



NOTICE OF MEETINGS OF THE EXECUTIVE COMMITTEE OF THE PUEBLO CITY COUNCIL

A MEETING OF THE EXECUTIVE COMMITTEE OF THE PUEBLO CITY COUNCIL WILL BE HELD ON **JULY 18, 2022** COMMENCING **AT 5:30 P.M.** IN THE CITY COUNCIL CHAMBERS, THIRD FLOOR, CITY HALL, ONE CITY HALL PLACE, PUEBLO, COLORADO 81003.

Executive Committee meetings are special meetings of the City Council and are informal Council meetings for the purpose of receiving information and discussion among Council Members; no official action is taken at such meetings. The public is invited to attend, but public comment is generally not received unless otherwise noted.

Individuals requiring special accommodation are requested to please notify the ADA Coordinator of their needs at (719) 553-2295 by noon on the Friday preceding the meeting.

THE AGENDA FOR THE EXECUTIVE COMMITTEE MEETING IS AS FOLLOWS:

AGENDA

I. Call To Order And Welcome - Sarah Martinez, Work Session Chair

II. Topics

1. CITY UPDATE (5:30 PM - 5:35 PM)

PURPOSE:

Weekly update from the Mayor's Office.

CALL TO PODIUM:

Update: Ms. Laura Solano, Chief of Staff

TIME ALLOTTED:

5 Minutes

SUPPORTING BACKGROUND:

2. CATHOLIC CHARITIES OF SOUTHERN COLORADO (5:40 - 6:05 PM)

PURPOSE:

Presentation to City Council.

CALL TO PODIUM

Jon Riggs, Board Chair

Anu Keiley - Program Director

TIME ALLOTTED:

15 Minutes - Presentation

10 Minutes - Questions

SUPPORTING BACKGROUND:

Presentation to City Council.

Documents:

[07-18-22 CATHOLIC CHARITIES OF SOUTHERN COLORADO.PDF](#)

3. PUEBLO FOOD PROJECT UPDATE (6:05 - 6:25 PM)

PURPOSE:

Presentation to City Council.

CALL TO PODIUM

Megan Moore, Pueblo Food Project Coordinator

TIME ALLOTTED:

10 Minutes - Presentation

10 Minutes - Questions

SUPPORTING BACKGROUND:

Presentation to City Council.

Documents:

[07-18-22 PUEBLO FOOD PROJECT.PDF](#)

4. ARPA WASTEWATER PROJECTS - NORTHERN AVE & NEW PUEBLO COUNTY JAIL - (6:25 - 6:50 PM)

PURPOSE:

Presentation to City Council.

CALL TO PODIUM

Andra Ahrens - Interim Wastewater Director

TIME ALLOTTED:

15 Minutes - Presentation

10 Minutes - Questions

SUPPORTING BACKGROUND:

Presentation to City Council.

5. MARIJUANA OVERVIEW (6:50 - 7:45 PM)

PURPOSE:

Presentation to City Council.

CALL TO PODIUM

Trevor Gloss, Assistant City Attorney

TIME ALLOTTED:

45 Minutes - Presentation

10 Minutes - Questions

SUPPORTING BACKGROUND:

Presentation to City Council.

Documents:

[7-18-22 MARIJUANA OVERVIEW PRESENTATION.PDF](#)

III. Adjournment

Introductions



www.CCSoCo.org

Presenters:

Jon Riggs- CFO Parkview Hospital

CCSoCo Board Chair

Anu Keiley- Program Director

In attendance:

John Brainard-Interim Executive Director

Crystal Estrada-Advancement Director

429 W. 10th St.

Pueblo, CO 81003

(719) 544-4233

Web: www.ccsoco.org



HISTORY



April 6, 1944

Catholic Social Services was established in Pueblo, CO

January 20, 2000

Catholic Social Services, Inc. changed its name to Catholic Charities of the Diocese of Pueblo

April 6, 2019

Catholic Charities of the Diocese of Pueblo Celebrated its 75-year anniversary

December 1, 2021

Catholic Charities of the Diocese of Pueblo became Catholic Charities of Southern Colorado. This name change also prompted the creation of a new logo for the agency that better emphasizes growth and flourishing.

Board of Directors



Jon Riggs
Chair

Shelly Moreschini
Vice Chair

Mona Klein

Manuel Calderon

Kristie Dorwart

Judge Steven Fieldman

Programs-Prevention & Stabilization



- Home Stability
- SafeCare
- Representative Payee
- Support Connect and Nurture (SCAN)
- Colorado Community Response (CCR)
- Supportive Ongoing Services (SOS)

Programs- Family Strengthening



- Home Instruction for Parents of Preschool Youngsters (HIPPY)
- Parents As Teachers (PAT)
- HealthySteps
- Kinship Navigation
- Fatherhood Program
- Nurturing Parents

Programs-Opportunity Building



- ReHire
- Immigration Services

Who We Serve



www.CCSoCo.org



Family Resource
Center Association

Common Demographics
and Screening Survey



Catholic Charities
of Southern Colorado

First & Last Name _____ Today's Date _____

Date of Birth _____ County of Residence _____

Gender
☐ Male
☐ Female
☐ Transgender

Race/Ethnicity (Check all that apply)
☐ American Indian or Alaska Native
☐ Asian
☐ Black or African American
☐ Hispanic or Latino
☐ White
☐ Native Hawaiian or Other Pacific Islander
☐ Declined to answer

Total Number of family members (including yourself) _____

Monthly Family Income _____
(Definition: Before tax income of all family members. Income does not include capital gains or noncash benefits such as public housing, Medicaid, and food stamps, but does include all cash benefits. If monthly income varies (ex. seasonal employment), divide annual income by 12 to obtain monthly income)

Have you been to our Center before?
☐ Yes ☐ No

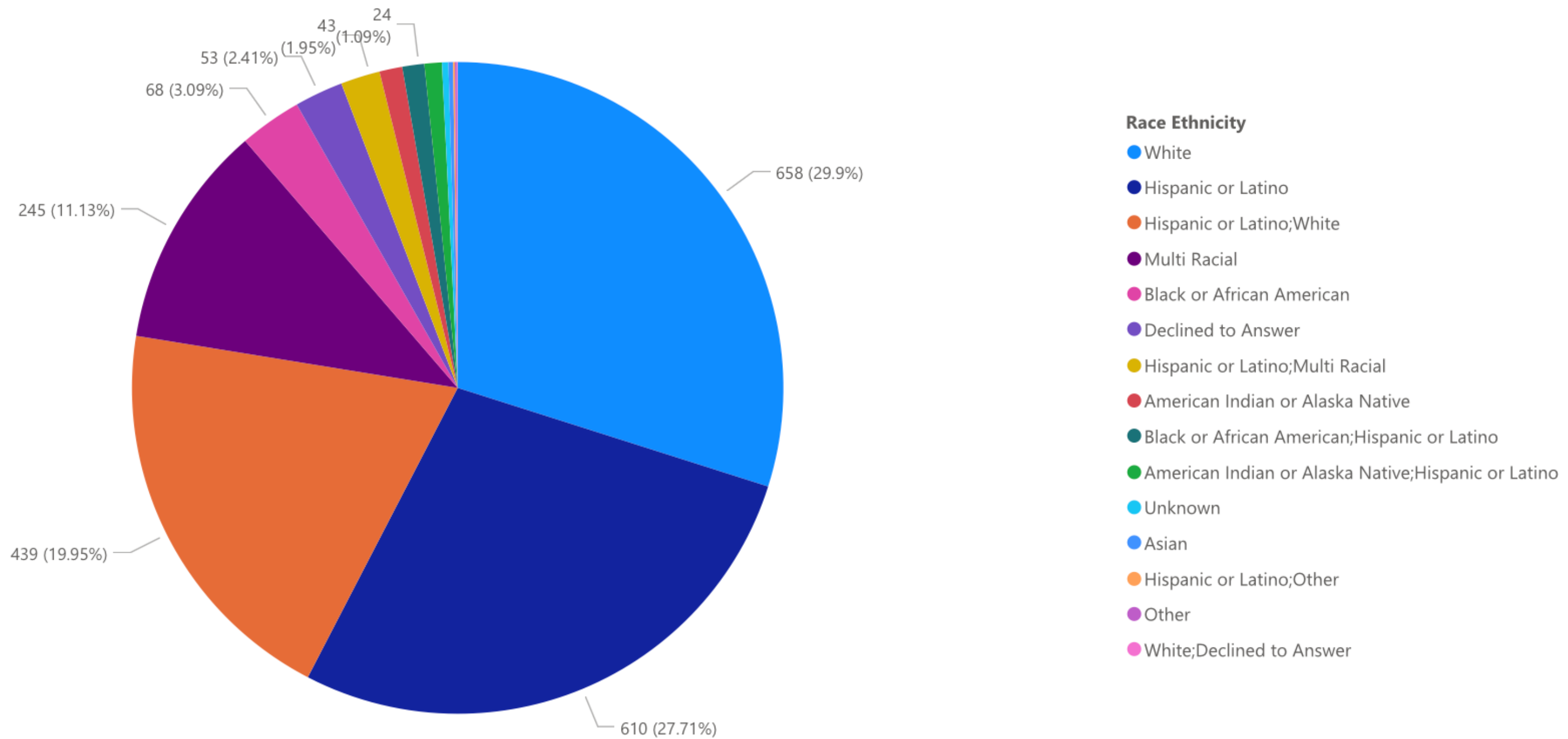
1. Are you or is another adult in your household employed full time?
☐ Yes ☐ No
2. Do you have stable housing?
☐ Yes ☐ No
3. Are you generally able to get where you need to go using a personal vehicle or public transportation?
☐ Yes ☐ No
4. Are you able to access enough food to feed yourself and your family?
☐ Yes ☐ No
5. Have you finished high school or obtained your GED?
☐ Yes ☐ No
6. Does everyone in your family have health insurance?
☐ Yes ☐ No
7. Do you have quality child care, if needed?
☐ Yes ☐ No
8. Are all of your school-aged children enrolled in the current school year?
☐ Yes ☐ No

