After serving the City of Louisville as a member of the Local Licensing Authority for 29 years Marguerite Lipton did not seek reappointment to the board. The Authority gives Ms. Lipton a heartfelt thank you for her service and will miss her knowledge and dedication.

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 2024.

The Authority is fortunate to have the services of dedicated professionals and board members. In 2025 we look forward to continuing our efforts to maintain and improve licensing, outreach and enforcement efforts.

Chair
Local Licensing Authority

MEMBERS OF THE AUTHORITY 2024

Elizabeth Kaufman – Chair

Mike Crowe – Vice Chair

John Carlson

Marguerite Lipton

Matt Machado

Vacant - 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 Kurtz

ACTION ITEMS

The Authority held 10 regularly scheduled meetings in 2024.

The Authority took the following actions in 2024:

- Renewal of Established Liquor Licenses – 62
- Approval of New Liquor Licenses – 7
- Transfer of Ownership for Liquor License – 6
- Special Event Liquor Licenses – 12
- Renewal of Established Marijuana Licenses – 6
- Transfer of a Retail Marijuana License – 1
- Retail Liquor Permits - 1
- Surrender of Liquor License – 2
- Tasting Permits Issued – 0
- Show Cause Hearings – 0

The Authority worked with 11 downtown restaurants to provide alcohol service on street patios and parklets starting in April through early November.

The Authority reviewed changes to the Louisville Municipal Code and recommended to Council updates that included allowing biennial renewals for both liquor and marijuana licensees and several changes to the marijuana code to align with new state regulations.

While there were no violations by licensees reported to the Authority by the Louisville Police Department, there were two instances of criminal activity targeting marijuana and liquor licensed businesses within Louisville.

- Approximately 53 underage defendants were sentenced through Louisville Municipal Court in 2024 for purchasing marijuana at a single retail store using false identification. It was determined that the ID reader at the store was malfunctioning. When the owners of the store discovered the issue, they fixed the faulty equipment and worked with the Louisville Police Department to identify the underage individuals. Each defendant received a sentence of 25 hours of community service, completion of a drug class, a \$100 fine and a 600-word essay to the court.
- In July, an individual targeted liquor licensed restaurants in town. The individual told either the owner or the manager of the restaurant that she worked for the state and there was an issue with their liquor license. She told them they needed to give her the license on the wall and pay \$100 to have the license reissued. Unfortunately, one owner complied with the request. The manager at another location demanded to see the credentials of the individual and she left the scene. The manager called the Authority Secretary to inform her of the incident and she immediately notified the Louisville Police Department and all other license holders in the City.

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

Approved by the Louisville Local Licensing Authority this 29th day of January 2025.

Chairperson
Local Licensing Authority

ATTEST:

Genny Kline
Interim City Clerk

SUBJECT: 2024 LOCAL LICENSING AUTHORITY WORK PLAN

DATE: JANUARY 29, 2025

PRESENTED BY: GENNY KLINE, AUTHORITY SECRETARY

SUMMARY:

- Licensing of Massage Parlors
 - Current Louisville Municipal Code Regarding Licensing
 - New State Rules
- Local Licensing Authority Bylaws

RECOMMENDATION:

Staff is seeking direction on possible changes to the Louisville Municipal Code regarding licensing of massage parlors.

Chapter 5.16 - MASSAGE PARLORS

Footnotes:

--- (1) ---

State Law reference— *Minimum standards, C.R.S. § 12-48.5-101 et seq.*

Sec. 5.16.010. - Definitions.

As used in this chapter, the words set out in this section shall have the following meanings unless the context indicates otherwise:

Massage means pressure upon or friction against, or stroking, rubbing, kneading or other manipulation of the body by means, with or without apparatus, including but not limited to vibrators, infrared heat, sun lamps, and external baths.

Massage parlor means an establishment or place of business where any person, association, firm, or corporation engages in, conducts, provides or carries on, or permits to be engaged, conducted, provided, or carried on any massage.

Massage therapist means any person 21 years of age or older who has graduated from a massage therapy school, accredited by the state educational board or division charged with the responsibility of approving private occupational schools, or from a school with comparable approval or accreditation from another state with transcripts indicating completion of at least 500 hours of training in massage therapy. If the school is located in the state, it must meet the qualifications established by C.R.S. § 12-59-101 et seq. or other applicable statutes pertaining to vocational education.

Operator means any person, partnership, association, firm, or corporation who owns, operates, or manages a massage parlor. A manager of a massage parlor must be 21 years of age or older.

(Code 1977, § 5.16.010; Ord. No. 532-1977, § 1.1; Ord. No. 1047-1991, § 1)

Sec. 5.16.020. - Exemptions.

The following classes of persons and establishments are exempted from the regulations of this chapter:

- A. Physicians, osteopaths, physical therapists, chiroprodists, podiatrists, or chiropractors licensed to practice in this state while performing such services in the practice of their respective professions;
- B. Registered nurses and licensed practical nurses who are licensed to practice in this state while performing such services in their usual nursing duties;
- C.

Barbers and cosmetologists duly licensed under the laws of this state in the course of the practice of their usual and ordinary licensed vocation and profession, as defined in C.R.S. § 12-8-101 et seq.;

- D. Massage practiced at the athletic department or training rooms of public or private schools accredited by the state board of education or approved by the division charged with the responsibility of approving private occupational schools;
- E. Hospitals, clinics, nursing and convalescent homes, and other similar health care institutions dedicated to medical or nursing practices licensed under the laws of this state;
- F. A facility operated for the purpose of massage therapy by a massage therapist;
- G. Training rooms of recognized professional or amateur athletic teams.

(Code 1977, § 5.16.020; Ord. No. 532-1977, § 1.3; Ord. No. 1047-1991, § 1)

Sec. 5.16.030. - License required.

It shall be unlawful for any person, partnership, association, firm, or corporation to render or to permit to be engaged in, conducted, provided or carried on, in or upon any premises within the city, the business of a massage parlor within the city without first obtaining a license issued pursuant to the provisions of this chapter.

(Code 1977, § 5.16.030; Ord. No. 532-1977, § 1.1; Ord. No. 1047-1991, § 1)

Sec. 5.16.040. - Application—Fee.

- A. Any person, firm, partnership, association, or corporation seeking to obtain a massage parlor license shall make application to the city clerk.
- B. Each application for a new license filed with the city clerk shall be accompanied by an application fee in the amount as established by resolution of the city council.

(Code 1977, § 5.16.040; Ord. No. 532-1977, § 1.4; Ord. No. 1047-1991, § 1; Ord. No. 1594-2011, § 11, 6-7-2011)

Sec. 5.16.050. - Application contents.

Each application for a new license for a massage parlor must contain the following information:

- A. The full name and present address of the operator; and, if a corporation, partnership, firm or association, the names and residence addresses of all owners, officers, and directors of the such massage parlor;
- B. The age of each person listed on the application;
- C. A physical description and recent photograph of each person listed on the application;
- D.

A listing of all past experience including training and certification related to massage of all persons listed;

- E. Address of the premises where massage will be conducted;
- F. Acknowledgement of all convictions or pleas of nolo contendere for any criminal offenses (except traffic offenses) within the last five years by all persons listed in the application;
- G. A report from a physician licensed to practice medicine in the state that the operator and all employees performing massage have within 30 days immediately prior thereto, been examined and found to be free of any contagious or communicable disease; and
- H. A set of fingerprints for each person listed in the application.

(Code 1977, § 5.16.050; Ord. No. 532-1977, § 1.5; Ord. No. 1047-1991, § 1)

Sec. 5.16.060. - Public hearing; issuance.

- A. The city council shall conduct a public hearing on each license application received as set forth in this section. The city council shall enter a finding when issuing a license that each operator has met the following standards:
 - 1. That each individual to be associated with the operator is of good character;
 - 2. That each massage parlor conforms to all zoning regulations and restrictions and to the standards of the building code, adopted in title 15; and, further,
 - 3. That other existing licenses relative to the particular locality in issue are inadequate for the reasonable needs for the neighborhood.
- B. Upon instruction from the city council, the city clerk shall issue the proper license to the applicant for a term of one year.

