

AGENDA
REGULAR MEETING OF THE CITY COUNCIL
480 S. ALLISON PARKWAY, 80226
CITY OF LAKEWOOD, COLORADO
HYBRID MEETING
JANUARY 22, 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)

or

Lakewood Speaks: [Lakewoodspeaks.org](https://lakewoodspeaks.org)

How to Connect to Provide Public Comment:

By Computer: <https://lakewood.zoom.us/j/87017960123>

By iPad, iPhone, or Android device on the Zoom App, enter webinar ID: **870 1796 0123**

By Telephone: **720-707-2699**

Webinar ID: **870 1796 0123, #**

Participant ID: **#**

Press *9 to Request to Speak, you will be prompted when to speak.

Press *6 to Unmute

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ITEM 1 – CALL TO ORDER

ITEM 2 – ROLL CALL

ITEM 3 – PLEDGE OF ALLEGIANCE

ITEM 4 – STATEMENT OF CONFLICT OF INTEREST

ITEM 5 – PUBLIC COMMENT

Anyone who would like to address the Council on any matter other than an agenda item will be given the opportunity. Speakers should limit their comments to three minutes.

ITEM 6 – PRESENTATION – FRIENDS OF PAHA CHECK PRESENTATION TO COUNCIL

**CONSENT AGENDA
ORDINANCES ON FIRST READING**

- ITEM 7 – RESOLUTION 2024-4 – ESTABLISHING CERTAIN WATER FEES FOR CUSTOMERS OF THE CITY OF LAKEWOOD WATER UTILITY**
- ITEM 8 – RESOLUTION 2024-5 – ESTABLISHING CERTAIN SEWER FEES FOR CUSTOMERS OF THE CITY OF LAKEWOOD SEWER UTILITY**
- ITEM 9 – RESOLUTION 2024-6 – ESTABLISHING RESIDENTIAL DWELLING UNIT ALLOCATIONS FOR 2024 AND ASSIGNING ALLOCATIONS TO POOLS PURSUANT TO CHAPTER 14.27 OF THE LAKEWOOD MUNICIPAL CODE**
- ITEM 10 – RESOLUTION 2024-7 – ESTABLISHING CERTAIN FEES IN CONNECTION WITH THE ESTABLISHMENT OF CHAPTER 15.03 OF THE LAKEWOOD MUNICIPAL CODE REGARDING THE REGISTRATION OF VACANT PROPERTIES IN THE CITY OF LAKEWOOD**
- ITEM 11 – ORDINANCES O-2024-3 – APPOINTING KRISTIN N. BROWN AS THE LIQUOR LICENSING AUTHORITY HEARING OFFICER FOR THE CITY OF LAKEWOOD (FIRST READING)**
- ITEM 12 – ORDINANCES O-2024-4 – AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO THE 2024 ANNUAL BUDGET IN THE AMOUNT OF \$9,329,623 AND \$144,000 FROM THE COLORADO DEPARTMENT OF LOCAL AFFAIRS AND AUTHORIZING THE EXPENDITURE OF THESE FUNDS TO PURCHASE, RENOVATE, AND OPERATE A NAVIGATION CENTER TO SERVE THE UNHOUSED (FIRST READING)**

**END OF CONSENT AGENDA
ORDINANCES ON SECOND READING
AND PUBLIC HEARINGS**

- 13 ORDINANCE 2024-1 AMENDING TITLE I OF THE LAKEWOOD MUNICIPAL CODE TO COMPLY WITH RECENT STATE LEGISLATION AFFECTING MUNICIPAL PROSECUTION OF ACTS CONSTITUTING CRIMES OF DOMESTIC VIOLENCE
- 14 ORDINANCE 2024-2 AMENDING TITLE IX OF THE LAKEWOOD MUNICIPAL CODE TO COMPLY WITH RECENT STATE LEGISLATION AFFECTING MUNICIPAL PROSECUTION OF ACTS CONSTITUTING CRIMES OF DOMESTIC VIOLENCE

ITEM 15 – GENERAL BUSINESS

A. CITY COUNCIL REQUEST

ITEM 16 – EXECUTIVE REPORT

A. CITY MANAGER

ITEM 17 – MAYOR AND CITY COUNCIL REPORTS

A. MAYOR

B. COUNCIL MEMBERS BY WARD

ITEM 18 – ADJOURNMENT

STAFF MEMO

DATE OF MEETING: JANUARY 22, 2024 / AGENDA ITEM NO. 5

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS:

STAFF RECOMMENDATIONS:

ALTERNATIVES:

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

NEXT STEPS:

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: JANUARY 22, 2024 / AGENDA ITEM NO. 6

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS:

STAFF RECOMMENDATIONS:

ALTERNATIVES:

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

NEXT STEPS:

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: JANUARY 22, 2024 / AGENDA ITEM NO. 7

To: Mayor and City Council
From: Max Kirschbaum, Public Works Director
Subject: **Establishing Certain Water Fees**

SUMMARY STATEMENT: The attached resolution would establish certain water fees for customers of the City of Lakewood Water Utility. Public Works recommends City Council approval of the resolution updating the water fees.

BACKGROUND INFORMATION: The Lakewood Water Utility serves approximately 800 customers. The Water Utility operates and maintains a system of water distribution mains that have a total length of approximately 13 miles. The service area is within northeast Lakewood. A map of the service area is attached. Twenty other entities serve the remainder of the City.

The Water Utility is an enterprise fund. The Water Utility does not receive revenue through sales tax or property tax. Revenue is obtained through rates paid by customers. The enterprise fund's revenue is dedicated solely to expenses of the Water Utility. Increases in the Water Utility's rates are necessary to fund the increasing cost of purchasing water as well as operating, maintaining, and replacing City-owned water lines that deliver water to homes and businesses, while providing an adequate fund balance to cover any unexpected expenses.

The City does not own or operate water treatment facilities. The Water Utility purchases all water from Denver Water for distribution to our customers. Payments to Denver Water account for approximately 75% of the Water Utility's operating and maintenance costs. The cost of purchasing water has increased 5.2% since the most recent change to Lakewood's utility customers. Denver Water rate increases are driven by costs to operate, maintain and improve its water infrastructure system in order ensure an adequate water supply, provide system reliability, and meet water quality requirements.

The every other month bill to Water Utility customers is the sum of a fixed service charge plus a volume charge plus, in a few instances, a fire protection charge. The every other month bill for a typical single-family home served by the Water Utility would increase \$4.03 during the winter months and \$5.31 during the summer months under the recommended rates. The most recent rate change occurred in March 16, 2023.

BUDGETARY IMPACTS: Revenues from rate changes are anticipated to cover future anticipated costs.

STAFF RECOMMENDATIONS: Public Works recommends modifying the 2024 Water Utility rates to those set forth in the attached resolution. A comparison of current and proposed rates is also attached.

ALTERNATIVES: The City Council can choose to delay the rate increases, to modify the rates differently than shown in the proposed resolution, or to not increase rates at this time. If rates are not increased at this time, and because the rates must cover all utility costs, higher rate increases would be expected in the future.

PUBLIC OUTREACH: Notification of the City Council's consideration of the proposed rate increase was

mailed to Water Utility customers. The notice identified January 22, 2024, as the date City Council would likely consider a resolution changing the rates. This item has also been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: Notification of the City Council’s decision regarding rates will be sent to Water Utility customers. The first bills reflecting the new rates will be sent at the end of May 2024 and will be due in June 2024.

ATTACHMENTS: Resolution 2024-4
Water Rates Comparison - Current vs Proposed 2024
Water Service Area Map

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

A RESOLUTION

ESTABLISHING CERTAIN WATER FEES FOR CUSTOMERS OF THE CITY OF LAKEWOOD WATER UTILITY

WHEREAS, Section 13.04.120 of the Lakewood Municipal Code directs the City Council to establish by resolution water rates for customers of the water utility of the City of Lakewood;

WHEREAS, as an enterprise, the Lakewood water utility must impose rates that are sufficient to cover all costs of service, including the cost of purchasing water, maintenance and replacement of capital facilities and providing billing services; and

WHEREAS, a water rate study confirms that in order to cover all costs of service, it is necessary to amend the water rates charged to the customers of the City of Lakewood water utility.

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

SECTION 1. The following rates are hereby established, effective March 16, 2024 as the water rates for the water utility of the City of Lakewood:

The water rates for customers of the City of Lakewood water utility shall be based upon the following rate schedule. All water customers shall pay a standard, unvarying bimonthly service charge based upon meter size, and a variable volume charge based on the amount of water used. Additionally, commercial customers with fire protection systems shall pay an unvarying bimonthly charge based on the size of connection.

Service Charge

Meter Size (Inches)	Bimonthly \$
5/8	25.62
3/4	29.20
1	36.37
1-1/2	56.68
2	82.56
3	255.01
4	305.50
6	480.40
8	755.43

Volume Charge

Use	\$ per 1,000 gallons
Single Family	
First 22,000 gallons	6.42
Next 38,000 gallons	7.70
Over 60,000 gallons	9.62
Multi-Family (2 units)	
First 30,000 gallons	6.42
Over 30,000 gallons	7.70
Multi-Family (3 units)	
First 42,000 gallons	6.42
Over 42,000 gallons	7.70
Multi-Family (4 units)	
First 54,000 gallons	6.42
Over 54,000 gallons	7.70
Multi-Family (5 units)	
First 66,000 gallons	6.42
Over 66,000 gallons	7.70
All Other Customers	
Winter	6.42
Summer	7.70

Fire Protection Charge

Connection Size (Inches)	Bimonthly \$
1	17.52
1-1/2	17.52
2	17.52
3	29.20
4	43.67
6	94.98
8	217.46

SECTION 2. This Resolution shall become effective immediately upon signature following adoption.

INTRODUCED, READ AND ADOPTED by a vote of __ for and __ against at a hybrid regular meeting of the City Council January 22, 2024, at 7 o'clock p.m. at Lakewood Civic Center, South Building, 480 South Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

Water Rates Comparison Current versus 2024 Proposed

Service Charge

Tap Size (Inches)	\$ Bi-Monthly Existing	\$ Bi-Monthly Proposed
5/8	24.33	25.62
3/4	27.73	29.20
1	34.54	36.37
1-1/2	53.83	56.68
2	78.40	82.56
3	242.17	255.01
4	290.12	305.50
6	456.22	480.40

