

AGENDA
SPECIAL MEETING OF THE CITY COUNCIL
480 S. ALLISON PARKWAY
CITY OF LAKEWOOD, COLORADO
HYBRID MEETING
NOVEMBER 4, 2024
7:00 PM

To watch the Council meeting live, please use either one of the following links:
City of Lakewood Website: [Lakewood.org/CouncilVideos](https://lakewood.org/CouncilVideos)
Lakewood Speaks: Lakewoodspeaks.org

The City of Lakewood does not discriminate on the basis of race, age, national origin, color, creed, religion, sex, sexual orientation or disability in the provision of services. People needing reasonable accommodation to attend or participate in a City service program can call 303-987-7080 or TDD 303-987-7057. Please give notice as far in advance as possible so we can accommodate your request.

In accordance with City Council Policy 5.1(A), all virtual meeting participants are advised that technological issues, whether caused by the City's equipment or the user's equipment, shall not be grounds for canceling a public meeting.

How to Connect to Provide Public Comment: Online participants may post written comments of any length to LakewoodSpeaks.org, an online forum for public comments.

ITEM 1 – CALL TO ORDER

ITEM 2 – ROLL CALL

ITEM 3 – PLEDGE OF ALLEGIANCE

ITEM 4 – STATEMENT OF CONFLICT OF INTEREST

ITEM 5 – PROCLAMATION – HONORING VETERANS DAY

ITEM 6 – INITIAL PUBLIC COMMENT

This initial period of public comment allows for up to ten total in-person speakers to provide their public comment earlier in the meeting on any matter other than an agenda item will be given the opportunity and shall prioritize those with special needs when the City Clerk is made aware of such needs in advance of the meeting. Speaking during this initial period of public comment requires signing up to speak with the City Clerk in advance of the meeting. Speakers should limit their comments to three minutes and there is no pooling of time during the initial public comment period.

**CONSENT AGENDA
ORDINANCES ON FIRST READING**

- ITEM 7 – ORDINANCE O-2024-30 – AMENDING TITLES 12 AND 14 OF THE LAKEWOOD MUNICIPAL CODE REGARDING PERMITS, REVOCABLE LICENSE AGREEMENTS AND ACCEPTANCE OF PUBLIC IMPROVEMENTS OR INTERESTS IN REAL PROPERTY**
- ITEM 8 – ORDINANCE O-2024-31 – CHAPTER 2.54 CODE CHANGES FROM CAMPAIGN FINANCE AD HOC COMMITTEE**
- ITEM 9 – ORDINANCE O-2024-32 – TO REZONE LAND LOCATED AT 8600 W. DAKOTA AVE., LAKEWOOD, COLORADO 80226 COUNTY OF JEFFERSON, STATE OF COLORADO**
- ITEM 10 – APPROVING CITY COUNCIL MEETING MINUTES**

END OF CONSENT AGENDA

PUBLIC COMMENT ON CONSENT AGENDA

**ORDINANCES ON SECOND READING
AND PUBLIC HEARINGS**

- ITEM 11 – ORDINANCE O-2024-28 – REPEALING AND REPLACING LAKEWOOD MUNICIPAL CODE CHAPTER 14.16 WITH CITIZEN INITIATED ORDINANCE PERTAINING TO PARK AND OPEN SPACE DEDICATION**
- ITEM 12 – RESOLUTION 2024-59 – CALLING A SPECIAL MUNICIPAL ELECTION TO BE HELD ON {INSERT DATE}, TO SUBMIT TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF LAKEWOOD A CITIZEN-INITIATED ORDINANCE REGARDING PARK AND OPEN SPACE DEDICATION**

ITEM 13 – GENERAL PUBLIC COMMENT

ITEM 14 – GENERAL BUSINESS

ITEM 15 – MAYOR AND CITY COUNCIL REPORTS

- A. COUNCIL MEMBERS BY WARD
- B. MAYOR

ITEM 16 – ADJOURNMENT

The City Council will conduct a check-in at 11:00 p.m. and every hour thereafter to evaluate whether it is appropriate to continue the meeting. The City Council may extend the time for public comment or may determine that, due to the lateness of the hour, modifications to the meeting may be appropriate. Modifications may include moving remaining individuals wishing to make public comment to the City's online comment portal, recessing the meeting to another date certain or adjourning the meeting.

STAFF MEMO

DATE OF MEETING: NOVEMBER 4, 2024 / AGENDA ITEM NO. 5

To: Mayor and City Council

From:

Subject: **Proclamation Recognizing and Honoring Veterans Day**

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: None

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: NOVEMBER 4, 2024 / AGENDA ITEM NO. 6

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: None

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: NOVEMBER 4, 2024 / AGENDA ITEM NO. 7

To: Mayor and City Council
From: Lauren Stanek, Senior Assistant City Attorney
Subject: **Amendments to Titles 12 and 14 of the Lakewood Municipal Code**

SUMMARY STATEMENT: City staff is proposing amendments to four sections of the Lakewood Municipal Code to reflect current practices within the City. Ordinance O-2024-XX amends Title 12, Sections 12.17.030, 12.19.020, 12.19.030 and Title 14, Section 14.13.060 of the Lakewood Municipal Code, which will standardize real estate transactions, and will bring the amended Code sections into compliance with current City practices.

BACKGROUND INFORMATION: City staff is proposing amendments to four sections in the Lakewood Municipal Code to include: Title 12, Sections 12.17.030, 12.19.020, 12.19.030 and Title 14, Section 14.13.060. These amendments would result in the following changes:

- L.M.C. 12.17.030: This proposed amendment changes the language in this subsection from “Finance Department” to “issuing department,” which is necessary because many other City departments are required to create and review permit application forms and ultimately issue permits. Because this duty is not the sole responsibility of the Finance Department, the proposed amendment to “issuing department” reflects the current City process.
- L.M.C. 12.19.020: This proposed amendment changes the language in subsection A to include “City-owned property” and replaces “Finance Director/City Treasurer” with “City Manager or designee.” Additionally, the proposed amendment adds subsection E to the Code, which creates enforcement language, allowing the City to adequately respond to violations of this section. Again, these changes reflect the current City process and will allow the City to deny, remove, or license encroachments onto City-owned property, including those on parkland which is currently now allowed by section 12.19.020. Lastly, the addition of the enforcement language in subsection E allows the City to have the ability to enforce the requirements of this section and remove any unapproved or unpermitted improvements in public right-of-way or on City-owned property.
- L.M.C. 12.19.030: This proposed amendment stems from changes to LMC 12.19.020 discussed above, and again modifies the Code to allow the “City Manager or designee” rather than the “Chief Financial Officer” to approve revocable license agreements in the public right-of-way and on other City-owned property. The amendments also remove references to the “Property Management Department” as it no longer exists. Because other City departments are required, at times, to issue revocable license agreements, the proposed language amendments reflect the current City processes. Lastly, the proposed language removes additional references to the renewal term and renewal fees because the terms will vary depending on the type of revocable license agreement.
- L.M.C. 14.13.060: The proposed amendments change the title of the subsection and the language in subsection F. Specifically, the proposed amendments include tax sale parcels not exceeding five thousand dollars and account for other types of conveyances of real property to the City and not just those required by an applicant’s public improvement requirements. Lastly, the acceptance box is updated to reflect the current City requirements.

BUDGETARY IMPACTS: None.

STAFF RECOMMENDATIONS: Approval of the Ordinance.

ALTERNATIVES: The City Council could decide not to adopt Ordinance O-2024-30.

PUBLIC OUTREACH: This item has been promoted through regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: If adopted, City staff will enforce Ordinance O-2024-30.

ATTACHMENTS: 1. Ordinance O-2024-30

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

O-2024-30

AN ORDINANCE

AMENDING TITLES 12 AND 14 OF THE LAKEWOOD MUNICIPAL CODE REGARDING PERMITS, REVOCABLE LICENSE AGREEMENTS AND ACCEPTANCE OF PUBLIC IMPROVEMENTS OR INTERESTS IN REAL PROPERTY

WHEREAS, the City of Lakewood, Colorado, the “City”, is a home rule municipality, organized and existing under Article XX, Section 6 of the Colorado Constitution;

WHEREAS, the City Council recently adopted Resolution 2024-30 approving the Real Estate Transaction Manual (the “Manual”);

WHEREAS, adoption and administration of the Manual require amendments to four sections in the Lakewood Municipal Code (the Code), which will bring the Code into alignment with current City practices;

WHEREAS, the City Council desires to amend its Code to conform with City processes and to administer the Real Estate Transaction Manual; and

WHEREAS, approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies any particular proposal related to this proposal identified herein.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, State of Colorado:

SECTION 1. Amending Sections 12.17.030, 12.19.020, 12.19.030, and 14.13.060 of the Lakewood Municipal Code. Title 12, Section 17 of the Lakewood Municipal Code is hereby amended as follows:

12.17.030 - Permit fee.

A permit application form shall be obtained from the issuing department. Processing of the initial permit requires a non-refundable fee of \$100.00. Permit terms and renewals under this Section shall be determined by the issuing department and reflected in the permit application form or related documents. Any future increase or decrease in application or renewal fees shall be by the adoption of a resolution by City Council.

Title 12, Section 19 of the Lakewood Municipal Code is hereby amended as follows:

12.19.020 - Revocable License Agreement.

- A. No person shall construct any improvement, such as fences or mailbox pillars, or place any object, such as commercial-type trash dumpsters, in the public right-of-

way or on City-owned property without first obtaining a Revocable License Agreement approved by the City Manager or designee.

- B. This ordinance shall not apply to trash receptacles that are placed adjacent to the traveled lanes for removal on the scheduled date of pick-up.
- C. A fee for processing the Revocable License Agreement shall be set by City Council resolution from time to time.
- D. The Revocable License Agreement granted by the City of Lakewood is revocable at will by the City of Lakewood.
- E. Any improvements or objects placed or constructed in the public right-of-way or on City-owned property are subject to removal by the City with costs assessed to the person, firm, corporation, or association responsible. The City may also:
 - 1. Issue a cease-and-desist order;
 - 2. Issue a summons and complaint to be heard in Lakewood Municipal Court;
 - 3. Petition the Jefferson County District Court for the issuance of a preliminary or permanent injunction, or both, and seek compensation for any damage caused by such placement or construction, including any fines levied against the City of Lakewood as a result of such violation; and/or
 - 4. Treat the violation as a nuisance. Any encroachment of the public right-of-way or City-owned property is declared to be a nuisance and may be abated, if the City so chooses, under the provisions of 9.80 of the Lakewood Municipal Code relating to the abatement of nuisances.

12.19.030 - Procedure for Approval.

- A. An application form shall be obtained from the City Manager or designee.
- B. The application form shall be completed and returned to the City Manager or designee for review with the applicable fee.
- C. The City Manager or designee shall forward copies of the application to all appropriate departments for review and comment.
- D. Upon approval by appropriate departments, the City Manager or designee shall prepare the Revocable License Agreement to be signed first by the applicant with final signature by the City Manager or designee.

Title 14, Section 13 of the Lakewood Municipal Code is hereby amended as follows:

14.13.060 - Acceptance of public improvements or interest in real property.

- A. After completion of all improvements to be constructed pursuant to a public improvements agreement, the applicant shall request, by certified letter addressed to the City Engineer, that the City Engineer issue a certificate of acceptance to said applicant. At his discretion the City Engineer may, by written notice, require said request to be accompanied by a letter from a registered professional engineer stating that said improvements have been completed and installed in accordance with the public improvements agreement, the approved final engineering construction plans, and the applicable design standards of the city. The City Engineer may also require a submission of as-built drawings certified by said registered professional engineer.
- B. The City Engineer shall, within 30 days after receipt of said written request, cause the improvements to be inspected. If the City Engineer determines that all improvements are completed without significant defects and that they comply with the provisions of any applicable engineering standards and public improvements agreement, the City Engineer shall issue the certificate of acceptance.
- C. If the City Engineer determines that any improvements are not complete, or if they are complete, that they contain significant defects, the City Engineer shall inform the applicant, by certified mail, of the improvements requiring completion or repair, and shall not issue a certificate of acceptance until the specified improvements are completed or repaired. Upon receipt of this written notice, the incomplete or defective public improvements shall be completed or repaired within 45 calendar days unless extended by the City Engineer. Requests for extension shall be by certified mail addressed to the City Engineer, and shall be made on the basis of inclement weather or other similar circumstances beyond the applicant's control.
- D. The applicant shall complete all public improvements by a date to be determined by the City Engineer, which date shall be incorporated into the applicable public improvements agreement. If no certificate of acceptance has been issued prior to said date, the city may construct, complete, or repair any public improvements required under such agreement and may apply the collateral required by section 14.13.080 to pay the costs of completion, correction, or repair, or may employ any other lawful remedy to secure completion, correction, or repair of such improvements. Upon completion, correction, or repair of such improvements, the City Engineer shall issue a certificate of acceptance thereof, provided the city has received the full amount of all funds necessary to pay for such completion, correction, or repair from the applicant or the applicant's collateral.
- E. Within one year from the date of issuance of the certificate of acceptance, the applicant shall repair any defect discovered in any improvements for which a certificate of acceptance has been issued; provided that written notice of such defect has been provided to the applicant by the City Engineer. If any such defect is not repaired within 45 days of notice thereof, the city may correct said defect

and may apply the collateral required by section [14.13.080](#) to pay the costs of such repairs, or may employ any other lawful remedy to secure correction and repair of such defect and to recover any costs incurred by the city in doing so.

- F. Dedications or conveyances of rights-of-way, easements, access rights, tax sale parcel(s) not exceeding five thousand dollars (\$5,000.00), and all other interests in real property conveyed to the City by an applicant as part of the applicant's public improvement requirements or at the determination of City Staff that the conveyance is in the best interests of the City shall be submitted to the City Manager or designee. Acceptance by the City Manager or designee shall constitute acceptance by the City. The face page of the conveyance instrument shall contain a reference to Ordinance No. O-2024-30, and the appropriate tax schedule number to aid the county assessor in removing the property from the county tax rolls. A sample acceptance format is as follows:

[Purpose]	Ordinance/Resolution: [Insert No.]
P.M. No.	Case No.
ACCEPTED FOR CITY OF LAKEWOOD	Tax Schedule No.
By: _____	Quarter Sec. No.

SECTION 2. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided such remaining portions or application of the Ordinance are not determined by the court to be inoperable.

SECTION 3. This Ordinance shall take effect thirty (30) days after final publication.

I hereby attest and certify that within and foregoing Ordinance was introduced and read on first reading at a hybrid special meeting of the Lakewood City Council on the 4th day of November, 2024; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 7th day of November, 2024; set for public hearing to be held on the 9th day of December, 2024; read, finally passed and adopted by the City Council on the 9th day of December, 2024; and signed by the Mayor on the __ day of December, 2024.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: NOVEMBER 4, 2024 / AGENDA ITEM NO. 8

To: Mayor and City Council
From: Alison McKenney Brown, City Attorney
Subject: **Amending Chapter 2.54-Campaign Finance**

SUMMARY STATEMENT: The City Council Ad Hoc Committee for Review of the City's local Campaign Finance Code completed its review of Chapter 2.54 of the Lakewood Municipal Code during the spring and summer of 2024. The proposed amendments to Chapter 2.54 were presented by staff at the August 19, 2024, City Council study session for discussion and direction from the entire Council. Now the City Council will consider action on the draft ordinance.

BACKGROUND INFORMATION: The City Council took action on April 22, 2024, to review Chapter 2.54 of the Lakewood Municipal Code setting forth the Campaign Regulations and Political Finance in the Municipal Elections Code. They began by establishing the City Council Ad Hoc Committee on Campaign Finance comprised of: Mayor Wendi Strom, Council Member Jacob LaBure and Council Member Glenda Sinks.

The Ad Hoc Committee met June 13 and July 29, 2024, to review the provisions of all provisions of Campaign Regulations and Political Finance in the Municipal Elections Code, with a special emphasis on the process for reviewing recommendations for amendment of the process by which complaints are filed.

The proposed amendments to Chapter 2.54 were presented by staff at the August 19, 2024, City Council study session for discussion and direction from the entire Council. The City Council discussed the proposed changes at length. Five modifications were approved by consensus to the draft ordinance. These changes were included within the draft ordinance presented to the City Council, and were highlighted in the attached document to the August 19th materials, entitled "Overview of suggested updates to the Campaign and Political Finance in Municipal Elections Code."

The attached draft ordinance resulted from the August 19th study session and is presented for consideration by the City Council.

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: City Staff has no recommendations on these proposed revisions.

ALTERNATIVES: The City Council could amend the draft code changes on second reading, or the Council does not have to adopt these proposed revisions.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: If adopted on first reading, the City Council will consider the draft revisions to L.M.C. Chapter 2.54 at the December 9th Council meeting.

ATTACHMENTS: 1. Ordinance O-2024-31

2. Ordinance O-2024-31_Redline

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

AN ORDINANCE

AMENDING TITLE 2, CHAPTER 2.54, OF THE LAKEWOOD MUNICIPAL CODE REGARDING THE CAMPAIGN AND POLITICAL FINANCE IN MUNICIPAL ELECTIONS CODE FOR THE CITY OF LAKEWOOD, COLORADO

WHEREAS, the City of Lakewood ("Lakewood" or "City") is a home rule municipality organized under Article XX of the Colorado Constitution and the authority of the Home Rule Charter for the City of Lakewood (Charter);

WHEREAS, Sections 1.2 and 2.1 of the Charter vests all municipal legislative powers in the City Council, and authorizes the City Council to establish those laws necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of such municipality and the inhabitants thereof;

WHEREAS, the City Council desires to amend the City's code governing Campaign and Political Finance in Municipal Elections in order to clarify certain provisions and better serve the needs of the community;

WHEREAS, approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Amendment of Title 2, Chapter 2.54. Title 2, Chapter 2.54 of the Lakewood Municipal Code shall be amended as follows:

Chapter 2.54 CAMPAIGN AND POLITICAL FINANCE IN MUNICIPAL ELECTIONS

2.54.010 Declaration.

As a home rule City established under Article XX of the Colorado Constitution, the City of Lakewood and the Lakewood City Council find and declare that preserving openness and integrity in the political process is in the best interests of the health, safety and welfare of the citizens of Lakewood. It is therefore the intent of this chapter Code to foster an open political process that emphasizes transparency and accountability to ensure, ~~as to~~ candidates for municipal office, that campaign donations do not result in corruption or the appearance of corruption. Further, in order to make informed decisions about the

election-related materials they see, voters of the City of Lakewood need complete and timely reporting to the City Clerk by all persons and/or groups subject to disclosure responsibilities, as well as accurate disclaimers that inform voters who paid for the communications distributed.

2.54.020 Definitions.

As used in this chapter, unless the context otherwise requires:

~~*Appropriate officer* means the City Clerk of the City of Lakewood. The City Clerk is the individual with whom a candidate, candidate committee, political committee, small donor committee, or issue committee must file all campaign related documents pursuant to this chapter.~~

Ballot issue means a local government matter arising under Section 20 of Article X of the State Constitution, as defined in Sections 1-41-102(4) and 1-41-103(4) of the Colorado Revised Statutes.

Ballot question means a local government matter involving a citizen petition or referred measure, other than a ballot issue.

Candidate means any person who seeks nomination or election to any local public office that is to be voted on at any municipal election. A person is a candidate for election if the person has publicly announced an intention to seek election to public office or thereafter has received a contribution or made an expenditure in support of the their candidacy. A person remains a candidate for purposes of this ~~chapter~~Code so long as the candidate maintains a registered candidate committee. A person who maintains a candidate committee after an election cycle, but who has not publicly announced an intention to seek election to public office in the next or any subsequent election cycle, is a candidate for purposes of this ~~chapter~~Code.

Candidate committee means a person and/or group, including the candidate, or persons with the common purpose of receiving contributions or making expenditures under the authority of a candidate. A contribution to a candidate shall be deemed a contribution to the candidate's candidate committee. A candidate shall have only one candidate committee. A candidate committee shall be considered open and active until affirmatively closed by the candidate or by action of the City Clerk.

Code means Chapter 2.54 of the Lakewood Municipal Code regarding Campaign Regulations and Political Finance in Municipal Elections.

~~*Conduit* means a person and/or group who transmits contributions from more than one person, directly to a candidate committee. "Conduit" does not include the contributor's immediate family members, the candidate or campaign treasurer of the candidate committee receiving the contribution, a volunteer fund raiser hosting an event for a candidate committee, or a professional fund raiser if the funder raiser is compensated at the usual and customary rate.~~

Contribution means:

- (I) the payment, loan, pledge, gift, or advance of money, or guarantee of a loan, made by any person or committee to any candidate committee, issue committee, political committee or small donor committee;
- (II) any payment made to a third party for the benefit of any candidate committee, issue committee, political committee or small donor committee;
- (III) the fair market value of any gift or loan of property made to any candidate committee, issue committee, political committee or small donor committee;
- (IV) anything of value given, directly or indirectly, to a candidate for the purpose of promoting the candidate's nomination, election, retention, or recall or election.

The term "Contribution" includes, with regard to a contribution for which the contributor receives compensation or consideration of less than equivalent value to such contribution, including, but not limited to, items of perishable or nonpermanent value, goods, supplies, services, or participation in a campaign-related event, an amount equal to the value in excess of such compensation or consideration as determined by the candidate committee.

The term "Contribution" also includes:

- (I) Any payment, loan, pledge, gift, advance of money, or guarantee of a loan made to any political organization;
- (II) Any payment made to a third party on behalf of and with the knowledge of the political organization; or
- (III) The fair market value of any gift or loan of property made to any political organization.

The term "Contribution" does not include services provided without compensation by individuals volunteering their time on behalf of a candidate, candidate committee, political committee or small donor committee; a transfer by a membership organization of a portion of a member's dues to a small donor committee or political committee sponsored by such membership organization; or payments by a corporation or labor organization for the costs of establishing, administering and soliciting funds from its own employees or members for a political committee or small donor committee.

Coordination means one or more substantial discussions relating to the making of one or more expenditures at the request, suggestion, or direction of, or under the control of or in consultation with a candidate committee or its agent (including a consultant) acting on behalf of or with the consent of a candidate, where such expenditure relies on non-public information.

Corporation means a domestic corporation incorporated under and subject to the "Colorado Business Corporation Act", Articles 101 to 117 of Title 7, C.R.S., a domestic nonprofit corporation incorporated under and subject to the "Colorado Revised Nonprofit Corporation Act", Articles 121 to 137 of Title 7, C.R.S., or any corporation incorporated under and subject to the laws of another state. For purposes of this articleCode, "domestic corporation" shall mean a for-profit or nonprofit corporation incorporated under and subject to the laws of the State of Colorado, and "nondomestic corporation" shall mean a corporation incorporated under and subject to the laws of another state or foreign

country. For purposes of this ~~article~~ Code, "corporation" includes the parent of a subsidiary corporation or any subsidiaries of the parent, as applicable.

Donation means:

- (I) The payment, loan, pledge, gift, or advance of money, or the guarantee of a loan, made to any person and/or group for the purpose of making an independent expenditure;
- (II) Any payment made to a third party that relates to, and is made for the benefit of, any person and/or group that makes an independent expenditure;
- (III) The fair market value of any gift or loan of property that is given to any person and/or group for the purpose of making an independent expenditure; or
- (IV) Anything of value given, directly or indirectly, to any person and/or group for the purpose of making an independent expenditure.

"Donation" shall not include a transfer by a membership organization of a portion of a member's dues for an independent expenditure sponsored by such membership organization.

Earmark means a designation, instruction, or encumbrance that directs the transmission by the recipient of all or part of a donation to a third party for the purpose of making one or more independent expenditures of \$500.00 or more.

Election cycle ~~means the period of time beginning 31 days following a municipal election for the particular office and ending 30 days following the next municipal election for that office.~~ has the same meaning as that set forth within Colo. Const. Art. XXVIII, Section 6.

Electioneering communication means any communication broadcast by television or radio, printed in a newspaper or on a billboard, directly mailed, a website or other electronic communication transmitted by means of the internet, any signage placed in public view, or delivered by hand to personal residences or otherwise distributed that:

- (I) Unambiguously refers to any candidate without expressly advocating for that candidate; and
- (II) Is broadcast, printed, mailed, delivered or distributed within 60 days during the timeframe in which a candidate is seeking election or an issue is pending decision before a municipal election.
- (III) ~~Is broadcast to, printed in a newspaper distributed to, mailed to, delivered by hand or distributed in any way, electronically transmitted, or otherwise communicated by any means to any persons or any audience that includes members of the electorate for such public office; and~~
- (IV) (III) No provisions of the definition of electioneering communication shall be construed to infringe on any rights granted by the United States Constitution or Colorado Constitution.

Expenditure means any purchase, payment, distribution, loan, advance, deposit, or gift of money by any person and/or group for the purpose of expressly advocating the election

or defeat of a candidate or supporting or opposing a ballot issue or ballot question. An expenditure is made when the actual spending occurs or when there is a contractual agreement requiring such spending and the amount is determined. Expenditures may include reasonable expenses for child or adult dependent care to allow for active campaigning.

~~*Exploratory committee* means a committee formed by a potential candidate for the sole purpose of accepting contributions and making expenditures in order to determine whether or not the potential candidate should seek election to any public office of the city. "Exploratory committee" does not mean a political party, political committee, small donor committee, political organization, or independent expenditure committee.~~

Foreign corporation means:

- (I) A parent corporation or the subsidiary of a parent corporation formed under the laws of a foreign country that is functionally equivalent to a domestic corporation;
- (II) A parent corporation or the subsidiary of a parent corporation in which one or more foreign person and/or groups hold a combined ownership interest that exceeds 50 percent;
- (III) A parent corporation or the subsidiary of a parent corporation in which one or more foreign person and/or groups hold a majority of the positions on the corporation's board of directors; or
- (IV) A parent corporation or the subsidiary of a parent corporation whose United States-based operations, or whose decision-making with respect to political activities, falls under the direction or control of a foreign entity, including the government of a foreign country.

Frivolous means a claim or defense is lacking any rational argument based in law but does not include a legitimate attempt to establish a new theory of law or a good-faith effort to extend, modify, or reverse existing interpretations of law.

~~*Groundless* means a claim or defense is unsupported by any credible evidence, even if sufficient to withstand a motion to dismiss.~~

Group means any entity, other than a natural person, including but not limited to partnership, committee, association, corporation, labor organization, lobbyist, or other organization or group of persons.