(Code 1977, § 5.16.060; Ord. No. 718-1981, § 2; Ord. No. 1047-1991, § 1)

Sec. 5.16.070. - Display of license.

- A. Every operator to whom or for which a license has been granted shall display such license in a conspicuous place so that the license may be readily seen by any person entering the premises where the massage is given.
- B. Each operator or agent or employee of such operator shall obtain an identity card from the chief of police and shall carry such identity card at all times while in or upon the licensed premises.

(Code 1977, § 5.16.070; Ord. No. 718-1981, § 2; Ord. No. 1047-1991, § 1)

Sec. 5.16.080. - Hours of operation.

No massage parlor shall be open for business, admit customers or prospective customers, or allow or permit any massage or treatment of any person upon the premises between the hours of 12:00 midnight and 8:00 a.m.

(Code 1977, § 5.16.080; Ord. No. 532-1977, § 1.8; Ord. No. 1047-1991, § 1)

Sec. 5.16.090. - Reporting of disturbances.

Any person who is employed at or is an operator of a massage parlor shall immediately report to the city police department any unlawful or disorderly act, conduct, or disturbance committed on the premises of the massage parlor.

(Code 1977, § 5.16.090; Ord. No. 532-1977, § 1.9; Ord. No. 1047-1991, § 1)

Sec. 5.16.100. - Minors not permitted on premises.

No person under the age of 18 years shall be allowed within or upon the premises of a massage parlor.

(Code 1977, § 5.16.100; Ord. No. 532-1977, § 1.10; Ord. No. 1047-1991, § 1)

Sec. 5.16.110. - Sale or transfer of licensed business.

- A. A license for a massage parlor cannot be transferred from one geographic location to another. A change of location of the premises previously licensed under this chapter shall require a new application for a license and the payment of the application fee. The city council shall hold a public hearing before issuing a new license for the new location.
- B. Upon the sale or transfer of any ownership interest in a massage parlor, the existing license shall expire. A new application for a license shall be made by the new owner or operator. A public hearing may be required prior to issuing a license required by transfer or sale to determine if the applicant is of good moral character and reputation.

(Code 1977, § 5.16.110; Ord. No. 718-1981, § 2; Ord. No. 1047-1991, § 1)

Sec. 5.16.120. - Renewal of license.

Application for the renewal of an existing license shall be made to the city council not less than 45 days prior to the date of expiration of the existing license. The city council may cause a hearing on the application to be held. No such renewal hearing shall be held until a notice of hearing has been conspicuously posted on the licensed premises for a period of ten days and notice of the hearing has been provided the applicant at least ten days prior to the hearing. The city council may refuse to renew any license for good cause shown.

(Code 1977, § 5.16.120; Ord. No. 718-1981, § 2)

Sec. 5.16.130. - License fees.

The license fee for a new massage parlor license and the renewal fee for a massage parlor license shall be as established by resolution of the city council.

(Code 1977, § 5.16.130; Ord. No. 718-1981, § 2; Ord. No. 1047-1991, § 1; Ord. No. 1594-2011, § 12, 6-7-2011)

State Law reference— Limitation on local license fee, C.R.S. § 12-48.5-110.

Sec. 5.16.140. - Suspension or revocation of license.

The city council may, after determining at a public hearing that the licensee has violated any provisions of this Code or of the state statutes, suspend a license for a specific length of time not less than five days nor longer than 20 days, or upon determination of repeated violations of this Code or the state statutes, revoke any license issued under this chapter.

(Code 1977, § 5.16.140; Ord. No. 532-1977, § 1.14)

Sec. 5.16.150. - Violation; penalty.

Any person who violates any provisions of this chapter shall be guilty of a violation hereof and shall be subject to the penalty provided in section 1.28.010.

(Code 1977, § 5.16.150; Ord. No. 532-1977, § 1.15)

An Act

HOUSE BILL 24-1371

BY REPRESENTATIVE(S) Hartsook and Lukens, Boesenecker, Bradley, Brown, Duran, English, Frizell, Jodeh, Kipp, Lieder, Ricks;
also SENATOR(S) Fields and Gardner, Priola.

CONCERNING REGULATION OF MASSAGE FACILITIES BY LOCAL GOVERNMENTS IN ACCORDANCE WITH STATEWIDE REQUIREMENTS, AND, IN CONNECTION THEREWITH, REQUIRING A LOCAL GOVERNMENT TO ESTABLISH A PROCESS THAT REQUIRES PERIODIC CRIMINAL BACKGROUND CHECKS FOR MASSAGE FACILITY OPERATORS, OWNERS, AND EMPLOYEES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 30-15-401.4, **amend** (1)(a)(III), (1)(a)(IV), (1)(b), (2)(e), (3), (4)(a) introductory portion, (4)(a)(IV), (4)(a)(V), (4)(a)(XI), (4)(c), (5) introductory portion, and (6); **repeal** (1)(a)(V), (1)(a)(VI), (1)(a)(VII), and (1)(a)(VIII); and **add** (2)(a.3), (2)(a.5), (2)(a.7), (2)(e.5), (2)(e.7), (2)(h.3), (2)(h.5), (3.5), (4)(a)(XI.5), (4)(c.5), and (4.5) as follows:

30-15-401.4. Statewide policy to prevent the operation of illicit massage businesses - local regulation authorized - background checks

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

required - legislative declaration - definitions. (1) (a) The general assembly finds and declares that:

(III) ~~Cities~~ ALL LOCAL GOVERNMENTS in ~~Colorado~~ THE STATE already have the authority to enact RESOLUTIONS OR ordinances to establish licensing authorities to regulate OR OTHERWISE REGULATE massage ~~businesses~~ FACILITIES and to deter and shut down illicit massage ~~businesses~~ FACILITIES; AND

(IV) ~~Counties in Colorado currently do not have the authority to enact ordinances to establish licensing authorities to regulate massage businesses and to deter and shut down illicit massage businesses~~ BECAUSE PREVENTING THE OPERATION OF ILLICIT MASSAGE FACILITIES BY REQUIRING CURRENT AND PROSPECTIVE OPERATORS, OWNERS, AND EMPLOYEES OF MASSAGE FACILITIES TO SUBMIT TO PERIODIC BACKGROUND CHECKS IS A MATTER OF STATEWIDE CONCERN AND LICENSING AND OTHER REGULATION OF MASSAGE FACILITIES IS A MATTER OF MIXED STATEWIDE AND LOCAL CONCERN THAT LOCAL GOVERNMENTS HAVE SIGNIFICANT DISCRETION TO ADDRESS IN ACCORDANCE WITH LOCAL NEEDS, IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF ALL COLORADANS TO:

(A) REQUIRE, UNIFORMLY THROUGHOUT THE STATE AS A MATTER OF STATEWIDE POLICY, THAT EVERY CURRENT AND PROSPECTIVE OPERATOR, OWNER, AND EMPLOYEE OF A MASSAGE FACILITY SUBMIT TO A BACKGROUND CHECK, WHICH GENERALLY MEANS A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK, AS REQUIRED BY THIS SECTION; AND

(B) REQUIRE EVERY LOCAL GOVERNMENT IN THE STATE THAT HAS A MASSAGE FACILITY WITHIN ITS JURISDICTIONAL BOUNDARIES TO ESTABLISH A LOCAL PROCESS THAT ENSURES THAT THE BACKGROUND CHECKS ARE CONDUCTED THROUGHOUT THE STATE IN ACCORDANCE WITH THE REQUIREMENTS AND LIMITATIONS SET FORTH IN THIS SECTION.