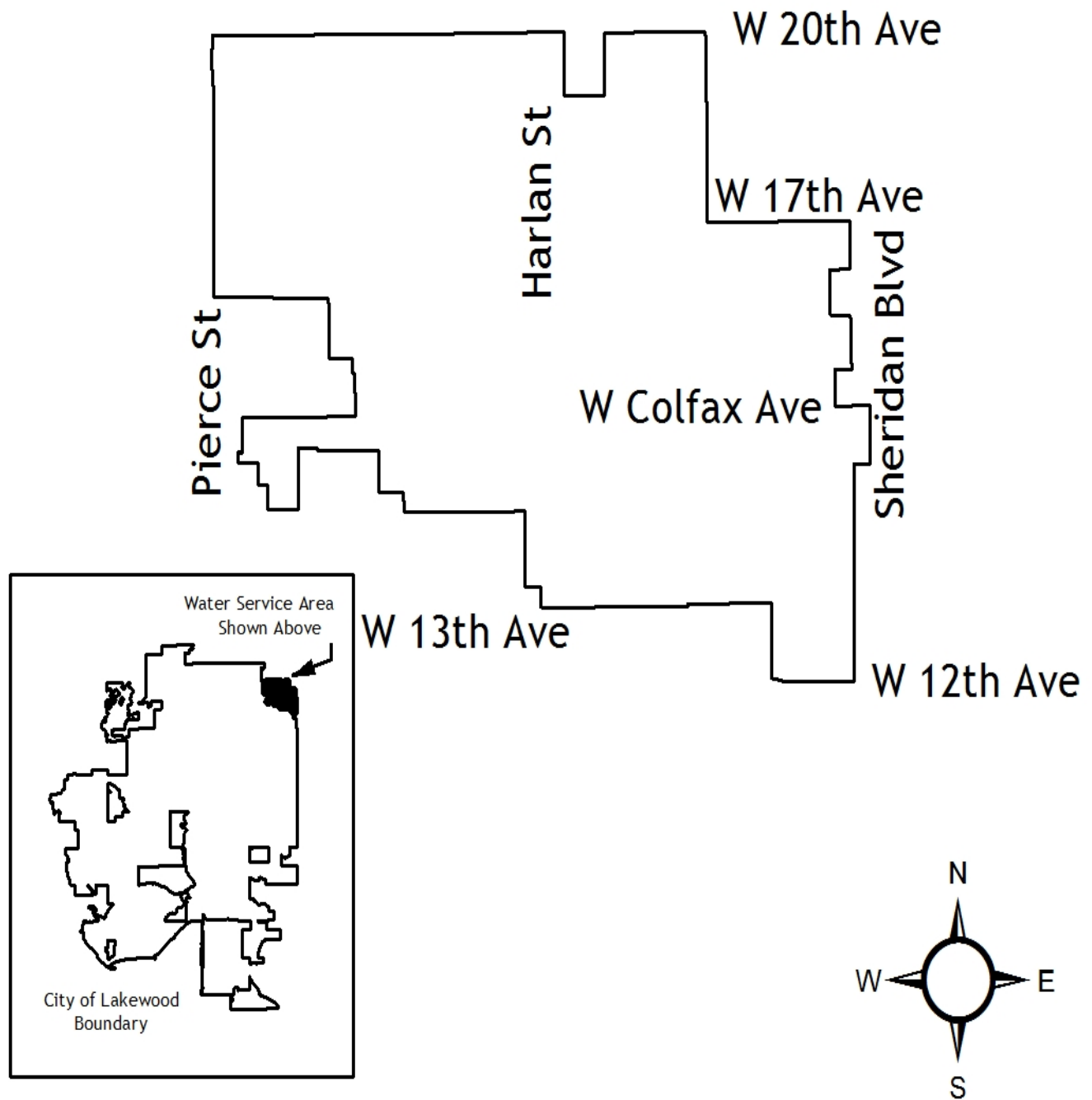
Volume Charge

Use	\$ per 1,000 gallons Existing	\$ per 1,000 gallons Proposed
Single Family		
First 22,000 gallons	6.10	6.42
Next 38,000 gallons	7.31	7.70
Over 60,000 gallons	9.14	9.62
Multi-Family (2 units)		
First 30,000 gallons	6.10	6.42
Over 30,000 gallons	7.31	7.70
Multi-Family (3 units)		
First 42,000 gallons	6.10	6.42
Over 42,000 gallons	7.31	7.70
Multi-Family (4 units)		
First 54,000 gallons	6.10	6.42
Over 54,000 gallons	7.31	7.70
Multi-Family (5 units)		
First 66,000 gallons	6.10	6.42
Over 66,000 gallons	7.31	7.70
All Other Customers		
Winter	6.10	6.42
Summer	7.31	7.70

Fire Protection Charge

Connection Size (Inches)	\$ Bi-Monthly Existing	\$ Bi-Monthly Proposed
1-1/2	16.64	17.52
2	16.64	17.52
3	27.73	29.20
4	41.47	43.67
6	90.20	94.98
8	206.51	217.46

Lakewood Water Utility Service Area



STAFF MEMO

DATE OF MEETING: JANUARY 22, 2024 / AGENDA ITEM NO. 8

To: Mayor and City Council
From: Max Kirschbaum, Public Works Director
Subject: **Establishing Certain Sewer Fees**

SUMMARY STATEMENT: The attached resolution would establish certain sewer fees for customers of the City of Lakewood Sewer Utility. Public Works recommends City Council approval of the resolution updating the sewer fees.

BACKGROUND INFORMATION: The Lakewood Sewer Utility serves approximately 7,000 customers, who contribute wastewater flows to City-owned sewer mains. The Sewer Utility operates and maintains a system of sewer mains that have a total length of approximately 106 miles. The service area is primarily within northeast Lakewood. A map of the service area is attached. Twenty-two other entities serve the remainder of the City.

The Sewer Utility is an enterprise fund. The Sewer Utility does not receive revenue through sales tax or property tax. Revenue is obtained through rates paid by customers. The enterprise fund's revenue is dedicated solely to the Sewer Utility. Increases in the Sewer Utility's rates are necessary to fund the cost of treating wastewater as well as operating, maintaining and ultimately replacing City-owned sewer lines that collect sewage from homes and businesses, while providing an adequate fund balance to cover any unexpected expenses.

The City does not own or operate wastewater treatment facilities. All collected wastewater is sent to the Metro Water Recovery District for treatment. Payment to the District to treat the wastewater accounts for approximately 64% of the Sewer Utility's operating and maintenance costs. The District cost for treating the wastewater will continue to increase in future years. District costs are primarily driven by capital improvement projects required to meet increasingly more stringent environmental regulatory standards and operation and maintenance of the treatment system.

The every other month bill to Sewer Utility customers is the sum of a fixed service charge plus a volume charge. The volume charge is based on winter water use which is a measure of the amount of wastewater that is reaching the collection system. Outdoor water used for landscaping isn't captured by the system so winter water use approximates the volume of wastewater actually discharged to the system by each customer. The every other month bill for a typical single-family home served by the Sewer Utility would increase \$6.00 under the recommended rates. The most recent rate change occurred in April 2023.

The Sewer Utility also receives wastewater from two other small sewer providers through non-metered, wholesale accounts. Charges for those services are billed on a quarterly schedule. The recommended wholesale rate changes are included in the resolution and pass on the rate increases from Metro Water Recovery District for 2023 and 2024. The increase is comparable to the increase proposed for a typical single-family home in the City's Sewer Utility's service area.

The quarterly wholesale rates in the resolution are not the actual charges to the other sewer providers'

customers. Lakewood's wholesale customers also have their costs to operate and maintain their systems, which would be additional costs included in their bills to their customers.

Developments that require additional sewer service are required to pay a one-time fee to purchase a sewer tap to serve the development. Tap fees are intended to defray the cost of system capacity necessary to serve development. The resolution does not include any adjustments to the current tap fee schedule.

BUDGETARY IMPACTS: Revenues from rate changes are anticipated to cover future anticipated costs.

STAFF RECOMMENDATIONS: Public Works recommends modifying the 2024 Sewer Utility rates to those set forth in the attached resolution. A comparison of current and proposed rates is also attached.

ALTERNATIVES: The City Council can choose to delay the rate increases, to modify the rates differently than shown in the proposed resolution, or to not increase rates at this time. If rates are not increased at this time, and because the rates must cover all utility costs, higher rate increases would be expected in the future.

PUBLIC OUTREACH: Notification of the City Council's consideration of the proposed rate increase was mailed to the City's Sewer Utility's customers and the two wholesale providers. The notice identified January 22, 2024, as the date City Council would likely consider a resolution changing the rates. This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: Notification of the City Council's decision regarding rates will be sent to the city's Sewer Utility customers and the wholesale providers. The first bills reflecting the new rates for the city's Sewer Utility's customers will be sent at the end of May 2024 and will be due in June 2024. The first bill reflecting the new wholesale rates will be sent in July 2024.

ATTACHMENTS: Resolution 2024-5
Sewer Rates Comparison - Current vs Proposed 2024
Sewer Service Area Map

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

A RESOLUTION

ESTABLISHING CERTAIN SEWER FEES FOR CUSTOMERS OF THE CITY OF
LAKEWOOD SEWER UTILITY

WHEREAS, Section 13.04.120 of the Lakewood Municipal Code directs the City Council to establish by resolution sewer rates for customers of the sewer utility of the City of Lakewood;

WHEREAS, as an enterprise, the Lakewood sewer utility must impose rates that are sufficient to cover all costs of service, including the cost of wastewater treatment, maintenance and replacement of capital facilities and providing billing services; and

WHEREAS, a sewer rate study confirms that in order to cover all costs of service, it is necessary to amend the sewer rates charged to the customers of the City of Lakewood sewer utility.

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

SECTION 1. The following rates are hereby established, effective on April 1, 2024, as the sewer rates for the sewer utility of the City of Lakewood:

The sewer rates for customers of the City of Lakewood sewer utility shall be based upon the following rate schedule. All sewer customers shall pay a standard, unvarying bimonthly service charge, and a variable volume charge.

Service Charge

\$8.91 per bimonthly billing

Volume Charge

\$5.17 per 1,000 gallons

SECTION 2. The following rates are hereby established, effective April 1, 2024, as the sewer rates for City of Lakewood non-metered, wholesale customers:

\$72.23 per single-family residential equivalent tap per quarter

SECTION 3. This Resolution shall become effective immediately upon signature following adoption.

INTRODUCED, READ AND ADOPTED by a vote of __ for and __ against at a hybrid regular meeting of the City Council January 22, 2024, at 7 o'clock p.m. at Lakewood Civic Center, South Building, 480 South Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