Independent expenditure means an expenditure that is not controlled by or coordinated with any candidate or agent of such candidate. Expenditures that are controlled by or coordinated with a candidate or candidate's agent are deemed to be both contributions by the maker of the expenditure, and expenditures by the candidate's committee.

Independent expenditure committee means one or more persons and/or groups that make an independent expenditure in an aggregate amount \$500.00 or more, or that collect \$500.00 or more from one or more persons and/or groups for the purpose of making an independent expenditure.

Independent Hearing Officer means an individual with an extensive knowledge of the topic of this Code who is retained by the City to hear and decide alleged violations of this

Code. To encourage the expedition of hearings held pursuant to this Code, the City may retain more than a single hearing officer to create a list of hearing officers to draw from as needed or may contract with a law firm to provide an associated attorney to serve as a hearing officer when needed.

Issue committee means any person ~~and/or group~~, other than a natural person, or any group of two or more persons, including natural persons:

- (I) That has a major purpose of supporting or opposing any ballot issue, or ballot question ~~For purposes of this subsection, major purpose can be determined by the organization's demonstrated pattern of conduct by spending thirty percent or more of the organization's funds as of at any point in the current or two preceding calendar years in support or opposition to one or more ballot issues; or and~~
- (II) That has accepted or made contributions or expenditures in excess of \$200.00 to support or oppose any ballot issue or ballot question.

The term "Issue committee" does not include political parties, political committees, small donor committees or candidate committees. An issue committee shall be considered open and active until affirmatively closed by such committee or by action of the appropriate authority.

Limited liability company includes any form of domestic entity as defined in Section 7-90-102(13), C.R.S., or foreign entity as defined in Section 7-90-102(23), C.R.S.; except that, as used in this ~~chapter~~Code, "limited liability company" shall not include a domestic corporation, a domestic cooperative, a domestic nonprofit association, a domestic nonprofit corporation, a foreign corporation, a foreign cooperative, a foreign nonprofit association, a foreign nonprofit corporation, as those terms are defined in Section 7-90-102, C.R.S., a nondomestic corporation as defined in Section 1-45-103(7), C.R.S. or a foreign corporation as defined in Section 1-45-103(10.5) C.R.S.

Media outlet means a publication or broadcast medium that transmits news, feature stories, entertainment, or other information to the public through various distribution channels, including, without limitation, newspapers; magazines; radio; the internet; and broadcast, cable, or satellite television.

Natural person means a human being.

Non-public information means confidential material in any form that is not available to the general public, including a non-public campaign plan, communications plan, campaign budget, specification of unmet and potentially unmet campaign needs, proposed or actual media buy, list or description of households or voters who will receive or have received materials under a mailing or other distribution program, polling or focus group results, or other proprietary material. "Nonpublic information," does not include communications dealing solely with candidate positions on legislative or policy issues or communications to or by an attorney, accountant, bookkeeper, or registered agent who provides services within the scope of their profession.

Obligating means, in connection with a named candidate, agreeing to spend \$500.00 more, for an independent expenditure or to give, pledge, loan, or purchase one or more goods, services, or other things of value that have a fair market value of \$500.00 or more, as an independent expenditure. "Obligating" shall not require that the total amount of

\$500.00 or more be finally determined at the time of the agreement to spend moneys for an independent expenditure or to give, pledge, loan, or purchase anything of value.

Person means any natural person, partnership, committee, association, corporation, labor organization, political party, or other organization or group of persons.

Political committee means any person and/or group, other than a natural person, or any group of two or more persons, including natural persons that have accepted or made contributions or expenditures in excess of \$200.00 to support or oppose the nomination or election of one or more candidates. "Political committee" does not include political parties, issue committees or candidate committees.

Political organization means a political organization defined in Section 527(e)(1) of the federal "Internal Revenue Code of 1986", as amended, that is engaged in influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any state or local public office in the state and that is exempt, or intends to seek any exemption, from taxation pursuant to Section 527 of the Internal Revenue Code. "Political organization" shall not be construed to have the same meaning as "political organization" as defined in Section under Colorado Revised Statute §1-1-104(24), C.R.S. for purposes of the "Uniform Election Code of 1992", Articles 1 to 13 of this Title.

Political party means any group of registered electors who, by petition or assembly, nominate candidates for the official general election ballot. "Political party" includes affiliated party organizations at the state, county and election district levels, and all such affiliates are considered to be a single entity for the purposes of this ~~chapter~~Code.

Small donor committee means any political committee that has accepted contributions only from natural persons who each contributed no more than \$50.00 in the aggregate per year. For purposes of this ~~chapter~~Code, dues transferred by a membership organization to a small donor committee sponsored by such organization shall be treated as pro-rate contributions from individual members. "Small donor committee" does not include any entity that qualifies as a political party, political committee, issue committee, or candidate committee.

Spending means funds expended influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any state or local public office in the state and includes, without limitation, any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything else of value by any political organization, a contract, promise, or agreement to expend funds made or entered into by any political organization, or any electioneering communication by any political organization.

Subsidiary means a business entity having more than half of its stock owned by another entity or person and/or group, or a business entity of which a majority interest is controlled by another person and/or group or entity.

Unexpended campaign contributions means the balance of funds on hand in any candidate committee at the end of an election cycle, less the amount of all unpaid monetary obligations incurred prior to the election in furtherance of such candidacy.

2.54.030 Candidates; Committees; Registration; Contribution Limits; Expenditures; Reporting.

A. *Candidates and Candidate Committees.*

- (1) *Affidavit of Candidacy.* Within ten days after an individual becomes a candidate and before circulating any petition, such individual shall certify, by affidavit filed with the City Clerk, that the candidate is familiar with the provisions of this ~~chapter~~Code. (See definition of candidate.)
- (2) *Candidate Committee Registration.* Except as otherwise provided in this ~~chapter~~Code, all candidate committees shall register with the City Clerk within ten days after accepting any contribution or making any expenditure. Registration shall include a statement listing:
 - (a) The ~~organization~~committee's full name, spelling out any acronyms used therein;
 - (b) A natural person authorized to act as a registered agent or representative;
 - (c) A street address and telephone number for the principal place of operations;
 - ~~(d) All affiliated candidates and committees;~~
 - ~~(e)~~(d) The purpose or nature of interest of the committee or party;
 - ~~(f)~~(e) The name of the financial institution where the committee has opened an account.
- (3) *Contribution Limits.* During an election cycle, a candidate committee may accept no more than \$400.00 from any natural person or political committee for candidates for City Council, and no more than \$800.00 from any natural person or political committee for candidates for Mayor. No candidate committee shall accept any contribution from any entity that is prohibited from contributing by this ~~chapter~~Code.
- (4) *Reports.*
 - (a) All candidate committees shall report to the City Clerk: their contributions received, including the name, address, and amount contributed of each contributor; expenditures made; and obligations entered into by the committee.
 - (b) In the case of contributions made to a candidate committee, the disclosure required by this section shall also include the occupation and employer of each person and/or group who has made contributions totaling \$100.00 or more to such committee.
- (5) *Reimbursement.* A candidate's candidate committee may reimburse the candidate for expenditures the candidate has made on behalf of the candidate committee. Any such expenditures may be reimbursed at any time. Notwithstanding any other provision of law, any expenditure reimbursed to the candidate by the candidate's candidate committee within the election cycle during which the expenditure is

made shall be treated only as an expenditure and not as a contribution to and an expenditure by the candidate's candidate committee.

Notwithstanding the date on which any such expenditure is reimbursed, the expenditure shall be reported at the time it is made in accordance with the requirements of this section.

- (6) *Unexpended contributions—Candidate committees.* Unexpended campaign contributions to a candidate committee may be:
- (a) Contributed to a candidate committee established by the same candidate for a different public office, and only after if the candidate committee for the original position that wishes to makemaking such a contribution is affirmatively closed by the candidate no later than ten days after the date such a contribution is made;
 - (b) Donated to a charitable organization recognized by the internal revenue service;
 - (c) Returned to the contributors or retained by the committee for use by the candidate in a subsequent campaign;
 - (d) In no event shall contributions to a candidate committee be used for personal purposes not reasonably related to supporting the election of the candidate nor shall the contributions be donated to another candidate or candidate committee. However, this provision shall not prohibit a candidate committee from donating contributions to a candidate committee for the same candidate ~~but~~ for a different office;
 - (e) A candidate committee for a former officeholder or a person not elected to office shall expend all of the unexpended campaign contributions retained by such candidate committee, for the purposes specified in this subsection (6), no later than nine years from the date such officeholder's term expired or from the date of the election at which such person was a candidate for office, whichever is later;
 - (f) In addition to any use described in this subsection (6), a person elected to a public office may use unexpended campaign contributions held by the person's candidate committee for any of the following purposes:
 - (I) Voter registration;
 - (II) Political issue education, which includes obtaining information from or providing information to the electorate;
 - (III) Postsecondary educational scholarships;
 - (IV) To defray reasonable and necessary expenses related to mailings and similar communications to constituents;
 - (V) Any expenses that are directly related to such person's official duties as an elected official, including, but not limited to, expenses for the purchase or lease of office equipment and supplies, room rental for public meetings, necessary travel and lodging expenses for

legislative education such as seminars, conferences, and meetings on legislative issues, and telephone and pager expenses.

- (g) Unexpended campaign contributions held by a candidate committee cannot be donated to another person's candidate committee for any office or any other-issue committee; and
- (h) Notwithstanding any other provision of law, any unexpended campaign contributions retained by a candidate committee for use in a subsequent election cycle shall be counted and reported as contributions.

~~(6.5) Unexpended contributions—Exploratory committees.~~ Unexpended contributions to an exploratory committee may be:

- ~~(a) Donated to a charitable organization recognized by the internal revenue service; or~~
- ~~(b)~~
- ~~Returned to the contributors.~~

~~(9)~~(7) Recall. Any candidate or candidate committee supporting any candidate, including an incumbent, in a recall election, shall file reports of contributions and expenditures with the City Clerk ~~4460~~, 30 and seven days before the recall election and 30 days after the recall election.

~~(10)~~(8) Disclaimer.

- (a) A candidate committee making an ~~expenditure on a~~ communication that supports or opposes any candidate and that is broadcast by television or radio, printed in a newspaper or on a billboard, or printed yard sign, directly mailed, made available by means of the internet, or delivered by hand to personal residences, or otherwise distributed shall state, in the communication ~~produced by the expenditure~~, that it is paid for by the candidate committee making the communication expenditure.
- (b) The disclaimer required by subsection (a) of this section shall be printed on the communication clearly and legibly in a conspicuous manner.
- (c) If the communication is broadcast on radio, the disclaimer shall be spoken at the beginning or end of the communication.
- (d)
 - (I) If the communication is broadcast on television, the disclaimer shall be written or spoken at the beginning or end of the communication. If the disclaimer is written, it shall appear for at least four seconds of any communication broadcast on television.
 - (II) The written disclaimer required by subparagraph (I) of this paragraph (d) shall appear in the communication in a conspicuous manner.
- (e) As to communications transmitted by means of the internet, the disclaimer shall be clearly visible and placed on or adjacent to the communication.

~~(9)~~ ~~Exploratory committees.~~

- ~~(a) An exploratory committee shall be subject to the same prohibitions on sources of contributions, the same dollar limits on contributions, the same~~

~~registration and disclosure requirements, and the same disclosure calendar as a candidate committee under this chapter.~~

- ~~(b) — An exploratory committee's name shall include the first name and last name of the potential candidate who causes it to be formed, as well as the words "Exploratory Committee."~~
- ~~(c) — No exploratory committee may expressly advocate the election of any natural person, by expenditure made or otherwise, or make any contribution to the candidate's candidate committee or to any other candidate's candidate committee.~~
- ~~(d) — An exploratory committee must be closed on or before the date of filing a candidate committee by that potential candidate. After closure and the filing of a final report on the next regularly scheduled reporting date as specified in Section 2.54.040(1)(a)(I)(A), an exploratory committee shall have no further reporting duties.~~
- ~~(e) — An exploratory committee shall place a disclaimer on each of its communications that states:

 - ~~(I) — The communication has been "paid for by (full name of the person and/or group paying for the communication)"; and~~
 - ~~(II) — The name of a natural person who is the registered agent of the exploratory committee.~~~~
- ~~(f) — In the case of a broadcast communication, the statement required by this section shall satisfy all applicable requirements promulgated by the Federal Communications Commission for size, duration, and placement.~~
- ~~(g) — In the case of a nonbroadcast communication, the City Clerk shall, by rule communicated and published by the City Clerk, establish size and placement requirements for the disclaimer.~~
- ~~(h) — As to communications transmitted by means of the internet, the disclaimer shall be clearly visible and placed on or adjacent to the communication.~~

B. *Issue Committees.*

- (1) *Registration.* Subject to the provisions of this section, each issue committee shall register with the City Clerk within ten calendar days of accepting or making contributions or expenditures in excess of \$200.00 to support or oppose any ballot issue or ballot question, or circulate initiative petition for signature. If required to register under the requirements of this subsection, the registration of the issue committee shall include a statement containing the items listed in paragraphs (a) to (f) of Subsection A(2) of this section in connection with other committees below:
 - (a) The committee's full name, spelling out any acronyms used therein;
 - (b) A natural person authorized to act as a registered agent or representative;
 - (c) A street address and telephone number for the principal place of operations;

- (d) All affiliated committees;
- (e) The purpose or nature of interest of the committee or party;
- (f) The name of the financial institution where the committee has opened an account.

(2) *Ballot Issue or Ballot Question Determined.*

- (a) Notwithstanding any other provision of law, and subject to the provisions of this section, a matter shall be considered to be a ballot issue or ballot question for the purpose of determining whether an issue committee has been formally established, thereby ~~–necessitating compliance with any disclosure, disclaimer, and reporting requirements of this chapter~~Code:
 - (I) For a citizen-initiated petition, a title for the matter ~~has been designated and fixed in accordance with law~~is set upon determination that the requisite number of signatures have been obtained and the petition has been determined to be sufficient;
 - (II) For a measure referred to voters by the City Council rather than by initiative petition, the Council has adopted an ordinance to refer such matter to the voters of Lakewood.
- (b) Notwithstanding the provisions of this subsection, where a matter concerns a municipal annexation brought pursuant to Article 12 of Title 31, C.R.S., the matter shall not be considered to be a ballot issue or ballot question for the purpose of determining whether an issue committee has been formally established, thereby necessitating compliance with any disclosure and reporting requirements of this ~~chapter~~Code, unless and until the first notice of the annexation election has been published in accordance with the requirements of Section 31-12-112(6), C.R.S.

(3) *Recall.* Any issue committee whose purpose is the recall of any elected official shall register with the ~~appropriate officer~~City Clerk within ten calendar days of accepting or making contributions or expenditures in excess of \$200.00 to support or oppose the recall. Reports of contributions and expenditures shall be filed with the ~~appropriate officer~~City Clerk ~~within 15 days of the filing of the committee registration and every 30 days thereafter until the date of the recall election has been established and then 14~~60 days, 30 days and seven days before the recall election and 30 days following the recall election.

(4) *Disclaimer.*

- (a) An issue committee making an expenditure of ~~\$500.00~~\$200.00 or more on a communication that supports or opposes a ballot issue or ballot question and that is broadcast by television or radio, printed in a newspaper or on a billboard, directly mailed, transmitted by means of the internet, or delivered by hand to personal residences, or posted by way of a yard sign, or otherwise distributed shall disclose, in the communication produced by the expenditure, the name of the issue committee making the expenditure.

- (b) The disclaimer required by subsection (a) of this section shall be printed on the communication clearly and legibly in a conspicuous manner.
 - (c) If the communication is broadcast on radio, the disclaimer shall be spoken at the beginning or end of the communication.
 - (d) (I) If the communication is broadcast on television, the disclaimer shall be written or spoken at the beginning or end of the communication. If the disclaimer is written, it shall appear for at least four seconds of any communication broadcast on television.
 - (II) The written disclaimer required by subparagraph (I) of this paragraph (d) shall appear in the communication in a conspicuous manner.
 - (III) In the case of a limited liability company, the disclosure required by this section shall include, in addition to any other information required to be disclosed, each contribution from the limited liability company regardless of the dollar amount of the contribution.
 - (e) If the communication is transmitted by means of the internet, the disclaimer shall appear on or adjacent to the communication.
- (5) *Unexpended Contributions.* Unexpended contributions to an issue committee may be donated to any charitable organization recognized by the Internal Revenue Service or returned to the contributor.
- C. *Small Donor Committees.*
 - (1) *Registration.* Except as otherwise provided in this section, all small donor committees shall register with the City Clerk within ten days after accepting any contribution or making any expenditure. Registration shall include a statement listing:
 - (a) The organization's full name, spelling out any acronyms used therein;
 - (b) A natural person authorized to act as a registered agent or representative;
 - (c) A street address and telephone number for the principal place of operations;
 - (d) All affiliated candidates and committees;
 - (e) The purpose or nature of interest of the committee or party.
 - (2) *Contribution limits.* During an election cycle, only natural persons may contribute to a small donor committee in an amount not more than \$50.00 to such small donor committee.
 - (3) *Contributions to candidate committees.* During an election cycle, small donor committees may contribute up to \$1,600.00 to candidates for mayor and up to \$800.00 to candidates for city council.
- D. *All Committees—Disclosures; Prohibited Contributions.*
 - (1) Disclosures.

- (a) All candidate committees shall report to the City Clerk; their contributions received, including the name; address; and amount contributed of each contributor including the cumulative total of all contributions from each individual contributor; expenditures made; and obligations entered into by the committee. Beginning January 1, 2025, the cumulative total of all contributions from each individual contributor shall also be reported.
 - (b) *Contributions over \$100.00.* In the case of the aggregate contributions made to a political committee or issue committee during an election cycle, the disclosure required by this section shall also include the occupation and employer of each person and/or group who has made a contribution of \$100.00 or more to such committee.
- (2) Prohibited Contributions.
- (a) During an election cycle, no committee may accept any contribution from:
 - (I) A political party;
 - (II) An entity formed under and subject to the laws of a foreign country;
 - (III) A natural person who is not a citizen of the United States;
 - (IV) A foreign government; or
 - (V) Any person and/or group otherwise prohibited by law from making the contribution.
 - (b) No committee may accept any contribution in currency or coin of more than ~~\$20.00~~ \$100.00 from any contributor or fail to report each contributor of currency or coin, regardless of the amount of the contribution made in currency or coin.
 - (c) No candidate committee shall accept any contribution from any corporation or any labor organization.
 - (d) No candidate may accept any contribution without reporting the identity of the contributor. No candidate may solicit anonymous contributions including any solicitation commonly referred to as "pass the hat" or "fishbowl" solicitation. Website contributions may be accepted if the contributor is properly identified.

E. *Political Organizations.*

- (1) Any political organization shall report to the City Clerk in accordance with the requirements of this ~~chapter~~ Code:
 - (a) Any contributions it receives, including the name and address of each person and/or group who has contributed more than \$20.00 or more to the political organization in the reporting period, and the occupation and employer of each natural person who has made a contribution of \$100.00 or more to the political organization; and
 - (b) Any spending by the political organization in any one (1) reporting period.

- (2) During an election cycle, no political organization shall accept a contribution in currency or coin of more than ~~\$20.00~~ \$100.00 from any contributor or fail to report the receipt of contributors of currency or coin.
- (3) Nothing in this section shall be construed to:
 - (a) Require any political organization to make any additional disclosure pursuant to this section to the extent the political organization is already providing disclosure as a committee in a manner that satisfies the requirements of this ~~chapter~~ Code; or
 - (b) Authorize the City Clerk to require disclosure of the name of any natural person that is a member of an entity unless the natural person has made a contribution to a political organization in the amount of more than \$20.00 in a reporting period.

F. Independent Expenditures/Independent Expenditure Committees.

- (1) *Registration.*
 - (a) Any person and/or group that accepts a donation as an Independent Expenditure Committee that is given for the purpose of making an independent expenditure of \$500.00 or more or that makes an independent expenditure of \$500.00 or more shall register with the City Clerk within two business days of the date on which an aggregate amount of donations accepted or expenditures made reaches or exceeds \$500.00.
 - (b) The registration required by paragraph (a) of this subsection (1) shall include each of the items listed in Section 2.54.030(A)(2) and:
 - (I) Any individual acting as an Independent Expenditure Committee shall provide that person's full name, spelling out any acronyms used therein; and
 - (II) The aggregate ownership interest in the Independent Expenditure Committee held by foreign nationals or foreign corporations calculated as of the time the person and/or group registers as an Independent Expenditure Committee with the City Clerk under paragraph (a) of this subsection (1).
 - (c) If the person and/or group identified in subparagraph (I) of paragraph (b) of this subsection F (1) is a corporation, a subsidiary may register on behalf of its parent corporation or for other subsidiaries of the parent corporation, and the parent corporation may register on behalf of all of its subsidiaries. In each such case, the registered agent of the person and/or group registering shall serve as the registered agent for all such affiliated corporations. Registration of a subsidiary shall include the name of its parent corporation as well as any names under which the subsidiary does business.

- (d) If the person and/or group identified in subparagraph (I) of paragraph (b) of this subsection F (1) is a labor organization, a local labor organization may register on behalf of any affiliated local, national, or international labor organization that will be making independent expenditures, and a national or international labor organization may register on behalf of any affiliated local labor organization that will be making independent expenditures. In each such case, the registered agent of the labor organization that is registering shall serve as the registered agent for each affiliated local, national, or international labor organization.

(2) *Reporting.*

- (a) In addition to any other applicable disclosure requirements specified in this articleCode, any person and/or group making an independent expenditure in an aggregate amount of \$500.00 or more in any one calendar year shall report the following to the City Clerk:
- (I) The person and/or group's full name, or, if the person and/or group is a subsidiary of a parent corporation, the full name of the parent corporation, spelling out any acronyms used therein;
 - (II) All names under which the person and/or group does business in the state if such names are different from the name identified pursuant to subparagraph (I) of this paragraph (a);
 - (III) The address of the home office of the person and/or group, or, if the person and/or group is a subsidiary of a parent corporation, the home office of the parent corporation; and
 - (IV) The name and street address in the state of its registered agent.
- (b) (I)– Any person and/or group who expends an aggregate amount of \$500.00 or more per calendar year for the purpose of making an independent expenditure shall report to the City Clerk, in accordance with the requirements of this section, the name and address of any person and/or group that, for the purpose of making an independent expenditure, donates more than \$250.00 per year to the person and/or group expending \$500.00 or more on an independent expenditure.
- (II) If the person and/or group making the donation of \$250.00 or more is a natural person, the disclosure required by subparagraph (I) of this paragraph (b) shall also include the donor's occupation and employer.
 - (III) If the person and/or group making the donation of \$250.00 or more is not a natural person, the disclosure required by this paragraph (b) shall also include:
 - (A) The donor's full name, or, if the donor is a subsidiary of a parent corporation, the full name of the parent corporation, spelling out any acronyms used therein;

- (B) All names under which the donor does business in the state if such names are different from the name identified pursuant to subparagraph (I) of this paragraph (b);
 - (C) The address of the home office of the donor, or, if the donor is a subsidiary of a parent corporation, the home office of the parent corporation; and
 - (D) The name and street address in the state of the donor's registered agent.
- (c) The information required to be disclosed pursuant to paragraph (a) of this subsection (4) shall be reported in accordance with the schedule specified in this ~~chapter~~Code; except that any person and/or group making an independent expenditure of \$500.00 or more within 30 days before a municipal election shall provide such report within 48 hours after obligating moneys for the independent expenditure.
- (3) *Disclaimer.*
 - (a) In addition to any other applicable requirements provided by law, and subject to the provisions of this section, any communication that is broadcast, printed, mailed, delivered, posted, or otherwise circulated that constitutes an independent expenditure for which the person and/or group making the independent expenditure expends of \$500.00 or more on the communication shall include in the communication a statement that:
 - (I) A statement that the communication has been "paid for by (full name of the person and/or group paying for the communication)"
 - (II) A statement that that the communication is "Not authorized by any candidate"; and
 - (III) The name of a natural person who is the registered agent if the person and/or group identified in subparagraph (I) of this paragraph (a) is not a natural person.
 - (b) In the case of a broadcast communication, the statement required by this section shall satisfy all applicable requirements promulgated by the Federal Communications Commission for size, duration, and placement.
 - (c) In the case of a ~~nonbroadcast~~non-broadcast communication, the City Clerk shall, by rule communicated and published by the City Clerk, establish size and placement requirements for the disclaimer.
 - (d) As to communications transmitted by means of the internet, the disclaimer shall be clearly visible and placed on or adjacent to the communication.
- (4) *Disclosure.* Any person and/or group, including a corporation that qualifies under Section 501(c)(4) of the Internal Revenue Code, that expends an aggregate amount of \$500.00 or more on an independent expenditure in any one calendar year shall deliver written notice to the City Clerk that shall list with specificity the name of the candidate whom the independent expenditure is intended to support

or oppose. Where the independent expenditure is made within 30 days before an election, the notice required by subsection (3) shall be delivered within 48 hours after the person and/or group obligates moneys for the independent expenditure.

- (5) *Accounting.* Any person and/or group that accepts any donation that is given for the purpose of making an independent expenditure or expends any moneys on an independent expenditure in an aggregate amount more than \$20.00 in any one calendar year shall establish a separate account in a financial institution, and the title of the account shall indicate that it is used for such purposes. All such donations accepted by such person and/or group for the making of any such independent expenditures shall only be deposited into the account, and any moneys expended for the making of such independent expenditure shall only be withdrawn from the account. As long as the person and/or group uses a separate account for the purposes of this section, in any enforcement proceeding relating to the use of the person and/or group's account, no discovery may be made of information relating to the identity of the person and/or group's members and general donors and any discovery is limited to the sources, amounts, and uses of donations deposited into and expenditures withdrawn from the account.
- (6) *Donation.* Any person and/or group that expends moneys on an independent expenditure of \$500.00 or more, regardless of the medium of the communication produced by the expenditure, shall disclose to the City Clerk, in accordance with the schedule specified in in this ~~chapter~~Code, any donation given in that reporting period for the purpose of making an independent expenditure.
- (7) *Identification of CEO and Lobbyists.* Any person and/or group that donates \$1,000.00 or more to any person and/or group during any one calendar year for the purpose of making an independent expenditure shall, within 48 hours of making the donation, report to the City Clerk the names and addresses of:
 - (a) The person and/or group's chief executive officer or, for entities that have do not have an official with that title, the person performing the largest number of duties of a chief executive officer;
 - (b) Any "professional lobbyist," as defined by C.R.S. 24-6-301(6), that has been paid by the person and/or group to communicate with one or more "covered officials," as defined by C.R.S.24-6-301(1.7); and
 - (c) Any person and/or group paid to communicate with the Mayor or one or more City Council members concerning the passage, defeat, or amendment of City of Lakewood ordinances, resolutions, or rules.
- (8) *Source of Donation.*—Any earmarked donation given for the purpose of making an independent expenditure of \$500.00 or more shall be disclosed as a donation from both the original source of the donation and the person and/or group transferring the donation.
- (9) *Provisional Designation of FMV.*— On reports it files with the City Clerk, an independent expenditure committee that obligates \$500.00 or more for an independent expenditure shall disclose a good faith estimate of the fair market

value of the expenditure if the committee does not know the actual amount of the expenditure as of the date that a report is required to be filed with the City Clerk.