(V) ~~It is critical for effective local enforcement against human trafficking that cities and counties work together against this increasing criminal activity;~~

(VI) ~~Local licensing authorities are encouraged to report to the department of regulatory agencies information regarding criminal activities involving licensed massage therapists;~~

~~(VII) Most licensed massage therapists in Colorado are practicing lawfully and ethically, and~~

~~(VIII) The intent of the general assembly is not to make the practice of lawful massage therapy more difficult for licensed massage therapists in Colorado.~~

(b) The general assembly ~~finds, therefore,~~ FURTHER FINDS AND DECLARES that:

(I) A ~~county~~ LOCAL GOVERNMENT may adopt a ~~local~~ resolution or ordinance to establish business licensure requirements to regulate massage facilities or to regulate and prohibit unlawful activities for the sole purpose of deterring illicit massage businesses and preventing human trafficking;

(II) IT IS CRITICAL FOR EFFECTIVE LOCAL ENFORCEMENT AGAINST HUMAN TRAFFICKING THAT LOCAL GOVERNMENTS WORK TOGETHER AGAINST THIS INCREASING CRIMINAL ACTIVITY;

(III) LICENSING AUTHORITIES AND LOCAL LAW ENFORCEMENT AGENCIES ARE ENCOURAGED TO REPORT TO THE DEPARTMENT OF REGULATORY AGENCIES INFORMATION REGARDING CRIMINAL ACTIVITIES INVOLVING MASSAGE THERAPISTS;

(IV) MOST LICENSED MASSAGE THERAPISTS IN COLORADO ARE PRACTICING LAWFULLY AND ETHICALLY; AND

(V) THE GENERAL ASSEMBLY DOES NOT INTEND TO MAKE THE PRACTICE OF LAWFUL MASSAGE THERAPY MORE DIFFICULT FOR MASSAGE THERAPISTS IN COLORADO.

(2) As used in this section, unless the context otherwise requires:

(a.3) "APPLICANT" MEANS A PERSON WHO HAS SUBMITTED AN APPLICATION TO A LICENSING AUTHORITY FOR AN INITIAL LICENSE OR RENEWAL OF A LICENSE TO OPERATE A MASSAGE FACILITY.

(a.5) "BACKGROUND CHECK" MEANS A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK CONDUCTED IN ACCORDANCE WITH SUBSECTION (4)(c.5) OF THIS SECTION AND ALSO INCLUDES, TO THE EXTENT

ALLOWED OR REQUIRED, AS APPLICABLE, BY SUBSECTION (4)(c.5)(VI) OF THIS SECTION WHEN A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK CANNOT BE COMPLETED OR REVEALS A RECORD OF ARREST WITHOUT DISPOSITION, A CRIMINAL HISTORY RECORD CHECK USING THE COLORADO BUREAU OF INVESTIGATION'S RECORDS AND A NAME-BASED JUDICIAL RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

(a.7) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)(a.7)(II) OF THIS SECTION, "EMPLOYEE" MEANS:

(I) (A) AN INDIVIDUAL WHO IS EMPLOYED BY A MASSAGE FACILITY;
OR

(B) AN INDEPENDENT CONTRACTOR WHO IS HIRED BY A MASSAGE FACILITY TO PERFORM WORK THAT IS PART OF THE ROUTINE OPERATIONS OF THE MASSAGE FACILITY.

(II) FOR THE PURPOSE OF DETERMINING WHO IS REQUIRED TO SUBMIT TO A BACKGROUND CHECK REQUIRED BY SUBSECTION (4)(c.5) OF THIS SECTION, "EMPLOYEE" DOES NOT INCLUDE:

(A) A MASSAGE THERAPIST; OR

(B) AN INDEPENDENT CONTRACTOR WHO PERFORMS JANITORIAL SERVICES OR OTHER ROUTINE FACILITY MAINTENANCE SERVICES FOR A MASSAGE FACILITY AND HAS NO CONTACT WITH OR ONLY INCIDENTAL CONTACT WITH CLIENTS OF THE MASSAGE FACILITY.

(e) "Licensing authority" means the governing body of ~~the board of county commissioners of a county~~ A LOCAL GOVERNMENT or, IF A LOCAL GOVERNMENT HAS EXERCISED ITS AUTHORITY TO ADOPT A RESOLUTION OR ORDINANCE THAT ESTABLISHES LICENSURE REQUIREMENTS FOR MASSAGE FACILITIES OR TO REGULATE AND PROHIBIT UNLAWFUL ACTIVITIES RELATED TO MASSAGE FACILITIES, any authority designated by ~~county charter or county~~ THE LOCAL GOVERNMENT'S CHARTER OR IN A resolution OR ORDINANCE TO ADMINISTER OR ENFORCE THE BUSINESS LICENSURE REQUIREMENTS, REGULATIONS, OR PROHIBITIONS FOR MASSAGE FACILITIES ESTABLISHED BY THE LOCAL GOVERNMENT.

(e.5) "LOCAL GOVERNMENT" MEANS A HOME RULE OR STATUTORY

COUNTY, A CITY AND COUNTY, OR A HOME RULE OR STATUTORY MUNICIPALITY.

(e.7) "LOCAL LAW ENFORCEMENT AGENCY" MEANS:

(I) A COUNTY SHERIFF'S OFFICE;

(II) A MUNICIPAL POLICE DEPARTMENT; OR

(III) A TOWN MARSHAL'S OFFICE.

(h.3) "OPERATOR" MEANS A PERSON THAT IS LICENSED BY A LICENSING AUTHORITY TO OPERATE A MASSAGE FACILITY IN ACCORDANCE WITH A LOCAL RESOLUTION OR ORDINANCE OR A PERSON THAT IS OPERATING A MASSAGE FACILITY WITHOUT A LICENSE WITHIN THE TERRITORY OF A LOCAL GOVERNMENT THAT DOES NOT REQUIRE LICENSURE OF MASSAGE FACILITIES; EXCEPT THAT, FOR THE PURPOSE OF DETERMINING WHETHER A PERSON IS REQUIRED TO SUBMIT TO A BACKGROUND CHECK REQUIRED BY SUBSECTION (4)(c.5) OF THIS SECTION, "OPERATOR" DOES NOT INCLUDE A MASSAGE THERAPIST.

(h.5) "OWNER" MEANS A PERSON OTHER THAN AN OPERATOR THAT HOLDS A LEGAL OWNERSHIP INTEREST IN A MASSAGE FACILITY; EXCEPT THAT A PERSON THAT IS NOT INVOLVED IN THE OPERATION OF A MASSAGE FACILITY AND WHOSE OWNERSHIP INTEREST CONSISTS ONLY OF STOCK IN A PUBLICLY TRADED COMPANY THAT OWNS OR OPERATES A MASSAGE FACILITY IS NOT AN OWNER.

(3)(a) In addition to any other powers, a ~~board of county commissioners~~ LOCAL GOVERNMENT may adopt a resolution or ordinance to establish business licensure requirements or to regulate and prohibit unlawful activities to prevent the operation of illicit massage businesses that engage in human trafficking-related offenses as described in sections 18-3-503 and 18-3-504. If a ~~board of county commissioners~~ LOCAL GOVERNMENT adopts a resolution or ordinance to establish business licensure requirements pursuant to subsection (4) of this section or to prohibit unlawful activities pursuant to subsection (5) of this section, the resolution or ordinance must not be more restrictive than the requirements set forth in this section.

(b) ~~Counties that adopt~~ WHEN DEVELOPING a resolution or ordinance FOR ADOPTION pursuant to this section, A COUNTY AND A MUNICIPALITY WITHIN THE COUNTY shall consult with ~~the cities within the county~~ EACH OTHER. BY MUTUAL AGREEMENT BETWEEN A COUNTY AND A MUNICIPALITY WITHIN THE COUNTY, A MUNICIPALITY MAY ELECT TO HAVE A COUNTY'S RESOLUTION OR ORDINANCE ADOPTED PURSUANT TO THIS SECTION APPLY TO MASSAGE FACILITIES OPERATING WITHIN THE JURISDICTIONAL BOUNDARIES OF THE MUNICIPALITY IN LIEU OF ADOPTING ITS OWN ORDINANCE OR RESOLUTION.

