

AGENDA  
REGULAR MEETING OF THE CITY COUNCIL  
CITY OF LAKEWOOD, COLORADO  
480 S. ALLISON PARKWAY, 80226  
**HYBRID MEETING**  
JANUARY 8, 2024  
7:00 P.M.

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)

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**How to Connect to Provide Public Comment:**

By Computer: <https://lakewood.zoom.us/j/84957320840>

By iPad, iPhone, or Android device on the Zoom App, enter webinar ID: **849 5732 0840**

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

Webinar ID: **849 5732 0840, #**

Participant ID: **#**

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

**Press \*6 to Unmute**

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

**ITEM 1 – CALL TO ORDER**

**ITEM 2 – ROLL CALL**

**ITEM 3 – PLEDGE OF ALLEGIANCE**

**ITEM 4 – STATEMENT OF CONFLICT OF INTEREST**

**ITEM 5 – PRESENTATION – END OF YEAR REPORT FROM LAKEWOOD  
ADVISORY COMMISSION (LAC)**

**ITEM 6 – PRESENTATION – LAC RESEARCH PROJECT CONCERNING WOMEN  
AND MINORITY-OWNED BUSINESSES**

**CONSENT AGENDA  
AND  
ORDINANCES ON FIRST READING**

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(Ordinances are on first reading for notice and publication only; public hearings are held on second reading)

**ITEM 7 – RESOLUTION 2024-1 – APPROVING CITY COUNCIL APPOINTMENTS TO VARIOUS BOARDS AND COMMITTEES**

**ITEM 8 – RESOLUTION 2024-2 – DESIGNATING THE PUBLIC PLACE FOR POSTING NOTICES OF PUBLIC MEETINGS DURING 2024 PURSUANT TO C.R.S. 24-6-402**

**ITEM 9 – ORDINANCES O-2024-1 AND O-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 (FIRST READING)**

**ITEM 10 – APPROVING MINUTES OF THE CITY COUNCIL MEETINGS**

City Council Regular Meeting                      November 27<sup>TH</sup>, 2023

City Council Regular Meeting                      December 11<sup>TH</sup>, 2023

**ITEM 11 – PUBLIC COMMENT ON CONSENT AGENDA ITEMS**

**END OF CONSENT AGENDA**

**ITEM 12 – RESOLUTION 2024-3 – APPOINTING THE MAYOR PRO TEM OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD**

**ITEM 13 – PUBLIC COMMENT ON RESOLUTION 2024-3**

**ITEM 14 – 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 15 – GENERAL BUSINESS**

- A. REQUEST TO SCHEDULE A FUTURE EXECUTIVE SESSION FOR THE COUNCIL TO RECEIVE LEGAL ADVICE CONCERNING 777 S. YARROW STREET
- B. REQUEST FOR LEGISLATIVE MODIFICATION – REVIEW OF SPECIAL USE PERMITTING FOR CAR WASHES AND GAS STATIONS

- C. REQUEST FOR LEGISLATIVE MODIFICATION – CITY COLD WEATHER SHELTERS AND REGIONAL MIGRANT ISSUES

**ITEM 16 – EXECUTIVE REPORT**

- A. CITY MANAGER

**ITEM 17 – MAYOR AND CITY COUNCIL REPORTS**

- A. COUNCIL MEMBERS BY WARD
- B. MAYOR

**ITEM 18 – ADJOURNMENT**

# Lakewood Advisory Commission Report

## **Research and Recommendations on Women / Minority Owned Business Enterprises**

Diversity Committee  
September 2023

*ASSIGNMENT #2022-06: WOMEN / MINORITY OWNED BUSINESSES*

“Welcome, we are building an inclusive community” - street sign as you enter Lakewood, CO.

### **Introduction**

The Lakewood Advisory Commission (LAC) is a group of informed citizen volunteers who perform research for the city council. City Council assigned the LAC, specifically the Diversity Committee, with a project to: (1) investigate what other cities are doing to increase the awareness and participation of Women and Minority Owned Businesses Enterprises (W/MBEs) in city procurements and (2) make recommendations to the city council for possible adoption into the Lakewood Municipal Code and related policies.

### **Executive Summary**

There is no shortage of information on this topic from both a historical context and what currently other cities are currently doing to increase awareness and participation of W/MBEs in competing and obtaining city contracts. We include a list of what neighboring cities are doing, as well as a list of the most recurring ideas and actions that cities around the country are taking and the goals they are striving to achieve. Based on our research and the 5-month's worth of data the City of Lakewood provided to us, the City of Lakewood is already doing a good job of awarding contracts to W/MBEs.

Since it was requested that we make recommendations based on our findings, we developed our top five recommendations for the Mayor and City Council to consider. Our Top 5 recommendations are: (1) gather and use data, (2) hire or appoint a program manager/coordinator, (3) conduct training and workshops, (4) engage in various partnerships and

(5) establish aspirational goals. In addition, there are more ideas or follow-on recommendations listed in this report that could be added or done later, perhaps in phases. Some of the additional ideas may require further research and we are happy to continue this research work.

## **Background**

The project began with all members of the Diversity Committee casting a wide net by conducting internet research, not only on what other cities are doing, while also inquiring about the current status of awards to W/MBEs by the City of Lakewood. We met with the City of Lakewood's Purchasing Supervisor to learn more about how procurements and contracting are handled now. We inquired about data the city gathers and learned the city does not keep data separated by women or minorities, but the Purchasing Supervisor agreed to gather data for us. Initially we were provided with 1-month's worth of data and then subsequently later in the year we were provided with 5-months' worth of data. The additional data was useful but it did cause a delay in our ability to present the report to the Mayor and City Council.

We also reached out to Jefferson County and the City and County of Denver to learn more about what they are doing around the subject of contracting with W/MBEs and met with their representatives. We also read studies and reports commissioned by other cities on this topic. For example, the State of Colorado engaged with the Keen Independent Research LLC to conduct a disparity study titled, "2020 State of Colorado Disparity Study." This 700+ page report documents the results they found and makes recommendations. The report attempts to outline methods that create a level playing field for historically disadvantaged businesses (HUBs) to compete for State contracts. Senate Bill 19-135 defined HUBs to be businesses owned by people of color, women, persons with physical or mental disabilities and members of the LGBT+ community.

Another study we examined was titled, "Recommendations for the City of Austin's Minority and Women-Owned Business Enterprise Program 2022" commissioned by the City of Austin, Texas. A much smaller, 22-page report, it reviewed the existing program and outlined the importance of revisiting any program on a periodic basis. The City of Ft. Collins' report titled, "Small Business Survey: Summary of Results" from 2018 was another good source of information. The websites from the City of Aurora, CO and the City of Colorado Springs and their related information were also reviewed and gave us more ideas to evaluate.

By having the LAC perform this research, the city likely saved thousands of dollars in taxpayer funding. We found our larger neighbors in the City and County of Denver to be potentially great collaborators of several recommendations by their willingness to engage in reciprocity agreements with the City of Lakewood in sharing not only best practices and lessons learned but also potentially their certification program. If Lakewood chooses to engage in this partnership, it

will likely save potentially millions of taxpayer dollars by not having to create, staff and administer such a program. Jefferson County was also willing to have discussions and assist the city in various ways. The State of Colorado also has resources and programs that Lakewood should explore further, including the possibility of obtaining grants and other support.

A question asked of our Committee was, why should the City of Lakewood look to expand the awareness, outreach and subsequently awards to a large variety of business owners? The answer is because of the many benefits both tangible and intangible. First, in regards to small businesses, small businesses are a key and integral part of the economy. Nationally they hire 2/3 of the employees and represent 44% of the overall economic activity. Second, engaging with new businesses increases competition and innovation and should lower procurement costs to the city. Third, our reading and research suggests that city contracting efforts with numbers that are reflective of all the city's diverse business owners increases civic pride, enhances the connection among residents and increases community engagement.

## **Cities in Colorado**

While we looked at what other cities are doing across the country, we later focused our research efforts on what our neighbors within the state are doing in regards to W/MBEs. Since Lakewood is the fifth largest city in the State of Colorado, we wanted to know how we compare to similar cities in our state.

As of 2021, these are the cities in Colorado with minority-owned business procurement programs or initiatives. Some may be missing if they are not in collaboration or promoting resources from or through the state's Minority Business Office (MBO) of Colorado. The cities with program and/or initiatives are:

- Denver: The City and County of Denver has a Minority and Women Business Enterprise (M/WBE) Program that seeks to increase the utilization of M/WBEs in city contracting and purchasing.
- Colorado Springs: The City of Colorado Springs has a Minority Business Enterprise (MBE) Program to enhance opportunities for minority-owned businesses in city contracting.
- Aurora: The City of Aurora has a Minority and Women Business Enterprise (M/WBE) Program to promote and assist M/WBEs in accessing city contract opportunities.
- Fort Collins: The City of Fort Collins has programs aimed at increasing opportunities for minority-owned businesses to participate in city procurement and contracting.
- Boulder: The City of Boulder has various programs and initiatives to support diverse businesses, including minority-owned businesses, in their procurement efforts.

The first cities in the list above are the 4 largest cities in Colorado. Boulder is the 8th largest city. We recognize there are several efforts being conducted by the Lakewood Economic Development Team and perhaps Lakewood should be on this list. While we will address this later in our recommendations, what seems to be missing is a policy and/or coordination that ties the development work, the mentoring and outreach work to the procurement efforts.

The conclusion we drew from the above is that Lakewood is an outlier for a city of our size in terms of having a formal program or initiatives or at least collaborating with the MBO so that they become aware of the various on-going efforts being performed and can be added to the list.

**Most Common Actions Taken by Other Cities**

Cities in both Colorado and across the U.S. who want to increase the awareness, participation and provide support to W/MBEs do a variety of things. From our research, it appears that in order to make an impact in a city’s inclusivity efforts that the actions are coordinated. From the city’s mission/vision statement to hiring or appointing a lead, such as a Diversity Equity and Inclusion (DEI) manager or similar, setting up policy and procedures, the engagement takes the form of a city program or a series of coordinated initiatives. Table 1 below describes the most consistent steps or actions that are typically part of a larger more comprehensive program to increase awareness and participation from W/MBEs in the city’s procurement program.

Table 1: Actions Cities Takes to Support W/MBEs

<b>Action</b>	<b>Details</b>
Commission a report on W/MBEs (much like this one through various sources).	Some of the bigger cities will commission a report such as this one from consultants or local universities. If they have a program for W/MBEs they evaluate the continuation of such programs or recommend updates. We read these reports and also related news stories, general information on W/MBEs and attempted to make recommendations that are tailored to the City of Lakewood. We strived to recommend actions that were achievable, expand on existing work and could be implemented with low to minimal costs.

<p>Set contracting goals</p>	<p>Establish aspirational goals. Cities tend to start by using their demographics data or disparity data to obtain W/MBE availability numbers. These goals are not quotas or mandates; they simply reflect the goals a city hopes to achieve and awards always go to best qualified firms. These goals are different and separate from any goals the Federal Government establishes for federal contracts. Cities follow the federal government set-aside rules when engaged in joint or dual city/federal contracts.</p>
<p>Keep statistics, publish those statistics and use the data.</p>	<p>Keep statistics on contract awards. Cities track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. For example, Lakewood could look something like this: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%). In 2024, women-owned businesses were awarded 10 city contracts from a total of 100 awarded contracts (10%). Then the city could do the same for minority-owned businesses. This data gives the city insight into areas they may need to target or do more outreach.</p>
<p>Hire/create position of diversity, equity, inclusion manager or similar more limited role focusing on disadvantaged businesses or someone to focus on an even larger role such as hiring, promotions, training.</p>	<p>Creates accountability and brings in a fresh or new perspective to look at things differently and perhaps to try different things.</p>
<p>Hold workshops or training sessions.</p>	<p>These are posted on the city website and trade/affinity group websites and held regularly with the goal of teaching interested businesses how to obtain contracts with the city. The Lakewood Economic Development team is already doing some of this work.</p>
<p>Utilize existing resources in the community to connect W/MBEs and others to mentors, funding sources and other similar business owners.</p>	<p>Other cities include links on their city website to such resources. City staff learns about trade/affinity/support groups then meets/partners to discuss challenges and also to create opportunities with the purpose to create and grow small businesses in our community. Lakewood is doing some of this, so perhaps it's more of expanding the</p>



	ongoing work.
Host or participate in small business coffee sessions or small business talk sessions.	Another way to bring small businesses together for networking, finding mentors, etc., while also taking the time to educate these businesses on opportunities to contract with the city. These are more informal in nature and appeal to social aspects vs educational sessions. Can also include speaking at various local Chambers of Commerce.
Highlight W/MBEs owned by residents of the city.	This creates awareness of existing W/MBEs, perhaps encourages patronage of such businesses and could serve as inspiration for future W/MBEs. We see new businesses mentioned in Looking @ Lakewood, but what about other social media sites, partner sites, the city website, etc.
Gather data (Disparity Study/Availability Study) usually from the closest big city/metro area. For Lakewood, the city could use Denver's Disparity study (addresses the Metro area).	Determine how the disparity numbers and availability numbers apply to Lakewood. Our initial evaluation is that the Metro numbers can be used by Lakewood.
Partner with another city or the county. Especially when using certification programs.	Some cities partner with nearby cities especially if they are part of a larger Metro area. The partnering can include sharing data, certification programs, lessons-learned, certification forms, training, etc.

### **Full List of Recommendations/Ideas**

We conducted extensive research on this topic gathering ideas from cities large and small. We thought it was important to share the full list of actions and ideas. What follows is the list of ideas and additional recommendations. The total list of ideas and recommendations total 16 with some having multiple parts. Some can be done in phases and some likely require more research. We recognize and appreciate the work the city has already implemented such as the website

translator and their on-going outreach and training efforts and we highlight these completed actions.

1. City should keep data on contract awards (both dollar amount and percentage amount). Without data, the city doesn't know where they stand. Some suggested software programs that can assist the city to track the data, mine the data and analyze the data can be found here: [Best Government Diversity, Equity, and Inclusion \(DEI\) Analytics Software - 2023 Reviews & Comparison \(sourceforge.net\)](#) .

2. The city should engage in more outreach to more W/MBEs.

a. This could include outreach through trade/affinity groups such as (percentage of Lakewood's population is noted in parentheses):

i. Hispanic Chamber of Commerce (23%)

<https://www.hispanicchamberdenver.com>

ii. Women's Chamber of Commerce (50%)

<https://www.cwcc.org>

iii. Asian Chamber of Commerce (3.9%)

<https://www.acccolorado.org>

iv. Colorado Black Chamber of Commerce (1.8%)

<https://www.coloradoblackchamber.org>

v. Other suggested groups to explore and expand outreach efforts include Veterans' groups, businesses owned or having employees who are persons with disabilities, LGBTQ+ owned or LGBTQ+ employees, etc.

Colorado LGBTQ Chamber of Commerce

<https://www.colgbtqcc.org>

Colorado Office of Economic Development and International Trade  
Minority Business Directory

<https://www.oedit.colorado.gov/minority-business-directory>

b. The city could also conduct workshops on the process of applying and doing business with the city. (Partially accomplished and ongoing. Some of this

is already happening as captured in “Looking at Lakewood” April 2023 and July 2023 editions.)

c. The city could also enhance their website through the use of language translators to achieve more outreach. The City of Boulder is a good example, but if further research is required, this could be assigned as a follow-on project to the LAC. ([Accomplished. The City of Lakewood website as of March 2023 has a translator option.](#))

d. The city could work and partner with the organizations listed in (a) above and ask if they could place RFPs or other opportunities and information on their specific sites.

e. Another follow-on potential assignment for the City Staff or the LAC is to research what are the top social media or other media sites utilized by Asian-owned, Hispanic-owned, Black-owned, Women-owned and Veteran-owned businesses and then the city could place the RFPs/links/opportunities on these sites. This could include possibly placing public service announcements or advertisements on Spanish-speaking radio stations.

3. Utilize data and programs from neighboring cities, especially Denver which is a bigger city with more resources. They maintain a list of W/MBEs. Perhaps when the city of Lakewood is reaching out to 3 firms for quotes, they could ensure at least one firm is from this list. Denver also conducts workshops; Lakewood city staff might be able to attend these Denver workshops as samples or resources as they build their own workshops.

The City/County of Denver utilizes a comprehensive certification program for women, minority, veteran-owned businesses. They also perform a validation of the certifications. The details of their program can be found on their Division of Small Business Opportunity (DSBO) website which is listed in the references. Of note, the representatives from the City/County of Denver are willing to share and partner with the City of Lakewood.

4. Being an inclusive city is a deliberate, thoughtful and on-going process. As such we recommend the following actions:

- a. Recommend the city update its mission/vision statement to include the goal that the city is building an inclusive community.
- b. Next we recommend the city establish aspirational contracting award goals using Census data or Disparity data from the Metro area. These goals are not quotas; they are simply proportional goals in writing that make it clear that the city of Lakewood wants to include everyone in contract awards and distribution of city funds with the understanding that the most qualified will be selected. We found

that it is critically important to define the terms so that everyone has a clear understanding of the procedure, policy and expectations.

- c. Included in this overall process recommendation is the hiring or appointing existing staff to be the coordinator for inclusive outreach and contracting. This role could be in the form of a Diversity, Equity and Inclusion Manager to work on the overall procurement process to include the outreach or could be broader to include all Lakewood to champion diversity, equity and inclusion across all the City's programs and services. Our research has shown that a program with the aim of trying to achieve inclusiveness and equity only has a good success rate when there is someone to be accountable and someone who champions the program. Hiring or appointing someone to a more limited role such as "Disadvantaged Small Business Liaison" could work and the option is used by the City of Ft Collins. Appointing several "Equity Champions" from across departments, who meet frequently, to discuss blind spots, next steps, the data and more as is being done in the City of Aurora, CO and is yet another option. The City of Lakewood is already doing a lot and achieving substantial success; however, the MBO of Colorado doesn't include Lakewood on its list of cities and perhaps it's due to Lakewood not having a person assigned to one of the roles listed above.
5. Update the city's procurement policies and procedures to match any recommendations adopted by this report. For example, gathering and maintaining data and statistics on all city contract awards is something we highly recommend and is very common practice throughout the country. The 5-months worth of data the city provided to us was very helpful and we hope it was also helpful to the procurement staff, the Economic Development team, the Mayor and City Council, etc.

Other areas to review for enhancements are the procurement processes themselves. For example: Does selection rely too heavily on positive past history doing business with the city? Can the city declare an aspirational goal for awarding contracts to firms who have never done business with the city? In reviewing the dollar thresholds and requirements to purchase we have some minor recommendations for consideration:

- a. Currently for purchases under \$10K, it's buyer's discretion. Suggestion: This seems like an area that could be further evaluated for possible improvements to engage with firms who have never been awarded a city procurement or contract. While there are some risks to engaging with new businesses, the low dollar amount may lend itself to taking on some risks. Can the city buyers be provided a list of W/MBEs and new businesses for their consideration? Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver.

Inclusiveness includes doing business with new businesses regardless of their race, gender or ethnic status.

- b. Currently for purchase between \$10K and \$74.9K city buyers must obtain 3 quotes or submit a sole source justification. Suggestion: We recommend that the city buyers be provided with a list of W/MBEs. Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver. The most qualified firm should always be selected. We recognize that contracting with new firms can involve some risks. Some risks of trying new businesses who are new to city contracting can include: the firms going through a learning curve, potentially lower quality or inability to timely completion of the job. However, it can also include potentially some benefits to the city, such as increased innovation and lower costs.
- c. Above \$75K is a very formalized process and selections are made as a group. When combined with federal funding they may be subject to set-aside provisions. Recommendation: Proceed as is.

6. W/MBEs often struggle to secure funding to start their business, again in their early years of existence to sustain their business and perhaps struggle even more to expand their business. Perhaps the city could also bring in representatives from Small Business Administration (SBA), banks and credit unions to conduct workshops on obtaining funding. Partner with mentors to conduct workshops on obtaining funding. Setup a follow-on program where protégés are then expected to become mentors.

7. Related to the above perhaps the city could host a business forum for women, minority and veteran owned businesses where they could all meet, network and share stories among themselves. Or the city could send economic development team representatives to the various chamber of commerce events.

8. During contract selection/deliberations, perhaps additional consideration (priority) is given to firms who use as subcontractors who are W/MBEs. Perhaps this could result in mentor-protégé relationships that could develop the pipeline for more W/MBEs to become prime contractors. We believe ideas like this and others' ideas that may come from city staff, community members, and others could help businesses that are just starting out and possibly create a pipeline of future contractors.

9. The city of Colorado Springs does engage in various efforts to help W/MBEs. One of the interesting actions is they highlight women-owned businesses on its "Visit Colorado Springs"

website. Perhaps Lakewood could do the same on the city website as we do not have a dedicated tourism site. While Lakewood does highlight new businesses in Looking @ Lakewood newspaper, perhaps the city could expand on this to the city website and other social media sites.

10. On the Pueblo County website, they explain why after 30-years of research and discussion there is still a need for programs that assist W/MBEs and Disadvantaged Small Businesses. While the data is from 2010, some things like lack of mentors and difficulty in getting funding still are reported on and discussed today and we found confirmed this with more recent reports and news articles. It was unclear exactly what the City/County of Pueblo are doing in regards to assisting W/MBEs. The 2018 Study by the City of Ft. Collins lists some of the same issues and challenges facing W/MBEs and their study provides additional information. The City of Ft. Collins does have a W/MBE program.

11. The city of Edmonds, WA describes on their website that small businesses are the backbone of the economy. They engage in strengthening opportunities for small and diverse businesses. They believe doing this not only strengthens the local economy, it supports the community, improves the quality of life for everyone and having more participants increases competition and innovation while lowering costs.

12. Require certification from women/minority/veteran-owned business enterprises. A program and database can be created or the city can use one that exists, such as the city of Denver's program. The Denver Reps we talked to said they are willing to engage in some sort of reciprocity agreement. This will likely require more city staffing to manage the program, check certifications, etc. Staffing requirements would be less if the city enters a partnership agreement.

13. Another recommendation would be to have a Lakewood certification form without a formal certification program that would collect data about businesses that do contract with the city. The informal program could gather information about the businesses. If confirmation is desired, perhaps this could be confirmed by site visits that could be done by volunteers. The form below is overzealous but a modified form that could fit our city could work well. In addition, Denver and the State of Colorado have certification formats that we could use and encourage State wide consistency with certification.

[City of Oakland pdf doc.](#)

14. City should formalize the definitions for terms such as Women and Minority-owned Business Enterprise (W/MBE), Disadvantaged Business Enterprise (DBE), Veteran-owned Small Business (VOSB) and others. While the SBA website is an excellent source of the definitions, we recognize some cities further define or expand on these definitions. It is important for all involved to know the definitions being used. These terms and definitions become important in the data collection and reporting process and also in the certification program, should the city decide to pursue this option. Of note, using the city data for awards they made during April 2023

further pointed-out the need for consistent and clear definitions so the data is captured effectively. We were not sure how to capture firms that are both women-owned and minority-owned so we ended up creating a third category called both.

15. Model the Federal Government. We don't have to redesign the wheel. [Disadvantaged Business Enterprise Program Requirements | US EPA](#) or [GSA Announces Actions to Advance Equity and Supplier Diversity in Federal Procurement | GSA](#)

16. Related to above, the City of Lakewood has the 2nd most concentration of Federal employees in the country located at the Federal Center. City should explore more collaboration efforts with the federal government. Perhaps the collaboration could lead to establishing an incubator to help create more minority and women owned businesses and jobs right here.

### Top 5 Recommendations

Based on our research and investigating what other cities have implemented and then tailoring to the City of Lakewood, we developed our Top 5 recommendations. We believe these recommendations can have an impact both quickly and with minimal costs. Table 2 below lists our top five recommendations for the City of Lakewood to consider in further improving the awareness and participation of W/MBEs.

Table 2: Top 5 Recommendations

Recommended Action	Justification/Benefits
1. Gather and keep statistics and use the data to refine the W/MBE program, the goals, the outreach, etc. Publish those statistics on the city website.	Cities keep statistics on all contract awards to ensure transparency. Without data it is difficult to know how the city is doing. We recommend the city at minimum track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. Examples of data could include: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%) and Hispanic-owned businesses were awarded 10 city contracts from a total of 100 city contracts (10%). This data gives the city insight into areas they may need to target or do more outreach.

<p>2. Evaluate hiring/assigning a coordinator to more efficiently coordinate the initiatives or beginnings or a program the city already has on-going. There are many things happening already. The 5-month's worth of data is indicative of what the city can achieve for a full year or more, once people hear about the city's achievements, we suspect many cities are going to want to speak to the city about how they can modify their programs.</p>	<p>A coordinated program has many benefits. Ties all the efforts together, creates a point person who continues to facilitate awareness, evaluates changes and improvements and continues to look for blind spots. Person in the position, using data, generates new ideas on what the city could do differently or better to reach more W/MBEs and start expanding to others such as veteran-owned businesses and others.</p> <p>There are more options, like a more limited role such as the City of Ft Collins has done. Another option taken from the city of Aurora would be to establish 2 champions (co-coordinators) such as the head of the city procurement and the head of the Economic Development team to continually discuss the data, ideas and resources.</p>
<p>3. City to conduct training, workshops and various outreach efforts to increase the numbers of W/MBEs businesses and participation in the City contracting process.</p>	<p>Some of this is already being done by Lakewood's Economic Development team. Expand efforts, do more workshops and outreach geared towards businesses interested in doing business with the city. Partner with various affinity groups listed in this report as possible sources to post opportunities or conduct some mentoring and more outreach. Also consider partnering with the State of Colorado and Small Business Administration. Small businesses are crucial to the economy.</p>
<p>4. Establish partnerships with the City &amp; County of Denver and Jefferson County.</p>	<p>We had several guest speakers come and share their programs with the LAC. Both the City &amp; County of Denver and Jefferson County are willing to share their expertise, lessons-learned, even their certification program with the City of Lakewood. There are abundant opportunities so that the city does not have to recreate the wheel nor duplicate efforts. Partnering can also save the city money by not having to hire a lot of additional staff.</p>



<p>5. Establish aspirational contracting goals.</p>	<p>Establish goals using demographics of current state business owners is a starting place (see references) and further refine using the Metro area Disparity Study and Availability numbers. We did some of this research and recommend using as aspirational goals that our neighbors with robust programs have achieved; therefore, <b>5-8%</b> contracting goal for Women-owned businesses and the same <b>5-8%</b> goal for Minority-owned businesses. Goals could be added to include Veteran-owned businesses and others. The contract award data suggests the city is already exceeding these aspirational goals, but 12-months of data should be used. If goals are being met, they can be raised to the next level which is 9-12%. The data suggests 20-24% of businesses who provide goods and services that cities utilize are W/MBEs.</p>
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**Conclusion**

Based on the 5-months worth data we were provided, the City of Lakewood is already doing an excellent job in awarding contracts to W/MBEs. While 12-months worth of data would have been preferable to draw more accurate conclusions, so far the city is exceeding the aspirational goals that most cities and federal agencies place on themselves. The city should continue to gather and maintain its contract award data, there could be a great story of success here that the city should be proud to showcase and share with others.

While the data looks good, we are recommending further steps that the city could implement to increase both the awareness and opportunities for W/MBEs. This in turn could lead to a strengthening of our local economy, increase competition and lower costs to the City of Lakewood. The research also suggests that awarding city contracts to a large range of businesses increases civic pride and creates a feeling of inclusiveness.

**Appreciation**

We LAC, Diversity Committee, appreciate this first assignment for our committee. We'd like to thank the Mayor and City Council for assigning us this project, especially Counselor Jeslin Shahrezaei for preparing and submitting this assignment to the LAC. We'd also like to thank Mary O'Halloran, City of Lakewood Procurement Supervisor for sharing her expertise and for gathering multiple iterations of data for us to evaluate. We'd also like to thank Jay Robb, the City Clerk, for all his support and contacts across the Metro area and beyond. Our deep appreciation to Marika Sitz, Diversity, Equity and Inclusion Manager, Jefferson County and to

Alexis Nightengale and Brittany Eroen from the Division of Small Business Opportunity, City and County of Denver.

### **References:**

Countless hours were spent by the team researching other cities' websites and commissioned studies in order for us to develop some recommendations that we think are appropriate for the City of Lakewood. Below are many of the links used, including links to reports, news stories and general information.

<https://www.denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Economic-Development-Opportunity/Business-Owners-Entrepreneurs/Do-Business-with-the-City/Frequently-Asked-Questions/About-DSBO>

- Division of Small Business Opportunity (DSBO) website, City/County of Denver

<https://oedit.colorado.gov/minority-business-office-of-colorado>

- General information from the Minority Business Office of Colorado, a division of Office of Economic Development and International Trade (OEDIT)

<https://oedit.colorado.gov/minority-owned-businesses>

- Specific OEDIT information including a list of minority owned businesses

<https://www.governing.com/cityaccelerator/cohort4>

- Helpful publication from City Accelerator:

<https://19thnews.org/2021/06/small-business-administration-contracts-woman-owned-businesses-for-decades/>

- Article on history of Federal contracts to WBEs and what the SBA has done

<https://www.mbda.gov/tags/disparity-studies>

- Compilation of multiple Disparity Studies across the US by Department of Commerce

<https://cao-94612.s3.amazonaws.com/documents/City-of-Oakland-Draft-Disparity-Study.pdf>

- Disparity Study- has information on what is legally allowed as well as analysis of Oakland's actual disparities.

<https://www.oaklandca.gov/documents/contracts-and-compliance-forms-and-schedules>

- City of Oakland's Contracts Schedules which include questions about race/ethnicity and

gender of business owners:

<https://www.open-contracting.org/2020/11/19/new-report-a-procurement-path-to-equity/>

- 5 Ways cities can use purchasing power to help W/MBEs

<https://www.fastcompany.com/90298216/how-cities-can-support-minority-and-women-entrepreneurs-buy-things-from-them>

- How cities can support women owned businesses: buy things from them

<https://www.boston.gov/news/proposal-filed-expand-access-city-contracts-minority-and-women-owned-enterprises>

- City of Boston, Proposal file to expand access to city contracts

<https://www.edmondswa.gov/cms/One.aspx?portalId=16495016&pageId=17269271>

- City of Edmonds, Diversity, Equity and Inclusion Commission. Ideas of things Lakewood may want to consider such as a film series.

<https://bellevuewa.gov/city-government/departments/city-managers-office/diversity-advantage-initiative>

- City of Bellevue, their Diversity Advantage Initiative

<https://www.fcgov.com/>

- City of Ft. Collins, CO. General site with links to 2018 Small Business Survey and Public Notice on contracting goals on dual/partner Federal contracts.

<https://www.visitcos.com/blog/women-owned-businesses-resources/>

- Visit Colorado Springs website highlighting women-owned businesses

<https://county.pueblo.org/energy-and-economic-development/minority-owned-business-resources>

- Pueblo County, CO website with resources for minority-owned businesses

<https://www.talgov.com/diversityinclusion/divinhome>

- City of Tallahassee, their Diversity Initiatives and Plans

<https://www.portseattle.org/business/bid-opportunities>

- Port of Seattle information

<https://cuyahogacounty.us/fightracism>

- Cuyahoga County Links

<http://accaweb.org/>

- American Contract Compliance Association

<https://goodfoodpurchasing.org/>

- Good Food purchasing programs in some cities.

<https://www.governing.com/cityaccelerator/blog/cities-purchase-power-people-color-minorities-lc.html>

- 5 Ways Cities can use their purchasing power to support minority-owned businesses

[https://hwpi.harvard.edu/files/govlabs/files/strategies\\_for\\_improving\\_vendor\\_diversity\\_brief.pdf](https://hwpi.harvard.edu/files/govlabs/files/strategies_for_improving_vendor_diversity_brief.pdf)

- A paper with strategies for improving vendor diversity.

<https://www.thewomenofdenver.com/>

- Women of Denver - a connection platform for women in Colorado to build their network; they also offer free mentoring and advice to women business owners by other women business owners.

<https://micasaresourcecenter.org/>

- Mi Casa Resource Center offers free coaching and consulting to Hispanic/Latino small businesses and entrepreneurs.

Here is [Find a minority, woman, or disabled-owned business | Services | City of Philadelphia](#)

- An example from Philadelphia to search for W/MBEs and disabled-owned businesses.

“A [1989 Supreme Court ruling](#) established that cities may only overtly work to support minority-owned businesses if they can prove a history of discrimination in city contracts.”

- What we are recommending is different but we leave this reference here for historical context.

Cities like Los Angeles and Chicago set up portals where new contracting opportunities could be posted well in advance, so smaller firms could learn how to bid on them. Also, rather than issuing a single contract to a large firm, the accelerator cities are breaking up contracts into smaller projects that a cohort of local businesses could tackle. Smaller contracts help the city establish relationships with more diverse vendors, who can use the revenue stream to grow their business. Improving procurements and [city accelerator](#)

The federal government has very specific goals for small businesses. Agencies have various

procurement programs set aside or earmark a certain percentage of contract dollars that must go to small businesses. The federal government has contracts called total small business set-asides, which are exclusively set aside for small businesses. See SBA website for details ([sba.gov](http://sba.gov)) They have the Women-Owned Small Businesses ([WOSB certification](#)), which is limited to women who are certified as WOSB.”

[Washington State's](#) equity of public spending showing what the State of Washington is doing.

[Seattle WA is](#) really interesting ... you can read public meeting minutes on how their Advisory committee was working through some of these same issues.

Seattle’s Priority Hiring Program - [Priority Hire Program](#)

[Equity Considerations — Equity Resource Hub](#)

- A resource on equity with questions to consider.

[EquitableDecisionMakingTool.pdf \(clark.edu\)](#)

- A series of questions, many of which are thought-provoking.

City of [Boulder](#) website, it translates the site into many languages.

Other translation services: [Translation services](#) or you can try [google translate](#)

<https://www.thomsonreuters.com/en-us/posts/news-and-media/government-procurement-dei/>

- Article on How Government Procurement Helps with Diversity, Equity and Inclusion, including a link to a procurement tracker used by the city of Tacoma, WA:

<https://sloanreview.mit.edu/article/how-procurement-can-strengthen-diversity-and-inclusion/>

- Article by the MIT Sloan School of Management on how Procurement can Strengthen Diversity and Inclusion:

<https://buildinginnovationhub.org/resource/find-a-qualified-vendor/high-road-contracting/>

- High-Road Contracting Too, a tool to help find qualified vendors:

### **Additional Links/Information:**

The Request from the City Council that generated this paper.

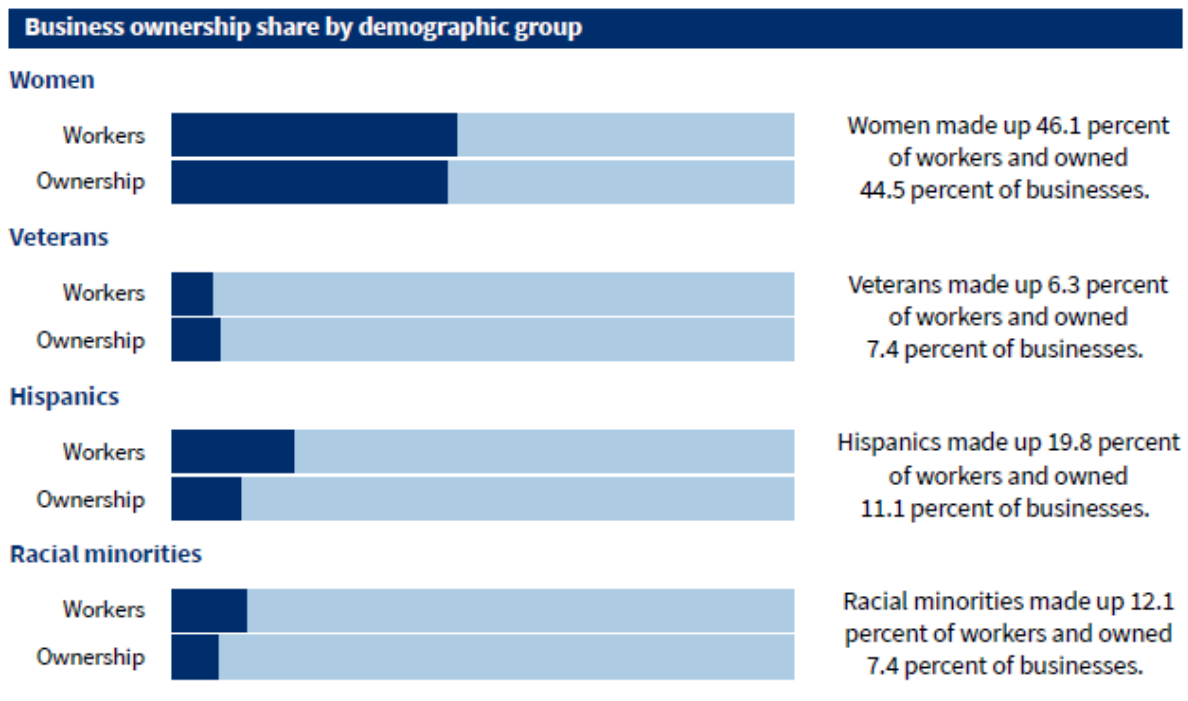
[City docs](#) click on this link to read the request and the current city docs.

[LAC Diversity Committee - Zoom](#) April 19, 2023 committee meeting video with City and County of Denver - Alexis Nightengale and Brittany Eroen

[LAC Diversity Committee - Zoom](#) March 22, 2023 committee meeting with Jefferson County DEI Manager - Marika Sitz

### Graphical References:

#### Business Ownership by Demographic Group (State of Colorado)



Ownership shares include equal and majority ownership

Sources of data: [American Community Survey, 2018](#) (Census and IPUMS); [Annual Business Survey, 2018](#) (Census);

[Nonemployer Statistics by Demographics, 2017](#) (Census)

**Contract Awards by the City of Lakewood (Partial 2023)**

<b>Month</b>	<b>Minority Owned (MO)</b>	<b>Woman Owned (WO)</b>	<b>Both MO &amp; WO</b>	<b>Total MO WO &amp; Combo</b>	<b>Total Contracts Awarded</b>	<b>Percent Awarded to MBEs</b>
<b>April</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>10</b>	<b>55</b>	<b>18.2%</b>
<b>May</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>7</b>	<b>46</b>	<b>15.2%</b>
<b>June</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>33</b>	<b>9.1%</b>
<b>July</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>42</b>	<b>7.1%</b>
<b>August</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>14</b>	<b>38</b>	<b>36.8%</b>
<b>Totals</b>	<b>11</b>	<b>15</b>	<b>11</b>	<b>37</b>	<b>214</b>	
<b>5-Month Average</b>						<b>17.3%</b>

**Notes:**

Contracts listed include Contractual Service Agreements, Professional Services Agreements, Bids, Requests for Proposals, Requests for Qualifications and Purchase Orders.

Totals contracts awarded excludes contracts to/with government entities and educational institutions.



Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

**Question/Request:**

Jeslin Shahrezaei: I would like to see a procedure/policy for women and minority-owned businesses to have equitable access to contract bids for Lakewood through the procurement process.

**Staff Response:**

We welcome and appreciate the above question/request.

**Policy Review:** LAC's research confirmed the City of Lakewood's purchasing policy is consistent with other municipalities, such as Denver. The City of Lakewood currently has a policy and follows in practice an open, fair, equitable and competitive process in which there are many steps taken to ensure this is an equitable process for all parties.

**Opportunity:** Although staff have confidence the purchasing process does give fair access to the bidding process, we also see an opportunity to improve equitable awareness of the opportunities to bid at the City of Lakewood and increase an understanding of the bidding process for diverse groups. The LAC research and recommendations will be helpful in pursuing this opportunity.

There are currently several efforts done by the Economic Development Department that tailor to diversity. As the LAC reported, Economic Development provides training and workshops, peer to peer mentoring, Jumpstart (funding source) and resources as well as the city's website now has a translator. However, we agree, the city can do more.

From the LAC top five recommendations Purchasing and Economic Development are planning to pursue the following:

- 1. Statistics & Data Gathering:** It is important to keep the award process unbiased. However, gathering data on the award outcome is important for Lakewood to determine current diversity of awards and tracking if the education efforts are changing the statistics. Recently it was added to the bid process that Women and Minority owned businesses could self-report so that we can track the % of awarded contracts. Staff gave this information to LAC for April 2023 which was the first month of collecting the data. Since then, staff provided to LAC the data through October. (See chart)





Lakewood Advisory Commission (LAC)  
 Diversity Subcommittee Recommendations  
 City of Lakewood Staff Response

MONTH	MINORITY OWNED	WOMEN OWNED	BOTH W/O and M/O	TOTAL	TOTAL CONTRACTS AWARDED	% CONTRACTS AWARDED TO MINORITY OR WOMEN OWNED
April	3	4	3	10	55	18.2%
May	3	3	1	7	46	15.2%
June	0	1	2	3	33	9.1%
July	0	2	1	3	42	7.1%
August	5	5	4	14	38	36.8%
September	3	8	6	17	47	36.2%
October	3	2	0	5	32	15.6%
<b>TOTALS</b>	<b>14</b>	<b>23</b>	<b>17</b>	<b>54</b>	<b>261</b>	
<b>AVERGAGE % (7-mo period)</b>						<b>19.75%</b>

This is something we will need to track over a longer period of time, but initially the data shows Lakewood is exceeding the State of Co, City of Denver and Federal Government awards on average. These three entities have formal diversity programs and award between 4.6% - 8.4% per the LAC research. It is important including other diversity groups in the data collection such as veterans, disabled, LGBTQ+ etc.

The City will continue to accumulate statistics and use the findings to determine the diversity of awards and make adjustments to education.

2. **Coordinated and Aligned (Transparent and Results Oriented):** Once the city has collected more data Purchasing and Economic Development will be evaluating the workshops & outreach, engage in partnerships, and look for opportunities for change/improvement.
  
3. **Training, workshops & Outreach:** Currently the city’s Economic Development Department provides various outreach to local businesses and Chambers of Commerce as mentioned above. Purchasing and Economic Development will enhance outreach to businesses interested in doing business with the City of Lakewood. They will be providing brochures for businesses and widening the outreach to more groups and multiple forms of communication. Additionally, the purchasing team will be reviewing the city website to provide more prominent/accessible links and frequently asked questions.

Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
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4. **More Partnerships:** Excellent idea from LAC. We want to leverage what others are doing and expand our partnerships.
  
5. **Establish Aspirational Goals:** As stated by the LAC the current stats indicated the city is within or exceeds the 5-8% range from the State/Metro area studies. The team that reviews the statistics, as mentioned in item 2, will recommend goals.

**Reporting Back:** The staff recommend reporting back after one year of tracking and making changes.

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 6**

To: Mayor and City Council

From:

Subject:

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**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:** LAC Report - Diversity Subcommittee Assignment #2022-06  
Staff Response to LAC WMBE Research

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

# Lakewood Advisory Commission Report

## **Research and Recommendations on Women / Minority Owned Business Enterprises**

Diversity Committee  
September 2023

*ASSIGNMENT #2022-06: WOMEN / MINORITY OWNED BUSINESSES*

“Welcome, we are building an inclusive community” - street sign as you enter Lakewood, CO.

### **Introduction**

The Lakewood Advisory Commission (LAC) is a group of informed citizen volunteers who perform research for the city council. City Council assigned the LAC, specifically the Diversity Committee, with a project to: (1) investigate what other cities are doing to increase the awareness and participation of Women and Minority Owned Businesses Enterprises (W/MBEs) in city procurements and (2) make recommendations to the city council for possible adoption into the Lakewood Municipal Code and related policies.