For CCDP Staff use only:

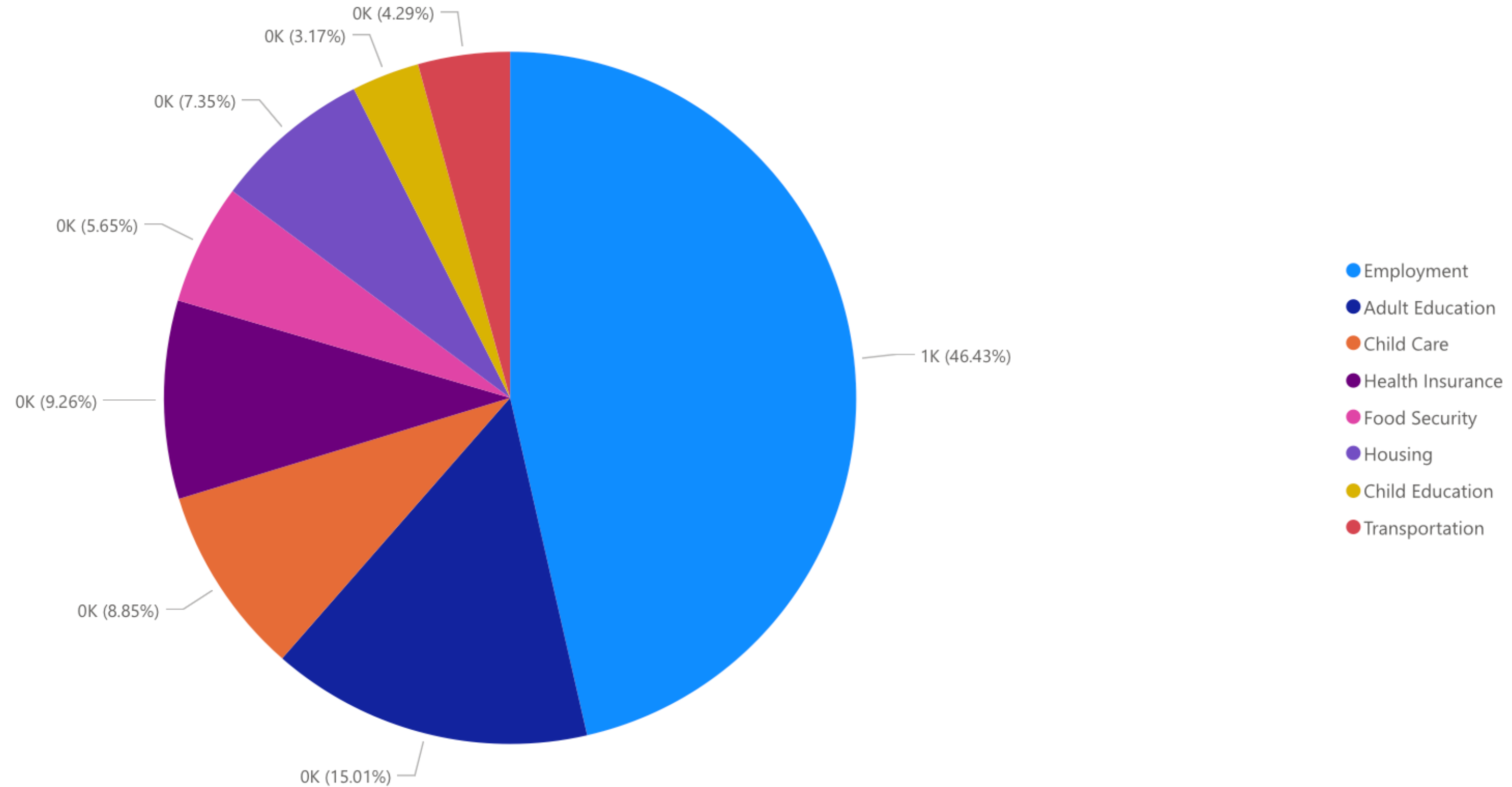
Was there any indication of need during this screening?
☐ Yes ☐ No

If yes, was a referral to a Family Development program made?
☐ Yes ☐ No, already enrolled in Family Development Program ☐ No, client declined
☐ Other _____