(c) A LOCAL GOVERNMENT IS NOT REQUIRED TO ADOPT A RESOLUTION OR ORDINANCE AS OTHERWISE REQUIRED BY THIS SUBSECTION (3) IF THERE ARE NO MASSAGE FACILITIES OPERATING WITHIN THE JURISDICTIONAL BOUNDARIES OF THE LOCAL GOVERNMENT.

(3.5) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3)(c) OF THIS SECTION, A LOCAL GOVERNMENT SHALL ESTABLISH A PROCESS, WHICH MAY BE ESTABLISHED BY RESOLUTION OR ORDINANCE OR OTHERWISE, TO REQUIRE THAT, AS A CONDITION FOR A PERSON REMAINING AS OR BECOMING AN OPERATOR, OWNER, OR EMPLOYEE:

(a) A PERSON WHO IS AN OPERATOR, OWNER, OR EMPLOYEE ON THE EFFECTIVE DATE OF THE RESOLUTION OR ORDINANCE SUBMIT TO A BACKGROUND CHECK ON OR BEFORE THE EARLIER OF OCTOBER 1, 2025, OR ANY OTHER DATE SPECIFIED BY A LOCAL GOVERNMENT IN ITS PROCESS;

(b) A PROSPECTIVE EMPLOYEE SUBMIT TO A BACKGROUND CHECK BEFORE COMMENCING EMPLOYMENT WITH A MASSAGE FACILITY; AND

(c) A PROSPECTIVE OPERATOR OR OWNER SUBMIT TO A BACKGROUND CHECK AT LEAST THIRTY DAYS BEFORE, AS APPLICABLE, BEING GRANTED A LICENSE TO OPERATE A MASSAGE FACILITY OR ASSUMING AN OWNERSHIP INTEREST IN A MASSAGE FACILITY THAT WOULD MAKE THE PROSPECTIVE OWNER AN OWNER.

(4) (a) If a ~~board of county commissioners~~ LOCAL GOVERNMENT adopts a resolution or ordinance to establish business licensure requirements for massage facilities as set forth in subsection (3)(a) of this section, the business licensure requirements may only include:

(IV) Allowing a licensing authority or a licensing authority's designee to deny an application ~~only~~ if:

(A) ~~The~~ A required administrative fee is not paid;

(B) The ~~county~~ LOCAL GOVERNMENT zoning or subdivision regulations do not allow for the operation of a massage facility;

(C) The applicant OR AN OWNER, PROSPECTIVE OWNER, OR EMPLOYEE has been convicted of or entered a plea of guilty or nolo contendere that is accepted by the court for a felony or misdemeanor for ~~prostitution, as described in section 18-7-201~~; solicitation of a prostitute, as described in section 18-7-202; a human trafficking-related offense, as described in section 18-3-503 or 18-3-504; money laundering, as described in section 18-5-309; ~~or similar crimes~~;

(D) The applicant OR AN OWNER, PROSPECTIVE OWNER, OR EMPLOYEE is registered as a sex offender or is required by law to register as a sex offender, as described in section 16-22-103;

(E) ~~The applicant has a pending criminal action that involves or is related to the offenses described in subsection (4)(a)(IV)(C) or (4)(a)(IV)(D) of this section; or~~

(F) The applicant has one or more previous revocations or suspensions of a license to operate a massage facility;

(G) AN EMPLOYEE OF THE MASSAGE FACILITY FOR WHICH THE APPLICANT HAS FILED AN APPLICATION FOR A LICENSE HAS NOT SUBMITTED TO A REQUIRED BACKGROUND CHECK BEFORE COMMENCING EMPLOYMENT WITH THE MASSAGE FACILITY PURSUANT TO SUBSECTIONS (4)(c) AND (4)(c.5) OF THIS SECTION; OR

(H) THE APPLICANT OR AN OWNER OR PROSPECTIVE OWNER OF THE MASSAGE FACILITY FOR WHICH THE APPLICANT HAS FILED AN APPLICATION FOR A LICENSE HAS NOT SUBMITTED TO A REQUIRED BACKGROUND CHECK PURSUANT TO SUBSECTIONS (4)(c) AND (4)(c.5) OF THIS SECTION AT LEAST THIRTY DAYS BEFORE, AS APPLICABLE, BEING GRANTED A LICENSE TO OPERATE THE MASSAGE FACILITY OR ASSUMING AN OWNERSHIP INTEREST IN A MASSAGE FACILITY THAT WOULD MAKE THE PROSPECTIVE OWNER AN

OWNER.

(V) Allowing a licensing authority or a licensing authority's designee the discretion to deny an application after considering, in accordance with section 24-5-101, an applicant's, OWNER'S OR PROSPECTIVE OWNER'S, OR EMPLOYEE'S OR PROSPECTIVE EMPLOYEE'S conviction of or plea of guilty or nolo contendere that is accepted by the court for a felony or a misdemeanor for fraud or theft or embezzlement, as described in section 18-4-401;

(XI) Setting penalties for the violation of prohibited activities as described in subsection (5) of this section; and

(XI.5) GRANTING THE LICENSING AUTHORITY, OR THE LICENSING AUTHORITY'S DESIGNEES, AUTHORITY TO REVOKE OR SUSPEND A LICENSE IF:

(A) THE LICENSEE EMPLOYS A PERSON WHO HAS NOT SUBMITTED TO A BACKGROUND CHECK OR AN OWNER OF THE MASSAGE FACILITY HAS NOT SUBMITTED TO A BACKGROUND CHECK AS REQUIRED PURSUANT TO SUBSECTIONS (4)(c) AND (4)(c.5) OF THIS SECTION;

(B) THE LICENSEE EMPLOYS A PERSON WHO HAS BEEN CONVICTED OF OR ENTERED A PLEA OF NOLO CONTENDERE THAT IS ACCEPTED BY THE COURT FOR AN OFFENSE LISTED IN SUBSECTION (4)(a)(IV)(C) OF THIS SECTION OR IS REGISTERED AS A SEX OFFENDER OR IS REQUIRED BY LAW TO REGISTER AS A SEX OFFENDER, AS DESCRIBED IN SECTION 16-22-103; OR

(C) AN OWNER OF THE LICENSED MASSAGE FACILITY HAS BEEN CONVICTED OF OR ENTERED A PLEA OF NOLO CONTENDERE THAT IS ACCEPTED BY THE COURT FOR AN OFFENSE LISTED IN SUBSECTION (4)(a)(IV)(C) OF THIS SECTION OR IS REGISTERED AS A SEX OFFENDER OR IS REQUIRED BY LAW TO REGISTER AS A SEX OFFENDER, AS DESCRIBED IN SECTION 16-22-103; AND

(c) In investigating the fitness of any applicant, ~~licensee, or~~ OWNER OR PROSPECTIVE OWNER, OR EMPLOYEE OR PROSPECTIVE employee, ~~or the agent of the licensee or applicant pursuant to subsection (4)(a)(III) of this section, the county sheriff's office shall conduct a background check on the applicant's or licensee's criminal history record and provide the local licensing authority, or the licensing authority's designee, information to~~

~~determine whether the applicant or licensee is approved or denied for a license based on the criminal history record information. In the event the licensing authority takes into consideration information concerning the~~ A LICENSING AUTHORITY SHALL REQUIRE THE APPLICANT, OWNER OR PROSPECTIVE OWNER, OR EMPLOYEE OR PROSPECTIVE EMPLOYEE TO SUBMIT TO A BACKGROUND CHECK IN ACCORDANCE WITH SUBSECTION (4)(c.5) OF THIS SECTION. WHEN CONSIDERING AN applicant's, ~~or licensee's~~ OWNER'S OR PROSPECTIVE OWNER'S, OR EMPLOYEE'S OR PROSPECTIVE EMPLOYEE'S criminal history record, the licensing authority shall also consider any information provided by the applicant, ~~or licensee~~ OWNER OR PROSPECTIVE OWNER, OR EMPLOYEE OR PROSPECTIVE EMPLOYEE regarding the criminal history, including, but not limited to, evidence of mitigating factors, rehabilitation, character references, and educational achievements, especially the mitigating factors pertaining to the period of time between the applicant's, OWNER'S OR PROSPECTIVE OWNER'S, OR EMPLOYEE'S OR PROSPECTIVE EMPLOYEE'S last criminal conviction and the consideration of the applicant's, OWNER'S OR PROSPECTIVE OWNER'S, OR EMPLOYEE'S OR PROSPECTIVE EMPLOYEE'S application for a license or renewal, OWNERSHIP OR PROSPECTIVE OWNERSHIP OF A MASSAGE FACILITY, OR EMPLOYMENT OR PROSPECTIVE EMPLOYMENT BY A MASSAGE FACILITY.

