

**CITY OF ARVADA  
LOCAL LIQUOR LICENSING AUTHORITY**

***RULES OF PROCEDURE***

**I. APPLICABILITY OF RULES**

A. Applicability. In addition to the ordinances of the City of Arvada and the Colorado Liquor and Beer Codes and related regulations, these rules shall govern all proceedings before the Local Licensing Authority (the "Authority") of the City of Arvada. These rules replace and supersede any previously adopted rules of procedure adopted by the Authority.

B. Effective Date. The effective date of these rules shall be September 9, 2022.

C. Amendments. The Authority may amend these rules from time to time. When amendments to these rules are proposed, a public hearing shall be held upon not less than 10 day's published notice, which notice shall state the general topic of regulation, the location and time of hearing, and that copies of the proposed changes or amendments are available at the office of the city clerk. The chairperson shall preside at the hearing and shall receive such evidence and argument as may be presented. Subsequent to such hearing, the rules may be revised as deemed appropriate. Said revisions shall become effective upon approval by the Authority.

D. Conflicts. If any of these rules shall conflict with any City ordinance, provision of the laws of the state, or the rules of the state licensing authority pertaining to the Colorado Liquor or Beer Codes and related regulations, the provisions of local law, state law, or state regulations shall govern.

**II. CHAIRPERSON & CHAIRPERSON PRO TEM**

A. Function. The Authority shall name a chairperson and chairperson pro tem. The Authority shall elect one of its members by majority vote to be chairperson and one to be chairperson pro tem. The chairperson and chairperson pro tem shall serve in those positions until the earlier of: (1) two years from the date of that person's election; (2) that person's voluntary resignation from the Authority or from the position; or (3) a vote of the majority of Authority members removing that person from the position. Regular elections shall be held in odd years at the first Authority meeting after the appointment and reappointment of Authority members by City Council. In the event the chairperson or chairperson pro tem's seat is vacant prior to a regular election, the Authority shall hold a special election to temporarily fill the position until the next regularly scheduled election. Elections will be held by secret ballot and conducted by the city clerk. Any Authority member may be re-elected to chairperson or chairperson pro tem until the end of that person's term limit (a maximum of 4 three-year terms).

B. Duties. The chairperson shall be responsible for conducting the meetings of the Authority, presiding over public hearings, signing all documents concerning the Authority's business, and all other duties attendant upon the position. The chairperson shall have the power to administer oaths, issue subpoenas, rule on admissibility of evidence, and make similar hearing-related rulings, including the granting of continuances. The chairperson pro tem shall assume the duties of the chairperson in the chairperson's absence. In the event both the chairperson and

chairperson pro tem are absent, the remaining members shall select a temporary chairperson for that meeting by majority vote, who shall assume all of the responsibilities listed above.

### III. STAFF

A. City Clerk. In addition to the duties listed in Arvada City Code, Chapter 6, Sec. 6-65, the city clerk shall serve as Secretary to the Authority. The city clerk shall receive all applications and coordinate information on all matters going before the Authority. The chairperson may delegate to the city clerk other administrative duties when such delegation is deemed necessary for reason of efficiency.

B. City Attorney. The City Attorney, or the City Attorney's representative, shall attend all meetings of the Authority, unless excused by the Authority. The City Attorney shall advise the Authority on legal matters pertaining to the case being discussed, shall make recommendations to the Authority, and may take part in discussions, but shall have no vote in the meetings of the Authority.

### IV. MEETINGS

A. Regular Meetings. Regular meetings shall be held on such day or days as shall be prescribed by the Authority, unless there is no business to transact, or the Authority, by majority vote, otherwise cancels a meeting.

B. Time. Meetings shall be held at 5:30p.m. in City Council Chambers, unless otherwise designated by the Authority or city clerk.

C. Special Meetings. Special meetings may be called by the chairperson, or at the request of the city clerk, city attorney, or licensing investigator upon concurrence of a majority of the Authority. All members shall be notified of a special meeting with at least 24 hours written notice, served personally or electronically with read receipt requested. A special meeting may be held without advance written notice if all members of the Authority are present when such special meeting is scheduled.