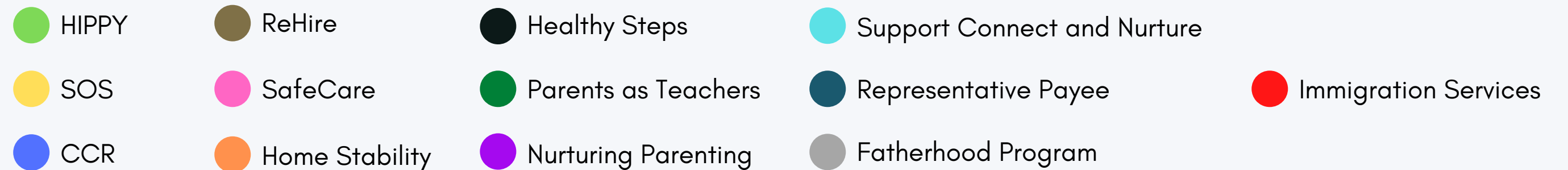
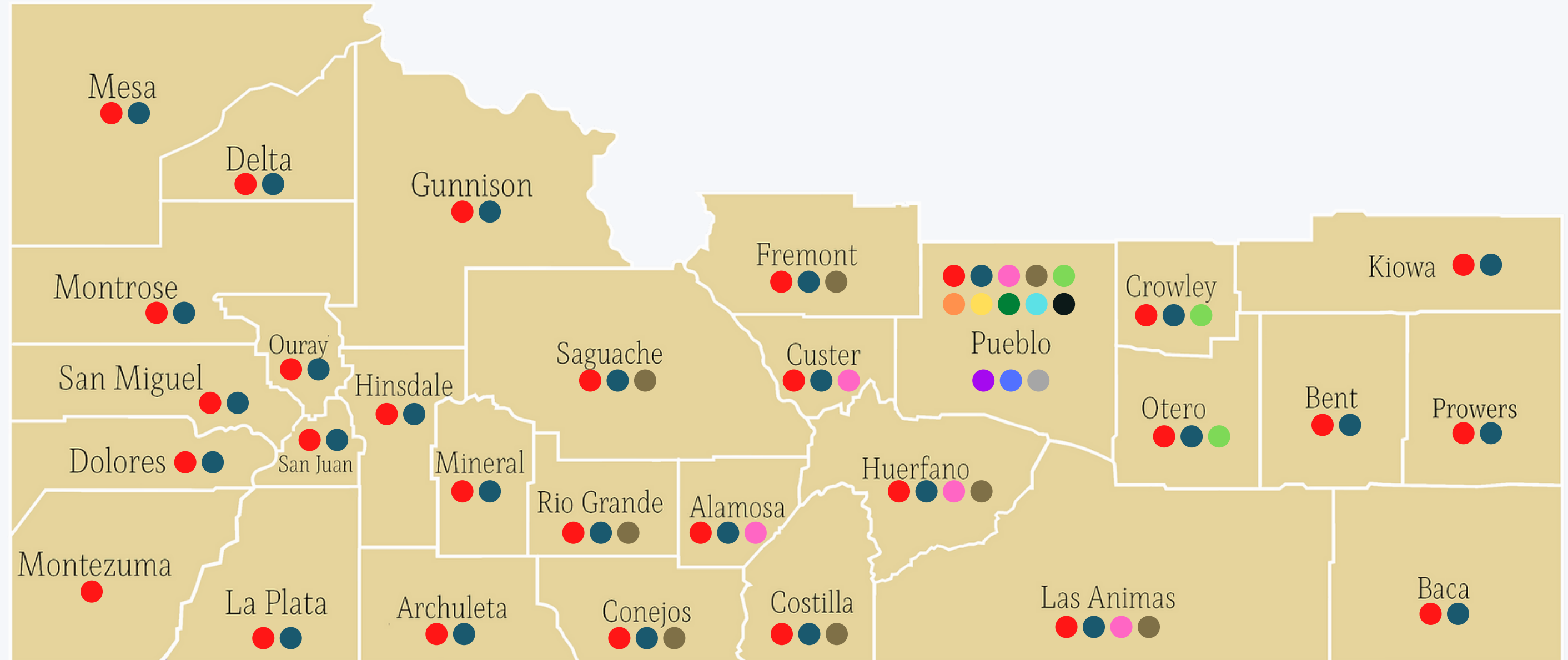
Who We Serve - Ethnicity



Who We Serve - Needs



Where We Serve



Community



www.CCSoCo.org



Funding



Federal contracts	\$1,730,678
State contracts	\$1,726,681
Contributions	\$511,500
Foundations	\$507,529
Fee Revenue	\$449,700
Local contracts	\$628,735
Miscellaneous	\$181,279
Total Annual Revenue	\$5,736,102

- All federal and state fund spending is restricted to the contract terms.
- Most foundation and local fund spending is also restricted to program specific expenses.
- Approximately 15% of total agency revenue is available to cover general operating expenses.

Staff



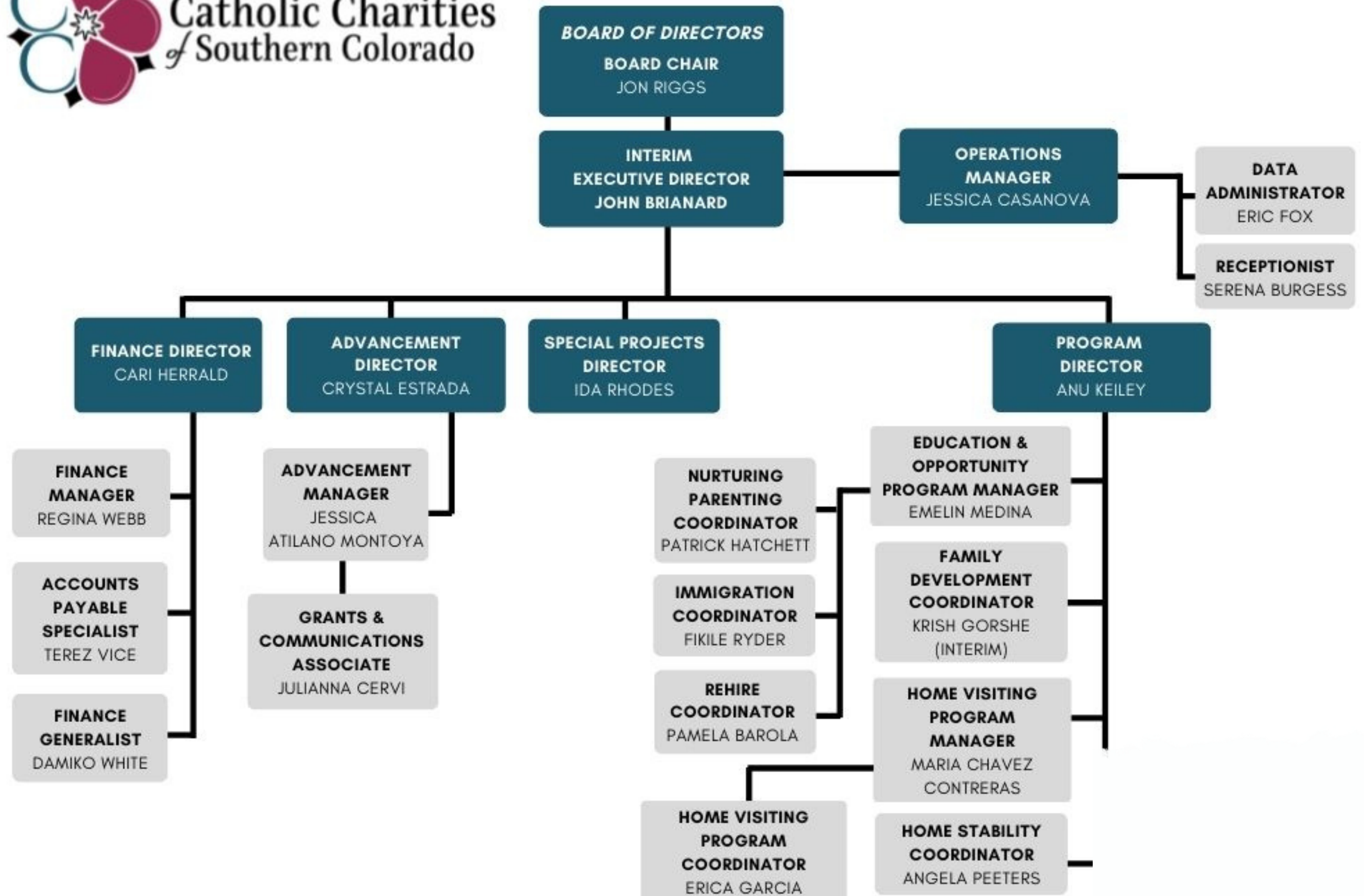
Employee Type	Number
Full-time	54
Part-time	3
Hourly	5
Americorp	15
Total	77