Sewer Rates Comparison Current versus 2024 Proposed

Service Charge

\$ Bi-Monthly Existing	\$ Bi-Monthly Proposed
8.35	8.91

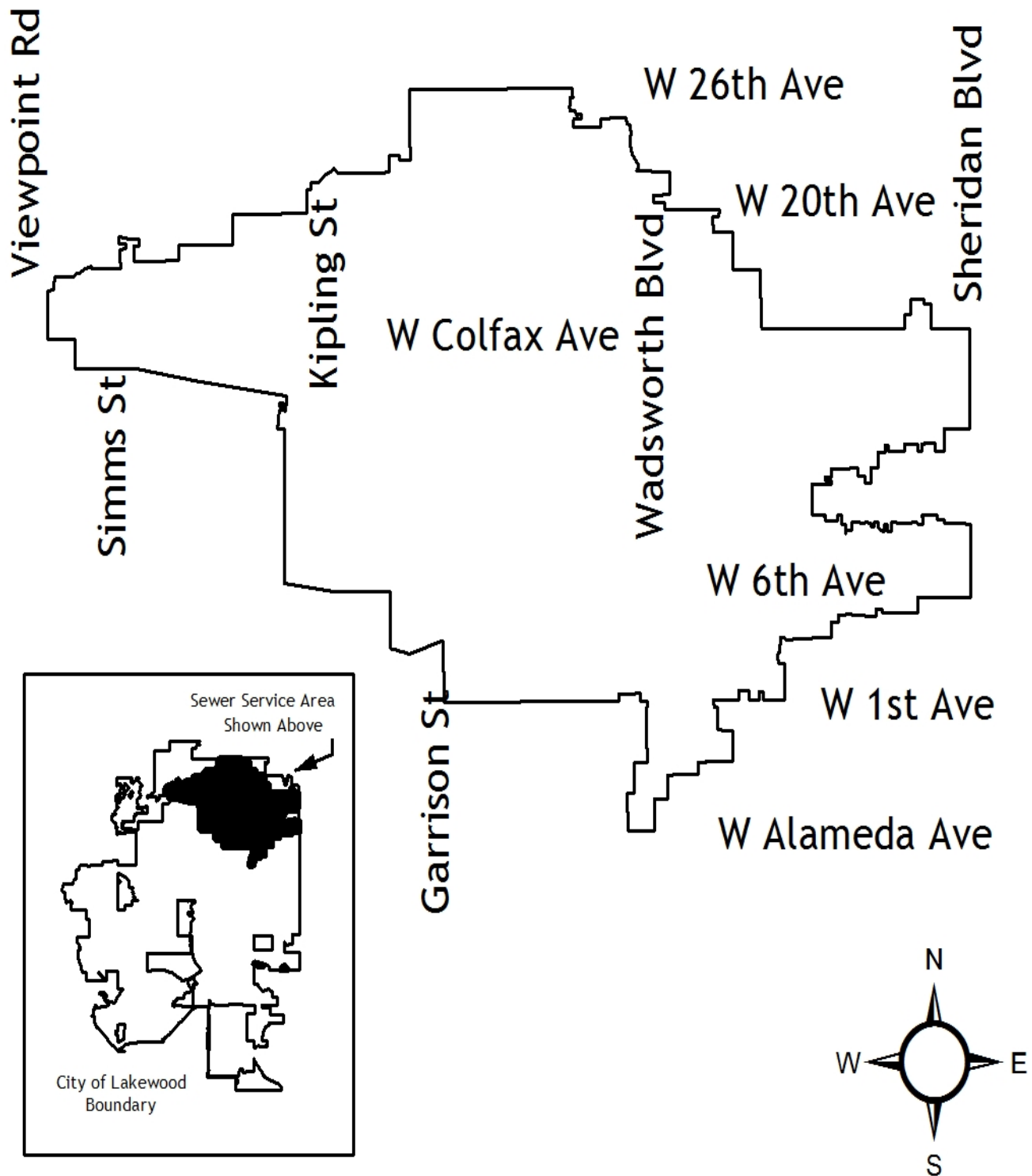
Volume Charge

\$ per 1,000 gallons Existing	\$ per 1,000 gallons Proposed
4.83	5.17

Non-metered, Wholesale Customers

Quarterly (per tap) Existing \$	Quarterly (per tap) Proposed \$
65.65	72.23

Lakewood Sewer Utility Service Area



STAFF MEMO

DATE OF MEETING: JANUARY 22, 2024 / AGENDA ITEM NO. 9

To: Mayor and City Council
From: Travis Parker, Planning Director
Subject: **2024 Housing Allocations**

SUMMARY STATEMENT: Article 14.27 of the Lakewood Municipal Code requires most new residential units in the City of Lakewood to receive an “allocation” prior to receiving a building permit. The ordinance obligates the City Council to create the allocations for each calendar year in January. The number of allocations created is based on 1% of existing housing units. City Council has scheduled 14.27 to sunset in 2025, but it is still in effect for 2024. For 2024, 1% of existing housing units would equal 715 allocations. Council is also required to divide allocations between “pools:” open pool, affordable pool, hardship pool.

BACKGROUND INFORMATION: On June 7, 2023, Colorado Governor Jared Polis signed House Bill 23-1255 (later codified at C.R.S. § 29-20-104.2), a “Bill for an Act Concerning Preemption of Local Regulations Limiting the Number of Building Permits Issued for Development”, such legislation labeling such local laws as anti-growth laws and finding that they serve to impact housing development in the cities that adopted such laws as well as impacting surrounding communities. That law became effective on August 8, 2023. C.R.S. § 29-20-104.2(4)(a)(II) provides that “A governmental entity may enact and enforce a temporary, nonrenewable anti-growth law for the purpose of developing or amending land use plans or land use laws covering residential development or the residential component of a mixed-use development”. C.R.S. § 29-20-104.2(4)(b) provides that “a temporary, nonrenewable anti-growth law affecting property allowed by subsection (4)(a) of this section may be effective for no more than twenty-four months in any five-year period”. On August 7, 2023, in response to this new State law, the City of Lakewood approved Ordinance 2023-30 providing for temporarily enacting and enforcing a nonrenewable anti-growth law for the purpose of developing or amending land use plans or land use laws covering residential development or the residential component of a mixed-use development, such temporary law established as Chapter 14.27 of the Lakewood Municipal Code. This allocation process is set forth within Chapter 14.27.

2022 Allocation Usage: In 2022, 705 allocations were created by City Council. 223 of those were used to issue building permits. Of those, 179 were issued from the open pool, 0 from the affordable pool and 44 from the hardship pool.

2023 Allocation Usage: In 2023, 714 allocations were created by City Council. Only 127 allocations were used to issue building permits. All 127 allocations were issued from the open pool. None were issued from the affordable or hardship pool.

2024 Allocation Creation: Article 14.27 requires the creation of allocations by City Council each January. The number of allocations to be created is equal to 1% of the number of residential units in Lakewood. As of January 1, the total number of residential units in Lakewood is 71,517. 1% of that number would result in the creation of 715 allocations.

Pool Distribution: Staff has received requests for 28 allocations from the 2024 open pool. There have been no requests for allocations from the affordable pool or the hardship pool. Staff recommends the creation of 600

units in the open pool, and 115 in the affordable pool.

BUDGETARY IMPACTS: N/A

STAFF RECOMMENDATIONS: Staff recommends that City Council create 715 allocations and assign them as follows:

- **Open Pool:** 600
- **Affordable Pool:** 115
- **Hardship Pool:** 0

ALTERNATIVES: City Council could create a different number of total allocations than 715 and/or allocate different numbers into the three pools.

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

NEXT STEPS: N/A

ATTACHMENTS: Resolution 2024-6

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

A RESOLUTION

ESTABLISHING RESIDENTIAL DWELLING UNIT ALLOCATIONS FOR 2024 AND
ASSIGNING ALLOCATIONS TO POOLS PURSUANT TO CHAPTER 14.27 OF THE
LAKEWOOD MUNICIPAL CODE

WHEREAS, Chapter 14.27 of the Lakewood Municipal Code (“LMC”) creates a building permit management system using allocations for new dwelling units;

WHEREAS, subsection A of LMC Section 14.27.050 requires the City Council to determine the number of allocations available for the current calendar year and assign such allocations to one of three “pools”: the “open pool,” the “hardship pool,” and the “affordable/low income pool;”

WHEREAS, subsections B and C of LMC Section 14.27.050 establish the formula for determining the number of allocations to be created each year, and based on that formula, 715 allocations could be created in 2024;

WHEREAS, as of December 31, 2023, the City has received application for 127 open pool allocations and none for the affordable/low income pool or hardship pool, which is less than the total number of allocations to be created; and

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

SECTION 1. The creation of 715 housing allocations is hereby authorized for use in 2024.

SECTION 2. 600 allocations are hereby assigned to the Open Pool, 115 allocations to the Affordable/Low Income Housing Pool, and 0 allocations to the Hardship Pool.

SECTION 3. This Resolution shall become effective immediately upon adoption.

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INTRODUCED, READ AND ADOPTED, by a vote of ____ for and ____ against, at a hybrid regular meeting of the Lakewood City Council held on January 22, 2024, at 7 o'clock p.m. at Lakewood City Hall, 480 South Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: JANUARY 22, 2024 / AGENDA ITEM NO. 10

To: Mayor and City Council
From: Travis Parker, Planning Director
Subject: **Setting Vacant Property Fees**

SUMMARY STATEMENT: The City Council must establish the fees to be charged for registration of vacant properties and emergency service calls to registered vacant properties. Staff recommends a fee of \$700 for registration and \$800 for each emergency service call.

BACKGROUND INFORMATION: In 2023, the City Council created a new program requiring registration and tracking of vacant properties in the City. Owners of property vacant for more than 30 days must register the property with the City every six months (with certain exemptions established by regulation) while the property remains vacant. In conformance with the requirements of this code, the Planning Director has established regulations for maintenance and safety of the vacant properties. Implementation of the registration program begins this month and the ordinance requires the City Council to set the fees that will be charged to register properties subject to the new program.

BUDGETARY IMPACTS: These fees are set to cover the cost of administering the program so registration and tracking of vacant properties should be budget neutral.

STAFF RECOMMENDATIONS: Staff recommends a bi-annual registration fee of \$700 for each vacant property and a fee of \$800 for each call for emergency service to the property. Legally, fees must be based on the cost to the City to provide these services. Staff is recommending these fees based upon their estimation of the costs inherent in addressing the unique safety needs associated with vacant properties. The proposed registration fee includes the cost of the time invested by City Clerk staff, Planning staff, and City inspectors in managing, monitoring and responding to health, safety and welfare issues that arise on vacant property. The proposed service fee includes the cost of the time invested by the Lakewood Police Department and West Metro Fire in responding to emergency matters that occur on vacant property.

ALTERNATIVES: The City Council could set different fees than those proposed by staff.

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

NEXT STEPS: Staff will begin implementing the program immediately upon approval of fees. Staff may bring minor ordinance changes to City Council in the coming months if needed.

ATTACHMENTS: Resolution 2024-7

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

2024-7

A RESOLUTION

ESTABLISHING CERTAIN FEES IN CONNECTION WITH THE ESTABLISHMENT OF CHAPTER 15.03 OF THE LAKEWOOD MUNICIPAL CODE REGARDING THE REGISTRATION OF VACANT PROPERTIES IN THE CITY OF LAKEWOOD

WHEREAS, Ordinance 2023-28, establishing the regulatory scheme requiring the registration of vacant properties in the City of Lakewood, was read, finally passed and adopted by the City Council on July 24, 2023, and became effective on August 23, 2023; and

WHEREAS, Ordinance 2023-28, codified as Chapter 15.03 of the Lakewood Municipal Code, provides that registration and service response fees shall be set by Resolution of the City Council.

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

SECTION 1. The registration and service response fees required by Ordinance 2023-28 shall be as follows:

1. The biannual registration fee provided for within 15.03.030(A) regarding the registration of a vacant property shall be \$700.00.
2. The service response fee provided for within 15.03.030(D) regarding the enforcement of vacant properties shall be \$800.00 per service response incident.
3. The Planning Director shall monitor the costs associated with registering and enforcing vacant properties and shall recommend modifications to these fees in accordance therewith.

SECTION 2. This Resolution shall become effective immediately upon signature following adoption.

INTRODUCED, READ AND ADOPTED, by a vote of ___ for and ___ against, at a hybrid regular meeting of the Lakewood City Council held on January 22, 2024, at 7 o'clock p.m. at Lakewood City Hall, 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: JANUARY 22, 2024 / AGENDA ITEM NO. 11

To: Mayor and City Council
From: Jay Robb, City Clerk, 303-987-7081
Subject: **Appointing the Lakewood Liquor Licensing Authority**

SUMMARY STATEMENT: Due to the resignation of the previous Liquor License Authority, Mr. Dick Miller, at the end of 2023, the Lakewood City Council needs to select a new Liquor Licensing Authority. Mr. Miller served as the Lakewood Liquor Licensing Authority for 15.5 years – from June 2008 to the end of 2023.

Chapter 5.38 of the Lakewood Municipal Code guides the roles and powers of the Authority. Section 5.38.020(A) states that the Liquor Authority is vested with the authority to grant or refuse licenses for the sale at retail of fermented malt, malt, vinous or spiritous liquors, conduct investigations, and to suspend or revoke such licenses for cause. Further, Section 5.38.020(B) states that “The Authority shall consist of a Hearing Officer chosen by the City Council from a list of qualified persons compiled by the City Clerk.”