D. Order of Business. The business of all regular meetings of the Authority shall be transacted in the following order, unless the Authority, by majority vote, suspends the rules and changes the order:

1. Call to Order.
2. Pledge of Allegiance.
3. Roll Call of Members.
4. Approval of Minutes.
5. Old Business.
6. New Business.
7. Public Hearing of Cases in Numbered Order.
8. Other Authority Items.

9. Report from City Attorney.
10. Report from City Clerk.
11. Report from Licensing Investigator.
12. Adjournment.

E. Quorum. Three members shall constitute a quorum for the transaction of business at all meetings. In the absence of a quorum, a lesser number may adjourn any meeting to a later time or date. All other decisions shall be by majority vote of the entire Authority.

## V. PUBLIC HEARINGS

### A. Hearings on License Applications.

1. All license application hearings before the Authority shall be public and shall be conducted in a manner prescribed by the Authority, the Colorado Liquor and Beer Code and related rules, and Arvada's City ordinances.
2. The applicant shall be entitled to representation by an attorney, but no one other than a licensed attorney may represent the applicant at the hearing.
3. Petitions may be circulated within the neighborhood under consideration by the applicant, his or her designee, or by any person opposing the issuance of a license. Said petitions shall be on forms provided or approved by the city clerk, and shall be submitted to the city clerk no later than the Friday before the hearing. If said Friday falls on a holiday, petitions shall be submitted to the city clerk no later than the first business day prior to the holiday.

### B. Show Cause Hearings.

1. Upon complaint or upon the Authority's motion, the Authority shall consider, at a regular or special meeting, whether evidence, if substantiated, would constitute a violation of the Colorado Liquor or Beer Codes and related regulations. The Authority shall set a time and place for a hearing of the matter and shall give the licensee or permit holder timely notice of the date and time established for a show cause hearing at which time the licensee or permit holder will be required to show cause why a penalty should not be imposed if a violation is found.
2. Such notice shall contain a brief description of the grounds for conducting the hearing. The hearing shall be held as soon as is reasonably possible, but in no event shall it be held sooner than fourteen 14 days after notice has been mailed or delivered to the licensee or permit holder.
3. All show cause hearings before the Authority shall be public and shall be conducted in a manner prescribed by the Authority, the Colorado Liquor and Beer Code and related rules, and Arvada's City ordinances.

4. The licensee or permit holder shall be entitled to representation by an attorney, but no one other than a licensed attorney may represent the licensee or permit holder at the hearing.

5. Any party shall have the opportunity to cross-examine any witness on relevant evidence presented by another party. The chairperson shall have the power to limit testimony and evidence as the chairperson determines is relevant to the hearing.

6. At the conclusion of a hearing, the Authority may immediately render a verbal decision on the record, or may take the case under advisement and render a written decision thereafter.

7. If, prior to the public hearing, the licensee or permit holder and the prosecuting attorney reach agreement as to the alleged violations and appropriate penalty, they may jointly present such stipulation to the Authority at, or prior to, the public hearing. The Authority may, in its discretion, accept all or a portion of the stipulation, or reject the stipulation and conduct the public hearing. If said stipulation is rejected in whole or in part, the show cause hearing shall be continued until the next regular meeting of the Authority upon the request of the licensee, permit holder, or prosecuting attorney. If the Authority accepts only a portion of a stipulation, the licensee or permit holder and prosecuting attorney may submit a renegotiated stipulation to the Authority.

8. The Authority may consider sentencing guidelines as promulgated by the Authority in determining the appropriate sentence for licensees or permit holders found in violation of the Colorado Liquor or Beer Codes or related regulations.

## **VI. CODE OF CONDUCT**

A. Participation and voting by Authority members shall be subject to the requirements and limitations of the City's Code of Ethics, in accordance with the Arvada City Code, Chapter 2, Article VIII, Division 2.

B. All Authority members must act in accordance with the city's mission, vision and values and applicable City of Arvada policies of employee conduct.

C. Authority members shall not discriminate on the basis of race, color, religion (creed), gender, gender identity or expression, age, national origin (ancestry), mental or physical disability, political belief or affiliation, marital status, sexual orientation, or veteran status in any of its activities or operations.