

TOWN OF WINTER PARK

RESOLUTION NO. 1911
SERIES OF 2021

A RESOLUTION APPROVING A PROCESS FOR RANDOM SELECTION OF COMPLETED PHASE 1 APPLICATIONS TO PROCEED TO PHASE 2 OF THE REGULATED MARIJUANA BUSINESS LICENSE APPLICATION PROCESS

WHEREAS, pursuant to Title 3, Chapter 7 of the Winter Park Municipal Code (the "Code"), the Town Council shall serve as the local licensing authority (the "Authority") for all new regulated marijuana business license applications, regulated marijuana business renewal applications, applications for change of manager, applications for transfer of ownership, applications for modification or change of location of existing licenses, and applications for delivery permits;

WHEREAS, specifically pursuant to Section 3-7-4(B) of the Code, the Authority shall promulgate rules and regulations as are reasonable and necessary to implement and administer the requirements of Chapter 7 of the Code;

WHEREAS, Section 3-7-5(E) of the Code requires the Town to use a random selection process to select applicants from the set of completed Phase 1 applications to determine which applicants may proceed to Phase 2;

WHEREAS, on October 25, 2021, the Town's first ever 60-day period for Phase 1 regulated marijuana business license applications to be submitted closes and the random selection will need to take place thereafter; and

WHEREAS, the Town Council acting as the Authority desires to review, discuss, and establish the random selection process for maximum efficiency, transparency, and public trust.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Winter Park, Colorado as follows:

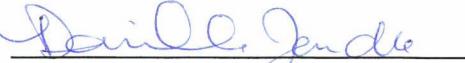
1. The Town Council acting as the Authority hereby approves the random selection process described in Exhibit A, attached hereto.

PASSED, ADOPTED AND APPROVED this 5 day of October, 2021.

TOWN OF WINTER PARK


Nick Kutrumbos, Mayor

ATTEST:


Danielle Jardee, Town Clerk


MICHAEL PERICOT, MAYOR PRO TUNC

Exhibit A

Regulated Marijuana Business License

Random Selection Process

Information:

There are three regulated marijuana business licenses available for issuance within the Town of Winter Park, two may be located in the Downtown Zone and one may be located in the Old Town Zone. These zones are described in Title 3, Chapter 7, of the Winter Park Municipal Code (the "**Code**").

Upon completion of the Phase 1 application process, three applicants will be randomly selected to continue on to the Phase 2 application process, which may result in issuance of a Town regulated marijuana business license. The Town Clerk will notify applicants in writing when their Phase 1 application is deemed complete. The Phase 1 application deadline is 5 p.m. MST, Monday, October 25, 2021 . Once the Phase 1 application stage is deemed completed and appeals, if any, are concluded, the selection process will occur.

Selection Process:

The selection date is currently set for Wednesday, November 10, 2021, at 4 p.m., and it will take place in Town Hall. This date and time may be changed with notice to the applicants and the public. The selection process will be broadcast and recorded via Zoom; applicants and the public can also choose to attend in-person at Town Hall. A PDF of the selection spreadsheet will be generated and kept along with the recording.

Applicants will be assigned a number in order of the Town Clerk's determination that an application is complete. This number will be publicly posted and emailed to the applicants at least 48 hours prior to the selection. At the selection time, the Town Clerk will use random.org to generate a random number sequence that goes from the first assigned number to the last assigned number. The Town has a spreadsheet built where the random number sequence copied from random.org will be imported. The Town uses the same process for its housing selection process. The spreadsheet will then be sorted by the random number sequence to generate a rank-ordered list of all applicants (the "**Ranked List**").

The applicant in the first position on the Ranked List will be asked to choose its preferred license location (Downtown Zone or Old Town Zone) and must do so. The applicant in the second position on the Ranked List will be asked to choose their

preference and must do so. The applicant in the third position on the Ranked List will be assigned the zone that remains available. Those three applicants will move onto the Phase 2 application process.

If any of the three applicants do not complete the Phase 2 application within the 90 days required by the Code, if any of those three applicants withdraw from the process, or if any of those three applicants are denied a license, the next applicant on the Ranked List will be contacted by the Town Clerk and given the opportunity begin Phase 2 application process as an "**Alternate Applicant**."

An Alternate Applicant selected in this manner will be contacted by the Town Clerk using the contact information provided on the application. The Town Clerk will make one phone call, leave one voicemail message (if possible), and send one email message.

The Alternate Applicant will have 72 hours from the time of contact to confirm in writing with the Town Clerk whether the applicant is interested in pursuing the Phase 2 application process. If so, the Alternate Applicant will have 90 days from the date of confirmation to complete the Phase 2 application process. If the Alternate Applicant declines to proceed or fails to confirm in writing with the Town Clerk within 72 hours, the Town Clerk will move on to the next applicant Ranked List.

If an Alternate Applicant fails to complete the Phase 2 application within the 90 days, if an Alternate Applicant withdraws from the process, or if an Alternate Applicant is denied a license, the next applicant on the Ranked List will be contacted by the Town Clerk, and so on. This process will continue until all 3 regulated marijuana business licenses are issued by the Town. Thereafter, the Ranked List will no longer be used, and a new application process will begin when needed pursuant to Section 3-7-5(F) of the Code.

When this process requires notice or communication in writing, it may be done by email from the Town Clerk using the email address provided by the applicant. Email communication is considered effective upon sending.