On January 8, 2024, the Council interviewed Kristin N. Brown for consideration to be appointed as the Lakewood Liquor License Authority Hearing Officer and voted 9-0 to move forward with the process of appointing her by Ordinance O-2024-3.

BACKGROUND INFORMATION: What is a Liquor Licensing Authority, a.k.a. “Authority”? An Authority is an administrative executive official (or hearing officer) that presides over quasi-judicial hearings which are similar to court proceedings. The City of Lakewood utilizes hearing officers not otherwise affiliated with the City to preside over quasi-judicial matters related to various city licenses or specific code violations. For example, the City has a designated Authority for liquor, massage, tobacco, hotel/motel, adult businesses, and pawnbrokers’ licenses as well as for any violations of the City’s Ethics Code or campaign finance provisions.

What does the Authority do? The Lakewood Liquor License Authority conducts hearings to review new liquor license applications and site modifications, as well as conducts hearings to review and determine any alleged violations of City and/or state liquor codes. Review hearings can result in fines, suspensions, and revocation of a liquor license.

BUDGETARY IMPACTS: The Authority is paid from the City Clerk’s Office budget for services.

STAFF RECOMMENDATIONS: Staff recommends that City Council adopt Ordinance O-2024-3, appointing Kristin N. Brown as the Liquor License Authority Hearing Officer for the City of Lakewood.

ALTERNATIVES: The City Council does not have to adopt Ordinance O-2024-3 and could request staff to initiate a second RFP process.

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

NEXT STEPS: If the City Council adopts Ordinance O-2024-3 on first reading, it will be scheduled for a public hearing on second reading at the February 12th Regular Council meeting.

ATTACHMENTS: Ordinance O-2024-3

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

O-2024-3

AN ORDINANCE

APPOINTING KRISTIN N. BROWN AS THE LIQUOR LICENSING AUTHORITY
HEARING OFFICER FOR THE CITY OF LAKEWOOD

WHEREAS, pursuant to Lakewood Municipal Code (LMC) section 5.38.020(A) the Lakewood Liquor Licensing Authority is vested with the authority to grant or refuse licenses for the sale at retail of fermented malt, malt, vinous, or spiritous liquors, as provided by law; conduct investigations as are authorized by law; and to suspend or revoke such licenses for cause in the manner provided by law;

WHEREAS, pursuant to LMC section 5.38.020(B), the Authority shall consist of a Hearing Officer chosen by the City Council from a list of qualified persons compiled by the City Clerk;

WHEREAS, the City of Lakewood (City) does not currently have a designated Liquor Licensing Authority Hearing Officer due to the resignation of the individual who previously held the position;

WHEREAS, on August 25, 2023, the City issued a request for proposal for interested parties to submit applications to be considered for the position of Lakewood's Liquor Licensing Authority Hearing Officer;

WHEREAS, Kristin. N. Brown is the sole interested party who responded to the request for proposal and is currently available as a candidate for the position of Lakewood's Liquor Licensing Authority Hearing Officer;

WHEREAS, on January 8, 2024, the Lakewood City Council held an executive session to interview Kristin N. Brown for the position of Lakewood's Liquor Licensing Authority Hearing Officer;

WHEREAS, the Lakewood City Council desires to designate Kristin N. Brown as Lakewood's Liquor Licensing Authority Hearing Officer;

WHEREAS, Colorado Revised Statutes (C.R.S.) section 44-3-103(27) provides for the designation of a local liquor licensing authority by means of municipal ordinance;

WHEREAS, approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the City's Charter by setting a public hearing to provide City staff and the public the 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. Kristin N. Brown shall hereby be designated as the Lakewood Liquor Licensing Authority Hearing Officer in accordance with LMC 5.38.020(A)/(B).

SECTION 2. This Ordinance shall take effect 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 regular meeting of the Lakewood City Council on the 22nd day of January, 2024; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org on the 25th day of January 2024; set for public hearing to be held on the 12th day of February, 2024, read, finally passed and adopted by the City Council on the 12th day of February, 2024 and, signed by the Mayor on the ____ day of February, 2024.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: JANUARY 22, 2024 / AGENDA ITEM NO. 12

To: Mayor and City Council
From: Travis Parker, Planning Director
Subject: **DOLA Denver-Metro Regional Navigation Campus Grant**

SUMMARY STATEMENT: Staff is requesting that City Council approve the Ordinance authorizing supplemental appropriation of grant funds in excess of \$75,000 from the Colorado Department of Local Affairs (DOLA) Denver-Metro Regional Navigation Campus grant to acquire, renovate and operate a navigation center at 8000 W. Colfax Avenue in Lakewood, all in accordance with the City's standard processes for obtaining properties in a fiscally responsible manner. This building is currently leased by RecoveryWorks, a Lakewood non-profit who will serve as lead service provider by staffing and operating the navigation center. In addition to other services, an emergency shelter will also be operated at this location. Pursuant to Chapter 3.04 of the Lakewood Municipal Code, any unbudgeted City expenditure in excess of \$75,000 requires City Council approval.

BACKGROUND INFORMATION: State House Bill 22-1378 establishes grant funds to support governments located throughout the Denver-Metropolitan Area in establishing regional facilities that provide on-site services and housing resources to people experiencing homelessness. The program is administered by the Department of Local Affairs (DOLA). The DOLA program recognizes that homelessness is one of the biggest issues facing the Denver-Metro area.

In June 2023, the Department of Local Affairs (DOLA) released a Request for Application (RFA) for up to \$45 million for the creation of one or more Denver-Metro regional navigation campuses. Eligible applicants include a local government or local governments applying together or a community partner in conjunction with one or more local governments. Applications to build or acquire, and then facilitate one or more regional navigation campuses in the Denver-Metropolitan Area to respond to and prevent homelessness were requested. The City of Lakewood was awarded \$9,329,623 with forty (40) State Housing Vouchers and \$144,000 for tenant support services. A local grant match is required for the tenant support service in the amount of \$144,000. The match will be paid for with City of Lakewood Community Development Block Grant fund and RecoveryWorks general funds.

The timing of this grant could not have been better, as the most recent [2023 Point-in-Time](#) data shows that Jefferson County experienced a 73.2% increase in homelessness between 2022 and 2023. The data also shows that the majority of Jefferson County's unhoused are also unsheltered. This is because there are no low-barrier overnight emergency shelter beds available for people experiencing homelessness in all of Jefferson County. The City of Lakewood is working with partner agencies throughout the county to help meet these needs.

Developing navigation centers in Jefferson County has been a goal for the cities of Lakewood, Arvada, Wheat Ridge, Edgewater, Golden, Westminster and Jefferson County for many years. County and municipal leaders from these jurisdictions began meeting regularly in 2017 to collaborate on addressing the impact of homelessness in Jefferson County. This partnership focuses on addressing the needs of the unhoused and lessening the impact homelessness has on the greater community. This approach has been successful in improving coordination between jurisdictions and non-profit service partners, creating new coordinated

positions focused on addressing homelessness, programs, resources and grant funding to our communities. Examples include the Jefferson County Homeless Coordinator position, the county-wide homeless navigation program where each jurisdiction employs homeless navigators to complete street outreach and navigate people experiencing homelessness to needed services and housing resources, and multiple grant awards to Jefferson County jurisdictions to address homelessness.

In 2020, Jefferson County gathered research where the navigation center concept was introduced as a best practice and recommended as a strategy to address the sheltering needs within the county. The research was presented to Jefferson County and municipal Elected Officials who approved the multi-jurisdictional group to pursue the partnerships and resources needed to establish two navigation centers in Jefferson County. Since that time, the group has continued to work together to identify funding and partnership opportunities to establish navigation centers in Jefferson County.

The housing navigation center model meets people at all points on the spectrum of a housing crisis. It provides low barrier access to on-site housing navigation, supportive services, shelter beds, basic hygiene resources and a pathway to permanent housing. It functions as an efficient one-stop service center for Jefferson County residents experiencing a housing crisis. The model especially engages long-term unsheltered people who are often fearful of accessing traditional shelter and services.

The core objectives of a navigation center include:

- Diverting people from homelessness whenever possible,
- Providing emergency shelter for most vulnerable individuals,
- Rapidly assisting people in accessing permanent housing,
- Maintaining or establishing connections with supportive services and employment, and
- Providing essential services to help people survive homelessness.

Successful navigation centers have access to sufficient permanent housing resources so that shelter beds are turned around as rapidly as possible to make room for others needing shelter. The low barrier model provides an opportunity for staff to engage shelter-adverse populations during the day, build relationships and take the steps to build trust necessary to engage them in services. Navigation centers benefit the greater community by saving taxpayer dollars and reducing over-utilization of emergency departments, law enforcement contacts, and jail time as persons can get their basic needs met at the navigation center before those needs grow into crisis.

RECOVERYWORKS PARTNERSHIP AND NAVIGATION CENTER

The City of Lakewood was approached by [RecoveryWorks](#) to consider a partnership to apply to the RFA to establish a regional navigation center within the City of Lakewood. RecoveryWorks is a local non-profit organization and existing city partner that engages unhoused persons in medical respite, comprehensive case management and access to stable housing from their offices at 7011 W. Colfax Avenue in Lakewood.

RecoveryWorks was formed in 2020 by James Ginsburg, the founder and former director of the award-winning [Fort Lyon Supportive Residential Community](#). The organization is working collaboratively with The Action Center, The City of Lakewood, Jefferson County, Heading Home Advisory Council and the Jefferson County Homelessness Navigation team to help address the ongoing and expanding crisis of medically vulnerable and other unsheltered person in need of a stable place to live. Named a 2022 Public Health Champion of the Year, RecoveryWorks was looking to lease a larger space to adequately accommodate the growing number of unhoused people they were currently serving.

This once in a lifetime funding opportunity came together once RecoveryWorks had identified a more suitable building available for lease just a few blocks west of their existing location on West Colfax Avenue.

RecoveryWorks moved forward with leasing the building and the City of Lakewood applied for the grant funds in July 2023. In October 2023, the city was notified of the grant award which requires that the building being

utilized for these services be owned by either the City (grantee) or the service provider. This award was not included in the 2023R/2024 budget as the budget approval process occurred prior to grant award.

RECOVERYWORKS CURRENT HOURS AND SERVICES

RecoveryWorks's new space officially opened in early November 2023. While the existing medical respite program still operates from 7011 W. Colfax Avenue, daily drop-in services are now offered from the new location. Anyone in need of resources can access the facility Monday through Friday from 8:30 a.m. to 2:00 p.m. No reservation is needed. Services are designed for individuals (with or without pets) with complex needs and long lengths of homelessness. Key services include basic needs such as food, restrooms, and access to the internet/technology. In addition, on-site case management, housing navigation, streamlined access to behavioral and medical care, public benefits, and other programming and support to quickly streamline pathways to permanent housing. The center also hosts Lakewood's Extreme Weather Overflow Shelter during extreme weather events.

Although the navigation center primarily serves adults, RecoveryWorks staff will always accommodate any family that presents at the navigation center by referring them to appropriate family-serving organizations and resources.