(c.5) (I) AN APPLICANT WHO HOLDS A LICENSE OR IS APPLYING FOR A LICENSE, AN OWNER OR PROSPECTIVE OWNER, OR AN EMPLOYEE OR PROSPECTIVE EMPLOYEE SHALL SUBMIT TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE APPLICANT, OWNER OR PROSPECTIVE OWNER, OR EMPLOYEE OR PROSPECTIVE EMPLOYEE SHALL PAY THE COSTS ASSOCIATED WITH THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

(II) A PERSON WHO IS, AS OF THE EFFECTIVE DATE OF THIS SUBSECTION (4)(c.5), AN APPLICANT WHO HOLDS A LICENSE, AN OWNER, OR AN EMPLOYEE SHALL HAVE THE APPLICANT'S, OWNER'S, OR EMPLOYEE'S FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY OR ANY THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK NO LATER THAN OCTOBER 1, 2025. AN APPLICANT FOR A NEW LICENSE, A PROSPECTIVE OWNER, OR A PROSPECTIVE EMPLOYEE SHALL HAVE THE APPLICANT'S FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY OR ANY THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF OBTAINING A

FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK BEFORE, AS APPLICABLE, BEING GRANTED A LICENSE, ASSUMING AN OWNERSHIP INTEREST IN A MASSAGE FACILITY THAT WOULD MAKE THE PROSPECTIVE OWNER AN OWNER, OR COMMENCING EMPLOYMENT WITH A MASSAGE FACILITY. THE APPLICANT, OWNER OR PROSPECTIVE OWNER, OR EMPLOYEE OR PROSPECTIVE EMPLOYEE SHALL AUTHORIZE THE ENTITY TAKING THE APPLICANT'S FINGERPRINTS TO SUBMIT, AND THE ENTITY SHALL SUBMIT, THE COMPLETE SET OF THE APPLICANT'S FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

(III) IF AN APPROVED THIRD PARTY TAKES THE APPLICANT'S, OWNER'S OR PROSPECTIVE OWNER'S, OR EMPLOYEE'S OR PROSPECTIVE EMPLOYEE'S FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT'S, OWNER'S OR PROSPECTIVE OWNER'S, OR EMPLOYEE'S OR PROSPECTIVE EMPLOYEE'S INFORMATION FOR MORE THAN THIRTY DAYS.

(IV) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE APPLICANT'S, OWNER'S OR PROSPECTIVE OWNER'S, OR EMPLOYEE'S OR PROSPECTIVE EMPLOYEE'S FINGERPRINTS TO CONDUCT A CRIMINAL HISTORY RECORD CHECK USING THE BUREAU'S RECORDS. THE COLORADO BUREAU OF INVESTIGATION SHALL ALSO FORWARD THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION; THE APPLICANT, OWNER OR PROSPECTIVE OWNER, OR EMPLOYEE OR PROSPECTIVE EMPLOYEE; THE LICENSING AUTHORITY; AND THE ENTITY TAKING FINGERPRINTS SHALL COMPLY WITH THE FEDERAL BUREAU OF INVESTIGATION'S REQUIREMENTS TO CONDUCT A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

(V) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN THE RESULTS OF ITS CRIMINAL HISTORY RECORD CHECK TO THE LICENSING AUTHORITY, AND THE LICENSING AUTHORITY IS AUTHORIZED TO RECEIVE THE RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION'S CRIMINAL HISTORY RECORD CHECK. THE LICENSING AUTHORITY SHALL USE THE INFORMATION RESULTING FROM THE CRIMINAL HISTORY RECORD CHECKS TO INVESTIGATE AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A LICENSE OR BE AN OWNER OR EMPLOYEE PURSUANT TO THIS

SECTION.

(VI) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE LOCAL LICENSING AUTHORITY SHALL REQUIRE THE APPLICANT TO SUBMIT TO A NAME-BASED JUDICIAL RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

(4.5) (a) A PERSON IS PROHIBITED FROM BEING AN OWNER IF THE PERSON EITHER:

(I) HAS NOT SUBMITTED TO A REQUIRED BACKGROUND CHECK AT LEAST THIRTY DAYS BEFORE ASSUMING AN OWNERSHIP INTEREST IN A MASSAGE FACILITY THAT WOULD MAKE THE PROSPECTIVE OWNER AN OWNER PURSUANT TO SUBSECTIONS (4)(c) AND (4)(c.5) OF THIS SECTION; OR

(II) HAS BEEN CONVICTED OF OR ENTERED A PLEA OF NOLO CONTENDERE THAT IS ACCEPTED BY THE COURT FOR AN OFFENSE LISTED IN SUBSECTION (4)(a)(IV)(C) OF THIS SECTION OR IS REGISTERED AS A SEX OFFENDER OR IS REQUIRED BY LAW TO REGISTER AS A SEX OFFENDER, AS DESCRIBED IN SECTION 16-22-103.

(b) AN OPERATOR OR OWNER IS PROHIBITED FROM EMPLOYING AS AN EMPLOYEE A PERSON WHO HAS NOT SUBMITTED TO A REQUIRED BACKGROUND CHECK PURSUANT TO SUBSECTIONS (4)(c) AND (4)(c.5) OF THIS SECTION.

(c) AN OPERATOR OR OWNER THAT LEARNS THAT A PROSPECTIVE EMPLOYEE OR EMPLOYEE HAS BEEN CONVICTED OF OR ENTERED A PLEA OF NOLO CONTENDERE THAT IS ACCEPTED BY THE COURT FOR AN OFFENSE LISTED IN SUBSECTION (4)(a)(IV)(C) OF THIS SECTION OR IS REGISTERED AS A SEX OFFENDER OR IS REQUIRED BY LAW TO REGISTER AS A SEX OFFENDER, AS DESCRIBED IN SECTION 16-22-103 MAY HIRE THE PROSPECTIVE EMPLOYEE TO WORK AT A MASSAGE FACILITY OR CONTINUE TO EMPLOY THE EMPLOYEE AT A MASSAGE FACILITY IF THE OPERATOR OR OWNER BELIEVES THAT EMPLOYING THE PROSPECTIVE EMPLOYEE OR EMPLOYEE DOES NOT POSE A THREAT TO CUSTOMERS OR EMPLOYEES OF THE MASSAGE FACILITY.

(5) A ~~board of county commissioners~~ LOCAL GOVERNMENT may

adopt a resolution or ordinance to prohibit activities to prevent the operation of illicit massage businesses that engage in human trafficking-related offenses as described in sections 18-3-503 and 18-3-504. Prohibited activities include:

(6) (a) If authorized by the ~~county~~ LOCAL GOVERNMENT resolution or ordinance, a law enforcement officer may follow the penalty assessment procedure described in section 16-2-201 for any violation OF THE PROHIBITIONS SET FORTH IN SUBSECTION (5) OF THIS SECTION. As part of the ~~county~~ LOCAL GOVERNMENT ordinance or resolution authorizing the penalty assessment procedure, the ~~board of county commissioners~~ LOCAL GOVERNMENT may adopt a graduated fine schedule for violations pursuant to OF THE PROHIBITIONS SET FORTH IN subsection (5) of this section. ~~The~~ A graduated fine schedule may provide for increased penalty assessments for repeat offenses by the same person.