- (10) *Labor Organizations.* Notwithstanding any other provision of this section, any requirement contained in this section that is applicable to a corporation shall also be applicable to a labor organization.

G. *Limited Liability Companies.*

(1) *Prohibition on Contributions.*

- (a) No limited liability company shall make any contribution to a candidate committee or ~~exploratory committee~~ if one or more of the individual members of the limited liability company is:

- (I) A natural person who is not a citizen of the United States;
- (II) An entity formed under and subject to the laws of a foreign country;
- (III) A foreign government; or
- (IV) Otherwise prohibited by law from making the contribution.

- (b) No limited liability company shall make any contribution to a political committee if one or more of the individual members of the limited liability company is:

- (I) A natural person who is not a citizen of the United States;
- (II) An entity formed under and subject to the laws of a foreign country;
- (III) A foreign government; or
- (IV) Otherwise prohibited by law from making the contribution.

- (c) Notwithstanding any other provision of this subsection (G), no limited liability company shall make any contribution to a candidate committee or ~~exploratory committee~~ if either the limited liability company has elected to be treated as a corporation by the internal revenue service pursuant to 26 CFR 301.7701-3 or any successor provision or the shares of the limited liability company are publicly traded. A contribution by a limited liability company with a single natural person member that does not elect to be treated as a corporation by the internal revenue service pursuant to 26 CFR 301.7701-3 shall be attributed only to the single natural person member.

(2) *Disclosure.*

- (a) The disclosure required by this section shall include, in addition to any other information required to be disclosed, each contribution from the limited liability company regardless of the dollar amount of the contribution.
- (b) Any limited liability company that is authorized to make a contribution and which does make a contribution of \$100.00 or more to a candidate committee or ~~exploratory committee~~ shall, in writing, affirm to the candidate committee or ~~exploratory committee~~ to which it has made a contribution that it is authorized to make a contribution, which affirmation shall also state the

names and addresses of all of the individual members of the limited liability company. No candidate committee ~~or exploratory committee~~ shall accept a contribution from a limited liability company unless the written affirmation satisfying the requirements of this paragraph (b) is provided before the contribution is deposited by the candidate committee ~~or exploratory committee~~. The candidate committee ~~or exploratory committee~~ receiving the contribution shall retain the written affirmation for not less than one year following the date of the end of the election cycle during which the contribution is received. Any limited liability company that makes a contribution of less than \$100.00 shall not be required to identify the individual members of the limited liability company.

- (c) Any limited liability company that contributes to a candidate committee ~~or exploratory committee~~ shall attribute its contribution to its members by their percentage interests. No person and/or group who is a member of a limited liability company may exceed the contribution limits imposed by this chapterCode. Contributions to candidate committees, exploratory committees, or political committees, whether contributed from a person and/or group's own funds or by the funds attributed to that person and/or group from a limited liability company, shall be aggregated for purposes of determining that person and/or group's compliance with the applicable contribution limits.

H. *Political committees.*

(1) *Registration.* Except as otherwise provided in this section, all political committees shall register with the City Clerk within ten days after accepting any contribution or making any expenditure. Registration shall include a statement listing:

- (a) The organization's full name, spelling out any acronyms used therein;
- (b) A natural person authorized to act as a registered agent or representative;
- (c) A street address and telephone number for the principal place of operations;
- (d) All affiliated candidates and committees;
- (e) The purpose or nature of interest of the committee or party.

(2) *Contribution limits.* During an election cycle, a political committee may not accept contributions in excess of ~~\$250.00~~ the limits imposed by Article XXVIII of the Constitution of Colorado under Section 3, Contribution Limits, subsection (1)(b), and as adjusted pursuant to subsection (13) of that same section.

2.54.040 Reporting Requirements—Where and When Filed.

(4A) (a1) Except as otherwise provided in this chapterCode, all reports that are required to be submitted shall be filed with the City Clerk pursuant to the following schedule:

- (1a) In the year of a regular municipal election, on April 15th, July 15th, September 15th, October 15th, the Wednesday immediately preceding Election Day,

~~and 30 days (A) On the 270th, 180th, 90th, 60th, 30th, and 7th before the regular municipal election; and (B) On the 30th day after the regular municipal election.~~

- (b) In addition, such reports must be filed annually, in years other than regular municipal election years, on the first day of the month in which the anniversary of the regular municipal election occurs.
- (c) For incumbent members of city council not up for re-election in a regular municipal election year, such reports may be filed annually on the first day of the month in which the anniversary of the regular municipal election occurs.
- (d) If the reporting day falls on a weekend or legal holiday, the report shall be filed by the close of the next business day.
- (e) The reports required by this section shall also include:
 - (I) the balance of funds at the beginning of the reporting period;
 - (II) the total of contributions received during the reporting period;
 - (III) the total of expenditures made during the reporting period;
 - (IV) the total of all loans, ~~and loan repayments~~ and loan forgiveness in the reporting period);
 - (V) ~~and the name and address of the financial institution used by the committee; and~~
 - (VI) the total cumulative amount from all reports for (II), (III), and (IV).
- (f) The reports required by this section shall be filed regardless of whether the candidate committee received any contributions or made any expenditures during the reporting period. A candidate committee for a former officeholder or a person and/or group not elected to office that has no change in the balance of funds maintained by such committee, receives no contributions, makes no expenditures, and enters into no obligations during a reporting period shall nevertheless be required to file a report under this section for such period.
- (g) All reports shall be filed with the City Clerk ~~pursuant to this subsection (1) shall be for the reporting periods established pursuant to rules promulgated by the City Clerk.~~
- (h) The reporting period for all reports required to be filed with the City Clerk shall close three calendar days prior to the mandated date of filing.
- (i) After a proposed ballot question or proposed ballot issue becomes an "issue" under Section 2.54.030(B)(2)(a), issue committees shall file reports on the ~~fifth day of January, April, July, and October until the sixtieth day before the election at which such issue will be presented to the voters of Lakewood, at which point issue committees shall file on the~~ 90th, 60th, 30th, and 7th days before such election, as well as 30 days after such election.

- (j) Where a special election has been scheduled, reports by committees or person and/or groups who contribute, expend, or spend moneys that are reportable must file their reports on the 60th, 30th, and 7th day before such election, as well as 30 days after such election.
- (2) Reserved.
- (3) ~~Any candidate or candidate committee supporting any candidate, including an incumbent.~~ All committees involved in supporting or opposing, a position in a recall election, including candidate, issue and political committees, or advocating the recall of any incumbent, shall file reports of contributions and expenditures with the City Clerk 90, 60, 30, and seven days before the recall election and 30 days after the recall election.
- (4) For the purpose of meeting the filing and reporting requirements of this ~~article~~Code, candidates in municipal elections, their candidate committees, any political committee in support of or in opposition to such candidate, an issue committee supporting or opposing a municipal ballot issue, and small donor committees making contributions to such candidates, as well as any independent expenditure committees that expressly advocate and any person and/or groups making electioneering communications that unambiguously refer to such candidates, shall file with the City Clerk.
- (5)
 - (a) The City Clerk shall establish, operate, and maintain a system that enables electronic filing using the internet of the reports required by this ~~article~~Code to be filed with the City Clerk's Office. If possible, the City Clerk shall utilize the same, or similar system for campaign finance reporting as the Colorado Secretary of State. The City Clerk may require any filing under this section to be made by electronic means as determined by the City Clerk. The rules for use of the electronic filing system shall be promulgated by the City Clerk. The City Clerk shall make all filings required by this section publicly available on the City Clerk's website no later than the close of business on the third business day after the filing was received.
 - (b) Any person and/or group required to file with the City Clerk's Office shall use the electronic filing system described in paragraph (a) of this subsection (5) in order to meet the filing requirements of this ~~article~~Code, if so required by the Clerk in accordance with paragraph (a) of this subsection (5), except insofar as an alternate method of filing may be permitted by the City Clerk. Where a person and/or group uses such electronic filing system to meet the filing requirements of this ~~article~~Code, the City Clerk shall acknowledge by electronic means the receipt of such filing.
- (6) Subsection (1) of this section shall not be construed to require the City Clerk to review electronically filed reports.

2.54.050 Duties of the City Clerk—Recordkeeping—Enforcement—Sanctions.

A. *Forms—Rules—Recordkeeping.* The City Clerk shall:

- (1) Prepare forms and instructions to assist candidates and the public in complying with the reporting requirements of this ~~chapter~~Code and make such forms and instructions available to the public free of charge, and provide training sufficient to acquaint candidates and the public with all provisions of this Code;
- (2) Promulgate such rules as may be necessary to enforce and administer any provision of this ~~chapter~~Code;
- (3) Maintain a filing and indexing system consistent with the purposes of this ~~chapter~~Code;
- (4) Make the reports, complaints, and statements filed with the City Clerk's Office available immediately for public inspection and copying. The City Clerk may charge a reasonable fee for providing copies of reports. The City Clerk shall make all reports, complaints, and statements required by this section publicly available on the City Clerk's website no later than the close of business on the day after the filing was received. No information copied from such reports shall be sold or used by any person and/or group for the purpose of soliciting contributions or for any commercial purpose;
- (5) Keep a copy of any report or statement required to be filed by this ~~chapter~~Code for the period set forth in the city's records retention policy; and
- (6) Notify any person and/or group under their jurisdiction who has failed to fully comply with the provisions of this ~~chapter~~Code and notify any person and/or group if a complaint has been filed with the City Clerk alleging a violation of this ~~chapter~~Code. The Clerk shall notify, within 24 hours~~three business days,~~ of the person's or group's failure to complete the mandatory filing documents ~~comply with the provisions of this chapter and/or of the filing of a complaint alleging a violation of this chapter.~~

B. *Enforcement.*

- (1) Any person and/or group who believes that a violation of this ~~chapter~~Code has occurred may file a written complaint with the City Clerk no later than 120 days after the date of filing of the report containing the alleged violation. The City Clerk shall, within 24 hours, notify the person or group who/which is the subject of the allegation that a complaint alleging a violation of this section has been filed. The City Clerk shall also determine within 72 hours~~three business days~~ of the filing of the complaint whether or not the complaint is valid. A complaint is valid if it: is frivolous or groundless
 - (a) Was timely filed under this code;
 - (b) Specifically identifies one or more violations of this code; and
 - (c) Alleges/contains sufficient facts to support a factual and legal basis for the finding of violations of law as alleged.
- (2) Within the same 72-hour~~three business day~~ period the City Clerk shall notify the parties of the Clerk's determination and post a copy of the City Clerk's decision on

~~the City Clerk's website. who has been alleged to have committed a violation within 24 hours of the receipt of a complaint and shall determine~~ The City Clerk's decision shall be based on the complaint and any additional inquiry made by the City Clerk of identified interested parties, and whether the complaint ~~is frivolous or groundless~~ meets the above stated qualifications. The City Clerk shall dismiss a ~~frivolous or groundless complaint that doesn't meet the stated requirements of this section and shall~~ notify the parties. Where a complaint is ~~neither frivolous nor groundless~~ deemed to meet the requirements of this section, the City Clerk shall so notify the parties. ~~The City Clerk shall within 72 hours of the filing of the complaint determine whether or not the complaint is frivolous or groundless, and shall within that same 72 hours notify the parties of that determination, and post a copy of the City Clerk's determination on the City Clerk's website. Additionally, the following provisions shall be applied to any complaint deemed to meet the requirements of this section.~~

- (a) When a person and/or group can cure its non-compliance due to an inadequate report or a failure to file a required report or item thereon, the City Clerk shall accept an amended report or reports within 72 hours three business days of notifying the parties that the complaint is ~~neither frivolous or groundless valid~~.
- (b) Unless any non-compliance is dismissed, is cured as provided herein, or results in penalties imposed by the City Clerk as provided herein, the City Clerk shall refer a ~~non-frivolous, non-groundless~~ complaint to an independent hearing officer within three days of the City Clerk's determination. Within five (5) business days of determining that the complaint is valid the City Clerk shall announce a date for a hearing ~~hearing officer shall hold a hearing within 15 5 days of the referral of the complaint~~. The Clerk shall prioritize holding such hearing within thirty (30) days from the date that non-compliance is found, but such hearing date may be later due to the scheduling of the hearing officer, witnesses, and other interested parties. ~~, but a~~ Any party shall be granted an extension of up to ~~30~~ 15 days upon motion, or longer upon a showing of good cause. The City Attorney shall engage an attorney not employed by the City who is experienced in campaign finance law to or his designee shall represent the City Clerk in prosecuting any non-frivolous, non-groundless valid complaint referred to a hearing officer and that attorney shall present the case to the hearing officer and be allowed to present evidence, including witnesses, in support of the claims. The person against whom the complaint was filed shall be allowed to rebut the claims in the complaint and present evidence, including witnesses, in support thereof.
- (c) The hearing officer shall render a decision within ~~fifteen (15)~~ 5 days after the hearing. If the hearing officer determines that a violation has occurred, the decision shall include any appropriate order, sanction or relief authorized by this ~~chapter~~ Code. The decision of the hearing officer shall be final, subject to review by the district court. The hearing officer is not a necessary party to the review. When final, the decision shall be enforced

by the City Clerk. The failure of a hearing officer to render a decision within 15 5-days will result in the City Attorney's Office contacting to the hearing officer from the City Attorney's Office and requesting an expeditious a decision within five (5) 2 days or the City Attorney may dismiss the hearing officer and appoint a replacement hearing officer. Failure to render a decision within thirty (30) days following the conclusion of a hearing shall make such hearing officer ineligible to serve as a hearing officer for the City for two years.

(b)(d) The hearing officer shall impose a fine in accordance with this Code. Where the hearing officer is given discretion to determine the appropriate fine amount such determination shall be made based upon the facts, evidence and any documents upon which the hearing officer relied in making the determination of the matter. Additionally, the hearing officer shall invite both parties to submit written arguments in support of the imposition of a specific fine amount.

1.3 Based on information of which the City Clerk is aware and finds credible and reliable, the City Clerk may initiate a complaint by transmitting specific allegations, in writing, to the party believed to be in violation of any provision of this chapter. When the City Clerk has written confirmation that the Complaint has been received by the party to whom it was addressed, the provisions of subsections (1.2) and (2) of this section apply.

- (3) Both T the City Clerk, and a hearing officer are authorized to issue subpoenas upon referral to a hearing officer, a hearing officer are authorized to issue subpoenas. Any subpoenas requiring the production of documents by an issue committee shall be limited to documents pertaining to contributions to, or expenditures from, the committees' separate account established pursuant to this chapter to support or propose a ballot issue or ballot question. If the issue committee fails to form a separate account through which a ballot issue or ballot question is supported or opposed, the subpoena shall not be subject to the foregoing limitation.
- (4) The hearing officer shall not accept as a defense to any alleged violation that the violation was unintentional or that the alleged violator was unaware of the requirements of this code.

C. *Sanctions.*

- (1) Any person and/or group who violates any provision of this chapter Code by making prohibited contributions to any committee shall be subject to a civil penalty of at least double and up to five two times the amount contributed, received, or spent in violation of the applicable provision. Any candidate committee that accepts prohibited contributions shall be subject to a civil penalty in the amount of one to two times the amount contributed. Candidates shall be personally liable for penalties imposed upon the candidate's committee.

- (2) (a) Any committee ~~other than an exploratory committee~~ that fails to file required reports or any required disclosure on such reports shall be subject to penalties, imposed by the City Clerk's Code, of up to:

\$10.00 per day for the first through the fifth day the information is late;

\$25.00 per day ~~for~~ from the sixth day to the tenth day the information is late;

\$50.00 per day for eleventh through the date the required report is filed ~~the fifteenth day the information is late~~.

- (b) The City Clerk must provide notice, via email at an email address provided by the candidate or committee, of any failure to file required reports, or file complete reports, after the ~~report is three days~~ 24 hours late due date. ~~Should the City Clerk fail to do so, no fines shall be assessed beyond those fines for the original three days overdue.~~
- (c) ~~After such notice is provided by the City Clerk, a candidate or committee is allowed three days to file or cure a report that was incorrectly filed, without any other fines assessed beyond those fines for the original three days overdue.~~ All fines imposed for violation of this Code shall be published on the City Clerk's website from the date of imposition until thirty (30) days following the date upon which the fine was paid.
- (d) ~~For information filed more than 15 days after it is due, the City Clerk shall refer the matter to a hearing officer who may impose appropriate penalties based upon the evidence admitted at hearing.~~

- (2.1) (a) As to all person and/or groups and committees other than candidate committees and ~~exploratory committees~~, a hearing officer ~~may~~ shall impose the following penalties, in conformance with L.M.C. 2.54.050(B)(2)(d) regarding hearing officer authority to impose fines, if it is established that a disclaimer required to be used pursuant to this ~~chapter~~ Code did not materially comply with the requirements of this ~~chapter~~ Code:

Up to \$1,000.00 for communications received more than 75 days prior to the next regular municipal election by natural persons who are qualified to vote for the office(s) referred to in the communication;

Up to \$2,500.00 for communications received more than 30 but less than 75 days prior to the next regular municipal election by natural persons who are qualified to vote for the office(s) referred to in the communication;

Up to \$5,000.00 for communications received up to 30 days prior to the next regular municipal election by natural persons who are qualified to vote for the office(s) referred to in the communication.

- (b) ~~As to candidate committees, the City Clerk shall impose the following penalties~~ shall be imposed on candidate committees if it is established that a disclaimer required to be used pursuant to this ~~chapter~~ Code was not included on the communication distributed or did not materially comply with the requirements of this ~~chapter~~ Code:

\$100.00 for communications received more than 75 days prior to the next regular municipal election by natural persons who are qualified to vote for the office(s) referred to in the communication;

\$250.00 for communications received more than 30 but less than 75 days prior to the next regular municipal election by natural persons who are qualified to vote for the office(s) referred to in the communication;

\$500.00 for communications received up to 30 days prior to the next regular municipal election by natural persons who are qualified to vote for the office(s) referred to in the communication.

~~(2.2) (a) An exploratory committee that fails to file any required reports or any required disclosure on such reports shall be subject to penalties, imposed by the City Clerk, of up to \$10.00 per day for each day the information is late.~~

~~(b) As to exploratory committees, the City Clerk shall impose a penalty if it is established that a disclaimer required to be used pursuant to this chapter was not included on the communication distributed or did not materially comply with the requirements of this chapter. Such penalty shall be \$100.00 for communications received prior to the potential candidate's filing of their candidate affidavit, as provided in Section 2.54.030(A)(1).~~

(2.2) Scope of Violation. The intent of the concept of "violation" as used in this code is to recognize that a singular act, such as misprinting yard signs, shall be prosecuted as a single violation rather than counting each misprinted sign (or other item) as individual violations of this Code.

~~(2.3) Where a disclaimer has been omitted but the origin of the communication is not apparent to the City Clerk, the City Clerk may retain appropriate professionals to assist in identifying, investigating, and, where appropriate, initiating a complaint against the person and/or group that paid for or facilitated the distribution of such communication without the required disclaimer. Person and/or groups who paid for or facilitated the distribution of such communications may be ordered, as part of any sanction imposed, to fully reimburse the City Clerk for the costs of identifying and investigating said person and/or group.~~

(2.3) For all other violations of this code where a penalty is not specified, the penalty shall be \$250.00 per violation.

(3) Upon imposition of a penalty pursuant to this subsection, the City Clerk shall send the person and/or group upon whom the penalty is being imposed proper notification by certified mail of the imposition of the penalty. If an electronic mail address is on file with the City Clerk, the City Clerk shall also provide such notification by electronic mail.

(4) Any person and/or group required to file a report with the City Clerk or required to include a disclaimer on a candidate communication regulated by this ~~chapter~~Code and upon whom a penalty has been imposed pursuant to this section may appeal such penalty by filing a written appeal with the City Clerk no later than 30 days after the date on which notification of the imposition of the penalty was mailed to such person and/or group's last known address. Except as provided herein, the

City Clerk shall refer the appeal to the hearing officer. Any hearing conducted by a hearing officer shall be conducted in accordance with any standardized rules and regulations-procedures promulgated by the City Clerk pursuant to this ~~chapter~~ Code. The hearing officer shall set aside or reduce the penalty upon a showing of good cause, and the person and/or group filing the appeal shall bear the burden of proof. The decision of the hearing officer shall be final and subject to review by the district court. If the hearing officer finds that the filing of an appeal brought pursuant to this section was ~~frivolous, groundless, or vexatious~~ frivolous, the hearing officer shall order the person and/or group filing the appeal to pay reasonable attorney fees and costs of the City Clerk in connection with such proceeding.

- (5) In connection with any complaint brought to enforce any requirement of this ~~chapter~~ Code, including a complaint initiated by the City Clerk, the hearing officer shall order disclosure of the source and amount of any undisclosed donations, spending, contributions, or expenditures.
- (6) In any action brought to enforce any provision of this ~~chapter~~ Code, the membership lists of a labor organization or, in the case of a publicly held corporation, a list of the shareholders of the corporation, shall not be disclosed by means of discovery or by any other manner.
- (7) The City Clerk may reject any report if it is incomplete ~~or contains any inaccurate information~~. The applicant shall have ten days from the date the City Clerk provides notice of the deficiency to amend the report to cure any such deficiency.
- ~~(8) The City Clerk shall adopt rules that establish criteria for waiver of a penalty for noncompliance in the event a committee has substantially complied with this ordinance, or any noncompliance occurred despite the good faith efforts of the committee to comply with this ordinance.~~
- ~~(9)(8) Any unpaid debt owed to the City of \$1,000.00 or more, resulting from a penalty imposed pursuant to this Chapter 2.54, shall be collected by the City of Lakewood through such judicial remedies as the City of Lakewood may initiate. If the City of Lakewood pursues such remedies, it shall be entitled to recover its: costs incurred as provided in subsection (2.4) of this Section 2.54.050; attorney fees; costs of litigation; and other fees associated with the legal action undertaken. The court may also issue such orders as it finds necessary or appropriate to enforce any order requiring disclosure of the source and amount of any undisclosed donations, spending, contributions, or expenditures.~~

2.54.060 City Limitations on Contributions.

- A.(1) No agency, department, board, division, bureau, commission, or council of the City of Lakewood shall make any contribution in campaigns involving the nomination, retention, or election of any person and/or group to any public office, nor shall any such entity make any donation to any other person and/or group for the purpose of making an independent expenditure, nor shall any such entity expend any

moneys from any source, or make any contributions, to urge electors to vote in favor of or against any:

- (a) Statewide ballot issue that has been submitted for the purpose of having a title designated and fixed pursuant to Section 1-40-106(1), C.R.S. or that has had a title designated and fixed pursuant to that section;
- (b) Local ballot issue that has been submitted for the purpose of having a title fixed pursuant to Section 31-11-111, C.R.S. or that has had a title fixed pursuant to that section;
- (c) Referred measure, as defined in Section 1-1-104(34.5), C.R.S.;
- (d) Measure for the recall of any officer that has been certified by the appropriate election official for submission to the electors for their approval or rejection.

(2) Nothing in this section shall be construed as prohibiting:

- (a) A member or employee of any such agency, department, board, division, bureau, commission, or council of the City of Lakewood from responding to questions about any such issue described in subparagraph (I) of this paragraph (a) if the member, employee, or public entity has not solicited the question.
- (b) (I) An agency, department, board, division, bureau, commission, or council of the City of Lakewood from expending public moneys or making contributions to dispense a factual summary, which shall include arguments both for and against the proposal, on any issue of official concern before the electorate in the jurisdiction. Such summary shall not contain a conclusion or opinion in favor of or against any particular issue. As used herein, an issue of official concern shall be limited to issues that will appear on an election ballot in the jurisdiction.
 - (II) An elected official from expressing a personal opinion on any issue.
 - (III) An agency, department, board, division, bureau, commission, or council of the City of Lakewood:
 - (A) Passing a resolution or taking a position of advocacy on any issue described in subparagraph (I) of paragraph (a) of this subsection (1); ~~or~~
 - (B) Reporting the passage of or distributing such resolution through established, customary means, other than paid advertising, by which information about other proceedings of such agency, department, board, division, bureau, or council of the City of Lakewood is regularly provided to the public; or
 - (C) A member or an employee of an agency, department, board, division, bureau, commission, or council of the City of Lakewood from expending personal funds, making contributions, or using personal time to urge electors to vote

in favor of or against any issue described in subparagraph (I) of paragraph (a) of this subsection (1).

- B. The provisions of subsection (1) of this section shall not apply to:
- (1) An official residence furnished or paid for by the City of Lakewood;
 - (2) Security officers who are required to accompany a candidate or the candidate's family;
 - (3) Publicly owned motor vehicles provided for the use of the chief executive of the City of Lakewood;
 - (4) Publicly owned aircraft provided for the use of the chief executive of the City of Lakewood or the executive's family for security purposes; except that, if such use is, in whole or in part, for campaign purposes, the expenses relating to the campaign shall be reported and reimbursed pursuant to subsection (3) of this section.
- C. A member or employee of any such agency, department, board, division, bureau, commission, or council of the City of Lakewood who has policy-making responsibilities may not expend public moneys expressing an opinion on any such issue described in subparagraph (I) of this paragraph.
- D. If any candidate who is also an incumbent inadvertently or unavoidably makes any expenditure which involves campaign expenses and official expenses, such expenditures shall be deemed a campaign expense only, unless the candidate, not more than ten working days after such expenditure, files with the City Clerk such information as the City Clerk may, by rule communicated and published by the City Clerk, require in order to differentiate between campaign expenses and official expenses. Such information shall be set forth on a form provided by the City Clerk. In the event that public moneys have been expended for campaign expenses and for official expenses, the candidate shall reimburse the City of Lakewood for the amount of money spent on campaign expenses.
- E. Any violation of this section shall be subject to any appropriate order or relief, including an order directing the person and/or group making a contribution or expenditure in violation of this section to reimburse the fund of the City of Lakewood from which such moneys were diverted for the amount of the contribution or expenditure, injunctive relief, or a restraining order to enjoin the continuance of the violation.
- F. Failure to comply with any provision of this ~~chapter~~ Code shall have no effect on the validity of any election.