RECOVERYWORKS ANTICIPATED BUILDING ACQUISITION, IMPROVEMENTS, SERVICES AND HOURS

Once the City of Lakewood executes grant agreements with DOLA, RecoveryWorks can expand staffing and increase hours of operation to include weekends. Immediately upon execution, the city will begin negotiations to acquire a building.

Interior building improvements include fire suppression, showers, laundry, storage, kitchen, and additional restrooms. As previously mentioned, the proposed navigation center will include an overnight shelter component. The building is zoned Mixed Use General Transit (MGT) which allows shelter as a permitted use with a Special Use Permit (SUP). The process to obtain an SUP requires a neighborhood meeting and approval by the Lakewood Planning Commission. This process is expected to begin in the spring of 2024. Until building plans have been drafted, the number of overnight shelter beds is unknown, but based on need and building capacity, staff estimate having 70-120 overnight shelter beds. The goal is to accommodate as many people as possible within a safe, secure, and trauma-informed space.

RecoveryWorks has engaged [Shopworks Architecture](#), a Denver-based architecture firm nationally recognized for their expertise in [Trauma-Informed Design](#) to begin interior building plans and designs for the navigation center. Trauma-Informed Design principles help to mitigate trauma responses by designing physical spaces that feel safe and promote healing and well-being for navigation center guests. Once the shelter component is added, the navigation center will operate 24 hours per day, seven days a week, which follows best practices for shelter operations.

LONG-TERM FUNDING OF NAVIGATION CENTER

RecoveryWorks is currently funding operations through service contracts, grant funds and donations. Current projected resources will allow the non-profit to lease the new space and operate at its current capacity for three years. In addition to funding the building acquisition and improvements, The DOLA Navigation Campus grant will provide operational costs through 2026. However, it is anticipated that in addition to RecoveryWorks revenue, grant funding and donations, ongoing operational support will be needed from county and municipal partners to maintain the navigation center long-term. Discussions are currently underway for developing a long-term operational funding agreement with Lakewood's county and municipal partners.

BUDGETARY IMPACTS: The City of Lakewood was awarded \$9,329,623 with forty (40) State Housing

Vouchers and \$144,000 for tenant support services. A local grant match is required for the tenant support service in the amount of \$144,000. The match will be paid for with City of Lakewood Community Development Block Grant fund and RecoveryWorks general funds.

Initial costs for appraisal, environmental reviews and capital needs assessment will be incurred by the city prior to grant execution. Based on RecoveryWorks estimates, annual maintenance and operational costs for the navigation center are estimated to cost \$2.5 million per year. These expenses will be paid for through RecoveryWorks general funds, available grant funding and anticipated cost share agreement with county and municipal partners.

STAFF RECOMMENDATIONS: Staff recommends City Council approve the Ordinance allowing unbudgeted expenditure of DOLA grant funds in excess of the \$75,000 for acquisition, renovation and emergency shelter costs for navigation center serving unhoused community.

ALTERNATIVES: City Council may deny approval of the Ordinance. If denied, DOLA would re-allocate the grant funds to another project and the city would not have the funding to establish the proposed navigation center at this time. RecoveryWorks cannot expand staffing and hours of operation to include weekends and/or overnight shelter. Without the grant funding, RecoveryWorks would only be able to operate at its current capacity for a total of three years without making necessary building improvements. In addition, without adding crucial building improvements such as fire suppression, the overnight extreme weather sheltering at this location may no longer be an option due to West Metro Fire District concerns. Without the ability to develop the property as proposed, the city can't effectively offer solutions to one of the biggest issues impacting Lakewood residents.

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

NEXT STEPS: If approved, Lakewood will execute contracts with DOLA. Negotiations to acquire 8000 W. Colfax Avenue will commence. Through a contract with RecoveryWorks and Shopworks Achitecture, interior building plans will be completed and submitted for Lakewood building permits. A Special Use Permit to allow for overnight shelter as a permitted land use will be pursued. The Special User Permit requires a neighborhood meeting and approval by Lakewood Planning Commission.

ATTACHMENTS: Ordinance O-2024-4

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

AN ORDINANCE

AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO THE 2024 ANNUAL BUDGET IN THE AMOUNT OF \$9,473,623 (COMBINED AMOUNTS OF \$9,329,623 and \$144,000) FROM THE COLORADO DEPARTMENT OF LOCAL AFFAIRS AND AUTHORIZING THE EXPENDITURE OF THESE FUNDS TO PURCHASE, RENOVATE, AND OPERATE A NAVIGATION CENTER TO SERVE THE UNHOUSED

WHEREAS, Article XII, Section 8 of the City Charter allows the City Council to make supplemental appropriations by ordinance during the fiscal year for unanticipated expenditures required for the operation of the City of Lakewood ("City") using monies not anticipated in the adopted budget that have become available to the City;

WHEREAS, Chapter 3.04 of the Lakewood Municipal Code ("LMC") requires approval by the City Council for any changes to the approved budget involving a City expenditure in excess of the established purchasing threshold which is seventy-five thousand dollars (\$75,000);

WHEREAS, on September 29, 2023, the Colorado Department of Local Affairs ("DOLA") awarded the City a grant in partnership with non-profit RecoveryWorks in two parts in the amounts of \$9,329,623 and \$144,000 for a total award of \$9,473,623 (the "Grant");

WHEREAS, the City's approved 2024 budget did not anticipate making expenditures in association with these grant funds, and to show an expenditure from City funds requires showing the source of the funds being spent, a budget amendment requiring City Council approval;

WHEREAS, the City desires to utilize the Grant to acquire, renovate and operate a navigation center for unhoused people;

WHEREAS, RecoveryWorks and the City agreed to cover the required local match of one-hundred percent (100%) of that portion of the grant totaling \$144,000, such funds earmarked for Tenant Support Services;

WHEREAS, the City Council hereby finds and determines that approving this supplemental appropriation request, is and shall be in the best interest of the residents of the City;

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. The City Council hereby appropriates and authorizes the expenditure of Nine Million, Three Hundred Twenty-Nine Thousand, Six Hundred Twenty-Three and 00/100 dollars (\$9,329,623) and One Hundred Forty-Four Thousand and 00/100 dollars (\$144,000) provided by DOLA for the acquisition, renovation and operation of a navigation center to serve the unhoused community in the City.

SECTION 2. The City acknowledges that the Grant application requires the City to secure and remit matching funds in the amount of \$144,000.

SECTION 3. The City Council hereby authorizes the Director of Planning to execute a grant agreement with DOLA to complete the project.

SECTION 4. This ordinance shall take effect thirty (30) days after final publication.

SECTION 5. 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 hybrid regular meeting of the Lakewood City Council on the 22nd day of January, 2024; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org on the 25th day of January 2024; set for public hearing to be held on the 12th day of February, 2024, read, finally passed and adopted by the City Council on the 12th day of February, 2024 and, signed by the Mayor on the ____ day of February, 2024.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

Approved as to form:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: JANUARY 22, 2024 / AGENDA ITEM NO. 13

To: Mayor and City Council
From: Alison McKenney Brown, City Attorney
Subject: **Crimes of domestic violence**

SUMMARY STATEMENT: Amending Title I of the Lakewood Municipal Code to comply with recent state legislation affecting municipal prosecution of acts constituting crimes of domestic violence.

BACKGROUND INFORMATION: The Criminal Code is an area of law that is of both State and local concern under the Home Rule provisions of Article XX of the Colorado Constitution. Under Home Rule the City may adopt local laws on the topic that do not conflict with State laws.

In May 2023, the Colorado Legislature approved an amendment to Colorado Revised Statute Section 13-10-104.5 concerning a municipality's prosecution of acts constituting crimes of domestic violence. House Bill 23-1222 revised the applicable State law and has an effective date of January 1, 2024. This amendment makes certain provisions mandatory and applicable to any municipality that chooses to prosecute domestic violence offenses. In compliance with this new law the City must amend two sections of its Code to ensure that the City's law is compliant with new state requirements. The proposed amendments affect the following provisions of Title 1 and of Title 9 of the Lakewood Municipal Code.

Title 1, Chapter 1.16 of the Lakewood Municipal Code addresses penalties for violations of municipal offenses and protection orders for victims of municipal offenses. These provisions require updating in accordance with the new State law.

BUDGETARY IMPACTS: The proposed changes to the City's codes regarding domestic violence prosecution are expected to have a budgetary impact because of the additional requirements imposed by Section 13-10-104.5, C.R.S. Increased costs are not readily quantifiable at this time but will need to be monitored as the City implements new procedures to ensure compliance. Impacted departments include the Courts and the City Attorney's Office.

STAFF RECOMMENDATIONS: Staff recommends adoption of the proposed ordinance to comply with State law.

ALTERNATIVES: N/A

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

NEXT STEPS: The City Council will consider action on the proposed ordinance at the January 22, 2024 Regular City Council meeting.

ATTACHMENTS: Ordinance O-2024-1
House Bill 23-1222

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager

Alison McKenney Brown, City Attorney

AN ORDINANCE

AMENDING TITLE I OF THE LAKEWOOD MUNICIPAL CODE TO COMPLY WITH RECENT STATE LEGISLATION AFFECTING MUNICIPAL PROSECUTION OF ACTS CONSTITUTING CRIMES OF DOMESTIC VIOLENCE

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, pursuant to Article XX, Section 6 of the Colorado Constitution, the right to enact, administer and enforce criminal laws through a municipal court is clearly within the Constitutional grant of power to the City and is necessary and proper for the government and administration of local and municipal matters relating to the City;

WHEREAS, pursuant to such authority, the City has created a municipal court and adopted and enacted criminal codes whose enforcement is administered through the municipal court;

WHEREAS, the City prosecutes offenses constituting acts of domestic violence;

WHEREAS, the State of Colorado has enacted legislation prescribing specific requirements applicable to municipal prosecution of offenses constituting acts of domestic violence; and

WHEREAS, the City desires to amend its Code to conform with recently passed State requirements;

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

SECTION 1. Amending Section 1.16 of the Lakewood Municipal Code. Section 1.16 of the Lakewood Municipal Code is hereby amended as follows:

“Section 1.16.020 Penalties designated” shall include a new Section B and (B)(1), to read:

B. IN CASES INVOLVING AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-1.3-800.3 OF THE COLORADO REVISED STATUTES, THE COURT SHALL SENTENCE THE OFFENDER IN ACCORDANCE WITH SECTION 18-6-801 (1), (3), (4), (5), (6), AND (8) OF THE COLORADO REVISED STATUTES, CONSISTENT WITH THE JURISDICTION OF THE MUNICIPAL COURT.

1. ANY SENTENCE TO PROBATION SHALL INCLUDE CONDITIONS CONSISTENT WITH REQUIREMENTS OF SECTION 18-1.3-204 OF THE COLORADO REVISED STATUTES.

Sections B-F shall become sections C-G, respectively.