### **Executive Summary**

There is no shortage of information on this topic from both a historical context and what currently other cities are currently doing to increase awareness and participation of W/MBEs in competing and obtaining city contracts. We include a list of what neighboring cities are doing, as well as a list of the most recurring ideas and actions that cities around the country are taking and the goals they are striving to achieve. Based on our research and the 5-month's worth of data the City of Lakewood provided to us, the City of Lakewood is already doing a good job of awarding contracts to W/MBEs.

Since it was requested that we make recommendations based on our findings, we developed our top five recommendations for the Mayor and City Council to consider. Our Top 5 recommendations are: (1) gather and use data, (2) hire or appoint a program manager/coordinator, (3) conduct training and workshops, (4) engage in various partnerships and

(5) establish aspirational goals. In addition, there are more ideas or follow-on recommendations listed in this report that could be added or done later, perhaps in phases. Some of the additional ideas may require further research and we are happy to continue this research work.

## **Background**

The project began with all members of the Diversity Committee casting a wide net by conducting internet research, not only on what other cities are doing, while also inquiring about the current status of awards to W/MBEs by the City of Lakewood. We met with the City of Lakewood's Purchasing Supervisor to learn more about how procurements and contracting are handled now. We inquired about data the city gathers and learned the city does not keep data separated by women or minorities, but the Purchasing Supervisor agreed to gather data for us. Initially we were provided with 1-month's worth of data and then subsequently later in the year we were provided with 5-months' worth of data. The additional data was useful but it did cause a delay in our ability to present the report to the Mayor and City Council.

We also reached out to Jefferson County and the City and County of Denver to learn more about what they are doing around the subject of contracting with W/MBEs and met with their representatives. We also read studies and reports commissioned by other cities on this topic. For example, the State of Colorado engaged with the Keen Independent Research LLC to conduct a disparity study titled, "2020 State of Colorado Disparity Study." This 700+ page report documents the results they found and makes recommendations. The report attempts to outline methods that create a level playing field for historically disadvantaged businesses (HUBs) to compete for State contracts. Senate Bill 19-135 defined HUBs to be businesses owned by people of color, women, persons with physical or mental disabilities and members of the LGBT+ community.

Another study we examined was titled, "Recommendations for the City of Austin's Minority and Women-Owned Business Enterprise Program 2022" commissioned by the City of Austin, Texas. A much smaller, 22-page report, it reviewed the existing program and outlined the importance of revisiting any program on a periodic basis. The City of Ft. Collins' report titled, "Small Business Survey: Summary of Results" from 2018 was another good source of information. The websites from the City of Aurora, CO and the City of Colorado Springs and their related information were also reviewed and gave us more ideas to evaluate.

By having the LAC perform this research, the city likely saved thousands of dollars in taxpayer funding. We found our larger neighbors in the City and County of Denver to be potentially great collaborators of several recommendations by their willingness to engage in reciprocity agreements with the City of Lakewood in sharing not only best practices and lessons learned but also potentially their certification program. If Lakewood chooses to engage in this partnership, it

will likely save potentially millions of taxpayer dollars by not having to create, staff and administer such a program. Jefferson County was also willing to have discussions and assist the city in various ways. The State of Colorado also has resources and programs that Lakewood should explore further, including the possibility of obtaining grants and other support.

A question asked of our Committee was, why should the City of Lakewood look to expand the awareness, outreach and subsequently awards to a large variety of business owners? The answer is because of the many benefits both tangible and intangible. First, in regards to small businesses, small businesses are a key and integral part of the economy. Nationally they hire 2/3 of the employees and represent 44% of the overall economic activity. Second, engaging with new businesses increases competition and innovation and should lower procurement costs to the city. Third, our reading and research suggests that city contracting efforts with numbers that are reflective of all the city's diverse business owners increases civic pride, enhances the connection among residents and increases community engagement.

## **Cities in Colorado**

While we looked at what other cities are doing across the country, we later focused our research efforts on what our neighbors within the state are doing in regards to W/MBEs. Since Lakewood is the fifth largest city in the State of Colorado, we wanted to know how we compare to similar cities in our state.

As of 2021, these are the cities in Colorado with minority-owned business procurement programs or initiatives. Some may be missing if they are not in collaboration or promoting resources from or through the state's Minority Business Office (MBO) of Colorado. The cities with program and/or initiatives are:

- Denver: The City and County of Denver has a Minority and Women Business Enterprise (M/WBE) Program that seeks to increase the utilization of M/WBEs in city contracting and purchasing.
- Colorado Springs: The City of Colorado Springs has a Minority Business Enterprise (MBE) Program to enhance opportunities for minority-owned businesses in city contracting.
- Aurora: The City of Aurora has a Minority and Women Business Enterprise (M/WBE) Program to promote and assist M/WBEs in accessing city contract opportunities.
- Fort Collins: The City of Fort Collins has programs aimed at increasing opportunities for minority-owned businesses to participate in city procurement and contracting.
- Boulder: The City of Boulder has various programs and initiatives to support diverse businesses, including minority-owned businesses, in their procurement efforts.

The first cities in the list above are the 4 largest cities in Colorado. Boulder is the 8th largest city. We recognize there are several efforts being conducted by the Lakewood Economic Development Team and perhaps Lakewood should be on this list. While we will address this later in our recommendations, what seems to be missing is a policy and/or coordination that ties the development work, the mentoring and outreach work to the procurement efforts.

The conclusion we drew from the above is that Lakewood is an outlier for a city of our size in terms of having a formal program or initiatives or at least collaborating with the MBO so that they become aware of the various on-going efforts being performed and can be added to the list.

**Most Common Actions Taken by Other Cities**

Cities in both Colorado and across the U.S. who want to increase the awareness, participation and provide support to W/MBEs do a variety of things. From our research, it appears that in order to make an impact in a city’s inclusivity efforts that the actions are coordinated. From the city’s mission/vision statement to hiring or appointing a lead, such as a Diversity Equity and Inclusion (DEI) manager or similar, setting up policy and procedures, the engagement takes the form of a city program or a series of coordinated initiatives. Table 1 below describes the most consistent steps or actions that are typically part of a larger more comprehensive program to increase awareness and participation from W/MBEs in the city’s procurement program.

Table 1: Actions Cities Takes to Support W/MBEs

<b>Action</b>	<b>Details</b>
Commission a report on W/MBEs (much like this one through various sources).	Some of the bigger cities will commission a report such as this one from consultants or local universities. If they have a program for W/MBEs they evaluate the continuation of such programs or recommend updates. We read these reports and also related news stories, general information on W/MBEs and attempted to make recommendations that are tailored to the City of Lakewood. We strived to recommend actions that were achievable, expand on existing work and could be implemented with low to minimal costs.

<p>Set contracting goals</p>	<p>Establish aspirational goals. Cities tend to start by using their demographics data or disparity data to obtain W/MBE availability numbers. These goals are not quotas or mandates; they simply reflect the goals a city hopes to achieve and awards always go to best qualified firms. These goals are different and separate from any goals the Federal Government establishes for federal contracts. Cities follow the federal government set-aside rules when engaged in joint or dual city/federal contracts.</p>
<p>Keep statistics, publish those statistics and use the data.</p>	<p>Keep statistics on contract awards. Cities track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. For example, Lakewood could look something like this: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%). In 2024, women-owned businesses were awarded 10 city contracts from a total of 100 awarded contracts (10%). Then the city could do the same for minority-owned businesses. This data gives the city insight into areas they may need to target or do more outreach.</p>
<p>Hire/create position of diversity, equity, inclusion manager or similar more limited role focusing on disadvantaged businesses or someone to focus on an even larger role such as hiring, promotions, training.</p>	<p>Creates accountability and brings in a fresh or new perspective to look at things differently and perhaps to try different things.</p>
<p>Hold workshops or training sessions.</p>	<p>These are posted on the city website and trade/affinity group websites and held regularly with the goal of teaching interested businesses how to obtain contracts with the city. The Lakewood Economic Development team is already doing some of this work.</p>
<p>Utilize existing resources in the community to connect W/MBEs and others to mentors, funding sources and other similar business owners.</p>	<p>Other cities include links on their city website to such resources. City staff learns about trade/affinity/support groups then meets/partners to discuss challenges and also to create opportunities with the purpose to create and grow small businesses in our community. Lakewood is doing some of this, so perhaps it's more of expanding the</p>



	ongoing work.
Host or participate in small business coffee sessions or small business talk sessions.	Another way to bring small businesses together for networking, finding mentors, etc., while also taking the time to educate these businesses on opportunities to contract with the city. These are more informal in nature and appeal to social aspects vs educational sessions. Can also include speaking at various local Chambers of Commerce.
Highlight W/MBEs owned by residents of the city.	This creates awareness of existing W/MBEs, perhaps encourages patronage of such businesses and could serve as inspiration for future W/MBEs. We see new businesses mentioned in Looking @ Lakewood, but what about other social media sites, partner sites, the city website, etc.
Gather data (Disparity Study/Availability Study) usually from the closest big city/metro area. For Lakewood, the city could use Denver's Disparity study (addresses the Metro area).	Determine how the disparity numbers and availability numbers apply to Lakewood. Our initial evaluation is that the Metro numbers can be used by Lakewood.
Partner with another city or the county. Especially when using certification programs.	Some cities partner with nearby cities especially if they are part of a larger Metro area. The partnering can include sharing data, certification programs, lessons-learned, certification forms, training, etc.

### **Full List of Recommendations/Ideas**

We conducted extensive research on this topic gathering ideas from cities large and small. We thought it was important to share the full list of actions and ideas. What follows is the list of ideas and additional recommendations. The total list of ideas and recommendations total 16 with some having multiple parts. Some can be done in phases and some likely require more research. We recognize and appreciate the work the city has already implemented such as the website

translator and their on-going outreach and training efforts and we highlight these completed actions.

1. City should keep data on contract awards (both dollar amount and percentage amount). Without data, the city doesn't know where they stand. Some suggested software programs that can assist the city to track the data, mine the data and analyze the data can be found here: [Best Government Diversity, Equity, and Inclusion \(DEI\) Analytics Software - 2023 Reviews & Comparison \(sourceforge.net\)](#) .

2. The city should engage in more outreach to more W/MBEs.

a. This could include outreach through trade/affinity groups such as (percentage of Lakewood's population is noted in parentheses):

i. Hispanic Chamber of Commerce (23%)

<https://www.hispanicchamberdenver.com>

ii. Women's Chamber of Commerce (50%)

<https://www.cwcc.org>

iii. Asian Chamber of Commerce (3.9%)

<https://www.acccolorado.org>

iv. Colorado Black Chamber of Commerce (1.8%)

<https://www.coloradoblackchamber.org>

v. Other suggested groups to explore and expand outreach efforts include Veterans' groups, businesses owned or having employees who are persons with disabilities, LGBTQ+ owned or LGBTQ+ employees, etc.

Colorado LGBTQ Chamber of Commerce

<https://www.colgbtqcc.org>

Colorado Office of Economic Development and International Trade  
Minority Business Directory

<https://www.oedit.colorado.gov/minority-business-directory>

b. The city could also conduct workshops on the process of applying and doing business with the city. (Partially accomplished and ongoing. Some of this

is already happening as captured in “Looking at Lakewood” April 2023 and July 2023 editions.)

c. The city could also enhance their website through the use of language translators to achieve more outreach. The City of Boulder is a good example, but if further research is required, this could be assigned as a follow-on project to the LAC. ([Accomplished. The City of Lakewood website as of March 2023 has a translator option.](#))

d. The city could work and partner with the organizations listed in (a) above and ask if they could place RFPs or other opportunities and information on their specific sites.

e. Another follow-on potential assignment for the City Staff or the LAC is to research what are the top social media or other media sites utilized by Asian-owned, Hispanic-owned, Black-owned, Women-owned and Veteran-owned businesses and then the city could place the RFPs/links/opportunities on these sites. This could include possibly placing public service announcements or advertisements on Spanish-speaking radio stations.

3. Utilize data and programs from neighboring cities, especially Denver which is a bigger city with more resources. They maintain a list of W/MBEs. Perhaps when the city of Lakewood is reaching out to 3 firms for quotes, they could ensure at least one firm is from this list. Denver also conducts workshops; Lakewood city staff might be able to attend these Denver workshops as samples or resources as they build their own workshops.

The City/County of Denver utilizes a comprehensive certification program for women, minority, veteran-owned businesses. They also perform a validation of the certifications. The details of their program can be found on their Division of Small Business Opportunity (DSBO) website which is listed in the references. Of note, the representatives from the City/County of Denver are willing to share and partner with the City of Lakewood.

4. Being an inclusive city is a deliberate, thoughtful and on-going process. As such we recommend the following actions:

- a. Recommend the city update its mission/vision statement to include the goal that the city is building an inclusive community.
- b. Next we recommend the city establish aspirational contracting award goals using Census data or Disparity data from the Metro area. These goals are not quotas; they are simply proportional goals in writing that make it clear that the city of Lakewood wants to include everyone in contract awards and distribution of city funds with the understanding that the most qualified will be selected. We found

that it is critically important to define the terms so that everyone has a clear understanding of the procedure, policy and expectations.

- c. Included in this overall process recommendation is the hiring or appointing existing staff to be the coordinator for inclusive outreach and contracting. This role could be in the form of a Diversity, Equity and Inclusion Manager to work on the overall procurement process to include the outreach or could be broader to include all Lakewood to champion diversity, equity and inclusion across all the City's programs and services. Our research has shown that a program with the aim of trying to achieve inclusiveness and equity only has a good success rate when there is someone to be accountable and someone who champions the program. Hiring or appointing someone to a more limited role such as "Disadvantaged Small Business Liaison" could work and the option is used by the City of Ft Collins. Appointing several "Equity Champions" from across departments, who meet frequently, to discuss blind spots, next steps, the data and more as is being done in the City of Aurora, CO and is yet another option. The City of Lakewood is already doing a lot and achieving substantial success; however, the MBO of Colorado doesn't include Lakewood on its list of cities and perhaps it's due to Lakewood not having a person assigned to one of the roles listed above.
5. Update the city's procurement policies and procedures to match any recommendations adopted by this report. For example, gathering and maintaining data and statistics on all city contract awards is something we highly recommend and is very common practice throughout the country. The 5-months worth of data the city provided to us was very helpful and we hope it was also helpful to the procurement staff, the Economic Development team, the Mayor and City Council, etc.

Other areas to review for enhancements are the procurement processes themselves. For example: Does selection rely too heavily on positive past history doing business with the city? Can the city declare an aspirational goal for awarding contracts to firms who have never done business with the city? In reviewing the dollar thresholds and requirements to purchase we have some minor recommendations for consideration:

- a. Currently for purchases under \$10K, it's buyer's discretion. Suggestion: This seems like an area that could be further evaluated for possible improvements to engage with firms who have never been awarded a city procurement or contract. While there are some risks to engaging with new businesses, the low dollar amount may lend itself to taking on some risks. Can the city buyers be provided a list of W/MBEs and new businesses for their consideration? Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver.

Inclusiveness includes doing business with new businesses regardless of their race, gender or ethnic status.

- b. Currently for purchase between \$10K and \$74.9K city buyers must obtain 3 quotes or submit a sole source justification. Suggestion: We recommend that the city buyers be provided with a list of W/MBEs. Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver. The most qualified firm should always be selected. We recognize that contracting with new firms can involve some risks. Some risks of trying new businesses who are new to city contracting can include: the firms going through a learning curve, potentially lower quality or inability to timely completion of the job. However, it can also include potentially some benefits to the city, such as increased innovation and lower costs.
- c. Above \$75K is a very formalized process and selections are made as a group. When combined with federal funding they may be subject to set-aside provisions. Recommendation: Proceed as is.

6. W/MBEs often struggle to secure funding to start their business, again in their early years of existence to sustain their business and perhaps struggle even more to expand their business. Perhaps the city could also bring in representatives from Small Business Administration (SBA), banks and credit unions to conduct workshops on obtaining funding. Partner with mentors to conduct workshops on obtaining funding. Setup a follow-on program where protégés are then expected to become mentors.

7. Related to the above perhaps the city could host a business forum for women, minority and veteran owned businesses where they could all meet, network and share stories among themselves. Or the city could send economic development team representatives to the various chamber of commerce events.

8. During contract selection/deliberations, perhaps additional consideration (priority) is given to firms who use as subcontractors who are W/MBEs. Perhaps this could result in mentor-protégé relationships that could develop the pipeline for more W/MBEs to become prime contractors. We believe ideas like this and others' ideas that may come from city staff, community members, and others could help businesses that are just starting out and possibly create a pipeline of future contractors.

9. The city of Colorado Springs does engage in various efforts to help W/MBEs. One of the interesting actions is they highlight women-owned businesses on its "Visit Colorado Springs"

website. Perhaps Lakewood could do the same on the city website as we do not have a dedicated tourism site. While Lakewood does highlight new businesses in Looking @ Lakewood newspaper, perhaps the city could expand on this to the city website and other social media sites.

10. On the Pueblo County website, they explain why after 30-years of research and discussion there is still a need for programs that assist W/MBEs and Disadvantaged Small Businesses. While the data is from 2010, some things like lack of mentors and difficulty in getting funding still are reported on and discussed today and we found confirmed this with more recent reports and news articles. It was unclear exactly what the City/County of Pueblo are doing in regards to assisting W/MBEs. The 2018 Study by the City of Ft. Collins lists some of the same issues and challenges facing W/MBEs and their study provides additional information. The City of Ft. Collins does have a W/MBE program.

11. The city of Edmonds, WA describes on their website that small businesses are the backbone of the economy. They engage in strengthening opportunities for small and diverse businesses. They believe doing this not only strengthens the local economy, it supports the community, improves the quality of life for everyone and having more participants increases competition and innovation while lowering costs.

12. Require certification from women/minority/veteran-owned business enterprises. A program and database can be created or the city can use one that exists, such as the city of Denver's program. The Denver Reps we talked to said they are willing to engage in some sort of reciprocity agreement. This will likely require more city staffing to manage the program, check certifications, etc. Staffing requirements would be less if the city enters a partnership agreement.

13. Another recommendation would be to have a Lakewood certification form without a formal certification program that would collect data about businesses that do contract with the city. The informal program could gather information about the businesses. If confirmation is desired, perhaps this could be confirmed by site visits that could be done by volunteers. The form below is overzealous but a modified form that could fit our city could work well. In addition, Denver and the State of Colorado have certification formats that we could use and encourage State wide consistency with certification.

[City of Oakland pdf doc.](#)

14. City should formalize the definitions for terms such as Women and Minority-owned Business Enterprise (W/MBE), Disadvantaged Business Enterprise (DBE), Veteran-owned Small Business (VOSB) and others. While the SBA website is an excellent source of the definitions, we recognize some cities further define or expand on these definitions. It is important for all involved to know the definitions being used. These terms and definitions become important in the data collection and reporting process and also in the certification program, should the city decide to pursue this option. Of note, using the city data for awards they made during April 2023

further pointed-out the need for consistent and clear definitions so the data is captured effectively. We were not sure how to capture firms that are both women-owned and minority-owned so we ended up creating a third category called both.

15. Model the Federal Government. We don't have to redesign the wheel. [Disadvantaged Business Enterprise Program Requirements | US EPA](#) or [GSA Announces Actions to Advance Equity and Supplier Diversity in Federal Procurement | GSA](#)

16. Related to above, the City of Lakewood has the 2nd most concentration of Federal employees in the country located at the Federal Center. City should explore more collaboration efforts with the federal government. Perhaps the collaboration could lead to establishing an incubator to help create more minority and women owned businesses and jobs right here.

### **Top 5 Recommendations**

Based on our research and investigating what other cities have implemented and then tailoring to the City of Lakewood, we developed our Top 5 recommendations. We believe these recommendations can have an impact both quickly and with minimal costs. Table 2 below lists our top five recommendations for the City of Lakewood to consider in further improving the awareness and participation of W/MBEs.

Table 2: Top 5 Recommendations

<b>Recommended Action</b>	<b>Justification/Benefits</b>
1. Gather and keep statistics and use the data to refine the W/MBE program, the goals, the outreach, etc. Publish those statistics on the city website.	Cities keep statistics on all contract awards to ensure transparency. Without data it is difficult to know how the city is doing. We recommend the city at minimum track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. Examples of data could include: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%) and Hispanic-owned businesses were awarded 10 city contracts from a total of 100 city contracts (10%). This data gives the city insight into areas they may need to target or do more outreach.

<p>2. Evaluate hiring/assigning a coordinator to more efficiently coordinate the initiatives or beginnings or a program the city already has on-going. There are many things happening already. The 5-month's worth of data is indicative of what the city can achieve for a full year or more, once people hear about the city's achievements, we suspect many cities are going to want to speak to the city about how they can modify their programs.</p>	<p>A coordinated program has many benefits. Ties all the efforts together, creates a point person who continues to facilitate awareness, evaluates changes and improvements and continues to look for blind spots. Person in the position, using data, generates new ideas on what the city could do differently or better to reach more W/MBEs and start expanding to others such as veteran-owned businesses and others.</p> <p>There are more options, like a more limited role such as the City of Ft Collins has done. Another option taken from the city of Aurora would be to establish 2 champions (co-coordinators) such as the head of the city procurement and the head of the Economic Development team to continually discuss the data, ideas and resources.</p>
<p>3. City to conduct training, workshops and various outreach efforts to increase the numbers of W/MBEs businesses and participation in the City contracting process.</p>	<p>Some of this is already being done by Lakewood's Economic Development team. Expand efforts, do more workshops and outreach geared towards businesses interested in doing business with the city. Partner with various affinity groups listed in this report as possible sources to post opportunities or conduct some mentoring and more outreach. Also consider partnering with the State of Colorado and Small Business Administration. Small businesses are crucial to the economy.</p>
<p>4. Establish partnerships with the City &amp; County of Denver and Jefferson County.</p>	<p>We had several guest speakers come and share their programs with the LAC. Both the City &amp; County of Denver and Jefferson County are willing to share their expertise, lessons-learned, even their certification program with the City of Lakewood. There are abundant opportunities so that the city does not have to recreate the wheel nor duplicate efforts. Partnering can also save the city money by not having to hire a lot of additional staff.</p>



<p>5. Establish aspirational contracting goals.</p>	<p>Establish goals using demographics of current state business owners is a starting place (see references) and further refine using the Metro area Disparity Study and Availability numbers. We did some of this research and recommend using as aspirational goals that our neighbors with robust programs have achieved; therefore, <b>5-8%</b> contracting goal for Women-owned businesses and the same <b>5-8%</b> goal for Minority-owned businesses. Goals could be added to include Veteran-owned businesses and others. The contract award data suggests the city is already exceeding these aspirational goals, but 12-months of data should be used. If goals are being met, they can be raised to the next level which is 9-12%. The data suggests 20-24% of businesses who provide goods and services that cities utilize are W/MBEs.</p>
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**Conclusion**

Based on the 5-months worth data we were provided, the City of Lakewood is already doing an excellent job in awarding contracts to W/MBEs. While 12-months worth of data would have been preferable to draw more accurate conclusions, so far the city is exceeding the aspirational goals that most cities and federal agencies place on themselves. The city should continue to gather and maintain its contract award data, there could be a great story of success here that the city should be proud to showcase and share with others.

While the data looks good, we are recommending further steps that the city could implement to increase both the awareness and opportunities for W/MBEs. This in turn could lead to a strengthening of our local economy, increase competition and lower costs to the City of Lakewood. The research also suggests that awarding city contracts to a large range of businesses increases civic pride and creates a feeling of inclusiveness.

**Appreciation**

We LAC, Diversity Committee, appreciate this first assignment for our committee. We'd like to thank the Mayor and City Council for assigning us this project, especially Counselor Jeslin Shahrezaei for preparing and submitting this assignment to the LAC. We'd also like to thank Mary O'Halloran, City of Lakewood Procurement Supervisor for sharing her expertise and for gathering multiple iterations of data for us to evaluate. We'd also like to thank Jay Robb, the City Clerk, for all his support and contacts across the Metro area and beyond. Our deep appreciation to Marika Sitz, Diversity, Equity and Inclusion Manager, Jefferson County and to

Alexis Nightengale and Brittany Eroen from the Division of Small Business Opportunity, City and County of Denver.

### **References:**

Countless hours were spent by the team researching other cities' websites and commissioned studies in order for us to develop some recommendations that we think are appropriate for the City of Lakewood. Below are many of the links used, including links to reports, news stories and general information.

<https://www.denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Economic-Development-Opportunity/Business-Owners-Entrepreneurs/Do-Business-with-the-City/Frequently-Asked-Questions/About-DSBO>

- Division of Small Business Opportunity (DSBO) website, City/County of Denver

<https://oedit.colorado.gov/minority-business-office-of-colorado>

- General information from the Minority Business Office of Colorado, a division of Office of Economic Development and International Trade (OEDIT)

<https://oedit.colorado.gov/minority-owned-businesses>

- Specific OEDIT information including a list of minority owned businesses

<https://www.governing.com/cityaccelerator/cohort4>

- Helpful publication from City Accelerator:

<https://19thnews.org/2021/06/small-business-administration-contracts-woman-owned-businesses-for-decades/>

- Article on history of Federal contracts to WBEs and what the SBA has done

<https://www.mbda.gov/tags/disparity-studies>

- Compilation of multiple Disparity Studies across the US by Department of Commerce

<https://cao-94612.s3.amazonaws.com/documents/City-of-Oakland-Draft-Disparity-Study.pdf>

- Disparity Study- has information on what is legally allowed as well as analysis of Oakland's actual disparities.

<https://www.oaklandca.gov/documents/contracts-and-compliance-forms-and-schedules>

- City of Oakland's Contracts Schedules which include questions about race/ethnicity and

gender of business owners:

<https://www.open-contracting.org/2020/11/19/new-report-a-procurement-path-to-equity/>

- 5 Ways cities can use purchasing power to help W/MBEs

<https://www.fastcompany.com/90298216/how-cities-can-support-minority-and-women-entrepreneurs-buy-things-from-them>

- How cities can support women owned businesses: buy things from them

<https://www.boston.gov/news/proposal-filed-expand-access-city-contracts-minority-and-women-owned-enterprises>

- City of Boston, Proposal file to expand access to city contracts

<https://www.edmondswa.gov/cms/One.aspx?portalId=16495016&pageId=17269271>

- City of Edmonds, Diversity, Equity and Inclusion Commission. Ideas of things Lakewood may want to consider such as a film series.

<https://bellevuewa.gov/city-government/departments/city-managers-office/diversity-advantage-initiative>

- City of Bellevue, their Diversity Advantage Initiative

<https://www.fcgov.com/>

- City of Ft. Collins, CO. General site with links to 2018 Small Business Survey and Public Notice on contracting goals on dual/partner Federal contracts.

<https://www.visitcos.com/blog/women-owned-businesses-resources/>

- Visit Colorado Springs website highlighting women-owned businesses

<https://county.pueblo.org/energy-and-economic-development/minority-owned-business-resources>

- Pueblo County, CO website with resources for minority-owned businesses

<https://www.talgov.com/diversityinclusion/divinhome>

- City of Tallahassee, their Diversity Initiatives and Plans

<https://www.portseattle.org/business/bid-opportunities>

- Port of Seattle information

<https://cuyahogacounty.us/fightracism>

- Cuyahoga County Links

<http://accaweb.org/>

- American Contract Compliance Association

<https://goodfoodpurchasing.org/>

- Good Food purchasing programs in some cities.

<https://www.governing.com/cityaccelerator/blog/cities-purchase-power-people-color-minorities-lc.html>

- 5 Ways Cities can use their purchasing power to support minority-owned businesses

[https://hwpi.harvard.edu/files/govlabs/files/strategies\\_for\\_improving\\_vendor\\_diversity\\_brief.pdf](https://hwpi.harvard.edu/files/govlabs/files/strategies_for_improving_vendor_diversity_brief.pdf)

- A paper with strategies for improving vendor diversity.

<https://www.thewomenofdenver.com/>

- Women of Denver - a connection platform for women in Colorado to build their network; they also offer free mentoring and advice to women business owners by other women business owners.

<https://micasaresourcecenter.org/>

- Mi Casa Resource Center offers free coaching and consulting to Hispanic/Latino small businesses and entrepreneurs.

Here is [Find a minority, woman, or disabled-owned business | Services | City of Philadelphia](#)

- An example from Philadelphia to search for W/MBEs and disabled-owned businesses.

“A [1989 Supreme Court ruling](#) established that cities may only overtly work to support minority-owned businesses if they can prove a history of discrimination in city contracts.”

- What we are recommending is different but we leave this reference here for historical context.

Cities like Los Angeles and Chicago set up portals where new contracting opportunities could be posted well in advance, so smaller firms could learn how to bid on them. Also, rather than issuing a single contract to a large firm, the accelerator cities are breaking up contracts into smaller projects that a cohort of local businesses could tackle. Smaller contracts help the city establish relationships with more diverse vendors, who can use the revenue stream to grow their business. Improving procurements and [city accelerator](#)

The federal government has very specific goals for small businesses. Agencies have various

procurement programs set aside or earmark a certain percentage of contract dollars that must go to small businesses. The federal government has contracts called total small business set-asides, which are exclusively set aside for small businesses. See SBA website for details ([sba.gov](http://sba.gov)) They have the Women-Owned Small Businesses ([WOSB certification](#)), which is limited to women who are certified as WOSB.”

[Washington State's](#) equity of public spending showing what the State of Washington is doing.

[Seattle WA is](#) really interesting ... you can read public meeting minutes on how their Advisory committee was working through some of these same issues.

Seattle’s Priority Hiring Program - [Priority Hire Program](#)

[Equity Considerations — Equity Resource Hub](#)

- A resource on equity with questions to consider.

[EquitableDecisionMakingTool.pdf \(clark.edu\)](#)

- A series of questions, many of which are thought-provoking.

City of [Boulder](#) website, it translates the site into many languages.

Other translation services: [Translation services](#) or you can try [google translate](#)

<https://www.thomsonreuters.com/en-us/posts/news-and-media/government-procurement-dei/>

- Article on How Government Procurement Helps with Diversity, Equity and Inclusion, including a link to a procurement tracker used by the city of Tacoma, WA:

<https://sloanreview.mit.edu/article/how-procurement-can-strengthen-diversity-and-inclusion/>

- Article by the MIT Sloan School of Management on how Procurement can Strengthen Diversity and Inclusion:

<https://buildinginnovationhub.org/resource/find-a-qualified-vendor/high-road-contracting/>

- High-Road Contracting Too, a tool to help find qualified vendors:

### **Additional Links/Information:**

The Request from the City Council that generated this paper.

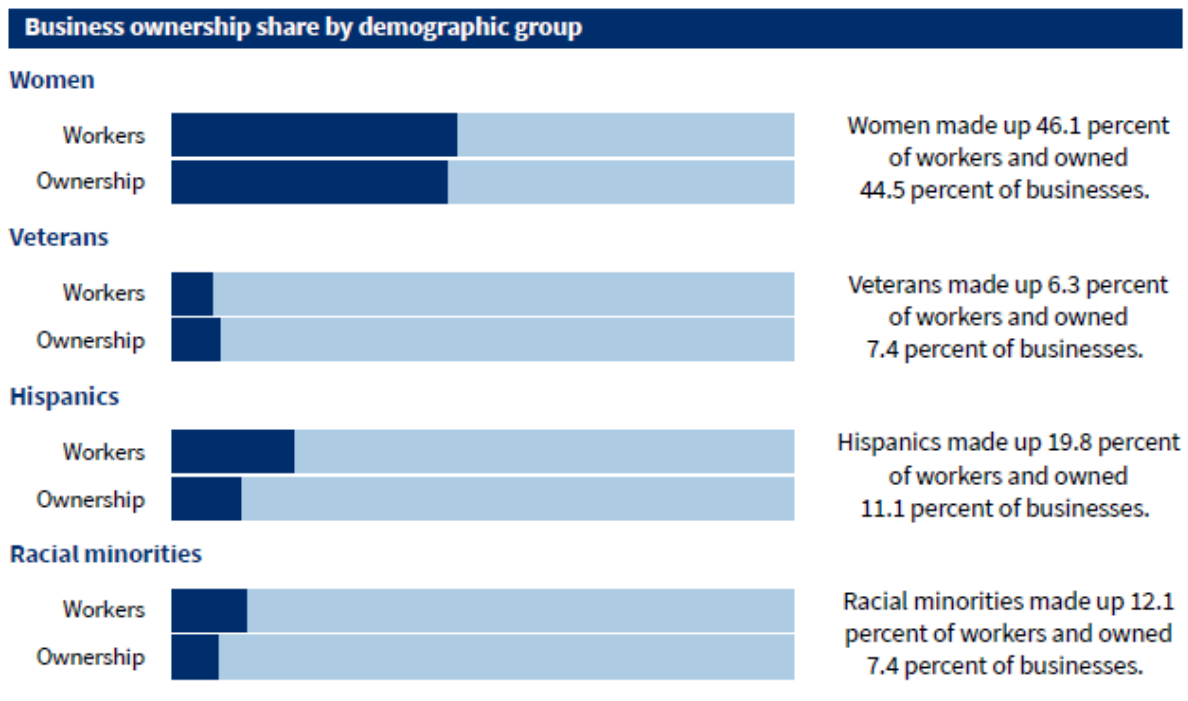
[City docs](#) click on this link to read the request and the current city docs.

[LAC Diversity Committee - Zoom](#) April 19, 2023 committee meeting video with City and County of Denver - Alexis Nightengale and Brittany Eroen

[LAC Diversity Committee - Zoom](#) March 22, 2023 committee meeting with Jefferson County DEI Manager - Marika Sitz

### **Graphical References:**

#### **Business Ownership by Demographic Group (State of Colorado)**



Ownership shares include equal and majority ownership

Sources of data: [American Community Survey, 2018](#) (Census and IPUMS); [Annual Business Survey, 2018](#) (Census);

[Nonemployer Statistics by Demographics, 2017](#) (Census)

**Contract Awards by the City of Lakewood (Partial 2023)**

<b>Month</b>	<b>Minority Owned (MO)</b>	<b>Woman Owned (WO)</b>	<b>Both MO &amp; WO</b>	<b>Total MO WO &amp; Combo</b>	<b>Total Contracts Awarded</b>	<b>Percent Awarded to MBEs</b>
<b>April</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>10</b>	<b>55</b>	<b>18.2%</b>
<b>May</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>7</b>	<b>46</b>	<b>15.2%</b>
<b>June</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>33</b>	<b>9.1%</b>
<b>July</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>42</b>	<b>7.1%</b>
<b>August</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>14</b>	<b>38</b>	<b>36.8%</b>
<b>Totals</b>	<b>11</b>	<b>15</b>	<b>11</b>	<b>37</b>	<b>214</b>	
<b>5-Month Average</b>						<b>17.3%</b>

**Notes:**

Contracts listed include Contractual Service Agreements, Professional Services Agreements, Bids, Requests for Proposals, Requests for Qualifications and Purchase Orders.

Totals contracts awarded excludes contracts to/with government entities and educational institutions.



Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

**Question/Request:**

Jeslin Shahrezaei: I would like to see a procedure/policy for women and minority-owned businesses to have equitable access to contract bids for Lakewood through the procurement process.

**Staff Response:**

We welcome and appreciate the above question/request.

**Policy Review:** LAC's research confirmed the City of Lakewood's purchasing policy is consistent with other municipalities, such as Denver. The City of Lakewood currently has a policy and follows in practice an open, fair, equitable and competitive process in which there are many steps taken to ensure this is an equitable process for all parties.

**Opportunity:** Although staff have confidence the purchasing process does give fair access to the bidding process, we also see an opportunity to improve equitable awareness of the opportunities to bid at the City of Lakewood and increase an understanding of the bidding process for diverse groups. The LAC research and recommendations will be helpful in pursuing this opportunity.

There are currently several efforts done by the Economic Development Department that tailor to diversity. As the LAC reported, Economic Development provides training and workshops, peer to peer mentoring, Jumpstart (funding source) and resources as well as the city's website now has a translator. However, we agree, the city can do more.

From the LAC top five recommendations Purchasing and Economic Development are planning to pursue the following:

- 1. Statistics & Data Gathering:** It is important to keep the award process unbiased. However, gathering data on the award outcome is important for Lakewood to determine current diversity of awards and tracking if the education efforts are changing the statistics. Recently it was added to the bid process that Women and Minority owned businesses could self-report so that we can track the % of awarded contracts. Staff gave this information to LAC for April 2023 which was the first month of collecting the data. Since then, staff provided to LAC the data through October. (See chart)



Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

MONTH	MINORITY OWNED	WOMEN OWNED	BOTH W/O and M/O	TOTAL	TOTAL CONTRACTS AWARDED	% CONTRACTS AWARDED TO MINORITY OR WOMEN OWNED
April	3	4	3	10	55	18.2%
May	3	3	1	7	46	15.2%
June	0	1	2	3	33	9.1%
July	0	2	1	3	42	7.1%
August	5	5	4	14	38	36.8%
September	3	8	6	17	47	36.2%
October	3	2	0	5	32	15.6%
<b>TOTALS</b>	<b>14</b>	<b>23</b>	<b>17</b>	<b>54</b>	<b>261</b>	
<b>AVERGAGE % (7-mo period)</b>						<b>19.75%</b>

This is something we will need to track over a longer period of time, but initially the data shows Lakewood is exceeding the State of Co, City of Denver and Federal Government awards on average. These three entities have formal diversity programs and award between 4.6% - 8.4% per the LAC research. It is important including other diversity groups in the data collection such as veterans, disabled, LGBTQ+ etc.

The City will continue to accumulate statistics and use the findings to determine the diversity of awards and make adjustments to education.

2. **Coordinated and Aligned (Transparent and Results Oriented):** Once the city has collected more data Purchasing and Economic Development will be evaluating the workshops & outreach, engage in partnerships, and look for opportunities for change/improvement.
  
3. **Training, workshops & Outreach:** Currently the city’s Economic Development Department provides various outreach to local businesses and Chambers of Commerce as mentioned above. Purchasing and Economic Development will enhance outreach to businesses interested in doing business with the City of Lakewood. They will be providing brochures for businesses and widening the outreach to more groups and multiple forms of communication. Additionally, the purchasing team will be reviewing the city website to provide more prominent/accessible links and frequently asked questions.

Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

4. **More Partnerships:** Excellent idea from LAC. We want to leverage what others are doing and expand our partnerships.
  
5. **Establish Aspirational Goals:** As stated by the LAC the current stats indicated the city is within or exceeds the 5-8% range from the State/Metro area studies. The team that reviews the statistics, as mentioned in item 2, will recommend goals.

**Reporting Back:** The staff recommend reporting back after one year of tracking and making changes.

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 6**

To: Mayor and City Council

From:

Subject:

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**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:** LAC Report - Diversity Subcommittee Assignment #2022-06  
Staff Response to LAC WMBE Research

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

# Lakewood Advisory Commission Report

## **Research and Recommendations on Women / Minority Owned Business Enterprises**

Diversity Committee  
September 2023

*ASSIGNMENT #2022-06: WOMEN / MINORITY OWNED BUSINESSES*

“Welcome, we are building an inclusive community” - street sign as you enter Lakewood, CO.

### **Introduction**

The Lakewood Advisory Commission (LAC) is a group of informed citizen volunteers who perform research for the city council. City Council assigned the LAC, specifically the Diversity Committee, with a project to: (1) investigate what other cities are doing to increase the awareness and participation of Women and Minority Owned Businesses Enterprises (W/MBEs) in city procurements and (2) make recommendations to the city council for possible adoption into the Lakewood Municipal Code and related policies.

### **Executive Summary**

There is no shortage of information on this topic from both a historical context and what currently other cities are currently doing to increase awareness and participation of W/MBEs in competing and obtaining city contracts. We include a list of what neighboring cities are doing, as well as a list of the most recurring ideas and actions that cities around the country are taking and the goals they are striving to achieve. Based on our research and the 5-month's worth of data the City of Lakewood provided to us, the City of Lakewood is already doing a good job of awarding contracts to W/MBEs.

Since it was requested that we make recommendations based on our findings, we developed our top five recommendations for the Mayor and City Council to consider. Our Top 5 recommendations are: (1) gather and use data, (2) hire or appoint a program manager/coordinator, (3) conduct training and workshops, (4) engage in various partnerships and

(5) establish aspirational goals. In addition, there are more ideas or follow-on recommendations listed in this report that could be added or done later, perhaps in phases. Some of the additional ideas may require further research and we are happy to continue this research work.

## **Background**

The project began with all members of the Diversity Committee casting a wide net by conducting internet research, not only on what other cities are doing, while also inquiring about the current status of awards to W/MBEs by the City of Lakewood. We met with the City of Lakewood's Purchasing Supervisor to learn more about how procurements and contracting are handled now. We inquired about data the city gathers and learned the city does not keep data separated by women or minorities, but the Purchasing Supervisor agreed to gather data for us. Initially we were provided with 1-month's worth of data and then subsequently later in the year we were provided with 5-months' worth of data. The additional data was useful but it did cause a delay in our ability to present the report to the Mayor and City Council.

We also reached out to Jefferson County and the City and County of Denver to learn more about what they are doing around the subject of contracting with W/MBEs and met with their representatives. We also read studies and reports commissioned by other cities on this topic. For example, the State of Colorado engaged with the Keen Independent Research LLC to conduct a disparity study titled, "2020 State of Colorado Disparity Study." This 700+ page report documents the results they found and makes recommendations. The report attempts to outline methods that create a level playing field for historically disadvantaged businesses (HUBs) to compete for State contracts. Senate Bill 19-135 defined HUBs to be businesses owned by people of color, women, persons with physical or mental disabilities and members of the LGBT+ community.

Another study we examined was titled, "Recommendations for the City of Austin's Minority and Women-Owned Business Enterprise Program 2022" commissioned by the City of Austin, Texas. A much smaller, 22-page report, it reviewed the existing program and outlined the importance of revisiting any program on a periodic basis. The City of Ft. Collins' report titled, "Small Business Survey: Summary of Results" from 2018 was another good source of information. The websites from the City of Aurora, CO and the City of Colorado Springs and their related information were also reviewed and gave us more ideas to evaluate.

By having the LAC perform this research, the city likely saved thousands of dollars in taxpayer funding. We found our larger neighbors in the City and County of Denver to be potentially great collaborators of several recommendations by their willingness to engage in reciprocity agreements with the City of Lakewood in sharing not only best practices and lessons learned but also potentially their certification program. If Lakewood chooses to engage in this partnership, it

will likely save potentially millions of taxpayer dollars by not having to create, staff and administer such a program. Jefferson County was also willing to have discussions and assist the city in various ways. The State of Colorado also has resources and programs that Lakewood should explore further, including the possibility of obtaining grants and other support.

A question asked of our Committee was, why should the City of Lakewood look to expand the awareness, outreach and subsequently awards to a large variety of business owners? The answer is because of the many benefits both tangible and intangible. First, in regards to small businesses, small businesses are a key and integral part of the economy. Nationally they hire 2/3 of the employees and represent 44% of the overall economic activity. Second, engaging with new businesses increases competition and innovation and should lower procurement costs to the city. Third, our reading and research suggests that city contracting efforts with numbers that are reflective of all the city's diverse business owners increases civic pride, enhances the connection among residents and increases community engagement.

## **Cities in Colorado**

While we looked at what other cities are doing across the country, we later focused our research efforts on what our neighbors within the state are doing in regards to W/MBEs. Since Lakewood is the fifth largest city in the State of Colorado, we wanted to know how we compare to similar cities in our state.