2.54.070 Electioneering Communications.

- (1) Any person and/or group, including a corporation that qualifies under section 501(c)(4) of the Internal Revenue Code, that expends \$500.00 or more per calendar year on electioneering communications shall report to the City Clerk, in accordance with the disclosure required by this section, the amount expended on

the communications and the name and address of any person and/or group that contributes more than \$250.00 per year to the person and/or group expending \$500.00 or more on the communications. If the person and/or group making a contribution of more than \$250.00 is a natural person, the disclosure required by this section shall also include the person's occupation and employer.

- (2) Any person and/or group, including a corporation that qualifies under Section 501(c)(4) of the Internal Revenue Code, that contributes \$500.00 or more during any one calendar year for the purpose of making an electioneering communication shall, within 48 hours of making the donation, report to the City Clerk the names and addresses of:
 - (a) The person and/or group's chief executive officer or, for entities that have do not have an official with that title, the person performing the largest number of duties of a chief executive officer;
 - (b) Any "professional lobbyist," as defined by C.R.S. 24-6-301(6), that has been paid by the person and/or group to communicate with one or more "covered officials," as defined by C.R.S. 24-6-301(1.7); and
 - (c) Any person and/or group paid to communicate with the Mayor or one or more City Council members concerning the passage, defeat, or amendment of City of Lakewood ordinances, resolutions, or rules.
- (3) *Disclaimer.*
 - (a) In addition to any other applicable requirements provided by law, and subject to the provisions of this section, any electioneering communication on which the person and/or group responsible for the communication expends \$500.00 or more shall include in the communication a statement that:
 - (I) The communication has been "paid for by (full name of the person and/or group paying for the communication)";
 - (II) The communication is "Not authorized by any candidate"; and
 - (III) The name of a natural person who is the registered agent if the person and/or group identified in subparagraph (I) of this paragraph (a) is not a natural person.
 - (b) In the case of a broadcast communication, the statement required by this section shall satisfy all applicable requirements promulgated by the Federal Communications Commission for size, duration, and placement.
 - (c) In the case of a ~~nonbroadcast~~ non-broadcast communication, the City Clerk shall, by rule communicated and published by the City Clerk, establish size and placement requirements for the disclaimer.
 - (d) As to communications transmitted by means of the internet, the disclaimer shall be clearly visible and placed on or adjacent to the communication.

2.54.080 Miscellaneous Provisions.

A. *Media outlets—Political records.* Any media outlet that is subject to the provisions of 47 U.S.C. sec. 315(e) shall maintain and make available for public inspection such records as the outlet is required to maintain to comply with federal law or rules.

B. *Immunity from liability.*

- (1) Any individual volunteering their time on behalf of a candidate or candidate committee shall be immune from any liability for a fine or penalty imposed pursuant to this ~~chapter~~Code in any proceeding that is based on an act or omission of such volunteer if:
 - (a) The volunteer was acting in good faith and within the scope of such volunteer's official functions and duties for the candidate or candidate committee; and
 - (b) The violation was not caused by willful and intentional misconduct by such volunteer.
- (2) Any media outlet shall be immune from civil liability in any court where the media outlet:
 - (a) Withdraws advertising time reserved by an independent expenditure committee that fails to register in accordance with the requirements of Section 2.54.030(F); or
 - (b) Elects to void an advertising contract and the advertisement:
 - (I) Is paid for by an independent expenditure committee that fails to register under this ~~chapter~~Code;
 - (II) Is paid for by an independent expenditure committee that is registered under Section 2.54.030 but the committee fails to file a required disclosure report through the date of the most recent required report; or
 - (III) If the independent expenditure committee otherwise fails to satisfy any requirements of this ~~chapter~~Code.
- (3) An affected media outlet may void a contract that implicates paragraph (b) of subsection (2) of this section in the sole discretion of the media outlet.

C. *Expenditures—Political advertising—Rates and charges.*

- (1) No candidate shall pay to any radio or television station, newspaper, periodical, or other supplier of materials or services a higher charge than that normally required for local commercial customers for comparable use of space, materials, or services. Any such rate shall not be rebated, directly or indirectly.
- (2) Any radio or television station, newspaper, or periodical that charges a candidate committee a lower rate for use of space, materials, or services than the rate such station, newspaper, periodical, or supplier charges another candidate committee for the same public office for comparable use of space, materials, or services shall

report the difference in such rate as a contribution to the candidate committee that is charged such lower rate.

- (3) Nothing in this articleCode shall be construed to prevent an adjustment in rates related to frequency, volume, production costs, and agency fees if such adjustments are offered consistently to other advertisers.

D. Encouraging Withdrawal from Campaign Prohibited. No person and/or group shall offer or give any candidate or candidate committee any money or any other thing of value for the purpose of encouraging the withdrawal of the candidate's candidacy, nor shall any candidate offer to withdraw a candidacy in return for money or any other thing of value.

SECTION 2. This ordinance shall take effect thirty (30) days after final publication.

SECTION 3. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that within and foregoing Ordinance was introduced and read on first reading at a hybrid special meeting of the Lakewood City Council on the 4th day of November, 2024; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 7th day of November, 2024; set for public hearing to be held on the 9th day of December, 2024; read, finally passed and adopted by the City Council on the 9th day of December, 2024; and signed by the Mayor on the ___ day of December, 2024.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

O-2024-__

AN ORDINANCE

AMENDING TITLE 2, CHAPTER 2.54, OF THE LAKEWOOD MUNICIPAL CODE REGARDING THE CAMPAIGN AND POLITICAL FINANCE IN MUNICIPAL ELECTIONS CODE FOR THE CITY OF LAKEWOOD, COLORADO.

WHEREAS, the City of Lakewood (“Lakewood” or “City”) is a home rule municipality organized under Article XX of the Colorado Constitution and the authority of the Home Rule Charter for the City of Lakewood (Charter);

WHEREAS, Sections 1.2 and 2.1 of the Charter vests all municipal legislative powers in the City Council, and authorizes the City Council to establish those laws necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of such municipality and the inhabitants thereof;

WHEREAS, the City Council desires to amend the City’s code governing Campaign and Political Finance in Municipal Elections in order to clarify certain provisions and better serve the needs of the community;

WHEREAS, approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Amendment of Title 2, Chapter 2.54. Title 2, Chapter 2.54 of the Lakewood Municipal Code shall be amended as follows:

Chapter 2.54 CAMPAIGN AND POLITICAL FINANCE IN MUNICIPAL ELECTIONS

2.54.010 Declaration.

As a home rule City established under Article XX of the Colorado Constitution, the City of Lakewood and the Lakewood City Council find and declare that preserving openness and integrity in the political process is in the best interests of the health, safety and welfare of the citizens of Lakewood. It is therefore the intent of this ~~chapter~~ Code to foster an open political process that emphasizes transparency and accountability to ensure, ~~as to~~ candidates for municipal office; that campaign donations do not result in corruption or the appearance of corruption. Further, in order to make informed decisions about the election-related materials they

see, voters of the City of Lakewood need complete and timely reporting to the City Clerk by all persons and/or groups subject to disclosure responsibilities, as well as accurate disclaimers that inform voters who paid for the communications distributed.

2.54.020 Definitions.

As used in this chapter, unless the context otherwise requires:

~~**Appropriate officer** means the City Clerk of the City of Lakewood. The City Clerk is the individual with whom a candidate, candidate committee, political committee, small donor committee, or issue committee must file all campaign related documents pursuant to this chapter.~~

Ballot issue means a local government matter arising under Section 20 of Article X of the State Constitution, as defined in Sections 1-41-102(4) and 1-41-103(4) of the Colorado Revised Statutes.

Ballot question means a local government matter involving a citizen petition or referred measure, other than a ballot issue.

Candidate means any person who seeks nomination or election to any local public office that is to be voted on at any municipal election. A person is a candidate for election if the person has publicly announced an intention to seek election to public office or thereafter has received a contribution or made an expenditure in support of ~~the~~ their candidacy. A person remains a candidate for purposes of this ~~chapter~~ Code so long as the candidate maintains a registered candidate committee. A person who maintains a candidate committee after an election cycle, but who has not publicly announced an intention to seek election to public office in the next or any subsequent election cycle, is a candidate for purposes of this ~~chapter~~ Code.

Candidate committee means a person and/or group, including the candidate, or persons with the common purpose of receiving contributions or making expenditures under the authority of a candidate. A contribution to a candidate shall be deemed a contribution to the candidate's candidate committee. A candidate shall have only one candidate committee. A candidate committee shall be considered open and active until affirmatively closed by the candidate or by action of the City Clerk.

Code means Chapter 2.54 of the Lakewood Municipal Code regarding Campaign Regulations and Political Finance in Municipal Elections.

~~**Conduit** means a person and/or group who transmits contributions from more than one person, directly to a candidate committee. "Conduit" does not include the contributor's immediate family members, the candidate or campaign treasurer of the candidate committee receiving the contribution, a volunteer fund raiser hosting an event for a candidate committee, or a professional fund raiser if the fundraiser is compensated at the usual and customary rate.~~

Contribution means:

- (I) the payment, loan, pledge, gift, or advance of money, or guarantee of a loan, made by any person or committee to any candidate committee, issue committee, political committee or small donor committee;

- (II) any payment made to a third party for the benefit of any candidate committee, issue committee, political committee or small donor committee;
- (III) the fair market value of any gift or loan of property made to any candidate committee, issue committee, political committee or small donor committee;
- (IV) anything of value given, directly or indirectly, to a candidate for the purpose of promoting the candidate's nomination, election, retention, or recall or election.

The term "Contribution" includes, with regard to a contribution for which the contributor receives compensation or consideration of less than equivalent value to such contribution, including, but not limited to, items of perishable or nonpermanent value, goods, supplies, services, or participation in a campaign-related event, an amount equal to the value in excess of such compensation or consideration as determined by the candidate committee.

The term "Contribution" also includes:

- (I) Any payment, loan, pledge, gift, advance of money, or guarantee of a loan made to any political organization;
- (II) Any payment made to a third party on behalf of and with the knowledge of the political organization; or
- (III) The fair market value of any gift or loan of property made to any political organization.

The term "Contribution" does not include services provided without compensation by individuals volunteering their time on behalf of a candidate, candidate committee, political committee or small donor committee; a transfer by a membership organization of a portion of a member's dues to a small donor committee or political committee sponsored by such membership organization; or payments by a corporation or labor organization for the costs of establishing, administering and soliciting funds from its own employees or members for a political committee or small donor committee.

Coordination means one or more substantial discussions relating to the making of one or more expenditures at the request, suggestion, or direction of, or under the control of or in consultation with a candidate committee or its agent (including a consultant) acting on behalf of or with the consent of a candidate, where such expenditure relies on non-public information.

Corporation means a domestic corporation incorporated under and subject to the "Colorado Business Corporation Act", Articles 101 to 117 of Title 7, C.R.S., a domestic nonprofit corporation incorporated under and subject to the "Colorado Revised Nonprofit Corporation Act", Articles 121 to 137 of Title 7, C.R.S., or any corporation incorporated under and subject to the laws of another state. For purposes of this articleCode, "domestic corporation" shall mean a for-profit or nonprofit corporation incorporated under and subject to the laws of the State of Colorado, and "nondomestic corporation" shall mean a corporation incorporated under and subject to the laws of another state or foreign country. For purposes of this articleCode, "corporation" includes the parent of a subsidiary corporation or any subsidiaries of the parent, as applicable.

Donation means:

- (I) The payment, loan, pledge, gift, or advance of money, or the guarantee of a loan, made to any person and/or group for the purpose of making an independent expenditure;

- (II) Any payment made to a third party that relates to, and is made for the benefit of, any person and/or group that makes an independent expenditure;
- (III) The fair market value of any gift or loan of property that is given to any person and/or group for the purpose of making an independent expenditure; or
- (IV) Anything of value given, directly or indirectly, to any person and/or group for the purpose of making an independent expenditure.

"Donation" shall not include a transfer by a membership organization of a portion of a member's dues for an independent expenditure sponsored by such membership organization.

Earmark means a designation, instruction, or encumbrance that directs the transmission by the recipient of all or part of a donation to a third party for the purpose of making one or more independent expenditures of \$500.00 or more.

Election cycle ~~means the period of time beginning 31 days following a municipal election for the particular office and ending 30 days following the next municipal election for that office. has the same meaning as that set forth within Colo. Const. Art. XXVIII, Section 6.~~

Electioneering communication means any communication broadcast by television or radio, printed in a newspaper or on a billboard, directly mailed, a website or other electronic communication transmitted by means of the internet, any signage placed in public view, or delivered by hand to personal residences or otherwise distributed that:

- (I) Unambiguously refers to any candidate without expressly advocating for that candidate; and
- (II) Is broadcast, printed, mailed, delivered or distributed within 60 days during the timeframe in which a candidate is seeking election or an issue is pending decision before a municipal election.
- ~~(III) Is broadcast to, printed in a newspaper distributed to, mailed to, delivered by hand or distributed in any way, electronically transmitted, or otherwise communicated by any means to any persons or any audience that includes members of the electorate for such public office; and~~
- ~~(IV)~~ (III) No provisions of the definition of electioneering communication shall be construed to infringe on any rights granted by the United States Constitution or Colorado Constitution.

Expenditure means any purchase, payment, distribution, loan, advance, deposit, or gift of money by any person and/or group for the purpose of expressly advocating the election or defeat of a candidate or supporting or opposing a ballot issue or ballot question. An expenditure is made when the actual spending occurs or when there is a contractual agreement requiring such spending and the amount is determined. Expenditures may include reasonable expenses for child or adult dependent care to allow for active campaigning.

~~**Exploratory committee** means a committee formed by a potential candidate for the sole purpose of accepting contributions and making expenditures in order to determine whether or not the potential candidate should seek election to any public office of the city. "Exploratory committee" does not mean a political party, political committee, small donor committee, political organization, or independent expenditure committee.~~

Foreign corporation means:

- (I) A parent corporation or the subsidiary of a parent corporation formed under the laws of a foreign country that is functionally equivalent to a domestic corporation;
- (II) A parent corporation or the subsidiary of a parent corporation in which one or more foreign person and/or groups hold a combined ownership interest that exceeds 50 percent;
- (III) A parent corporation or the subsidiary of a parent corporation in which one or more foreign person and/or groups hold a majority of the positions on the corporation's board of directors; or
- (IV) A parent corporation or the subsidiary of a parent corporation whose United States-based operations, or whose decision-making with respect to political activities, falls under the direction or control of a foreign entity, including the government of a foreign country.

Frivolous means a claim or defense is lacking any rational argument based in law but does not include a legitimate attempt to establish a new theory of law or a good-faith effort to extend, modify, or reverse existing interpretations of law.

~~**Groundless** means a claim or defense is unsupported by any credible evidence, even if sufficient to withstand a motion to dismiss.~~

Group means any entity, other than a natural person, including but not limited to partnership, committee, association, corporation, labor organization, lobbyist, or other organization or group of persons.

Independent expenditure means an expenditure that is not controlled by or coordinated with any candidate or agent of such candidate. Expenditures that are controlled by or coordinated with a candidate or candidate's agent are deemed to be both contributions by the maker of the expenditure, and expenditures by the candidate's committee.

Independent expenditure committee means one or more persons and/or groups that make an independent expenditure in an aggregate amount \$500.00 or more, or that collect \$500.00 or more from one or more persons and/or groups for the purpose of making an independent expenditure.

~~**Independent Hearing Officer** means an individual with an extensive knowledge of the topic of this Code who is retained by the City to hear and decide alleged violations of this Code. To encourage the expedition of hearings held pursuant to this Code, the City may retain more than a single hearing officer to create a list of hearing officers to draw from as needed or may contract with a law firm to provide an associated attorney to serve as a hearing officer when needed.~~

Issue committee means any person ~~and/or group~~, other than a natural person, or any group of two or more persons, including natural persons:

- (I) That has a major purpose of supporting or opposing any ballot issue, or ballot question ~~For purposes of this subsection, major purpose can be determined by the organization's demonstrated pattern of conduct by spending thirty percent or more of the organization's funds as of at any point in the current or two preceding calendar years in support or opposition to one or more ballot issues; or and~~

- (II) That has accepted or made contributions or expenditures in excess of \$200.00 to support or oppose any ballot issue or ballot question.

The term "Issue committee" does not include political parties, political committees, small donor committees or candidate committees. An issue committee shall be considered open and active until affirmatively closed by such committee or by action of the appropriate authority.

Limited liability company includes any form of domestic entity as defined in Section 7-90-102(13), C.R.S., or foreign entity as defined in Section 7-90-102(23), C.R.S.; except that, as used in this ~~chapter~~Code, "limited liability company" shall not include a domestic corporation, a domestic cooperative, a domestic nonprofit association, a domestic nonprofit corporation, a foreign corporation, a foreign cooperative, a foreign nonprofit association, a foreign nonprofit corporation, as those terms are defined in Section 7-90-102, C.R.S., a nondomestic corporation as defined in Section 1-45-103(7), C.R.S. or a foreign corporation as defined in Section 1-45-103(10.5) C.R.S.

Media outlet means a publication or broadcast medium that transmits news, feature stories, entertainment, or other information to the public through various distribution channels, including, without limitation, newspapers; magazines; radio; the internet; and broadcast, cable, or satellite television.

Natural person means a human being.

Non-public information means confidential material in any form that is not available to the general public, including a non-public campaign plan, communications plan, campaign budget, specification of unmet and potentially unmet campaign needs, proposed or actual media buy, list or description of households or voters who will receive or have received materials under a mailing or other distribution program, polling or focus group results, or other proprietary material. "Nonpublic information," does not include communications dealing solely with candidate positions on legislative or policy issues or communications to or by an attorney, accountant, bookkeeper, or registered agent who provides services within the scope of their profession.

Obligating means, in connection with a named candidate, agreeing to spend \$500.00 more, for an independent expenditure or to give, pledge, loan, or purchase one or more goods, services, or other things of value that have a fair market value of \$500.00 or more, as an independent expenditure. "Obligating" shall not require that the total amount of \$500.00 or more be finally determined at the time of the agreement to spend moneys for an independent expenditure or to give, pledge, loan, or purchase anything of value.

Person means any natural person, partnership, committee, association, corporation, labor organization, political party, or other organization or group of persons.

Political committee means any person and/or group, other than a natural person, or any group of two or more persons, including natural persons that have accepted or made contributions or expenditures in excess of \$200.00 to support or oppose the nomination or election of one or more candidates. "Political committee" does not include political parties, issue committees or candidate committees.

Political organization means a political organization defined in Section 527(e)(1) of the federal "Internal Revenue Code of 1986", as amended, that is engaged in influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any state or

local public office in the state and that is exempt, or intends to seek any exemption, from taxation pursuant to Section 527 of the Internal Revenue Code. "Political organization" shall not be construed to have the same meaning as "political organization" as defined in ~~Section under Colorado Revised Statute §1-1-104(24), C.R.S.~~ for purposes of the "Uniform Election Code of 1992", Articles 1 to 13 of this Title.

Political party means any group of registered electors who, by petition or assembly, nominate candidates for the official general election ballot. "Political party" includes affiliated party organizations at the state, county and election district levels, and all such affiliates are considered to be a single entity for the purposes of this ~~chapter~~Code.

Small donor committee means any political committee that has accepted contributions only from natural persons who each contributed no more than \$50.00 in the aggregate per year. For purposes of this ~~chapter~~Code, dues transferred by a membership organization to a small donor committee sponsored by such organization shall be treated as pro-rate contributions from individual members. "Small donor committee" does not include any entity that qualifies as a political party, political committee, issue committee, or candidate committee.

Spending means funds expended influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any state or local public office in the state and includes, without limitation, any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything else of value by any political organization, a contract, promise, or agreement to expend funds made or entered into by any political organization, or any electioneering communication by any political organization.

Subsidiary means a business entity having more than half of its stock owned by another entity or person and/or group, or a business entity of which a majority interest is controlled by another person and/or group or entity.

Unexpended campaign contributions means the balance of funds on hand in any candidate committee at the end of an election cycle, less the amount of all unpaid monetary obligations incurred prior to the election in furtherance of such candidacy.

2.54.030 Candidates; Committees; Registration; Contribution Limits; Expenditures; Reporting.

A. *Candidates and Candidate Committees.*

- (1) ***Affidavit of Candidacy.*** Within ten days after an individual becomes a candidate and before circulating any petition, such individual shall certify, by affidavit filed with the City Clerk, that the candidate is familiar with the provisions of this ~~chapter~~Code. ~~(See definition of candidate.)~~
- (2) ***Candidate Committee Registration.*** Except as otherwise provided in this ~~chapter~~Code, all candidate committees shall register with the City Clerk within ten days after accepting any contribution or making any expenditure. Registration shall include a statement listing:
 - (a) The ~~organization~~committee's full name, spelling out any acronyms used therein;
 - (b) A natural person authorized to act as a registered agent or representative;
 - (c) A street address and telephone number for the principal place of operations;

~~(d)~~ ~~All affiliated candidates and committees;~~

~~(e)~~(d) The purpose or nature of interest of the committee or party;

~~(f)~~(e) The name of the financial institution where the committee has opened an account.

- (3) **Contribution Limits.** During an election cycle, a candidate committee may accept no more than \$400.00 from any natural person or political committee for candidates for City Council, and no more than \$800.00 from any natural person or political committee for candidates for Mayor. No candidate committee shall accept any contribution from any entity that is prohibited from contributing by this ~~chapter~~Code.

- (4) **Reports.**

(a) All candidate committees shall report to the City Clerk: their contributions received, including the name, address, and amount contributed of each contributor; expenditures made; and obligations entered into by the committee.

(b) In the case of contributions made to a candidate committee, the disclosure required by this section shall also include the occupation and employer of each person and/or group who has made contributions totaling \$100.00 or more to such committee.

- (5) **Reimbursement.** A candidate's candidate committee may reimburse the candidate for expenditures the candidate has made on behalf of the candidate committee. Any such expenditures may be reimbursed at any time. Notwithstanding any other provision of law, any expenditure reimbursed to the candidate by the candidate's candidate committee within the election cycle during which the expenditure is made shall be treated only as an expenditure and not as a contribution to and an expenditure by the candidate's candidate committee.

Notwithstanding the date on which any such expenditure is reimbursed, the expenditure shall be reported at the time it is made in accordance with the requirements of this section.

- (6) **Unexpended contributions—Candidate committees.** Unexpended campaign contributions to a candidate committee may be:

(a) Contributed to a candidate committee established by the same candidate for a different public office, and only after if the candidate committee for the original position that wishes to makemaking such a contribution is affirmatively closed by the candidate no later than ten days after the date such a contribution is made;

(b) Donated to a charitable organization recognized by the internal revenue service;

(c) Returned to the contributors or retained by the committee for use by the candidate in a subsequent campaign;

(d) In no event shall contributions to a candidate committee be used for personal purposes not reasonably related to supporting the election of the candidate nor shall the contributions be donated to another candidate or candidate committee. However, this provision shall not prohibit a candidate committee from donating contributions to a candidate committee for the same candidate ~~but for~~ a different office;

- (e) A candidate committee for a former officeholder or a person not elected to office shall expend all of the unexpended campaign contributions retained by such candidate committee, for the purposes specified in this subsection (6), no later than nine years from the date such officeholder's term expired or from the date of the election at which such person was a candidate for office, whichever is later;
- (f) In addition to any use described in this subsection (6), a person elected to a public office may use unexpended campaign contributions held by the person's candidate committee for any of the following purposes:
 - (I) Voter registration;
 - (II) Political issue education, which includes obtaining information from or providing information to the electorate;
 - (III) Postsecondary educational scholarships;
 - (IV) To defray reasonable and necessary expenses related to mailings and similar communications to constituents;
 - (V) Any expenses that are directly related to such person's official duties as an elected official, including, but not limited to, expenses for the purchase or lease of office equipment and supplies, room rental for public meetings, necessary travel and lodging expenses for legislative education such as seminars, conferences, and meetings on legislative issues, and telephone and pager expenses.
- (g) Unexpended campaign contributions held by a candidate committee cannot be donated to another person's candidate committee for any office or any ~~other~~ issue committee; and
- (h) Notwithstanding any other provision of law, any unexpended campaign contributions retained by a candidate committee for use in a subsequent election cycle shall be counted and reported as contributions.

~~(6.5) Unexpended contributions—Exploratory committees. Unexpended contributions to an exploratory committee may be:~~

~~(a) —Donated to a charitable organization recognized by the internal revenue service; or (b) Returned to the contributors.~~

~~(9)~~(7) **Recall.** Any candidate or candidate committee supporting any candidate, including an incumbent, in a recall election, shall file reports of contributions and expenditures with the City Clerk 1460, 30 and seven days before the recall election and 30 days after the recall election.

~~(10)~~(8) **Disclaimer.**

- (a) A candidate committee making ~~an expenditure on~~ a communication that supports or opposes any candidate and that is broadcast by television or radio, printed in a newspaper or on a billboard, or printed yard sign, directly mailed, made available by means of the internet, or delivered by hand to personal residences, or otherwise

distributed shall state, in the communication ~~produced by the expenditure~~, that it is paid for by the candidate committee making the communication expenditure.

- (b) The disclaimer required by subsection (a) of this section shall be printed on the communication clearly and legibly in a conspicuous manner.
- (c) If the communication is broadcast on radio, the disclaimer shall be spoken at the beginning or end of the communication.
- (d)
 - (I) If the communication is broadcast on television, the disclaimer shall be written or spoken at the beginning or end of the communication. If the disclaimer is written, it shall appear for at least four seconds of any communication broadcast on television.
 - (II) The written disclaimer required by subparagraph (I) of this paragraph (d) shall appear in the communication in a conspicuous manner.
- (e) As to communications transmitted by means of the internet, the disclaimer shall be clearly visible and placed on or adjacent to the communication.