“Section 1.16.080 Protection order against defendant” shall be revised as follows:

- A. Any Municipal Judge is empowered to issue a protection order against any person charged with a violation of any of the provisions of Title 9 of the Lakewood Municipal Code, pertaining to domestic violence AS DEFINED IN SECTION 18-6-800.3 OF THE COLORADO REVISED STATUTES ~~hereafter~~ or any person charged with a violation of Section 9.20.010 pertaining to assault, which protection order shall remain in effect from the time that the person is advised of his or her rights at arraignment or the person's first appearance before the court and informed of such order until final disposition of the action. Such protection order shall restrain the person charged from harassing, molesting, intimidating, retaliating against, or tampering with any witness to or victim of the acts charged. The protection order issued pursuant to this section shall be on a standardized form prescribed by the judicial department and a copy shall be provided to the protected parties.
1. WHEN THE COURT SUBJECTS A DEFENDANT TO A MANDATORY PROTECTION ORDER THAT THE COURT, USING THE PROBABLE CAUSE STANDARD OF REVIEW, DETERMINES ON THE RECORD AFTER REVIEWING THE PROBABLE CAUSE STATEMENT OR ARREST WARRANT THAT THE ORDER INCLUDES A CRIME THAT INCLUDES AN ACT OF DOMESTIC VIOLENCE, AND THE ACT INVOLVED THE THREAT OF USE, USE OF, OR ATTEMPTED USE OF PHYSICAL FORCE, THE COURT SHALL ENTER ORDERS CONSISTENT WITH SECTION 18-1-1001(9) OF THE COLORADO REVISED STATUTES, REGARDING POSSESSION, PURCHASE, AND RELINQUISHMENT OF FIREARMS AND AMMUNITION.

Section H shall be amended as follows:

- H. DOMESTIC VIOLENCE AND INTIMATE RELATIONSHIP ARE DEFINED BY SECTION 18-6-800.3 OF THE COLORADO REVISED STATUTE. THE CITY OF LAKEWOOD SHALL APPLY THE SAME DEFINITIONS, WHICH MAY BE MODIFIED BY THE STATE LEGISLATURE. ANY CONFLICT BETWEEN THE FOLLOWING DEFINITIONS AND THE DEFINITIONS IN THE COLORADO REVISED STATUTE SHALL BE RESOLVED BY APPLYING THE STATUTORY DEFINITION.
1. “DOMESTIC VIOLENCE” MEANS AN ACT OR THREATENED ACT OF VIOLENCE UPON A PERSON WITH WHOM THE ACTOR IS OR HAS BEEN INVOLVED IN AN INTIMATE RELATIONSHIP. “DOMESTIC VIOLENCE” ALSO INCLUDES ANY OTHER CRIME AGAINST A PERSON, OR AGAINST PROPERTY, INCLUDING AN ANIMAL, OR ANY MUNICIPAL ORDINANCE VIOLATION AGAINST A PERSON, OR AGAINST PROPERTY, INCLUDING AN ANIMAL, WHEN USED AS A METHOD OF COERCION, CONTROL, PUNISHMENT, INTIMIDATION, OR REVENGE DIRECTED AGAINST A PERSON WITH WHOM THE ACTOR IS OR HAS BEEN INVOLVED IN AN INTIMATE RELATIONSHIP.

2. "INTIMATE RELATIONSHIP" MEANS A RELATIONSHIP BETWEEN SPOUSES, FORMER SPOUSES, PAST OR PRESENT UNMARRIED COUPLES, OR PERSONS WHO ARE BOTH THE PARENTS OF THE SAME CHILD REGARDLESS OF WHETHER THE PERSONS HAVE BEEN MARRIED OR HAVE LIVED TOGETHER AT ANY TIME.

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 hybrid regular meeting of the Lakewood City Council on the 8th day of January 2024; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 11th day of January 2024; set for public hearing to be held on the 22nd day of January 2024, read, finally passed and adopted by the City Council on the 22nd day of January 2024, and, signed by the Mayor on the ____ day of January 2024.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

An Act

HOUSE BILL 23-1222

BY REPRESENTATIVE(S) Duran and Weissman, Amabile, Bacon, Boesenecker, Brown, deGruy Kennedy, Froelich, Hamrick, Joseph, Lieder, Lindsay, Lindstedt, Lynch, Mabrey, Marshall, Martinez, McLachlan, Michaelson Jenet, Parenti, Pugliese, Sharbini, Soper, Story, Titone, Velasco, Willford, Woodrow, Young, McCluskie;
also SENATOR(S) Roberts and Winter F., Buckner, Coleman, Cutter, Danielson, Exum, Fields, Ginal, Hansen, Jaquez Lewis, Marchman, Moreno, Mullica, Priola, Sullivan, Van Winkle.

CONCERNING THE JURISDICTION OF MUNICIPAL COURTS TO HEAR DOMESTIC
VIOLENCE OFFENSES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **amend** 13-10-103 as follows:

13-10-103. Applicability. This article 10 applies to and governs the operation of municipal courts in the cities and towns of this state. Except for the provisions relating to the method of salary payment for municipal judges, the incarceration of children pursuant to sections 19-2.5-305 and 19-2.5-1511, the appearance of the parent, guardian, or lawful custodian of

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

any child under eighteen years of age who is charged with a municipal offense as required by section 13-10-111, the right to a trial by jury for petty offenses pursuant to section 16-10-109, relief from improperly entered guilty pleas pursuant to section 18-1-410.6, THE PROSECUTION OF AN ALLEGED ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, rules of procedure promulgated by the supreme court, and appellate procedure, this article 10 may be superseded by charter or ordinance enacted by a home rule city.

SECTION 2. In Colorado Revised Statutes, **add** 13-10-104.5 as follows:

13-10-104.5. Municipal court - municipal ordinance - act of domestic violence - report - repeal. (1) IF A MUNICIPALITY HAS A MUNICIPAL ORDINANCE THAT CRIMINALIZES AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, THE MUNICIPALITY SHALL ADOPT AN ORDINANCE ESTABLISHING:

(a) THAT VICTIMS, VICTIMS' FAMILIES, AND WITNESSES OF A VIOLATION OF AN ACT OF DOMESTIC VIOLENCE RECEIVE PROTECTIONS AND RIGHTS EQUIVALENT TO THOSE AFFORDED TO VICTIMS, VICTIMS' FAMILIES, AND WITNESSES PURSUANT TO THE "VICTIM RIGHTS ACT", PART 3 OF ARTICLE 4.1 OF TITLE 24, AS IT RELATES TO AN ACT OF DOMESTIC VIOLENCE, BY ESTABLISHING THAT:

(I) THE LAW ENFORCEMENT AGENCY WITHIN THE MUNICIPALITY IS RESPONSIBLE FOR PROVIDING EQUIVALENT RIGHTS AFFORDED TO VICTIMS PURSUANT TO SECTION 24-4.1-303 (2), (5), (7), (9), (10), AND (14.9);

(II) THE CITY ATTORNEY WITHIN THE MUNICIPALITY IS RESPONSIBLE FOR PROVIDING THE EQUIVALENT RIGHTS AFFORDED TO VICTIMS PURSUANT TO SECTION 24-4.1-303 (3), (3.5), (4), (5), (6), (7), (9), (11), (12), AND (13);

(III) THE MUNICIPAL COURT IS RESPONSIBLE FOR PROVIDING THE EQUIVALENT RIGHTS AFFORDED TO VICTIMS PURSUANT TO SECTION 24-4.1-303 (3.5), (6), (14.4), (14.5), AND (14.7);

(IV) THE MUNICIPAL COURT PROBATION OFFICE IS RESPONSIBLE FOR PROVIDING THE EQUIVALENT RIGHTS AFFORDED TO VICTIMS PURSUANT TO SECTION 24-4.1-303 (13.5); AND

PAGE 2-HOUSE BILL 23-1222

(V) THE LAW ENFORCEMENT AGENCY WITHIN THE MUNICIPALITY, THE CITY ATTORNEY WITHIN THE MUNICIPALITY, THE MUNICIPAL COURT, AND THE MUNICIPAL COURT PROBATION OFFICE ARE RESPONSIBLE FOR ENSURING VICTIMS ARE AFFORDED EQUIVALENT RIGHTS TO THOSE DESCRIBED IN SECTION 24-4.1-302.5.

(b) SENTENCING FOR VIOLATIONS THAT ARE EQUIVALENT TO THE DOMESTIC VIOLENCE SENTENCES DESCRIBED IN SECTION 18-6-801 (1), (3), (4), (5), (6), AND (8), TO THE EXTENT CONSISTENT WITH THE JURISDICTION OF THE MUNICIPAL COURT;

(c) CONDITIONS OF PROBATION THAT THE COURT MAY IMPOSE CONSISTENT WITH THE CONDITIONS DESCRIBED IN SECTION 18-1.3-204 (2);

(d) CONDITIONS OF RELEASE ON BOND THAT ARE CONSISTENT WITH THE CONDITIONS DESCRIBED IN SECTION 16-4-105 (4) AND (4.1);

(e) GUIDELINES AND STANDARDS THAT ARE CONSISTENT WITH THE GUIDELINES AND STANDARDS ADOPTED BY THE DOMESTIC VIOLENCE OFFENDER MANAGEMENT BOARD PURSUANT TO SECTION 16-11.8-103 (4); AND

(f) A REQUIREMENT THAT THE PROSECUTING ATTORNEY WHO INITIALLY MEETS WITH THE VICTIM AFTER THE CHARGES ARE FILED MAKE A REASONABLE EFFORT TO REMAIN AS THE PROSECUTING ATTORNEY THROUGHOUT THE PROCEEDING.

(2) IN A CASE INVOLVING AN ALLEGED VIOLATION OF A MUNICIPAL ORDINANCE THAT CRIMINALIZES AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, THE MUNICIPAL COURT SHALL:

(a) ISSUE A PROTECTION ORDER THAT MEETS THE MINIMUM STANDARDS REQUIRED PURSUANT TO SECTION 18-1-1001 (3) AND 18-1-1001 (5), TO THE EXTENT CONSISTENT WITH THE JURISDICTION OF THE MUNICIPAL COURT;

(b) REPORT OR CAUSE TO BE REPORTED THE ALLEGED VIOLATION TO THE COLORADO BUREAU OF INVESTIGATION CREATED IN SECTION 24-33.5-401, AND ENTER THE INFORMATION INTO THE COLORADO CRIME INFORMATION CENTER DATABASE AND THE NATIONAL CRIME INFORMATION

CENTER DATABASE; AND

(c) SEARCH THE COLORADO BUREAU OF INVESTIGATION CREATED IN SECTION 24-33.5-401, THE COLORADO CRIME INFORMATION CENTER DATABASE, AND THE NATIONAL CRIME INFORMATION CENTER SYSTEM DATABASE TO DETERMINE IF THE RESPONDENT HAS A HISTORY OF DOMESTIC VIOLENCE.

(3) ANY CASE INVOLVING AN ALLEGED VIOLATION OF A MUNICIPAL ORDINANCE THAT CRIMINALIZES AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, IS A MISDEMEANOR FOR PURPOSES OF COMPLYING WITH 18 U.S.C. SEC. 921.

(4) ANY AFFECTED PERSON MAY ENFORCE COMPLIANCE WITH THIS SECTION BY NOTIFYING THE CRIME VICTIM SERVICES ADVISORY BOARD CREATED IN SECTION 24-4.1-117.3 (1) OF ANY NONCOMPLIANCE WITH THIS SECTION. THE CRIME VICTIM SERVICES ADVISORY BOARD SHALL REVIEW ANY REPORT OF NONCOMPLIANCE, AND, IF THE BOARD DETERMINES THAT THE REPORT OF NONCOMPLIANCE HAS A BASIS IN FACT AND CANNOT BE RESOLVED, THE BOARD SHALL REFER THE REPORT OF NONCOMPLIANCE TO THE GOVERNOR, WHO SHALL REQUEST THAT THE ATTORNEY GENERAL FILE SUIT TO ENFORCE COMPLIANCE WITH THIS SECTION. A PERSON, CORPORATION, OR OTHER LEGAL ENTITY IS NOT ENTITLED TO CLAIM OR TO RECEIVE ANY DAMAGES OR OTHER FINANCIAL REDRESS FOR ANY FAILURE TO COMPLY WITH THIS SECTION.