As of 2021, these are the cities in Colorado with minority-owned business procurement programs or initiatives. Some may be missing if they are not in collaboration or promoting resources from or through the state's Minority Business Office (MBO) of Colorado. The cities with program and/or initiatives are:

- Denver: The City and County of Denver has a Minority and Women Business Enterprise (M/WBE) Program that seeks to increase the utilization of M/WBEs in city contracting and purchasing.
- Colorado Springs: The City of Colorado Springs has a Minority Business Enterprise (MBE) Program to enhance opportunities for minority-owned businesses in city contracting.
- Aurora: The City of Aurora has a Minority and Women Business Enterprise (M/WBE) Program to promote and assist M/WBEs in accessing city contract opportunities.
- Fort Collins: The City of Fort Collins has programs aimed at increasing opportunities for minority-owned businesses to participate in city procurement and contracting.
- Boulder: The City of Boulder has various programs and initiatives to support diverse businesses, including minority-owned businesses, in their procurement efforts.

The first cities in the list above are the 4 largest cities in Colorado. Boulder is the 8th largest city. We recognize there are several efforts being conducted by the Lakewood Economic Development Team and perhaps Lakewood should be on this list. While we will address this later in our recommendations, what seems to be missing is a policy and/or coordination that ties the development work, the mentoring and outreach work to the procurement efforts.

The conclusion we drew from the above is that Lakewood is an outlier for a city of our size in terms of having a formal program or initiatives or at least collaborating with the MBO so that they become aware of the various on-going efforts being performed and can be added to the list.

**Most Common Actions Taken by Other Cities**

Cities in both Colorado and across the U.S. who want to increase the awareness, participation and provide support to W/MBEs do a variety of things. From our research, it appears that in order to make an impact in a city’s inclusivity efforts that the actions are coordinated. From the city’s mission/vision statement to hiring or appointing a lead, such as a Diversity Equity and Inclusion (DEI) manager or similar, setting up policy and procedures, the engagement takes the form of a city program or a series of coordinated initiatives. Table 1 below describes the most consistent steps or actions that are typically part of a larger more comprehensive program to increase awareness and participation from W/MBEs in the city’s procurement program.

Table 1: Actions Cities Takes to Support W/MBEs

<b>Action</b>	<b>Details</b>
Commission a report on W/MBEs (much like this one through various sources).	Some of the bigger cities will commission a report such as this one from consultants or local universities. If they have a program for W/MBEs they evaluate the continuation of such programs or recommend updates. We read these reports and also related news stories, general information on W/MBEs and attempted to make recommendations that are tailored to the City of Lakewood. We strived to recommend actions that were achievable, expand on existing work and could be implemented with low to minimal costs.

<p>Set contracting goals</p>	<p>Establish aspirational goals. Cities tend to start by using their demographics data or disparity data to obtain W/MBE availability numbers. These goals are not quotas or mandates; they simply reflect the goals a city hopes to achieve and awards always go to best qualified firms. These goals are different and separate from any goals the Federal Government establishes for federal contracts. Cities follow the federal government set-aside rules when engaged in joint or dual city/federal contracts.</p>
<p>Keep statistics, publish those statistics and use the data.</p>	<p>Keep statistics on contract awards. Cities track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. For example, Lakewood could look something like this: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%). In 2024, women-owned businesses were awarded 10 city contracts from a total of 100 awarded contracts (10%). Then the city could do the same for minority-owned businesses. This data gives the city insight into areas they may need to target or do more outreach.</p>
<p>Hire/create position of diversity, equity, inclusion manager or similar more limited role focusing on disadvantaged businesses or someone to focus on an even larger role such as hiring, promotions, training.</p>	<p>Creates accountability and brings in a fresh or new perspective to look at things differently and perhaps to try different things.</p>
<p>Hold workshops or training sessions.</p>	<p>These are posted on the city website and trade/affinity group websites and held regularly with the goal of teaching interested businesses how to obtain contracts with the city. The Lakewood Economic Development team is already doing some of this work.</p>
<p>Utilize existing resources in the community to connect W/MBEs and others to mentors, funding sources and other similar business owners.</p>	<p>Other cities include links on their city website to such resources. City staff learns about trade/affinity/support groups then meets/partners to discuss challenges and also to create opportunities with the purpose to create and grow small businesses in our community. Lakewood is doing some of this, so perhaps it's more of expanding the</p>



	ongoing work.
Host or participate in small business coffee sessions or small business talk sessions.	Another way to bring small businesses together for networking, finding mentors, etc., while also taking the time to educate these businesses on opportunities to contract with the city. These are more informal in nature and appeal to social aspects vs educational sessions. Can also include speaking at various local Chambers of Commerce.
Highlight W/MBEs owned by residents of the city.	This creates awareness of existing W/MBEs, perhaps encourages patronage of such businesses and could serve as inspiration for future W/MBEs. We see new businesses mentioned in Looking @ Lakewood, but what about other social media sites, partner sites, the city website, etc.
Gather data (Disparity Study/Availability Study) usually from the closest big city/metro area. For Lakewood, the city could use Denver's Disparity study (addresses the Metro area).	Determine how the disparity numbers and availability numbers apply to Lakewood. Our initial evaluation is that the Metro numbers can be used by Lakewood.
Partner with another city or the county. Especially when using certification programs.	Some cities partner with nearby cities especially if they are part of a larger Metro area. The partnering can include sharing data, certification programs, lessons-learned, certification forms, training, etc.

### **Full List of Recommendations/Ideas**

We conducted extensive research on this topic gathering ideas from cities large and small. We thought it was important to share the full list of actions and ideas. What follows is the list of ideas and additional recommendations. The total list of ideas and recommendations total 16 with some having multiple parts. Some can be done in phases and some likely require more research. We recognize and appreciate the work the city has already implemented such as the website

translator and their on-going outreach and training efforts and we highlight these completed actions.

1. City should keep data on contract awards (both dollar amount and percentage amount). Without data, the city doesn't know where they stand. Some suggested software programs that can assist the city to track the data, mine the data and analyze the data can be found here: [Best Government Diversity, Equity, and Inclusion \(DEI\) Analytics Software - 2023 Reviews & Comparison \(sourceforge.net\)](#) .

2. The city should engage in more outreach to more W/MBEs.

a. This could include outreach through trade/affinity groups such as (percentage of Lakewood's population is noted in parentheses):

i. Hispanic Chamber of Commerce (23%)

<https://www.hispanicchamberdenver.com>

ii. Women's Chamber of Commerce (50%)

<https://www.cwcc.org>

iii. Asian Chamber of Commerce (3.9%)

<https://www.acccolorado.org>

iv. Colorado Black Chamber of Commerce (1.8%)

<https://www.coloradoblackchamber.org>

v. Other suggested groups to explore and expand outreach efforts include Veterans' groups, businesses owned or having employees who are persons with disabilities, LGBTQ+ owned or LGBTQ+ employees, etc.

Colorado LGBTQ Chamber of Commerce

<https://www.colgbtqcc.org>

Colorado Office of Economic Development and International Trade  
Minority Business Directory

<https://www.oedit.colorado.gov/minority-business-directory>

b. The city could also conduct workshops on the process of applying and doing business with the city. (Partially accomplished and ongoing. Some of this

is already happening as captured in “Looking at Lakewood” April 2023 and July 2023 editions.)

c. The city could also enhance their website through the use of language translators to achieve more outreach. The City of Boulder is a good example, but if further research is required, this could be assigned as a follow-on project to the LAC. ([Accomplished. The City of Lakewood website as of March 2023 has a translator option.](#))

d. The city could work and partner with the organizations listed in (a) above and ask if they could place RFPs or other opportunities and information on their specific sites.

e. Another follow-on potential assignment for the City Staff or the LAC is to research what are the top social media or other media sites utilized by Asian-owned, Hispanic-owned, Black-owned, Women-owned and Veteran-owned businesses and then the city could place the RFPs/links/opportunities on these sites. This could include possibly placing public service announcements or advertisements on Spanish-speaking radio stations.

3. Utilize data and programs from neighboring cities, especially Denver which is a bigger city with more resources. They maintain a list of W/MBEs. Perhaps when the city of Lakewood is reaching out to 3 firms for quotes, they could ensure at least one firm is from this list. Denver also conducts workshops; Lakewood city staff might be able to attend these Denver workshops as samples or resources as they build their own workshops.

The City/County of Denver utilizes a comprehensive certification program for women, minority, veteran-owned businesses. They also perform a validation of the certifications. The details of their program can be found on their Division of Small Business Opportunity (DSBO) website which is listed in the references. Of note, the representatives from the City/County of Denver are willing to share and partner with the City of Lakewood.

4. Being an inclusive city is a deliberate, thoughtful and on-going process. As such we recommend the following actions:

- a. Recommend the city update its mission/vision statement to include the goal that the city is building an inclusive community.
- b. Next we recommend the city establish aspirational contracting award goals using Census data or Disparity data from the Metro area. These goals are not quotas; they are simply proportional goals in writing that make it clear that the city of Lakewood wants to include everyone in contract awards and distribution of city funds with the understanding that the most qualified will be selected. We found

that it is critically important to define the terms so that everyone has a clear understanding of the procedure, policy and expectations.

- c. Included in this overall process recommendation is the hiring or appointing existing staff to be the coordinator for inclusive outreach and contracting. This role could be in the form of a Diversity, Equity and Inclusion Manager to work on the overall procurement process to include the outreach or could be broader to include all Lakewood to champion diversity, equity and inclusion across all the City's programs and services. Our research has shown that a program with the aim of trying to achieve inclusiveness and equity only has a good success rate when there is someone to be accountable and someone who champions the program. Hiring or appointing someone to a more limited role such as "Disadvantaged Small Business Liaison" could work and the option is used by the City of Ft Collins. Appointing several "Equity Champions" from across departments, who meet frequently, to discuss blind spots, next steps, the data and more as is being done in the City of Aurora, CO and is yet another option. The City of Lakewood is already doing a lot and achieving substantial success; however, the MBO of Colorado doesn't include Lakewood on its list of cities and perhaps it's due to Lakewood not having a person assigned to one of the roles listed above.
5. Update the city's procurement policies and procedures to match any recommendations adopted by this report. For example, gathering and maintaining data and statistics on all city contract awards is something we highly recommend and is very common practice throughout the country. The 5-months worth of data the city provided to us was very helpful and we hope it was also helpful to the procurement staff, the Economic Development team, the Mayor and City Council, etc.

Other areas to review for enhancements are the procurement processes themselves. For example: Does selection rely too heavily on positive past history doing business with the city? Can the city declare an aspirational goal for awarding contracts to firms who have never done business with the city? In reviewing the dollar thresholds and requirements to purchase we have some minor recommendations for consideration:

- a. Currently for purchases under \$10K, it's buyer's discretion. Suggestion: This seems like an area that could be further evaluated for possible improvements to engage with firms who have never been awarded a city procurement or contract. While there are some risks to engaging with new businesses, the low dollar amount may lend itself to taking on some risks. Can the city buyers be provided a list of W/MBEs and new businesses for their consideration? Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver.

Inclusiveness includes doing business with new businesses regardless of their race, gender or ethnic status.

- b. Currently for purchase between \$10K and \$74.9K city buyers must obtain 3 quotes or submit a sole source justification. Suggestion: We recommend that the city buyers be provided with a list of W/MBEs. Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver. The most qualified firm should always be selected. We recognize that contracting with new firms can involve some risks. Some risks of trying new businesses who are new to city contracting can include: the firms going through a learning curve, potentially lower quality or inability to timely completion of the job. However, it can also include potentially some benefits to the city, such as increased innovation and lower costs.
- c. Above \$75K is a very formalized process and selections are made as a group. When combined with federal funding they may be subject to set-aside provisions. Recommendation: Proceed as is.

6. W/MBEs often struggle to secure funding to start their business, again in their early years of existence to sustain their business and perhaps struggle even more to expand their business. Perhaps the city could also bring in representatives from Small Business Administration (SBA), banks and credit unions to conduct workshops on obtaining funding. Partner with mentors to conduct workshops on obtaining funding. Setup a follow-on program where protégés are then expected to become mentors.

7. Related to the above perhaps the city could host a business forum for women, minority and veteran owned businesses where they could all meet, network and share stories among themselves. Or the city could send economic development team representatives to the various chamber of commerce events.

8. During contract selection/deliberations, perhaps additional consideration (priority) is given to firms who use as subcontractors who are W/MBEs. Perhaps this could result in mentor-protégé relationships that could develop the pipeline for more W/MBEs to become prime contractors. We believe ideas like this and others' ideas that may come from city staff, community members, and others could help businesses that are just starting out and possibly create a pipeline of future contractors.

9. The city of Colorado Springs does engage in various efforts to help W/MBEs. One of the interesting actions is they highlight women-owned businesses on its "Visit Colorado Springs"

website. Perhaps Lakewood could do the same on the city website as we do not have a dedicated tourism site. While Lakewood does highlight new businesses in Looking @ Lakewood newspaper, perhaps the city could expand on this to the city website and other social media sites.

10. On the Pueblo County website, they explain why after 30-years of research and discussion there is still a need for programs that assist W/MBEs and Disadvantaged Small Businesses. While the data is from 2010, some things like lack of mentors and difficulty in getting funding still are reported on and discussed today and we found confirmed this with more recent reports and news articles. It was unclear exactly what the City/County of Pueblo are doing in regards to assisting W/MBEs. The 2018 Study by the City of Ft. Collins lists some of the same issues and challenges facing W/MBEs and their study provides additional information. The City of Ft. Collins does have a W/MBE program.

11. The city of Edmonds, WA describes on their website that small businesses are the backbone of the economy. They engage in strengthening opportunities for small and diverse businesses. They believe doing this not only strengthens the local economy, it supports the community, improves the quality of life for everyone and having more participants increases competition and innovation while lowering costs.

12. Require certification from women/minority/veteran-owned business enterprises. A program and database can be created or the city can use one that exists, such as the city of Denver's program. The Denver Reps we talked to said they are willing to engage in some sort of reciprocity agreement. This will likely require more city staffing to manage the program, check certifications, etc. Staffing requirements would be less if the city enters a partnership agreement.

13. Another recommendation would be to have a Lakewood certification form without a formal certification program that would collect data about businesses that do contract with the city. The informal program could gather information about the businesses. If confirmation is desired, perhaps this could be confirmed by site visits that could be done by volunteers. The form below is overzealous but a modified form that could fit our city could work well. In addition, Denver and the State of Colorado have certification formats that we could use and encourage State wide consistency with certification.

[City of Oakland pdf doc.](#)

14. City should formalize the definitions for terms such as Women and Minority-owned Business Enterprise (W/MBE), Disadvantaged Business Enterprise (DBE), Veteran-owned Small Business (VOSB) and others. While the SBA website is an excellent source of the definitions, we recognize some cities further define or expand on these definitions. It is important for all involved to know the definitions being used. These terms and definitions become important in the data collection and reporting process and also in the certification program, should the city decide to pursue this option. Of note, using the city data for awards they made during April 2023

further pointed-out the need for consistent and clear definitions so the data is captured effectively. We were not sure how to capture firms that are both women-owned and minority-owned so we ended up creating a third category called both.

15. Model the Federal Government. We don't have to redesign the wheel. [Disadvantaged Business Enterprise Program Requirements | US EPA](#) or [GSA Announces Actions to Advance Equity and Supplier Diversity in Federal Procurement | GSA](#)

16. Related to above, the City of Lakewood has the 2nd most concentration of Federal employees in the country located at the Federal Center. City should explore more collaboration efforts with the federal government. Perhaps the collaboration could lead to establishing an incubator to help create more minority and women owned businesses and jobs right here.

### Top 5 Recommendations

Based on our research and investigating what other cities have implemented and then tailoring to the City of Lakewood, we developed our Top 5 recommendations. We believe these recommendations can have an impact both quickly and with minimal costs. Table 2 below lists our top five recommendations for the City of Lakewood to consider in further improving the awareness and participation of W/MBEs.

Table 2: Top 5 Recommendations

Recommended Action	Justification/Benefits
1. Gather and keep statistics and use the data to refine the W/MBE program, the goals, the outreach, etc. Publish those statistics on the city website.	Cities keep statistics on all contract awards to ensure transparency. Without data it is difficult to know how the city is doing. We recommend the city at minimum track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. Examples of data could include: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%) and Hispanic-owned businesses were awarded 10 city contracts from a total of 100 city contracts (10%). This data gives the city insight into areas they may need to target or do more outreach.

<p>2. Evaluate hiring/assigning a coordinator to more efficiently coordinate the initiatives or beginnings or a program the city already has on-going. There are many things happening already. The 5-month's worth of data is indicative of what the city can achieve for a full year or more, once people hear about the city's achievements, we suspect many cities are going to want to speak to the city about how they can modify their programs.</p>	<p>A coordinated program has many benefits. Ties all the efforts together, creates a point person who continues to facilitate awareness, evaluates changes and improvements and continues to look for blind spots. Person in the position, using data, generates new ideas on what the city could do differently or better to reach more W/MBEs and start expanding to others such as veteran-owned businesses and others.</p> <p>There are more options, like a more limited role such as the City of Ft Collins has done. Another option taken from the city of Aurora would be to establish 2 champions (co-coordinators) such as the head of the city procurement and the head of the Economic Development team to continually discuss the data, ideas and resources.</p>
<p>3. City to conduct training, workshops and various outreach efforts to increase the numbers of W/MBEs businesses and participation in the City contracting process.</p>	<p>Some of this is already being done by Lakewood's Economic Development team. Expand efforts, do more workshops and outreach geared towards businesses interested in doing business with the city. Partner with various affinity groups listed in this report as possible sources to post opportunities or conduct some mentoring and more outreach. Also consider partnering with the State of Colorado and Small Business Administration. Small businesses are crucial to the economy.</p>
<p>4. Establish partnerships with the City &amp; County of Denver and Jefferson County.</p>	<p>We had several guest speakers come and share their programs with the LAC. Both the City &amp; County of Denver and Jefferson County are willing to share their expertise, lessons-learned, even their certification program with the City of Lakewood. There are abundant opportunities so that the city does not have to recreate the wheel nor duplicate efforts. Partnering can also save the city money by not having to hire a lot of additional staff.</p>



<p>5. Establish aspirational contracting goals.</p>	<p>Establish goals using demographics of current state business owners is a starting place (see references) and further refine using the Metro area Disparity Study and Availability numbers. We did some of this research and recommend using as aspirational goals that our neighbors with robust programs have achieved; therefore, <b>5-8%</b> contracting goal for Women-owned businesses and the same <b>5-8%</b> goal for Minority-owned businesses. Goals could be added to include Veteran-owned businesses and others. The contract award data suggests the city is already exceeding these aspirational goals, but 12-months of data should be used. If goals are being met, they can be raised to the next level which is 9-12%. The data suggests 20-24% of businesses who provide goods and services that cities utilize are W/MBEs.</p>
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**Conclusion**

Based on the 5-months worth data we were provided, the City of Lakewood is already doing an excellent job in awarding contracts to W/MBEs. While 12-months worth of data would have been preferable to draw more accurate conclusions, so far the city is exceeding the aspirational goals that most cities and federal agencies place on themselves. The city should continue to gather and maintain its contract award data, there could be a great story of success here that the city should be proud to showcase and share with others.

While the data looks good, we are recommending further steps that the city could implement to increase both the awareness and opportunities for W/MBEs. This in turn could lead to a strengthening of our local economy, increase competition and lower costs to the City of Lakewood. The research also suggests that awarding city contracts to a large range of businesses increases civic pride and creates a feeling of inclusiveness.

**Appreciation**

We LAC, Diversity Committee, appreciate this first assignment for our committee. We'd like to thank the Mayor and City Council for assigning us this project, especially Counselor Jeslin Shahrezaei for preparing and submitting this assignment to the LAC. We'd also like to thank Mary O'Halloran, City of Lakewood Procurement Supervisor for sharing her expertise and for gathering multiple iterations of data for us to evaluate. We'd also like to thank Jay Robb, the City Clerk, for all his support and contacts across the Metro area and beyond. Our deep appreciation to Marika Sitz, Diversity, Equity and Inclusion Manager, Jefferson County and to

Alexis Nightengale and Brittany Eroen from the Division of Small Business Opportunity, City and County of Denver.

### **References:**

Countless hours were spent by the team researching other cities' websites and commissioned studies in order for us to develop some recommendations that we think are appropriate for the City of Lakewood. Below are many of the links used, including links to reports, news stories and general information.

<https://www.denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Economic-Development-Opportunity/Business-Owners-Entrepreneurs/Do-Business-with-the-City/Frequently-Asked-Questions/About-DSBO>

- Division of Small Business Opportunity (DSBO) website, City/County of Denver

<https://oedit.colorado.gov/minority-business-office-of-colorado>

- General information from the Minority Business Office of Colorado, a division of Office of Economic Development and International Trade (OEDIT)

<https://oedit.colorado.gov/minority-owned-businesses>

- Specific OEDIT information including a list of minority owned businesses

<https://www.governing.com/cityaccelerator/cohort4>

- Helpful publication from City Accelerator:

<https://19thnews.org/2021/06/small-business-administration-contracts-woman-owned-businesses-for-decades/>

- Article on history of Federal contracts to WBEs and what the SBA has done

<https://www.mbda.gov/tags/disparity-studies>

- Compilation of multiple Disparity Studies across the US by Department of Commerce

<https://cao-94612.s3.amazonaws.com/documents/City-of-Oakland-Draft-Disparity-Study.pdf>

- Disparity Study- has information on what is legally allowed as well as analysis of Oakland's actual disparities.

<https://www.oaklandca.gov/documents/contracts-and-compliance-forms-and-schedules>

- City of Oakland's Contracts Schedules which include questions about race/ethnicity and

gender of business owners:

<https://www.open-contracting.org/2020/11/19/new-report-a-procurement-path-to-equity/>

- 5 Ways cities can use purchasing power to help W/MBEs

<https://www.fastcompany.com/90298216/how-cities-can-support-minority-and-women-entrepreneurs-buy-things-from-them>

- How cities can support women owned businesses: buy things from them

<https://www.boston.gov/news/proposal-filed-expand-access-city-contracts-minority-and-women-owned-enterprises>

- City of Boston, Proposal file to expand access to city contracts

<https://www.edmondswa.gov/cms/One.aspx?portalId=16495016&pageId=17269271>

- City of Edmonds, Diversity, Equity and Inclusion Commission. Ideas of things Lakewood may want to consider such as a film series.

<https://bellevuewa.gov/city-government/departments/city-managers-office/diversity-advantage-initiative>

- City of Bellevue, their Diversity Advantage Initiative

<https://www.fcgov.com/>

- City of Ft. Collins, CO. General site with links to 2018 Small Business Survey and Public Notice on contracting goals on dual/partner Federal contracts.

<https://www.visitcos.com/blog/women-owned-businesses-resources/>

- Visit Colorado Springs website highlighting women-owned businesses

<https://county.pueblo.org/energy-and-economic-development/minority-owned-business-resources>

- Pueblo County, CO website with resources for minority-owned businesses

<https://www.talgov.com/diversityinclusion/divinhome>

- City of Tallahassee, their Diversity Initiatives and Plans

<https://www.portseattle.org/business/bid-opportunities>

- Port of Seattle information

<https://cuyahogacounty.us/fightracism>

- Cuyahoga County Links

<http://accaweb.org/>

- American Contract Compliance Association

<https://goodfoodpurchasing.org/>

- Good Food purchasing programs in some cities.

<https://www.governing.com/cityaccelerator/blog/cities-purchase-power-people-color-minorities-lc.html>

- 5 Ways Cities can use their purchasing power to support minority-owned businesses

[https://hwpi.harvard.edu/files/govlabs/files/strategies\\_for\\_improving\\_vendor\\_diversity\\_brief.pdf](https://hwpi.harvard.edu/files/govlabs/files/strategies_for_improving_vendor_diversity_brief.pdf)

- A paper with strategies for improving vendor diversity.

<https://www.thewomenofdenver.com/>

- Women of Denver - a connection platform for women in Colorado to build their network; they also offer free mentoring and advice to women business owners by other women business owners.

<https://micasaresourcecenter.org/>

- Mi Casa Resource Center offers free coaching and consulting to Hispanic/Latino small businesses and entrepreneurs.

Here is [Find a minority, woman, or disabled-owned business | Services | City of Philadelphia](#)

- An example from Philadelphia to search for W/MBEs and disabled-owned businesses.

“A [1989 Supreme Court ruling](#) established that cities may only overtly work to support minority-owned businesses if they can prove a history of discrimination in city contracts.”

- What we are recommending is different but we leave this reference here for historical context.

Cities like Los Angeles and Chicago set up portals where new contracting opportunities could be posted well in advance, so smaller firms could learn how to bid on them. Also, rather than issuing a single contract to a large firm, the accelerator cities are breaking up contracts into smaller projects that a cohort of local businesses could tackle. Smaller contracts help the city establish relationships with more diverse vendors, who can use the revenue stream to grow their business. Improving procurements and [city accelerator](#)

The federal government has very specific goals for small businesses. Agencies have various

procurement programs set aside or earmark a certain percentage of contract dollars that must go to small businesses. The federal government has contracts called total small business set-asides, which are exclusively set aside for small businesses. See SBA website for details ([sba.gov](http://sba.gov)) They have the Women-Owned Small Businesses ([WOSB certification](#)), which is limited to women who are certified as WOSB.”

[Washington State's](#) equity of public spending showing what the State of Washington is doing.

[Seattle WA is](#) really interesting ... you can read public meeting minutes on how their Advisory committee was working through some of these same issues.

Seattle’s Priority Hiring Program - [Priority Hire Program](#)

[Equity Considerations — Equity Resource Hub](#)

- A resource on equity with questions to consider.

[EquitableDecisionMakingTool.pdf \(clark.edu\)](#)

- A series of questions, many of which are thought-provoking.

City of [Boulder](#) website, it translates the site into many languages.

Other translation services: [Translation services](#) or you can try [google translate](#)

<https://www.thomsonreuters.com/en-us/posts/news-and-media/government-procurement-dei/>

- Article on How Government Procurement Helps with Diversity, Equity and Inclusion, including a link to a procurement tracker used by the city of Tacoma, WA:

<https://sloanreview.mit.edu/article/how-procurement-can-strengthen-diversity-and-inclusion/>

- Article by the MIT Sloan School of Management on how Procurement can Strengthen Diversity and Inclusion:

<https://buildinginnovationhub.org/resource/find-a-qualified-vendor/high-road-contracting/>

- High-Road Contracting Too, a tool to help find qualified vendors:

### **Additional Links/Information:**

The Request from the City Council that generated this paper.

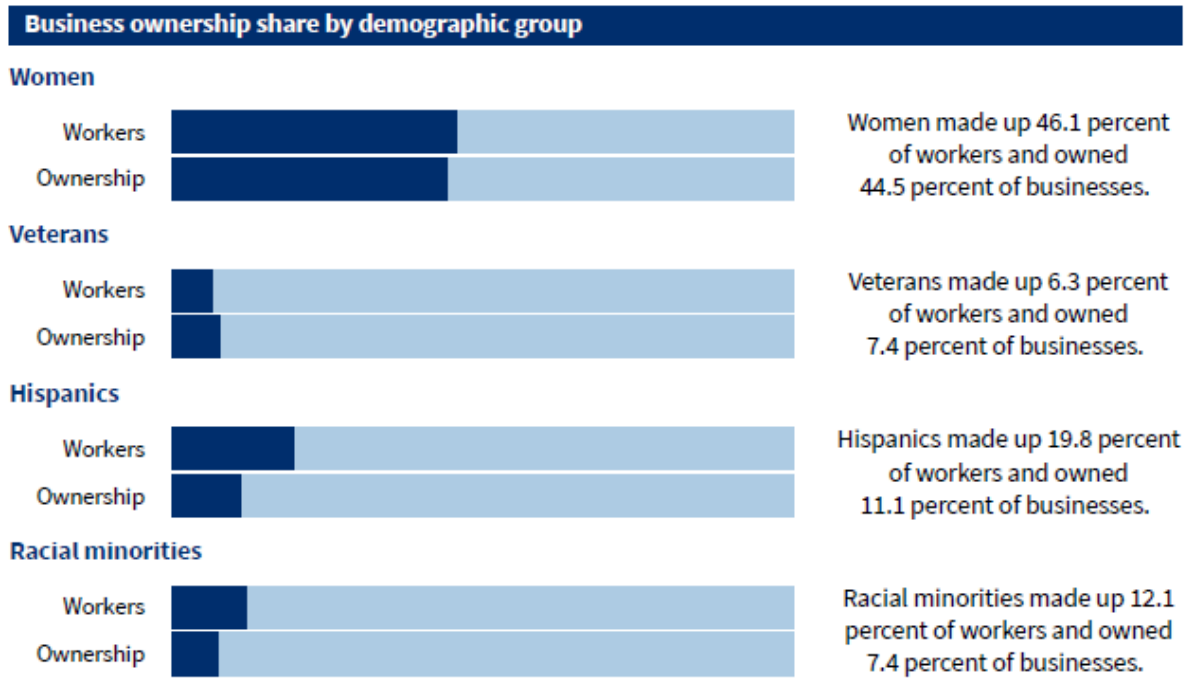
[City docs](#) click on this link to read the request and the current city docs.

[LAC Diversity Committee - Zoom](#) April 19, 2023 committee meeting video with City and County of Denver - Alexis Nightengale and Brittany Eroen

[LAC Diversity Committee - Zoom](#) March 22, 2023 committee meeting with Jefferson County DEI Manager - Marika Sitz

### **Graphical References:**

#### **Business Ownership by Demographic Group (State of Colorado)**



Ownership shares include equal and majority ownership

Sources of data: [American Community Survey, 2018](#) (Census and IPUMS); [Annual Business Survey, 2018](#) (Census);

[Nonemployer Statistics by Demographics, 2017](#) (Census)

**Contract Awards by the City of Lakewood (Partial 2023)**

<b>Month</b>	<b>Minority Owned (MO)</b>	<b>Woman Owned (WO)</b>	<b>Both MO &amp; WO</b>	<b>Total MO WO &amp; Combo</b>	<b>Total Contracts Awarded</b>	<b>Percent Awarded to MBEs</b>
<b>April</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>10</b>	<b>55</b>	<b>18.2%</b>
<b>May</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>7</b>	<b>46</b>	<b>15.2%</b>
<b>June</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>33</b>	<b>9.1%</b>
<b>July</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>42</b>	<b>7.1%</b>
<b>August</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>14</b>	<b>38</b>	<b>36.8%</b>
<b>Totals</b>	<b>11</b>	<b>15</b>	<b>11</b>	<b>37</b>	<b>214</b>	
<b>5-Month Average</b>						<b>17.3%</b>

**Notes:**

Contracts listed include Contractual Service Agreements, Professional Services Agreements, Bids, Requests for Proposals, Requests for Qualifications and Purchase Orders.

Totals contracts awarded excludes contracts to/with government entities and educational institutions.



Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

**Question/Request:**

Jeslin Shahrezaei: I would like to see a procedure/policy for women and minority-owned businesses to have equitable access to contract bids for Lakewood through the procurement process.

**Staff Response:**

We welcome and appreciate the above question/request.

**Policy Review:** LAC's research confirmed the City of Lakewood's purchasing policy is consistent with other municipalities, such as Denver. The City of Lakewood currently has a policy and follows in practice an open, fair, equitable and competitive process in which there are many steps taken to ensure this is an equitable process for all parties.

**Opportunity:** Although staff have confidence the purchasing process does give fair access to the bidding process, we also see an opportunity to improve equitable awareness of the opportunities to bid at the City of Lakewood and increase an understanding of the bidding process for diverse groups. The LAC research and recommendations will be helpful in pursuing this opportunity.

There are currently several efforts done by the Economic Development Department that tailor to diversity. As the LAC reported, Economic Development provides training and workshops, peer to peer mentoring, Jumpstart (funding source) and resources as well as the city's website now has a translator. However, we agree, the city can do more.

From the LAC top five recommendations Purchasing and Economic Development are planning to pursue the following:

- 1. Statistics & Data Gathering:** It is important to keep the award process unbiased. However, gathering data on the award outcome is important for Lakewood to determine current diversity of awards and tracking if the education efforts are changing the statistics. Recently it was added to the bid process that Women and Minority owned businesses could self-report so that we can track the % of awarded contracts. Staff gave this information to LAC for April 2023 which was the first month of collecting the data. Since then, staff provided to LAC the data through October. (See chart)





Lakewood Advisory Commission (LAC)  
 Diversity Subcommittee Recommendations  
 City of Lakewood Staff Response

MONTH	MINORITY OWNED	WOMEN OWNED	BOTH W/O and M/O	TOTAL	TOTAL CONTRACTS AWARDED	% CONTRACTS AWARDED TO MINORITY OR WOMEN OWNED
April	3	4	3	10	55	18.2%
May	3	3	1	7	46	15.2%
June	0	1	2	3	33	9.1%
July	0	2	1	3	42	7.1%
August	5	5	4	14	38	36.8%
September	3	8	6	17	47	36.2%
October	3	2	0	5	32	15.6%
<b>TOTALS</b>	<b>14</b>	<b>23</b>	<b>17</b>	<b>54</b>	<b>261</b>	
<b>AVERGAGE % (7-mo period)</b>						<b>19.75%</b>

This is something we will need to track over a longer period of time, but initially the data shows Lakewood is exceeding the State of Co, City of Denver and Federal Government awards on average. These three entities have formal diversity programs and award between 4.6% - 8.4% per the LAC research. It is important including other diversity groups in the data collection such as veterans, disabled, LGBTQ+ etc.

The City will continue to accumulate statistics and use the findings to determine the diversity of awards and make adjustments to education.

2. **Coordinated and Aligned (Transparent and Results Oriented):** Once the city has collected more data Purchasing and Economic Development will be evaluating the workshops & outreach, engage in partnerships, and look for opportunities for change/improvement.
  
3. **Training, workshops & Outreach:** Currently the city’s Economic Development Department provides various outreach to local businesses and Chambers of Commerce as mentioned above. Purchasing and Economic Development will enhance outreach to businesses interested in doing business with the City of Lakewood. They will be providing brochures for businesses and widening the outreach to more groups and multiple forms of communication. Additionally, the purchasing team will be reviewing the city website to provide more prominent/accessible links and frequently asked questions.

Lakewood Advisory Commission (LAC)  
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4. **More Partnerships:** Excellent idea from LAC. We want to leverage what others are doing and expand our partnerships.
  
5. **Establish Aspirational Goals:** As stated by the LAC the current stats indicated the city is within or exceeds the 5-8% range from the State/Metro area studies. The team that reviews the statistics, as mentioned in item 2, will recommend goals.

**Reporting Back:** The staff recommend reporting back after one year of tracking and making changes.

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 6**

To: Mayor and City Council

From:

Subject:

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**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:** LAC Report - Diversity Subcommittee Assignment #2022-06  
Staff Response to LAC WMBE Research

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

# Lakewood Advisory Commission Report

## **Research and Recommendations on Women / Minority Owned Business Enterprises**

Diversity Committee  
September 2023

*ASSIGNMENT #2022-06: WOMEN / MINORITY OWNED BUSINESSES*

“Welcome, we are building an inclusive community” - street sign as you enter Lakewood, CO.

### **Introduction**

The Lakewood Advisory Commission (LAC) is a group of informed citizen volunteers who perform research for the city council. City Council assigned the LAC, specifically the Diversity Committee, with a project to: (1) investigate what other cities are doing to increase the awareness and participation of Women and Minority Owned Businesses Enterprises (W/MBEs) in city procurements and (2) make recommendations to the city council for possible adoption into the Lakewood Municipal Code and related policies.

### **Executive Summary**

There is no shortage of information on this topic from both a historical context and what currently other cities are currently doing to increase awareness and participation of W/MBEs in competing and obtaining city contracts. We include a list of what neighboring cities are doing, as well as a list of the most recurring ideas and actions that cities around the country are taking and the goals they are striving to achieve. Based on our research and the 5-month's worth of data the City of Lakewood provided to us, the City of Lakewood is already doing a good job of awarding contracts to W/MBEs.

Since it was requested that we make recommendations based on our findings, we developed our top five recommendations for the Mayor and City Council to consider. Our Top 5 recommendations are: (1) gather and use data, (2) hire or appoint a program manager/coordinator, (3) conduct training and workshops, (4) engage in various partnerships and

(5) establish aspirational goals. In addition, there are more ideas or follow-on recommendations listed in this report that could be added or done later, perhaps in phases. Some of the additional ideas may require further research and we are happy to continue this research work.

## **Background**

The project began with all members of the Diversity Committee casting a wide net by conducting internet research, not only on what other cities are doing, while also inquiring about the current status of awards to W/MBEs by the City of Lakewood. We met with the City of Lakewood's Purchasing Supervisor to learn more about how procurements and contracting are handled now. We inquired about data the city gathers and learned the city does not keep data separated by women or minorities, but the Purchasing Supervisor agreed to gather data for us. Initially we were provided with 1-month's worth of data and then subsequently later in the year we were provided with 5-months' worth of data. The additional data was useful but it did cause a delay in our ability to present the report to the Mayor and City Council.

We also reached out to Jefferson County and the City and County of Denver to learn more about what they are doing around the subject of contracting with W/MBEs and met with their representatives. We also read studies and reports commissioned by other cities on this topic. For example, the State of Colorado engaged with the Keen Independent Research LLC to conduct a disparity study titled, "2020 State of Colorado Disparity Study." This 700+ page report documents the results they found and makes recommendations. The report attempts to outline methods that create a level playing field for historically disadvantaged businesses (HUBs) to compete for State contracts. Senate Bill 19-135 defined HUBs to be businesses owned by people of color, women, persons with physical or mental disabilities and members of the LGBT+ community.

Another study we examined was titled, "Recommendations for the City of Austin's Minority and Women-Owned Business Enterprise Program 2022" commissioned by the City of Austin, Texas. A much smaller, 22-page report, it reviewed the existing program and outlined the importance of revisiting any program on a periodic basis. The City of Ft. Collins' report titled, "Small Business Survey: Summary of Results" from 2018 was another good source of information. The websites from the City of Aurora, CO and the City of Colorado Springs and their related information were also reviewed and gave us more ideas to evaluate.

By having the LAC perform this research, the city likely saved thousands of dollars in taxpayer funding. We found our larger neighbors in the City and County of Denver to be potentially great collaborators of several recommendations by their willingness to engage in reciprocity agreements with the City of Lakewood in sharing not only best practices and lessons learned but also potentially their certification program. If Lakewood chooses to engage in this partnership, it

will likely save potentially millions of taxpayer dollars by not having to create, staff and administer such a program. Jefferson County was also willing to have discussions and assist the city in various ways. The State of Colorado also has resources and programs that Lakewood should explore further, including the possibility of obtaining grants and other support.

A question asked of our Committee was, why should the City of Lakewood look to expand the awareness, outreach and subsequently awards to a large variety of business owners? The answer is because of the many benefits both tangible and intangible. First, in regards to small businesses, small businesses are a key and integral part of the economy. Nationally they hire 2/3 of the employees and represent 44% of the overall economic activity. Second, engaging with new businesses increases competition and innovation and should lower procurement costs to the city. Third, our reading and research suggests that city contracting efforts with numbers that are reflective of all the city's diverse business owners increases civic pride, enhances the connection among residents and increases community engagement.

## **Cities in Colorado**

While we looked at what other cities are doing across the country, we later focused our research efforts on what our neighbors within the state are doing in regards to W/MBEs. Since Lakewood is the fifth largest city in the State of Colorado, we wanted to know how we compare to similar cities in our state.

As of 2021, these are the cities in Colorado with minority-owned business procurement programs or initiatives. Some may be missing if they are not in collaboration or promoting resources from or through the state's Minority Business Office (MBO) of Colorado. The cities with program and/or initiatives are:

- Denver: The City and County of Denver has a Minority and Women Business Enterprise (M/WBE) Program that seeks to increase the utilization of M/WBEs in city contracting and purchasing.
- Colorado Springs: The City of Colorado Springs has a Minority Business Enterprise (MBE) Program to enhance opportunities for minority-owned businesses in city contracting.
- Aurora: The City of Aurora has a Minority and Women Business Enterprise (M/WBE) Program to promote and assist M/WBEs in accessing city contract opportunities.
- Fort Collins: The City of Fort Collins has programs aimed at increasing opportunities for minority-owned businesses to participate in city procurement and contracting.
- Boulder: The City of Boulder has various programs and initiatives to support diverse businesses, including minority-owned businesses, in their procurement efforts.

The first cities in the list above are the 4 largest cities in Colorado. Boulder is the 8th largest city. We recognize there are several efforts being conducted by the Lakewood Economic Development Team and perhaps Lakewood should be on this list. While we will address this later in our recommendations, what seems to be missing is a policy and/or coordination that ties the development work, the mentoring and outreach work to the procurement efforts.

The conclusion we drew from the above is that Lakewood is an outlier for a city of our size in terms of having a formal program or initiatives or at least collaborating with the MBO so that they become aware of the various on-going efforts being performed and can be added to the list.

### **Most Common Actions Taken by Other Cities**

Cities in both Colorado and across the U.S. who want to increase the awareness, participation and provide support to W/MBEs do a variety of things. From our research, it appears that in order to make an impact in a city’s inclusivity efforts that the actions are coordinated. From the city’s mission/vision statement to hiring or appointing a lead, such as a Diversity Equity and Inclusion (DEI) manager or similar, setting up policy and procedures, the engagement takes the form of a city program or a series of coordinated initiatives. Table 1 below describes the most consistent steps or actions that are typically part of a larger more comprehensive program to increase awareness and participation from W/MBEs in the city’s procurement program.

Table 1: Actions Cities Takes to Support W/MBEs

<b>Action</b>	<b>Details</b>
Commission a report on W/MBEs (much like this one through various sources).	Some of the bigger cities will commission a report such as this one from consultants or local universities. If they have a program for W/MBEs they evaluate the continuation of such programs or recommend updates. We read these reports and also related news stories, general information on W/MBEs and attempted to make recommendations that are tailored to the City of Lakewood. We strived to recommend actions that were achievable, expand on existing work and could be implemented with low to minimal costs.

<p>Set contracting goals</p>	<p>Establish aspirational goals. Cities tend to start by using their demographics data or disparity data to obtain W/MBE availability numbers. These goals are not quotas or mandates; they simply reflect the goals a city hopes to achieve and awards always go to best qualified firms. These goals are different and separate from any goals the Federal Government establishes for federal contracts. Cities follow the federal government set-aside rules when engaged in joint or dual city/federal contracts.</p>
<p>Keep statistics, publish those statistics and use the data.</p>	<p>Keep statistics on contract awards. Cities track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. For example, Lakewood could look something like this: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%). In 2024, women-owned businesses were awarded 10 city contracts from a total of 100 awarded contracts (10%). Then the city could do the same for minority-owned businesses. This data gives the city insight into areas they may need to target or do more outreach.</p>
<p>Hire/create position of diversity, equity, inclusion manager or similar more limited role focusing on disadvantaged businesses or someone to focus on an even larger role such as hiring, promotions, training.</p>	<p>Creates accountability and brings in a fresh or new perspective to look at things differently and perhaps to try different things.</p>
<p>Hold workshops or training sessions.</p>	<p>These are posted on the city website and trade/affinity group websites and held regularly with the goal of teaching interested businesses how to obtain contracts with the city. The Lakewood Economic Development team is already doing some of this work.</p>
<p>Utilize existing resources in the community to connect W/MBEs and others to mentors, funding sources and other similar business owners.</p>	<p>Other cities include links on their city website to such resources. City staff learns about trade/affinity/support groups then meets/partners to discuss challenges and also to create opportunities with the purpose to create and grow small businesses in our community. Lakewood is doing some of this, so perhaps it's more of expanding the</p>



	ongoing work.
Host or participate in small business coffee sessions or small business talk sessions.	Another way to bring small businesses together for networking, finding mentors, etc., while also taking the time to educate these businesses on opportunities to contract with the city. These are more informal in nature and appeal to social aspects vs educational sessions. Can also include speaking at various local Chambers of Commerce.
Highlight W/MBEs owned by residents of the city.	This creates awareness of existing W/MBEs, perhaps encourages patronage of such businesses and could serve as inspiration for future W/MBEs. We see new businesses mentioned in Looking @ Lakewood, but what about other social media sites, partner sites, the city website, etc.
Gather data (Disparity Study/Availability Study) usually from the closest big city/metro area. For Lakewood, the city could use Denver's Disparity study (addresses the Metro area).	Determine how the disparity numbers and availability numbers apply to Lakewood. Our initial evaluation is that the Metro numbers can be used by Lakewood.
Partner with another city or the county. Especially when using certification programs.	Some cities partner with nearby cities especially if they are part of a larger Metro area. The partnering can include sharing data, certification programs, lessons-learned, certification forms, training, etc.