(b) ~~The board of county commissioners~~ A LOCAL GOVERNMENT may specify in the resolution or ordinance that a massage facility that engages in two or more violations of the resolution or ordinance is a public nuisance, as described in section 16-13-303, unless the violation is already a public nuisance, as described in section 16-13-303. The county attorney of ~~such~~ A county, THE CITY ATTORNEY OF A CITY AND COUNTY, THE CITY OR TOWN ATTORNEY OF A MUNICIPALITY, or the district attorney acting pursuant to section 16-13-302, may bring an action in the district court of the county for an injunction against the massage facility that violates the resolution or ordinance.

SECTION 2. In Colorado Revised Statutes, **amend** 31-15-407 as follows:

31-15-407. Statewide policy to prevent the operation of illicit massage businesses - background checks required - legislative declaration. (1) ~~As used in this section, unless the context otherwise requires, "illicit massage business" means a business that may provide massage but engages in human trafficking-related offenses, as described in sections 18-3-503 and 18-3-504.~~

~~(2) If acting under home rule authority, a municipality that adopts a resolution or ordinance to license a massage facility or prohibit activities to prevent the operation of illicit massage businesses that engage in human~~

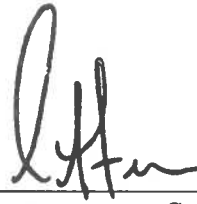
~~trafficking-related offenses, as described in section 30-15-401.4, the municipal police department shall conduct a background check on the applicant's or licensee's criminal history record and provide the municipality information to determine whether the applicant or licensee is approved or denied for a license based on the criminal history record information.~~ THE GENERAL ASSEMBLY FINDS AND DECLARES THAT BECAUSE PREVENTING THE OPERATION OF ILLICIT MASSAGE BUSINESSES, AS DEFINED IN SECTION 30-15-401.4, IS A MATTER OF STATEWIDE CONCERN AND LICENSING AND REGULATION OF MASSAGE FACILITIES IS A MATTER OF MIXED STATEWIDE AND LOCAL CONCERN, IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF ALL COLORADANS TO REQUIRE, UNIFORMLY THROUGHOUT THE STATE AS A MATTER OF STATEWIDE POLICY, THAT EVERY CURRENT AND PROSPECTIVE OPERATOR, OWNER, AND EMPLOYEE OF A MASSAGE FACILITY SUBMIT TO A BACKGROUND CHECK, AS DEFINED IN SECTION 30-15-401.4 (2)(a.5), WHICH GENERALLY MEANS A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AS REQUIRED BY SECTION 30-15-401.4.

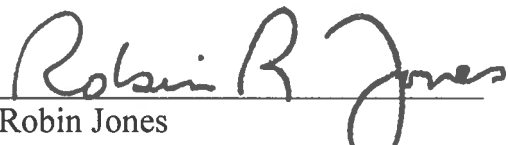
(2) IN ACCORDANCE WITH SECTION 30-15-401.4 (3.5) AND SUBJECT TO THE EXCEPTION SET FORTH IN SECTION 30-15-401.4 (3)(c), EVERY STATUTORY OR HOME RULE MUNICIPALITY SHALL ESTABLISH A LOCAL PROCESS TO ENSURE THAT REQUIRED BACKGROUND CHECKS ARE CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 30-15-401.4.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

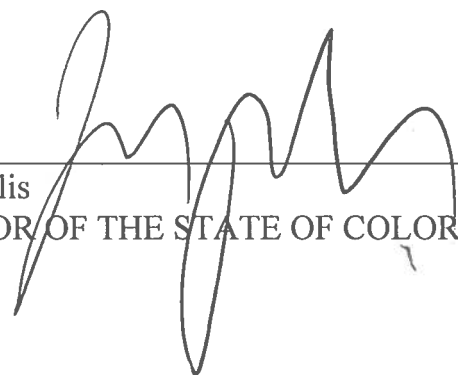

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES


Steve Fenberg
PRESIDENT OF
THE SENATE


Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES


Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED Thursday June 6th 2024 at 4:40 PM
(Date and Time)


Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO



Open Government & Ethics Pamphlet 2025

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 at that body's first meeting each year.



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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 quarterly *Lantern* 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 Council@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 and 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 Advisory Board
- Historic Preservation Commission
- Historical Museum Advisory Board
- 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 2024



BOARD & COMMISSION

RULES OF PROCEDURE

Adopted November 6, 2023 – by Resolution No. 66, Series 2023

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RULES OF PROCEDURE FOR THE BOARDS AND COMMISSIONS OF LOUISVILLE, COLORADO

I. DEFINITIONS

“Advisory Board” means all of the following boards which are tasked with giving advice to the City Council as specified in their formation documents:

- Arts & Culture Advisory Board
- Historical Museum Advisory Board
- Library Board of Trustees
- Open Space Advisory Board
- Parks & Public Landscaping Advisory Board
- Recreation Advisory Board
- Revitalization Commission
- Sustainability Advisory Board
- Youth Advisory Board

“Charter” means the [Home Rule Charter of the City of Louisville, Colorado](#).

“Chair” means the member of the Board who presides over a meeting subject to Rule VII.B below.

“City” means the City of Louisville, Colorado.

“Code” means the Louisville Municipal Code.

“Board” means any of the following bodies:

- Arts & Culture Advisory Board
- Board of Adjustment
- Building Code Board of Appeals
- Historic Preservation Commission
- Historical Museum Advisory Board
- 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 Member” means each member of a City board.

“Electronic Participation” means attendance at a meeting by computer, telephone, or other electronic means.

“Entire Board” means all current members of a board.

“Member of the Board” means each board member.

“Quasi-Judicial Board” means any of the following boards which have specific legal decision-making authority under the Charter or Code:

- Board of Adjustment
- Building Code Board of Appeals
- Historic Preservation Commission
- Local Licensing Authority
- Planning Commission

“Rules” means the Board & Commission Rules of Procedure.

“Staff Liaison” means the City staff member assigned by the City Manager to assist the board and to ensure all rules and regulations are met.

II. AUTHORITY

The following Rules shall be in effect upon their adoption by the City Council until such time as they are amended or new Rules adopted.

In order to efficiently and effectively complete City business facing a Board, all meetings must be conducted in an orderly and respectful manner. These Rules are intended to provide guidelines for the procedures to be followed for the conduct of all Board meetings.

If any Rule, on its face or as applied, conflicts with applicable provisions of the [Home Rule Charter of the City of Louisville](#) or ordinances, those provisions shall apply and that Rule shall not. Nothing herein shall prevent a Board from adopting its own rules of procedure specific to its roles and responsibilities so long as they do not conflict with these Rules.

III. MEETING CIVILITY

- A. CIVILITY AMONG MEMBERS OF THE BOARD: The Board shall preserve reasonable order and decorum and confine members of the public to discussion of the questions under consideration.

During Board meetings, members shall preserve reasonable order and decorum and shall not delay or interrupt the proceedings or refuse to obey

the order of the Chair or the Rules. Every member of the Board desiring to speak shall address the Chair, and upon recognition by the Chair, shall confine themselves to the questions under debate. Once recognized, no member of the Board shall be interrupted while speaking unless called to order by the Chair or unless a point of order is raised by another member.

- B. MEMBERS OF THE PUBLIC: Members of the public desiring to address the Board on any item on the agenda shall be recognized by the Chair, state their names, and are requested to state their place of residence (by city, town, or county of residence). Each member of the public shall speak in an audible tone for the record.