~~(9) — Exploratory committees.~~

- ~~(a) — An exploratory committee shall be subject to the same prohibitions on sources of contributions, the same dollar limits on contributions, the same registration and disclosure requirements, and the same disclosure calendar as a candidate committee under this chapter.~~
- ~~(b) — An exploratory committee's name shall include the first name and last name of the potential candidate who causes it to be formed, as well as the words "Exploratory Committee."~~
- ~~(c) — No exploratory committee may expressly advocate the election of any natural person, by expenditure made or otherwise, or make any contribution to the candidate's candidate committee or to any other candidate's candidate committee.~~
- ~~(d) — An exploratory committee must be closed on or before the date of filing a candidate committee by that potential candidate. After closure and the filing of a final report on the next regularly scheduled reporting date as specified in Section 2.54.040(1)(a)(I)(A), an exploratory committee shall have no further reporting duties.~~
- ~~(e) — An exploratory committee shall place a disclaimer on each of its communications that states:
 - ~~(I) — The communication has been "paid for by (full name of the person and/or group paying for the communication)"; and~~
 - ~~(II) — The name of a natural person who is the registered agent of the exploratory committee.~~~~
- ~~(f) — In the case of a broadcast communication, the statement required by this section shall satisfy all applicable requirements promulgated by the Federal Communications Commission for size, duration, and placement.~~

- ~~(g) — In the case of a nonbroadcast communication, the City Clerk shall, by rule communicated and published by the City Clerk, establish size and placement requirements for the disclaimer.~~
- ~~(h) — As to communications transmitted by means of the internet, the disclaimer shall be clearly visible and placed on or adjacent to the communication.~~

B. *Issue Committees.*

- (1) **Registration.** Subject to the provisions of this section, each issue committee shall register with the City Clerk within ten calendar days of accepting or making contributions or expenditures in excess of \$200.00 to support or oppose any ballot issue or ballot question, or circulate initiative petition for signature. If required to register under the requirements of this subsection, the registration of the issue committee shall include a statement containing the items listed ~~in paragraphs (a) to (f) of Subsection A(2) of this section in connection with other committees below:~~

- (a) The committee's full name, spelling out any acronyms used therein;
- (b) A natural person authorized to act as a registered agent or representative;
- (c) A street address and telephone number for the principal place of operations;
- (d) All affiliated committees;
- (e) The purpose or nature of interest of the committee or party;
- (f) The name of the financial institution where the committee has opened an account.

(2) *Ballot Issue or Ballot Question Determined.*

- (a) Notwithstanding any other provision of law, and subject to the provisions of this section, a matter shall be considered to be a ballot issue or ballot question for the purpose of determining whether an issue committee has been formally established, thereby ~~necessitating~~ compliance with any disclosure, disclaimer, and reporting requirements of this ~~chapter~~Code:
 - (I) For a citizen-initiated petition, a title for the matter ~~has been designated and fixed in accordance with law~~ is set upon determination that the requisite number of signatures have been obtained and the petition has been determined to be sufficient;
 - (II) For a measure referred to voters by the City Council rather than by initiative petition, the Council has adopted an ordinance to refer such matter to the voters of Lakewood.
- (b) Notwithstanding the provisions of this subsection, where a matter concerns a municipal annexation brought pursuant to Article 12 of Title 31, C.R.S., the matter shall not be considered to be a ballot issue or ballot question for the purpose of determining whether an issue committee has been formally established, thereby necessitating compliance with any disclosure and reporting requirements of this ~~chapter~~Code, unless and until the first notice of the annexation election has been published in accordance with the requirements of Section 31-12-112(6), C.R.S.

- (3) **Recall.** Any issue committee whose purpose is the recall of any elected official shall register with the ~~appropriate officer~~ City Clerk within ten calendar days of accepting or making contributions or expenditures in excess of \$200.00 to support or oppose the recall. Reports of contributions and expenditures shall be filed with the ~~appropriate officer~~ City Clerk ~~within 15 days of the filing of the committee registration and every 30 days thereafter until the date of the recall election has been established and then 1460 days, 30~~ days and seven days before the recall election and 30 days following the recall election.
- (4) **Disclaimer.**
- (a) An issue committee making an expenditure of ~~\$500.00~~ \$200.00 or more on a communication that supports or opposes a ballot issue or ballot question and that is broadcast by television or radio, printed in a newspaper or on a billboard, directly mailed, transmitted by means of the internet, or delivered by hand to personal residences, or posted by way of a yard sign, or otherwise distributed shall disclose, in the communication produced by the expenditure, the name of the issue committee making the expenditure.
- (b) The disclaimer required by subsection (a) of this section shall be printed on the communication clearly and legibly in a conspicuous manner.
- (c) If the communication is broadcast on radio, the disclaimer shall be spoken at the beginning or end of the communication.
- (d) (I) If the communication is broadcast on television, the disclaimer shall be written or spoken at the beginning or end of the communication. If the disclaimer is written, it shall appear for at least four seconds of any communication broadcast on television.
- (II) The written disclaimer required by subparagraph (I) of this paragraph (d) shall appear in the communication in a conspicuous manner.
- (III) In the case of a limited liability company, the disclosure required by this section shall include, in addition to any other information required to be disclosed, each contribution from the limited liability company regardless of the dollar amount of the contribution.
- (e) If the communication is transmitted by means of the internet, the disclaimer shall appear on or adjacent to the communication.
- (5) **Unexpended Contributions.** Unexpended contributions to an issue committee may be donated to any charitable organization recognized by the Internal Revenue Service or returned to the contributor.

C. **Small Donor Committees.**

- (1) **Registration.** Except as otherwise provided in this section, all small donor committees shall register with the City Clerk within ten days after accepting any contribution or making any expenditure. Registration shall include a statement listing:
- (a) The organization's full name, spelling out any acronyms used therein;
- (b) A natural person authorized to act as a registered agent or representative;

- (c) A street address and telephone number for the principal place of operations;
 - (d) All affiliated candidates and committees;
 - (e) The purpose or nature of interest of the committee or party.
- (2) **Contribution limits.** During an election cycle, only natural persons may contribute to a small donor committee in an amount not more than \$50.00 to such small donor committee.
- (3) **Contributions to candidate committees.** During an election cycle, small donor committees may contribute up to \$1,600.00 to candidates for mayor and up to \$800.00 to candidates for city council.

D. All Committees—Disclosures; Prohibited Contributions.

- (1) Disclosures.
- (a) All candidate committees shall report to the City Clerk; their contributions received, including the name; address; and amount contributed of each contributor including the cumulative total of all contributions from each individual contributor; expenditures made; and obligations entered into by the committee. Beginning January 1, 2025, the cumulative total of all contributions from each individual contributor shall also be reported.
 - (b) **Contributions over \$100.00.** In the case of the aggregate contributions made to a political committee or issue committee during an election cycle, the disclosure required by this section shall also include the occupation and employer of each person and/or group who has made a contribution of \$100.00 or more to such committee.
- (2) Prohibited Contributions.
- (a) During an election cycle, no committee may accept any contribution from:
 - (I) A political party;
 - (II) An entity formed under and subject to the laws of a foreign country;
 - (III) A natural person who is not a citizen of the United States;
 - (IV) A foreign government; or
 - (V) Any person and/or group otherwise prohibited by law from making the contribution.
 - (b) No committee may accept any contribution in currency or coin of more than ~~\$20.00~~ \$100.00 from any contributor or fail to report each contributor of currency or coin, regardless of the amount of the contribution made in currency or coin.
 - (c) No candidate committee shall accept any contribution from any corporation or any labor organization.
 - (d) No candidate may accept any contribution without reporting the identity of the contributor. No candidate may solicit anonymous contributions including any solicitation commonly referred to as “pass the hat” or “fishbowl” solicitation. Website contributions may be accepted if the contributor is properly identified.

E. *Political Organizations.*

- (1) Any political organization shall report to the City Clerk in accordance with the requirements of this ~~chapter~~Code:
 - (a) Any contributions it receives, including the name and address of each person and/or group who has contributed more than \$20.00 or more to the political organization in the reporting period, and the occupation and employer of each natural person who has made a contribution of \$100.00 or more to the political organization; and
 - (b) Any spending by the political organization in any one (1) reporting period.
- (2) During an election cycle, no political organization shall accept a contribution in currency or coin of more than ~~\$20.00~~ \$100.00 from any contributor or fail to report the receipt of contributors of currency or coin.
- (3) Nothing in this section shall be construed to:
 - (a) Require any political organization to make any additional disclosure pursuant to this section to the extent the political organization is already providing disclosure as a committee in a manner that satisfies the requirements of this ~~chapter~~Code; or
 - (b) Authorize the City Clerk to require disclosure of the name of any natural person that is a member of an entity unless the natural person has made a contribution to a political organization in the amount of more than \$20.00 in a reporting period.

F. *Independent Expenditures/Independent Expenditure Committees.*

- (1) *Registration.*
 - (a) Any person and/or group that accepts a donation as an Independent Expenditure Committee that is given for the purpose of making an independent expenditure of \$500.00 or more or that makes an independent expenditure of \$500.00 or more shall register with the City Clerk within two business days of the date on which an aggregate amount of donations accepted or expenditures made reaches or exceeds \$500.00.
 - (b) The registration required by paragraph (a) of this subsection (1) shall include each of the items listed in Section 2.54.030(A)(2) and:
 - (I) Any individual acting as an Independent Expenditure Committee shall provide that person's full name, spelling out any acronyms used therein; and
 - (II) The aggregate ownership interest in the Independent Expenditure Committee held by foreign nationals or foreign corporations calculated as of the time the person and/or group registers as an Independent Expenditure Committee with the City Clerk under paragraph (a) of this subsection (1).
 - (c) If the person and/or group identified in subparagraph (I) of paragraph (b) of this subsection F (1) is a corporation, a subsidiary may register on behalf of its parent corporation or for other subsidiaries of the parent corporation, and the parent corporation may register on behalf of all of its subsidiaries. In each such case, the

registered agent of the person and/or group registering shall serve as the registered agent for all such affiliated corporations. Registration of a subsidiary shall include the name of its parent corporation as well as any names under which the subsidiary does business.

- (d) If the person and/or group identified in subparagraph (I) of paragraph (b) of this subsection F (1) is a labor organization, a local labor organization may register on behalf of any affiliated local, national, or international labor organization that will be making independent expenditures, and a national or international labor organization may register on behalf of any affiliated local labor organization that will be making independent expenditures. In each such case, the registered agent of the labor organization that is registering shall serve as the registered agent for each affiliated local, national, or international labor organization.

(2) ***Reporting.***

- (a) In addition to any other applicable disclosure requirements specified in this [articleCode](#), any person and/or group making an independent expenditure in an aggregate amount of \$500.00 or more in any one calendar year shall report the following to the City Clerk:
 - (I) The person and/or group's full name, or, if the person and/or group is a subsidiary of a parent corporation, the full name of the parent corporation, spelling out any acronyms used therein;
 - (II) All names under which the person and/or group does business in the state if such names are different from the name identified pursuant to subparagraph (I) of this paragraph (a);
 - (III) The address of the home office of the person and/or group, or, if the person and/or group is a subsidiary of a parent corporation, the home office of the parent corporation; and
 - (IV) The name and street address in the state of its registered agent.
- (b)
 - (I) Any person and/or group who expends an aggregate amount of \$500.00 or more per calendar year for the purpose of making an independent expenditure shall report to the City Clerk, in accordance with the requirements of this section, the name and address of any person and/or group that, for the purpose of making an independent expenditure, donates more than \$250.00 per year to the person and/or group expending \$500.00 or more on an independent expenditure.
 - (II) If the person and/or group making the donation of \$250.00 or more is a natural person, the disclosure required by subparagraph (I) of this paragraph (b) shall also include the donor's occupation and employer.
 - (III) If the person and/or group making the donation of \$250.00 or more is not a natural person, the disclosure required by this paragraph (b) shall also include:

- (A) The donor's full name, or, if the donor is a subsidiary of a parent corporation, the full name of the parent corporation, spelling out any acronyms used therein;
 - (B) All names under which the donor does business in the state if such names are different from the name identified pursuant to subparagraph (I) of this paragraph (b);
 - (C) The address of the home office of the donor, or, if the donor is a subsidiary of a parent corporation, the home office of the parent corporation; and
 - (D) The name and street address in the state of the donor's registered agent.
- (c) The information required to be disclosed pursuant to paragraph (a) of this subsection (4) shall be reported in accordance with the schedule specified in this ~~chapter~~Code; except that any person and/or group making an independent expenditure of \$500.00 or more within 30 days before a municipal election shall provide such report within 48 hours after obligating moneys for the independent expenditure.
- (3) **Disclaimer.**
 - (a) In addition to any other applicable requirements provided by law, and subject to the provisions of this section, any communication that is broadcast, printed, mailed, delivered, posted, or otherwise circulated that constitutes an independent expenditure for which the person and/or group making the independent expenditure expends of \$500.00 or more on the communication shall include in the communication a statement that:
 - (I) A statement that the communication has been "paid for by (full name of the person and/or group paying for the communication)"
 - (II) A statement that that the communication is "Not authorized by any candidate"; and
 - (III) The name of a natural person who is the registered agent if the person and/or group identified in subparagraph (I) of this paragraph (a) is not a natural person.
 - (b) In the case of a broadcast communication, the statement required by this section shall satisfy all applicable requirements promulgated by the Federal Communications Commission for size, duration, and placement.
 - (c) In the case of a ~~nonbroadcast~~non-broadcast communication, the City Clerk shall, by rule communicated and published by the City Clerk, establish size and placement requirements for the disclaimer.
 - (d) As to communications transmitted by means of the internet, the disclaimer shall be clearly visible and placed on or adjacent to the communication.
- (4) **Disclosure.** Any person and/or group, including a corporation that qualifies under Section 501(c)(4) of the Internal Revenue Code, that expends an aggregate amount of \$500.00 or

more on an independent expenditure in any one calendar year shall deliver written notice to the City Clerk that shall list with specificity the name of the candidate whom the independent expenditure is intended to support or oppose. Where the independent expenditure is made within 30 days before an election, the notice required by subsection (3) shall be delivered within 48 hours after the person and/or group obligates moneys for the independent expenditure.

- (5) **Accounting.** Any person and/or group that accepts any donation that is given for the purpose of making an independent expenditure or expends any moneys on an independent expenditure in an aggregate amount more than \$20.00 in any one calendar year shall establish a separate account in a financial institution, and the title of the account shall indicate that it is used for such purposes. All such donations accepted by such person and/or group for the making of any such independent expenditures shall only be deposited into the account, and any moneys expended for the making of such independent expenditure shall only be withdrawn from the account. As long as the person and/or group uses a separate account for the purposes of this section, in any enforcement proceeding relating to the use of the person and/or group's account, no discovery may be made of information relating to the identity of the person and/or group's members and general donors and any discovery is limited to the sources, amounts, and uses of donations deposited into and expenditures withdrawn from the account.
- (6) **Donation.** Any person and/or group that expends moneys on an independent expenditure of \$500.00 or more, regardless of the medium of the communication produced by the expenditure, shall disclose to the City Clerk, in accordance with the schedule specified in in this ~~chapter~~**Code**, any donation given in that reporting period for the purpose of making an independent expenditure.
- (7) **Identification of CEO and Lobbyists.** Any person and/or group that donates \$1,000.00 or more to any person and/or group during any one calendar year for the purpose of making an independent expenditure shall, within 48 hours of making the donation, report to the City Clerk the names and addresses of:
 - (a) The person and/or group's chief executive officer or, for entities that have do not have an official with that title, the person performing the largest number of duties of a chief executive officer;
 - (b) Any "professional lobbyist," as defined by C.R.S. 24-6-301(6), that has been paid by the person and/or group to communicate with one or more "covered officials," as defined by C.R.S.24-6-301(1.7); and
 - (c) Any person and/or group paid to communicate with the Mayor or one or more City Council members concerning the passage, defeat, or amendment of City of Lakewood ordinances, resolutions, or rules.
- (8) **Source of Donation.** Any earmarked donation given for the purpose of making an independent expenditure of \$500.00 or more shall be disclosed as a donation from both the original source of the donation and the person and/or group transferring the donation.
- (9) **Provisional Designation of FMV.** On reports it files with the City Clerk, an independent expenditure committee that obligates \$500.00 or more for an independent expenditure shall disclose a good faith estimate of the fair market value of the expenditure if the committee

does not know the actual amount of the expenditure as of the date that a report is required to be filed with the City Clerk.

- (10) ***Labor Organizations.*** Notwithstanding any other provision of this section, any requirement contained in this section that is applicable to a corporation shall also be applicable to a labor organization.

G. ***Limited Liability Companies.***

(1) ***Prohibition on Contributions.***

- (a) No limited liability company shall make any contribution to a candidate committee ~~or exploratory committee~~ if one or more of the individual members of the limited liability company is:

- (I) A natural person who is not a citizen of the United States;
- (II) An entity formed under and subject to the laws of a foreign country;
- (III) A foreign government; or
- (IV) Otherwise prohibited by law from making the contribution.

- (b) No limited liability company shall make any contribution to a political committee if one or more of the individual members of the limited liability company is:

- (I) A natural person who is not a citizen of the United States;
- (II) An entity formed under and subject to the laws of a foreign country;
- (III) A foreign government; or
- (IV) Otherwise prohibited by law from making the contribution.

- (c) Notwithstanding any other provision of this subsection (G), no limited liability company shall make any contribution to a candidate committee ~~or exploratory committee~~ if ~~either~~ the limited liability company has elected to be treated as a corporation by the internal revenue service pursuant to 26 CFR 301.7701-3 or any successor provision or the shares of the limited liability company are publicly traded. A contribution by a limited liability company with a single natural person member that does not elect to be treated as a corporation by the internal revenue service pursuant to 26 CFR 301.7701-3 shall be attributed only to the single natural person member.

(2) ***Disclosure.***

- (a) The disclosure required by this section shall include, in addition to any other information required to be disclosed, each contribution from the limited liability company regardless of the dollar amount of the contribution.
- (b) Any limited liability company that is authorized to make a contribution and which does make a contribution of \$100.00 or more to a candidate committee ~~or exploratory committee~~ shall, in writing, affirm to the candidate committee ~~or exploratory committee~~ to which it has made a contribution that it is authorized to make a contribution, which affirmation shall also state the names and addresses of all of the individual members of the limited liability company. No candidate

committee~~-or exploratory committee~~ shall accept a contribution from a limited liability company unless the written affirmation satisfying the requirements of this paragraph (b) is provided before the contribution is deposited by the candidate committee~~or exploratory committee~~. The candidate committee~~-or exploratory committee~~ receiving the contribution shall retain the written affirmation for not less than one year following the date of the end of the election cycle during which the contribution is received. Any limited liability company that makes a contribution of less than \$100.00 shall not be required to identify the individual members of the limited liability company.

- (c) Any limited liability company that contributes to a candidate committee~~-or exploratory committee~~ shall attribute its contribution to its members by their percentage interests. No person and/or group who is a member of a limited liability company may exceed the contribution limits imposed by this ~~chapter~~Code. Contributions to candidate committees, exploratory committees, or political committees, whether contributed from a person and/or group's own funds or by the funds attributed to that person and/or group from a limited liability company, shall be aggregated for purposes of determining that person and/or group's compliance with the applicable contribution limits.

H. *Political committees.*

(1) **Registration.** Except as otherwise provided in this section, all political committees shall register with the City Clerk within ten days after accepting any contribution or making any expenditure. Registration shall include a statement listing:

- (a) The organization's full name, spelling out any acronyms used therein;
- (b) A natural person authorized to act as a registered agent or representative;
- (c) A street address and telephone number for the principal place of operations;
- (d) All affiliated candidates and committees;
- (e) The purpose or nature of interest of the committee or party.

(2) **Contribution limits.** During an election cycle, a political committee may not accept contributions in excess of ~~\$250.00~~ the limits imposed by Article XXVIII of the Constitution of Colorado under Section 3, Contribution Limits, subsection (1)(b), and as adjusted pursuant to subsection (13) of that same section.

2.54.040 Reporting Requirements—Where and When Filed.

~~(1A)~~ (a1) Except as otherwise provided in this ~~chapter~~Code, all reports that are required to be submitted shall be filed with the City Clerk pursuant to the following schedule:

- (1a) In the year of a regular municipal election, on April 15th, July 15th, September 15th, October 15th, the Wednesday immediately preceding Election Day, and 30 days
(A) ~~On the 270th, 180th, 90th, 60th, 30th, and 7th~~before the regular municipal election; and (B) ~~On the 30th day~~ after the regular municipal election.

- (b) In addition, such reports must be filed annually, in years other than regular municipal election years, on the first day of the month in which the anniversary of the regular municipal election occurs.
 - (c) For incumbent members of city council not up for re-election in a regular municipal election year, such reports may be filed annually on the first day of the month in which the anniversary of the regular municipal election occurs.
 - (d) If the reporting day falls on a weekend or legal holiday, the report shall be filed by the close of the next business day.
 - (e) The reports required by this section shall also include:
 - (I) the balance of funds at the beginning of the reporting period;
 - (II) the total of contributions received during the reporting period;
 - (III) the total of expenditures made during the reporting period;
 - (IV) the total of all loans, ~~and~~ loan repayments and loan forgiveness in the reporting period);
 - (V) ~~and~~ the name and address of the financial institution used by the committee; and
 - (VI) the total cumulative amount from all reports for (II), (III), and (IV).
 - (f) The reports required by this section shall be filed regardless of whether the candidate committee received any contributions or made any expenditures during the reporting period. A candidate committee for a former officeholder or a person and/or group not elected to office that has no change in the balance of funds maintained by such committee, receives no contributions, makes no expenditures, and enters into no obligations during a reporting period shall nevertheless be required to file a report under this section for such period.
 - (g) All reports shall be filed with the City Clerk ~~pursuant to this subsection (1) shall be for the reporting periods established pursuant to rules promulgated by the City Clerk.~~
 - (h) The reporting period for all reports required to be filed with the City Clerk shall close three calendar days prior to the mandated date of filing.
 - (i) After a proposed ballot question or proposed ballot issue becomes an "issue" under Section 2.54.030(B)(2)(a), issue committees shall file reports on the ~~fifth day of January, April, July, and October until the sixtieth day before the election at which such issue will be presented to the voters of Lakewood, at which point issue committees shall file on the 90th, 60th, 30th, and 7th days before such election, as well as 30 days after such election.~~
 - (j) Where a special election has been scheduled, reports by committees or person and/or groups who contribute, expend, or spend moneys that are reportable must file their reports on the 60th, 30th, and 7th day before such election, as well as 30 days after such election.
- (2) Reserved.

- (3) ~~Any candidate or candidate committee supporting any candidate, including an incumbent~~ All committees involved in supporting or opposing, a position in a recall election, including candidate, issue and political committees, or advocating the recall of any incumbent, shall file reports of contributions and expenditures with the City Clerk 90, 60, 30, and seven days before the recall election and 30 days after the recall election.
- (4) For the purpose of meeting the filing and reporting requirements of this ~~article~~Code, candidates in municipal elections, their candidate committees, any political committee in support of or in opposition to such candidate, an issue committee supporting or opposing a municipal ballot issue, and small donor committees making contributions to such candidates, as well as any independent expenditure committees that expressly advocate and any person and/or groups making electioneering communications that unambiguously refer to such candidates, shall file with the City Clerk.
- (5)
 - (a) The City Clerk shall establish, operate, and maintain a system that enables electronic filing using the internet of the reports required by this ~~article~~Code to be filed with the City Clerk's Office. ~~If possible, the City Clerk shall utilize the same, or similar system for campaign finance reporting as the Colorado Secretary of State.~~ The City Clerk may require any filing under this section to be made by electronic means as determined by the City Clerk. The rules for use of the electronic filing system shall be promulgated by the City Clerk. The City Clerk shall make all filings required by this section publicly available on the City Clerk's website no later than the close of business on the third business day after the filing was received.
 - (b) Any person and/or group required to file with the City Clerk's Office shall use the electronic filing system described in paragraph (a) of this subsection (5) in order to meet the filing requirements of this ~~article~~Code, if so required by the Clerk in accordance with paragraph (a) of this subsection (5), except insofar as an alternate method of filing may be permitted by the City Clerk. Where a person and/or group uses such electronic filing system to meet the filing requirements of this ~~article~~Code, the City Clerk shall acknowledge by electronic means the receipt of such filing.
- (6) Subsection (1) of this section shall not be construed to require the City Clerk to review electronically filed reports.

2.54.050 Duties of the City Clerk—Recordkeeping—Enforcement—Sanctions.

A. *Forms—Rules—Recordkeeping.* The City Clerk shall:

- (1) Prepare forms and instructions to assist candidates and the public in complying with the reporting requirements of this ~~chapter~~Code and make such forms and instructions available to the public free of charge, and provide training sufficient to acquaint candidates and the public with all provisions of this Code;
- (2) Promulgate such rules as may be necessary to enforce and administer any provision of this ~~chapter~~Code;
- (3) Maintain a filing and indexing system consistent with the purposes of this ~~chapter~~Code;

- (4) Make the reports, complaints, and statements filed with the City Clerk's Office available immediately for public inspection and copying. The City Clerk may charge a reasonable fee for providing copies of reports. The City Clerk shall make all reports, complaints, and statements required by this section publicly available on the City Clerk's website no later than the close of business on the day after the filing was received. No information copied from such reports shall be sold or used by any person and/or group for the purpose of soliciting contributions or for any commercial purpose;
- (5) Keep a copy of any report or statement required to be filed by this ~~chapter~~Code for the period set forth in the city's records retention policy; and
- (6) Notify any person and/or group under their jurisdiction who has failed to fully comply with the provisions of this ~~chapter~~Code and notify any person and/or group if a complaint has been filed with the City Clerk alleging a violation of this ~~chapter~~Code. The Clerk shall notify, within 24 hours~~three business days~~, of the person's or group's failure to complete the mandatory filing documents comply with the provisions of this chapter and/or of the filing of a complaint alleging a violation of this chapter.