(5) (a) BEGINNING JANUARY 2025 AND EACH YEAR UNTIL JANUARY 2029, THE DEPARTMENT OF PUBLIC SAFETY SHALL REPORT TO THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE AND THE SENATE JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, DURING THE DEPARTMENT'S "SMART ACT" HEARING THE TOTAL NUMBER OF REPORTS AND INQUIRIES SUBMITTED TO THE COLORADO BUREAU OF INVESTIGATION, THE COLORADO CRIME INFORMATION CENTER DATABASE, AND THE NATIONAL CRIME INFORMATION CENTER DATABASE PURSUANT TO SUBSECTIONS (2)(b) AND (2)(c) OF THIS SECTION, AGGREGATED BY MUNICIPALITY.

(b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2029.

SECTION 3. In Colorado Revised Statutes, 24-4.1-117.3, **amend** (3) introductory portion; and **add** (3)(f) as follows:

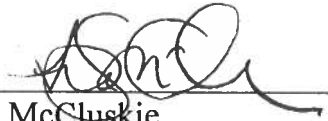
PAGE 4-HOUSE BILL 23-1222

24-4.1-117.3. Crime victim services advisory board - creation - duties. (3) The advisory board's powers and duties ~~shall~~ include, but ~~need not be~~ ARE NOT limited to, the following:

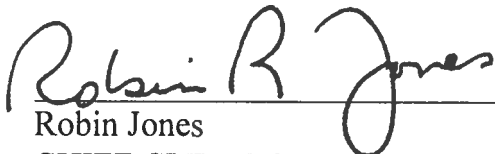
(f) TO REVIEW ANY REPORTS OF NONCOMPLIANCE WITH SECTION 13-10-104.5;

SECTION 4. Act subject to petition - effective date - applicability. (1) This act takes effect January 1, 2024; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to domestic violence offenses committed on or after the applicable effective date of this act.


Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES


Steve Fenberg
PRESIDENT OF
THE SENATE


Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES


Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED Thursday May 25th 2023 at 10:43 am
(Date and Time)


Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

Diane Rasmussen
Lt. Governor, acting on behalf of
the state where Governor Jared
Polis is absent from the state.

STAFF MEMO

DATE OF MEETING: JANUARY 22, 2024 / AGENDA ITEM NO. 14

To: Mayor and City Council
From: Alison McKenney Brown, City Attorney
Subject: **ORDINANCE O-2024-2**

SUMMARY STATEMENT: The City of Lakewood must amend its code to comply with state requirements relating to municipal crimes that constitute acts of domestic violence.

BACKGROUND INFORMATION: The Criminal Code is an area of law that is of both State and local concern under the Home Rule provisions of Article XX of the Colorado Constitution. Under Home Rule the City may adopt local laws on the topic that do not conflict with State laws.

In May 2023, the Colorado Legislature approved an amendment to Colorado Revised Statute Section 13-10-104.5 concerning a municipality's prosecution of acts constituting crimes of domestic violence. House Bill 23-1222 revised the applicable State law and has an effective date of January 1, 2024. This amendment makes certain provisions mandatory and applicable to any municipality that chooses to prosecute domestic violence offenses. In compliance with this new law the City must amend two sections of its Code to ensure that the City's law is compliant with new state requirements. The proposed amendments affect the following provisions of Title 1 and of Title 9 of the Lakewood Municipal Code.

Title 9 of the Lakewood Municipal Code establishes those acts which are defined as municipal offenses within the City of Lakewood. The new Chapter X shall be added to Title 9 setting forth the specific rights to victims of crimes constituting domestic violence.

BUDGETARY IMPACTS: The proposed changes to the City's codes regarding domestic violence prosecution are expected to have a budgetary impact because of the additional requirements imposed by Section 13-10-104.5, C.R.S. Increased costs are not readily quantifiable at this time but will need to be monitored as the City implements new procedures to ensure compliance. Impacted departments include the Courts and the City Attorney's Office.

STAFF RECOMMENDATIONS: Staff recommends adoption of the proposed ordinances to comply with State law.

ALTERNATIVES: N/A

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

NEXT STEPS: The City Council will consider action on the proposed ordinance at the January 22, 2024 Regular City Council meeting.

ATTACHMENTS: Ordinance Ordinance O-2024-2
House Bill 23-1222

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager

Alison McKenney Brown, City Attorney

O-2024-2

AN ORDINANCE

AMENDING TITLE IX OF THE LAKEWOOD MUNICIPAL CODE TO COMPLY WITH RECENT STATE LEGISLATION AFFECTING MUNICIPAL PROSECUTION OF ACTS CONSTITUTING CRIMES OF DOMESTIC VIOLENCE

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, pursuant to Article XX, Section 6 of the Colorado Constitution, the right to enact, administer and enforce criminal laws through a municipal court is clearly within the Constitutional grant of power to the City and is necessary and proper for the government and administration of local and municipal matters relating to the City;

WHEREAS, pursuant to such authority, the City has created a municipal court and adopted and enacted criminal codes whose enforcement is administered through the municipal court;

WHEREAS, the City prosecutes offenses constituting acts of domestic violence;

WHEREAS, the State of Colorado has enacted legislation prescribing specific requirements applicable to municipal prosecution of offenses constituting acts of domestic violence; and

WHEREAS, the City desires to amend its Code to conform with recently passed State requirements;

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

SECTION 1. Amending Section 9 of the Lakewood Municipal Code. Section 9 of the Lakewood Municipal Code is hereby amended as follows:

A new Section X shall be added, to read as follows:

X. - PROVISIONS APPLICABLE TO VICTIMS’ RIGHTS.

CHAPTER 9.10 VICTIM RIGHTS

9.100.010 LEGISLATIVE INTENT AND CONSTRUCTION.

IT IS THE INTENT AND PURPOSE OF THIS TITLE TO BRING THE CITY OF LAKEWOOD’S MUNICIPAL CODE IN CONFORMITY WITH SECTION 13-10-104.5 OF THE COLORADO REVISED STATUTES AND TO ENSURE THE CITY’S CODE PROVIDES SPECIFIC RIGHTS TO VICTIMS OF CRIMES

CONSTITUTING AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 OF THE COLORADO REVISED STATUTES.

9.100.020 DEFINITIONS

THE DEFINITION OF “DOMESTIC VIOLENCE” AND “INTIMATE RELATIONSHIP” ARE DEFINED IN SECTION 18-6-800.3 OF THE COLORADO REVISED STATUTES, WHICH ARE HEREBY ADOPTED BY THE CITY OF LAKEWOOD. ANY VIOLATION OF THIS TITLE WHICH FITS THE DEFINITION OF DOMESTIC VIOLENCE SHALL CONSTITUTE A MUNICIPAL CRIME OF DOMESTIC VIOLENCE.

9.100.030 VICTIM RIGHTS

A. IN EVERY CASE WHERE AN ACT OF DOMESTIC VIOLENCE IS CHARGED UNDER THIS CODE, THE VICTIMS, VICTIM’S FAMILIES, AND WITNESSES OF SUCH ACT OF DOMESTIC VIOLENCE SHALL RECEIVE THE FOLLOWING RIGHTS AND PROTECTIONS:

1. THE LAKEWOOD POLICE DEPARTMENT SHALL PROVIDE VICTIMS THE EQUIVALENT OF THE RIGHTS THAT ARE DESCRIBED IN C.R.S. SECTION 24-4.1-303(2), (5), (7), (9), (10), AND (14.9);
2. THE CITY ATTORNEY’S OFFICE SHALL PROVIDE VICTIMS THE EQUIVALENT OF THE RIGHTS THAT ARE DESCRIBED IN C.R.S. SECTION 24-4.1-303(3), (3.5), (4), (5), (6), (7), (9), (11), (12), AND (13);
3. THE MUNICIPAL COURT SHALL PROVIDE VICTIMS THE EQUIVALENT OF THE RIGHTS DESCRIBED IN C.R.S. SECTION 24-4.1-303(3.5), (6), (14.4), (14.5), AND (14.7);
4. THE MUNICIPAL COURT PROBATION OFFICE SHALL PROVIDE VICTIMS THE EQUIVALENT OF THE RIGHTS DESCRIBED IN C.R.S. SECTION 24-4.1-303(13.5); AND
5. THE LAKEWOOD POLICE DEPARTMENT, THE CITY ATTORNEY’S OFFICE, MUNICIPAL COURT, AND THE MUNICIPAL COURT PROBATION OFFICE SHALL PROVIDE VICTIMS THE EQUIVALENT OF THE RIGHTS DESCRIBED IN C.R.S. SECTION 24-4.1-302.5.

B. THE PROVISIONS OF LAKEWOOD MUNICIPAL CODE SECTION 1.16.080 SHALL APPLY TO ANY PROTECTION ORDER HEARING INVOLVING AN ACT OF DOMESTIC VIOLENCE.

9.100.040 ADOPTION OF GUIDELINES FOR TREATMENT OF DOMESTIC VIOLENCE OFFENDERS

A. THE CITY OF LAKEWOOD HEREBY ACKNOWLEDGES THE AUTHORITY OF THE DOMESTIC VIOLENCE OFFENDER MANAGEMENT BOARD ESTABLISHED PURSUANT SECTION 16-11.8-103 (4) OF THE COLORADO REVISED STATUTES AND SHALL FOLLOW THE BOARD’S GUIDELINES IN THE USE OF TREATMENT PROVIDERS FOR CASE OF DOMESTIC VIOLENCE.

9.100.050 PROSECUTOR CONTINUITY

- A. THE PROSECUTING ATTORNEY WHO INITIALLY MEETS WITH THE VICTIM OF AN ACT OF DOMESTIC VIOLENCE AFTER THE CHARGES ARE FILED SHALL MAKE A REASONABLE EFFORT TO REMAIN AS THE PROSECUTING ATTORNEY THROUGHOUT THE PROCEEDING.

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 hybrid regular meeting of the Lakewood City Council on the 8th day of January 2024; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 11th day of January 2024; set for public hearing to be held on the 22nd day of January 2024, read, finally passed and adopted by the City Council on the 22nd day of January 2024, and, signed by the Mayor on the ____ day of January 2024.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

An Act

HOUSE BILL 23-1222

BY REPRESENTATIVE(S) Duran and Weissman, Amabile, Bacon, Boesenecker, Brown, deGruy Kennedy, Froelich, Hamrick, Joseph, Lieder, Lindsay, Lindstedt, Lynch, Mabrey, Marshall, Martinez, McLachlan, Michaelson Jenet, Parenti, Pugliese, Sharbini, Soper, Story, Titone, Velasco, Willford, Woodrow, Young, McCluskie;
also SENATOR(S) Roberts and Winter F., Buckner, Coleman, Cutter, Danielson, Exum, Fields, Ginal, Hansen, Jaquez Lewis, Marchman, Moreno, Mullica, Priola, Sullivan, Van Winkle.