Gross annual payroll
expense is
\$3,208,968.34

Staff

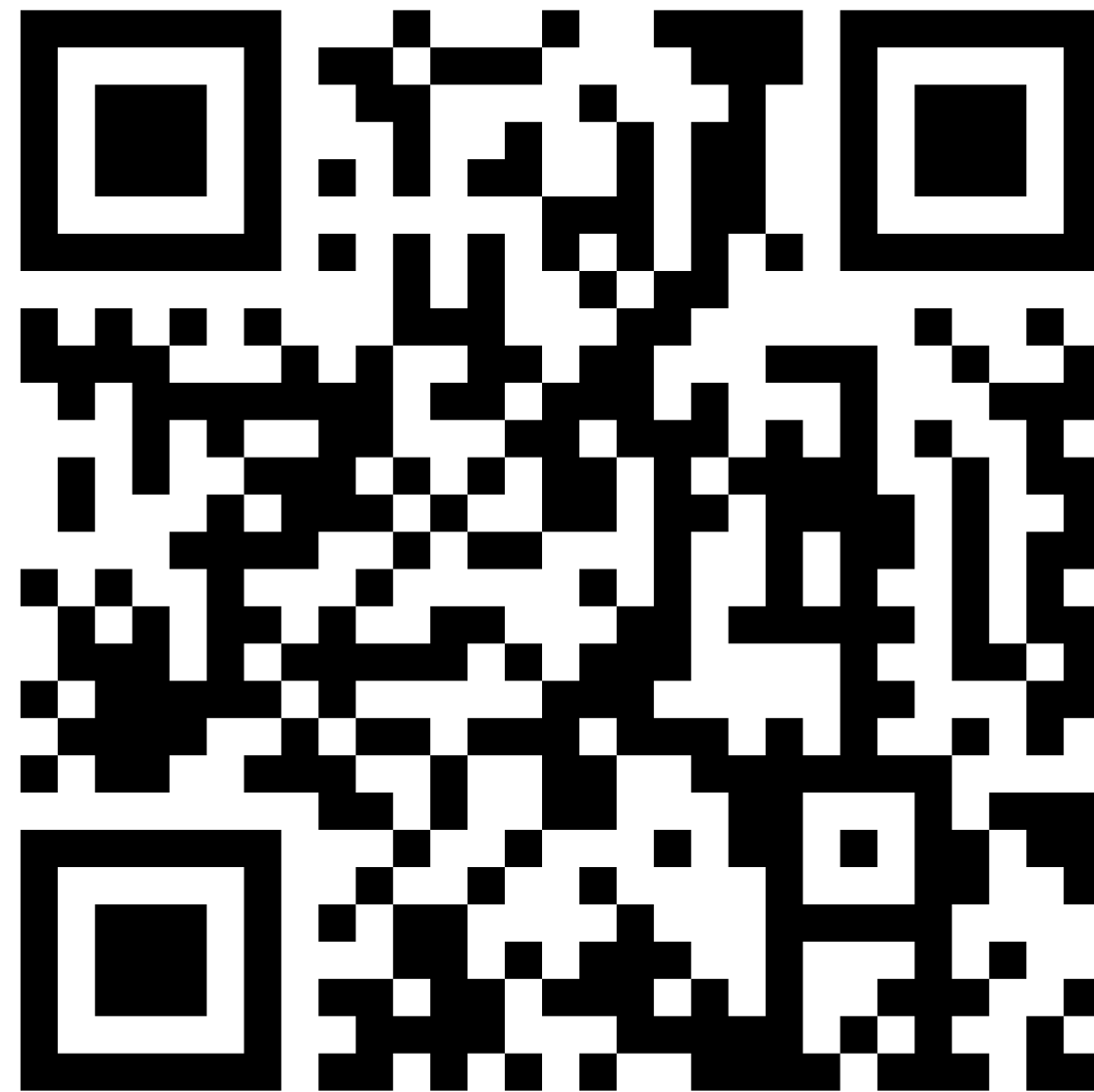


Catholic Charities
of Southern Colorado





Scan to GIVE TODAY



www.CCSoCo.org



www.CCSoCo.org

Questions?



**Thank
you!**



PUEBLO FOOD PROJECT

Megan Moore, Pueblo Food Project Coordinator

July 18, 2022

Who is Pueblo Food Project?

Pueblo Food Project is a community led coalition that helps create a more vibrant, nutritious and equitable food system for every eater in Pueblo County.

Over 150 members, 5 working groups, 1 task force, and 1 youth council

Stakeholders: CDPHE, SNAP, Care and Share, Pueblo Cooperative Care Center, Health Solutions, PCHC, Cooking Matters, Rocky Mountain SER, District 60, CSU Extension, SRDA, Posade, Los Pobres, PDI, Neighborworks, WIC, One Colorado, Milberger Farms, Mauro Farm and Bakery, Springside Cheese, and many more.



Our Programs

PFP Community Pantry

Edible Landscapes

Community Garden Sustainability Project

7th Grade Hydroponic Grow Curriculum

Fooducates

Sun Soil Water Summit

Entrepreneur Development Program

Hunger Relief Task Force

Meal Prep Classes

SAME Cafe

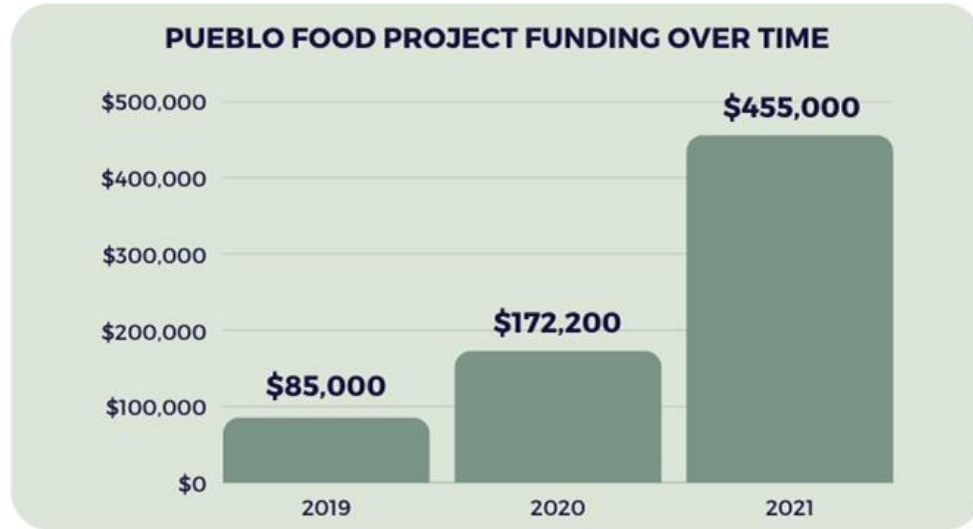
On going Coalition Engagement including JEDI Work



Budget Snapshot

Funding from: Colorado Health Foundation, ARPA, Colorado Blueprint to End Hunger, Denver Foundation, El Pomar, CARES Act, Packard Foundation, and others.

2022: Colorado Dept. of Law \$250,000 (over 3 years) Gerone-Nickisch Foundation \$20,000, Colorado Blueprint to End Hunger \$100,000. **Total of earned \$370,000 for 2022.**

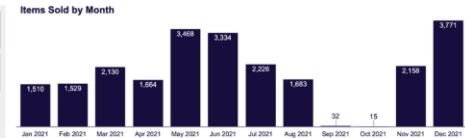


Our Impact - Healthy Food Access

- Supported increased use of SNAP and WIC, \$15,500+ farmers market transactions
- Delivered over 8,000 food packages around the community
- Over 23,00- items were given through our community pantry in 2021
- \$100,000 spent in 2022 for pantry
- 7,000 items in 2022 (by case)
- 2,000 homeless meal kits

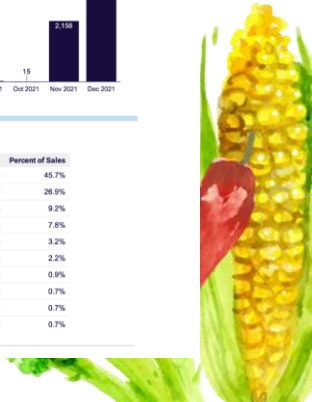
January 2021 - December 2021

Over 23,000 items were given to over 20 different hunger relief organizations in Pueblo County.