IV. **GENERAL RULES**

- A. LOCATION: All in-person Board meetings shall take place in a public building that is accessible to members of the public, with or without reasonable accommodation in accordance with applicable law.
- B. OPEN TO THE PUBLIC: All meetings, including those conducted by Electronic Participation pursuant to Section V.F, shall be open to the public. A Board may conduct executive sessions only in accordance with the Charter, Code, and applicable provisions of the Colorado Open Meetings Law.
- C. MEETING NOTICE: Notice for all meetings sessions shall be given as required by the Charter and as set by administrative rule. At the first regular meeting of every year, each Board shall designate the locations for posting of notices of its meetings.
- D. MINUTES: Minutes of each regular and special meeting shall be taken and retained permanently in the records of the City.
- E. QUORUM: A quorum is needed for the transaction of business at each meeting of a Board. A quorum shall be defined as a majority of the members of the Board holding office at the time of the meeting.
- F. ABSENCES: No member of the Board shall miss more than twenty-five percent (25%) of regular Board meetings during any calendar year. Missing more than twenty-five percent (25%) of meetings shall be cause for removal.
- G. APPLICABILITY OF THE OPEN GOVERNMENT POLICIES AND CODE OF ETHICS: Each member of the Board shall adhere to the City's Open

Government Rules and the Code of Ethics (Charter Section 5-6).

- H. DISCLOSURE OF INTEREST AND RECUSAL: Any member of the Board who has an interest in, or whose interest would be affected by, any proposed official action before the Board shall immediately and publicly disclose the nature and extent of the interest; shall not participate in any discussion or decision concerning the proposed action; shall not attempt to publicly or privately influence the Board, any public body, or any employee in connection with the action; and shall leave the room where the discussion or decision is taking place during the time the proposed action is being discussed and the decision is being made.
- I. CHAIR: The Chair is the member of the Board who presides over a Board meeting and shall do so according to these Rules and applicable law. The Chair serves as Chair of all Board meetings at which the Chair is present. In the Chair's absence, the Vice-Chair will serve as Chair. In the absence of the Chair and Vice-Chair, Board members will appoint one member to act as Chair for that meeting.

V. MEETINGS

- A. REGULAR MEETINGS: Each Board shall set a regular meeting schedule at the first meeting of each year identifying the date, time, and location of meetings.
- B. COMMITTEE MEETINGS: A committee meeting may be called if it can be properly noticed a minimum of 72 hours in advance. Committee meetings must meet all the same rules as a regular meeting.
- C. EXECUTIVE SESSIONS: A board may hold an executive session only for pending litigation and only with the City Attorney present.
- D. RESCHEDULING: A Board may reschedule meetings for dates and times outside its annual meeting schedule to avoid holidays, elections, and other matters, to achieve a quorum, or to allow for additional time for a meeting. To reschedule such meetings, the Board first must provide notice and approve of the proposal to reschedule.
- E. CANCELLATION: Any scheduled meeting may be cancelled by members or the Staff Liaison in the event there are no items for the board to discuss or in the event unforeseen emergent conditions exist which make conduct of the meeting impractical (for example, in the case of power outage) or travel to the meeting unduly hazardous (for example, in the case of blizzard conditions).

- F. **ELECTRONIC PARTICIPATION:** When it is feasible, an electronic attendance option shall be available for Board members, applicants, and members of the public including for quasi-judicial hearings. If it is not feasible due to technological or other reasons, the in person meeting shall continue if a quorum is present.
1. All meetings that have a remote attendance option will note that on the agenda and include information on the agenda about how to join the meeting electronically.
 2. Board members and members of the public attending electronically shall participate in the meeting under the same rules as those in the room.
 3. Public hearings on quasi-judicial matters may be taken during a meeting with Electronic Participation.
- G. **FULLY REMOTE MEETINGS:** The Staff Liaison with input from the board members may, in their discretion, change board meetings to a fully remote setting if needed. If a fully remote meeting is scheduled, it must be properly noticed as such and public access options must be provided on the meeting agenda.

VI. CHAIR AND VICE-CHAIR

- A. Each Board will elect a Chair and Vice-Chair at the first meeting of the year. The City recommends the Chair and Vice-Chair be rotated among Board members each year.
- B. The Chair shall preside over meetings of the Board when present and able to perform these responsibilities. The Chair shall have the same voting powers as any Board member.
- C. The Vice-Chair shall assume the duties of Chair when the Chair is absent or otherwise unable to perform the responsibilities of Chair.
- D. In the absence of the Chair and Vice-Chair, Board members will appoint one member to act as Chair for that meeting.

VII. MEETING PROCEDURE

A. PREAMBLE

1. A bedrock principle of a representative democracy is notice of impending governmental action and an opportunity for members of the public and their representatives to be heard. Principles of good government include deep respect for citizens; prudent stewardship of public resources, including the time of its citizens, staff members and appointed officials; direction that is clear and decisive; and decision making that is reasonably consistent, equitable, flexible, and transparent.
2. Through the application of these Rules, the City intends to ensure that it balances the principles described in the previous section in a way that ensures robust debate and accountability of City government to its residents. To that end, these procedures are not meant to be employed for the purpose of unreasonable rigidity, surprise, suppression of competing views, or needless prolonging of action.

B. CHAIR'S DISCRETION & RIGHT OF APPEAL The Chair shall have reasonable discretion in the application of these procedures subject to section XI.A.

C. AGENDAS: Each board will have a formal agenda for each meeting. The agenda will be set by staff for quasi-judicial boards and set by the chair in conjunction with the staff liaison for advisory boards. Each agenda will be posted as required prior to the meeting. Items cannot be added to the agenda at the meeting.

D. PUBLIC COMMENTS AT MEETINGS: All Board meetings, including Committee meetings, shall be open to the public. Members of the public shall have a reasonable opportunity to be heard at Board meetings.

The following provisions apply to any section of the agenda where public comments are allowed.

1. Members of the public desiring to address the Board on any item on the agenda shall be recognized by the Chair, state their name, and are requested to state their place of residence (by city, town, or county of residence).

2. Each board will have a section on its agenda for “Public Comments on Items Not on the Agenda.” Each speaker shall be limited to three (3) minutes.
 3. Each Board will permit public comment on any item at the time such item is being discussed by the Board. Each speaker shall be limited to three (3) minutes.
 4. Multiple citizens may designate someone to speak for them and aggregate their three-minute limit time up to a maximum of six (6) minutes of speaking time for their designated spokesperson. Those pooling their time must be physically present, identify themselves, and designate their spokesperson. A designated spokesperson may not speak for more than one group.
 5. The Chair, the Staff Liaison, or a designated board member shall enforce compliance with the time limits, and time shall be kept on a public comment clock.
- E. WRITTEN COMMUNICATIONS: Interested parties, or their authorized representatives, may address the Board by submitting written communication concerning any matter on the Board agenda. Such a written communication may be submitted by electronic mail or by addressing the communication to the Staff Liaison who will distribute copies to the Board. The communication will be entered into the record without the necessity of reading. A copy of the communication shall be posted at the meeting for the public to review. Anonymous written communications will not be accepted into the record.
- F. VOTING: For a motion to pass it requires the affirmative vote of a majority of the members of the Board present.

VIII. EXPECTATIONS OF STAFF LIAISON

A. COMMUNICATION:

1. The Staff Liaison will provide Board members with direct, open, and transparent communication about city priorities, projects, and budget.
2. The Staff Liaison will act as the conduit of information from the Board to City Council and from City Council to the board.
3. The Staff Liaison will respond to emails, phone calls, and text messages from Board members within two (2) business days and will

communicate with the Board members if a response will take more than two (2) business days.

B. ADVOCACY: The Staff Liaison will advocate ideas to City staff and leadership on the Board's behalf. The Staff Liaison will advocate for budget requests and CIP requests from the Board through the City's established budget process.

C. MEETINGS:

1. The Staff Liaison with input from the Board chair will create and publish meeting agendas and packets in accordance with bylaws, rules, and schedule established by the City Clerk's Office.
2. The Staff Liaison will work with the Chair to ensure meetings are concise and do not run exceedingly long and to ensure the discussion is limited to those items on the agenda.
3. The Staff Liaison will attend all meetings, to the best of their ability. If the Staff Liaison cannot attend a Board meeting, an alternate staff liaison will be appointed and the Chair will be notified in advance.

D. COLLABORATION:

1. The Staff Liaison will include Board members, when appropriate, in relevant projects and planning processes.
2. The Staff Liaison will include Board members on relevant communications, when appropriate, with outside organizations and individuals.