CONCERNING THE JURISDICTION OF MUNICIPAL COURTS TO HEAR DOMESTIC
VIOLENCE OFFENSES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **amend** 13-10-103 as follows:

13-10-103. Applicability. This article 10 applies to and governs the operation of municipal courts in the cities and towns of this state. Except for the provisions relating to the method of salary payment for municipal judges, the incarceration of children pursuant to sections 19-2.5-305 and 19-2.5-1511, the appearance of the parent, guardian, or lawful custodian of

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

any child under eighteen years of age who is charged with a municipal offense as required by section 13-10-111, the right to a trial by jury for petty offenses pursuant to section 16-10-109, relief from improperly entered guilty pleas pursuant to section 18-1-410.6, THE PROSECUTION OF AN ALLEGED ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, rules of procedure promulgated by the supreme court, and appellate procedure, this article 10 may be superseded by charter or ordinance enacted by a home rule city.

SECTION 2. In Colorado Revised Statutes, **add** 13-10-104.5 as follows:

13-10-104.5. Municipal court - municipal ordinance - act of domestic violence - report - repeal. (1) IF A MUNICIPALITY HAS A MUNICIPAL ORDINANCE THAT CRIMINALIZES AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, THE MUNICIPALITY SHALL ADOPT AN ORDINANCE ESTABLISHING:

(a) THAT VICTIMS, VICTIMS' FAMILIES, AND WITNESSES OF A VIOLATION OF AN ACT OF DOMESTIC VIOLENCE RECEIVE PROTECTIONS AND RIGHTS EQUIVALENT TO THOSE AFFORDED TO VICTIMS, VICTIMS' FAMILIES, AND WITNESSES PURSUANT TO THE "VICTIM RIGHTS ACT", PART 3 OF ARTICLE 4.1 OF TITLE 24, AS IT RELATES TO AN ACT OF DOMESTIC VIOLENCE, BY ESTABLISHING THAT:

(I) THE LAW ENFORCEMENT AGENCY WITHIN THE MUNICIPALITY IS RESPONSIBLE FOR PROVIDING EQUIVALENT RIGHTS AFFORDED TO VICTIMS PURSUANT TO SECTION 24-4.1-303 (2), (5), (7), (9), (10), AND (14.9);

(II) THE CITY ATTORNEY WITHIN THE MUNICIPALITY IS RESPONSIBLE FOR PROVIDING THE EQUIVALENT RIGHTS AFFORDED TO VICTIMS PURSUANT TO SECTION 24-4.1-303 (3), (3.5), (4), (5), (6), (7), (9), (11), (12), AND (13);

(III) THE MUNICIPAL COURT IS RESPONSIBLE FOR PROVIDING THE EQUIVALENT RIGHTS AFFORDED TO VICTIMS PURSUANT TO SECTION 24-4.1-303 (3.5), (6), (14.4), (14.5), AND (14.7);

(IV) THE MUNICIPAL COURT PROBATION OFFICE IS RESPONSIBLE FOR PROVIDING THE EQUIVALENT RIGHTS AFFORDED TO VICTIMS PURSUANT TO SECTION 24-4.1-303 (13.5); AND

(V) THE LAW ENFORCEMENT AGENCY WITHIN THE MUNICIPALITY, THE CITY ATTORNEY WITHIN THE MUNICIPALITY, THE MUNICIPAL COURT, AND THE MUNICIPAL COURT PROBATION OFFICE ARE RESPONSIBLE FOR ENSURING VICTIMS ARE AFFORDED EQUIVALENT RIGHTS TO THOSE DESCRIBED IN SECTION 24-4.1-302.5.

(b) SENTENCING FOR VIOLATIONS THAT ARE EQUIVALENT TO THE DOMESTIC VIOLENCE SENTENCES DESCRIBED IN SECTION 18-6-801 (1), (3), (4), (5), (6), AND (8), TO THE EXTENT CONSISTENT WITH THE JURISDICTION OF THE MUNICIPAL COURT;

(c) CONDITIONS OF PROBATION THAT THE COURT MAY IMPOSE CONSISTENT WITH THE CONDITIONS DESCRIBED IN SECTION 18-1.3-204 (2);

(d) CONDITIONS OF RELEASE ON BOND THAT ARE CONSISTENT WITH THE CONDITIONS DESCRIBED IN SECTION 16-4-105 (4) AND (4.1);

(e) GUIDELINES AND STANDARDS THAT ARE CONSISTENT WITH THE GUIDELINES AND STANDARDS ADOPTED BY THE DOMESTIC VIOLENCE OFFENDER MANAGEMENT BOARD PURSUANT TO SECTION 16-11.8-103 (4); AND

(f) A REQUIREMENT THAT THE PROSECUTING ATTORNEY WHO INITIALLY MEETS WITH THE VICTIM AFTER THE CHARGES ARE FILED MAKE A REASONABLE EFFORT TO REMAIN AS THE PROSECUTING ATTORNEY THROUGHOUT THE PROCEEDING.

(2) IN A CASE INVOLVING AN ALLEGED VIOLATION OF A MUNICIPAL ORDINANCE THAT CRIMINALIZES AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, THE MUNICIPAL COURT SHALL:

(a) ISSUE A PROTECTION ORDER THAT MEETS THE MINIMUM STANDARDS REQUIRED PURSUANT TO SECTION 18-1-1001 (3) AND 18-1-1001 (5), TO THE EXTENT CONSISTENT WITH THE JURISDICTION OF THE MUNICIPAL COURT;

(b) REPORT OR CAUSE TO BE REPORTED THE ALLEGED VIOLATION TO THE COLORADO BUREAU OF INVESTIGATION CREATED IN SECTION 24-33.5-401, AND ENTER THE INFORMATION INTO THE COLORADO CRIME INFORMATION CENTER DATABASE AND THE NATIONAL CRIME INFORMATION

CENTER DATABASE; AND

(c) SEARCH THE COLORADO BUREAU OF INVESTIGATION CREATED IN SECTION 24-33.5-401, THE COLORADO CRIME INFORMATION CENTER DATABASE, AND THE NATIONAL CRIME INFORMATION CENTER SYSTEM DATABASE TO DETERMINE IF THE RESPONDENT HAS A HISTORY OF DOMESTIC VIOLENCE.

(3) ANY CASE INVOLVING AN ALLEGED VIOLATION OF A MUNICIPAL ORDINANCE THAT CRIMINALIZES AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, IS A MISDEMEANOR FOR PURPOSES OF COMPLYING WITH 18 U.S.C. SEC. 921.

(4) ANY AFFECTED PERSON MAY ENFORCE COMPLIANCE WITH THIS SECTION BY NOTIFYING THE CRIME VICTIM SERVICES ADVISORY BOARD CREATED IN SECTION 24-4.1-117.3 (1) OF ANY NONCOMPLIANCE WITH THIS SECTION. THE CRIME VICTIM SERVICES ADVISORY BOARD SHALL REVIEW ANY REPORT OF NONCOMPLIANCE, AND, IF THE BOARD DETERMINES THAT THE REPORT OF NONCOMPLIANCE HAS A BASIS IN FACT AND CANNOT BE RESOLVED, THE BOARD SHALL REFER THE REPORT OF NONCOMPLIANCE TO THE GOVERNOR, WHO SHALL REQUEST THAT THE ATTORNEY GENERAL FILE SUIT TO ENFORCE COMPLIANCE WITH THIS SECTION. A PERSON, CORPORATION, OR OTHER LEGAL ENTITY IS NOT ENTITLED TO CLAIM OR TO RECEIVE ANY DAMAGES OR OTHER FINANCIAL REDRESS FOR ANY FAILURE TO COMPLY WITH THIS SECTION.

(5) (a) BEGINNING JANUARY 2025 AND EACH YEAR UNTIL JANUARY 2029, THE DEPARTMENT OF PUBLIC SAFETY SHALL REPORT TO THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE AND THE SENATE JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, DURING THE DEPARTMENT'S "SMART ACT" HEARING THE TOTAL NUMBER OF REPORTS AND INQUIRIES SUBMITTED TO THE COLORADO BUREAU OF INVESTIGATION, THE COLORADO CRIME INFORMATION CENTER DATABASE, AND THE NATIONAL CRIME INFORMATION CENTER DATABASE PURSUANT TO SUBSECTIONS (2)(b) AND (2)(c) OF THIS SECTION, AGGREGATED BY MUNICIPALITY.

(b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2029.

SECTION 3. In Colorado Revised Statutes, 24-4.1-117.3, **amend** (3) introductory portion; and **add** (3)(f) as follows:

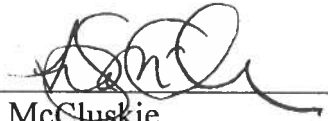
PAGE 4-HOUSE BILL 23-1222

24-4.1-117.3. Crime victim services advisory board - creation - duties. (3) The advisory board's powers and duties ~~shall~~ include, but ~~need not be~~ ARE NOT limited to, the following:

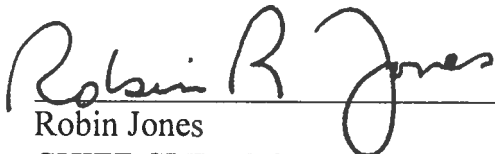
(f) TO REVIEW ANY REPORTS OF NONCOMPLIANCE WITH SECTION 13-10-104.5;

SECTION 4. Act subject to petition - effective date - applicability. (1) This act takes effect January 1, 2024; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to domestic violence offenses committed on or after the applicable effective date of this act.


Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES


Steve Fenberg
PRESIDENT OF
THE SENATE


Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES


Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED Thursday May 25th 2023 at 10:43 am
(Date and Time)


Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

Dianne Rasmussen
Lt. Governor, acting on behalf of
the state where Governor Jared
Polis is absent from the state.

STAFF MEMO

DATE OF MEETING: JANUARY 22, 2024 / AGENDA ITEM NO. A.

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS:

STAFF RECOMMENDATIONS:

ALTERNATIVES:

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

NEXT STEPS:

ATTACHMENTS: Council Request For Legislation - Public Engagement and Overlay Guidelines
Council Request For Legislation - Fee In Lieu

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

City Council Request for Legislative Modifications



Submitted on	8 January 2024, 8:14PM
Receipt number	49
Related form version	7

Council member sponsor(s)	Rebekah Stewart
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Enter email address to receive a copy of this submission	rstewart@lakewood.org
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Briefly describe the minor modification being requested	In response to some of the gaps in our processes made clear by the project at 777 S. Yarrow, I'd like to send two items for study to the Planning Commission to bring back to the council with recommendations. 1. I would like the planning commission to study and provide recommendations for a proactive community engagement process as part of the large site plan pre planning process 2. I'd like the planning commission to study and provide recommendations for potential park adjacent overlay guidelines, such as bulk planes, setbacks, et.
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Provide history / background information that supports the request

If it needs expedited handling, please provide an explanation why

Attach file if needed

City Council Request for Legislative Modifications



Submitted on	9 January 2024, 12:54PM
Receipt number	50
Related form version	7

Council member sponsor(s)	David Rein
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Enter email address to receive a copy of this submission	drein@lakewood.org
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Briefly describe the minor modification being requested	I move to schedule a study session on the fee in lieu for April. I propose that we do so for April 15th, April 29th or such other time in April as City Council may decide.
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Provide history / background information that supports the request	The fee in lieu Ordinance has been a prominent topic with respect to both its interpretation and whether it is needs to be updated to better serve the residents of our city. As the December memorandum from Kit Newland stated, Community Resources has been studying the fee in lieu issue for some time. I confirmed that the city should be able to present its findings and recommendations on this issue by the end of March of this year. I also confirmed that Community Resources will be in a position to make such findings and recommendations at an April study session. This is a timely topic that should be moved forward deliberately and at our first opportunity.
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If it needs expedited handling, please provide an explanation why	
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Attach file if needed	
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