Item Details

Product Category	Products Sold	Percent of Sales	Product Name	Products Sold	Percent of Sales
1. Meat	19,802	84.2%	1. Local Ground Beef (1lb pkg)	10,756	45.7%
2. Beans	2,175	9.2%	2. Mild Italian Sausage	6,329	26.9%
3. Condiments	750	3.2%	3. Rustler Pinto Beans	2,175	9.2%
4. Prepared Food	371	1.6%	4. Mexican Chorizo	1,835	7.8%
5. Tortillas	222	0.9%	5. Whole Chicken (1 case)	753	3.2%
6. Pueblo Chiles	176	0.7%	6. Per Natur's Green Chili Sauce	518	2.2%
7. Pasta	24	0.1%	7. Flour Tortillas (10" - 1 case)	222	0.9%
			8. Pueblo Chiles - Chopped	176	0.7%
			9. Frozen Carnitas Burritos (1 case)	167	0.7%
			10. Frozen Chicken Burritos (1 case)	162	0.7%



Our Impact - Local Food Economy

\$356,402 in Local Food Procurement in just 2021

Our Local Suppliers, Bays Meat Market, Double Js Meats, El Pampano,, Gagliano's Sausage Company, Hobbs and Meyers Farms, Joe Vito Bella Pasta Company, John Costea Jams, Jojo's Sriracha, Larga Vista Farms, Lo Presti Farms, Martino Cattle Company, Mauro's Farm and Bakery, Mauro's Burrito Company, Megan's Mushrooms, Milberger Farms, Nicky B's, Pars Natural Foods, Prairie Hen Preserves, Rusler Farms, Springside Cheese, Sunshine Microgreens, Zoelsmann's Bakery



Our Impact - Farm and Food Education

- Roncalli - 7th Grade Food and Farming Curriculum now also at DHPH
- 10 Gardens in Eiler's, Grove, and Bessemer Neighborhood and a 10 lesson gardening for beginners curriculum.
- Community cooking classes now supported by our Colorado Dept. of Law Grant
- Community Garden Sustainability Project - 4 existing and 2 new gardens
- Year 3 of Edible Landscapes
- Grow Your Own Food Guide.



Our Impact - Advocacy

- Sun Soil Water Summit - Over 200 people attended
- Regional Summit for Colorado Food Systems
- Policy Bootcamp
- Language Equity



The Future of Pueblo Food Project

Pueblo Food Project has partnered with Civic Canopy to evaluate what the future of Pueblo Food Project will look like.

- Program Evaluation
- Distributed Leadership
- **Continuing Colorado Health Foundation Grant**





Who are the Fooducates?

Pueblo Food Project Youth Council aka the Fooducates, is comprised of high school and college age students, excited to make a difference in our community with the Pueblo Food Project!



Purpose

Our focus is not only promoting healthy eating, but making nutritious foods more accessible to the community. Overtime, we have explored various methods of doing so, through events and community outreach.



Impact

2021-2022

Meal Kit Distribution - Tacos

- 40 families

DIY Salad Dressing

- 60 families

Bessemer Extravaganza

- Over 600 families

DIY Pizza

- 15 highschool students

2nd Fruits of Love

- 500 families

Healthy Cookie

- 10 families, 10 full recipe kits

Healthy Microwave Meal

- 10 families



2020-2021

3 Meal Kit Distributions

- Greek Salad Wraps
- 80 families
- Roasted Chicken and Vegetable Lo Mein
- 50 families

Bessemer Extravaganza

- Over 600 families

1st Fruits of Love

- 500 families





Marijuana Overview

Trevor Gloss, Assistant City Attorney

July 18, 2022

Current Number and Types of Licenses

- ▶ As of July 8, 2022, the City has a total of **28** marijuana licenses. This includes:
 - ▶ Medical: Eight (8) Facilities
 - ▶ Two (2) Medical Stores
 - ▶ Two (2) Medical Cultivations
 - ▶ Two (2) Medical Product Manufacturers
 - ▶ Two (2) Medical Testing Facilities
 - ▶ Retail: Twenty (20) Facilities
 - ▶ Eight (8) Retail Stores
 - ▶ Six (6) Retail Cultivations
 - ▶ Four (4) Retail Product Manufacturers
 - ▶ Two (2) Retail Testing Facilities
 - ▶ There are four (4) additional licenses pending final inspections, including for: (i) Retail Cultivation, (ii) Medical Cultivation, (iii) Retail Product Manufacturing, and (iv) Medical Product Manufacturing.

Roadmap

- ▶ Marijuana Taxes
- ▶ Marijuana Fees
- ▶ Social Equity Licenses
- ▶ Marijuana Delivery, Walk-ups, and Drive-ups
- ▶ Marijuana Hospitality Businesses

Marijuana Taxes

Taxes - State Level

► Medical Marijuana

- Sales Tax: 2.9% (regular state sales tax)

► Retail Marijuana

- Excise Tax: Up to 15% on unprocessed retail marijuana (cultivations)
 - Currently set at 15%
- Sales Tax: Up to 15%
 - Currently set at 15%
 - 10% of the collected revenue is distributed to local governments based on their percentage of marijuana retail sales.
 - Received \$379,790.25 in 2020
 - Received \$384,598.39 in 2021

*As of 2021, 18 states and the District of Columbia have legalized the sale of retail marijuana. The tax rates and tax structures vary. Washington state levies a 37 percent sales tax while Massachusetts levies a 10.75 percent special sales tax on top of the state's 6.25 percent general sales tax. Alaska does not have a sales tax but does collect \$50 per ounce of marijuana flower sold.

Municipal Taxes

► Medical Marijuana

- Special Sales Tax: 4.3% per PMC 14-11-3 and Ordinance No. 8208.
 - Received \$66,296.56 in 2020
 - Received \$48,262.82 in 2021

► Retail Marijuana

- Excise Tax: Up to 15% on unprocessed retail marijuana (cultivations) per PMC 14-12-8 and Ordinance No. 8903.
 - Currently set at 8% on first sale or transfer per PMC 14-12-2.
 - Received \$562,805.87 in 2020
 - Received \$797,702.76 in 2021
- Special Sales Tax: None. The City may enact a special sales tax only upon voter approval.

*Regular Sales Tax is also charged on all transactions, which is 3.7%.

County Excise Tax

- ▶ The County has a 5% Marijuana Excise Tax of the average market rate of unprocessed retail marijuana. This was phased up over four years and is the highest rate it can impose per statute.
- ▶ The City receives no portion of this County tax.

County Special Sales Tax

- ▶ The County collects a 6% special sales tax on all retail marijuana within its jurisdiction, including the eight (8) retail marijuana stores within the City. Per an amended Intergovernmental Agreement, the County has agreed to share some of that revenue.
- ▶ The City receives 58.33% of all special sales tax revenues collected from the eight (8) retail stores within the City, less a fifteen percent administrative fee. This equates to a 3.5% special sales tax (minus the fee) on those transactions for the City.
- ▶ The remaining 47.67% of the collected revenues are used by the County for law enforcement and detention related purposes, mainly centering on the creation of a new detention center.
- ▶ Marijuana Revenue received from the County:
 - ▶ \$676,277.17 in 2020
 - ▶ \$652,402.53 in 2021
- ▶ If the City were to impose its own special sales tax on retail marijuana (with voter approval), the County would no longer be able to collect its own special sales tax within the city (the eight (8) retail marijuana stores) per C.R.S. 29-2-115. The City could enter into an agreement with the County to allow it to keep collecting its special sales tax within the city. This may affect the County's plans for a new detention center.

Total Tax Revenue for the City

- ▶ **From Medical in 2020:**

- ▶ \$66,296.56

- ▶ **From Retail in 2020:**

- ▶ \$379,790.25 (Excise Tax from State) + \$562,805.87 (Municipal Excise Tax) + \$676,277.17 (County Sales Tax Agreement)

- ▶ = \$1,618,873.29 in Total

- ▶ **From Medical in 2021:**

- ▶ \$48,262.82

- ▶ **From Retail in 2021:**

- ▶ \$384,598.39 (Excise Tax from State) + \$797,702.76 (Municipal Excise Tax) + \$652,402.53 (County Sales Tax Agreement)

- ▶ = \$1,834,703.68 in Total

Marijuana Fees

Medical Marijuana Fees

► New Licenses

- Medical marijuana store: six thousand five hundred dollars (\$6,500.00).
- Medical marijuana products manufacturer: six thousand five hundred dollars (\$6,500.00).
- Medical marijuana cultivation facility: six thousand five hundred dollars (\$6,500.00).
- Medical marijuana testing facility: four thousand five hundred dollars (\$4,500.00).