B. *Enforcement.*

- (1) Any person and/or group who believes that a violation of this ~~chapter~~Code has occurred may file a written complaint with the City Clerk no later than 120 days after the date of filing of the report containing the alleged violation. The City Clerk shall, within 24 hours, notify the person or group who/which is the subject of the allegation that a complaint alleging a violation of this section has been filed. The City Clerk shall also determine within 72 hours~~three business days~~ of the filing of the complaint whether or not the complaint is valid. A complaint is valid if it: is frivolous or groundless
 - (a) Was timely filed under this code;
 - (b) Specifically identifies one or more violations of this code; and
 - (c) Alleges/contains sufficient facts to support a factual and legal basis for the finding of violations of law as alleged.
- (2) Within the same 72 hour~~three business day~~ period the City Clerk shall notify the parties of the Clerk's determination and post a copy of the City Clerk's decision on the City Clerk's website. who has been alleged to have committed a violation within 24 hours of the receipt of a complaint and shall determine The City Clerk's decision shall be based on the complaint and any additional inquiry made by the City Clerk of identified interested parties, and whether the complaint ~~is frivolous or groundless~~ meets the above stated qualifications. The City Clerk shall dismiss a ~~frivolous or groundless~~ complaint that doesn't meet the stated requirements of this section and ~~shall~~ shall notify the parties. Where a complaint is ~~neither frivolous nor groundless~~ deemed to meet the requirements of this section, the City Clerk shall so notify the parties. ~~The City Clerk shall within 72 hours of the filing of the complaint determine whether or not the complaint is frivolous or groundless, and shall within that same 72 hours notify the parties of that determination, and post a copy of the City Clerk's determination on the City Clerk's website.~~ Additionally, the following provisions shall be applied to any complaint deemed to meet the requirements of this section.

- (a) When a person and/or group can cure its non-compliance due to an inadequate report or a failure to file a required report or item thereon, the City Clerk shall accept an amended report or reports within 72 hours three business days of notifying the parties that the complaint is neither frivolous or groundless valid.
- (b) Unless any non-compliance is dismissed, is cured as provided herein, or results in penalties imposed by the City Clerk as provided herein, the City Clerk shall refer a non-frivolous, non-groundless complaint to an independent hearing officer within three days of the City Clerk's determination. Within five (5) business days of determining that the complaint is valid the City Clerk shall announce a date for a hearing hearing officer shall hold a hearing within 15 5 days of the referral of the complaint. The Clerk shall prioritize holding such hearing within thirty (30) days from the date that non-compliance is found, but such hearing date may be later due to the scheduling of the hearing officer, witnesses, and other interested parties. ; but aAny party shall be granted an extension of up to 3015 days upon motion, or longer upon a showing of good cause. The City Attorney shall engage an attorney not employed by the City who is experienced in campaign finance law to or his designee shall represent the City Clerk in prosecuting any non-frivolous, non-groundless-valid complaint referred to a hearing officer and that attorney shall present the case to the hearing officer and be allowed to present evidence, including witnesses, in support of the claims. The person against whom the complaint was filed shall be allowed to rebut the claims in the complaint and present evidence, including witnesses, in support thereof.
- (c) The hearing officer shall render a decision within fifteen (15) 5 days after the hearing. If the hearing officer determines that a violation has occurred, the decision shall include any appropriate order, sanction or relief authorized by this chapterCode. The decision of the hearing officer shall be final, subject to review by the district court. The hearing officer is not a necessary party to the review. When final, the decision shall be enforced by the City Clerk. The failure of a hearing officer to render a decision within 15 5 days will result in the City Attorney's Office contacting to the hearing officer from the City Attorney's Office and requesting an expeditious a decision within five (5) 2 days or the City Attorney may dismiss the hearing officer and appoint a replacement hearing officer. Failure to render a decision within thirty (30) days following the conclusion of a hearing shall make such hearing officer ineligible to serve as a hearing officer for the City for two years.
- ~~(b)~~(d) The hearing officer shall impose a fine in accordance with this Code. Where the hearing officer is given discretion to determine the appropriate fine amount such determination shall be made based upon the facts, evidence and any documents upon which the hearing officer relied in making the determination of the matter. Additionally, the hearing officer shall invite both parties to submit written arguments in support of the imposition of a specific fine amount.

1.3 Based on information of which the City Clerk is aware and finds credible and reliable, the City Clerk may initiate a complaint by transmitting specific allegations, in writing, to the party believed to be in violation of any provision of this chapter. When the

~~City Clerk has written confirmation that the Complaint has been received by the party to whom it was addressed, the provisions of subsections (1.2) and (2) of this section apply.~~

- (3) ~~Both T~~the City Clerk, and a hearing officer are authorized to issue subpoenas ~~upon referral to a hearing officer, a hearing officer are authorized to issue subpoenas. Any subpoenas requiring the production of documents by an issue committee shall be limited to documents pertaining to contributions to, or expenditures from, the committees' separate account established pursuant to this chapter to support or propose a ballot issue or ballot question. If the issue committee fails to form a separate account through which a ballot issue or ballot question is supported or opposed, the subpoena shall not be subject to the foregoing limitation.~~
- (4) The hearing officer shall not accept as a defense to any alleged violation that the violation was unintentional or that the alleged violator was unaware of the requirements of this code.

C. **Sanctions.**

- (1) Any person and/or group who violates any provision of this ~~chapter~~Code by making prohibited contributions to any committee shall be subject to a civil penalty of ~~at least double and up to five two~~ times the amount contributed, received, or spent in violation of the applicable provision. Any candidate committee that accepts prohibited contributions shall be subject to a civil penalty in the amount of ~~one to t~~two times the amount contributed. Candidates shall be personally liable for penalties imposed upon the candidate's committee.
- (2) (a) Any committee ~~other than an exploratory committee~~ that fails to file required reports or any required disclosure on such reports shall be subject to penalties, imposed by the City Clerk's Code, of up to:
- \$10.00 per day for the first through the fifth day the information is late;
 - \$25.00 per day ~~for from the sixth day to the~~ tenth day the information is late;
 - \$50.00 per day for eleventh through the date the required report is filed ~~the fifteenth day the information is late.~~
- (b) The City Clerk must provide notice, via email at an email address provided by the candidate or committee, of any failure to file required reports, or file complete reports, after the ~~report is three days 24 hours late due date~~. ~~Should the City Clerk fail to do so, no fines shall be assessed beyond those fines for the original three days overdue.~~
- (c) ~~After such notice is provided by the City Clerk, a candidate or committee is allowed three days to file or cure a report that was incorrectly filed, without any other fines assessed beyond those fines for the original three days overdue.~~ All fines imposed for violation of this Code shall be published on the City Clerk's website from the date of imposition until thirty (30) days following the date upon which the fine was paid.
- ~~(d) For information filed more than 15 days after it is due, the City Clerk shall refer the matter to a hearing officer who may impose appropriate penalties based upon the evidence admitted at heari~~

- (2.1) (a) As to all person and/or groups and committees other than candidate committees ~~and exploratory committees~~, a hearing officer ~~may~~ shall impose the following penalties, in conformance with L.M.C. 2.54.050(B)(2)(d) regarding hearing officer authority to impose fines, -if it is established that a disclaimer required to be used pursuant to this ~~chapter~~ Code did not materially comply with the requirements of this ~~chapter~~ Code:

Up to \$1,000.00 for communications received more than 75 days prior to the next regular municipal election by natural persons who are qualified to vote for the office(s) referred to in the communication;

Up to \$2,500.00 for communications received more than 30 but less than 75 days prior to the next regular municipal election by natural persons who are qualified to vote for the office(s) referred to in the communication;

Up to \$5,000.00 for communications received up to 30 days prior to the next regular municipal election by natural persons who are qualified to vote for the office(s) referred to in the communication.

- (b) ~~As to candidate committees, +~~ The City Clerk shall impose the following penalties shall be imposed on candidate committees if it is established that a disclaimer required to be used pursuant to this ~~chapter~~ Code was not included on the communication distributed or did not materially comply with the requirements of this ~~chapter~~ Code:

\$100.00 for communications received more than 75 days prior to the next regular municipal election by natural persons who are qualified to vote for the office(s) referred to in the communication;

\$250.00 for communications received more than 30 but less than 75 days prior to the next regular municipal election by natural persons who are qualified to vote for the office(s) referred to in the communication;

\$500.00 for communications received up to 30 days prior to the next regular municipal election by natural persons who are qualified to vote for the office(s) referred to in the communication.

- ~~(2.2) (a) An exploratory committee that fails to file any required reports or any required disclosure on such reports shall be subject to penalties, imposed by the City Clerk, of up to \$10.00 per day for each day the information is late.~~

~~(b) As to exploratory committees, the City Clerk shall impose a penalty if it is established that a disclaimer required to be used pursuant to this chapter was not included on the communication distributed or did not materially comply with the requirements of this chapter. Such penalty shall be \$100.00 for communications received prior to the potential candidate's filing of their candidate affidavit, as provided in Section 2.54.030(A)(1).~~

- (2.2) Scope of Violation. The intent of the concept of "violation" as used in this code is to recognize that a singular act, such as misprinting yard signs, shall be prosecuted as a single violation rather than counting each misprinted sign (or other item) as individual violations of this Code.

- ~~(2.3) Where a disclaimer has been omitted but the origin of the communication is not apparent to the City Clerk, the City Clerk may retain appropriate professionals to assist in~~

~~identifying, investigating, and, where appropriate, initiating a complaint against the person and/or group that paid for or facilitated the distribution of such communication without the required disclaimer. Person and/or groups who paid for or facilitated the distribution of such communications may be ordered, as part of any sanction imposed, to fully reimburse the City Clerk for the costs of identifying and investigating said person and/or group.~~

- (2.3) For all other violations of this code where a penalty is not specified, the penalty shall be \$250.00 per violation.
- (3) Upon imposition of a penalty pursuant to this subsection, the City Clerk shall send the person and/or group upon whom the penalty is being imposed proper notification by certified mail of the imposition of the penalty. If an electronic mail address is on file with the City Clerk, the City Clerk shall also provide such notification by electronic mail.
- (4) Any person and/or group required to file a report with the City Clerk or required to include a disclaimer on a candidate communication regulated by this ~~chapter~~Code and upon whom a penalty has been imposed pursuant to this section may appeal such penalty by filing a written appeal with the City Clerk no later than 30 days after the date on which notification of the imposition of the penalty was mailed to such person and/or group's last known address. Except as provided herein, the City Clerk shall refer the appeal to the hearing officer. Any hearing conducted by a hearing officer shall be conducted in accordance with any ~~standardized rules and regulations procedures~~ promulgated by the City Clerk pursuant to this ~~chapter~~ Code. The hearing officer shall set aside or reduce the penalty upon a showing of good cause, and the person and/or group filing the appeal shall bear the burden of proof. The decision of the hearing officer shall be final and subject to review by the district court. If the hearing officer finds that the filing of an appeal brought pursuant to this section was ~~frivolous, groundless, or vexatious~~ frivolous, the hearing officer shall order the person and/or group filing the appeal to pay reasonable attorney fees and costs of the City Clerk in connection with such proceeding.
- (5) In connection with any complaint brought to enforce any requirement of this ~~chapter~~Code, including a complaint initiated by the City Clerk, the hearing officer shall order disclosure of the source and amount of any undisclosed donations, spending, contributions, or expenditures.
- (6) In any action brought to enforce any provision of this ~~chapter~~Code, the membership lists of a labor organization or, in the case of a publicly held corporation, a list of the shareholders of the corporation, shall not be disclosed by means of discovery or by any other manner.
- (7) The City Clerk may reject any report if it is incomplete ~~or contains any inaccurate information~~. The applicant shall have ten days from the date the City Clerk provides notice of the deficiency to amend the report to cure any such deficiency.
- ~~(8) — The City Clerk shall adopt rules that establish criteria for waiver of a penalty for noncompliance in the event a committee has substantially complied with this ordinance, or any noncompliance occurred despite the good faith efforts of the committee to comply with this ordinance.~~

~~(9)(8)~~ Any unpaid debt owed to the City ~~of \$1,000.00 or more,~~ resulting from a penalty imposed pursuant to this Chapter 2.54, shall be collected by the City of Lakewood through such ~~judicial~~ remedies as the City of Lakewood may initiate. If the City of Lakewood pursues such remedies, it shall be entitled to recover its: costs incurred ~~as provided in subsection (2.4) of this Section 2.54.050; attorney fees; costs of litigation; and other fees associated with the legal action undertaken. The court may also issue such orders as it finds necessary or appropriate to enforce any order requiring disclosure of the source and amount of any undisclosed donations, spending, contributions, or expenditures.~~

2.54.060 City Limitations on Contributions.

- A.(1) No agency, department, board, division, bureau, commission, or council of the City of Lakewood shall make any contribution in campaigns involving the nomination, retention, or election of any person and/or group to any public office, nor shall any such entity make any donation to any other person and/or group for the purpose of making an independent expenditure, nor shall any such entity expend any moneys from any source, or make any contributions, to urge electors to vote in favor of or against any:
- (a) Statewide ballot issue that has been submitted for the purpose of having a title designated and fixed pursuant to Section 1-40-106(1), C.R.S. or that has had a title designated and fixed pursuant to that section;
 - (b) Local ballot issue that has been submitted for the purpose of having a title fixed pursuant to Section 31-11-111, C.R.S. or that has had a title fixed pursuant to that section;
 - (c) Referred measure, as defined in Section 1-1-104(34.5), C.R.S.;
 - (d) Measure for the recall of any officer that has been certified by the appropriate election official for submission to the electors for their approval or rejection.
- (2) Nothing in this section shall be construed as prohibiting:
- (a) A member or employee of any such agency, department, board, division, bureau, commission, or council of the City of Lakewood from responding to questions about any such issue described in subparagraph (I) of this paragraph (a) if the member, employee, or public entity has not solicited the question.
 - (b) (I) An agency, department, board, division, bureau, commission, or council of the City of Lakewood from expending public moneys or making contributions to dispense a factual summary, which shall include arguments both for and against the proposal, on any issue of official concern before the electorate in the jurisdiction. Such summary shall not contain a conclusion or opinion in favor of or against any particular issue. As used herein, an issue of official concern shall be limited to issues that will appear on an election ballot in the jurisdiction.
 - (II) An elected official from expressing a personal opinion on any issue.
 - (III) An agency, department, board, division, bureau, commission, or council of the City of Lakewood:

- (A) ~~or~~ Passing a resolution or taking a position of advocacy on any issue described in subparagraph (I) of paragraph (a) of this subsection (1);
 - (B) Reporting the passage of or distributing such resolution through established, customary means, other than paid advertising, by which information about other proceedings of such agency, department, board, division, bureau, or council of the City of Lakewood is regularly provided to the public; or
 - (C) A member or an employee of an agency, department, board, division, bureau, commission, or council of the City of Lakewood from expending personal funds, making contributions, or using personal time to urge electors to vote in favor of or against any issue described in subparagraph (I) of paragraph (a) of this subsection (1).
- B. The provisions of subsection (1) of this section shall not apply to:
 - (1) An official residence furnished or paid for by the City of Lakewood;
 - (2) Security officers who are required to accompany a candidate or the candidate's family;
 - (3) Publicly owned motor vehicles provided for the use of the chief executive of the City of Lakewood;
 - (4) Publicly owned aircraft provided for the use of the chief executive of the City of Lakewood or the executive's family for security purposes; except that, if such use is, in whole or in part, for campaign purposes, the expenses relating to the campaign shall be reported and reimbursed pursuant to subsection (3) of this section.
- C. A member or employee of any such agency, department, board, division, bureau, commission, or council of the City of Lakewood who has policy-making responsibilities may not expend public moneys expressing an opinion on any such issue described in subparagraph (I) of this paragraph.
- D. If any candidate who is also an incumbent inadvertently or unavoidably makes any expenditure which involves campaign expenses and official expenses, such expenditures shall be deemed a campaign expense only, unless the candidate, not more than ten working days after such expenditure, files with the City Clerk such information as the City Clerk may, by rule communicated and published by the City Clerk, require in order to differentiate between campaign expenses and official expenses. Such information shall be set forth on a form provided by the City Clerk. In the event that public moneys have been expended for campaign expenses and for official expenses, the candidate shall reimburse the City of Lakewood for the amount of money spent on campaign expenses.
- E. Any violation of this section shall be subject to any appropriate order or relief, including an order directing the person and/or group making a contribution or expenditure in violation of this section to reimburse the fund of the City of Lakewood from which such moneys were diverted for the amount of the contribution or expenditure, injunctive relief, or a restraining order to enjoin the continuance of the violation.
- F. Failure to comply with any provision of this ~~chapter~~Code shall have no effect on the validity of any election.

2.54.070 Electioneering Communications.

- (1) Any person and/or group, including a corporation that qualifies under section 501(c)(4) of the Internal Revenue Code, that expends \$500.00 or more per calendar year on electioneering communications shall report to the City Clerk, in accordance with the disclosure required by this section, the amount expended on the communications and the name and address of any person and/or group that contributes more than \$250.00 per year to the person and/or group expending \$500.00 or more on the communications. If the person and/or group making a contribution of more than \$250.00 is a natural person, the disclosure required by this section shall also include the person's occupation and employer.
- (2) Any person and/or group, including a corporation that qualifies under Section 501(c)(4) of the Internal Revenue Code, that contributes \$500.00 or more during any one calendar year for the purpose of making an electioneering communication shall, within 48 hours of making the donation, report to the City Clerk the names and addresses of:
 - (a) The person and/or group's chief executive officer or, for entities that have do not have an official with that title, the person performing the largest number of duties of a chief executive officer;
 - (b) Any "professional lobbyist," as defined by C.R.S. 24-6-301(6), that has been paid by the person and/or group to communicate with one or more "covered officials," as defined by C.R.S. 24-6-301(1.7); and
 - (c) Any person and/or group paid to communicate with the Mayor or one or more City Council members concerning the passage, defeat, or amendment of City of Lakewood ordinances, resolutions, or rules.
- (3) ***Disclaimer.***
 - (a) In addition to any other applicable requirements provided by law, and subject to the provisions of this section, any electioneering communication on which the person and/or group responsible for the communication expends \$500.00 or more shall include in the communication a statement that:
 - (I) The communication has been "paid for by (full name of the person and/or group paying for the communication)";
 - (II) The communication is "Not authorized by any candidate"; and
 - (III) The name of a natural person who is the registered agent if the person and/or group identified in subparagraph (I) of this paragraph (a) is not a natural person.
 - (b) In the case of a broadcast communication, the statement required by this section shall satisfy all applicable requirements promulgated by the Federal Communications Commission for size, duration, and placement.
 - (c) In the case of a ~~nonbroadcast~~ non-broadcast communication, the City Clerk shall, by rule communicated and published by the City Clerk, establish size and placement requirements for the disclaimer.

- (d) As to communications transmitted by means of the internet, the disclaimer shall be clearly visible and placed on or adjacent to the communication.

2.54.080 Miscellaneous Provisions.

A. ***Media outlets—Political records.*** Any media outlet that is subject to the provisions of 47 U.S.C. sec. 315(e) shall maintain and make available for public inspection such records as the outlet is required to maintain to comply with federal law or rules.

B. ***Immunity from liability.***

- (1) Any individual volunteering their time on behalf of a candidate or candidate committee shall be immune from any liability for a fine or penalty imposed pursuant to this ~~chapter~~Code in any proceeding that is based on an act or omission of such volunteer if:
 - (a) The volunteer was acting in good faith and within the scope of such volunteer's official functions and duties for the candidate or candidate committee; and
 - (b) The violation was not caused by willful and intentional misconduct by such volunteer.
- (2) Any media outlet shall be immune from civil liability in any court where the media outlet:
 - (a) Withdraws advertising time reserved by an independent expenditure committee that fails to register in accordance with the requirements of Section 2.54.030(F); or
 - (b) Elects to void an advertising contract and the advertisement:
 - (I) Is paid for by an independent expenditure committee that fails to register under this ~~chapter~~Code;
 - (II) Is paid for by an independent expenditure committee that is registered under Section 2.54.030 but the committee fails to file a required disclosure report through the date of the most recent required report; or
 - (III) If the independent expenditure committee otherwise fails to satisfy any requirements of this ~~chapter~~Code.
- (3) An affected media outlet may void a contract that implicates paragraph (b) of subsection (2) of this section in the sole discretion of the media outlet.

C. ***Expenditures—Political advertising—Rates and charges.***

- (1) No candidate shall pay to any radio or television station, newspaper, periodical, or other supplier of materials or services a higher charge than that normally required for local commercial customers for comparable use of space, materials, or services. Any such rate shall not be rebated, directly or indirectly.
- (2) Any radio or television station, newspaper, or periodical that charges a candidate committee a lower rate for use of space, materials, or services than the rate such station, newspaper, periodical, or supplier charges another candidate committee for the same public office for comparable use of space, materials, or services shall report the difference in such rate as a contribution to the candidate committee that is charged such lower rate.

- (3) Nothing in this ~~article~~Code shall be construed to prevent an adjustment in rates related to frequency, volume, production costs, and agency fees if such adjustments are offered consistently to other advertisers.

D. **Encouraging Withdrawal from Campaign Prohibited.** No person and/or group shall offer or give any candidate or candidate committee any money or any other thing of value for the purpose of encouraging the withdrawal of the candidate's candidacy, nor shall any candidate offer to withdraw a candidacy in return for money or any other thing of value.

SECTION 2. This ordinance shall take effect thirty (30) days after final publication.

SECTION 3. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a virtual regular meeting of the Lakewood City Council on the ____ day of February, 2024; published by title in the Denver Post and in full on the City of Lakewood's website at www.lakewood.org, on the ____ day of February, 2024; set for public hearing to be held on the ____ day of March, 2024; read, finally passed and adopted by the City Council on the ____ day of March, 2024; and signed by the Mayor on the ____ day of March, 2024.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: NOVEMBER 4, 2024 / AGENDA ITEM NO. 9

To: Mayor and City Council
From: Travis Parker, Chief of the Sustainability & Community Development Branch
Subject: **Rezoning – 8600 W. Dakota Ave**

SUMMARY STATEMENT: Metro West Housing Solutions is requesting City Council approval to rezone the 1.9-acre property located at 8600 W. Dakota Avenue from Large Lot Residential (R-1-12) to Multifamily Residential (R-MF).

BACKGROUND INFORMATION: The subject site was purchased by Metro West Housing Solutions in August of 2023 with the intention of redeveloping the site for affordable multifamily housing, which is not a permitted use within the R-1-12 Zone District. The rezoning process includes a neighborhood meeting, formal application, public hearing with the Lakewood Planning Commission and a public hearing/final decision by the Lakewood City Council.

A formal Rezoning Application was submitted by Eric Doner, Applicant and Owner's Representee, on July 15, 2024. The Lakewood Planning Commission held a public hearing on October 16, 2024, and adopted a resolution approving the Findings of Fact and recommending City Council approval of the rezoning request.

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: Approve Ordinance O-2024-32 rezoning the land located at 8600 W. Dakota Avenue to Multifamily Residential. The Planning Commission and staff recommendations for approval are based on findings that the rezoning proposal satisfies the applicable review criteria per the Lakewood Zoning Ordinance §17.2.2.3.A.

ALTERNATIVES: City Council may approve, deny or continue the public hearing for the rezoning application.

- Approval: City Council may approve the rezoning application because the Council agrees with the findings of the Lakewood Planning Commission and/or because of other findings that also satisfy the rezoning criteria.
- Denial: City Council may deny the rezoning application based on a determination that the application does not satisfy the rezoning review criteria based on findings discovered during the public hearing.
- Continuation: City Council may also continue the public hearing because additional information is needed to make a final decision. If continued, staff recommends picking a date certain for the (new) public hearing. Please note that it is staff's understanding that the rezoning may not be approved with any conditions because that would be contrary to case law.

PUBLIC OUTREACH: As required by the Zoning Ordinance, a neighborhood meeting was held in July, followed by a formal rezoning application submittal and a public hearing before the Lakewood Planning Commission in October.

Notices for the Neighborhood Meeting, Planning Commission Hearing, and City Council Hearing were mailed to property owners within five hundred (500) feet of the subject properties and registered neighborhood organizations within one-half (½) mile of the subject property. Notice signs were also posted at 8600 W Dakota Avenue and written notice was provided in the publication of records for both public hearings.

NEXT STEPS: If the rezoning request is approved by City Council, the rezoning will take effect forty-five (45) days after final publication. Following a rezoning approval, the applicant is required to submit Pre-planning, Major Site Plan, and Building Permit applications to redevelop the site under the new zone district. Approval of the site plan, civil construction documents/reports and building permit plans is administrative and required to issue building permits for project construction. A fully executed Public Improvement Agreement (PIA) addressing all street and sidewalk improvement requirements for future development will be recorded prior to site plan approval.

ATTACHMENTS:

1. Ordinance O-2024-32
2. Adopted PC Resolution
3. PC Staff Memo + Attachments A-F
4. [Placeholder] Draft PC Meeting Minutes

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

O-2024-32

AN ORDINANCE

TO REZONE LAND LOCATED AT 8600 W. DAKOTA AVE., LAKEWOOD, COLORADO
80226 COUNTY OF JEFFERSON, STATE OF COLORADO

BE IT ORDAINED by the City Council of the City of Lakewood, State of Colorado:

SECTION 1. Upon application by Eric Doner, Applicant and duly authorized representative of the Owner, Metro West Housing Solutions, in Rezoning Case RZ24-0001, and upon a recommendation of approval from the Lakewood Planning Commission following a duly noticed public hearing on October 16, 2024, Lakewood Zoning Maps are hereby amended to exclude from the Large Lot Residential (R-1-12) zone district and to include in the Multifamily Residential (R-MF) zone district the property described in Exhibit A attached hereto and made a part hereof.

SECTION 2. The Mayor and the City Clerk are hereby authorized and directed to certify the within and foregoing approval and record with the Clerk and Recorder of Jefferson County a certified copy of this Ordinance attached thereto, pursuant to the effective date thereof, and upon satisfaction of the conditions for recording relating to the property described in Exhibit A.

SECTION 3. This Ordinance shall take effect forty-five (45) days after final publication.

I hereby attest and certify that within and foregoing Ordinance was introduced and read on first reading at a hybrid special meeting of the Lakewood City Council on the 4th day of November, 2024; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 7th day of November, 2024; set for public hearing to be held on the 9th day of December, 2024; read, finally passed and adopted by the City Council on the 9th day of December, 2024; and signed by the Mayor on the ____ day of December, 2024.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

EXHIBIT A

LEGAL DESCRIPTION

THE WEST $\frac{1}{2}$ OF THE EAST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, EXCEPT THE NORTH 150 FEET, COUNTY OF JEFFERSON, STATE OF COLORADO.