IX. EXPECTATIONS OF BOARD MEMBERS

A. COMMUNICATION:

1. There will be open and consistent communication between Board members and the Staff Liaison.
2. Board members will not speak on behalf of the Board unless specifically appointed to do so by the Board. Board members will include the Staff Liaison on all communications with outside organizations.

3. The Staff Liaison is the point of contact for all City operations related to the Board. The Staff Liaison will bring in any additional City staff as necessary for Board projects.
4. The Staff Liaison or the City's Communications Division will create all memos, marketing, and outreach materials for the Board. Board members shall not use City logos or letterhead without City approval.
5. Board members shall not create social media accounts on behalf of the Board or speak on social media on behalf of the Board or City.
6. Board members will only contact their Staff Liaison through a dedicated City email address, office phone, or cell phone (including texting) and will not contact the Staff Liaison through their personal emails, social media, or personal cell phones.

B. ADVOCACY:

1. Board members will go through proper channels when advocating for Board projects.
2. Board members will adhere to all regulations of the Fair Campaign Practices Act as they relate to City elections.

C. MEETINGS:

1. Board members will attend all meetings, to the best of their ability. If a Board member cannot attend a meeting, the member will send communication via email to the Staff Liaison with as much advance notice as possible.
2. If a Board member would like an item on an agenda, the member will reach out in advance to the Staff Liaison and the Chair. Topics not included on the agenda may not be discussed at a meeting per the City Charter.
3. Board members will meet all packet deadlines as established by the Staff Liaison and the City Clerk's Office. Items that are late may be postponed to a later meeting.

X. QUASI-JUDICIAL ACTIONS

A. PROCESS:

1. Quasi-judicial decisions are a determination of the rights, duties or obligations of a specific individual or entity. Board members making quasi-judicial decisions must do so based on the facts developed at a public hearing and through the application of presently existing legal standards of policy considerations of the facts.
2. Legally reversible decisions are almost always based on a lack of due process or procedural irregularities

B. DUE PROCESS: A quasi-judicial public hearing must include property public notice, a meaningful opportunity for interested parties to be heard, and basic fairness in procedure.

C. PREPARATION: Board members will review the meeting packet prepared by staff, understand the scope of the hearing, and be familiar with the relevant decision criteria in a case. Board members must act as impartial decision makers

D. EX PARTE CONVERSATIONS: Board members will not speak with one side or the other before or outside of the hearing process. This includes via email. Board members will disclose any unavoidable “ex parte” conversations and participate only if they are sure they can still make an unbiased decision.

E. CONDUCTING THE HEARING: Follow uniform/consistent steps for all hearings.

- Introduce Item
- Call for Disclosures
- Open Public Hearing
- Staff Report
- Applicant Presentation
- Public Comment
- Questions by Board members
- Close Public Hearing
- Deliberations
- Action

Once a hearing is closed the Board will not re-open it to hear only certain individuals, if a hearing is re-opened anyone who has not already spoken

may have the opportunity to speak.

If the Board holds and closes a hearing at one meeting and deliberates at the next, the Board cannot reopen the hearing without providing additional notice.

F. MAKING THE DECISION

1. Board members shall not make their decision on the basis of irrelevant criteria. Board members shall not base a decision on things a member “knows” but did not “learn” at the hearing. Board members will not participate in the decision if they cannot be fair and unbiased.
2. A Board members shall not participate in the decision if they did not participate in the entire hearing.

If a public hearing is opened and then continued to a later meeting, a member who missed the first meeting may review the video and all materials from the first meeting and then participate in the next one. This should be disclosed at the hearing.

3. Board members should ask for staff advice if they are unsure of the decision they are being asked to make or if they are unsure of the applicable legal criteria.
4. If appropriate, a Board may make a tentative decision and direct staff to prepare a draft written decision.

XI. **PARLIAMENTARY PROCEDURE**

- A. POINTS OF ORDER: The Chair shall determine all points of order, subject to the rights of any member of the Board to appeal to the Board, in which case the point of order shall be resolved by vote of a majority of the members of Board present.
- B. RIGHT OF THE FLOOR: Any member of the Board desiring to speak shall be recognized by the Chair.
- C. MOTIONS: Motions may be made by any member of the Board, including the Chair, provided that before the Chair offers a motion, the opportunity for making a motion should be offered to other members of the Board. Any member of the Board, other than the person offering the motion, may second a motion.

D. PROCEDURES FOR MOTIONS: The following is the general procedure for making motions:

1. Before a motion can be considered or debated it must be seconded; however, no action taken shall be invalidated simply because a motion was not properly made, seconded or recorded.
2. Once the matter has been discussed and the Chair calls for a vote, no further discussion will be allowed; provided, however, that members of the Board may be allowed to explain their votes.

E. DISCUSSION: Board members shall confine themselves to the question under discussion. All discussion must be germane to the agenda item.

F. MOTION TO END DEBATE: Any member of the Board may make a motion to end debate (also known as “calling the question”). If such a motion is made and seconded, the Chair shall immediately call for a vote on the motion. If the motion is not approved by 2/3 of the members of the Board present and voting, the Chair shall allow for debate to continue. If the motion is approved, the Chair shall call for a motion on the matter under consideration.

G. ALL MEMBERS MAY SPEAK: Each member of the Board shall have the right to speak and ask questions prior to a vote.

H. AFTER VOTING: Once a vote has been taken on a motion, there shall be no further discussion on that motion unless a motion to reconsider is properly made, seconded, and adopted.

XII. REMOVAL FROM BOARD

(City Council Resolutions No. 16, Series 2009 & No. 59, Series 2016)

A. The City Council greatly appreciates the contributions made by City residents who volunteer their time to serve on the City’s various boards and commissions. In order to help encourage citizens to volunteer and to promote an environment in which participation is productive and rewarding, the Council expects all board and commission members to work in a cooperative, constructive and civil manner.

B. To help maintain this environment the City Council has established that, during the term of office, a board member shall be removed only for cause. Cause shall include but not be limited to:

1. Violation of city or state ethics laws;

2. Conviction of a felony or of any other crime involving moral turpitude;
3. Absence from more than 25 percent of the regular meetings in any 12-month period;
4. Inefficiency, neglect of duty or malfeasance in office;
5. Knowing violation of any statute, ordinance, resolution, rule, policy or bylaw applicable to the board or commission;
6. Physical or mental disability rendering the board or commission member unable to perform his or her duties;
7. Knowing disclosure of confidential information, which is defined to mean information which is not available to the general public under applicable laws, ordinances and regulations, and which is obtained by reason of the board or commission member's position with the City;
8. Failure to maintain the qualifications of a board or commission member for the board or commission on which the member serves;
9. Behaving in a harassing, hostile, threatening or otherwise inappropriate manner, or unreasonably disrupting or interfering with the conduct of any meeting of a board or commission; or
10. Other grounds constituting cause as established by law.

C. The procedure for removal of a member of a City board or commission shall be as follows:

1. Any person who believes that there is cause to remove a member of a City board or commission as provided above shall present the evidence of such cause to the City Manager.
2. The City Manager (or their designee) shall review the evidence presented and conduct additional investigations as the City Manager deems necessary. If the City Manager determines there is sufficient evidence supporting further action, the City Manager shall contact the board or commission member who is the subject of the allegation, outline the allegation against the member and provide the member with an opportunity to respond to the allegation. After considering all information received, the City Manager shall make a

determination as to whether removal or other action is warranted.

3. If the City Manager determines there are grounds for removal, the City Manager shall present a proposed resolution for removal to the City Council for its consideration and action. The member shall be provided written notice of the grounds for removal and the time and place of the City Council's consideration of the matter, at which time the member may address the City Council regarding the grounds for removal. Removal of a member shall require the affirmative vote of a majority of the entire City Council.
4. A member may resign from a board or commission at any time by providing a written resignation letter to the Mayor or City Manager. A resignation is effective upon submission or such later date as stated in the resignation letter, without requirement for acceptance thereof.