► Renewal of a License

- For all licenses: four thousand five hundred dollars (\$4,500.00).

Retail Marijuana Fees

- ▶ State law generally prohibits a municipality from charging an application fee.
- ▶ Operating fees are charged to cover the costs of administration, regulation, implementation, and enforcement of the marijuana code. The following are paid upon issuance of a license and yearly upon renewal:
 - ▶ Retail marijuana cultivation facility upon issuance: Fifteen thousand dollars (\$15,000.00). Upon a renewal:
 - ▶ With a plant count between one (1) and three thousand six hundred (3,600): Six thousand five hundred dollars (\$6,500.00).
 - ▶ With a plant count between three thousand six hundred one (3,601) and ten thousand two hundred (10,200): Ten thousand dollars (\$10,000.00).
 - ▶ With a plant count of or over ten thousand two hundred one (10,201): Fifteen thousand dollars (\$15,000.00).
 - ▶ Retail marijuana product manufacturing facility: Fifteen thousand dollars (\$15,000.00) for the first year; and ten thousand dollars (\$10,000.00) each subsequent year thereafter.
 - ▶ Retail marijuana testing facility: Five thousand dollars (\$5,000.00) upon issuance and renewal.
 - ▶ Retail marijuana store: Fifteen thousand dollars (\$15,000.00) upon issuance and renewal.

CUP Fees

- ▶ As part of the Medical or Retail Marijuana process, an applicant must obtain a Conditional Use Permit (“CUP”) from the Planning and Zoning Department. The CUP ensures that the building complies with the City’s codes, is zoned appropriately, meets all the buffers, landscaping and façade requirements, and may impose additional conditions if so required. The CUP requires numerous hours from Planning and other staff.
- ▶ Fee: \$5,000 upon issuance and yearly upon renewal.
 - ▶ *This fee is paid by any business that needs a CUP, not just marijuana businesses.

Fees in Other Jurisdictions

► Pueblo County

► Medical

- Store: \$5,000
- Cultivation: \$4,000
- Products Manufacturer: \$4,000
- Testing: \$1,500
- Transporter: \$4,400 every two years

► Retail

- Store: \$5,000
- Cultivation: \$4,000 + additional cost for higher plant count, up to \$6,500 more.
- Product Manufacturer: \$4,000
- Testing: \$1,500
- Transporter: \$4,400 every two years

Fees in Other Jurisdictions, Cont.

▶ Denver

- ▶ Medical Marijuana Licenses: \$2,000 application fee + \$3,000 license fee = \$5,000
 - ▶ Social Equity License: \$1,500
- ▶ Retail Marijuana Licenses: \$5,000 license fee
 - ▶ Social Equity License: \$2,500
- ▶ Delivery: \$500 application fee + \$2,000 license fee = \$2,500
 - ▶ Social Equity License: \$2,000
- ▶ Hospitality (began accepting applications in November 2021, but only for Social Equity Licensees): \$2,000

Fees in Other Jurisdictions, Cont.

- ▶ Colorado Springs (Medical Marijuana Only)
 - ▶ \$2,500 application fee
 - ▶ Medical Store, Cultivation, Manufacturing, Testing: Each \$2,600
- ▶ Fort Collins
 - ▶ Medical: \$2,000 application fee + \$1,000 license fee = \$3,000
 - ▶ Retail: \$2,500 application fee (collected by MED) + \$2,000 license fee (\$3,000 for stores) + \$3,000 operating fee = about \$7,500 total
- ▶ Boulder
 - ▶ Medical: \$4,500 application fee + \$2,075 license fee + misc. fees = about \$6,600
 - ▶ Retail: \$2,500 application fee (collected by MED) + \$2,475 license fee + \$2,000 operating fee + misc. fees = about \$7,000 total

Fees in Other Jurisdictions, Cont.

- ▶ Aurora (Retail Marijuana Only)
 - ▶ Retail Store, Cultivation, Manufacturing, Testing, Transporter: Each \$10,000
- ▶ Lakewood
 - ▶ Medical
 - ▶ Store application fee of \$3,000 + \$2,500 license fee
 - ▶ Cultivation application of \$500 + \$500 license fee
 - ▶ Retail
 - ▶ Store application fee of \$2,000 + \$1,000 license fee
 - ▶ Cultivation application of \$500 + \$500 license fee

Total Fees Collected for Pueblo

► Medical Marijuana

► License Fees

- 2020: \$35,650
- 2021: \$76,625

► Misc. Services

- 2020: \$67,500
- 2021: \$82,625

► Retail Marijuana

► License Fees

- 2020: \$195,700
- 2021: \$218,725

► Misc. Services

- 2020: \$40,000
- 2021: \$35,000

Social Equity Licenses

State Level - Accelerator Licenses

- ▶ The Accelerator Program allows individuals who may have faced barriers to entry in Colorado's retail marijuana industry to own and operate a marijuana business license as part of an agreed-upon partnership with an existing marijuana business that has been endorsed by the MED as an "Accelerator-Endorsed Licensee." An Accelerator-Endorsed Licensee serves as the "host" in the accelerator program by providing capital and/or technical support to a Social Equity Licensee and allowing the Social Equity Licensee to operate as an Accelerator Store, Accelerator Manufacturer and Accelerator Cultivator on the same Licensed Premises or on a separate Licensed Premises provided by the Accelerator-Endorsed Licensee. Applications to participate in the accelerator program (and Social Equity Licenses) became available beginning January 1, 2021.
- ▶ May be eligible for incentives available through the department of revenue or office of economic development and international trade, including but not limited to a reduction in application or license fees.
- ▶ Just for Retail Marijuana Businesses.
- ▶ Think: Apprenticeships.

Qualifications

- ▶ Eligibility Criteria:
 - ▶ Colorado resident
 - ▶ Has not previously owned an MJ Business that was subject to revocation
 - ▶ ONE of the following:
 - ▶ 1. The Applicant resided for at least 15 years between the years 1980 and 2010 in a census tract designated by the Colorado Office of Economic Development and International Trade as an Opportunity Zone or designated as a "Disproportionate Impacted Area";
 - ▶ 2. The Applicant or Applicant's parent, legal guardian, sibling, spouse, child, or minor in their guardianship was arrested for a marijuana offense, convicted of a marijuana offense, or was subject to civil asset forfeiture related to a marijuana investigation; or
 - ▶ 3. The Applicant's household income in a year prior to application did not exceed 50% of the state median income as measured by the number of people who reside in the Applicant's household.
 - ▶ The Social Equity Licensee holds at least 51% ownership in the business

Local Jurisdictions

- ▶ Denver
 - ▶ Same Eligibility Criteria as the State.
 - ▶ Various licensing fee discounts dependent on the type of license, ranging from discounts of \$3,500 to only \$500.
- ▶ Aurora
 - ▶ Same Eligibility Criteria as the State.
 - ▶ Currently limited to retail marijuana deliveries.
- ▶ There do not appear to be any other local jurisdictions with Social Equity Licenses.

Marijuana Delivery, Walk-ups, and Drive-ups

The Basics

- ▶ Marijuana Delivery, Walk-ups, and Drive-ups could be allowed as of January 2, 2021 (January 2, 2020 for Medical Delivery).
- ▶ Marijuana Delivery, Walk-ups, and Drive-ups are not permitted in the City of Pueblo unless the City expressly allows them. The City can approve one and not the others, approve them all, or stay silent. If the City does not take action, these uses will remain prohibited within the city.
- ▶ If Marijuana Delivery is approved, the City will have the option to prohibit deliveries that originate outside of city limits.

Delivery Permits

- ▶ Available for both Medical and Retail Marijuana Stores.
 - ▶ Also available for Transporter Licenses, so they can deliver on behalf of a Medical or Retail Store (in addition to their normal business of delivering marijuana between licensed businesses).
- ▶ Medical and/or Retail Stores may acquire a special permit allowing them to deliver.
- ▶ If Delivery is allowed for Medical or Retail Stores, each delivery has a \$1 surcharge that would go to the City for law enforcement costs related to marijuana enforcement.
- ▶ May take electronic orders.