CERTIFICATION

STATE OF COLORADO)
)
COUNTY OF JEFFERSON)
)
CITY OF LAKEWOOD)

I, Jay Robb, City Clerk for the City of Lakewood, Colorado, do hereby certify that the attached is a true and correct copy of Ordinance O-2024-32, TO REZONE LAND LOCATED AT 8600 W. DAKOTA AVE., LAKEWOOD, CO 80226, COUNTY OF JEFFERSON, STATE OF COLORADO, as the same remains on file in the Office of the City Clerk's Office.

WITNESS my hand and seal of said City of Lakewood, Colorado, this ____ day of ____ 2024.

Jay Robb, City Clerk
City of Lakewood, Colorado

RESOLUTION OF CITY OF LAKEWOOD PLANNING COMMISSION

On October 16, 2024, the Lakewood Planning Commission reviewed Case No. RZ24-0001, a request to rezone approximately 1.9 acres of property located at 8600 W. Dakota Ave. from Large Lot Residential (R-1-12) to Multifamily Residential (R-MF).

Motion was made by COMMISSIONER Overall and seconded by COMMISSIONER O'Neill to recommend approval by City Council. The motion passed with a vote of 7 to 0. The roll having been called, the vote of the Lakewood Planning Commission was as follows:

Kip Kolkmeier	<u>Y</u>
Steven Buckley	<u>Y</u>
Rhonda Peters	<u>Y</u>
William (Bill) Furman	<u>Y</u>
Eric Grebliunas	<u>Y</u>
Jenny O'Neill	<u>Y</u>
Elissa (Emo) Overall	<u>Y</u>

FINDINGS OF FACT

- A. The property owner, Metro West Housing Solutions, is proposing to rezone the property located at 8600 W. Dakota Ave from large lot residential (R-1-12) to multifamily residential (R-MF) as required by 17.2.3.2(B);
- B. A conceptual land use plan was prepared to show general conformance with the R-MF zone district standards;
- C. Notice of the Public Hearing was posted on the subject properties at least fourteen (14) days prior to the hearing date as required by 17.2.2.3(B)(1) of the Lakewood Zoning Ordinance;
- D. Notice of the Public Hearing was published in a newspaper of general circulation and on the official City website at least ten (10) days prior to the hearing as required by 17.2.2.3(B)(2) of the Lakewood Zoning Ordinance;
- E. Notice of the Public Hearing was mailed to tenants and owners within five hundred (500) feet of the property and registered neighborhood organizations within a half mile at least fourteen (14) days prior to the hearing date as required by 17.2.2.3(B)(3)(a) of the Lakewood Zoning Ordinance;
- F. The proposed rezoning promotes the purposes of the Zoning Ordinance as required by 17.2.3.3(A)(1) in that it provides for a range of housing types and costs to meet the current and future needs of citizens of the City and ensures the effective integration of development and redevelopment with surrounding land uses;
- G. The proposed rezoning is compatible with existing surrounding land uses and the land uses envisioned in the Comprehensive Plan as required by 17.2.3.3(A)(2);

- H. The proposed rezoning promotes the implementation of the Comprehensive Plan by accommodating land uses that allow for the redevelopment of underutilized land that will increase in the supply of affordable housing; and
- I. The proposed rezoning is in the public interest due to the material change in the character of the City caused by the demand for housing and the shortage of senior affordable housing in Lakewood.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Lakewood recommends as follows:

1. The findings of fact, A – I, as set forth in the recitals above are hereby approved; and
2. Planning Commission Case No. RZ24-0001 is hereby recommended for approval by the City Council.


Kip Kolkmeier, Chair
William Furman, Secretary

CERTIFICATION

I, Jaime Medina, Lakewood Planning Commission Clerk, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Lakewood Planning Commission at a Public Hearing held in Lakewood, Colorado, on the 16th day of October, 2024 as the same appears in the minutes of said meeting.

10-16-2024
Date approved


Jaime Medina
Clerk to the Planning Commission



PLANNING COMMISSION STAFF REPORT

PROJECT DETAILS

PROJECT NUMBER:	RZ24-0001
REPORT DATE:	September 23, 2024
PROJECT NAME:	8600 W Dakota Avenue Rezoning
PC HEARING DATE:	October 16, 2024
PROJECT ADDRESS:	8600 W Dakota Ave, Lakewood, CO 80226
APPLICANT:	Eric Doner, Ratio Design
PROPERTY OWNER:	Metro West Housing Solutions
OWNER ADDRESS:	575 Union Blvd, Lakewood, CO 80228

Request

To rezone 8600 W. Dakota Ave from the Large Lot Residential (R-1-12) to the Multifamily Residential (R-MF) Zone District.

City Staff

Development Review – SCD	Brea Pafford, Project Planner
Development Review – Engineering	Ken Hargrave, Review Engineer
Comprehensive Planning – SCD	Matthew Seubert, Principal Planner
Transportation Engineering	Toni Bishop, Engineering Technician
Property Management – SCD	Garrett Downs, Right-of-Way Agent

Staff Recommendation

Staff is requesting Planning Commission approval of a resolution, recommending City Council approval of Project No. RZ24-0001.

Report Contents

- Attachment A – Conceptual Land Use Plan
- Attachment B – Written Description
- Attachment C – Aerial Map
- Attachment D – Zoning Map
- Attachment E – Neighborhood Meeting Summary
- Attachment F – Land Use Vision Map
- Attachment G – Draft Resolution

SUMMARY OF REQUEST

The applicant, Eric Doner, is requesting approval of a proposed rezoning at 8600 W Dakota Ave from the Large Lot Residential (R-1-12) to the Multifamily Residential (R-MF) zone district. The subject site is a metes and bounds parcel approximately 1.9 acres in size.

As depicted in Figure 1 below, the project site is located in the 8600 Block of W. Dakota Avenue, to the south of W. Alameda Avenue between S Estes Street and S. Carr Street.

Figure 1 | Aerial Image



PROCESS – REQUIRED CITY APPROVALS

Overview

The rezoning request from Large Lot Residential (R-1-12) to Multifamily Residential (R-MF), is proposed to accommodate the multifamily residential land use. If the rezoning request is approved, the City of Lakewood Housing Authority, Metro West Housing Solutions (MWHS), intends to redevelop the site with approximately 40-60 affordable multifamily dwelling units.

The rezoning process includes a neighborhood meeting, formal application, public hearing with the Lakewood Planning Commission and a public hearing with the Lakewood City Council. The Planning Commission reviews the rezoning request at a public hearing and then makes a recommendation to City Council. The Lakewood City Council will review the Planning Commission recommendation, meeting minutes, staff report, and hold a second public hearing, after which they will make a final decision on the rezoning application. If the rezoning application is approved, a 45-day referendum period is

required.

Plans

All rezoning applications are required to submit a Conceptual Land Use Plan (CLUP), included as Attachment A to this staff report. The CLUP outlines the specific elements that are unique to the site. It is intended to supply enough information about the rezoning request for the Planning Commission to make a recommendation and for City Council to make a decision.

A major site plan (which is separate from rezoning process) will determine final layout of site access, site circulation, buildings, open space, building architecture, landscape design and other site elements. The Major Site Plan will be reviewed against the standards in the Zoning Ordinance, the Engineering Regulations and the Conceptual Land Use Plan. It may be approved administratively provided the proposal meets the City's development standards.

ZONING AND LAND USE

Item	North	South	East	West
Adjacent Zoning Designation	Planned Development/ Mixed-Use Residential Urban (PD/M-R-U)	Small Lot Residential (R-1-6)	Multifamily Residential (R-MF)	Multifamily Residential (R-MF)
Adjacent Land Uses	University or College	Single-Family	Multifamily	Multifamily

See Attachment (A) for adjacent land uses and Attachment (D) for adjacent zoning.

Existing Conditions

The existing site was initially developed as a single-family residential property in 1948; however, the site is currently a vacant property following the demolition of the single-family dwelling and associated accessory structures. There is a 30-foot change in topography across the site, with the highest elevations located in the southwest corner along W. Dakota Avenue. The site gradually slopes down toward W. Alameda Avenue. Existing mature stands of evergreen trees are located along and/or directly adjacent to the east and west property lines. Many of these trees appear to be located on the adjacent properties, with tree canopies that extend across property lines onto the subject site.

AGENCY REVIEW AND NOTIFICATION

Notice of the Planning Commission public hearing for the rezoning request was mailed to 404 tenants and owners of property within 500 feet and 10 registered neighborhood organizations within a 1/2 mile of the subject property, as required by the Lakewood Zoning Ordinance. The rezoning application was also sent to 10 outside referral agencies for review, as indicated in the following table.

Agency Notification Table				
Agency	Notification for Neighborhood Meeting	Notification for PC Hearing	Referral Sent	Comments Received
West Metro Fire Protection District			X	X
Consolidated Mutual Water			X	X
Bancroft-Clover Water & Sanitation			X	
Xcel Energy			X	X
Century Link / Lumen			X	X
Comcast Cable			X	
Lakewood Police Department			X	
Regional Transportation District			X	X
Colorado Department of Transportation			X	X
Jefferson County School District			X	
Property Owners within 500 feet	X			
Mid-Lakewood Civic Association	X			
Brentwood Manor	X			
Third Villa West Townhouse Assoc	X			
Alameda Homes HOA	X			
Enclave at Fairfield Park	X			
Bonvue Neighborhood Association	X			
Alameda Connects	X			
West Mississippi Business Association	X			
Village on Belmar Park	X			
Westford Condominium Association, Inc.	X			
Mid-Lakewood Civic Association	X			
First Villa West Townhouse Assoc	X			

Referral Agency Comments

The City received responses from most of the referral agencies and service districts; none with any objections to the rezoning proposal. Several service districts communicated that services would be provided, and that new development will need to comply with their adopted codes and district standards.

Neighborhood Comments

A neighborhood meeting was held on July 9, 2024, to introduce the proposal and gather feedback. The meeting was well attended by neighborhood stakeholders who had questions about the number of units, parking requirements/location, open space, site

maintenance, rent rates and the rezoning process. A summary the neighborhood meeting is included in Attachment E.

PROJECT ANALYSIS

Overview

The property at 8600 W. Dakota Avenue was purchased by MWHS with the intent of redeveloping the site with affordable dwelling units. The request to rezone the property to the R-MF zone district, is needed to accommodate the proposed residential multifamily land use. The proposed R-MF zone district and multifamily land use is consistent with the existing zoning and land use to the east and west of the subject site.

The applicant has also included a Conceptual Land Use Plan (Attachment A) to generally show the proposed development pattern and location of site access, vehicle circulation, pedestrian connectivity, stormwater detention, onsite parking and building envelope. Although this information was included to support the rezoning request, the Planning Commission should keep in mind that a rezoning approval does not constitute the approval of a specific development proposal or land use.

Comprehensive Plan

The primary document for guiding land use decisions is the Lakewood 2025: Moving Forward Together Comprehensive Plan. It is a policy document that provides guidance to City Council, Planning Commission, City staff, residents, businesses, and developers to make informed decisions about the current and future needs of the community. The Comprehensive Plan is available on the City's website under the following <http://www.lakewood.org/CommunityPlans/>

The purpose of the Comprehensive Plan is to identify and articulate values and goals to help the community achieve its desired future through a vision statement, guiding principles, goals and actions steps. The City's Vision Statement is articulated on pages 3-5 & 3-6 of the Comprehensive Plan, and it is intended to set a direction for the future of Lakewood.

The Land Use Vision Map (Attachment F) located in Chapter 3 of the Comprehensive Plan, shows the land use designation for the subject site as *Stable Neighborhood*. These areas are designated as R-1, R-2, R-MF, and R-MH districts on the City of Lakewood Zoning Map. The Comprehensive Plan anticipates that areas identified as a stable neighborhood will generally maintain their existing character. These areas of stability include established single-family and multifamily neighborhoods. An area of stability does not mean that these areas should not or will not change. It means that any changes, whether new developments, rezoning requests, or public improvements, should be carefully planned and implemented so that the character of the area remains.

Lakewood Zoning Ordinance

The Lakewood Zoning Ordinance provides information about zone district standards, specific development regulations and the planning process. As stated in Article 3 – Zone Districts:

The R-MF district is intended to provide for a mixture of medium-density housing types

including attached housing and multifamily buildings.

REVIEW CRITERIA

The review criteria for rezoning requests are outlined in Section 17.2.3.3.A of the Lakewood Zoning Ordinance. The applicant has demonstrated that the proposed rezoning is consistent with criteria 1, 2, 3a and 3b. Staff's analysis of the rezoning request against the criteria is provided below.

Conformance with Standards for Rezoning Criteria §17.2.3.3. A:

1. The proposed rezoning promotes the purposes of the Zoning Ordinance as stated in Section 17.1.2.

The proposed rezoning request will support the purpose and intent of the Zoning Ordinance as follows:

- Providing for a range of housing types and costs to meet current and future housing needs.
- Promoting orderly development through a public process.
- Accommodating the effective integration of development and redevelopment with surrounding land uses.
- Respects the unique characteristics of the neighborhood.

2. The proposed rezoning is compatible with existing surrounding land uses or the land uses envisioned in the Comprehensive Plan.

The proposed rezoning is consistent with the surrounding land use and development pattern. The residential multifamily land use is established to the east and west of the subject site and along both sides of W. Alameda Avenue between S. Cody St and S. Estes St. The land use south of W. Dakota Avenue is primarily single-family, but also includes attached residential.

The land uses that are permitted in the proposed R-MF zone district are consistent and compatible with the mix of existing residential land uses adjacent to the site and in the surrounding neighborhood. The proposed rezoning is also consistent with the "stable neighborhood" land uses envisioned in the Comprehensive Plan.

3. The proposed rezoning meets at least one of the following:

- a. The proposed rezoning promotes implementation of the Comprehensive Plan.

The Plan's housing chapter notes that Lakewood's Consolidated Plan identifies a severe shortage of affordable rental units and a shortage of affordable, accessible rental units. This shortage is also reflected in the more recently adopted 2020-2024 Consolidated Plan.

The Lakewood Strategic Housing Plan includes policy recommendations that support the proposed rezoning, such as Strategy 2.C: *Redevelop Vacant or Underutilized Land for Affordable Housing*, including making planning or regulatory changes such as zoning. The proposed rezoning is the first of many

processes that must be completed to address housing shortages identified in the adopted comprehensive plan, consolidated plan and housing plan.

- b. There has been a material change in the character of the neighborhood or in the City generally, such that the proposed rezoning would be in the public interest and consistent with the change.

The Strategic Housing Plan highlights the demand for housing and scarcity of affordable housing in Lakewood. The applicant has also stated that the demographics of the neighborhood are aging, and that there is a strong demand for senior housing, which MWHS intends to provide under a zone district that supports multifamily residential development. The increasing need for housing indicates a change in the character of the City. The proposed rezoning to the R-MF district is in the public interest if it creates a path to redevelop an underutilized property, with a housing product that is in high demand, and in a manner that will ensure consistency in the development pattern and compatibility with the adjacent land uses.

- c. The property was rezoned in error.

This criterion is not applicable to this rezoning request.

ENGINEERING ANALYSIS

A Preliminary Drainage Report was required with the rezoning application. The preliminary report was reviewed by Lakewood Engineering Staff and determined to be acceptable. Additional site and public improvements will be required with redevelopment of the site. Final construction plans and a final drainage report will be required for review and approval with the Major Site Plan application.

A Traffic Generation Analysis was required and reviewed with the application. The analysis determined that the site-generated traffic will not create a negative impact to the surrounding roadway network and therefore traffic mitigation is not required with future redevelopment of the site.

FINDINGS OF FACT

Based upon the information and materials provided by the applicant, the neighborhood, and this staff report, City of Lakewood staff recommends that the Planning Commission find that:

- A. The property owner, Metro West Housing Solutions, is proposing to rezone the property located at 8600 W. Dakota Ave from large lot residential (R-1-12) to multifamily residential (R-MF) as required by 17.2.3.2(B);
- B. A conceptual land use plan was prepared to show general conformance with the R-MF zone district standards;
- C. Notice of the Public Hearing was posted on the subject properties at least fourteen (14) days prior to the hearing date as required by 17.2.2.3(B)(1) of the Lakewood Zoning Ordinance;

- D. Notice of the Public Hearing was published in a newspaper of general circulation and on the official City website at least ten (10) days prior to the hearing as required by 17.2.2.3(B)(2) of the Lakewood Zoning Ordinance;
- E. Notice of the Public Hearing was mailed to tenants and owners within five hundred (500) feet of the property and registered neighborhood organizations within a half mile at least fourteen (14) days prior to the hearing date as required by 17.2.2.3(B)(3)(a) of the Lakewood Zoning Ordinance;
- F. The proposed rezoning promotes the purposes of the Zoning Ordinance as required by 17.2.3.3(A)(1) in that it provides for a range of housing types and costs to meet the current and future needs of citizens of the City and ensures the effective integration of development and redevelopment with surrounding land uses;
- G. The proposed rezoning is compatible with existing surrounding land uses and the land uses envisioned in the Comprehensive Plan as required by 17.2.3.3(A)(2);
- H. The proposed rezoning promotes the implementation of the Comprehensive Plan by accommodating land uses that allow for the redevelopment of underutilized land that will increase in the supply of affordable housing; and
- I. The proposed rezoning is in the public interest due to the material change in the character of the City caused by the demand for housing and the shortage of senior affordable housing in Lakewood.

AND

The Planning Commission adopts the findings of fact and order, A through I, as presented in this staff report and recommends that City Council **APPROVE** Rezoning Case No. RZ24-0001.

cc: Case File- RZ24-0001
Eric Doner, Applicant

July 15, 2024

Brea Pafford
Senior Planner
Planning and Development, City of Lakewood
Civic Center North
470 South Allison Parkway
Lakewood, CO 80226



RATIO DESIGN
1655 GRANT ST
DENVER, CO 80203

RATIODESIGN.COM

Re: ZP24-0020, Rezoning Application for 8600 W Dakota Ave.

Dear Brea Pafford:

On behalf of Metro West Housing Solutions (MWHS, Housing Authority of the City of Lakewood), RATIO Design submits the following application for the Rezone of 8600 W. Dakota Ave. in Lakewood, CO from R-1-12 to R-MF. A consultation meeting was held with city staff on March 5th, 2024, at 2pm, and a Neighborhood Meeting was held July 9th, 2024, at 6pm. The site is currently vacant land. MWHS is requesting the rezone of the property to match the adjacent properties to the east and west, R-MF. If the rezone is approved and then successfully funded through the Colorado Housing and Finance Authority, MWHS plans to construct a multi-family building, with affordability up to 60% AMI. The preference is to also provide age restricted use to individuals 55 years and older and develop the building as a senior affordable housing project, but this will partly depend on market conditions after rezone. The project would contain amenity spaces, associated parking, open-space, and storm water detention.

Conformance with Standards for Rezoning Criteria 17.2.3.3.A

1. The proposed rezoning promotes the purposes of the Zoning Ordinance as stated in Section 17.1.2 through the following:

- a. (D) Provide for a range of housing types and costs to meet the current and future needs of the citizens of the City - refer to item 3 discussion below.
- b. (E) Promote the orderly development and redevelopment of land within the City of Lakewood - refer to item 2 below.
- c. (F) Ensure the effective integration of development and redevelopment with surrounding land uses - refer to item 2 below.
- d. (G) Respect the unique characteristics and attributes of individual neighborhoods - refer to item 3 discussion below.
- e. (J) Ensure the economic vitality of the City of Lakewood by providing affordable and/or senior housing options and thus freeing up housing stock for income generating younger households.

**Design
for
Impact.**

INDIANAPOLIS
CHICAGO
DENVER
RALEIGH
CHAMPAIGN, IL
MILWAUKEE

2. The proposed rezoning is compatible with existing surrounding land uses or the land uses envisioned in the Comprehensive Plan

- a. The proposed rezoning is consistent with the surrounding land development pattern along this segment of Alameda. To the East, 8585 W Dakota Ave is a zoned R-MF and contains Holiday Lakewood Estates, a 90-unit senior living facility. Further to the east is 8545 W. Dakota Ave, also zoned R-MF, which contains Pinetree Apartments, a 78 Unit apartment community. The property to the West is also zoned R-MF and contains the Enclave at Fairfield Park Homeowners Association which consists of 48 condominiums. Further to the west is Hobbits Ledge Condominium Association zoned M-R-S, and consists of approximately 40 condos. To the north, across Alameda is Colorado Christian University campus with M-R-U/PD zoning and contains campus multi-unit housing. To the south, across W. Dakota Ave is single family zoning R-1-6 and R-1-12. **The proposed R-MF zoning** would create a consistent stretch of multi-family zoning along Alameda, south of the University, and **is compatible with the existing surrounding land uses** thus meeting the first part of review criteria 17.2.3.3.A.2.

(See Appendix Item 1)

- b. The Comprehensive Plan land use designation is stable neighborhood, and the parcel is not in a designated growth area. However, the Comprehensive Plan states regarding stable neighborhoods: *It is anticipated that these areas will generally maintain their existing character. These areas of stability encompass the majority of the city's established single-family and multifamily neighborhoods. Being located in an area of stability does not mean that these areas should not or will not change. It means that any changes, whether new developments, rezoning requests, or public improvements, should be carefully planned and implemented so that the character of the area remains. These areas are designated as R-1, R-2, R-MF, and R-MH districts on the Zoning Map.* Since the existing character area of the neighborhood is both single-unit and multi-unit residential, including both R-1 and RMF zoning, the **proposed rezoning is compatible with the land uses envisioned in the Comprehensive Plan** and thus meets the second part of the review criteria 17.2.3.3.A.2.

(See Appendix Item 2)

3. The proposed rezoning meets at least one of the following:

a. Promotes Implementation of the Comprehensive Plan

- i. By (17.1.2.E) ensuring the effective integration of redevelopment with the surrounding land uses by matching the neighboring R-MF zoning and ultimately providing, at redevelopment, (17.1.2.D)

housing types and costs to meet the current and future needs of the city's citizens per Strategy 2.C of the Lakewood Strategic Housing Plan by redeveloping underutilized land for Affordable Housing, including making planning or regulatory changes such as zoning. The proposal would rezone the subject property from zone district R-1-12 which allows only single-unit residences to R-MF which allows multi-unit residences. This will allow for an increase in the supply of affordable housing provided by Metro West Housing Solutions. The Comp Plan's housing chapter notes that Lakewood's Consolidated Plan has identified housing needs and shortages including a severe shortage of affordable rental units and a shortage of affordable, accessible rental units. This shortage of affordable housing was also stated in the more recently adopted 2020-2024 Consolidated Plan. Proposal will allow an increase in the supply of housing in general and affordable housing in particular, and thus ***the proposed rezoning would promote implementation of the Comprehensive Plan.*** (See Appendix Item 3)

b. Material change in the character of the neighborhood or in the City generally, such that the proposed rezoning would be in the public interest and consistent with the change.

- i. As noted in the Comprehensive Plan and the Strategic Housing Plan, there is a high demand for more housing generally and a significant deficit in affordable housing particularly. The Strategic Housing Plan states that there is an existing 6,886-unit shortage of affordable rental units in Lakewood and an additional future need of 1,431 affordable rental units in the next 5-10 years. The demand for housing and affordable housing remains strong, and the proposed rezoning would allow the provision of more housing and affordable housing and more specifically senior affordable housing, as the applicant is an affordable housing developer.
- ii. Per the Lakewood Strategic Housing Plan of 2024, Map B-5 census block data shows that this neighborhood, Belmar Park, is rapidly aging with over 25% of the area's residents over the age of 65. Strategy 3.A of the plan encourages expansion of Senior Housing choices. Rezoning to R-MF will allow Metro West Housing Solutions to develop 50 to 60 Affordable Senior Housing units allowing for area residents to continue to reside in their community in close proximity to Downtown Lakewood and its various amenities. Reviewing Map B-3 of the Strategic Housing Plan, Affordable

Housing Sources in Lakewood, shows a lack of affordable housing options in this central zone of the city. (See Appendix Item 4)

- iii. These housing and real estate trends indicate a change in the character of the City generally, and the provision of more affordable housing is in the public interest. Therefore, ***there has been a material change in the character of the neighborhood and in the City generally, such that the proposed rezoning would be in the public interest and consistent with the change.***

c. The property was zoned in error.

- i. Not applicable.

Summary

The proposed rezoning for the subject parcel from R-1-12 to R-MF is compatible with existing surrounding land uses and thus meets zoning review criteria 17.2.3.3.A.2 (first part), is compatible with land uses envisioned in the Comprehensive Plan and thus meets criteria 17.2.3.3.A.2 (second part), would promote implementation of the Comprehensive Plan thus meeting review criteria 17.2.3.3.A.3.a, and as there has been a material change in the character of the neighborhood and in the City generally, such that the proposed rezoning would be in the public interest and consistent with the change thus meeting review criteria 17.2.3.3.A.3.b.

Additionally, the City of Lakewood is a participating jurisdiction of Colorado's Proposition 123 program and as such, is obligated to build a certain number of affordable units by 2027, which this proposed rezoning would also support.