### **Full List of Recommendations/Ideas**

We conducted extensive research on this topic gathering ideas from cities large and small. We thought it was important to share the full list of actions and ideas. What follows is the list of ideas and additional recommendations. The total list of ideas and recommendations total 16 with some having multiple parts. Some can be done in phases and some likely require more research. We recognize and appreciate the work the city has already implemented such as the website

translator and their on-going outreach and training efforts and we highlight these completed actions.

1. City should keep data on contract awards (both dollar amount and percentage amount). Without data, the city doesn't know where they stand. Some suggested software programs that can assist the city to track the data, mine the data and analyze the data can be found here: [Best Government Diversity, Equity, and Inclusion \(DEI\) Analytics Software - 2023 Reviews & Comparison \(sourceforge.net\)](#) .

2. The city should engage in more outreach to more W/MBEs.

a. This could include outreach through trade/affinity groups such as (percentage of Lakewood's population is noted in parentheses):

i. Hispanic Chamber of Commerce (23%)

<https://www.hispanicchamberdenver.com>

ii. Women's Chamber of Commerce (50%)

<https://www.cwcc.org>

iii. Asian Chamber of Commerce (3.9%)

<https://www.acccolorado.org>

iv. Colorado Black Chamber of Commerce (1.8%)

<https://www.coloradoblackchamber.org>

v. Other suggested groups to explore and expand outreach efforts include Veterans' groups, businesses owned or having employees who are persons with disabilities, LGBTQ+ owned or LGBTQ+ employees, etc.

Colorado LGBTQ Chamber of Commerce

<https://www.colgbtqcc.org>

Colorado Office of Economic Development and International Trade  
Minority Business Directory

<https://www.oedit.colorado.gov/minority-business-directory>

b. The city could also conduct workshops on the process of applying and doing business with the city. (Partially accomplished and ongoing. Some of this

is already happening as captured in “Looking at Lakewood” April 2023 and July 2023 editions.)

c. The city could also enhance their website through the use of language translators to achieve more outreach. The City of Boulder is a good example, but if further research is required, this could be assigned as a follow-on project to the LAC. ([Accomplished. The City of Lakewood website as of March 2023 has a translator option.](#))

d. The city could work and partner with the organizations listed in (a) above and ask if they could place RFPs or other opportunities and information on their specific sites.

e. Another follow-on potential assignment for the City Staff or the LAC is to research what are the top social media or other media sites utilized by Asian-owned, Hispanic-owned, Black-owned, Women-owned and Veteran-owned businesses and then the city could place the RFPs/links/opportunities on these sites. This could include possibly placing public service announcements or advertisements on Spanish-speaking radio stations.

3. Utilize data and programs from neighboring cities, especially Denver which is a bigger city with more resources. They maintain a list of W/MBEs. Perhaps when the city of Lakewood is reaching out to 3 firms for quotes, they could ensure at least one firm is from this list. Denver also conducts workshops; Lakewood city staff might be able to attend these Denver workshops as samples or resources as they build their own workshops.

The City/County of Denver utilizes a comprehensive certification program for women, minority, veteran-owned businesses. They also perform a validation of the certifications. The details of their program can be found on their Division of Small Business Opportunity (DSBO) website which is listed in the references. Of note, the representatives from the City/County of Denver are willing to share and partner with the City of Lakewood.

4. Being an inclusive city is a deliberate, thoughtful and on-going process. As such we recommend the following actions:

- a. Recommend the city update its mission/vision statement to include the goal that the city is building an inclusive community.
- b. Next we recommend the city establish aspirational contracting award goals using Census data or Disparity data from the Metro area. These goals are not quotas; they are simply proportional goals in writing that make it clear that the city of Lakewood wants to include everyone in contract awards and distribution of city funds with the understanding that the most qualified will be selected. We found

that it is critically important to define the terms so that everyone has a clear understanding of the procedure, policy and expectations.

- c. Included in this overall process recommendation is the hiring or appointing existing staff to be the coordinator for inclusive outreach and contracting. This role could be in the form of a Diversity, Equity and Inclusion Manager to work on the overall procurement process to include the outreach or could be broader to include all Lakewood to champion diversity, equity and inclusion across all the City's programs and services. Our research has shown that a program with the aim of trying to achieve inclusiveness and equity only has a good success rate when there is someone to be accountable and someone who champions the program. Hiring or appointing someone to a more limited role such as "Disadvantaged Small Business Liaison" could work and the option is used by the City of Ft Collins. Appointing several "Equity Champions" from across departments, who meet frequently, to discuss blind spots, next steps, the data and more as is being done in the City of Aurora, CO and is yet another option. The City of Lakewood is already doing a lot and achieving substantial success; however, the MBO of Colorado doesn't include Lakewood on its list of cities and perhaps it's due to Lakewood not having a person assigned to one of the roles listed above.
5. Update the city's procurement policies and procedures to match any recommendations adopted by this report. For example, gathering and maintaining data and statistics on all city contract awards is something we highly recommend and is very common practice throughout the country. The 5-months worth of data the city provided to us was very helpful and we hope it was also helpful to the procurement staff, the Economic Development team, the Mayor and City Council, etc.

Other areas to review for enhancements are the procurement processes themselves. For example: Does selection rely too heavily on positive past history doing business with the city? Can the city declare an aspirational goal for awarding contracts to firms who have never done business with the city? In reviewing the dollar thresholds and requirements to purchase we have some minor recommendations for consideration:

- a. Currently for purchases under \$10K, it's buyer's discretion. Suggestion: This seems like an area that could be further evaluated for possible improvements to engage with firms who have never been awarded a city procurement or contract. While there are some risks to engaging with new businesses, the low dollar amount may lend itself to taking on some risks. Can the city buyers be provided a list of W/MBEs and new businesses for their consideration? Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver.

Inclusiveness includes doing business with new businesses regardless of their race, gender or ethnic status.

- b. Currently for purchase between \$10K and \$74.9K city buyers must obtain 3 quotes or submit a sole source justification. Suggestion: We recommend that the city buyers be provided with a list of W/MBEs. Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver. The most qualified firm should always be selected. We recognize that contracting with new firms can involve some risks. Some risks of trying new businesses who are new to city contracting can include: the firms going through a learning curve, potentially lower quality or inability to timely completion of the job. However, it can also include potentially some benefits to the city, such as increased innovation and lower costs.
- c. Above \$75K is a very formalized process and selections are made as a group. When combined with federal funding they may be subject to set-aside provisions. Recommendation: Proceed as is.

6. W/MBEs often struggle to secure funding to start their business, again in their early years of existence to sustain their business and perhaps struggle even more to expand their business. Perhaps the city could also bring in representatives from Small Business Administration (SBA), banks and credit unions to conduct workshops on obtaining funding. Partner with mentors to conduct workshops on obtaining funding. Setup a follow-on program where protégés are then expected to become mentors.

7. Related to the above perhaps the city could host a business forum for women, minority and veteran owned businesses where they could all meet, network and share stories among themselves. Or the city could send economic development team representatives to the various chamber of commerce events.

8. During contract selection/deliberations, perhaps additional consideration (priority) is given to firms who use as subcontractors who are W/MBEs. Perhaps this could result in mentor-protégé relationships that could develop the pipeline for more W/MBEs to become prime contractors. We believe ideas like this and others' ideas that may come from city staff, community members, and others could help businesses that are just starting out and possibly create a pipeline of future contractors.

9. The city of Colorado Springs does engage in various efforts to help W/MBEs. One of the interesting actions is they highlight women-owned businesses on its "Visit Colorado Springs"

website. Perhaps Lakewood could do the same on the city website as we do not have a dedicated tourism site. While Lakewood does highlight new businesses in Looking @ Lakewood newspaper, perhaps the city could expand on this to the city website and other social media sites.

10. On the Pueblo County website, they explain why after 30-years of research and discussion there is still a need for programs that assist W/MBEs and Disadvantaged Small Businesses. While the data is from 2010, some things like lack of mentors and difficulty in getting funding still are reported on and discussed today and we found confirmed this with more recent reports and news articles. It was unclear exactly what the City/County of Pueblo are doing in regards to assisting W/MBEs. The 2018 Study by the City of Ft. Collins lists some of the same issues and challenges facing W/MBEs and their study provides additional information. The City of Ft. Collins does have a W/MBE program.

11. The city of Edmonds, WA describes on their website that small businesses are the backbone of the economy. They engage in strengthening opportunities for small and diverse businesses. They believe doing this not only strengthens the local economy, it supports the community, improves the quality of life for everyone and having more participants increases competition and innovation while lowering costs.

12. Require certification from women/minority/veteran-owned business enterprises. A program and database can be created or the city can use one that exists, such as the city of Denver's program. The Denver Reps we talked to said they are willing to engage in some sort of reciprocity agreement. This will likely require more city staffing to manage the program, check certifications, etc. Staffing requirements would be less if the city enters a partnership agreement.

13. Another recommendation would be to have a Lakewood certification form without a formal certification program that would collect data about businesses that do contract with the city. The informal program could gather information about the businesses. If confirmation is desired, perhaps this could be confirmed by site visits that could be done by volunteers. The form below is overzealous but a modified form that could fit our city could work well. In addition, Denver and the State of Colorado have certification formats that we could use and encourage State wide consistency with certification.

[City of Oakland pdf doc.](#)

14. City should formalize the definitions for terms such as Women and Minority-owned Business Enterprise (W/MBE), Disadvantaged Business Enterprise (DBE), Veteran-owned Small Business (VOSB) and others. While the SBA website is an excellent source of the definitions, we recognize some cities further define or expand on these definitions. It is important for all involved to know the definitions being used. These terms and definitions become important in the data collection and reporting process and also in the certification program, should the city decide to pursue this option. Of note, using the city data for awards they made during April 2023

further pointed-out the need for consistent and clear definitions so the data is captured effectively. We were not sure how to capture firms that are both women-owned and minority-owned so we ended up creating a third category called both.

15. Model the Federal Government. We don't have to redesign the wheel. [Disadvantaged Business Enterprise Program Requirements | US EPA](#) or [GSA Announces Actions to Advance Equity and Supplier Diversity in Federal Procurement | GSA](#)

16. Related to above, the City of Lakewood has the 2nd most concentration of Federal employees in the country located at the Federal Center. City should explore more collaboration efforts with the federal government. Perhaps the collaboration could lead to establishing an incubator to help create more minority and women owned businesses and jobs right here.

### **Top 5 Recommendations**

Based on our research and investigating what other cities have implemented and then tailoring to the City of Lakewood, we developed our Top 5 recommendations. We believe these recommendations can have an impact both quickly and with minimal costs. Table 2 below lists our top five recommendations for the City of Lakewood to consider in further improving the awareness and participation of W/MBEs.

Table 2: Top 5 Recommendations

<b>Recommended Action</b>	<b>Justification/Benefits</b>
1. Gather and keep statistics and use the data to refine the W/MBE program, the goals, the outreach, etc. Publish those statistics on the city website.	Cities keep statistics on all contract awards to ensure transparency. Without data it is difficult to know how the city is doing. We recommend the city at minimum track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. Examples of data could include: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%) and Hispanic-owned businesses were awarded 10 city contracts from a total of 100 city contracts (10%). This data gives the city insight into areas they may need to target or do more outreach.

<p>2. Evaluate hiring/assigning a coordinator to more efficiently coordinate the initiatives or beginnings or a program the city already has on-going. There are many things happening already. The 5-month's worth of data is indicative of what the city can achieve for a full year or more, once people hear about the city's achievements, we suspect many cities are going to want to speak to the city about how they can modify their programs.</p>	<p>A coordinated program has many benefits. Ties all the efforts together, creates a point person who continues to facilitate awareness, evaluates changes and improvements and continues to look for blind spots. Person in the position, using data, generates new ideas on what the city could do differently or better to reach more W/MBEs and start expanding to others such as veteran-owned businesses and others.</p> <p>There are more options, like a more limited role such as the City of Ft Collins has done. Another option taken from the city of Aurora would be to establish 2 champions (co-coordinators) such as the head of the city procurement and the head of the Economic Development team to continually discuss the data, ideas and resources.</p>
<p>3. City to conduct training, workshops and various outreach efforts to increase the numbers of W/MBEs businesses and participation in the City contracting process.</p>	<p>Some of this is already being done by Lakewood's Economic Development team. Expand efforts, do more workshops and outreach geared towards businesses interested in doing business with the city. Partner with various affinity groups listed in this report as possible sources to post opportunities or conduct some mentoring and more outreach. Also consider partnering with the State of Colorado and Small Business Administration. Small businesses are crucial to the economy.</p>
<p>4. Establish partnerships with the City &amp; County of Denver and Jefferson County.</p>	<p>We had several guest speakers come and share their programs with the LAC. Both the City &amp; County of Denver and Jefferson County are willing to share their expertise, lessons-learned, even their certification program with the City of Lakewood. There are abundant opportunities so that the city does not have to recreate the wheel nor duplicate efforts. Partnering can also save the city money by not having to hire a lot of additional staff.</p>



<p>5. Establish aspirational contracting goals.</p>	<p>Establish goals using demographics of current state business owners is a starting place (see references) and further refine using the Metro area Disparity Study and Availability numbers. We did some of this research and recommend using as aspirational goals that our neighbors with robust programs have achieved; therefore, <b>5-8%</b> contracting goal for Women-owned businesses and the same <b>5-8%</b> goal for Minority-owned businesses. Goals could be added to include Veteran-owned businesses and others. The contract award data suggests the city is already exceeding these aspirational goals, but 12-months of data should be used. If goals are being met, they can be raised to the next level which is 9-12%. The data suggests 20-24% of businesses who provide goods and services that cities utilize are W/MBEs.</p>
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**Conclusion**

Based on the 5-months worth data we were provided, the City of Lakewood is already doing an excellent job in awarding contracts to W/MBEs. While 12-months worth of data would have been preferable to draw more accurate conclusions, so far the city is exceeding the aspirational goals that most cities and federal agencies place on themselves. The city should continue to gather and maintain its contract award data, there could be a great story of success here that the city should be proud to showcase and share with others.

While the data looks good, we are recommending further steps that the city could implement to increase both the awareness and opportunities for W/MBEs. This in turn could lead to a strengthening of our local economy, increase competition and lower costs to the City of Lakewood. The research also suggests that awarding city contracts to a large range of businesses increases civic pride and creates a feeling of inclusiveness.

**Appreciation**

We LAC, Diversity Committee, appreciate this first assignment for our committee. We'd like to thank the Mayor and City Council for assigning us this project, especially Counselor Jeslin Shahrezaei for preparing and submitting this assignment to the LAC. We'd also like to thank Mary O'Halloran, City of Lakewood Procurement Supervisor for sharing her expertise and for gathering multiple iterations of data for us to evaluate. We'd also like to thank Jay Robb, the City Clerk, for all his support and contacts across the Metro area and beyond. Our deep appreciation to Marika Sitz, Diversity, Equity and Inclusion Manager, Jefferson County and to

Alexis Nightengale and Brittany Eroen from the Division of Small Business Opportunity, City and County of Denver.

### **References:**

Countless hours were spent by the team researching other cities' websites and commissioned studies in order for us to develop some recommendations that we think are appropriate for the City of Lakewood. Below are many of the links used, including links to reports, news stories and general information.

<https://www.denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Economic-Development-Opportunity/Business-Owners-Entrepreneurs/Do-Business-with-the-City/Frequently-Asked-Questions/About-DSBO>

- Division of Small Business Opportunity (DSBO) website, City/County of Denver

<https://oedit.colorado.gov/minority-business-office-of-colorado>

- General information from the Minority Business Office of Colorado, a division of Office of Economic Development and International Trade (OEDIT)

<https://oedit.colorado.gov/minority-owned-businesses>

- Specific OEDIT information including a list of minority owned businesses

<https://www.governing.com/cityaccelerator/cohort4>

- Helpful publication from City Accelerator:

<https://19thnews.org/2021/06/small-business-administration-contracts-woman-owned-businesses-for-decades/>

- Article on history of Federal contracts to WBEs and what the SBA has done

<https://www.mbda.gov/tags/disparity-studies>

- Compilation of multiple Disparity Studies across the US by Department of Commerce

<https://cao-94612.s3.amazonaws.com/documents/City-of-Oakland-Draft-Disparity-Study.pdf>

- Disparity Study- has information on what is legally allowed as well as analysis of Oakland's actual disparities.

<https://www.oaklandca.gov/documents/contracts-and-compliance-forms-and-schedules>

- City of Oakland's Contracts Schedules which include questions about race/ethnicity and

gender of business owners:

<https://www.open-contracting.org/2020/11/19/new-report-a-procurement-path-to-equity/>

- 5 Ways cities can use purchasing power to help W/MBEs

<https://www.fastcompany.com/90298216/how-cities-can-support-minority-and-women-entrepreneurs-buy-things-from-them>

- How cities can support women owned businesses: buy things from them

<https://www.boston.gov/news/proposal-filed-expand-access-city-contracts-minority-and-women-owned-enterprises>

- City of Boston, Proposal file to expand access to city contracts

<https://www.edmondswa.gov/cms/One.aspx?portalId=16495016&pageId=17269271>

- City of Edmonds, Diversity, Equity and Inclusion Commission. Ideas of things Lakewood may want to consider such as a film series.

<https://bellevuewa.gov/city-government/departments/city-managers-office/diversity-advantage-initiative>

- City of Bellevue, their Diversity Advantage Initiative

<https://www.fcgov.com/>

- City of Ft. Collins, CO. General site with links to 2018 Small Business Survey and Public Notice on contracting goals on dual/partner Federal contracts.

<https://www.visitcos.com/blog/women-owned-businesses-resources/>

- Visit Colorado Springs website highlighting women-owned businesses

<https://county.pueblo.org/energy-and-economic-development/minority-owned-business-resources>

- Pueblo County, CO website with resources for minority-owned businesses

<https://www.talgov.com/diversityinclusion/divinhome>

- City of Tallahassee, their Diversity Initiatives and Plans

<https://www.portseattle.org/business/bid-opportunities>

- Port of Seattle information

<https://cuyahogacounty.us/fightracism>

- Cuyahoga County Links

<http://accaweb.org/>

- American Contract Compliance Association

<https://goodfoodpurchasing.org/>

- Good Food purchasing programs in some cities.

<https://www.governing.com/cityaccelerator/blog/cities-purchase-power-people-color-minorities-lc.html>

- 5 Ways Cities can use their purchasing power to support minority-owned businesses

[https://hwpi.harvard.edu/files/govlabs/files/strategies\\_for\\_improving\\_vendor\\_diversity\\_brief.pdf](https://hwpi.harvard.edu/files/govlabs/files/strategies_for_improving_vendor_diversity_brief.pdf)

- A paper with strategies for improving vendor diversity.

<https://www.thewomenofdenver.com/>

- Women of Denver - a connection platform for women in Colorado to build their network; they also offer free mentoring and advice to women business owners by other women business owners.

<https://micasaresourcecenter.org/>

- Mi Casa Resource Center offers free coaching and consulting to Hispanic/Latino small businesses and entrepreneurs.

Here is [Find a minority, woman, or disabled-owned business | Services | City of Philadelphia](#)

- An example from Philadelphia to search for W/MBEs and disabled-owned businesses.

“A [1989 Supreme Court ruling](#) established that cities may only overtly work to support minority-owned businesses if they can prove a history of discrimination in city contracts.”

- What we are recommending is different but we leave this reference here for historical context.

Cities like Los Angeles and Chicago set up portals where new contracting opportunities could be posted well in advance, so smaller firms could learn how to bid on them. Also, rather than issuing a single contract to a large firm, the accelerator cities are breaking up contracts into smaller projects that a cohort of local businesses could tackle. Smaller contracts help the city establish relationships with more diverse vendors, who can use the revenue stream to grow their business. Improving procurements and [city accelerator](#)

The federal government has very specific goals for small businesses. Agencies have various

procurement programs set aside or earmark a certain percentage of contract dollars that must go to small businesses. The federal government has contracts called total small business set-asides, which are exclusively set aside for small businesses. See SBA website for details ([sba.gov](http://sba.gov)) They have the Women-Owned Small Businesses ([WOSB certification](#)), which is limited to women who are certified as WOSB.”

[Washington State's](#) equity of public spending showing what the State of Washington is doing.

[Seattle WA is](#) really interesting ... you can read public meeting minutes on how their Advisory committee was working through some of these same issues.

Seattle’s Priority Hiring Program - [Priority Hire Program](#)

[Equity Considerations — Equity Resource Hub](#)

- A resource on equity with questions to consider.

[EquitableDecisionMakingTool.pdf \(clark.edu\)](#)

- A series of questions, many of which are thought-provoking.

City of [Boulder](#) website, it translates the site into many languages.

Other translation services: [Translation services](#) or you can try [google translate](#)

<https://www.thomsonreuters.com/en-us/posts/news-and-media/government-procurement-dei/>

- Article on How Government Procurement Helps with Diversity, Equity and Inclusion, including a link to a procurement tracker used by the city of Tacoma, WA:

<https://sloanreview.mit.edu/article/how-procurement-can-strengthen-diversity-and-inclusion/>

- Article by the MIT Sloan School of Management on how Procurement can Strengthen Diversity and Inclusion:

<https://buildinginnovationhub.org/resource/find-a-qualified-vendor/high-road-contracting/>

- High-Road Contracting Too, a tool to help find qualified vendors:

### **Additional Links/Information:**

The Request from the City Council that generated this paper.

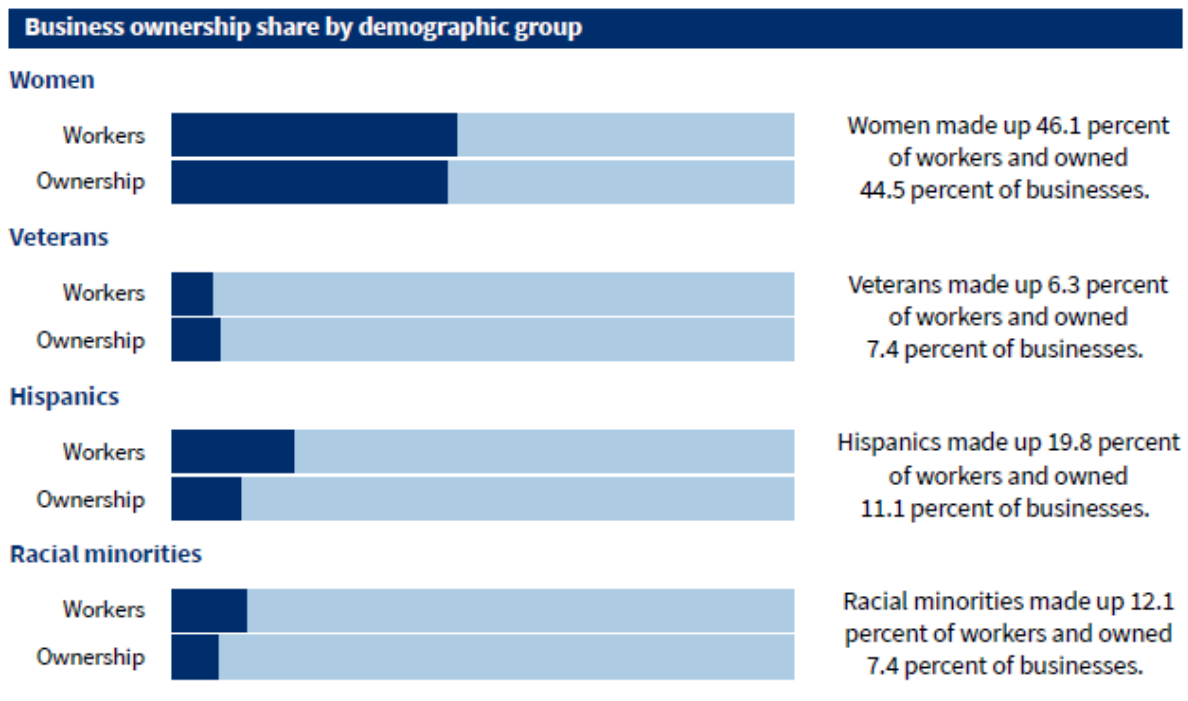
[City docs](#) click on this link to read the request and the current city docs.

[LAC Diversity Committee - Zoom](#) April 19, 2023 committee meeting video with City and County of Denver - Alexis Nightengale and Brittany Eroen

[LAC Diversity Committee - Zoom](#) March 22, 2023 committee meeting with Jefferson County DEI Manager - Marika Sitz

### **Graphical References:**

#### **Business Ownership by Demographic Group (State of Colorado)**



Ownership shares include equal and majority ownership

Sources of data: [American Community Survey, 2018](#) (Census and IPUMS); [Annual Business Survey, 2018](#) (Census);

[Nonemployer Statistics by Demographics, 2017](#) (Census)

**Contract Awards by the City of Lakewood (Partial 2023)**

<b>Month</b>	<b>Minority Owned (MO)</b>	<b>Woman Owned (WO)</b>	<b>Both MO &amp; WO</b>	<b>Total MO WO &amp; Combo</b>	<b>Total Contracts Awarded</b>	<b>Percent Awarded to MBEs</b>
<b>April</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>10</b>	<b>55</b>	<b>18.2%</b>
<b>May</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>7</b>	<b>46</b>	<b>15.2%</b>
<b>June</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>33</b>	<b>9.1%</b>
<b>July</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>42</b>	<b>7.1%</b>
<b>August</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>14</b>	<b>38</b>	<b>36.8%</b>
<b>Totals</b>	<b>11</b>	<b>15</b>	<b>11</b>	<b>37</b>	<b>214</b>	
<b>5-Month Average</b>						<b>17.3%</b>

**Notes:**

Contracts listed include Contractual Service Agreements, Professional Services Agreements, Bids, Requests for Proposals, Requests for Qualifications and Purchase Orders.

Totals contracts awarded excludes contracts to/with government entities and educational institutions.



Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

**Question/Request:**

Jeslin Shahrezaei: I would like to see a procedure/policy for women and minority-owned businesses to have equitable access to contract bids for Lakewood through the procurement process.

**Staff Response:**

We welcome and appreciate the above question/request.

**Policy Review:** LAC's research confirmed the City of Lakewood's purchasing policy is consistent with other municipalities, such as Denver. The City of Lakewood currently has a policy and follows in practice an open, fair, equitable and competitive process in which there are many steps taken to ensure this is an equitable process for all parties.

**Opportunity:** Although staff have confidence the purchasing process does give fair access to the bidding process, we also see an opportunity to improve equitable awareness of the opportunities to bid at the City of Lakewood and increase an understanding of the bidding process for diverse groups. The LAC research and recommendations will be helpful in pursuing this opportunity.

There are currently several efforts done by the Economic Development Department that tailor to diversity. As the LAC reported, Economic Development provides training and workshops, peer to peer mentoring, Jumpstart (funding source) and resources as well as the city's website now has a translator. However, we agree, the city can do more.

From the LAC top five recommendations Purchasing and Economic Development are planning to pursue the following:

- 1. Statistics & Data Gathering:** It is important to keep the award process unbiased. However, gathering data on the award outcome is important for Lakewood to determine current diversity of awards and tracking if the education efforts are changing the statistics. Recently it was added to the bid process that Women and Minority owned businesses could self-report so that we can track the % of awarded contracts. Staff gave this information to LAC for April 2023 which was the first month of collecting the data. Since then, staff provided to LAC the data through October. (See chart)



Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

MONTH	MINORITY OWNED	WOMEN OWNED	BOTH W/O and M/O	TOTAL	TOTAL CONTRACTS AWARDED	% CONTRACTS AWARDED TO MINORITY OR WOMEN OWNED
April	3	4	3	10	55	18.2%
May	3	3	1	7	46	15.2%
June	0	1	2	3	33	9.1%
July	0	2	1	3	42	7.1%
August	5	5	4	14	38	36.8%
September	3	8	6	17	47	36.2%
October	3	2	0	5	32	15.6%
<b>TOTALS</b>	<b>14</b>	<b>23</b>	<b>17</b>	<b>54</b>	<b>261</b>	
<b>AVERGAGE % (7-mo period)</b>						<b>19.75%</b>

This is something we will need to track over a longer period of time, but initially the data shows Lakewood is exceeding the State of Co, City of Denver and Federal Government awards on average. These three entities have formal diversity programs and award between 4.6% - 8.4% per the LAC research. It is important including other diversity groups in the data collection such as veterans, disabled, LGBTQ+ etc.

The City will continue to accumulate statistics and use the findings to determine the diversity of awards and make adjustments to education.

2. **Coordinated and Aligned (Transparent and Results Oriented):** Once the city has collected more data Purchasing and Economic Development will be evaluating the workshops & outreach, engage in partnerships, and look for opportunities for change/improvement.
  
3. **Training, workshops & Outreach:** Currently the city’s Economic Development Department provides various outreach to local businesses and Chambers of Commerce as mentioned above. Purchasing and Economic Development will enhance outreach to businesses interested in doing business with the City of Lakewood. They will be providing brochures for businesses and widening the outreach to more groups and multiple forms of communication. Additionally, the purchasing team will be reviewing the city website to provide more prominent/accessible links and frequently asked questions.

Lakewood Advisory Commission (LAC)  
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4. **More Partnerships:** Excellent idea from LAC. We want to leverage what others are doing and expand our partnerships.
  
5. **Establish Aspirational Goals:** As stated by the LAC the current stats indicated the city is within or exceeds the 5-8% range from the State/Metro area studies. The team that reviews the statistics, as mentioned in item 2, will recommend goals.

**Reporting Back:** The staff recommend reporting back after one year of tracking and making changes.

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 6**

To: Mayor and City Council

From:

Subject:

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**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:** LAC Report - Diversity Subcommittee Assignment #2022-06  
Staff Response to LAC WMBE Research

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

# Lakewood Advisory Commission Report

## **Research and Recommendations on Women / Minority Owned Business Enterprises**

Diversity Committee  
September 2023

*ASSIGNMENT #2022-06: WOMEN / MINORITY OWNED BUSINESSES*

“Welcome, we are building an inclusive community” - street sign as you enter Lakewood, CO.

### **Introduction**

The Lakewood Advisory Commission (LAC) is a group of informed citizen volunteers who perform research for the city council. City Council assigned the LAC, specifically the Diversity Committee, with a project to: (1) investigate what other cities are doing to increase the awareness and participation of Women and Minority Owned Businesses Enterprises (W/MBEs) in city procurements and (2) make recommendations to the city council for possible adoption into the Lakewood Municipal Code and related policies.

### **Executive Summary**

There is no shortage of information on this topic from both a historical context and what currently other cities are currently doing to increase awareness and participation of W/MBEs in competing and obtaining city contracts. We include a list of what neighboring cities are doing, as well as a list of the most recurring ideas and actions that cities around the country are taking and the goals they are striving to achieve. Based on our research and the 5-month's worth of data the City of Lakewood provided to us, the City of Lakewood is already doing a good job of awarding contracts to W/MBEs.

Since it was requested that we make recommendations based on our findings, we developed our top five recommendations for the Mayor and City Council to consider. Our Top 5 recommendations are: (1) gather and use data, (2) hire or appoint a program manager/coordinator, (3) conduct training and workshops, (4) engage in various partnerships and

(5) establish aspirational goals. In addition, there are more ideas or follow-on recommendations listed in this report that could be added or done later, perhaps in phases. Some of the additional ideas may require further research and we are happy to continue this research work.

## **Background**

The project began with all members of the Diversity Committee casting a wide net by conducting internet research, not only on what other cities are doing, while also inquiring about the current status of awards to W/MBEs by the City of Lakewood. We met with the City of Lakewood's Purchasing Supervisor to learn more about how procurements and contracting are handled now. We inquired about data the city gathers and learned the city does not keep data separated by women or minorities, but the Purchasing Supervisor agreed to gather data for us. Initially we were provided with 1-month's worth of data and then subsequently later in the year we were provided with 5-months' worth of data. The additional data was useful but it did cause a delay in our ability to present the report to the Mayor and City Council.

We also reached out to Jefferson County and the City and County of Denver to learn more about what they are doing around the subject of contracting with W/MBEs and met with their representatives. We also read studies and reports commissioned by other cities on this topic. For example, the State of Colorado engaged with the Keen Independent Research LLC to conduct a disparity study titled, "2020 State of Colorado Disparity Study." This 700+ page report documents the results they found and makes recommendations. The report attempts to outline methods that create a level playing field for historically disadvantaged businesses (HUBs) to compete for State contracts. Senate Bill 19-135 defined HUBs to be businesses owned by people of color, women, persons with physical or mental disabilities and members of the LGBT+ community.

Another study we examined was titled, "Recommendations for the City of Austin's Minority and Women-Owned Business Enterprise Program 2022" commissioned by the City of Austin, Texas. A much smaller, 22-page report, it reviewed the existing program and outlined the importance of revisiting any program on a periodic basis. The City of Ft. Collins' report titled, "Small Business Survey: Summary of Results" from 2018 was another good source of information. The websites from the City of Aurora, CO and the City of Colorado Springs and their related information were also reviewed and gave us more ideas to evaluate.

By having the LAC perform this research, the city likely saved thousands of dollars in taxpayer funding. We found our larger neighbors in the City and County of Denver to be potentially great collaborators of several recommendations by their willingness to engage in reciprocity agreements with the City of Lakewood in sharing not only best practices and lessons learned but also potentially their certification program. If Lakewood chooses to engage in this partnership, it

will likely save potentially millions of taxpayer dollars by not having to create, staff and administer such a program. Jefferson County was also willing to have discussions and assist the city in various ways. The State of Colorado also has resources and programs that Lakewood should explore further, including the possibility of obtaining grants and other support.

A question asked of our Committee was, why should the City of Lakewood look to expand the awareness, outreach and subsequently awards to a large variety of business owners? The answer is because of the many benefits both tangible and intangible. First, in regards to small businesses, small businesses are a key and integral part of the economy. Nationally they hire 2/3 of the employees and represent 44% of the overall economic activity. Second, engaging with new businesses increases competition and innovation and should lower procurement costs to the city. Third, our reading and research suggests that city contracting efforts with numbers that are reflective of all the city's diverse business owners increases civic pride, enhances the connection among residents and increases community engagement.

## **Cities in Colorado**

While we looked at what other cities are doing across the country, we later focused our research efforts on what our neighbors within the state are doing in regards to W/MBEs. Since Lakewood is the fifth largest city in the State of Colorado, we wanted to know how we compare to similar cities in our state.

As of 2021, these are the cities in Colorado with minority-owned business procurement programs or initiatives. Some may be missing if they are not in collaboration or promoting resources from or through the state's Minority Business Office (MBO) of Colorado. The cities with program and/or initiatives are:

- Denver: The City and County of Denver has a Minority and Women Business Enterprise (M/WBE) Program that seeks to increase the utilization of M/WBEs in city contracting and purchasing.
- Colorado Springs: The City of Colorado Springs has a Minority Business Enterprise (MBE) Program to enhance opportunities for minority-owned businesses in city contracting.
- Aurora: The City of Aurora has a Minority and Women Business Enterprise (M/WBE) Program to promote and assist M/WBEs in accessing city contract opportunities.
- Fort Collins: The City of Fort Collins has programs aimed at increasing opportunities for minority-owned businesses to participate in city procurement and contracting.
- Boulder: The City of Boulder has various programs and initiatives to support diverse businesses, including minority-owned businesses, in their procurement efforts.

The first cities in the list above are the 4 largest cities in Colorado. Boulder is the 8th largest city. We recognize there are several efforts being conducted by the Lakewood Economic Development Team and perhaps Lakewood should be on this list. While we will address this later in our recommendations, what seems to be missing is a policy and/or coordination that ties the development work, the mentoring and outreach work to the procurement efforts.

The conclusion we drew from the above is that Lakewood is an outlier for a city of our size in terms of having a formal program or initiatives or at least collaborating with the MBO so that they become aware of the various on-going efforts being performed and can be added to the list.

**Most Common Actions Taken by Other Cities**

Cities in both Colorado and across the U.S. who want to increase the awareness, participation and provide support to W/MBEs do a variety of things. From our research, it appears that in order to make an impact in a city’s inclusivity efforts that the actions are coordinated. From the city’s mission/vision statement to hiring or appointing a lead, such as a Diversity Equity and Inclusion (DEI) manager or similar, setting up policy and procedures, the engagement takes the form of a city program or a series of coordinated initiatives. Table 1 below describes the most consistent steps or actions that are typically part of a larger more comprehensive program to increase awareness and participation from W/MBEs in the city’s procurement program.

Table 1: Actions Cities Takes to Support W/MBEs

<b>Action</b>	<b>Details</b>
Commission a report on W/MBEs (much like this one through various sources).	Some of the bigger cities will commission a report such as this one from consultants or local universities. If they have a program for W/MBEs they evaluate the continuation of such programs or recommend updates. We read these reports and also related news stories, general information on W/MBEs and attempted to make recommendations that are tailored to the City of Lakewood. We strived to recommend actions that were achievable, expand on existing work and could be implemented with low to minimal costs.

<p>Set contracting goals</p>	<p>Establish aspirational goals. Cities tend to start by using their demographics data or disparity data to obtain W/MBE availability numbers. These goals are not quotas or mandates; they simply reflect the goals a city hopes to achieve and awards always go to best qualified firms. These goals are different and separate from any goals the Federal Government establishes for federal contracts. Cities follow the federal government set-aside rules when engaged in joint or dual city/federal contracts.</p>
<p>Keep statistics, publish those statistics and use the data.</p>	<p>Keep statistics on contract awards. Cities track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. For example, Lakewood could look something like this: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%). In 2024, women-owned businesses were awarded 10 city contracts from a total of 100 awarded contracts (10%). Then the city could do the same for minority-owned businesses. This data gives the city insight into areas they may need to target or do more outreach.</p>
<p>Hire/create position of diversity, equity, inclusion manager or similar more limited role focusing on disadvantaged businesses or someone to focus on an even larger role such as hiring, promotions, training.</p>	<p>Creates accountability and brings in a fresh or new perspective to look at things differently and perhaps to try different things.</p>
<p>Hold workshops or training sessions.</p>	<p>These are posted on the city website and trade/affinity group websites and held regularly with the goal of teaching interested businesses how to obtain contracts with the city. The Lakewood Economic Development team is already doing some of this work.</p>
<p>Utilize existing resources in the community to connect W/MBEs and others to mentors, funding sources and other similar business owners.</p>	<p>Other cities include links on their city website to such resources. City staff learns about trade/affinity/support groups then meets/partners to discuss challenges and also to create opportunities with the purpose to create and grow small businesses in our community. Lakewood is doing some of this, so perhaps it's more of expanding the</p>



	ongoing work.
Host or participate in small business coffee sessions or small business talk sessions.	Another way to bring small businesses together for networking, finding mentors, etc., while also taking the time to educate these businesses on opportunities to contract with the city. These are more informal in nature and appeal to social aspects vs educational sessions. Can also include speaking at various local Chambers of Commerce.
Highlight W/MBEs owned by residents of the city.	This creates awareness of existing W/MBEs, perhaps encourages patronage of such businesses and could serve as inspiration for future W/MBEs. We see new businesses mentioned in Looking @ Lakewood, but what about other social media sites, partner sites, the city website, etc.
Gather data (Disparity Study/Availability Study) usually from the closest big city/metro area. For Lakewood, the city could use Denver's Disparity study (addresses the Metro area).	Determine how the disparity numbers and availability numbers apply to Lakewood. Our initial evaluation is that the Metro numbers can be used by Lakewood.
Partner with another city or the county. Especially when using certification programs.	Some cities partner with nearby cities especially if they are part of a larger Metro area. The partnering can include sharing data, certification programs, lessons-learned, certification forms, training, etc.

### **Full List of Recommendations/Ideas**

We conducted extensive research on this topic gathering ideas from cities large and small. We thought it was important to share the full list of actions and ideas. What follows is the list of ideas and additional recommendations. The total list of ideas and recommendations total 16 with some having multiple parts. Some can be done in phases and some likely require more research. We recognize and appreciate the work the city has already implemented such as the website

translator and their on-going outreach and training efforts and we highlight these completed actions.

1. City should keep data on contract awards (both dollar amount and percentage amount). Without data, the city doesn't know where they stand. Some suggested software programs that can assist the city to track the data, mine the data and analyze the data can be found here: [Best Government Diversity, Equity, and Inclusion \(DEI\) Analytics Software - 2023 Reviews & Comparison \(sourceforge.net\)](#) .

2. The city should engage in more outreach to more W/MBEs.

a. This could include outreach through trade/affinity groups such as (percentage of Lakewood's population is noted in parentheses):

i. Hispanic Chamber of Commerce (23%)

<https://www.hispanicchamberdenver.com>

ii. Women's Chamber of Commerce (50%)

<https://www.cwcc.org>

iii. Asian Chamber of Commerce (3.9%)

<https://www.acccolorado.org>

iv. Colorado Black Chamber of Commerce (1.8%)

<https://www.coloradoblackchamber.org>

v. Other suggested groups to explore and expand outreach efforts include Veterans' groups, businesses owned or having employees who are persons with disabilities, LGBTQ+ owned or LGBTQ+ employees, etc.

Colorado LGBTQ Chamber of Commerce

<https://www.colgbtqcc.org>

Colorado Office of Economic Development and International Trade  
Minority Business Directory

<https://www.oedit.colorado.gov/minority-business-directory>

b. The city could also conduct workshops on the process of applying and doing business with the city. (Partially accomplished and ongoing. Some of this

is already happening as captured in “Looking at Lakewood” April 2023 and July 2023 editions.)

c. The city could also enhance their website through the use of language translators to achieve more outreach. The City of Boulder is a good example, but if further research is required, this could be assigned as a follow-on project to the LAC. ([Accomplished. The City of Lakewood website as of March 2023 has a translator option.](#))

d. The city could work and partner with the organizations listed in (a) above and ask if they could place RFPs or other opportunities and information on their specific sites.

e. Another follow-on potential assignment for the City Staff or the LAC is to research what are the top social media or other media sites utilized by Asian-owned, Hispanic-owned, Black-owned, Women-owned and Veteran-owned businesses and then the city could place the RFPs/links/opportunities on these sites. This could include possibly placing public service announcements or advertisements on Spanish-speaking radio stations.

3. Utilize data and programs from neighboring cities, especially Denver which is a bigger city with more resources. They maintain a list of W/MBEs. Perhaps when the city of Lakewood is reaching out to 3 firms for quotes, they could ensure at least one firm is from this list. Denver also conducts workshops; Lakewood city staff might be able to attend these Denver workshops as samples or resources as they build their own workshops.

The City/County of Denver utilizes a comprehensive certification program for women, minority, veteran-owned businesses. They also perform a validation of the certifications. The details of their program can be found on their Division of Small Business Opportunity (DSBO) website which is listed in the references. Of note, the representatives from the City/County of Denver are willing to share and partner with the City of Lakewood.

4. Being an inclusive city is a deliberate, thoughtful and on-going process. As such we recommend the following actions:

- a. Recommend the city update its mission/vision statement to include the goal that the city is building an inclusive community.
- b. Next we recommend the city establish aspirational contracting award goals using Census data or Disparity data from the Metro area. These goals are not quotas; they are simply proportional goals in writing that make it clear that the city of Lakewood wants to include everyone in contract awards and distribution of city funds with the understanding that the most qualified will be selected. We found

that it is critically important to define the terms so that everyone has a clear understanding of the procedure, policy and expectations.

- c. Included in this overall process recommendation is the hiring or appointing existing staff to be the coordinator for inclusive outreach and contracting. This role could be in the form of a Diversity, Equity and Inclusion Manager to work on the overall procurement process to include the outreach or could be broader to include all Lakewood to champion diversity, equity and inclusion across all the City's programs and services. Our research has shown that a program with the aim of trying to achieve inclusiveness and equity only has a good success rate when there is someone to be accountable and someone who champions the program. Hiring or appointing someone to a more limited role such as "Disadvantaged Small Business Liaison" could work and the option is used by the City of Ft Collins. Appointing several "Equity Champions" from across departments, who meet frequently, to discuss blind spots, next steps, the data and more as is being done in the City of Aurora, CO and is yet another option. The City of Lakewood is already doing a lot and achieving substantial success; however, the MBO of Colorado doesn't include Lakewood on its list of cities and perhaps it's due to Lakewood not having a person assigned to one of the roles listed above.
5. Update the city's procurement policies and procedures to match any recommendations adopted by this report. For example, gathering and maintaining data and statistics on all city contract awards is something we highly recommend and is very common practice throughout the country. The 5-months worth of data the city provided to us was very helpful and we hope it was also helpful to the procurement staff, the Economic Development team, the Mayor and City Council, etc.

Other areas to review for enhancements are the procurement processes themselves. For example: Does selection rely too heavily on positive past history doing business with the city? Can the city declare an aspirational goal for awarding contracts to firms who have never done business with the city? In reviewing the dollar thresholds and requirements to purchase we have some minor recommendations for consideration:

- a. Currently for purchases under \$10K, it's buyer's discretion. Suggestion: This seems like an area that could be further evaluated for possible improvements to engage with firms who have never been awarded a city procurement or contract. While there are some risks to engaging with new businesses, the low dollar amount may lend itself to taking on some risks. Can the city buyers be provided a list of W/MBEs and new businesses for their consideration? Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver.

Inclusiveness includes doing business with new businesses regardless of their race, gender or ethnic status.

- b. Currently for purchase between \$10K and \$74.9K city buyers must obtain 3 quotes or submit a sole source justification. Suggestion: We recommend that the city buyers be provided with a list of W/MBEs. Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver. The most qualified firm should always be selected. We recognize that contracting with new firms can involve some risks. Some risks of trying new businesses who are new to city contracting can include: the firms going through a learning curve, potentially lower quality or inability to timely completion of the job. However, it can also include potentially some benefits to the city, such as increased innovation and lower costs.
- c. Above \$75K is a very formalized process and selections are made as a group. When combined with federal funding they may be subject to set-aside provisions. Recommendation: Proceed as is.

6. W/MBEs often struggle to secure funding to start their business, again in their early years of existence to sustain their business and perhaps struggle even more to expand their business. Perhaps the city could also bring in representatives from Small Business Administration (SBA), banks and credit unions to conduct workshops on obtaining funding. Partner with mentors to conduct workshops on obtaining funding. Setup a follow-on program where protégés are then expected to become mentors.

7. Related to the above perhaps the city could host a business forum for women, minority and veteran owned businesses where they could all meet, network and share stories among themselves. Or the city could send economic development team representatives to the various chamber of commerce events.

8. During contract selection/deliberations, perhaps additional consideration (priority) is given to firms who use as subcontractors who are W/MBEs. Perhaps this could result in mentor-protégé relationships that could develop the pipeline for more W/MBEs to become prime contractors. We believe ideas like this and others' ideas that may come from city staff, community members, and others could help businesses that are just starting out and possibly create a pipeline of future contractors.

9. The city of Colorado Springs does engage in various efforts to help W/MBEs. One of the interesting actions is they highlight women-owned businesses on its "Visit Colorado Springs"

website. Perhaps Lakewood could do the same on the city website as we do not have a dedicated tourism site. While Lakewood does highlight new businesses in Looking @ Lakewood newspaper, perhaps the city could expand on this to the city website and other social media sites.

10. On the Pueblo County website, they explain why after 30-years of research and discussion there is still a need for programs that assist W/MBEs and Disadvantaged Small Businesses. While the data is from 2010, some things like lack of mentors and difficulty in getting funding still are reported on and discussed today and we found confirmed this with more recent reports and news articles. It was unclear exactly what the City/County of Pueblo are doing in regards to assisting W/MBEs. The 2018 Study by the City of Ft. Collins lists some of the same issues and challenges facing W/MBEs and their study provides additional information. The City of Ft. Collins does have a W/MBE program.

11. The city of Edmonds, WA describes on their website that small businesses are the backbone of the economy. They engage in strengthening opportunities for small and diverse businesses. They believe doing this not only strengthens the local economy, it supports the community, improves the quality of life for everyone and having more participants increases competition and innovation while lowering costs.

12. Require certification from women/minority/veteran-owned business enterprises. A program and database can be created or the city can use one that exists, such as the city of Denver's program. The Denver Reps we talked to said they are willing to engage in some sort of reciprocity agreement. This will likely require more city staffing to manage the program, check certifications, etc. Staffing requirements would be less if the city enters a partnership agreement.

13. Another recommendation would be to have a Lakewood certification form without a formal certification program that would collect data about businesses that do contract with the city. The informal program could gather information about the businesses. If confirmation is desired, perhaps this could be confirmed by site visits that could be done by volunteers. The form below is overzealous but a modified form that could fit our city could work well. In addition, Denver and the State of Colorado have certification formats that we could use and encourage State wide consistency with certification.

[City of Oakland pdf doc.](#)

14. City should formalize the definitions for terms such as Women and Minority-owned Business Enterprise (W/MBE), Disadvantaged Business Enterprise (DBE), Veteran-owned Small Business (VOSB) and others. While the SBA website is an excellent source of the definitions, we recognize some cities further define or expand on these definitions. It is important for all involved to know the definitions being used. These terms and definitions become important in the data collection and reporting process and also in the certification program, should the city decide to pursue this option. Of note, using the city data for awards they made during April 2023

further pointed-out the need for consistent and clear definitions so the data is captured effectively. We were not sure how to capture firms that are both women-owned and minority-owned so we ended up creating a third category called both.

15. Model the Federal Government. We don't have to redesign the wheel. [Disadvantaged Business Enterprise Program Requirements | US EPA](#) or [GSA Announces Actions to Advance Equity and Supplier Diversity in Federal Procurement | GSA](#)

16. Related to above, the City of Lakewood has the 2nd most concentration of Federal employees in the country located at the Federal Center. City should explore more collaboration efforts with the federal government. Perhaps the collaboration could lead to establishing an incubator to help create more minority and women owned businesses and jobs right here.

### Top 5 Recommendations

Based on our research and investigating what other cities have implemented and then tailoring to the City of Lakewood, we developed our Top 5 recommendations. We believe these recommendations can have an impact both quickly and with minimal costs. Table 2 below lists our top five recommendations for the City of Lakewood to consider in further improving the awareness and participation of W/MBEs.

Table 2: Top 5 Recommendations

Recommended Action	Justification/Benefits
1. Gather and keep statistics and use the data to refine the W/MBE program, the goals, the outreach, etc. Publish those statistics on the city website.	Cities keep statistics on all contract awards to ensure transparency. Without data it is difficult to know how the city is doing. We recommend the city at minimum track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. Examples of data could include: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%) and Hispanic-owned businesses were awarded 10 city contracts from a total of 100 city contracts (10%). This data gives the city insight into areas they may need to target or do more outreach.

<p>2. Evaluate hiring/assigning a coordinator to more efficiently coordinate the initiatives or beginnings or a program the city already has on-going. There are many things happening already. The 5-month's worth of data is indicative of what the city can achieve for a full year or more, once people hear about the city's achievements, we suspect many cities are going to want to speak to the city about how they can modify their programs.</p>	<p>A coordinated program has many benefits. Ties all the efforts together, creates a point person who continues to facilitate awareness, evaluates changes and improvements and continues to look for blind spots. Person in the position, using data, generates new ideas on what the city could do differently or better to reach more W/MBEs and start expanding to others such as veteran-owned businesses and others.</p> <p>There are more options, like a more limited role such as the City of Ft Collins has done. Another option taken from the city of Aurora would be to establish 2 champions (co-coordinators) such as the head of the city procurement and the head of the Economic Development team to continually discuss the data, ideas and resources.</p>
<p>3. City to conduct training, workshops and various outreach efforts to increase the numbers of W/MBEs businesses and participation in the City contracting process.</p>	<p>Some of this is already being done by Lakewood's Economic Development team. Expand efforts, do more workshops and outreach geared towards businesses interested in doing business with the city. Partner with various affinity groups listed in this report as possible sources to post opportunities or conduct some mentoring and more outreach. Also consider partnering with the State of Colorado and Small Business Administration. Small businesses are crucial to the economy.</p>
<p>4. Establish partnerships with the City &amp; County of Denver and Jefferson County.</p>	<p>We had several guest speakers come and share their programs with the LAC. Both the City &amp; County of Denver and Jefferson County are willing to share their expertise, lessons-learned, even their certification program with the City of Lakewood. There are abundant opportunities so that the city does not have to recreate the wheel nor duplicate efforts. Partnering can also save the city money by not having to hire a lot of additional staff.</p>



<p>5. Establish aspirational contracting goals.</p>	<p>Establish goals using demographics of current state business owners is a starting place (see references) and further refine using the Metro area Disparity Study and Availability numbers. We did some of this research and recommend using as aspirational goals that our neighbors with robust programs have achieved; therefore, <b>5-8%</b> contracting goal for Women-owned businesses and the same <b>5-8%</b> goal for Minority-owned businesses. Goals could be added to include Veteran-owned businesses and others. The contract award data suggests the city is already exceeding these aspirational goals, but 12-months of data should be used. If goals are being met, they can be raised to the next level which is 9-12%. The data suggests 20-24% of businesses who provide goods and services that cities utilize are W/MBEs.</p>
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**Conclusion**

Based on the 5-months worth data we were provided, the City of Lakewood is already doing an excellent job in awarding contracts to W/MBEs. While 12-months worth of data would have been preferable to draw more accurate conclusions, so far the city is exceeding the aspirational goals that most cities and federal agencies place on themselves. The city should continue to gather and maintain its contract award data, there could be a great story of success here that the city should be proud to showcase and share with others.

While the data looks good, we are recommending further steps that the city could implement to increase both the awareness and opportunities for W/MBEs. This in turn could lead to a strengthening of our local economy, increase competition and lower costs to the City of Lakewood. The research also suggests that awarding city contracts to a large range of businesses increases civic pride and creates a feeling of inclusiveness.

**Appreciation**

We LAC, Diversity Committee, appreciate this first assignment for our committee. We'd like to thank the Mayor and City Council for assigning us this project, especially Counselor Jeslin Shahrezaei for preparing and submitting this assignment to the LAC. We'd also like to thank Mary O'Halloran, City of Lakewood Procurement Supervisor for sharing her expertise and for gathering multiple iterations of data for us to evaluate. We'd also like to thank Jay Robb, the City Clerk, for all his support and contacts across the Metro area and beyond. Our deep appreciation to Marika Sitz, Diversity, Equity and Inclusion Manager, Jefferson County and to

Alexis Nightengale and Brittany Eroen from the Division of Small Business Opportunity, City and County of Denver.

### **References:**

Countless hours were spent by the team researching other cities' websites and commissioned studies in order for us to develop some recommendations that we think are appropriate for the City of Lakewood. Below are many of the links used, including links to reports, news stories and general information.

<https://www.denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Economic-Development-Opportunity/Business-Owners-Entrepreneurs/Do-Business-with-the-City/Frequently-Asked-Questions/About-DSBO>

- Division of Small Business Opportunity (DSBO) website, City/County of Denver

<https://oedit.colorado.gov/minority-business-office-of-colorado>

- General information from the Minority Business Office of Colorado, a division of Office of Economic Development and International Trade (OEDIT)

<https://oedit.colorado.gov/minority-owned-businesses>

- Specific OEDIT information including a list of minority owned businesses

<https://www.governing.com/cityaccelerator/cohort4>

- Helpful publication from City Accelerator:

<https://19thnews.org/2021/06/small-business-administration-contracts-woman-owned-businesses-for-decades/>

- Article on history of Federal contracts to WBEs and what the SBA has done

<https://www.mbda.gov/tags/disparity-studies>

- Compilation of multiple Disparity Studies across the US by Department of Commerce

<https://cao-94612.s3.amazonaws.com/documents/City-of-Oakland-Draft-Disparity-Study.pdf>

- Disparity Study- has information on what is legally allowed as well as analysis of Oakland's actual disparities.

<https://www.oaklandca.gov/documents/contracts-and-compliance-forms-and-schedules>

- City of Oakland's Contracts Schedules which include questions about race/ethnicity and

gender of business owners:

<https://www.open-contracting.org/2020/11/19/new-report-a-procurement-path-to-equity/>

- 5 Ways cities can use purchasing power to help W/MBEs

<https://www.fastcompany.com/90298216/how-cities-can-support-minority-and-women-entrepreneurs-buy-things-from-them>

- How cities can support women owned businesses: buy things from them

<https://www.boston.gov/news/proposal-filed-expand-access-city-contracts-minority-and-women-owned-enterprises>

- City of Boston, Proposal file to expand access to city contracts

<https://www.edmondswa.gov/cms/One.aspx?portalId=16495016&pageId=17269271>

- City of Edmonds, Diversity, Equity and Inclusion Commission. Ideas of things Lakewood may want to consider such as a film series.

<https://bellevuewa.gov/city-government/departments/city-managers-office/diversity-advantage-initiative>

- City of Bellevue, their Diversity Advantage Initiative

<https://www.fcgov.com/>

- City of Ft. Collins, CO. General site with links to 2018 Small Business Survey and Public Notice on contracting goals on dual/partner Federal contracts.

<https://www.visitcos.com/blog/women-owned-businesses-resources/>

- Visit Colorado Springs website highlighting women-owned businesses

<https://county.pueblo.org/energy-and-economic-development/minority-owned-business-resources>

- Pueblo County, CO website with resources for minority-owned businesses

<https://www.talgov.com/diversityinclusion/divinhome>

- City of Tallahassee, their Diversity Initiatives and Plans

<https://www.portseattle.org/business/bid-opportunities>

- Port of Seattle information

<https://cuyahogacounty.us/fightracism>

- Cuyahoga County Links

<http://accaweb.org/>

- American Contract Compliance Association

<https://goodfoodpurchasing.org/>

- Good Food purchasing programs in some cities.

<https://www.governing.com/cityaccelerator/blog/cities-purchase-power-people-color-minorities-lc.html>

- 5 Ways Cities can use their purchasing power to support minority-owned businesses

[https://hwpi.harvard.edu/files/govlabs/files/strategies\\_for\\_improving\\_vendor\\_diversity\\_brief.pdf](https://hwpi.harvard.edu/files/govlabs/files/strategies_for_improving_vendor_diversity_brief.pdf)

- A paper with strategies for improving vendor diversity.

<https://www.thewomenofdenver.com/>

- Women of Denver - a connection platform for women in Colorado to build their network; they also offer free mentoring and advice to women business owners by other women business owners.

<https://micasaresourcecenter.org/>

- Mi Casa Resource Center offers free coaching and consulting to Hispanic/Latino small businesses and entrepreneurs.

Here is [Find a minority, woman, or disabled-owned business | Services | City of Philadelphia](#)

- An example from Philadelphia to search for W/MBEs and disabled-owned businesses.

“A [1989 Supreme Court ruling](#) established that cities may only overtly work to support minority-owned businesses if they can prove a history of discrimination in city contracts.”

- What we are recommending is different but we leave this reference here for historical context.

Cities like Los Angeles and Chicago set up portals where new contracting opportunities could be posted well in advance, so smaller firms could learn how to bid on them. Also, rather than issuing a single contract to a large firm, the accelerator cities are breaking up contracts into smaller projects that a cohort of local businesses could tackle. Smaller contracts help the city establish relationships with more diverse vendors, who can use the revenue stream to grow their business. Improving procurements and [city accelerator](#)

The federal government has very specific goals for small businesses. Agencies have various

procurement programs set aside or earmark a certain percentage of contract dollars that must go to small businesses. The federal government has contracts called total small business set-asides, which are exclusively set aside for small businesses. See SBA website for details ([sba.gov](http://sba.gov)) They have the Women-Owned Small Businesses ([WOSB certification](#)), which is limited to women who are certified as WOSB.”

[Washington State's](#) equity of public spending showing what the State of Washington is doing.

[Seattle WA is](#) really interesting ... you can read public meeting minutes on how their Advisory committee was working through some of these same issues.

Seattle’s Priority Hiring Program - [Priority Hire Program](#)

[Equity Considerations — Equity Resource Hub](#)

- A resource on equity with questions to consider.

[EquitableDecisionMakingTool.pdf \(clark.edu\)](#)

- A series of questions, many of which are thought-provoking.

City of [Boulder](#) website, it translates the site into many languages.

Other translation services: [Translation services](#) or you can try [google translate](#)

<https://www.thomsonreuters.com/en-us/posts/news-and-media/government-procurement-dei/>

- Article on How Government Procurement Helps with Diversity, Equity and Inclusion, including a link to a procurement tracker used by the city of Tacoma, WA:

<https://sloanreview.mit.edu/article/how-procurement-can-strengthen-diversity-and-inclusion/>

- Article by the MIT Sloan School of Management on how Procurement can Strengthen Diversity and Inclusion:

<https://buildinginnovationhub.org/resource/find-a-qualified-vendor/high-road-contracting/>

- High-Road Contracting Too, a tool to help find qualified vendors:

### **Additional Links/Information:**

The Request from the City Council that generated this paper.

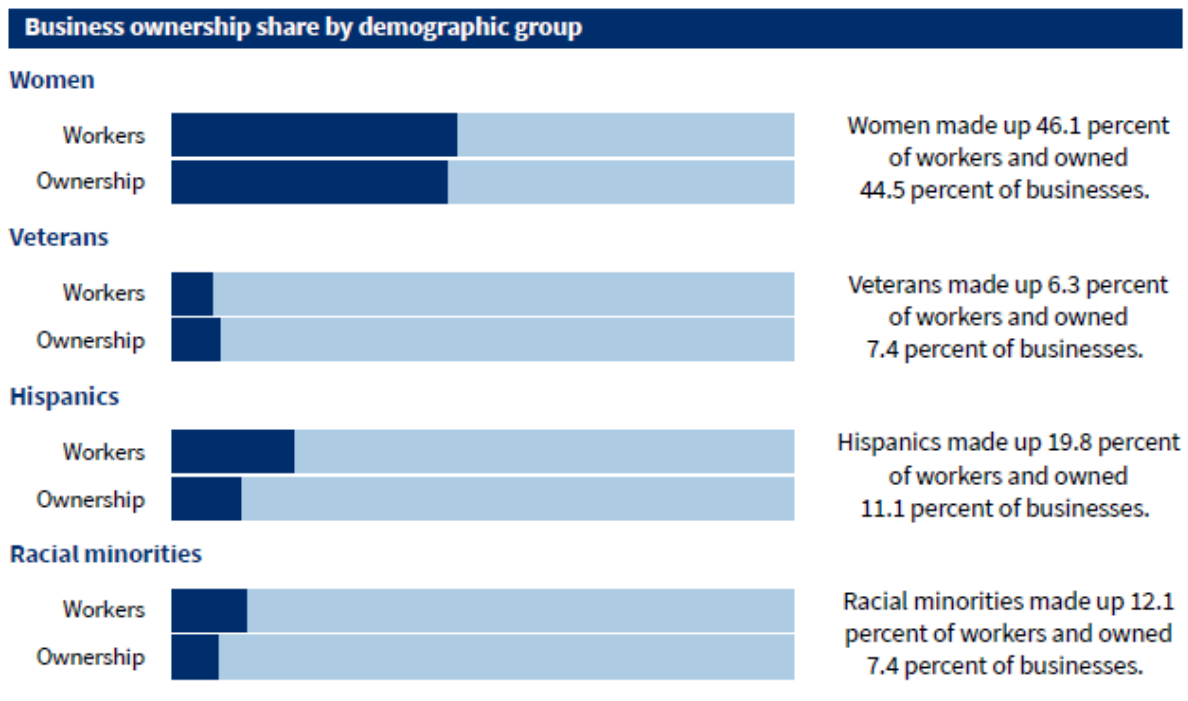
[City docs](#) click on this link to read the request and the current city docs.

[LAC Diversity Committee - Zoom](#) April 19, 2023 committee meeting video with City and County of Denver - Alexis Nightengale and Brittany Eroen

[LAC Diversity Committee - Zoom](#) March 22, 2023 committee meeting with Jefferson County DEI Manager - Marika Sitz

### **Graphical References:**

#### **Business Ownership by Demographic Group (State of Colorado)**



Ownership shares include equal and majority ownership

Sources of data: [American Community Survey, 2018](#) (Census and IPUMS); [Annual Business Survey, 2018](#) (Census);

[Nonemployer Statistics by Demographics, 2017](#) (Census)

**Contract Awards by the City of Lakewood (Partial 2023)**

<b>Month</b>	<b>Minority Owned (MO)</b>	<b>Woman Owned (WO)</b>	<b>Both MO &amp; WO</b>	<b>Total MO WO &amp; Combo</b>	<b>Total Contracts Awarded</b>	<b>Percent Awarded to MBEs</b>
<b>April</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>10</b>	<b>55</b>	<b>18.2%</b>
<b>May</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>7</b>	<b>46</b>	<b>15.2%</b>
<b>June</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>33</b>	<b>9.1%</b>
<b>July</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>42</b>	<b>7.1%</b>
<b>August</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>14</b>	<b>38</b>	<b>36.8%</b>
<b>Totals</b>	<b>11</b>	<b>15</b>	<b>11</b>	<b>37</b>	<b>214</b>	
<b>5-Month Average</b>						<b>17.3%</b>

**Notes:**

Contracts listed include Contractual Service Agreements, Professional Services Agreements, Bids, Requests for Proposals, Requests for Qualifications and Purchase Orders.

Totals contracts awarded excludes contracts to/with government entities and educational institutions.



Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

**Question/Request:**

Jeslin Shahrezaei: I would like to see a procedure/policy for women and minority-owned businesses to have equitable access to contract bids for Lakewood through the procurement process.

**Staff Response:**

We welcome and appreciate the above question/request.

**Policy Review:** LAC's research confirmed the City of Lakewood's purchasing policy is consistent with other municipalities, such as Denver. The City of Lakewood currently has a policy and follows in practice an open, fair, equitable and competitive process in which there are many steps taken to ensure this is an equitable process for all parties.

**Opportunity:** Although staff have confidence the purchasing process does give fair access to the bidding process, we also see an opportunity to improve equitable awareness of the opportunities to bid at the City of Lakewood and increase an understanding of the bidding process for diverse groups. The LAC research and recommendations will be helpful in pursuing this opportunity.

There are currently several efforts done by the Economic Development Department that tailor to diversity. As the LAC reported, Economic Development provides training and workshops, peer to peer mentoring, Jumpstart (funding source) and resources as well as the city's website now has a translator. However, we agree, the city can do more.

From the LAC top five recommendations Purchasing and Economic Development are planning to pursue the following:

- 1. Statistics & Data Gathering:** It is important to keep the award process unbiased. However, gathering data on the award outcome is important for Lakewood to determine current diversity of awards and tracking if the education efforts are changing the statistics. Recently it was added to the bid process that Women and Minority owned businesses could self-report so that we can track the % of awarded contracts. Staff gave this information to LAC for April 2023 which was the first month of collecting the data. Since then, staff provided to LAC the data through October. (See chart)



Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

MONTH	MINORITY OWNED	WOMEN OWNED	BOTH W/O and M/O	TOTAL	TOTAL CONTRACTS AWARDED	% CONTRACTS AWARDED TO MINORITY OR WOMEN OWNED
April	3	4	3	10	55	18.2%
May	3	3	1	7	46	15.2%
June	0	1	2	3	33	9.1%
July	0	2	1	3	42	7.1%
August	5	5	4	14	38	36.8%
September	3	8	6	17	47	36.2%
October	3	2	0	5	32	15.6%
<b>TOTALS</b>	<b>14</b>	<b>23</b>	<b>17</b>	<b>54</b>	<b>261</b>	
<b>AVERGAGE % (7-mo period)</b>						<b>19.75%</b>

This is something we will need to track over a longer period of time, but initially the data shows Lakewood is exceeding the State of Co, City of Denver and Federal Government awards on average. These three entities have formal diversity programs and award between 4.6% - 8.4% per the LAC research. It is important including other diversity groups in the data collection such as veterans, disabled, LGBTQ+ etc.

The City will continue to accumulate statistics and use the findings to determine the diversity of awards and make adjustments to education.

2. **Coordinated and Aligned (Transparent and Results Oriented):** Once the city has collected more data Purchasing and Economic Development will be evaluating the workshops & outreach, engage in partnerships, and look for opportunities for change/improvement.
  
3. **Training, workshops & Outreach:** Currently the city’s Economic Development Department provides various outreach to local businesses and Chambers of Commerce as mentioned above. Purchasing and Economic Development will enhance outreach to businesses interested in doing business with the City of Lakewood. They will be providing brochures for businesses and widening the outreach to more groups and multiple forms of communication. Additionally, the purchasing team will be reviewing the city website to provide more prominent/accessible links and frequently asked questions.

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4. **More Partnerships:** Excellent idea from LAC. We want to leverage what others are doing and expand our partnerships.
  
5. **Establish Aspirational Goals:** As stated by the LAC the current stats indicated the city is within or exceeds the 5-8% range from the State/Metro area studies. The team that reviews the statistics, as mentioned in item 2, will recommend goals.

**Reporting Back:** The staff recommend reporting back after one year of tracking and making changes.

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 6**

To: Mayor and City Council

From:

Subject:

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**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:** LAC Report - Diversity Subcommittee Assignment #2022-06  
Staff Response to LAC WMBE Research

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

# Lakewood Advisory Commission Report

## **Research and Recommendations on Women / Minority Owned Business Enterprises**

Diversity Committee  
September 2023

*ASSIGNMENT #2022-06: WOMEN / MINORITY OWNED BUSINESSES*

“Welcome, we are building an inclusive community” - street sign as you enter Lakewood, CO.

### **Introduction**

The Lakewood Advisory Commission (LAC) is a group of informed citizen volunteers who perform research for the city council. City Council assigned the LAC, specifically the Diversity Committee, with a project to: (1) investigate what other cities are doing to increase the awareness and participation of Women and Minority Owned Businesses Enterprises (W/MBEs) in city procurements and (2) make recommendations to the city council for possible adoption into the Lakewood Municipal Code and related policies.

### **Executive Summary**

There is no shortage of information on this topic from both a historical context and what currently other cities are currently doing to increase awareness and participation of W/MBEs in competing and obtaining city contracts. We include a list of what neighboring cities are doing, as well as a list of the most recurring ideas and actions that cities around the country are taking and the goals they are striving to achieve. Based on our research and the 5-month's worth of data the City of Lakewood provided to us, the City of Lakewood is already doing a good job of awarding contracts to W/MBEs.

Since it was requested that we make recommendations based on our findings, we developed our top five recommendations for the Mayor and City Council to consider. Our Top 5 recommendations are: (1) gather and use data, (2) hire or appoint a program manager/coordinator, (3) conduct training and workshops, (4) engage in various partnerships and

(5) establish aspirational goals. In addition, there are more ideas or follow-on recommendations listed in this report that could be added or done later, perhaps in phases. Some of the additional ideas may require further research and we are happy to continue this research work.

## **Background**

The project began with all members of the Diversity Committee casting a wide net by conducting internet research, not only on what other cities are doing, while also inquiring about the current status of awards to W/MBEs by the City of Lakewood. We met with the City of Lakewood's Purchasing Supervisor to learn more about how procurements and contracting are handled now. We inquired about data the city gathers and learned the city does not keep data separated by women or minorities, but the Purchasing Supervisor agreed to gather data for us. Initially we were provided with 1-month's worth of data and then subsequently later in the year we were provided with 5-months' worth of data. The additional data was useful but it did cause a delay in our ability to present the report to the Mayor and City Council.

We also reached out to Jefferson County and the City and County of Denver to learn more about what they are doing around the subject of contracting with W/MBEs and met with their representatives. We also read studies and reports commissioned by other cities on this topic. For example, the State of Colorado engaged with the Keen Independent Research LLC to conduct a disparity study titled, "2020 State of Colorado Disparity Study." This 700+ page report documents the results they found and makes recommendations. The report attempts to outline methods that create a level playing field for historically disadvantaged businesses (HUBs) to compete for State contracts. Senate Bill 19-135 defined HUBs to be businesses owned by people of color, women, persons with physical or mental disabilities and members of the LGBT+ community.

Another study we examined was titled, "Recommendations for the City of Austin's Minority and Women-Owned Business Enterprise Program 2022" commissioned by the City of Austin, Texas. A much smaller, 22-page report, it reviewed the existing program and outlined the importance of revisiting any program on a periodic basis. The City of Ft. Collins' report titled, "Small Business Survey: Summary of Results" from 2018 was another good source of information. The websites from the City of Aurora, CO and the City of Colorado Springs and their related information were also reviewed and gave us more ideas to evaluate.

By having the LAC perform this research, the city likely saved thousands of dollars in taxpayer funding. We found our larger neighbors in the City and County of Denver to be potentially great collaborators of several recommendations by their willingness to engage in reciprocity agreements with the City of Lakewood in sharing not only best practices and lessons learned but also potentially their certification program. If Lakewood chooses to engage in this partnership, it

will likely save potentially millions of taxpayer dollars by not having to create, staff and administer such a program. Jefferson County was also willing to have discussions and assist the city in various ways. The State of Colorado also has resources and programs that Lakewood should explore further, including the possibility of obtaining grants and other support.

A question asked of our Committee was, why should the City of Lakewood look to expand the awareness, outreach and subsequently awards to a large variety of business owners? The answer is because of the many benefits both tangible and intangible. First, in regards to small businesses, small businesses are a key and integral part of the economy. Nationally they hire 2/3 of the employees and represent 44% of the overall economic activity. Second, engaging with new businesses increases competition and innovation and should lower procurement costs to the city. Third, our reading and research suggests that city contracting efforts with numbers that are reflective of all the city's diverse business owners increases civic pride, enhances the connection among residents and increases community engagement.

## **Cities in Colorado**

While we looked at what other cities are doing across the country, we later focused our research efforts on what our neighbors within the state are doing in regards to W/MBEs. Since Lakewood is the fifth largest city in the State of Colorado, we wanted to know how we compare to similar cities in our state.

As of 2021, these are the cities in Colorado with minority-owned business procurement programs or initiatives. Some may be missing if they are not in collaboration or promoting resources from or through the state's Minority Business Office (MBO) of Colorado. The cities with program and/or initiatives are:

- Denver: The City and County of Denver has a Minority and Women Business Enterprise (M/WBE) Program that seeks to increase the utilization of M/WBEs in city contracting and purchasing.
- Colorado Springs: The City of Colorado Springs has a Minority Business Enterprise (MBE) Program to enhance opportunities for minority-owned businesses in city contracting.
- Aurora: The City of Aurora has a Minority and Women Business Enterprise (M/WBE) Program to promote and assist M/WBEs in accessing city contract opportunities.
- Fort Collins: The City of Fort Collins has programs aimed at increasing opportunities for minority-owned businesses to participate in city procurement and contracting.
- Boulder: The City of Boulder has various programs and initiatives to support diverse businesses, including minority-owned businesses, in their procurement efforts.

The first cities in the list above are the 4 largest cities in Colorado. Boulder is the 8th largest city. We recognize there are several efforts being conducted by the Lakewood Economic Development Team and perhaps Lakewood should be on this list. While we will address this later in our recommendations, what seems to be missing is a policy and/or coordination that ties the development work, the mentoring and outreach work to the procurement efforts.

The conclusion we drew from the above is that Lakewood is an outlier for a city of our size in terms of having a formal program or initiatives or at least collaborating with the MBO so that they become aware of the various on-going efforts being performed and can be added to the list.

**Most Common Actions Taken by Other Cities**

Cities in both Colorado and across the U.S. who want to increase the awareness, participation and provide support to W/MBEs do a variety of things. From our research, it appears that in order to make an impact in a city’s inclusivity efforts that the actions are coordinated. From the city’s mission/vision statement to hiring or appointing a lead, such as a Diversity Equity and Inclusion (DEI) manager or similar, setting up policy and procedures, the engagement takes the form of a city program or a series of coordinated initiatives. Table 1 below describes the most consistent steps or actions that are typically part of a larger more comprehensive program to increase awareness and participation from W/MBEs in the city’s procurement program.

Table 1: Actions Cities Takes to Support W/MBEs

<b>Action</b>	<b>Details</b>
Commission a report on W/MBEs (much like this one through various sources).	Some of the bigger cities will commission a report such as this one from consultants or local universities. If they have a program for W/MBEs they evaluate the continuation of such programs or recommend updates. We read these reports and also related news stories, general information on W/MBEs and attempted to make recommendations that are tailored to the City of Lakewood. We strived to recommend actions that were achievable, expand on existing work and could be implemented with low to minimal costs.

<p>Set contracting goals</p>	<p>Establish aspirational goals. Cities tend to start by using their demographics data or disparity data to obtain W/MBE availability numbers. These goals are not quotas or mandates; they simply reflect the goals a city hopes to achieve and awards always go to best qualified firms. These goals are different and separate from any goals the Federal Government establishes for federal contracts. Cities follow the federal government set-aside rules when engaged in joint or dual city/federal contracts.</p>
<p>Keep statistics, publish those statistics and use the data.</p>	<p>Keep statistics on contract awards. Cities track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. For example, Lakewood could look something like this: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%). In 2024, women-owned businesses were awarded 10 city contracts from a total of 100 awarded contracts (10%). Then the city could do the same for minority-owned businesses. This data gives the city insight into areas they may need to target or do more outreach.</p>
<p>Hire/create position of diversity, equity, inclusion manager or similar more limited role focusing on disadvantaged businesses or someone to focus on an even larger role such as hiring, promotions, training.</p>	<p>Creates accountability and brings in a fresh or new perspective to look at things differently and perhaps to try different things.</p>
<p>Hold workshops or training sessions.</p>	<p>These are posted on the city website and trade/affinity group websites and held regularly with the goal of teaching interested businesses how to obtain contracts with the city. The Lakewood Economic Development team is already doing some of this work.</p>
<p>Utilize existing resources in the community to connect W/MBEs and others to mentors, funding sources and other similar business owners.</p>	<p>Other cities include links on their city website to such resources. City staff learns about trade/affinity/support groups then meets/partners to discuss challenges and also to create opportunities with the purpose to create and grow small businesses in our community. Lakewood is doing some of this, so perhaps it's more of expanding the</p>



	ongoing work.
Host or participate in small business coffee sessions or small business talk sessions.	Another way to bring small businesses together for networking, finding mentors, etc., while also taking the time to educate these businesses on opportunities to contract with the city. These are more informal in nature and appeal to social aspects vs educational sessions. Can also include speaking at various local Chambers of Commerce.
Highlight W/MBEs owned by residents of the city.	This creates awareness of existing W/MBEs, perhaps encourages patronage of such businesses and could serve as inspiration for future W/MBEs. We see new businesses mentioned in Looking @ Lakewood, but what about other social media sites, partner sites, the city website, etc.
Gather data (Disparity Study/Availability Study) usually from the closest big city/metro area. For Lakewood, the city could use Denver's Disparity study (addresses the Metro area).	Determine how the disparity numbers and availability numbers apply to Lakewood. Our initial evaluation is that the Metro numbers can be used by Lakewood.
Partner with another city or the county. Especially when using certification programs.	Some cities partner with nearby cities especially if they are part of a larger Metro area. The partnering can include sharing data, certification programs, lessons-learned, certification forms, training, etc.

### **Full List of Recommendations/Ideas**

We conducted extensive research on this topic gathering ideas from cities large and small. We thought it was important to share the full list of actions and ideas. What follows is the list of ideas and additional recommendations. The total list of ideas and recommendations total 16 with some having multiple parts. Some can be done in phases and some likely require more research. We recognize and appreciate the work the city has already implemented such as the website

translator and their on-going outreach and training efforts and we highlight these completed actions.

1. City should keep data on contract awards (both dollar amount and percentage amount). Without data, the city doesn't know where they stand. Some suggested software programs that can assist the city to track the data, mine the data and analyze the data can be found here: [Best Government Diversity, Equity, and Inclusion \(DEI\) Analytics Software - 2023 Reviews & Comparison \(sourceforge.net\)](#) .

2. The city should engage in more outreach to more W/MBEs.

a. This could include outreach through trade/affinity groups such as (percentage of Lakewood's population is noted in parentheses):

i. Hispanic Chamber of Commerce (23%)

<https://www.hispanicchamberdenver.com>

ii. Women's Chamber of Commerce (50%)

<https://www.cwcc.org>

iii. Asian Chamber of Commerce (3.9%)

<https://www.acccolorado.org>

iv. Colorado Black Chamber of Commerce (1.8%)

<https://www.coloradoblackchamber.org>

v. Other suggested groups to explore and expand outreach efforts include Veterans' groups, businesses owned or having employees who are persons with disabilities, LGBTQ+ owned or LGBTQ+ employees, etc.

Colorado LGBTQ Chamber of Commerce

<https://www.colgbtqcc.org>

Colorado Office of Economic Development and International Trade  
Minority Business Directory

<https://www.oedit.colorado.gov/minority-business-directory>

b. The city could also conduct workshops on the process of applying and doing business with the city. (Partially accomplished and ongoing. Some of this

is already happening as captured in “Looking at Lakewood” April 2023 and July 2023 editions.)

c. The city could also enhance their website through the use of language translators to achieve more outreach. The City of Boulder is a good example, but if further research is required, this could be assigned as a follow-on project to the LAC. ([Accomplished. The City of Lakewood website as of March 2023 has a translator option.](#))

d. The city could work and partner with the organizations listed in (a) above and ask if they could place RFPs or other opportunities and information on their specific sites.

e. Another follow-on potential assignment for the City Staff or the LAC is to research what are the top social media or other media sites utilized by Asian-owned, Hispanic-owned, Black-owned, Women-owned and Veteran-owned businesses and then the city could place the RFPs/links/opportunities on these sites. This could include possibly placing public service announcements or advertisements on Spanish-speaking radio stations.

3. Utilize data and programs from neighboring cities, especially Denver which is a bigger city with more resources. They maintain a list of W/MBEs. Perhaps when the city of Lakewood is reaching out to 3 firms for quotes, they could ensure at least one firm is from this list. Denver also conducts workshops; Lakewood city staff might be able to attend these Denver workshops as samples or resources as they build their own workshops.

The City/County of Denver utilizes a comprehensive certification program for women, minority, veteran-owned businesses. They also perform a validation of the certifications. The details of their program can be found on their Division of Small Business Opportunity (DSBO) website which is listed in the references. Of note, the representatives from the City/County of Denver are willing to share and partner with the City of Lakewood.

4. Being an inclusive city is a deliberate, thoughtful and on-going process. As such we recommend the following actions:

- a. Recommend the city update its mission/vision statement to include the goal that the city is building an inclusive community.
- b. Next we recommend the city establish aspirational contracting award goals using Census data or Disparity data from the Metro area. These goals are not quotas; they are simply proportional goals in writing that make it clear that the city of Lakewood wants to include everyone in contract awards and distribution of city funds with the understanding that the most qualified will be selected. We found

that it is critically important to define the terms so that everyone has a clear understanding of the procedure, policy and expectations.

- c. Included in this overall process recommendation is the hiring or appointing existing staff to be the coordinator for inclusive outreach and contracting. This role could be in the form of a Diversity, Equity and Inclusion Manager to work on the overall procurement process to include the outreach or could be broader to include all Lakewood to champion diversity, equity and inclusion across all the City's programs and services. Our research has shown that a program with the aim of trying to achieve inclusiveness and equity only has a good success rate when there is someone to be accountable and someone who champions the program. Hiring or appointing someone to a more limited role such as "Disadvantaged Small Business Liaison" could work and the option is used by the City of Ft Collins. Appointing several "Equity Champions" from across departments, who meet frequently, to discuss blind spots, next steps, the data and more as is being done in the City of Aurora, CO and is yet another option. The City of Lakewood is already doing a lot and achieving substantial success; however, the MBO of Colorado doesn't include Lakewood on its list of cities and perhaps it's due to Lakewood not having a person assigned to one of the roles listed above.
5. Update the city's procurement policies and procedures to match any recommendations adopted by this report. For example, gathering and maintaining data and statistics on all city contract awards is something we highly recommend and is very common practice throughout the country. The 5-months worth of data the city provided to us was very helpful and we hope it was also helpful to the procurement staff, the Economic Development team, the Mayor and City Council, etc.

Other areas to review for enhancements are the procurement processes themselves. For example: Does selection rely too heavily on positive past history doing business with the city? Can the city declare an aspirational goal for awarding contracts to firms who have never done business with the city? In reviewing the dollar thresholds and requirements to purchase we have some minor recommendations for consideration:

- a. Currently for purchases under \$10K, it's buyer's discretion. Suggestion: This seems like an area that could be further evaluated for possible improvements to engage with firms who have never been awarded a city procurement or contract. While there are some risks to engaging with new businesses, the low dollar amount may lend itself to taking on some risks. Can the city buyers be provided a list of W/MBEs and new businesses for their consideration? Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver.

Inclusiveness includes doing business with new businesses regardless of their race, gender or ethnic status.

- b. Currently for purchase between \$10K and \$74.9K city buyers must obtain 3 quotes or submit a sole source justification. Suggestion: We recommend that the city buyers be provided with a list of W/MBEs. Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver. The most qualified firm should always be selected. We recognize that contracting with new firms can involve some risks. Some risks of trying new businesses who are new to city contracting can include: the firms going through a learning curve, potentially lower quality or inability to timely completion of the job. However, it can also include potentially some benefits to the city, such as increased innovation and lower costs.
- c. Above \$75K is a very formalized process and selections are made as a group. When combined with federal funding they may be subject to set-aside provisions. Recommendation: Proceed as is.

6. W/MBEs often struggle to secure funding to start their business, again in their early years of existence to sustain their business and perhaps struggle even more to expand their business. Perhaps the city could also bring in representatives from Small Business Administration (SBA), banks and credit unions to conduct workshops on obtaining funding. Partner with mentors to conduct workshops on obtaining funding. Setup a follow-on program where protégés are then expected to become mentors.

7. Related to the above perhaps the city could host a business forum for women, minority and veteran owned businesses where they could all meet, network and share stories among themselves. Or the city could send economic development team representatives to the various chamber of commerce events.

8. During contract selection/deliberations, perhaps additional consideration (priority) is given to firms who use as subcontractors who are W/MBEs. Perhaps this could result in mentor-protégé relationships that could develop the pipeline for more W/MBEs to become prime contractors. We believe ideas like this and others' ideas that may come from city staff, community members, and others could help businesses that are just starting out and possibly create a pipeline of future contractors.

9. The city of Colorado Springs does engage in various efforts to help W/MBEs. One of the interesting actions is they highlight women-owned businesses on its "Visit Colorado Springs"

website. Perhaps Lakewood could do the same on the city website as we do not have a dedicated tourism site. While Lakewood does highlight new businesses in Looking @ Lakewood newspaper, perhaps the city could expand on this to the city website and other social media sites.

10. On the Pueblo County website, they explain why after 30-years of research and discussion there is still a need for programs that assist W/MBEs and Disadvantaged Small Businesses. While the data is from 2010, some things like lack of mentors and difficulty in getting funding still are reported on and discussed today and we found confirmed this with more recent reports and news articles. It was unclear exactly what the City/County of Pueblo are doing in regards to assisting W/MBEs. The 2018 Study by the City of Ft. Collins lists some of the same issues and challenges facing W/MBEs and their study provides additional information. The City of Ft. Collins does have a W/MBE program.

11. The city of Edmonds, WA describes on their website that small businesses are the backbone of the economy. They engage in strengthening opportunities for small and diverse businesses. They believe doing this not only strengthens the local economy, it supports the community, improves the quality of life for everyone and having more participants increases competition and innovation while lowering costs.

12. Require certification from women/minority/veteran-owned business enterprises. A program and database can be created or the city can use one that exists, such as the city of Denver's program. The Denver Reps we talked to said they are willing to engage in some sort of reciprocity agreement. This will likely require more city staffing to manage the program, check certifications, etc. Staffing requirements would be less if the city enters a partnership agreement.

13. Another recommendation would be to have a Lakewood certification form without a formal certification program that would collect data about businesses that do contract with the city. The informal program could gather information about the businesses. If confirmation is desired, perhaps this could be confirmed by site visits that could be done by volunteers. The form below is overzealous but a modified form that could fit our city could work well. In addition, Denver and the State of Colorado have certification formats that we could use and encourage State wide consistency with certification.

[City of Oakland pdf doc.](#)

14. City should formalize the definitions for terms such as Women and Minority-owned Business Enterprise (W/MBE), Disadvantaged Business Enterprise (DBE), Veteran-owned Small Business (VOSB) and others. While the SBA website is an excellent source of the definitions, we recognize some cities further define or expand on these definitions. It is important for all involved to know the definitions being used. These terms and definitions become important in the data collection and reporting process and also in the certification program, should the city decide to pursue this option. Of note, using the city data for awards they made during April 2023

further pointed-out the need for consistent and clear definitions so the data is captured effectively. We were not sure how to capture firms that are both women-owned and minority-owned so we ended up creating a third category called both.

15. Model the Federal Government. We don't have to redesign the wheel. [Disadvantaged Business Enterprise Program Requirements | US EPA](#) or [GSA Announces Actions to Advance Equity and Supplier Diversity in Federal Procurement | GSA](#)

16. Related to above, the City of Lakewood has the 2nd most concentration of Federal employees in the country located at the Federal Center. City should explore more collaboration efforts with the federal government. Perhaps the collaboration could lead to establishing an incubator to help create more minority and women owned businesses and jobs right here.

### Top 5 Recommendations

Based on our research and investigating what other cities have implemented and then tailoring to the City of Lakewood, we developed our Top 5 recommendations. We believe these recommendations can have an impact both quickly and with minimal costs. Table 2 below lists our top five recommendations for the City of Lakewood to consider in further improving the awareness and participation of W/MBEs.

Table 2: Top 5 Recommendations

Recommended Action	Justification/Benefits
1. Gather and keep statistics and use the data to refine the W/MBE program, the goals, the outreach, etc. Publish those statistics on the city website.	Cities keep statistics on all contract awards to ensure transparency. Without data it is difficult to know how the city is doing. We recommend the city at minimum track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. Examples of data could include: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%) and Hispanic-owned businesses were awarded 10 city contracts from a total of 100 city contracts (10%). This data gives the city insight into areas they may need to target or do more outreach.

<p>2. Evaluate hiring/assigning a coordinator to more efficiently coordinate the initiatives or beginnings or a program the city already has on-going. There are many things happening already. The 5-month's worth of data is indicative of what the city can achieve for a full year or more, once people hear about the city's achievements, we suspect many cities are going to want to speak to the city about how they can modify their programs.</p>	<p>A coordinated program has many benefits. Ties all the efforts together, creates a point person who continues to facilitate awareness, evaluates changes and improvements and continues to look for blind spots. Person in the position, using data, generates new ideas on what the city could do differently or better to reach more W/MBEs and start expanding to others such as veteran-owned businesses and others.</p> <p>There are more options, like a more limited role such as the City of Ft Collins has done. Another option taken from the city of Aurora would be to establish 2 champions (co-coordinators) such as the head of the city procurement and the head of the Economic Development team to continually discuss the data, ideas and resources.</p>
<p>3. City to conduct training, workshops and various outreach efforts to increase the numbers of W/MBEs businesses and participation in the City contracting process.</p>	<p>Some of this is already being done by Lakewood's Economic Development team. Expand efforts, do more workshops and outreach geared towards businesses interested in doing business with the city. Partner with various affinity groups listed in this report as possible sources to post opportunities or conduct some mentoring and more outreach. Also consider partnering with the State of Colorado and Small Business Administration. Small businesses are crucial to the economy.</p>
<p>4. Establish partnerships with the City &amp; County of Denver and Jefferson County.</p>	<p>We had several guest speakers come and share their programs with the LAC. Both the City &amp; County of Denver and Jefferson County are willing to share their expertise, lessons-learned, even their certification program with the City of Lakewood. There are abundant opportunities so that the city does not have to recreate the wheel nor duplicate efforts. Partnering can also save the city money by not having to hire a lot of additional staff.</p>



<p>5. Establish aspirational contracting goals.</p>	<p>Establish goals using demographics of current state business owners is a starting place (see references) and further refine using the Metro area Disparity Study and Availability numbers. We did some of this research and recommend using as aspirational goals that our neighbors with robust programs have achieved; therefore, <b>5-8%</b> contracting goal for Women-owned businesses and the same <b>5-8%</b> goal for Minority-owned businesses. Goals could be added to include Veteran-owned businesses and others. The contract award data suggests the city is already exceeding these aspirational goals, but 12-months of data should be used. If goals are being met, they can be raised to the next level which is 9-12%. The data suggests 20-24% of businesses who provide goods and services that cities utilize are W/MBEs.</p>
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**Conclusion**

Based on the 5-months worth data we were provided, the City of Lakewood is already doing an excellent job in awarding contracts to W/MBEs. While 12-months worth of data would have been preferable to draw more accurate conclusions, so far the city is exceeding the aspirational goals that most cities and federal agencies place on themselves. The city should continue to gather and maintain its contract award data, there could be a great story of success here that the city should be proud to showcase and share with others.

While the data looks good, we are recommending further steps that the city could implement to increase both the awareness and opportunities for W/MBEs. This in turn could lead to a strengthening of our local economy, increase competition and lower costs to the City of Lakewood. The research also suggests that awarding city contracts to a large range of businesses increases civic pride and creates a feeling of inclusiveness.

**Appreciation**

We LAC, Diversity Committee, appreciate this first assignment for our committee. We'd like to thank the Mayor and City Council for assigning us this project, especially Counselor Jeslin Shahrezaei for preparing and submitting this assignment to the LAC. We'd also like to thank Mary O'Halloran, City of Lakewood Procurement Supervisor for sharing her expertise and for gathering multiple iterations of data for us to evaluate. We'd also like to thank Jay Robb, the City Clerk, for all his support and contacts across the Metro area and beyond. Our deep appreciation to Marika Sitz, Diversity, Equity and Inclusion Manager, Jefferson County and to

Alexis Nightengale and Brittany Eroen from the Division of Small Business Opportunity, City and County of Denver.

### **References:**

Countless hours were spent by the team researching other cities' websites and commissioned studies in order for us to develop some recommendations that we think are appropriate for the City of Lakewood. Below are many of the links used, including links to reports, news stories and general information.

<https://www.denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Economic-Development-Opportunity/Business-Owners-Entrepreneurs/Do-Business-with-the-City/Frequently-Asked-Questions/About-DSBO>

- Division of Small Business Opportunity (DSBO) website, City/County of Denver

<https://oedit.colorado.gov/minority-business-office-of-colorado>

- General information from the Minority Business Office of Colorado, a division of Office of Economic Development and International Trade (OEDIT)

<https://oedit.colorado.gov/minority-owned-businesses>

- Specific OEDIT information including a list of minority owned businesses

<https://www.governing.com/cityaccelerator/cohort4>

- Helpful publication from City Accelerator:

<https://19thnews.org/2021/06/small-business-administration-contracts-woman-owned-businesses-for-decades/>

- Article on history of Federal contracts to WBEs and what the SBA has done

<https://www.mbda.gov/tags/disparity-studies>

- Compilation of multiple Disparity Studies across the US by Department of Commerce

<https://cao-94612.s3.amazonaws.com/documents/City-of-Oakland-Draft-Disparity-Study.pdf>

- Disparity Study- has information on what is legally allowed as well as analysis of Oakland's actual disparities.

<https://www.oaklandca.gov/documents/contracts-and-compliance-forms-and-schedules>

- City of Oakland's Contracts Schedules which include questions about race/ethnicity and

gender of business owners:

<https://www.open-contracting.org/2020/11/19/new-report-a-procurement-path-to-equity/>

- 5 Ways cities can use purchasing power to help W/MBEs

<https://www.fastcompany.com/90298216/how-cities-can-support-minority-and-women-entrepreneurs-buy-things-from-them>

- How cities can support women owned businesses: buy things from them

<https://www.boston.gov/news/proposal-filed-expand-access-city-contracts-minority-and-women-owned-enterprises>

- City of Boston, Proposal file to expand access to city contracts

<https://www.edmondswa.gov/cms/One.aspx?portalId=16495016&pageId=17269271>

- City of Edmonds, Diversity, Equity and Inclusion Commission. Ideas of things Lakewood may want to consider such as a film series.

<https://bellevuewa.gov/city-government/departments/city-managers-office/diversity-advantage-initiative>

- City of Bellevue, their Diversity Advantage Initiative

<https://www.fcgov.com/>

- City of Ft. Collins, CO. General site with links to 2018 Small Business Survey and Public Notice on contracting goals on dual/partner Federal contracts.

<https://www.visitcos.com/blog/women-owned-businesses-resources/>

- Visit Colorado Springs website highlighting women-owned businesses

<https://county.pueblo.org/energy-and-economic-development/minority-owned-business-resources>

- Pueblo County, CO website with resources for minority-owned businesses

<https://www.talgov.com/diversityinclusion/divinhome>

- City of Tallahassee, their Diversity Initiatives and Plans

<https://www.portseattle.org/business/bid-opportunities>

- Port of Seattle information

<https://cuyahogacounty.us/fightracism>

- Cuyahoga County Links

<http://accaweb.org/>

- American Contract Compliance Association

<https://goodfoodpurchasing.org/>

- Good Food purchasing programs in some cities.

<https://www.governing.com/cityaccelerator/blog/cities-purchase-power-people-color-minorities-lc.html>

- 5 Ways Cities can use their purchasing power to support minority-owned businesses

[https://hwpi.harvard.edu/files/govlabs/files/strategies\\_for\\_improving\\_vendor\\_diversity\\_brief.pdf](https://hwpi.harvard.edu/files/govlabs/files/strategies_for_improving_vendor_diversity_brief.pdf)

- A paper with strategies for improving vendor diversity.

<https://www.thewomenofdenver.com/>

- Women of Denver - a connection platform for women in Colorado to build their network; they also offer free mentoring and advice to women business owners by other women business owners.

<https://micasaresourcecenter.org/>

- Mi Casa Resource Center offers free coaching and consulting to Hispanic/Latino small businesses and entrepreneurs.

Here is [Find a minority, woman, or disabled-owned business | Services | City of Philadelphia](#)

- An example from Philadelphia to search for W/MBEs and disabled-owned businesses.

“A [1989 Supreme Court ruling](#) established that cities may only overtly work to support minority-owned businesses if they can prove a history of discrimination in city contracts.”

- What we are recommending is different but we leave this reference here for historical context.

Cities like Los Angeles and Chicago set up portals where new contracting opportunities could be posted well in advance, so smaller firms could learn how to bid on them. Also, rather than issuing a single contract to a large firm, the accelerator cities are breaking up contracts into smaller projects that a cohort of local businesses could tackle. Smaller contracts help the city establish relationships with more diverse vendors, who can use the revenue stream to grow their business. Improving procurements and [city accelerator](#)

The federal government has very specific goals for small businesses. Agencies have various

procurement programs set aside or earmark a certain percentage of contract dollars that must go to small businesses. The federal government has contracts called total small business set-asides, which are exclusively set aside for small businesses. See SBA website for details ([sba.gov](http://sba.gov)) They have the Women-Owned Small Businesses ([WOSB certification](#)), which is limited to women who are certified as WOSB.”

[Washington State's](#) equity of public spending showing what the State of Washington is doing.

[Seattle WA is](#) really interesting ... you can read public meeting minutes on how their Advisory committee was working through some of these same issues.

Seattle’s Priority Hiring Program - [Priority Hire Program](#)

[Equity Considerations — Equity Resource Hub](#)

- A resource on equity with questions to consider.

[EquitableDecisionMakingTool.pdf \(clark.edu\)](#)

- A series of questions, many of which are thought-provoking.

City of [Boulder](#) website, it translates the site into many languages.

Other translation services: [Translation services](#) or you can try [google translate](#)

<https://www.thomsonreuters.com/en-us/posts/news-and-media/government-procurement-dei/>

- Article on How Government Procurement Helps with Diversity, Equity and Inclusion, including a link to a procurement tracker used by the city of Tacoma, WA:

<https://sloanreview.mit.edu/article/how-procurement-can-strengthen-diversity-and-inclusion/>

- Article by the MIT Sloan School of Management on how Procurement can Strengthen Diversity and Inclusion:

<https://buildinginnovationhub.org/resource/find-a-qualified-vendor/high-road-contracting/>

- High-Road Contracting Too, a tool to help find qualified vendors:

### **Additional Links/Information:**

The Request from the City Council that generated this paper.

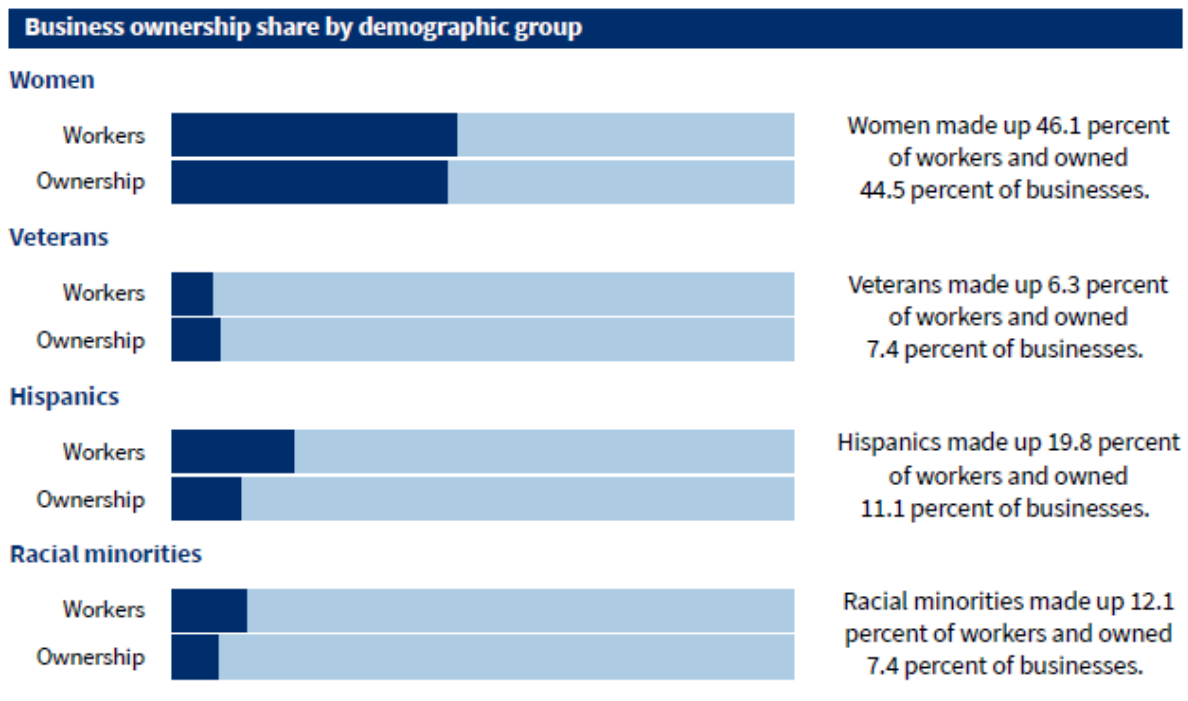
[City docs](#) click on this link to read the request and the current city docs.

[LAC Diversity Committee - Zoom](#) April 19, 2023 committee meeting video with City and County of Denver - Alexis Nightengale and Brittany Eroen

[LAC Diversity Committee - Zoom](#) March 22, 2023 committee meeting with Jefferson County DEI Manager - Marika Sitz

### **Graphical References:**

#### **Business Ownership by Demographic Group (State of Colorado)**



Ownership shares include equal and majority ownership

Sources of data: [American Community Survey, 2018](#) (Census and IPUMS); [Annual Business Survey, 2018](#) (Census);

[Nonemployer Statistics by Demographics, 2017](#) (Census)

**Contract Awards by the City of Lakewood (Partial 2023)**

<b>Month</b>	<b>Minority Owned (MO)</b>	<b>Woman Owned (WO)</b>	<b>Both MO &amp; WO</b>	<b>Total MO WO &amp; Combo</b>	<b>Total Contracts Awarded</b>	<b>Percent Awarded to MBEs</b>
<b>April</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>10</b>	<b>55</b>	<b>18.2%</b>
<b>May</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>7</b>	<b>46</b>	<b>15.2%</b>
<b>June</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>33</b>	<b>9.1%</b>
<b>July</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>42</b>	<b>7.1%</b>
<b>August</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>14</b>	<b>38</b>	<b>36.8%</b>
<b>Totals</b>	<b>11</b>	<b>15</b>	<b>11</b>	<b>37</b>	<b>214</b>	
<b>5-Month Average</b>						<b>17.3%</b>

**Notes:**

Contracts listed include Contractual Service Agreements, Professional Services Agreements, Bids, Requests for Proposals, Requests for Qualifications and Purchase Orders.

Totals contracts awarded excludes contracts to/with government entities and educational institutions.



Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

**Question/Request:**

Jeslin Shahrezaei: I would like to see a procedure/policy for women and minority-owned businesses to have equitable access to contract bids for Lakewood through the procurement process.

**Staff Response:**

We welcome and appreciate the above question/request.

**Policy Review:** LAC's research confirmed the City of Lakewood's purchasing policy is consistent with other municipalities, such as Denver. The City of Lakewood currently has a policy and follows in practice an open, fair, equitable and competitive process in which there are many steps taken to ensure this is an equitable process for all parties.

**Opportunity:** Although staff have confidence the purchasing process does give fair access to the bidding process, we also see an opportunity to improve equitable awareness of the opportunities to bid at the City of Lakewood and increase an understanding of the bidding process for diverse groups. The LAC research and recommendations will be helpful in pursuing this opportunity.

There are currently several efforts done by the Economic Development Department that tailor to diversity. As the LAC reported, Economic Development provides training and workshops, peer to peer mentoring, Jumpstart (funding source) and resources as well as the city's website now has a translator. However, we agree, the city can do more.

From the LAC top five recommendations Purchasing and Economic Development are planning to pursue the following:

- 1. Statistics & Data Gathering:** It is important to keep the award process unbiased. However, gathering data on the award outcome is important for Lakewood to determine current diversity of awards and tracking if the education efforts are changing the statistics. Recently it was added to the bid process that Women and Minority owned businesses could self-report so that we can track the % of awarded contracts. Staff gave this information to LAC for April 2023 which was the first month of collecting the data. Since then, staff provided to LAC the data through October. (See chart)



Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

MONTH	MINORITY OWNED	WOMEN OWNED	BOTH W/O and M/O	TOTAL	TOTAL CONTRACTS AWARDED	% CONTRACTS AWARDED TO MINORITY OR WOMEN OWNED
April	3	4	3	10	55	18.2%
May	3	3	1	7	46	15.2%
June	0	1	2	3	33	9.1%
July	0	2	1	3	42	7.1%
August	5	5	4	14	38	36.8%
September	3	8	6	17	47	36.2%
October	3	2	0	5	32	15.6%
<b>TOTALS</b>	<b>14</b>	<b>23</b>	<b>17</b>	<b>54</b>	<b>261</b>	
<b>AVERGAGE % (7-mo period)</b>						<b>19.75%</b>

This is something we will need to track over a longer period of time, but initially the data shows Lakewood is exceeding the State of Co, City of Denver and Federal Government awards on average. These three entities have formal diversity programs and award between 4.6% - 8.4% per the LAC research. It is important including other diversity groups in the data collection such as veterans, disabled, LGBTQ+ etc.

The City will continue to accumulate statistics and use the findings to determine the diversity of awards and make adjustments to education.

2. **Coordinated and Aligned (Transparent and Results Oriented):** Once the city has collected more data Purchasing and Economic Development will be evaluating the workshops & outreach, engage in partnerships, and look for opportunities for change/improvement.
  
3. **Training, workshops & Outreach:** Currently the city’s Economic Development Department provides various outreach to local businesses and Chambers of Commerce as mentioned above. Purchasing and Economic Development will enhance outreach to businesses interested in doing business with the City of Lakewood. They will be providing brochures for businesses and widening the outreach to more groups and multiple forms of communication. Additionally, the purchasing team will be reviewing the city website to provide more prominent/accessible links and frequently asked questions.

Lakewood Advisory Commission (LAC)  
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4. **More Partnerships:** Excellent idea from LAC. We want to leverage what others are doing and expand our partnerships.
  
5. **Establish Aspirational Goals:** As stated by the LAC the current stats indicated the city is within or exceeds the 5-8% range from the State/Metro area studies. The team that reviews the statistics, as mentioned in item 2, will recommend goals.

**Reporting Back:** The staff recommend reporting back after one year of tracking and making changes.

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 6**

To: Mayor and City Council

From:

Subject:

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**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:** LAC Report - Diversity Subcommittee Assignment #2022-06  
Staff Response to LAC WMBE Research

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

# Lakewood Advisory Commission Report

## **Research and Recommendations on Women / Minority Owned Business Enterprises**

Diversity Committee  
September 2023

*ASSIGNMENT #2022-06: WOMEN / MINORITY OWNED BUSINESSES*

“Welcome, we are building an inclusive community” - street sign as you enter Lakewood, CO.

### **Introduction**

The Lakewood Advisory Commission (LAC) is a group of informed citizen volunteers who perform research for the city council. City Council assigned the LAC, specifically the Diversity Committee, with a project to: (1) investigate what other cities are doing to increase the awareness and participation of Women and Minority Owned Businesses Enterprises (W/MBEs) in city procurements and (2) make recommendations to the city council for possible adoption into the Lakewood Municipal Code and related policies.

### **Executive Summary**

There is no shortage of information on this topic from both a historical context and what currently other cities are currently doing to increase awareness and participation of W/MBEs in competing and obtaining city contracts. We include a list of what neighboring cities are doing, as well as a list of the most recurring ideas and actions that cities around the country are taking and the goals they are striving to achieve. Based on our research and the 5-month's worth of data the City of Lakewood provided to us, the City of Lakewood is already doing a good job of awarding contracts to W/MBEs.

Since it was requested that we make recommendations based on our findings, we developed our top five recommendations for the Mayor and City Council to consider. Our Top 5 recommendations are: (1) gather and use data, (2) hire or appoint a program manager/coordinator, (3) conduct training and workshops, (4) engage in various partnerships and

(5) establish aspirational goals. In addition, there are more ideas or follow-on recommendations listed in this report that could be added or done later, perhaps in phases. Some of the additional ideas may require further research and we are happy to continue this research work.

## **Background**

The project began with all members of the Diversity Committee casting a wide net by conducting internet research, not only on what other cities are doing, while also inquiring about the current status of awards to W/MBEs by the City of Lakewood. We met with the City of Lakewood's Purchasing Supervisor to learn more about how procurements and contracting are handled now. We inquired about data the city gathers and learned the city does not keep data separated by women or minorities, but the Purchasing Supervisor agreed to gather data for us. Initially we were provided with 1-month's worth of data and then subsequently later in the year we were provided with 5-months' worth of data. The additional data was useful but it did cause a delay in our ability to present the report to the Mayor and City Council.

We also reached out to Jefferson County and the City and County of Denver to learn more about what they are doing around the subject of contracting with W/MBEs and met with their representatives. We also read studies and reports commissioned by other cities on this topic. For example, the State of Colorado engaged with the Keen Independent Research LLC to conduct a disparity study titled, "2020 State of Colorado Disparity Study." This 700+ page report documents the results they found and makes recommendations. The report attempts to outline methods that create a level playing field for historically disadvantaged businesses (HUBs) to compete for State contracts. Senate Bill 19-135 defined HUBs to be businesses owned by people of color, women, persons with physical or mental disabilities and members of the LGBT+ community.

Another study we examined was titled, "Recommendations for the City of Austin's Minority and Women-Owned Business Enterprise Program 2022" commissioned by the City of Austin, Texas. A much smaller, 22-page report, it reviewed the existing program and outlined the importance of revisiting any program on a periodic basis. The City of Ft. Collins' report titled, "Small Business Survey: Summary of Results" from 2018 was another good source of information. The websites from the City of Aurora, CO and the City of Colorado Springs and their related information were also reviewed and gave us more ideas to evaluate.

By having the LAC perform this research, the city likely saved thousands of dollars in taxpayer funding. We found our larger neighbors in the City and County of Denver to be potentially great collaborators of several recommendations by their willingness to engage in reciprocity agreements with the City of Lakewood in sharing not only best practices and lessons learned but also potentially their certification program. If Lakewood chooses to engage in this partnership, it

will likely save potentially millions of taxpayer dollars by not having to create, staff and administer such a program. Jefferson County was also willing to have discussions and assist the city in various ways. The State of Colorado also has resources and programs that Lakewood should explore further, including the possibility of obtaining grants and other support.

A question asked of our Committee was, why should the City of Lakewood look to expand the awareness, outreach and subsequently awards to a large variety of business owners? The answer is because of the many benefits both tangible and intangible. First, in regards to small businesses, small businesses are a key and integral part of the economy. Nationally they hire 2/3 of the employees and represent 44% of the overall economic activity. Second, engaging with new businesses increases competition and innovation and should lower procurement costs to the city. Third, our reading and research suggests that city contracting efforts with numbers that are reflective of all the city's diverse business owners increases civic pride, enhances the connection among residents and increases community engagement.

## **Cities in Colorado**

While we looked at what other cities are doing across the country, we later focused our research efforts on what our neighbors within the state are doing in regards to W/MBEs. Since Lakewood is the fifth largest city in the State of Colorado, we wanted to know how we compare to similar cities in our state.

As of 2021, these are the cities in Colorado with minority-owned business procurement programs or initiatives. Some may be missing if they are not in collaboration or promoting resources from or through the state's Minority Business Office (MBO) of Colorado. The cities with program and/or initiatives are:

- Denver: The City and County of Denver has a Minority and Women Business Enterprise (M/WBE) Program that seeks to increase the utilization of M/WBEs in city contracting and purchasing.
- Colorado Springs: The City of Colorado Springs has a Minority Business Enterprise (MBE) Program to enhance opportunities for minority-owned businesses in city contracting.
- Aurora: The City of Aurora has a Minority and Women Business Enterprise (M/WBE) Program to promote and assist M/WBEs in accessing city contract opportunities.
- Fort Collins: The City of Fort Collins has programs aimed at increasing opportunities for minority-owned businesses to participate in city procurement and contracting.
- Boulder: The City of Boulder has various programs and initiatives to support diverse businesses, including minority-owned businesses, in their procurement efforts.

The first cities in the list above are the 4 largest cities in Colorado. Boulder is the 8th largest city. We recognize there are several efforts being conducted by the Lakewood Economic Development Team and perhaps Lakewood should be on this list. While we will address this later in our recommendations, what seems to be missing is a policy and/or coordination that ties the development work, the mentoring and outreach work to the procurement efforts.

The conclusion we drew from the above is that Lakewood is an outlier for a city of our size in terms of having a formal program or initiatives or at least collaborating with the MBO so that they become aware of the various on-going efforts being performed and can be added to the list.

### **Most Common Actions Taken by Other Cities**

Cities in both Colorado and across the U.S. who want to increase the awareness, participation and provide support to W/MBEs do a variety of things. From our research, it appears that in order to make an impact in a city’s inclusivity efforts that the actions are coordinated. From the city’s mission/vision statement to hiring or appointing a lead, such as a Diversity Equity and Inclusion (DEI) manager or similar, setting up policy and procedures, the engagement takes the form of a city program or a series of coordinated initiatives. Table 1 below describes the most consistent steps or actions that are typically part of a larger more comprehensive program to increase awareness and participation from W/MBEs in the city’s procurement program.

Table 1: Actions Cities Takes to Support W/MBEs

<b>Action</b>	<b>Details</b>
Commission a report on W/MBEs (much like this one through various sources).	Some of the bigger cities will commission a report such as this one from consultants or local universities. If they have a program for W/MBEs they evaluate the continuation of such programs or recommend updates. We read these reports and also related news stories, general information on W/MBEs and attempted to make recommendations that are tailored to the City of Lakewood. We strived to recommend actions that were achievable, expand on existing work and could be implemented with low to minimal costs.

<p>Set contracting goals</p>	<p>Establish aspirational goals. Cities tend to start by using their demographics data or disparity data to obtain W/MBE availability numbers. These goals are not quotas or mandates; they simply reflect the goals a city hopes to achieve and awards always go to best qualified firms. These goals are different and separate from any goals the Federal Government establishes for federal contracts. Cities follow the federal government set-aside rules when engaged in joint or dual city/federal contracts.</p>
<p>Keep statistics, publish those statistics and use the data.</p>	<p>Keep statistics on contract awards. Cities track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. For example, Lakewood could look something like this: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%). In 2024, women-owned businesses were awarded 10 city contracts from a total of 100 awarded contracts (10%). Then the city could do the same for minority-owned businesses. This data gives the city insight into areas they may need to target or do more outreach.</p>
<p>Hire/create position of diversity, equity, inclusion manager or similar more limited role focusing on disadvantaged businesses or someone to focus on an even larger role such as hiring, promotions, training.</p>	<p>Creates accountability and brings in a fresh or new perspective to look at things differently and perhaps to try different things.</p>
<p>Hold workshops or training sessions.</p>	<p>These are posted on the city website and trade/affinity group websites and held regularly with the goal of teaching interested businesses how to obtain contracts with the city. The Lakewood Economic Development team is already doing some of this work.</p>
<p>Utilize existing resources in the community to connect W/MBEs and others to mentors, funding sources and other similar business owners.</p>	<p>Other cities include links on their city website to such resources. City staff learns about trade/affinity/support groups then meets/partners to discuss challenges and also to create opportunities with the purpose to create and grow small businesses in our community. Lakewood is doing some of this, so perhaps it's more of expanding the</p>



	ongoing work.
Host or participate in small business coffee sessions or small business talk sessions.	Another way to bring small businesses together for networking, finding mentors, etc., while also taking the time to educate these businesses on opportunities to contract with the city. These are more informal in nature and appeal to social aspects vs educational sessions. Can also include speaking at various local Chambers of Commerce.
Highlight W/MBEs owned by residents of the city.	This creates awareness of existing W/MBEs, perhaps encourages patronage of such businesses and could serve as inspiration for future W/MBEs. We see new businesses mentioned in Looking @ Lakewood, but what about other social media sites, partner sites, the city website, etc.
Gather data (Disparity Study/Availability Study) usually from the closest big city/metro area. For Lakewood, the city could use Denver's Disparity study (addresses the Metro area).	Determine how the disparity numbers and availability numbers apply to Lakewood. Our initial evaluation is that the Metro numbers can be used by Lakewood.
Partner with another city or the county. Especially when using certification programs.	Some cities partner with nearby cities especially if they are part of a larger Metro area. The partnering can include sharing data, certification programs, lessons-learned, certification forms, training, etc.

### **Full List of Recommendations/Ideas**

We conducted extensive research on this topic gathering ideas from cities large and small. We thought it was important to share the full list of actions and ideas. What follows is the list of ideas and additional recommendations. The total list of ideas and recommendations total 16 with some having multiple parts. Some can be done in phases and some likely require more research. We recognize and appreciate the work the city has already implemented such as the website

translator and their on-going outreach and training efforts and we highlight these completed actions.

1. City should keep data on contract awards (both dollar amount and percentage amount). Without data, the city doesn't know where they stand. Some suggested software programs that can assist the city to track the data, mine the data and analyze the data can be found here: [Best Government Diversity, Equity, and Inclusion \(DEI\) Analytics Software - 2023 Reviews & Comparison \(sourceforge.net\)](#) .

2. The city should engage in more outreach to more W/MBEs.

a. This could include outreach through trade/affinity groups such as (percentage of Lakewood's population is noted in parentheses):

i. Hispanic Chamber of Commerce (23%)

<https://www.hispanicchamberdenver.com>

ii. Women's Chamber of Commerce (50%)

<https://www.cwcc.org>

iii. Asian Chamber of Commerce (3.9%)

<https://www.acccolorado.org>

iv. Colorado Black Chamber of Commerce (1.8%)

<https://www.coloradoblackchamber.org>

v. Other suggested groups to explore and expand outreach efforts include Veterans' groups, businesses owned or having employees who are persons with disabilities, LGBTQ+ owned or LGBTQ+ employees, etc.

Colorado LGBTQ Chamber of Commerce

<https://www.colgbtqcc.org>

Colorado Office of Economic Development and International Trade  
Minority Business Directory

<https://www.oedit.colorado.gov/minority-business-directory>

b. The city could also conduct workshops on the process of applying and doing business with the city. (Partially accomplished and ongoing. Some of this

is already happening as captured in “Looking at Lakewood” April 2023 and July 2023 editions.)

c. The city could also enhance their website through the use of language translators to achieve more outreach. The City of Boulder is a good example, but if further research is required, this could be assigned as a follow-on project to the LAC. ([Accomplished. The City of Lakewood website as of March 2023 has a translator option.](#))

d. The city could work and partner with the organizations listed in (a) above and ask if they could place RFPs or other opportunities and information on their specific sites.

e. Another follow-on potential assignment for the City Staff or the LAC is to research what are the top social media or other media sites utilized by Asian-owned, Hispanic-owned, Black-owned, Women-owned and Veteran-owned businesses and then the city could place the RFPs/links/opportunities on these sites. This could include possibly placing public service announcements or advertisements on Spanish-speaking radio stations.

3. Utilize data and programs from neighboring cities, especially Denver which is a bigger city with more resources. They maintain a list of W/MBEs. Perhaps when the city of Lakewood is reaching out to 3 firms for quotes, they could ensure at least one firm is from this list. Denver also conducts workshops; Lakewood city staff might be able to attend these Denver workshops as samples or resources as they build their own workshops.

The City/County of Denver utilizes a comprehensive certification program for women, minority, veteran-owned businesses. They also perform a validation of the certifications. The details of their program can be found on their Division of Small Business Opportunity (DSBO) website which is listed in the references. Of note, the representatives from the City/County of Denver are willing to share and partner with the City of Lakewood.

4. Being an inclusive city is a deliberate, thoughtful and on-going process. As such we recommend the following actions:

- a. Recommend the city update its mission/vision statement to include the goal that the city is building an inclusive community.
- b. Next we recommend the city establish aspirational contracting award goals using Census data or Disparity data from the Metro area. These goals are not quotas; they are simply proportional goals in writing that make it clear that the city of Lakewood wants to include everyone in contract awards and distribution of city funds with the understanding that the most qualified will be selected. We found

that it is critically important to define the terms so that everyone has a clear understanding of the procedure, policy and expectations.

- c. Included in this overall process recommendation is the hiring or appointing existing staff to be the coordinator for inclusive outreach and contracting. This role could be in the form of a Diversity, Equity and Inclusion Manager to work on the overall procurement process to include the outreach or could be broader to include all Lakewood to champion diversity, equity and inclusion across all the City's programs and services. Our research has shown that a program with the aim of trying to achieve inclusiveness and equity only has a good success rate when there is someone to be accountable and someone who champions the program. Hiring or appointing someone to a more limited role such as "Disadvantaged Small Business Liaison" could work and the option is used by the City of Ft Collins. Appointing several "Equity Champions" from across departments, who meet frequently, to discuss blind spots, next steps, the data and more as is being done in the City of Aurora, CO and is yet another option. The City of Lakewood is already doing a lot and achieving substantial success; however, the MBO of Colorado doesn't include Lakewood on its list of cities and perhaps it's due to Lakewood not having a person assigned to one of the roles listed above.
5. Update the city's procurement policies and procedures to match any recommendations adopted by this report. For example, gathering and maintaining data and statistics on all city contract awards is something we highly recommend and is very common practice throughout the country. The 5-months worth of data the city provided to us was very helpful and we hope it was also helpful to the procurement staff, the Economic Development team, the Mayor and City Council, etc.

Other areas to review for enhancements are the procurement processes themselves. For example: Does selection rely too heavily on positive past history doing business with the city? Can the city declare an aspirational goal for awarding contracts to firms who have never done business with the city? In reviewing the dollar thresholds and requirements to purchase we have some minor recommendations for consideration:

- a. Currently for purchases under \$10K, it's buyer's discretion. Suggestion: This seems like an area that could be further evaluated for possible improvements to engage with firms who have never been awarded a city procurement or contract. While there are some risks to engaging with new businesses, the low dollar amount may lend itself to taking on some risks. Can the city buyers be provided a list of W/MBEs and new businesses for their consideration? Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver.

Inclusiveness includes doing business with new businesses regardless of their race, gender or ethnic status.

- b. Currently for purchase between \$10K and \$74.9K city buyers must obtain 3 quotes or submit a sole source justification. Suggestion: We recommend that the city buyers be provided with a list of W/MBEs. Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver. The most qualified firm should always be selected. We recognize that contracting with new firms can involve some risks. Some risks of trying new businesses who are new to city contracting can include: the firms going through a learning curve, potentially lower quality or inability to timely completion of the job. However, it can also include potentially some benefits to the city, such as increased innovation and lower costs.
- c. Above \$75K is a very formalized process and selections are made as a group. When combined with federal funding they may be subject to set-aside provisions. Recommendation: Proceed as is.

6. W/MBEs often struggle to secure funding to start their business, again in their early years of existence to sustain their business and perhaps struggle even more to expand their business. Perhaps the city could also bring in representatives from Small Business Administration (SBA), banks and credit unions to conduct workshops on obtaining funding. Partner with mentors to conduct workshops on obtaining funding. Setup a follow-on program where protégés are then expected to become mentors.

7. Related to the above perhaps the city could host a business forum for women, minority and veteran owned businesses where they could all meet, network and share stories among themselves. Or the city could send economic development team representatives to the various chamber of commerce events.

8. During contract selection/deliberations, perhaps additional consideration (priority) is given to firms who use as subcontractors who are W/MBEs. Perhaps this could result in mentor-protégé relationships that could develop the pipeline for more W/MBEs to become prime contractors. We believe ideas like this and others' ideas that may come from city staff, community members, and others could help businesses that are just starting out and possibly create a pipeline of future contractors.

9. The city of Colorado Springs does engage in various efforts to help W/MBEs. One of the interesting actions is they highlight women-owned businesses on its "Visit Colorado Springs"

website. Perhaps Lakewood could do the same on the city website as we do not have a dedicated tourism site. While Lakewood does highlight new businesses in Looking @ Lakewood newspaper, perhaps the city could expand on this to the city website and other social media sites.

10. On the Pueblo County website, they explain why after 30-years of research and discussion there is still a need for programs that assist W/MBEs and Disadvantaged Small Businesses. While the data is from 2010, some things like lack of mentors and difficulty in getting funding still are reported on and discussed today and we found confirmed this with more recent reports and news articles. It was unclear exactly what the City/County of Pueblo are doing in regards to assisting W/MBEs. The 2018 Study by the City of Ft. Collins lists some of the same issues and challenges facing W/MBEs and their study provides additional information. The City of Ft. Collins does have a W/MBE program.

11. The city of Edmonds, WA describes on their website that small businesses are the backbone of the economy. They engage in strengthening opportunities for small and diverse businesses. They believe doing this not only strengthens the local economy, it supports the community, improves the quality of life for everyone and having more participants increases competition and innovation while lowering costs.

12. Require certification from women/minority/veteran-owned business enterprises. A program and database can be created or the city can use one that exists, such as the city of Denver's program. The Denver Reps we talked to said they are willing to engage in some sort of reciprocity agreement. This will likely require more city staffing to manage the program, check certifications, etc. Staffing requirements would be less if the city enters a partnership agreement.

13. Another recommendation would be to have a Lakewood certification form without a formal certification program that would collect data about businesses that do contract with the city. The informal program could gather information about the businesses. If confirmation is desired, perhaps this could be confirmed by site visits that could be done by volunteers. The form below is overzealous but a modified form that could fit our city could work well. In addition, Denver and the State of Colorado have certification formats that we could use and encourage State wide consistency with certification.

[City of Oakland pdf doc.](#)

14. City should formalize the definitions for terms such as Women and Minority-owned Business Enterprise (W/MBE), Disadvantaged Business Enterprise (DBE), Veteran-owned Small Business (VOSB) and others. While the SBA website is an excellent source of the definitions, we recognize some cities further define or expand on these definitions. It is important for all involved to know the definitions being used. These terms and definitions become important in the data collection and reporting process and also in the certification program, should the city decide to pursue this option. Of note, using the city data for awards they made during April 2023

further pointed-out the need for consistent and clear definitions so the data is captured effectively. We were not sure how to capture firms that are both women-owned and minority-owned so we ended up creating a third category called both.

15. Model the Federal Government. We don't have to redesign the wheel. [Disadvantaged Business Enterprise Program Requirements | US EPA](#) or [GSA Announces Actions to Advance Equity and Supplier Diversity in Federal Procurement | GSA](#)

16. Related to above, the City of Lakewood has the 2nd most concentration of Federal employees in the country located at the Federal Center. City should explore more collaboration efforts with the federal government. Perhaps the collaboration could lead to establishing an incubator to help create more minority and women owned businesses and jobs right here.

### Top 5 Recommendations

Based on our research and investigating what other cities have implemented and then tailoring to the City of Lakewood, we developed our Top 5 recommendations. We believe these recommendations can have an impact both quickly and with minimal costs. Table 2 below lists our top five recommendations for the City of Lakewood to consider in further improving the awareness and participation of W/MBEs.

Table 2: Top 5 Recommendations

Recommended Action	Justification/Benefits
1. Gather and keep statistics and use the data to refine the W/MBE program, the goals, the outreach, etc. Publish those statistics on the city website.	Cities keep statistics on all contract awards to ensure transparency. Without data it is difficult to know how the city is doing. We recommend the city at minimum track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. Examples of data could include: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%) and Hispanic-owned businesses were awarded 10 city contracts from a total of 100 city contracts (10%). This data gives the city insight into areas they may need to target or do more outreach.

<p>2. Evaluate hiring/assigning a coordinator to more efficiently coordinate the initiatives or beginnings or a program the city already has on-going. There are many things happening already. The 5-month's worth of data is indicative of what the city can achieve for a full year or more, once people hear about the city's achievements, we suspect many cities are going to want to speak to the city about how they can modify their programs.</p>	<p>A coordinated program has many benefits. Ties all the efforts together, creates a point person who continues to facilitate awareness, evaluates changes and improvements and continues to look for blind spots. Person in the position, using data, generates new ideas on what the city could do differently or better to reach more W/MBEs and start expanding to others such as veteran-owned businesses and others.</p> <p>There are more options, like a more limited role such as the City of Ft Collins has done. Another option taken from the city of Aurora would be to establish 2 champions (co-coordinators) such as the head of the city procurement and the head of the Economic Development team to continually discuss the data, ideas and resources.</p>
<p>3. City to conduct training, workshops and various outreach efforts to increase the numbers of W/MBEs businesses and participation in the City contracting process.</p>	<p>Some of this is already being done by Lakewood's Economic Development team. Expand efforts, do more workshops and outreach geared towards businesses interested in doing business with the city. Partner with various affinity groups listed in this report as possible sources to post opportunities or conduct some mentoring and more outreach. Also consider partnering with the State of Colorado and Small Business Administration. Small businesses are crucial to the economy.</p>
<p>4. Establish partnerships with the City &amp; County of Denver and Jefferson County.</p>	<p>We had several guest speakers come and share their programs with the LAC. Both the City &amp; County of Denver and Jefferson County are willing to share their expertise, lessons-learned, even their certification program with the City of Lakewood. There are abundant opportunities so that the city does not have to recreate the wheel nor duplicate efforts. Partnering can also save the city money by not having to hire a lot of additional staff.</p>



<p>5. Establish aspirational contracting goals.</p>	<p>Establish goals using demographics of current state business owners is a starting place (see references) and further refine using the Metro area Disparity Study and Availability numbers. We did some of this research and recommend using as aspirational goals that our neighbors with robust programs have achieved; therefore, <b>5-8%</b> contracting goal for Women-owned businesses and the same <b>5-8%</b> goal for Minority-owned businesses. Goals could be added to include Veteran-owned businesses and others. The contract award data suggests the city is already exceeding these aspirational goals, but 12-months of data should be used. If goals are being met, they can be raised to the next level which is 9-12%. The data suggests 20-24% of businesses who provide goods and services that cities utilize are W/MBEs.</p>
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**Conclusion**

Based on the 5-months worth data we were provided, the City of Lakewood is already doing an excellent job in awarding contracts to W/MBEs. While 12-months worth of data would have been preferable to draw more accurate conclusions, so far the city is exceeding the aspirational goals that most cities and federal agencies place on themselves. The city should continue to gather and maintain its contract award data, there could be a great story of success here that the city should be proud to showcase and share with others.

While the data looks good, we are recommending further steps that the city could implement to increase both the awareness and opportunities for W/MBEs. This in turn could lead to a strengthening of our local economy, increase competition and lower costs to the City of Lakewood. The research also suggests that awarding city contracts to a large range of businesses increases civic pride and creates a feeling of inclusiveness.

**Appreciation**

We LAC, Diversity Committee, appreciate this first assignment for our committee. We'd like to thank the Mayor and City Council for assigning us this project, especially Counselor Jeslin Shahrezaei for preparing and submitting this assignment to the LAC. We'd also like to thank Mary O'Halloran, City of Lakewood Procurement Supervisor for sharing her expertise and for gathering multiple iterations of data for us to evaluate. We'd also like to thank Jay Robb, the City Clerk, for all his support and contacts across the Metro area and beyond. Our deep appreciation to Marika Sitz, Diversity, Equity and Inclusion Manager, Jefferson County and to

Alexis Nightengale and Brittany Eroen from the Division of Small Business Opportunity, City and County of Denver.

### **References:**

Countless hours were spent by the team researching other cities' websites and commissioned studies in order for us to develop some recommendations that we think are appropriate for the City of Lakewood. Below are many of the links used, including links to reports, news stories and general information.

<https://www.denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Economic-Development-Opportunity/Business-Owners-Entrepreneurs/Do-Business-with-the-City/Frequently-Asked-Questions/About-DSBO>

- Division of Small Business Opportunity (DSBO) website, City/County of Denver

<https://oedit.colorado.gov/minority-business-office-of-colorado>

- General information from the Minority Business Office of Colorado, a division of Office of Economic Development and International Trade (OEDIT)

<https://oedit.colorado.gov/minority-owned-businesses>

- Specific OEDIT information including a list of minority owned businesses

<https://www.governing.com/cityaccelerator/cohort4>

- Helpful publication from City Accelerator:

<https://19thnews.org/2021/06/small-business-administration-contracts-woman-owned-businesses-for-decades/>

- Article on history of Federal contracts to WBEs and what the SBA has done

<https://www.mbda.gov/tags/disparity-studies>

- Compilation of multiple Disparity Studies across the US by Department of Commerce

<https://cao-94612.s3.amazonaws.com/documents/City-of-Oakland-Draft-Disparity-Study.pdf>

- Disparity Study- has information on what is legally allowed as well as analysis of Oakland's actual disparities.

<https://www.oaklandca.gov/documents/contracts-and-compliance-forms-and-schedules>

- City of Oakland's Contracts Schedules which include questions about race/ethnicity and

gender of business owners:

<https://www.open-contracting.org/2020/11/19/new-report-a-procurement-path-to-equity/>

- 5 Ways cities can use purchasing power to help W/MBEs

<https://www.fastcompany.com/90298216/how-cities-can-support-minority-and-women-entrepreneurs-buy-things-from-them>

- How cities can support women owned businesses: buy things from them

<https://www.boston.gov/news/proposal-filed-expand-access-city-contracts-minority-and-women-owned-enterprises>

- City of Boston, Proposal file to expand access to city contracts

<https://www.edmondswa.gov/cms/One.aspx?portalId=16495016&pageId=17269271>

- City of Edmonds, Diversity, Equity and Inclusion Commission. Ideas of things Lakewood may want to consider such as a film series.

<https://bellevuewa.gov/city-government/departments/city-managers-office/diversity-advantage-initiative>

- City of Bellevue, their Diversity Advantage Initiative

<https://www.fcgov.com/>

- City of Ft. Collins, CO. General site with links to 2018 Small Business Survey and Public Notice on contracting goals on dual/partner Federal contracts.

<https://www.visitcos.com/blog/women-owned-businesses-resources/>

- Visit Colorado Springs website highlighting women-owned businesses

<https://county.pueblo.org/energy-and-economic-development/minority-owned-business-resources>

- Pueblo County, CO website with resources for minority-owned businesses

<https://www.talgov.com/diversityinclusion/divinhome>

- City of Tallahassee, their Diversity Initiatives and Plans

<https://www.portseattle.org/business/bid-opportunities>

- Port of Seattle information

<https://cuyahogacounty.us/fightracism>

- Cuyahoga County Links

<http://accaweb.org/>

- American Contract Compliance Association

<https://goodfoodpurchasing.org/>

- Good Food purchasing programs in some cities.

<https://www.governing.com/cityaccelerator/blog/cities-purchase-power-people-color-minorities-lc.html>

- 5 Ways Cities can use their purchasing power to support minority-owned businesses

[https://hwpi.harvard.edu/files/govlabs/files/strategies\\_for\\_improving\\_vendor\\_diversity\\_brief.pdf](https://hwpi.harvard.edu/files/govlabs/files/strategies_for_improving_vendor_diversity_brief.pdf)

- A paper with strategies for improving vendor diversity.

<https://www.thewomenofdenver.com/>

- Women of Denver - a connection platform for women in Colorado to build their network; they also offer free mentoring and advice to women business owners by other women business owners.

<https://micasaresourcecenter.org/>

- Mi Casa Resource Center offers free coaching and consulting to Hispanic/Latino small businesses and entrepreneurs.

Here is [Find a minority, woman, or disabled-owned business | Services | City of Philadelphia](#)

- An example from Philadelphia to search for W/MBEs and disabled-owned businesses.

“A [1989 Supreme Court ruling](#) established that cities may only overtly work to support minority-owned businesses if they can prove a history of discrimination in city contracts.”

- What we are recommending is different but we leave this reference here for historical context.

Cities like Los Angeles and Chicago set up portals where new contracting opportunities could be posted well in advance, so smaller firms could learn how to bid on them. Also, rather than issuing a single contract to a large firm, the accelerator cities are breaking up contracts into smaller projects that a cohort of local businesses could tackle. Smaller contracts help the city establish relationships with more diverse vendors, who can use the revenue stream to grow their business. Improving procurements and [city accelerator](#)

The federal government has very specific goals for small businesses. Agencies have various

procurement programs set aside or earmark a certain percentage of contract dollars that must go to small businesses. The federal government has contracts called total small business set-asides, which are exclusively set aside for small businesses. See SBA website for details ([sba.gov](http://sba.gov)) They have the Women-Owned Small Businesses ([WOSB certification](#)), which is limited to women who are certified as WOSB.”

[Washington State's](#) equity of public spending showing what the State of Washington is doing.

[Seattle WA is](#) really interesting ... you can read public meeting minutes on how their Advisory committee was working through some of these same issues.

Seattle’s Priority Hiring Program - [Priority Hire Program](#)

[Equity Considerations — Equity Resource Hub](#)

- A resource on equity with questions to consider.

[EquitableDecisionMakingTool.pdf \(clark.edu\)](#)

- A series of questions, many of which are thought-provoking.

City of [Boulder](#) website, it translates the site into many languages.

Other translation services: [Translation services](#) or you can try [google translate](#)

<https://www.thomsonreuters.com/en-us/posts/news-and-media/government-procurement-dei/>

- Article on How Government Procurement Helps with Diversity, Equity and Inclusion, including a link to a procurement tracker used by the city of Tacoma, WA:

<https://sloanreview.mit.edu/article/how-procurement-can-strengthen-diversity-and-inclusion/>

- Article by the MIT Sloan School of Management on how Procurement can Strengthen Diversity and Inclusion:

<https://buildinginnovationhub.org/resource/find-a-qualified-vendor/high-road-contracting/>

- High-Road Contracting Too, a tool to help find qualified vendors:

### **Additional Links/Information:**

The Request from the City Council that generated this paper.

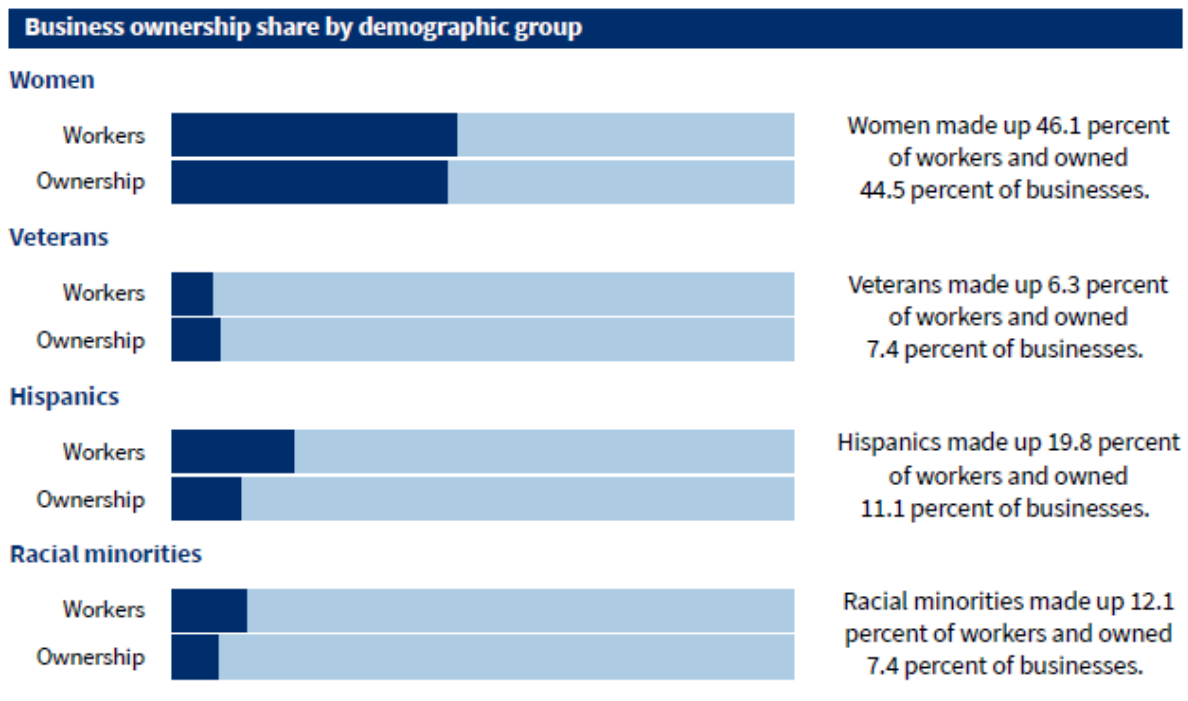
[City docs](#) click on this link to read the request and the current city docs.

[LAC Diversity Committee - Zoom](#) April 19, 2023 committee meeting video with City and County of Denver - Alexis Nightengale and Brittany Eroen

[LAC Diversity Committee - Zoom](#) March 22, 2023 committee meeting with Jefferson County DEI Manager - Marika Sitz

### **Graphical References:**

#### **Business Ownership by Demographic Group (State of Colorado)**



Ownership shares include equal and majority ownership

Sources of data: [American Community Survey, 2018](#) (Census and IPUMS); [Annual Business Survey, 2018](#) (Census);

[Nonemployer Statistics by Demographics, 2017](#) (Census)

**Contract Awards by the City of Lakewood (Partial 2023)**

<b>Month</b>	<b>Minority Owned (MO)</b>	<b>Woman Owned (WO)</b>	<b>Both MO &amp; WO</b>	<b>Total MO WO &amp; Combo</b>	<b>Total Contracts Awarded</b>	<b>Percent Awarded to MBEs</b>
<b>April</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>10</b>	<b>55</b>	<b>18.2%</b>
<b>May</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>7</b>	<b>46</b>	<b>15.2%</b>
<b>June</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>33</b>	<b>9.1%</b>
<b>July</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>42</b>	<b>7.1%</b>
<b>August</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>14</b>	<b>38</b>	<b>36.8%</b>
<b>Totals</b>	<b>11</b>	<b>15</b>	<b>11</b>	<b>37</b>	<b>214</b>	
<b>5-Month Average</b>						<b>17.3%</b>

**Notes:**

Contracts listed include Contractual Service Agreements, Professional Services Agreements, Bids, Requests for Proposals, Requests for Qualifications and Purchase Orders.

Totals contracts awarded excludes contracts to/with government entities and educational institutions.



Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

**Question/Request:**

Jeslin Shahrezaei: I would like to see a procedure/policy for women and minority-owned businesses to have equitable access to contract bids for Lakewood through the procurement process.

**Staff Response:**

We welcome and appreciate the above question/request.

**Policy Review:** LAC's research confirmed the City of Lakewood's purchasing policy is consistent with other municipalities, such as Denver. The City of Lakewood currently has a policy and follows in practice an open, fair, equitable and competitive process in which there are many steps taken to ensure this is an equitable process for all parties.

**Opportunity:** Although staff have confidence the purchasing process does give fair access to the bidding process, we also see an opportunity to improve equitable awareness of the opportunities to bid at the City of Lakewood and increase an understanding of the bidding process for diverse groups. The LAC research and recommendations will be helpful in pursuing this opportunity.

There are currently several efforts done by the Economic Development Department that tailor to diversity. As the LAC reported, Economic Development provides training and workshops, peer to peer mentoring, Jumpstart (funding source) and resources as well as the city's website now has a translator. However, we agree, the city can do more.

From the LAC top five recommendations Purchasing and Economic Development are planning to pursue the following:

- 1. Statistics & Data Gathering:** It is important to keep the award process unbiased. However, gathering data on the award outcome is important for Lakewood to determine current diversity of awards and tracking if the education efforts are changing the statistics. Recently it was added to the bid process that Women and Minority owned businesses could self-report so that we can track the % of awarded contracts. Staff gave this information to LAC for April 2023 which was the first month of collecting the data. Since then, staff provided to LAC the data through October. (See chart)



Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

MONTH	MINORITY OWNED	WOMEN OWNED	BOTH W/O and M/O	TOTAL	TOTAL CONTRACTS AWARDED	% CONTRACTS AWARDED TO MINORITY OR WOMEN OWNED
April	3	4	3	10	55	18.2%
May	3	3	1	7	46	15.2%
June	0	1	2	3	33	9.1%
July	0	2	1	3	42	7.1%
August	5	5	4	14	38	36.8%
September	3	8	6	17	47	36.2%
October	3	2	0	5	32	15.6%
<b>TOTALS</b>	<b>14</b>	<b>23</b>	<b>17</b>	<b>54</b>	<b>261</b>	
<b>AVERGAGE % (7-mo period)</b>						<b>19.75%</b>

This is something we will need to track over a longer period of time, but initially the data shows Lakewood is exceeding the State of Co, City of Denver and Federal Government awards on average. These three entities have formal diversity programs and award between 4.6% - 8.4% per the LAC research. It is important including other diversity groups in the data collection such as veterans, disabled, LGBTQ+ etc.

The City will continue to accumulate statistics and use the findings to determine the diversity of awards and make adjustments to education.

2. **Coordinated and Aligned (Transparent and Results Oriented):** Once the city has collected more data Purchasing and Economic Development will be evaluating the workshops & outreach, engage in partnerships, and look for opportunities for change/improvement.
  
3. **Training, workshops & Outreach:** Currently the city’s Economic Development Department provides various outreach to local businesses and Chambers of Commerce as mentioned above. Purchasing and Economic Development will enhance outreach to businesses interested in doing business with the City of Lakewood. They will be providing brochures for businesses and widening the outreach to more groups and multiple forms of communication. Additionally, the purchasing team will be reviewing the city website to provide more prominent/accessible links and frequently asked questions.

Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

4. **More Partnerships:** Excellent idea from LAC. We want to leverage what others are doing and expand our partnerships.
  
5. **Establish Aspirational Goals:** As stated by the LAC the current stats indicated the city is within or exceeds the 5-8% range from the State/Metro area studies. The team that reviews the statistics, as mentioned in item 2, will recommend goals.

**Reporting Back:** The staff recommend reporting back after one year of tracking and making changes.

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 6**

To: Mayor and City Council

From:

Subject:

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**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:** LAC Report - Diversity Subcommittee Assignment #2022-06  
Staff Response to LAC WMBE Research

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

# Lakewood Advisory Commission Report

## **Research and Recommendations on Women / Minority Owned Business Enterprises**

Diversity Committee  
September 2023

*ASSIGNMENT #2022-06: WOMEN / MINORITY OWNED BUSINESSES*

“Welcome, we are building an inclusive community” - street sign as you enter Lakewood, CO.

### **Introduction**

The Lakewood Advisory Commission (LAC) is a group of informed citizen volunteers who perform research for the city council. City Council assigned the LAC, specifically the Diversity Committee, with a project to: (1) investigate what other cities are doing to increase the awareness and participation of Women and Minority Owned Businesses Enterprises (W/MBEs) in city procurements and (2) make recommendations to the city council for possible adoption into the Lakewood Municipal Code and related policies.

### **Executive Summary**

There is no shortage of information on this topic from both a historical context and what currently other cities are currently doing to increase awareness and participation of W/MBEs in competing and obtaining city contracts. We include a list of what neighboring cities are doing, as well as a list of the most recurring ideas and actions that cities around the country are taking and the goals they are striving to achieve. Based on our research and the 5-month's worth of data the City of Lakewood provided to us, the City of Lakewood is already doing a good job of awarding contracts to W/MBEs.

Since it was requested that we make recommendations based on our findings, we developed our top five recommendations for the Mayor and City Council to consider. Our Top 5 recommendations are: (1) gather and use data, (2) hire or appoint a program manager/coordinator, (3) conduct training and workshops, (4) engage in various partnerships and

(5) establish aspirational goals. In addition, there are more ideas or follow-on recommendations listed in this report that could be added or done later, perhaps in phases. Some of the additional ideas may require further research and we are happy to continue this research work.

## **Background**

The project began with all members of the Diversity Committee casting a wide net by conducting internet research, not only on what other cities are doing, while also inquiring about the current status of awards to W/MBEs by the City of Lakewood. We met with the City of Lakewood's Purchasing Supervisor to learn more about how procurements and contracting are handled now. We inquired about data the city gathers and learned the city does not keep data separated by women or minorities, but the Purchasing Supervisor agreed to gather data for us. Initially we were provided with 1-month's worth of data and then subsequently later in the year we were provided with 5-months' worth of data. The additional data was useful but it did cause a delay in our ability to present the report to the Mayor and City Council.

We also reached out to Jefferson County and the City and County of Denver to learn more about what they are doing around the subject of contracting with W/MBEs and met with their representatives. We also read studies and reports commissioned by other cities on this topic. For example, the State of Colorado engaged with the Keen Independent Research LLC to conduct a disparity study titled, "2020 State of Colorado Disparity Study." This 700+ page report documents the results they found and makes recommendations. The report attempts to outline methods that create a level playing field for historically disadvantaged businesses (HUBs) to compete for State contracts. Senate Bill 19-135 defined HUBs to be businesses owned by people of color, women, persons with physical or mental disabilities and members of the LGBT+ community.

Another study we examined was titled, "Recommendations for the City of Austin's Minority and Women-Owned Business Enterprise Program 2022" commissioned by the City of Austin, Texas. A much smaller, 22-page report, it reviewed the existing program and outlined the importance of revisiting any program on a periodic basis. The City of Ft. Collins' report titled, "Small Business Survey: Summary of Results" from 2018 was another good source of information. The websites from the City of Aurora, CO and the City of Colorado Springs and their related information were also reviewed and gave us more ideas to evaluate.

By having the LAC perform this research, the city likely saved thousands of dollars in taxpayer funding. We found our larger neighbors in the City and County of Denver to be potentially great collaborators of several recommendations by their willingness to engage in reciprocity agreements with the City of Lakewood in sharing not only best practices and lessons learned but also potentially their certification program. If Lakewood chooses to engage in this partnership, it

will likely save potentially millions of taxpayer dollars by not having to create, staff and administer such a program. Jefferson County was also willing to have discussions and assist the city in various ways. The State of Colorado also has resources and programs that Lakewood should explore further, including the possibility of obtaining grants and other support.

A question asked of our Committee was, why should the City of Lakewood look to expand the awareness, outreach and subsequently awards to a large variety of business owners? The answer is because of the many benefits both tangible and intangible. First, in regards to small businesses, small businesses are a key and integral part of the economy. Nationally they hire 2/3 of the employees and represent 44% of the overall economic activity. Second, engaging with new businesses increases competition and innovation and should lower procurement costs to the city. Third, our reading and research suggests that city contracting efforts with numbers that are reflective of all the city's diverse business owners increases civic pride, enhances the connection among residents and increases community engagement.

## **Cities in Colorado**

While we looked at what other cities are doing across the country, we later focused our research efforts on what our neighbors within the state are doing in regards to W/MBEs. Since Lakewood is the fifth largest city in the State of Colorado, we wanted to know how we compare to similar cities in our state.

As of 2021, these are the cities in Colorado with minority-owned business procurement programs or initiatives. Some may be missing if they are not in collaboration or promoting resources from or through the state's Minority Business Office (MBO) of Colorado. The cities with program and/or initiatives are:

- Denver: The City and County of Denver has a Minority and Women Business Enterprise (M/WBE) Program that seeks to increase the utilization of M/WBEs in city contracting and purchasing.
- Colorado Springs: The City of Colorado Springs has a Minority Business Enterprise (MBE) Program to enhance opportunities for minority-owned businesses in city contracting.
- Aurora: The City of Aurora has a Minority and Women Business Enterprise (M/WBE) Program to promote and assist M/WBEs in accessing city contract opportunities.
- Fort Collins: The City of Fort Collins has programs aimed at increasing opportunities for minority-owned businesses to participate in city procurement and contracting.
- Boulder: The City of Boulder has various programs and initiatives to support diverse businesses, including minority-owned businesses, in their procurement efforts.

The first cities in the list above are the 4 largest cities in Colorado. Boulder is the 8th largest city. We recognize there are several efforts being conducted by the Lakewood Economic Development Team and perhaps Lakewood should be on this list. While we will address this later in our recommendations, what seems to be missing is a policy and/or coordination that ties the development work, the mentoring and outreach work to the procurement efforts.

The conclusion we drew from the above is that Lakewood is an outlier for a city of our size in terms of having a formal program or initiatives or at least collaborating with the MBO so that they become aware of the various on-going efforts being performed and can be added to the list.

**Most Common Actions Taken by Other Cities**

Cities in both Colorado and across the U.S. who want to increase the awareness, participation and provide support to W/MBEs do a variety of things. From our research, it appears that in order to make an impact in a city’s inclusivity efforts that the actions are coordinated. From the city’s mission/vision statement to hiring or appointing a lead, such as a Diversity Equity and Inclusion (DEI) manager or similar, setting up policy and procedures, the engagement takes the form of a city program or a series of coordinated initiatives. Table 1 below describes the most consistent steps or actions that are typically part of a larger more comprehensive program to increase awareness and participation from W/MBEs in the city’s procurement program.

Table 1: Actions Cities Takes to Support W/MBEs

<b>Action</b>	<b>Details</b>
Commission a report on W/MBEs (much like this one through various sources).	Some of the bigger cities will commission a report such as this one from consultants or local universities. If they have a program for W/MBEs they evaluate the continuation of such programs or recommend updates. We read these reports and also related news stories, general information on W/MBEs and attempted to make recommendations that are tailored to the City of Lakewood. We strived to recommend actions that were achievable, expand on existing work and could be implemented with low to minimal costs.

<p>Set contracting goals</p>	<p>Establish aspirational goals. Cities tend to start by using their demographics data or disparity data to obtain W/MBE availability numbers. These goals are not quotas or mandates; they simply reflect the goals a city hopes to achieve and awards always go to best qualified firms. These goals are different and separate from any goals the Federal Government establishes for federal contracts. Cities follow the federal government set-aside rules when engaged in joint or dual city/federal contracts.</p>
<p>Keep statistics, publish those statistics and use the data.</p>	<p>Keep statistics on contract awards. Cities track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. For example, Lakewood could look something like this: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%). In 2024, women-owned businesses were awarded 10 city contracts from a total of 100 awarded contracts (10%). Then the city could do the same for minority-owned businesses. This data gives the city insight into areas they may need to target or do more outreach.</p>
<p>Hire/create position of diversity, equity, inclusion manager or similar more limited role focusing on disadvantaged businesses or someone to focus on an even larger role such as hiring, promotions, training.</p>	<p>Creates accountability and brings in a fresh or new perspective to look at things differently and perhaps to try different things.</p>
<p>Hold workshops or training sessions.</p>	<p>These are posted on the city website and trade/affinity group websites and held regularly with the goal of teaching interested businesses how to obtain contracts with the city. The Lakewood Economic Development team is already doing some of this work.</p>
<p>Utilize existing resources in the community to connect W/MBEs and others to mentors, funding sources and other similar business owners.</p>	<p>Other cities include links on their city website to such resources. City staff learns about trade/affinity/support groups then meets/partners to discuss challenges and also to create opportunities with the purpose to create and grow small businesses in our community. Lakewood is doing some of this, so perhaps it's more of expanding the</p>



	ongoing work.
Host or participate in small business coffee sessions or small business talk sessions.	Another way to bring small businesses together for networking, finding mentors, etc., while also taking the time to educate these businesses on opportunities to contract with the city. These are more informal in nature and appeal to social aspects vs educational sessions. Can also include speaking at various local Chambers of Commerce.
Highlight W/MBEs owned by residents of the city.	This creates awareness of existing W/MBEs, perhaps encourages patronage of such businesses and could serve as inspiration for future W/MBEs. We see new businesses mentioned in Looking @ Lakewood, but what about other social media sites, partner sites, the city website, etc.
Gather data (Disparity Study/Availability Study) usually from the closest big city/metro area. For Lakewood, the city could use Denver's Disparity study (addresses the Metro area).	Determine how the disparity numbers and availability numbers apply to Lakewood. Our initial evaluation is that the Metro numbers can be used by Lakewood.
Partner with another city or the county. Especially when using certification programs.	Some cities partner with nearby cities especially if they are part of a larger Metro area. The partnering can include sharing data, certification programs, lessons-learned, certification forms, training, etc.

### **Full List of Recommendations/Ideas**

We conducted extensive research on this topic gathering ideas from cities large and small. We thought it was important to share the full list of actions and ideas. What follows is the list of ideas and additional recommendations. The total list of ideas and recommendations total 16 with some having multiple parts. Some can be done in phases and some likely require more research. We recognize and appreciate the work the city has already implemented such as the website

translator and their on-going outreach and training efforts and we highlight these completed actions.

1. City should keep data on contract awards (both dollar amount and percentage amount). Without data, the city doesn't know where they stand. Some suggested software programs that can assist the city to track the data, mine the data and analyze the data can be found here: [Best Government Diversity, Equity, and Inclusion \(DEI\) Analytics Software - 2023 Reviews & Comparison \(sourceforge.net\)](#) .

2. The city should engage in more outreach to more W/MBEs.

a. This could include outreach through trade/affinity groups such as (percentage of Lakewood's population is noted in parentheses):

i. Hispanic Chamber of Commerce (23%)

<https://www.hispanicchamberdenver.com>

ii. Women's Chamber of Commerce (50%)

<https://www.cwcc.org>

iii. Asian Chamber of Commerce (3.9%)

<https://www.acccolorado.org>

iv. Colorado Black Chamber of Commerce (1.8%)

<https://www.coloradoblackchamber.org>

v. Other suggested groups to explore and expand outreach efforts include Veterans' groups, businesses owned or having employees who are persons with disabilities, LGBTQ+ owned or LGBTQ+ employees, etc.

Colorado LGBTQ Chamber of Commerce

<https://www.colgbtqcc.org>

Colorado Office of Economic Development and International Trade  
Minority Business Directory

<https://www.oedit.colorado.gov/minority-business-directory>

b. The city could also conduct workshops on the process of applying and doing business with the city. (Partially accomplished and ongoing. Some of this

is already happening as captured in “Looking at Lakewood” April 2023 and July 2023 editions.)

c. The city could also enhance their website through the use of language translators to achieve more outreach. The City of Boulder is a good example, but if further research is required, this could be assigned as a follow-on project to the LAC. ([Accomplished. The City of Lakewood website as of March 2023 has a translator option.](#))

d. The city could work and partner with the organizations listed in (a) above and ask if they could place RFPs or other opportunities and information on their specific sites.

e. Another follow-on potential assignment for the City Staff or the LAC is to research what are the top social media or other media sites utilized by Asian-owned, Hispanic-owned, Black-owned, Women-owned and Veteran-owned businesses and then the city could place the RFPs/links/opportunities on these sites. This could include possibly placing public service announcements or advertisements on Spanish-speaking radio stations.

3. Utilize data and programs from neighboring cities, especially Denver which is a bigger city with more resources. They maintain a list of W/MBEs. Perhaps when the city of Lakewood is reaching out to 3 firms for quotes, they could ensure at least one firm is from this list. Denver also conducts workshops; Lakewood city staff might be able to attend these Denver workshops as samples or resources as they build their own workshops.

The City/County of Denver utilizes a comprehensive certification program for women, minority, veteran-owned businesses. They also perform a validation of the certifications. The details of their program can be found on their Division of Small Business Opportunity (DSBO) website which is listed in the references. Of note, the representatives from the City/County of Denver are willing to share and partner with the City of Lakewood.

4. Being an inclusive city is a deliberate, thoughtful and on-going process. As such we recommend the following actions:

- a. Recommend the city update its mission/vision statement to include the goal that the city is building an inclusive community.
- b. Next we recommend the city establish aspirational contracting award goals using Census data or Disparity data from the Metro area. These goals are not quotas; they are simply proportional goals in writing that make it clear that the city of Lakewood wants to include everyone in contract awards and distribution of city funds with the understanding that the most qualified will be selected. We found

that it is critically important to define the terms so that everyone has a clear understanding of the procedure, policy and expectations.

- c. Included in this overall process recommendation is the hiring or appointing existing staff to be the coordinator for inclusive outreach and contracting. This role could be in the form of a Diversity, Equity and Inclusion Manager to work on the overall procurement process to include the outreach or could be broader to include all Lakewood to champion diversity, equity and inclusion across all the City's programs and services. Our research has shown that a program with the aim of trying to achieve inclusiveness and equity only has a good success rate when there is someone to be accountable and someone who champions the program. Hiring or appointing someone to a more limited role such as "Disadvantaged Small Business Liaison" could work and the option is used by the City of Ft Collins. Appointing several "Equity Champions" from across departments, who meet frequently, to discuss blind spots, next steps, the data and more as is being done in the City of Aurora, CO and is yet another option. The City of Lakewood is already doing a lot and achieving substantial success; however, the MBO of Colorado doesn't include Lakewood on its list of cities and perhaps it's due to Lakewood not having a person assigned to one of the roles listed above.

5. Update the city's procurement policies and procedures to match any recommendations adopted by this report. For example, gathering and maintaining data and statistics on all city contract awards is something we highly recommend and is very common practice throughout the country. The 5-months worth of data the city provided to us was very helpful and we hope it was also helpful to the procurement staff, the Economic Development team, the Mayor and City Council, etc.

Other areas to review for enhancements are the procurement processes themselves. For example: Does selection rely too heavily on positive past history doing business with the city? Can the city declare an aspirational goal for awarding contracts to firms who have never done business with the city? In reviewing the dollar thresholds and requirements to purchase we have some minor recommendations for consideration:

- a. Currently for purchases under \$10K, it's buyer's discretion. Suggestion: This seems like an area that could be further evaluated for possible improvements to engage with firms who have never been awarded a city procurement or contract. While there are some risks to engaging with new businesses, the low dollar amount may lend itself to taking on some risks. Can the city buyers be provided a list of W/MBEs and new businesses for their consideration? Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver.

Inclusiveness includes doing business with new businesses regardless of their race, gender or ethnic status.

- b. Currently for purchase between \$10K and \$74.9K city buyers must obtain 3 quotes or submit a sole source justification. Suggestion: We recommend that the city buyers be provided with a list of W/MBEs. Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver. The most qualified firm should always be selected. We recognize that contracting with new firms can involve some risks. Some risks of trying new businesses who are new to city contracting can include: the firms going through a learning curve, potentially lower quality or inability to timely completion of the job. However, it can also include potentially some benefits to the city, such as increased innovation and lower costs.
- c. Above \$75K is a very formalized process and selections are made as a group. When combined with federal funding they may be subject to set-aside provisions. Recommendation: Proceed as is.

6. W/MBEs often struggle to secure funding to start their business, again in their early years of existence to sustain their business and perhaps struggle even more to expand their business. Perhaps the city could also bring in representatives from Small Business Administration (SBA), banks and credit unions to conduct workshops on obtaining funding. Partner with mentors to conduct workshops on obtaining funding. Setup a follow-on program where protégés are then expected to become mentors.

7. Related to the above perhaps the city could host a business forum for women, minority and veteran owned businesses where they could all meet, network and share stories among themselves. Or the city could send economic development team representatives to the various chamber of commerce events.

8. During contract selection/deliberations, perhaps additional consideration (priority) is given to firms who use as subcontractors who are W/MBEs. Perhaps this could result in mentor-protégé relationships that could develop the pipeline for more W/MBEs to become prime contractors. We believe ideas like this and others' ideas that may come from city staff, community members, and others could help businesses that are just starting out and possibly create a pipeline of future contractors.

9. The city of Colorado Springs does engage in various efforts to help W/MBEs. One of the interesting actions is they highlight women-owned businesses on its "Visit Colorado Springs"

website. Perhaps Lakewood could do the same on the city website as we do not have a dedicated tourism site. While Lakewood does highlight new businesses in Looking @ Lakewood newspaper, perhaps the city could expand on this to the city website and other social media sites.

10. On the Pueblo County website, they explain why after 30-years of research and discussion there is still a need for programs that assist W/MBEs and Disadvantaged Small Businesses. While the data is from 2010, some things like lack of mentors and difficulty in getting funding still are reported on and discussed today and we found confirmed this with more recent reports and news articles. It was unclear exactly what the City/County of Pueblo are doing in regards to assisting W/MBEs. The 2018 Study by the City of Ft. Collins lists some of the same issues and challenges facing W/MBEs and their study provides additional information. The City of Ft. Collins does have a W/MBE program.

11. The city of Edmonds, WA describes on their website that small businesses are the backbone of the economy. They engage in strengthening opportunities for small and diverse businesses. They believe doing this not only strengthens the local economy, it supports the community, improves the quality of life for everyone and having more participants increases competition and innovation while lowering costs.

12. Require certification from women/minority/veteran-owned business enterprises. A program and database can be created or the city can use one that exists, such as the city of Denver's program. The Denver Reps we talked to said they are willing to engage in some sort of reciprocity agreement. This will likely require more city staffing to manage the program, check certifications, etc. Staffing requirements would be less if the city enters a partnership agreement.

13. Another recommendation would be to have a Lakewood certification form without a formal certification program that would collect data about businesses that do contract with the city. The informal program could gather information about the businesses. If confirmation is desired, perhaps this could be confirmed by site visits that could be done by volunteers. The form below is overzealous but a modified form that could fit our city could work well. In addition, Denver and the State of Colorado have certification formats that we could use and encourage State wide consistency with certification.

[City of Oakland pdf doc.](#)

14. City should formalize the definitions for terms such as Women and Minority-owned Business Enterprise (W/MBE), Disadvantaged Business Enterprise (DBE), Veteran-owned Small Business (VOSB) and others. While the SBA website is an excellent source of the definitions, we recognize some cities further define or expand on these definitions. It is important for all involved to know the definitions being used. These terms and definitions become important in the data collection and reporting process and also in the certification program, should the city decide to pursue this option. Of note, using the city data for awards they made during April 2023

further pointed-out the need for consistent and clear definitions so the data is captured effectively. We were not sure how to capture firms that are both women-owned and minority-owned so we ended up creating a third category called both.

15. Model the Federal Government. We don't have to redesign the wheel. [Disadvantaged Business Enterprise Program Requirements | US EPA](#) or [GSA Announces Actions to Advance Equity and Supplier Diversity in Federal Procurement | GSA](#)

16. Related to above, the City of Lakewood has the 2nd most concentration of Federal employees in the country located at the Federal Center. City should explore more collaboration efforts with the federal government. Perhaps the collaboration could lead to establishing an incubator to help create more minority and women owned businesses and jobs right here.

### Top 5 Recommendations

Based on our research and investigating what other cities have implemented and then tailoring to the City of Lakewood, we developed our Top 5 recommendations. We believe these recommendations can have an impact both quickly and with minimal costs. Table 2 below lists our top five recommendations for the City of Lakewood to consider in further improving the awareness and participation of W/MBEs.

Table 2: Top 5 Recommendations

Recommended Action	Justification/Benefits
1. Gather and keep statistics and use the data to refine the W/MBE program, the goals, the outreach, etc. Publish those statistics on the city website.	Cities keep statistics on all contract awards to ensure transparency. Without data it is difficult to know how the city is doing. We recommend the city at minimum track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. Examples of data could include: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%) and Hispanic-owned businesses were awarded 10 city contracts from a total of 100 city contracts (10%). This data gives the city insight into areas they may need to target or do more outreach.

<p>2. Evaluate hiring/assigning a coordinator to more efficiently coordinate the initiatives or beginnings or a program the city already has on-going. There are many things happening already. The 5-month's worth of data is indicative of what the city can achieve for a full year or more, once people hear about the city's achievements, we suspect many cities are going to want to speak to the city about how they can modify their programs.</p>	<p>A coordinated program has many benefits. Ties all the efforts together, creates a point person who continues to facilitate awareness, evaluates changes and improvements and continues to look for blind spots. Person in the position, using data, generates new ideas on what the city could do differently or better to reach more W/MBEs and start expanding to others such as veteran-owned businesses and others.</p> <p>There are more options, like a more limited role such as the City of Ft Collins has done. Another option taken from the city of Aurora would be to establish 2 champions (co-coordinators) such as the head of the city procurement and the head of the Economic Development team to continually discuss the data, ideas and resources.</p>
<p>3. City to conduct training, workshops and various outreach efforts to increase the numbers of W/MBEs businesses and participation in the City contracting process.</p>	<p>Some of this is already being done by Lakewood's Economic Development team. Expand efforts, do more workshops and outreach geared towards businesses interested in doing business with the city. Partner with various affinity groups listed in this report as possible sources to post opportunities or conduct some mentoring and more outreach. Also consider partnering with the State of Colorado and Small Business Administration. Small businesses are crucial to the economy.</p>
<p>4. Establish partnerships with the City &amp; County of Denver and Jefferson County.</p>	<p>We had several guest speakers come and share their programs with the LAC. Both the City &amp; County of Denver and Jefferson County are willing to share their expertise, lessons-learned, even their certification program with the City of Lakewood. There are abundant opportunities so that the city does not have to recreate the wheel nor duplicate efforts. Partnering can also save the city money by not having to hire a lot of additional staff.</p>



<p>5. Establish aspirational contracting goals.</p>	<p>Establish goals using demographics of current state business owners is a starting place (see references) and further refine using the Metro area Disparity Study and Availability numbers. We did some of this research and recommend using as aspirational goals that our neighbors with robust programs have achieved; therefore, <b>5-8%</b> contracting goal for Women-owned businesses and the same <b>5-8%</b> goal for Minority-owned businesses. Goals could be added to include Veteran-owned businesses and others. The contract award data suggests the city is already exceeding these aspirational goals, but 12-months of data should be used. If goals are being met, they can be raised to the next level which is 9-12%. The data suggests 20-24% of businesses who provide goods and services that cities utilize are W/MBEs.</p>
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**Conclusion**

Based on the 5-months worth data we were provided, the City of Lakewood is already doing an excellent job in awarding contracts to W/MBEs. While 12-months worth of data would have been preferable to draw more accurate conclusions, so far the city is exceeding the aspirational goals that most cities and federal agencies place on themselves. The city should continue to gather and maintain its contract award data, there could be a great story of success here that the city should be proud to showcase and share with others.

While the data looks good, we are recommending further steps that the city could implement to increase both the awareness and opportunities for W/MBEs. This in turn could lead to a strengthening of our local economy, increase competition and lower costs to the City of Lakewood. The research also suggests that awarding city contracts to a large range of businesses increases civic pride and creates a feeling of inclusiveness.

**Appreciation**

We LAC, Diversity Committee, appreciate this first assignment for our committee. We'd like to thank the Mayor and City Council for assigning us this project, especially Counselor Jeslin Shahrezaei for preparing and submitting this assignment to the LAC. We'd also like to thank Mary O'Halloran, City of Lakewood Procurement Supervisor for sharing her expertise and for gathering multiple iterations of data for us to evaluate. We'd also like to thank Jay Robb, the City Clerk, for all his support and contacts across the Metro area and beyond. Our deep appreciation to Marika Sitz, Diversity, Equity and Inclusion Manager, Jefferson County and to

Alexis Nightengale and Brittany Eroen from the Division of Small Business Opportunity, City and County of Denver.

### **References:**

Countless hours were spent by the team researching other cities' websites and commissioned studies in order for us to develop some recommendations that we think are appropriate for the City of Lakewood. Below are many of the links used, including links to reports, news stories and general information.

<https://www.denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Economic-Development-Opportunity/Business-Owners-Entrepreneurs/Do-Business-with-the-City/Frequently-Asked-Questions/About-DSBO>

- Division of Small Business Opportunity (DSBO) website, City/County of Denver

<https://oedit.colorado.gov/minority-business-office-of-colorado>

- General information from the Minority Business Office of Colorado, a division of Office of Economic Development and International Trade (OEDIT)

<https://oedit.colorado.gov/minority-owned-businesses>

- Specific OEDIT information including a list of minority owned businesses

<https://www.governing.com/cityaccelerator/cohort4>

- Helpful publication from City Accelerator:

<https://19thnews.org/2021/06/small-business-administration-contracts-woman-owned-businesses-for-decades/>

- Article on history of Federal contracts to WBEs and what the SBA has done

<https://www.mbda.gov/tags/disparity-studies>

- Compilation of multiple Disparity Studies across the US by Department of Commerce

<https://cao-94612.s3.amazonaws.com/documents/City-of-Oakland-Draft-Disparity-Study.pdf>

- Disparity Study- has information on what is legally allowed as well as analysis of Oakland's actual disparities.