General State Requirements

- ▶ Permit is valid for one year and may be renewed annually.
- ▶ Transporters cannot make individual deliveries while also transporting between businesses. Transporters cannot take orders, only pick up and drop off.
- ▶ When delivering to individuals, the individual must:
 - ▶ Be 21 years of age,
 - ▶ Have acceptable ID (which the City can further define), and
 - ▶ Receive the delivery pursuant to all State and local rules.
- ▶ Must inspect the individual's identification and verify that the information provided at the time of the order matches the name and age on the individual's identification.
- ▶ Must have State required training, including training regarding proof-of-age identification and verification.

General State Requirements Continued

- ▶ Deliveries are limited to:
 - ▶ Daily amounts established by the State:
 - ▶ Two ounces of Medical Marijuana, 40 grams of Medical Marijuana Concentrate, or Medical Marijuana Products containing more than 20,000 milligrams of THC, or
 - ▶ One ounce of Retail Marijuana, 8 grams of Retail Marijuana Concentrate, or Retail Marijuana Products containing more than ten 80 milligram servings of THC.
 - ▶ Only a specific individual at the provided address.
 - ▶ No more than once per day to the same individual or location.
 - ▶ Only to private residences (not public places, schools, etc.).
 - ▶ Vehicles must also comply with certain requirements.

Specific State Regulations

- ▶ The licensee and employee must obtain Responsible Vendor Certification.
- ▶ All inventory is tracked by the State and must have a transport manifest.
- ▶ Motor vehicle requirements:
 - ▶ Must be registered and insured.
 - ▶ Must have a vehicle tracking system that maintains real-time data and records the route. (Not for customer tracking)
 - ▶ The vehicle cannot have external markings, words, pictures, etc.
 - ▶ Marijuana must not be visible from outside the vehicle.
 - ▶ Additional security, including an alarm system, secured lock box, and video surveillance that records all deliveries and related conditions.
- ▶ An enclosed delivery vehicle (van, sedan, etc.) cannot carry more than \$10,000 worth of product. Limited to \$2,000 worth for non-enclosed vehicles (convertibles, etc.).
- ▶ Must receive the order before placing anything in the vehicle. These are not mobile dispensaries where people can order from the vehicle.
- ▶ If cannot complete a delivery, the marijuana is returned to the store.
- ▶ Although orders can be accepted at any time, deliveries may only happen between 8:00 a.m. and midnight.
- ▶ The State fee is \$4,880 initially and then \$2,440 for renewals.

Potential Municipal Regulations

- ▶ The City can create stricter regulations (if Deliveries are approved).
- ▶ For example:
 - ▶ May require security personnel accompany all deliveries.
 - ▶ May require use of electronic ID scanners.
 - ▶ Further define “private residence” and perhaps create delivery buffers.
 - ▶ Further restrict delivery hours.
 - ▶ Only enclosed motor vehicles may deliver.
 - ▶ No deliveries may come in from outside the city limits.
 - ▶ Limits on the number of vehicles or additional fees for extra vehicles.

Other Jurisdictions - Delivery

Still generally prohibited, except for:

- ▶ Denver
 - ▶ Limited to Transporter Licensees until 2024. Stores must contract with a Transporter to conduct deliveries.
 - ▶ License fee for permit of \$2,000 plus a \$500 application fee.
 - ▶ “Social Equity” discounts for permits.
- ▶ Boulder
 - ▶ Limited to Medical Marijuana Stores and only to certain applicable customers.
 - ▶ No separate fee, no separate permit, just part of the license.
- ▶ Superior
 - ▶ Marijuana establishments are prohibited within the City, but Medical and Retail Marijuana businesses outside the City may deliver inside the city with a permit.

Other Jurisdictions Continued

- ▶ Longmont

- ▶ Limited to Medical Marijuana Stores.
- ▶ No separate fee.

Aurora

- ▶ Deliveries are allowed for Retail Marijuana Stores and Transporters.
- ▶ If using a Transporter, has to meet certain “Social Equity” requirements for the first 36 months (long time Colorado resident, relative convicted of a marijuana related offense, or low-income household).
- ▶ Delivery hours limited to 8:00 a.m. through 10:00 p.m.
- ▶ Added Motor Vehicle Requirements and additional Inspections.
- ▶ Delivery permit fee of \$2,800. Only \$325 for Social Equity Transporter Licensees.

Walk-up and Drive-up/Drive-through Windows

- ▶ Became legal as of January 2021. These were temporarily allowed during 2020 because of the COVID-19 pandemic and Emergency Orders from the State.
- ▶ Requires approval to modify the premises.
- ▶ Currently prohibited by municipal ordinance and regulation.

General Requirements

- ▶ The area outside the window must be under the licensee's control and cannot be public property.
- ▶ Same requirements with regards to viewing and inspecting a customer's ID, receiving orders, payment, etc.
- ▶ Orders placed at such a window must be placed through a menu ("menu" not defined). Marijuana may not be displayed at the window.
- ▶ Additional video surveillance for the window.
- ▶ Vehicles cannot enter the Licensed Premises (i.e. cannot use a garage as a "window").

Additional Municipal Regulations

- ▶ The City may impose stricter regulations.
- ▶ For example:
 - ▶ Limit hours of use.
 - ▶ Additional security.
- ▶ Would need prior approval from various City departments, such as Planning and Zoning, Regional Building, etc.

Other Jurisdictions -Walk-ups and Drive-up Windows

- ▶ Walk-ups were allowed Statewide during the COVID-19 pandemic, but Drive-up Windows were and are still mostly prohibited.
- ▶ Denver allows Walk-ups and Drive-ups subject to approvals from various departments.
- ▶ Dillon allows Walk-ups and Drive-ups for both Medical and Retail Marijuana. However , it restricts what can be on a menu and has specific Planning and Land Use related requirements.
- ▶ Parachute appears to allow Walk-ups and Drive-ups for both Medical and Retail Marijuana.

Marijuana Hospitality Businesses

Licensed Hospitality Businesses

- ▶ There are two types of hospitality businesses, (i) Marijuana Hospitality Businesses and (ii) Retail Marijuana Hospitality and Sales Businesses. They have a number of common requirements:
 - ▶ No one under 21 can enter.
 - ▶ On-duty employees cannot consume.
 - ▶ Cannot consume liquor or tobacco on premises.
 - ▶ Cannot enter or consume if otherwise intoxicated.
 - ▶ Disorderly conduct and rowdiness prohibited.
 - ▶ Cannot give away marijuana or marijuana products.
 - ▶ Must have a minimum amount of food.
 - ▶ Marijuana must not be observable from outside the licensed premises.
 - ▶ Consumption must cease if law enforcement enters.
 - ▶ Must go through Responsible Vendor Training certified by the State.
 - ▶ Each employee must be licensed by the State and undergo a background check.
 - ▶ Can be operated in an isolated portion of a retail food business.
 - ▶ Cannot share space with a liquor licensed business.
 - ▶ Cannot be co-located with any other type of marijuana business.

Two Types of Licensed Hospitality Businesses

Marijuana Hospitality Business License

- ▶ Cannot sell or allow the transfer of marijuana or marijuana products.
- ▶ “Bring your own.”
- ▶ Can allow for operation of a mobile premises.
 - ▶ Can only consume on the premises.
 - ▶ Location would be limited. Buffers.
 - ▶ Needs a fixed business location.
 - ▶ Driver separated from consumption.

Retail Marijuana Hospitality and Sales Business License

- ▶ Sells marijuana and marijuana products for on premises consumption.
 - ▶ Cannot sell more than two grams of flower or one-half gram of concentrate to a customer per day.
 - ▶ Roughly equal to one large joint or two small joints. Depends on how much the business uses for each.
 - ▶ Must consume on premises but can take extra home. Cannot purchase just to leave with it.
 - ▶ Cannot make multiple sales to the same person to exceed limit. All sales are tracked.
- ▶ Cannot allow consumption of outside products.

Must the City allow them?

- ▶ NO
- ▶ Licensed Hospitality Businesses and consumption is “opt in.” A local jurisdiction must specifically allow it by ordinance. Otherwise, it is prohibited.
- ▶ It is illegal to publicly consume marijuana.
 - ▶ C.R.S. Const. Art. 18, § 16
 - ▶ C.R.S. § 44-10-702 and C.R.S. § 18-18-406
 - ▶ Pueblo Municipal Code § 11-1-608.

Smoking on Premises

- ▶ Will smoking be allowed?
 - ▶ Yes, if a local ordinance states that smoking of marijuana is allowed in Licensed Hospitality Businesses, then it will be legal.
 - ▶ Prohibited otherwise.
 - ▶ Can limit smoking to inside, and/or allow it in enclosed patio areas.
- ▶ If smoking is not expressly permitted:
 - ▶ Licensees will be limited to consumption that does not involve smoking. i.e. Edibles, etc.

Statutes Prohibiting Indoor Smoking

Colorado Clean Indoor Air Act, C.R.S. § 25-14-201 et seq.

- ▶ Generally prohibits smoking in any indoor areas.
 - ▶ “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe or any other lighted or heated tobacco or plant product intended for inhalation, *including marijuana*, whether natural or synthetic, in any manner or in any form. “Smoking” also includes the use of an Electronic Smoking Device (i.e. Vaping).
- ▶ If authorized by local ordinance, the Clean Indoor Air Act does not apply to the licensed premises of a marijuana hospitality business. This exception only applies to the smoking of marijuana and does not allow the smoking of tobacco on the premises.

Does the Pueblo Smoke-Free Air Act of 2002, Pueblo Municipal Code § 7-6-1 et seq., Apply?

- ▶ Prohibits smoking in public places and places of employment.
 - ▶ Public place basically means any enclosed area to which the public is invited or in which the public is permitted.
 - ▶ “Smoke-free” means that air in an establishment is not contaminated by tobacco smoke.
 - ▶ “Smoking” means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, weed, plant or other combustible substance in any manner or in any form.

Considerations

- ▶ Allow one or both types?
- ▶ Allow mobile premises?
- ▶ Allow smoking and/or vaping?
 - ▶ Make appropriate ventilation requirements.
- ▶ Zoning - Where to allow them? Allow patio areas for smoking?
 - ▶ Same locations for bars and other liquor licensed premises?
 - ▶ Buffers.
 - ▶ Mobile establishments.
- ▶ Require neighborhood surveys or input from surrounding businesses?

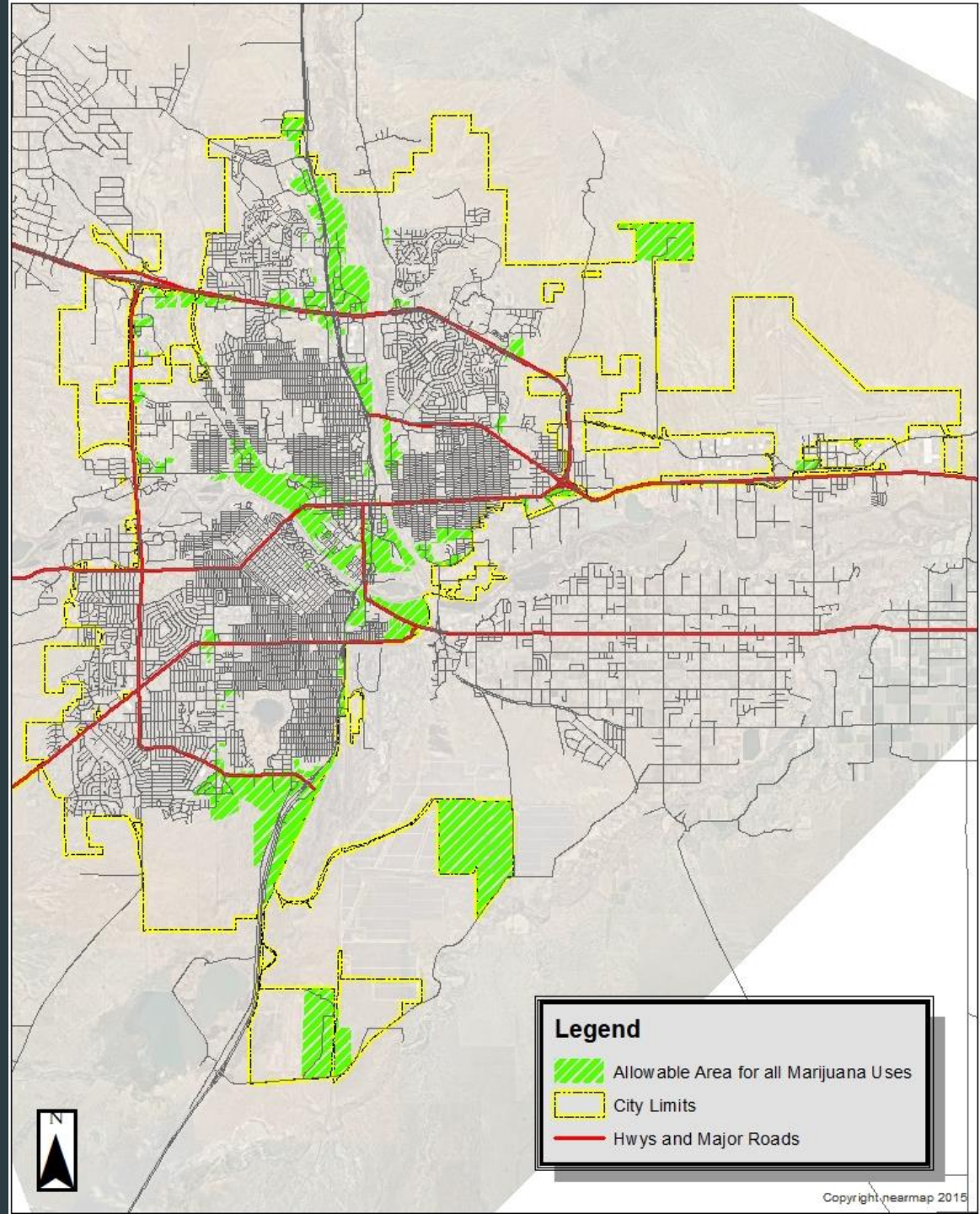
Proposed Fees

- ▶ Marijuana hospitality business:
 - ▶ Fixed premises: Five thousand dollars (\$5,000.00).
 - ▶ Mobile premises: Five thousand dollars (\$5,000.00).
- ▶ Retail marijuana hospitality and sales business: Fifteen thousand dollars (\$15,000.00).

Potential Areas

- ▶ Allowed areas are highly dependent on the buffers for marijuana businesses and other zoning requirements. Generally, buffers are a 1,000 feet from operational schools, 500 feet from hospitals or substance abuse treatment facilities, and 300 feet from residential districts.
- ▶ Reviews are conducted on an as-needed basis by the Planning Department because allowed areas are constantly changing due to the buffers.
- ▶ Map from 2017:

Allowable Areas for all Marijuana Uses as of 2017



Other Jurisdictions

- ▶ Adams County
 - ▶ Has five (5) (capped) Marijuana Hospitality Licenses, allowed as of August 12, 2020, but going through a lottery process.
 - ▶ First Hospitality Establishment (through this new process) in the state approved on February 16, 2022.
- ▶ Denver
 - ▶ Denver started accepting applications for Hospitality Establishments on July 1, 2021.
 - ▶ Offers three types of licenses: Hospitality (customers bring their own), Hospitality and Sales (sale on-site for consumption), and Mobile Hospitality.
 - ▶ Reserved for Social Equity applicants until July 1, 2027.
 - ▶ One licensed business - The Coffee Joint (previously the only licensee under Denver's cannabis consumption pilot - now repealed). Three more pending, waiting on either hearings and/or final inspections.
- ▶ Other jurisdictions do not currently allow hospitality businesses.

Questions?