Respectfully submitted,



Eric Doner, AIA

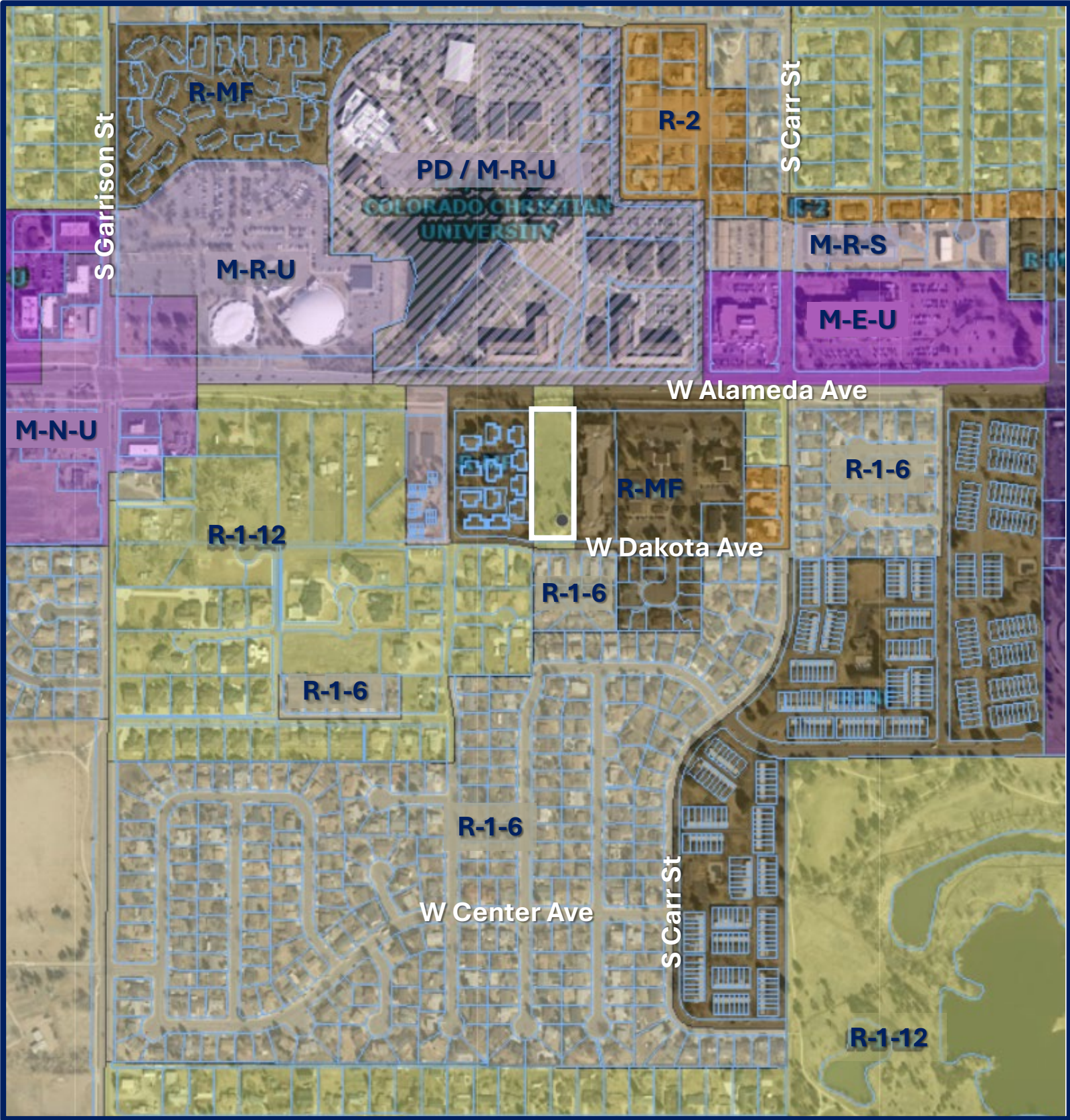
Associate Principal | RATIO

CC: Robin Kerns – Metro West Housing Solutions
RATIO Project #24037.000

Aerial Map
8600 W Dakota Ave, Lakewood, CO 80226



Zoning Map
8600 W Dakota Ave, Lakewood, CO 80226





Sustainability & Community Development

Civic Center North
470 South Allison Parkway
Lakewood, Colorado 80226-3127
303.987.7505
303.987.7057 TTY/TDD
Lakewood.org/Planning

NEIGHBORHOOD MEETING NOTES

Case Number: ZP243-0020/ RZ24-0001 – REZONING

Project Planner: Brea Pafford

Applicant: Eric Doner, Ratio Design

Owner: Lakewood Housing Authority

Location: 8600 W Dakota Ave

Request: The applicant is requesting a rezoning from the R-1-12 zone district to the R-MF zone district to accommodate new affordable residential dwelling units.

Date: July 9, 2024

Time: 6:00PM – 7:00PM

Location: Lakewood Cultural Center
Community Room
470 S Allison Pkwy
Lakewood, CO 80226

Neighborhood Groups Notified: Mid-Lakewood Civic Association
Brentwood Manor
Third Villa West Townhouse Assoc
Alameda Homes HOA
Enclave at Fairfield Park
Bonvue Neighborhood Association
Alameda Connects
West Mississippi Business Association
Westford Condominium Association, Inc.
Mid-Lakewood Civic Association

City Staff: Brea Pafford, Planning - Development Assistance

In Attendance: 5 members of the applicant's team, 18 community members, and 2 city staff members were in attendance.

This is a summary of the neighborhood meeting. It is not inclusive of all the details, but rather a summary of the main points discussed at the meeting.

Meeting Agenda:

- Introduction
- Purpose of Meeting
- Explanation of the Rezoning Process

- Presentation by the Applicant
- Questions and Discussion with Citizens
- Closing Comments and Next Steps

At 6:03 PM Staff opened the meeting with an explanation of the purpose of the neighborhood meeting, notice requirements, and rezoning application process.

Following staff's introduction, the applicant's team presented information about the property owner and developer, Metro West Housing Solutions (MWHS). Aerial images of the 1.9-acre site were provided with contextual information about adjacent zoning and land uses. The applicant explained that the rezoning is required to redevelop the site with an affordable multifamily project, potentially age restricted (senior housing).

Following the presentation, the applicant opened the floor for questions/comments.

Question (Q): What is "Affordable Housing"

Answer(A): Relates to the Median Average Income (AMI) of an area. MWHS generally works to provide housing to families that are in the 30% - 60% AMI.

Q: What would the monthly cost of rent look like?

A: The affordable housing rental rates are set annually by the US Department of Housing and Urban Development (HUD). The rate varies based on the number of people in a household, the household income and the type of affordable dwelling unit. An example based on another MWHS property: the 1-bedroom rate is \$733/month at a 30% AMI. The same 1 bed apartment would have a max rent of \$489 with a 20% AMI.

Q: How long does a property need to maintain affordable rent rates?

A: For Colorado Housing & Finance Authority (CHFA) funded projects, it is a minimum of 40 years, however MWHS never sells a project out of affordability. MWHS owned and managed properties will remain as affordable dwelling units in perpetuity.

Q: Explain the difference in zone district standards.

A: Applicant provided explanation of the differences in dimensional requirements between the two districts, including primary structure front/side setbacks, open space, and building height.

Q: How many units are proposed for this project?

A: A site like this one might have somewhere between 40-60 units. The minimum parking requirements will likely be a factor in the total number of units that the site can accommodate.

Q: What is the parking requirement?

A: At a minimum, the project will need 1.5 parking space per unit, plus another visitor parking space for every 10 units.

Comment (C): MWHS provided an additional comment that they have over 6,000 people on a waiting list for affordable housing in Lakewood. This development will probably be a senior housing complex; however, the final decision will be made once the CHFA funding has been secured to develop the site for affordable housing.

Q: What is the minimum open space requirement in the R-MF zone district?

A: 30% - which includes landscape areas, on-site sidewalks, plaza areas, etc. Buildings, driveways, parking areas do not count toward the min. open space requirement. Site detention typically does not count toward open space, unless it has been designed to be a functional open space amenity area.

Q: Will the parking lot be located on the west side of the site?

A: Given the required location for site access, it is very likely that the parking lot will be located on the west side of the property and proposed building, however, the parking lot may be more of an 'L' shape with some portions to the north of the proposed building.

C: Due to the slope of the site (grades are higher at W. Dakota Ave and drop down towards W. Alameda Ave) the detention pond will need to be located on the north end of the side (near W. Alameda Ave).

C: Hope that MWHS will protect the mature trees located along the shared property lines with The Enclave at Fairfield Park to the west and Lakewood Estates to the east.

Q: Does MWHS own the property?

A: Yes

Q: How did you fund the purchase of the land?

A: MWHS holds some funds in reserve to purchase properties while funding for development is secured through the CHFA process.

Q: Will you mow the property?

A: Yes, working with a landscape contractor to get someone out ASAP.

Q: Will there be a notice that goes out prior to the public hearing?

A: Yes, notices will be mailed to owners & tenants within 500 feet of the property at least 14 days prior to each hearing. The property will also be posted with signs that have relevant public hearing information.

Prior to concluding the meeting staff provided a summary of the applicant's 'next steps':

- Submit formal application
- Notification
- Public Hearing

The meeting ended at 6:45 PM

CC: Case File ZP24-0020
Case File RZ24-0001



[Placeholder Draft PC Meeting Minutes - 10/16/24

Will be attached for 2nd reading and public hearing
scheduled for December 9, 2024.]

STAFF MEMO

DATE OF MEETING: NOVEMBER 4, 2024 / AGENDA ITEM NO. 11

To: Mayor and City Council
From: Jay Robb, City Clerk
Subject: **Repealing and Replacing LMC 14.16 with Citizen Initiated Ordinance**

SUMMARY STATEMENT: If approved by City Council, this Ordinance would repeal the existing Chapter 14.16 of the Lakewood Municipal Code (LMC) pertaining to Park and Open Space Dedication and replace it with the citizen-initiated ordinance for the same.

BACKGROUND INFORMATION: On March 28, 2024, the City Clerk set the submission clause and following petition title for an initiative petition seeking to repeal and replace LMC Chapter 14.16: “An Ordinance to Repeal and Replace Lakewood Municipal Code Chapter 14.16 Relating to Park and Open Space Dedication to Eliminate the Option for Developers to Pay a Fee in Lieu of Parkland Dedication and to Require the City to Accept Open Space and Land Dedications for Current and Future Developments.” Pursuant to LMC section 2.52.070, the petition was required to be signed by 5% of the total number of registered electors of the City on the date of the last regular municipal election. Pursuant to LMC 2.52.060, the petition representatives had 180 days from March 28th to file the petition with the City Clerk after obtaining the necessary signatures, which made the final date of submission was September 24, 2024.

On September 20, 2024, the petition representatives filed with the City Clerk the above-referenced petition to repeal and replace LMC Chapter 14.16 after obtaining 8,346 signatures. On October 7, 2024, the City Clerk made his initial sufficiency determination to City Council, stating that the petition was initially sufficient with 6,492 accepted signatures, which is 630 more signatures than the 5,862 requirement. On October 21, 2024, the date of the first reading of the proposed ordinance connected to this staff memo, the City Clerk made his final sufficiency determination regarding the initiative petition, whereby he deemed the petition sufficient and determined that the petition qualifies for a ballot question election.

Pursuant to LMC section 2.52.110(A), the City Council has thirty days from October 21, 2024, to either adopt without alteration the initiated ordinance contained within the initiative petition or submit the initiated ordinance to a vote of the registered electors. This ordinance will be brought forth on second reading on November 4th, 2024. At that time, the City Council will have the opportunity to adopt the unaltered initiated ordinance within the thirty-day period, or alternatively, to adopt a Resolution calling for a special election to allow for the electorate of the City to decide whether to adopt the Citizen Initiative.

The initiated ordinance changes a number of aspects of LMC Chapter 14.16, but the main changes are as indicated in the title set by the municipal clerk. As a starting point, the initiated ordinance applies to developments containing residential land uses and is written to apply not only to future developments, but also to current ones that do not yet have all building permits approved and paid for. It also increases the required parkland to be dedicated from 5.5 acres of park area per 1,000 anticipated population to 10.5 acres of park area per 1,000 anticipated population and requires the dedicated parkland to be on the site of the development. The initiated ordinance additionally removes the authority of the Community Resources Director to accept a fee in lieu of actual parkland dedication, instead requiring the City to accept park sites and/or open space areas from each development containing residential land uses. The initiated ordinance also omits several sections of the existing code, meaning it is numbered as follows after the “purpose and intent” section: 14.16.010, 14.16.020, 14.16.040, 14.16.050, 14.16.060, 14.16.070, 14.16.080, 14.16.1

BUDGETARY IMPACTS: Anticipated budgetary impacts of this ordinance if passed:

- modify the City's Parkland Dedication Code so that the City would no longer be able to receive a fee in lieu of parkland dedications;
- increase the City's costs to maintain parks.

Anticipated budgetary impacts of this ordinance If not passed:

- the City Council would be required to send this draft ordinance to the electors of the City, resulting in the City incurring the costs of a special election.

STAFF RECOMMENDATIONS: None

ALTERNATIVES: Rather than adopt the initiated ordinance, the City Council has the option to send it to a special election. In accordance with C.R.S. 31-10-108 and City Charter 13.1, the special election would be held on a Tuesday no earlier than December 10, 2024, and no later than January 14, 2025.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council. Additionally, the City Clerk made two public presentations concerning the initial petition determination and final petition determination at the special Council meetings on October 7th and October 21st respectively.

NEXT STEPS: If the City adopts the initiated ordinance, it will repeal and replace the existing Chapter 14.16 of the Lakewood Municipal Code effective after the referendum period.

ATTACHMENTS: 1. Ordinance O-2024-28

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

AN ORDINANCE

AN ORDINANCE TO REPEAL AND REPLACE LAKEWOOD MUNICIPAL CODE CHAPTER 14.16 RELATING TO PARK AND OPEN SPACE DEDICATION TO ELIMINATE THE OPTION FOR DEVELOPERS TO PAY A FEE IN LIEU OF PARKLAND DEDICATION AND TO REQUIRE THE CITY TO ACCEPT OPEN SPACE AND LAND DEDICATIONS FOR CURRENT AND FUTURE DEVELOPMENTS.

WHEREAS, the initiative legislative power is reserved to the municipal electors in Article V, Section 1, subsection (9) of the Colorado Constitution;

WHEREAS, section XIII of the City of Lakewood Charter and Chapter 2.52 of the Lakewood Municipal Code (LMC) establish the procedures for the municipal electors of the City to exercise their initiative legislative power reserved by the Colorado Constitution;

WHEREAS, on September 20, 2024, a citizen-initiative petition was filed with the City Clerk's Office to repeal and replace LMC Chapter 14.16 pertaining to Park and Open Space Dedication, and such initiative petition was signed by more than five percent (5%) of the total number of persons registered to vote in the City on the date of the last regular municipal election;

WHEREAS, the City Clerk's Office reviewed the initiative petition for sufficiency pursuant to LMC 2.52.090(A), and on October 21, 2024, the City Clerk made a final determination that the petition is sufficient;

WHEREAS, on October 21, 2024, after making the final sufficiency determination, the City Clerk presented the initiative petition to the City Council and informed the City Council of the determination that the initiative petition qualifies for a ballot question election;

WHEREAS, pursuant to LMC 2.52.110(A), the City Council must either adopt without alteration the initiated ordinance contained in the petition by a majority vote of all members of City Council or submit the initiated ordinance to a vote of the registered electors at a special election to be held in accordance with C.R.S. 31-10-108 and City Charter 13.1, which would require the special election to be held on a Tuesday no earlier than December 10, 2024, and no later than January 14, 2025;

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the initiated ordinance contained within the petition;

WHEREAS, approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Chapter 14.16 of the Lakewood Municipal Code is repealed and reenacted as follows:

Chapter 14.16 PARK AND OPEN SPACE DEDICATION

Purpose and Intent

The purpose of park and open space land dedication is to guarantee the preservation of wildland and natural habitats so that the citizens of Lakewood and visitors to our city can enjoy and be enriched by communion with nature. Equally important is preserving the birds, trees and other flora and fauna within our parks and open spaces, to protect and sustain the beauty of our natural environment that makes our city unique and alluring. The conservation of wildlife will ensure that our residents can access the rich, natural heritage our city has to offer, and will also protect and maintain wild habitats for future generations. Lakewood's future as a sustainable, regenerative and healthy place to live depends on our preservation of open spaces and parkland.

14.16.010 - Scope and application.

Each development containing residential land uses shall dedicate to the city park sites and open space areas in accordance with the provisions of this title. These requirements apply to all current and future developments including applications in process that do not have all building permits approved and paid for.

14.16.020 - Park standards.

For purposes of this title, the city's park standards shall be a minimum of 10.5 acres of park area per 1,000 anticipated population within the proposed development.

14.16.040 - Calculation of land dedication requirements for park and Open Space.

A. *Parkland Standard.* All residential developers shall provide a minimum of 10.5 acres of park area on site per 1,000 anticipated population.

B. *Density Factor.* To provide an estimated and equitable population standard among different housing types, a density factor (representing average number of persons within the unit type) shall be applied to the calculation as follows:

1. Single-family detached = 3.00
2. Single-family or multi-family attached = 1.50
3. Senior housing = 1.25

C. Example calculation.

Proposed development size: 10 acres

Proposed density: 10 units/acre, multi-family attached

Park and open space acreage required:

10 development acres × 10 units/acre × 1.5 density factor × 10.5 acres parkland/1000 people = 1.575 acres of parkland required.

D. Dwelling Unit Changes. If an area is replatted prior to construction of the development, and the number of anticipated dwelling units increases or decreases by more than ten percent, the developer shall be required to adjust the amount of parkland dedicated consistent with the aforementioned provisions and formula to provide for the change in units.

E. When the calculation results in land dedication of fewer than 0.3 acre, the parkland dedication required may remain in private ownership. The land area that may remain in private ownership must be added to the project's open space requirement and shall:

1. Not exceed an average slope of 4:1;
2. Be privately maintained; and
3. Be noted on development plans as a fulfillment of parkland dedication requirements.

14.16.050 - Criteria for land eligible for park and open space use.

The following criteria will normally apply in determining what type and nature of land will meet the requirement for dedication:

- A. Land that is accessible from two separate locations by standard maintenance vehicles or from one location with a minimum 50-foot frontage;
- B. Land or water bodies contiguous to other acceptable parkland or existing parkland;
- C. Usable land within the 100-year floodway fringe that would not be inundated in a five-year storm; and

D. Special areas of natural, historical or cultural significance.

14.16.060 - Criteria for land not eligible for park and open space use.

The following criteria will normally apply in determining what type and nature of land will not meet the requirement for dedication:

A. Land required by city's zoning code for private open space;

B. Land used to fulfill requirements of the city's storm drainage ordinances, such as detention ponds, retention ponds or drainageways;

C. Rights-of-way and easements for irrigation ditches, laterals and aqueducts, power lines, pipelines or other public or private utilities without the written permission of the right-of-way owner; and

D. Hazardous geological land area, mineral extraction areas and hazardous wildfire areas.

14.16.070 - Procedure.

A. All land dedications, subdivisions and other residential development shall be met at the time of platting or, if platting is not required, at time of site plan approval.

14.16.080 - Site development standards—General.

A. Land that has been platted as public park and open space, or otherwise dedicated to the city, shall not be used in the development process of adjoining lands, except as stated in subsections (B), (C) and (D) of this section, or as reflected in an approved subdivision grading plan.

B. The developer shall be responsible for the installation of public improvements adjacent to the park site including, but not limited to, curb and gutters, streets, storm drainage facilities, and bridges made necessary by the development. Such public improvements will normally be limited to 210 linear feet per acre of parkland. This does not include park development or tap fees unless such improvements are part of an Improvement Agreement.

C. All slopes shall be stabilized in accordance with acceptable engineering standards to prevent public endangerment, and for ease of maintenance. The maximum slope shall normally not exceed 4:1 or other slope treatment will be required.

D. Sites shall be made easily accessible to the city.

14.16.110 - Severability clause

If any part, section, sentence or clause of this Ordinance shall for any reason be questioned in any court and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance. Any such part, section, sentence or clause shall not be taken to affect or prejudice in any way the remaining part or parts of this Ordinance.

SECTION 2. This Ordinance shall take effect upon thirty (30) days after final publication.

SECTION 3. If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid special meeting of the Lakewood City Council on the 21st day of October, 2024; published by title in the Denver Post and in full on the City of Lakewood's website at www.lakewood.org, on the 24th day of October, 2024; set for public hearing to be held on the 4th day of November, 2024; read, finally passed and adopted by the City Council on the 4th day of November, 2024; and signed by the Mayor on the _____ day of November, 2024.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: NOVEMBER 4, 2024 / AGENDA ITEM NO. 12

To: Mayor and City Council
From: Jay Robb, City Clerk
Subject: **Special Election in Response to the Citizen Initiative**

SUMMARY STATEMENT: The City Council is finalizing the details, by setting both the title and date, of a resolution calling for a special municipal election regarding a citizen initiated ordinance to repeal and replace L.M.C. Chapter 14.16 regarding park and open space dedication requirements, and shall thereafter adopt such resolution.

BACKGROUND INFORMATION: This item is being presented to the City Council as an alternative to Ordinance O-2024-28.

On March 28, 2024, the City Clerk set the submission clause and following draft title for an initiative petition seeking to repeal and replace L.M.C. Chapter 14.16. The following language was utilized to identify the citizen initiative during circulation of the petition for signatures.

“An Ordinance to Repeal and Replace Lakewood Municipal Code Chapter 14.16 Relating to Park and Open Space Dedication to Eliminate the Option for Developers to Pay a Fee in Lieu of Parkland Dedication and to Require the City to Accept Open Space and Land Dedications for Current and Future Developments.”

Pursuant to L.M.C. Section 2.52.070, in order to be considered by the City Council for further action, the petition was required to be signed by 5% of the total number of registered electors of the City on the date of the last regular municipal election. Pursuant to L.M.C. 2.52.060, the petition representatives had 180 days from March 28th to file the petition with the City Clerk after obtaining the necessary signatures, which made September 24, 2024, the final day upon which the petition could be filed with the City Clerk.

On September 20, 2024, the petition representatives filed with the City Clerk a citizen initiative petition to repeal and replace L.M.C. Chapter 14.16 after obtaining 8,328 signatures. On October 7, 2024, the City Clerk made his initial sufficiency determination to City Council, stating that the petition was initially sufficient with 6,456 accepted signatures, which is more than the 5,862 required signatures. On October 21, 2024, the City Clerk made his final sufficiency determination regarding the initiative petition, whereby he deemed the petition to have sufficient signatures and determined that the petition qualifies for a ballot question election. Pursuant to LMC Section 2.52.110(A), the City Council has thirty days from October 21, 2024, to either adopt without alteration the initiated ordinance contained within the initiative petition or submit the initiated ordinance to a vote of the registered electors. This resolution was drafted to give the City Council the opportunity to send the unaltered initiated ordinance to the registered electors of the City of Lakewood in the event the City Council declines to adopt the unaltered ordinance on November 4, 2024.

TITLE SETTING. As part of approving a special election for this citizen initiated petition, the City Council shall set the ballot title for the ballot question in accordance with L.M.C. 2.54.060(1)(a)(I)(B) and C.R.S. 31-11-111. In fixing the ballot title, the legislative body or its designee shall consider the public confusion that might be caused by misleading titles and shall, whenever practicable, avoid titles for which the general understanding of the effect of a “yes” or “no” vote would be unclear. Approving the resolution formally sets the title which shall appear on the ballot sent to voters and begins the restrictions imposed by L.M.C. 2.54.060.

DATE SETTING. The window for holding a special election in accordance with both Charter §13.1 and C.R.S. 31-10-108 includes those Tuesdays that are on or between the dates of December 10, 2024, and January 14, 2025

BUDGETARY IMPACTS: If passed, the City will hold a special election by January 14, 2025, whereby the registered electors of the City of Lakewood will vote upon a ballot question concerning the citizen-initiated ordinance regarding park and open space dedication. The cost of a special election is estimated to be between \$175,000 and \$350,000, with lower end costs associated with county-run elections.

STAFF RECOMMENDATIONS: None

ALTERNATIVES: Rather than refer the initiated ordinance to the registered electors of the City of Lakewood, City Council may instead adopt the initiated ordinance at a Special City Council Meeting held on November 4, 2024.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: 1. Resolution 2024-59

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

A RESOLUTION

CALLING A SPECIAL MUNICIPAL ELECTION TO BE HELD ON {INSERT DATE}, TO SUBMIT TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF LAKEWOOD A CITIZEN-INITIATED ORDINANCE REGARDING PARK AND OPEN SPACE DEDICATION

WHEREAS, the Lakewood City Clerk's Office received an initiative petition on September 20, 2024, which the City Clerk determined to contain a sufficient number of signatures from registered electors;

WHEREAS, in accordance with the Lakewood Home Rule Charter (the "Charter"), Section 13.1(c), upon a finding of sufficiency, the City Clerk shall present the petition to the City Council at its first regular or special meeting held more than thirty days after the date the petition is filed, and the City Clerk did comply by presenting the initiated ordinance to the City Council on October 21, 2024;

WHEREAS, pursuant to Section 13.1(d) of the Charter, the City Council shall either: (1) adopt the initiated ordinance by a majority vote of all members of the City Council without any change to the initiated ordinance; or (2) submit the initiated ordinance to a vote of the registered electors of the City at a special election to be held within ninety (90) days of the date of presentation, which was October 21, 2024;

WHEREAS, C.R.S. 31-10-108 mandates that all municipal special elections be held on a Tuesday and that no special election may be held within the thirty-two days before or after the date of a primary, general, or congressional vacancy election;

WHEREAS, the State of Colorado has designated November 5, 2024, as the date of a general election;

WHEREAS, the window for holding a special election in accordance with both Charter §13.1 and C.R.S. 31-10-108 includes those Tuesdays that are on or between the dates of December 10, 2024, and January 14, 2025;

WHEREAS, the City Council hereby finds and determines that submitting the initiated ordinance to a vote of the registered electors of the City is and shall be in the best interest of the residents of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood:

SECTION 1. The City Council hereby calls and sets a special municipal election to be held on {DATE}, which shall be a mail ballot election.

SECTION 2. It is the intention of the City Council to comply with the election timelines, laws and procedures to conduct the most efficient election possible. If the Jefferson County Clerk and Recorder agrees, this special election shall be conducted by

the Jefferson County Clerk and Recorder. If the Jefferson County Clerk and Recorder is not available to conduct this special election on behalf of the City, the City Council, in accordance with applicable local and State law, hereby recognizes that the City Clerk is the Designated Election Official who will conduct the special municipal election, appoint election judges, and perform all other duties and responsibilities relating to such election pursuant to C.R.S. 31-10-401.

SECTION 3. The City Clerk shall take all actions necessary for such ballot question to be presented to the registered electors of the City of Lakewood at the special municipal election to be held on the date set forth in Section 1 of this Resolution.

SECTION 4. The ballot title for the ballot question is hereby set in accordance with L.M.C. 2.54.060 (1)(a)(I)(B) and C.R.S. 31-11-111.

SECTION 5. The ballot title for the ballot question shall be as follows:

“Shall the City of Lakewood Municipal Code Chapter 14.16 PARK AND OPEN SPACE DEDICATION be repealed and replaced to eliminate the option for developers of each development containing residential land uses to pay a fee in lieu of parkland dedication and to require the City to accept open space and land dedications for current and future developments containing residential uses?

_____ YES (FOR THE ORDINANCE)

_____ NO (AGAINST THE ORDINANCE)

SECTION 6. This Resolution shall take effect immediately upon its adoption.

INTRODUCED, READ AND ADOPTED by a vote of ____ for and ____ against at a hybrid special meeting of the City Council on November 4, 2024, at 7 o'clock p.m., at the Lakewood Civic Center, 480 South Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: NOVEMBER 4, 2024 / AGENDA ITEM NO. 13

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: None

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney