Resolution No. 2014-11-05

RESOLUTION
OF THE BOARD OF DIRECTORS OF
GREATROCK NORTH WATER AND SANITATION DISTRICT

ADOPTING A MARIJUANA POLICY

WHEREAS, Greatrock North Water and Sanitation District (the "District") is a quasi-municipal corporation and political subdivision of the State of Colorado, duly organized and existing pursuant to §§ 32-1-101, *et seq.*, C.R.S.; and

WHEREAS, pursuant to § 32-1-1001(1)(h), C.R.S., the Board of Directors of the District (the "Board") is empowered with management, control, and supervision of all business and affairs of the District; and

WHEREAS, pursuant to § 32-1-1001(1)(m), C.R.S., the Board is authorized to adopt, amend, and enforce bylaws and rules and regulations not in conflict with the constitution and laws of Colorado for carrying on the business, objects, and affairs of the Board and the District; and

WHEREAS, pursuant to § 32-1-1001(1)(j)(I), C.R.S., the Board is authorized to fix and from time to time increase or decrease, fees, rates, tolls, penalties, or charges for services, programs, or facilities furnished by the District; and

WHEREAS, the voters of Colorado approved Amendment 64 at the 2012 general election, creating a new Section 16, Article XVIII of the Colorado Constitution ("Amendment 64"), which authorizes the limited cultivation, possession and use of one ounce or less of marijuana by persons twenty-one years (21) of age and older; and

WHEREAS, Amendment 64 permits the personal use of marijuana and marijuana products by persons twenty-one (21) years of age or older, and further provides that nothing in Amendment 64 shall permit consumption that is "conducted openly and publicly or in a manner that endangers others"; and

WHEREAS, Amendment 64 provides that any person or entity who occupies, owns or controls a property may prohibit or otherwise regulate the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in that property; and

WHEREAS, the Board wishes to regulate marijuana possession, use, consumption, display, transfer, distribution, sale, transportation, and growing of marijuana on property or facilities occupied, owned or controlled by the District; and

WHEREAS, the Board also recognizes the legal protections afforded to individuals by Amendment 64, §§ 12-43.3-101, *et seq.*, C.R.S. (the "Colorado Medical Marijuana Code"), and §§ 12-43.4-101, *et seq.*, C.R.S. (the "Colorado Retail Marijuana Code") regarding recreational

and medical marijuana, and desires to affirm these protections as they may be interpreted and amended by the General Assembly from time to time.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DISTRICT AS FOLLOWS:

1. Prohibition. It shall be unlawful for any person to possess, consume, use, display, transfer, distribute, sell, transport or grow marijuana or marijuana related items on property occupied, owned or controlled by the District.

2. Use of Facilities/Recreation Amenities. Disciplinary measures will be administered by the District and its authorized representatives without the necessity of any action of the Board for any person found violating the provisions of this Resolution. The District's authorized representatives shall have authority to remove an offending party or suspend an offending party's District facilities and/or recreation amenities privileges for up to six (6) months. Any such suspension may be appealed to the Board at the next regular District meeting. Any person refusing removal from the District facilities or recreation amenities or attempting to enter or remain on the premises of the District facilities or recreation amenities after their privileges have been revoked may be subject to arrest and prosecution for criminal trespass under Colorado law.

3. Effective Date. The provisions of this resolution shall take effect as of the date of this resolution.

4. Civil Penalties. A violation of any of this policy is subject to any and all civil remedies available to the District, including, but not limited to, a civil penalty hereby imposed in the amount of $250 for the first violation, $500 for the second violation, and $1,000 for the third and each subsequent violation, plus actual costs and attorneys' fees incurred by the District. The District may collect such penalties, charges, costs and fees by any means authorized by law.

5. Enforcement. The District and its authorized representatives may request any person to cease conduct that is in violation of any provision of this Resolution or other rules, regulations and/or policies of the District. In the event that the offending party fails to cease such conduct after being requested and warned to do so, the District representative is authorized to use all reasonable means s/he deems necessary to stop such conduct, including, but not limited to, having the offending party removed from the District property. In the event a person is to be removed from District property the District representative shall first contact law enforcement.

6. Amendment. The District expressly reserves the right to amend, revise, redact, and/or repeal this policy in whole or in part, from time to time in order to further the purpose of carrying on the business, objects, and affairs of the District. The foregoing shall specifically include, but not be limited to, the right to adopt new rules, regulations and/or policies and procedures as may be necessary, in the Board's discretion.

7. Severability. If any term or provision of this resolution or if any rule or regulation is found to be invalid or unenforceable by a court of competent jurisdiction or by operation of any

applicable law, such invalid or unenforceable term or provision shall not affect the validity of the remainder of the resolution or rules and regulations, as a whole, but shall be severed, leaving the remaining terms or provisions in full force and effect. In addition, in lieu of such void or unenforceable provision, there shall automatically be added a provision similar in terms to such illegal, invalid or unenforceable provision so that the resulting reformed provision is legal, valid and enforceable.

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RESOLVED, ADOPTED AND APPROVED this 4th day of November, 2014.

GREATROCK NORTH WATER AND
SANITATION DISTRICT

_____
Officer of the District

ATTEST:

_____

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law

_____
General Counsel to the District