<https://www.oaklandca.gov/documents/contracts-and-compliance-forms-and-schedules>

- City of Oakland's Contracts Schedules which include questions about race/ethnicity and

gender of business owners:

<https://www.open-contracting.org/2020/11/19/new-report-a-procurement-path-to-equity/>

- 5 Ways cities can use purchasing power to help W/MBEs

<https://www.fastcompany.com/90298216/how-cities-can-support-minority-and-women-entrepreneurs-buy-things-from-them>

- How cities can support women owned businesses: buy things from them

<https://www.boston.gov/news/proposal-filed-expand-access-city-contracts-minority-and-women-owned-enterprises>

- City of Boston, Proposal file to expand access to city contracts

<https://www.edmondswa.gov/cms/One.aspx?portalId=16495016&pageId=17269271>

- City of Edmonds, Diversity, Equity and Inclusion Commission. Ideas of things Lakewood may want to consider such as a film series.

<https://bellevuewa.gov/city-government/departments/city-managers-office/diversity-advantage-initiative>

- City of Bellevue, their Diversity Advantage Initiative

<https://www.fcgov.com/>

- City of Ft. Collins, CO. General site with links to 2018 Small Business Survey and Public Notice on contracting goals on dual/partner Federal contracts.

<https://www.visitcos.com/blog/women-owned-businesses-resources/>

- Visit Colorado Springs website highlighting women-owned businesses

<https://county.pueblo.org/energy-and-economic-development/minority-owned-business-resources>

- Pueblo County, CO website with resources for minority-owned businesses

<https://www.talgov.com/diversityinclusion/divinhome>

- City of Tallahassee, their Diversity Initiatives and Plans

<https://www.portseattle.org/business/bid-opportunities>

- Port of Seattle information

<https://cuyahogacounty.us/fightracism>

- Cuyahoga County Links

<http://accaweb.org/>

- American Contract Compliance Association

<https://goodfoodpurchasing.org/>

- Good Food purchasing programs in some cities.

<https://www.governing.com/cityaccelerator/blog/cities-purchase-power-people-color-minorities-lc.html>

- 5 Ways Cities can use their purchasing power to support minority-owned businesses

[https://hwpi.harvard.edu/files/govlabs/files/strategies\\_for\\_improving\\_vendor\\_diversity\\_brief.pdf](https://hwpi.harvard.edu/files/govlabs/files/strategies_for_improving_vendor_diversity_brief.pdf)

- A paper with strategies for improving vendor diversity.

<https://www.thewomenofdenver.com/>

- Women of Denver - a connection platform for women in Colorado to build their network; they also offer free mentoring and advice to women business owners by other women business owners.

<https://micasaresourcecenter.org/>

- Mi Casa Resource Center offers free coaching and consulting to Hispanic/Latino small businesses and entrepreneurs.

Here is [Find a minority, woman, or disabled-owned business | Services | City of Philadelphia](#)

- An example from Philadelphia to search for W/MBEs and disabled-owned businesses.

“A [1989 Supreme Court ruling](#) established that cities may only overtly work to support minority-owned businesses if they can prove a history of discrimination in city contracts.”

- What we are recommending is different but we leave this reference here for historical context.

Cities like Los Angeles and Chicago set up portals where new contracting opportunities could be posted well in advance, so smaller firms could learn how to bid on them. Also, rather than issuing a single contract to a large firm, the accelerator cities are breaking up contracts into smaller projects that a cohort of local businesses could tackle. Smaller contracts help the city establish relationships with more diverse vendors, who can use the revenue stream to grow their business. Improving procurements and [city accelerator](#)

The federal government has very specific goals for small businesses. Agencies have various

procurement programs set aside or earmark a certain percentage of contract dollars that must go to small businesses. The federal government has contracts called total small business set-asides, which are exclusively set aside for small businesses. See SBA website for details ([sba.gov](http://sba.gov)) They have the Women-Owned Small Businesses ([WOSB certification](#)), which is limited to women who are certified as WOSB.”

[Washington State's](#) equity of public spending showing what the State of Washington is doing.

[Seattle WA is](#) really interesting ... you can read public meeting minutes on how their Advisory committee was working through some of these same issues.

Seattle’s Priority Hiring Program - [Priority Hire Program](#)

[Equity Considerations — Equity Resource Hub](#)

- A resource on equity with questions to consider.

[EquitableDecisionMakingTool.pdf \(clark.edu\)](#)

- A series of questions, many of which are thought-provoking.

City of [Boulder](#) website, it translates the site into many languages.

Other translation services: [Translation services](#) or you can try [google translate](#)

<https://www.thomsonreuters.com/en-us/posts/news-and-media/government-procurement-dei/>

- Article on How Government Procurement Helps with Diversity, Equity and Inclusion, including a link to a procurement tracker used by the city of Tacoma, WA:

<https://sloanreview.mit.edu/article/how-procurement-can-strengthen-diversity-and-inclusion/>

- Article by the MIT Sloan School of Management on how Procurement can Strengthen Diversity and Inclusion:

<https://buildinginnovationhub.org/resource/find-a-qualified-vendor/high-road-contracting/>

- High-Road Contracting Too, a tool to help find qualified vendors:

### **Additional Links/Information:**

The Request from the City Council that generated this paper.

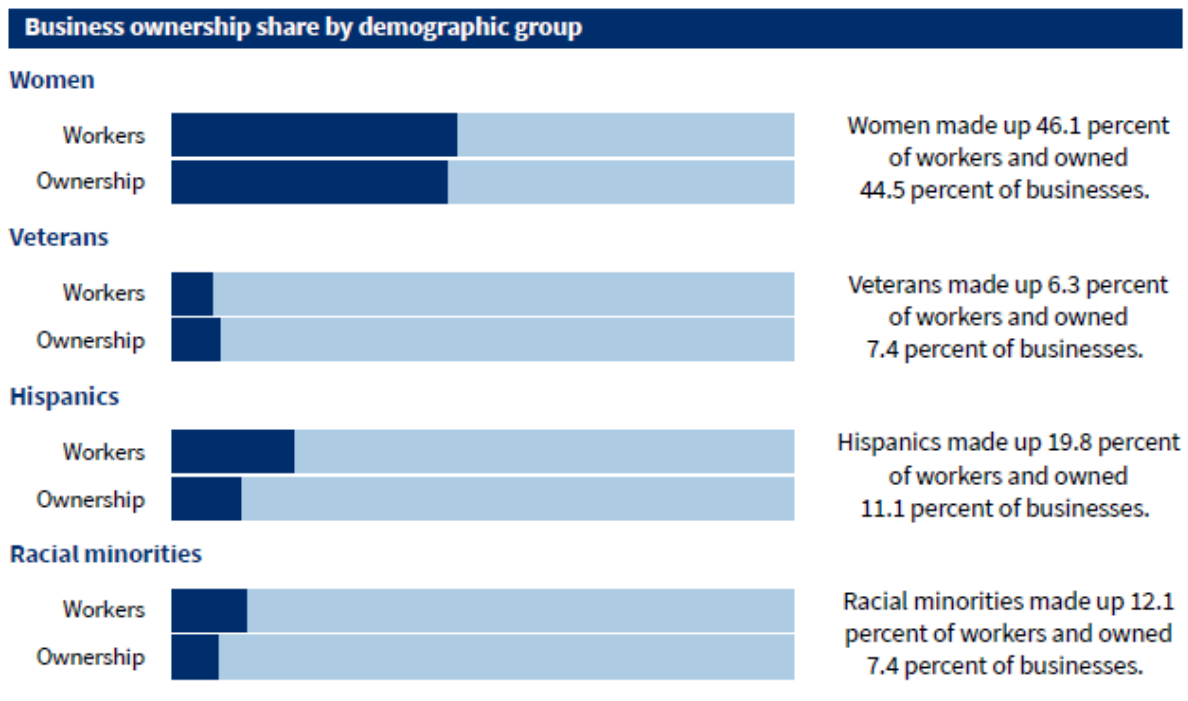
[City docs](#) click on this link to read the request and the current city docs.

[LAC Diversity Committee - Zoom](#) April 19, 2023 committee meeting video with City and County of Denver - Alexis Nightengale and Brittany Eroen

[LAC Diversity Committee - Zoom](#) March 22, 2023 committee meeting with Jefferson County DEI Manager - Marika Sitz

### **Graphical References:**

#### **Business Ownership by Demographic Group (State of Colorado)**



Ownership shares include equal and majority ownership

Sources of data: [American Community Survey, 2018](#) (Census and IPUMS); [Annual Business Survey, 2018](#) (Census);

[Nonemployer Statistics by Demographics, 2017](#) (Census)

**Contract Awards by the City of Lakewood (Partial 2023)**

<b>Month</b>	<b>Minority Owned (MO)</b>	<b>Woman Owned (WO)</b>	<b>Both MO &amp; WO</b>	<b>Total MO WO &amp; Combo</b>	<b>Total Contracts Awarded</b>	<b>Percent Awarded to MBEs</b>
<b>April</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>10</b>	<b>55</b>	<b>18.2%</b>
<b>May</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>7</b>	<b>46</b>	<b>15.2%</b>
<b>June</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>33</b>	<b>9.1%</b>
<b>July</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>42</b>	<b>7.1%</b>
<b>August</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>14</b>	<b>38</b>	<b>36.8%</b>
<b>Totals</b>	<b>11</b>	<b>15</b>	<b>11</b>	<b>37</b>	<b>214</b>	
<b>5-Month Average</b>						<b>17.3%</b>

**Notes:**

Contracts listed include Contractual Service Agreements, Professional Services Agreements, Bids, Requests for Proposals, Requests for Qualifications and Purchase Orders.

Totals contracts awarded excludes contracts to/with government entities and educational institutions.



Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

**Question/Request:**

Jeslin Shahrezaei: I would like to see a procedure/policy for women and minority-owned businesses to have equitable access to contract bids for Lakewood through the procurement process.

**Staff Response:**

We welcome and appreciate the above question/request.

**Policy Review:** LAC's research confirmed the City of Lakewood's purchasing policy is consistent with other municipalities, such as Denver. The City of Lakewood currently has a policy and follows in practice an open, fair, equitable and competitive process in which there are many steps taken to ensure this is an equitable process for all parties.

**Opportunity:** Although staff have confidence the purchasing process does give fair access to the bidding process, we also see an opportunity to improve equitable awareness of the opportunities to bid at the City of Lakewood and increase an understanding of the bidding process for diverse groups. The LAC research and recommendations will be helpful in pursuing this opportunity.

There are currently several efforts done by the Economic Development Department that tailor to diversity. As the LAC reported, Economic Development provides training and workshops, peer to peer mentoring, Jumpstart (funding source) and resources as well as the city's website now has a translator. However, we agree, the city can do more.

From the LAC top five recommendations Purchasing and Economic Development are planning to pursue the following:

- 1. Statistics & Data Gathering:** It is important to keep the award process unbiased. However, gathering data on the award outcome is important for Lakewood to determine current diversity of awards and tracking if the education efforts are changing the statistics. Recently it was added to the bid process that Women and Minority owned businesses could self-report so that we can track the % of awarded contracts. Staff gave this information to LAC for April 2023 which was the first month of collecting the data. Since then, staff provided to LAC the data through October. (See chart)



Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

MONTH	MINORITY OWNED	WOMEN OWNED	BOTH W/O and M/O	TOTAL	TOTAL CONTRACTS AWARDED	% CONTRACTS AWARDED TO MINORITY OR WOMEN OWNED
April	3	4	3	10	55	18.2%
May	3	3	1	7	46	15.2%
June	0	1	2	3	33	9.1%
July	0	2	1	3	42	7.1%
August	5	5	4	14	38	36.8%
September	3	8	6	17	47	36.2%
October	3	2	0	5	32	15.6%
<b>TOTALS</b>	<b>14</b>	<b>23</b>	<b>17</b>	<b>54</b>	<b>261</b>	
<b>AVERGAGE % (7-mo period)</b>						<b>19.75%</b>

This is something we will need to track over a longer period of time, but initially the data shows Lakewood is exceeding the State of Co, City of Denver and Federal Government awards on average. These three entities have formal diversity programs and award between 4.6% - 8.4% per the LAC research. It is important including other diversity groups in the data collection such as veterans, disabled, LGBTQ+ etc.

The City will continue to accumulate statistics and use the findings to determine the diversity of awards and make adjustments to education.

2. **Coordinated and Aligned (Transparent and Results Oriented):** Once the city has collected more data Purchasing and Economic Development will be evaluating the workshops & outreach, engage in partnerships, and look for opportunities for change/improvement.
  
3. **Training, workshops & Outreach:** Currently the city’s Economic Development Department provides various outreach to local businesses and Chambers of Commerce as mentioned above. Purchasing and Economic Development will enhance outreach to businesses interested in doing business with the City of Lakewood. They will be providing brochures for businesses and widening the outreach to more groups and multiple forms of communication. Additionally, the purchasing team will be reviewing the city website to provide more prominent/accessible links and frequently asked questions.

Lakewood Advisory Commission (LAC)  
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4. **More Partnerships:** Excellent idea from LAC. We want to leverage what others are doing and expand our partnerships.
  
5. **Establish Aspirational Goals:** As stated by the LAC the current stats indicated the city is within or exceeds the 5-8% range from the State/Metro area studies. The team that reviews the statistics, as mentioned in item 2, will recommend goals.

**Reporting Back:** The staff recommend reporting back after one year of tracking and making changes.

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 6**

To: Mayor and City Council

From:

Subject:

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**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:** LAC Report - Diversity Subcommittee Assignment #2022-06  
Staff Response to LAC WMBE Research

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

# Lakewood Advisory Commission Report

## **Research and Recommendations on Women / Minority Owned Business Enterprises**

Diversity Committee  
September 2023

*ASSIGNMENT #2022-06: WOMEN / MINORITY OWNED BUSINESSES*

“Welcome, we are building an inclusive community” - street sign as you enter Lakewood, CO.

### **Introduction**

The Lakewood Advisory Commission (LAC) is a group of informed citizen volunteers who perform research for the city council. City Council assigned the LAC, specifically the Diversity Committee, with a project to: (1) investigate what other cities are doing to increase the awareness and participation of Women and Minority Owned Businesses Enterprises (W/MBEs) in city procurements and (2) make recommendations to the city council for possible adoption into the Lakewood Municipal Code and related policies.

### **Executive Summary**

There is no shortage of information on this topic from both a historical context and what currently other cities are currently doing to increase awareness and participation of W/MBEs in competing and obtaining city contracts. We include a list of what neighboring cities are doing, as well as a list of the most recurring ideas and actions that cities around the country are taking and the goals they are striving to achieve. Based on our research and the 5-month's worth of data the City of Lakewood provided to us, the City of Lakewood is already doing a good job of awarding contracts to W/MBEs.

Since it was requested that we make recommendations based on our findings, we developed our top five recommendations for the Mayor and City Council to consider. Our Top 5 recommendations are: (1) gather and use data, (2) hire or appoint a program manager/coordinator, (3) conduct training and workshops, (4) engage in various partnerships and

(5) establish aspirational goals. In addition, there are more ideas or follow-on recommendations listed in this report that could be added or done later, perhaps in phases. Some of the additional ideas may require further research and we are happy to continue this research work.

## **Background**

The project began with all members of the Diversity Committee casting a wide net by conducting internet research, not only on what other cities are doing, while also inquiring about the current status of awards to W/MBEs by the City of Lakewood. We met with the City of Lakewood's Purchasing Supervisor to learn more about how procurements and contracting are handled now. We inquired about data the city gathers and learned the city does not keep data separated by women or minorities, but the Purchasing Supervisor agreed to gather data for us. Initially we were provided with 1-month's worth of data and then subsequently later in the year we were provided with 5-months' worth of data. The additional data was useful but it did cause a delay in our ability to present the report to the Mayor and City Council.

We also reached out to Jefferson County and the City and County of Denver to learn more about what they are doing around the subject of contracting with W/MBEs and met with their representatives. We also read studies and reports commissioned by other cities on this topic. For example, the State of Colorado engaged with the Keen Independent Research LLC to conduct a disparity study titled, "2020 State of Colorado Disparity Study." This 700+ page report documents the results they found and makes recommendations. The report attempts to outline methods that create a level playing field for historically disadvantaged businesses (HUBs) to compete for State contracts. Senate Bill 19-135 defined HUBs to be businesses owned by people of color, women, persons with physical or mental disabilities and members of the LGBT+ community.

Another study we examined was titled, "Recommendations for the City of Austin's Minority and Women-Owned Business Enterprise Program 2022" commissioned by the City of Austin, Texas. A much smaller, 22-page report, it reviewed the existing program and outlined the importance of revisiting any program on a periodic basis. The City of Ft. Collins' report titled, "Small Business Survey: Summary of Results" from 2018 was another good source of information. The websites from the City of Aurora, CO and the City of Colorado Springs and their related information were also reviewed and gave us more ideas to evaluate.

By having the LAC perform this research, the city likely saved thousands of dollars in taxpayer funding. We found our larger neighbors in the City and County of Denver to be potentially great collaborators of several recommendations by their willingness to engage in reciprocity agreements with the City of Lakewood in sharing not only best practices and lessons learned but also potentially their certification program. If Lakewood chooses to engage in this partnership, it

will likely save potentially millions of taxpayer dollars by not having to create, staff and administer such a program. Jefferson County was also willing to have discussions and assist the city in various ways. The State of Colorado also has resources and programs that Lakewood should explore further, including the possibility of obtaining grants and other support.

A question asked of our Committee was, why should the City of Lakewood look to expand the awareness, outreach and subsequently awards to a large variety of business owners? The answer is because of the many benefits both tangible and intangible. First, in regards to small businesses, small businesses are a key and integral part of the economy. Nationally they hire 2/3 of the employees and represent 44% of the overall economic activity. Second, engaging with new businesses increases competition and innovation and should lower procurement costs to the city. Third, our reading and research suggests that city contracting efforts with numbers that are reflective of all the city's diverse business owners increases civic pride, enhances the connection among residents and increases community engagement.

## **Cities in Colorado**

While we looked at what other cities are doing across the country, we later focused our research efforts on what our neighbors within the state are doing in regards to W/MBEs. Since Lakewood is the fifth largest city in the State of Colorado, we wanted to know how we compare to similar cities in our state.

As of 2021, these are the cities in Colorado with minority-owned business procurement programs or initiatives. Some may be missing if they are not in collaboration or promoting resources from or through the state's Minority Business Office (MBO) of Colorado. The cities with program and/or initiatives are:

- Denver: The City and County of Denver has a Minority and Women Business Enterprise (M/WBE) Program that seeks to increase the utilization of M/WBEs in city contracting and purchasing.
- Colorado Springs: The City of Colorado Springs has a Minority Business Enterprise (MBE) Program to enhance opportunities for minority-owned businesses in city contracting.
- Aurora: The City of Aurora has a Minority and Women Business Enterprise (M/WBE) Program to promote and assist M/WBEs in accessing city contract opportunities.
- Fort Collins: The City of Fort Collins has programs aimed at increasing opportunities for minority-owned businesses to participate in city procurement and contracting.
- Boulder: The City of Boulder has various programs and initiatives to support diverse businesses, including minority-owned businesses, in their procurement efforts.

The first cities in the list above are the 4 largest cities in Colorado. Boulder is the 8th largest city. We recognize there are several efforts being conducted by the Lakewood Economic Development Team and perhaps Lakewood should be on this list. While we will address this later in our recommendations, what seems to be missing is a policy and/or coordination that ties the development work, the mentoring and outreach work to the procurement efforts.

The conclusion we drew from the above is that Lakewood is an outlier for a city of our size in terms of having a formal program or initiatives or at least collaborating with the MBO so that they become aware of the various on-going efforts being performed and can be added to the list.

**Most Common Actions Taken by Other Cities**

Cities in both Colorado and across the U.S. who want to increase the awareness, participation and provide support to W/MBEs do a variety of things. From our research, it appears that in order to make an impact in a city’s inclusivity efforts that the actions are coordinated. From the city’s mission/vision statement to hiring or appointing a lead, such as a Diversity Equity and Inclusion (DEI) manager or similar, setting up policy and procedures, the engagement takes the form of a city program or a series of coordinated initiatives. Table 1 below describes the most consistent steps or actions that are typically part of a larger more comprehensive program to increase awareness and participation from W/MBEs in the city’s procurement program.

Table 1: Actions Cities Takes to Support W/MBEs

<b>Action</b>	<b>Details</b>
Commission a report on W/MBEs (much like this one through various sources).	Some of the bigger cities will commission a report such as this one from consultants or local universities. If they have a program for W/MBEs they evaluate the continuation of such programs or recommend updates. We read these reports and also related news stories, general information on W/MBEs and attempted to make recommendations that are tailored to the City of Lakewood. We strived to recommend actions that were achievable, expand on existing work and could be implemented with low to minimal costs.

<p>Set contracting goals</p>	<p>Establish aspirational goals. Cities tend to start by using their demographics data or disparity data to obtain W/MBE availability numbers. These goals are not quotas or mandates; they simply reflect the goals a city hopes to achieve and awards always go to best qualified firms. These goals are different and separate from any goals the Federal Government establishes for federal contracts. Cities follow the federal government set-aside rules when engaged in joint or dual city/federal contracts.</p>
<p>Keep statistics, publish those statistics and use the data.</p>	<p>Keep statistics on contract awards. Cities track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. For example, Lakewood could look something like this: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%). In 2024, women-owned businesses were awarded 10 city contracts from a total of 100 awarded contracts (10%). Then the city could do the same for minority-owned businesses. This data gives the city insight into areas they may need to target or do more outreach.</p>
<p>Hire/create position of diversity, equity, inclusion manager or similar more limited role focusing on disadvantaged businesses or someone to focus on an even larger role such as hiring, promotions, training.</p>	<p>Creates accountability and brings in a fresh or new perspective to look at things differently and perhaps to try different things.</p>
<p>Hold workshops or training sessions.</p>	<p>These are posted on the city website and trade/affinity group websites and held regularly with the goal of teaching interested businesses how to obtain contracts with the city. The Lakewood Economic Development team is already doing some of this work.</p>
<p>Utilize existing resources in the community to connect W/MBEs and others to mentors, funding sources and other similar business owners.</p>	<p>Other cities include links on their city website to such resources. City staff learns about trade/affinity/support groups then meets/partners to discuss challenges and also to create opportunities with the purpose to create and grow small businesses in our community. Lakewood is doing some of this, so perhaps it's more of expanding the</p>



	ongoing work.
Host or participate in small business coffee sessions or small business talk sessions.	Another way to bring small businesses together for networking, finding mentors, etc., while also taking the time to educate these businesses on opportunities to contract with the city. These are more informal in nature and appeal to social aspects vs educational sessions. Can also include speaking at various local Chambers of Commerce.
Highlight W/MBEs owned by residents of the city.	This creates awareness of existing W/MBEs, perhaps encourages patronage of such businesses and could serve as inspiration for future W/MBEs. We see new businesses mentioned in Looking @ Lakewood, but what about other social media sites, partner sites, the city website, etc.
Gather data (Disparity Study/Availability Study) usually from the closest big city/metro area. For Lakewood, the city could use Denver's Disparity study (addresses the Metro area).	Determine how the disparity numbers and availability numbers apply to Lakewood. Our initial evaluation is that the Metro numbers can be used by Lakewood.
Partner with another city or the county. Especially when using certification programs.	Some cities partner with nearby cities especially if they are part of a larger Metro area. The partnering can include sharing data, certification programs, lessons-learned, certification forms, training, etc.

### **Full List of Recommendations/Ideas**

We conducted extensive research on this topic gathering ideas from cities large and small. We thought it was important to share the full list of actions and ideas. What follows is the list of ideas and additional recommendations. The total list of ideas and recommendations total 16 with some having multiple parts. Some can be done in phases and some likely require more research. We recognize and appreciate the work the city has already implemented such as the website

translator and their on-going outreach and training efforts and we highlight these completed actions.

1. City should keep data on contract awards (both dollar amount and percentage amount). Without data, the city doesn't know where they stand. Some suggested software programs that can assist the city to track the data, mine the data and analyze the data can be found here: [Best Government Diversity, Equity, and Inclusion \(DEI\) Analytics Software - 2023 Reviews & Comparison \(sourceforge.net\)](#) .

2. The city should engage in more outreach to more W/MBEs.

a. This could include outreach through trade/affinity groups such as (percentage of Lakewood's population is noted in parentheses):

i. Hispanic Chamber of Commerce (23%)

<https://www.hispanicchamberdenver.com>

ii. Women's Chamber of Commerce (50%)

<https://www.cwcc.org>

iii. Asian Chamber of Commerce (3.9%)

<https://www.acccolorado.org>

iv. Colorado Black Chamber of Commerce (1.8%)

<https://www.coloradoblackchamber.org>

v. Other suggested groups to explore and expand outreach efforts include Veterans' groups, businesses owned or having employees who are persons with disabilities, LGBTQ+ owned or LGBTQ+ employees, etc.

Colorado LGBTQ Chamber of Commerce

<https://www.colgbtqcc.org>

Colorado Office of Economic Development and International Trade  
Minority Business Directory

<https://www.oedit.colorado.gov/minority-business-directory>

b. The city could also conduct workshops on the process of applying and doing business with the city. (Partially accomplished and ongoing. Some of this

is already happening as captured in “Looking at Lakewood” April 2023 and July 2023 editions.)

c. The city could also enhance their website through the use of language translators to achieve more outreach. The City of Boulder is a good example, but if further research is required, this could be assigned as a follow-on project to the LAC. ([Accomplished. The City of Lakewood website as of March 2023 has a translator option.](#))

d. The city could work and partner with the organizations listed in (a) above and ask if they could place RFPs or other opportunities and information on their specific sites.

e. Another follow-on potential assignment for the City Staff or the LAC is to research what are the top social media or other media sites utilized by Asian-owned, Hispanic-owned, Black-owned, Women-owned and Veteran-owned businesses and then the city could place the RFPs/links/opportunities on these sites. This could include possibly placing public service announcements or advertisements on Spanish-speaking radio stations.

3. Utilize data and programs from neighboring cities, especially Denver which is a bigger city with more resources. They maintain a list of W/MBEs. Perhaps when the city of Lakewood is reaching out to 3 firms for quotes, they could ensure at least one firm is from this list. Denver also conducts workshops; Lakewood city staff might be able to attend these Denver workshops as samples or resources as they build their own workshops.

The City/County of Denver utilizes a comprehensive certification program for women, minority, veteran-owned businesses. They also perform a validation of the certifications. The details of their program can be found on their Division of Small Business Opportunity (DSBO) website which is listed in the references. Of note, the representatives from the City/County of Denver are willing to share and partner with the City of Lakewood.

4. Being an inclusive city is a deliberate, thoughtful and on-going process. As such we recommend the following actions:

- a. Recommend the city update its mission/vision statement to include the goal that the city is building an inclusive community.
- b. Next we recommend the city establish aspirational contracting award goals using Census data or Disparity data from the Metro area. These goals are not quotas; they are simply proportional goals in writing that make it clear that the city of Lakewood wants to include everyone in contract awards and distribution of city funds with the understanding that the most qualified will be selected. We found

that it is critically important to define the terms so that everyone has a clear understanding of the procedure, policy and expectations.

- c. Included in this overall process recommendation is the hiring or appointing existing staff to be the coordinator for inclusive outreach and contracting. This role could be in the form of a Diversity, Equity and Inclusion Manager to work on the overall procurement process to include the outreach or could be broader to include all Lakewood to champion diversity, equity and inclusion across all the City's programs and services. Our research has shown that a program with the aim of trying to achieve inclusiveness and equity only has a good success rate when there is someone to be accountable and someone who champions the program. Hiring or appointing someone to a more limited role such as "Disadvantaged Small Business Liaison" could work and the option is used by the City of Ft Collins. Appointing several "Equity Champions" from across departments, who meet frequently, to discuss blind spots, next steps, the data and more as is being done in the City of Aurora, CO and is yet another option. The City of Lakewood is already doing a lot and achieving substantial success; however, the MBO of Colorado doesn't include Lakewood on its list of cities and perhaps it's due to Lakewood not having a person assigned to one of the roles listed above.

5. Update the city's procurement policies and procedures to match any recommendations adopted by this report. For example, gathering and maintaining data and statistics on all city contract awards is something we highly recommend and is very common practice throughout the country. The 5-months worth of data the city provided to us was very helpful and we hope it was also helpful to the procurement staff, the Economic Development team, the Mayor and City Council, etc.

Other areas to review for enhancements are the procurement processes themselves. For example: Does selection rely too heavily on positive past history doing business with the city? Can the city declare an aspirational goal for awarding contracts to firms who have never done business with the city? In reviewing the dollar thresholds and requirements to purchase we have some minor recommendations for consideration:

- a. Currently for purchases under \$10K, it's buyer's discretion. Suggestion: This seems like an area that could be further evaluated for possible improvements to engage with firms who have never been awarded a city procurement or contract. While there are some risks to engaging with new businesses, the low dollar amount may lend itself to taking on some risks. Can the city buyers be provided a list of W/MBEs and new businesses for their consideration? Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver.

Inclusiveness includes doing business with new businesses regardless of their race, gender or ethnic status.

- b. Currently for purchase between \$10K and \$74.9K city buyers must obtain 3 quotes or submit a sole source justification. Suggestion: We recommend that the city buyers be provided with a list of W/MBEs. Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver. The most qualified firm should always be selected. We recognize that contracting with new firms can involve some risks. Some risks of trying new businesses who are new to city contracting can include: the firms going through a learning curve, potentially lower quality or inability to timely completion of the job. However, it can also include potentially some benefits to the city, such as increased innovation and lower costs.
- c. Above \$75K is a very formalized process and selections are made as a group. When combined with federal funding they may be subject to set-aside provisions. Recommendation: Proceed as is.

6. W/MBEs often struggle to secure funding to start their business, again in their early years of existence to sustain their business and perhaps struggle even more to expand their business. Perhaps the city could also bring in representatives from Small Business Administration (SBA), banks and credit unions to conduct workshops on obtaining funding. Partner with mentors to conduct workshops on obtaining funding. Setup a follow-on program where protégés are then expected to become mentors.

7. Related to the above perhaps the city could host a business forum for women, minority and veteran owned businesses where they could all meet, network and share stories among themselves. Or the city could send economic development team representatives to the various chamber of commerce events.

8. During contract selection/deliberations, perhaps additional consideration (priority) is given to firms who use as subcontractors who are W/MBEs. Perhaps this could result in mentor-protégé relationships that could develop the pipeline for more W/MBEs to become prime contractors. We believe ideas like this and others' ideas that may come from city staff, community members, and others could help businesses that are just starting out and possibly create a pipeline of future contractors.

9. The city of Colorado Springs does engage in various efforts to help W/MBEs. One of the interesting actions is they highlight women-owned businesses on its "Visit Colorado Springs"

website. Perhaps Lakewood could do the same on the city website as we do not have a dedicated tourism site. While Lakewood does highlight new businesses in Looking @ Lakewood newspaper, perhaps the city could expand on this to the city website and other social media sites.

10. On the Pueblo County website, they explain why after 30-years of research and discussion there is still a need for programs that assist W/MBEs and Disadvantaged Small Businesses. While the data is from 2010, some things like lack of mentors and difficulty in getting funding still are reported on and discussed today and we found confirmed this with more recent reports and news articles. It was unclear exactly what the City/County of Pueblo are doing in regards to assisting W/MBEs. The 2018 Study by the City of Ft. Collins lists some of the same issues and challenges facing W/MBEs and their study provides additional information. The City of Ft. Collins does have a W/MBE program.

11. The city of Edmonds, WA describes on their website that small businesses are the backbone of the economy. They engage in strengthening opportunities for small and diverse businesses. They believe doing this not only strengthens the local economy, it supports the community, improves the quality of life for everyone and having more participants increases competition and innovation while lowering costs.

12. Require certification from women/minority/veteran-owned business enterprises. A program and database can be created or the city can use one that exists, such as the city of Denver's program. The Denver Reps we talked to said they are willing to engage in some sort of reciprocity agreement. This will likely require more city staffing to manage the program, check certifications, etc. Staffing requirements would be less if the city enters a partnership agreement.

13. Another recommendation would be to have a Lakewood certification form without a formal certification program that would collect data about businesses that do contract with the city. The informal program could gather information about the businesses. If confirmation is desired, perhaps this could be confirmed by site visits that could be done by volunteers. The form below is overzealous but a modified form that could fit our city could work well. In addition, Denver and the State of Colorado have certification formats that we could use and encourage State wide consistency with certification.

[City of Oakland pdf doc.](#)

14. City should formalize the definitions for terms such as Women and Minority-owned Business Enterprise (W/MBE), Disadvantaged Business Enterprise (DBE), Veteran-owned Small Business (VOSB) and others. While the SBA website is an excellent source of the definitions, we recognize some cities further define or expand on these definitions. It is important for all involved to know the definitions being used. These terms and definitions become important in the data collection and reporting process and also in the certification program, should the city decide to pursue this option. Of note, using the city data for awards they made during April 2023

further pointed-out the need for consistent and clear definitions so the data is captured effectively. We were not sure how to capture firms that are both women-owned and minority-owned so we ended up creating a third category called both.

15. Model the Federal Government. We don't have to redesign the wheel. [Disadvantaged Business Enterprise Program Requirements | US EPA](#) or [GSA Announces Actions to Advance Equity and Supplier Diversity in Federal Procurement | GSA](#)

16. Related to above, the City of Lakewood has the 2nd most concentration of Federal employees in the country located at the Federal Center. City should explore more collaboration efforts with the federal government. Perhaps the collaboration could lead to establishing an incubator to help create more minority and women owned businesses and jobs right here.

### Top 5 Recommendations

Based on our research and investigating what other cities have implemented and then tailoring to the City of Lakewood, we developed our Top 5 recommendations. We believe these recommendations can have an impact both quickly and with minimal costs. Table 2 below lists our top five recommendations for the City of Lakewood to consider in further improving the awareness and participation of W/MBEs.

Table 2: Top 5 Recommendations

Recommended Action	Justification/Benefits
1. Gather and keep statistics and use the data to refine the W/MBE program, the goals, the outreach, etc. Publish those statistics on the city website.	Cities keep statistics on all contract awards to ensure transparency. Without data it is difficult to know how the city is doing. We recommend the city at minimum track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. Examples of data could include: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%) and Hispanic-owned businesses were awarded 10 city contracts from a total of 100 city contracts (10%). This data gives the city insight into areas they may need to target or do more outreach.

<p>2. Evaluate hiring/assigning a coordinator to more efficiently coordinate the initiatives or beginnings or a program the city already has on-going. There are many things happening already. The 5-month's worth of data is indicative of what the city can achieve for a full year or more, once people hear about the city's achievements, we suspect many cities are going to want to speak to the city about how they can modify their programs.</p>	<p>A coordinated program has many benefits. Ties all the efforts together, creates a point person who continues to facilitate awareness, evaluates changes and improvements and continues to look for blind spots. Person in the position, using data, generates new ideas on what the city could do differently or better to reach more W/MBEs and start expanding to others such as veteran-owned businesses and others.</p> <p>There are more options, like a more limited role such as the City of Ft Collins has done. Another option taken from the city of Aurora would be to establish 2 champions (co-coordinators) such as the head of the city procurement and the head of the Economic Development team to continually discuss the data, ideas and resources.</p>
<p>3. City to conduct training, workshops and various outreach efforts to increase the numbers of W/MBEs businesses and participation in the City contracting process.</p>	<p>Some of this is already being done by Lakewood's Economic Development team. Expand efforts, do more workshops and outreach geared towards businesses interested in doing business with the city. Partner with various affinity groups listed in this report as possible sources to post opportunities or conduct some mentoring and more outreach. Also consider partnering with the State of Colorado and Small Business Administration. Small businesses are crucial to the economy.</p>
<p>4. Establish partnerships with the City &amp; County of Denver and Jefferson County.</p>	<p>We had several guest speakers come and share their programs with the LAC. Both the City &amp; County of Denver and Jefferson County are willing to share their expertise, lessons-learned, even their certification program with the City of Lakewood. There are abundant opportunities so that the city does not have to recreate the wheel nor duplicate efforts. Partnering can also save the city money by not having to hire a lot of additional staff.</p>



<p>5. Establish aspirational contracting goals.</p>	<p>Establish goals using demographics of current state business owners is a starting place (see references) and further refine using the Metro area Disparity Study and Availability numbers. We did some of this research and recommend using as aspirational goals that our neighbors with robust programs have achieved; therefore, <b>5-8%</b> contracting goal for Women-owned businesses and the same <b>5-8%</b> goal for Minority-owned businesses. Goals could be added to include Veteran-owned businesses and others. The contract award data suggests the city is already exceeding these aspirational goals, but 12-months of data should be used. If goals are being met, they can be raised to the next level which is 9-12%. The data suggests 20-24% of businesses who provide goods and services that cities utilize are W/MBEs.</p>
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**Conclusion**

Based on the 5-months worth data we were provided, the City of Lakewood is already doing an excellent job in awarding contracts to W/MBEs. While 12-months worth of data would have been preferable to draw more accurate conclusions, so far the city is exceeding the aspirational goals that most cities and federal agencies place on themselves. The city should continue to gather and maintain its contract award data, there could be a great story of success here that the city should be proud to showcase and share with others.

While the data looks good, we are recommending further steps that the city could implement to increase both the awareness and opportunities for W/MBEs. This in turn could lead to a strengthening of our local economy, increase competition and lower costs to the City of Lakewood. The research also suggests that awarding city contracts to a large range of businesses increases civic pride and creates a feeling of inclusiveness.

**Appreciation**

We LAC, Diversity Committee, appreciate this first assignment for our committee. We'd like to thank the Mayor and City Council for assigning us this project, especially Counselor Jeslin Shahrezaei for preparing and submitting this assignment to the LAC. We'd also like to thank Mary O'Halloran, City of Lakewood Procurement Supervisor for sharing her expertise and for gathering multiple iterations of data for us to evaluate. We'd also like to thank Jay Robb, the City Clerk, for all his support and contacts across the Metro area and beyond. Our deep appreciation to Marika Sitz, Diversity, Equity and Inclusion Manager, Jefferson County and to

Alexis Nightengale and Brittany Eroen from the Division of Small Business Opportunity, City and County of Denver.

### **References:**

Countless hours were spent by the team researching other cities' websites and commissioned studies in order for us to develop some recommendations that we think are appropriate for the City of Lakewood. Below are many of the links used, including links to reports, news stories and general information.

<https://www.denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Economic-Development-Opportunity/Business-Owners-Entrepreneurs/Do-Business-with-the-City/Frequently-Asked-Questions/About-DSBO>

- Division of Small Business Opportunity (DSBO) website, City/County of Denver

<https://oedit.colorado.gov/minority-business-office-of-colorado>

- General information from the Minority Business Office of Colorado, a division of Office of Economic Development and International Trade (OEDIT)

<https://oedit.colorado.gov/minority-owned-businesses>

- Specific OEDIT information including a list of minority owned businesses

<https://www.governing.com/cityaccelerator/cohort4>

- Helpful publication from City Accelerator:

<https://19thnews.org/2021/06/small-business-administration-contracts-woman-owned-businesses-for-decades/>

- Article on history of Federal contracts to WBEs and what the SBA has done

<https://www.mbda.gov/tags/disparity-studies>

- Compilation of multiple Disparity Studies across the US by Department of Commerce

<https://cao-94612.s3.amazonaws.com/documents/City-of-Oakland-Draft-Disparity-Study.pdf>

- Disparity Study- has information on what is legally allowed as well as analysis of Oakland's actual disparities.

<https://www.oaklandca.gov/documents/contracts-and-compliance-forms-and-schedules>

- City of Oakland's Contracts Schedules which include questions about race/ethnicity and

gender of business owners:

<https://www.open-contracting.org/2020/11/19/new-report-a-procurement-path-to-equity/>

- 5 Ways cities can use purchasing power to help W/MBEs

<https://www.fastcompany.com/90298216/how-cities-can-support-minority-and-women-entrepreneurs-buy-things-from-them>

- How cities can support women owned businesses: buy things from them

<https://www.boston.gov/news/proposal-filed-expand-access-city-contracts-minority-and-women-owned-enterprises>

- City of Boston, Proposal file to expand access to city contracts

<https://www.edmondswa.gov/cms/One.aspx?portalId=16495016&pageId=17269271>

- City of Edmonds, Diversity, Equity and Inclusion Commission. Ideas of things Lakewood may want to consider such as a film series.

<https://bellevuewa.gov/city-government/departments/city-managers-office/diversity-advantage-initiative>

- City of Bellevue, their Diversity Advantage Initiative

<https://www.fcgov.com/>

- City of Ft. Collins, CO. General site with links to 2018 Small Business Survey and Public Notice on contracting goals on dual/partner Federal contracts.

<https://www.visitcos.com/blog/women-owned-businesses-resources/>

- Visit Colorado Springs website highlighting women-owned businesses

<https://county.pueblo.org/energy-and-economic-development/minority-owned-business-resources>

- Pueblo County, CO website with resources for minority-owned businesses

<https://www.talgov.com/diversityinclusion/divinhome>

- City of Tallahassee, their Diversity Initiatives and Plans

<https://www.portseattle.org/business/bid-opportunities>

- Port of Seattle information

<https://cuyahogacounty.us/fightracism>

- Cuyahoga County Links

<http://accaweb.org/>

- American Contract Compliance Association

<https://goodfoodpurchasing.org/>

- Good Food purchasing programs in some cities.

<https://www.governing.com/cityaccelerator/blog/cities-purchase-power-people-color-minorities-lc.html>

- 5 Ways Cities can use their purchasing power to support minority-owned businesses

[https://hwpi.harvard.edu/files/govlabs/files/strategies\\_for\\_improving\\_vendor\\_diversity\\_brief.pdf](https://hwpi.harvard.edu/files/govlabs/files/strategies_for_improving_vendor_diversity_brief.pdf)

- A paper with strategies for improving vendor diversity.

<https://www.thewomenofdenver.com/>

- Women of Denver - a connection platform for women in Colorado to build their network; they also offer free mentoring and advice to women business owners by other women business owners.

<https://micasaresourcecenter.org/>

- Mi Casa Resource Center offers free coaching and consulting to Hispanic/Latino small businesses and entrepreneurs.

Here is [Find a minority, woman, or disabled-owned business | Services | City of Philadelphia](#)

- An example from Philadelphia to search for W/MBEs and disabled-owned businesses.

“A [1989 Supreme Court ruling](#) established that cities may only overtly work to support minority-owned businesses if they can prove a history of discrimination in city contracts.”

- What we are recommending is different but we leave this reference here for historical context.

Cities like Los Angeles and Chicago set up portals where new contracting opportunities could be posted well in advance, so smaller firms could learn how to bid on them. Also, rather than issuing a single contract to a large firm, the accelerator cities are breaking up contracts into smaller projects that a cohort of local businesses could tackle. Smaller contracts help the city establish relationships with more diverse vendors, who can use the revenue stream to grow their business. Improving procurements and [city accelerator](#)

The federal government has very specific goals for small businesses. Agencies have various

procurement programs set aside or earmark a certain percentage of contract dollars that must go to small businesses. The federal government has contracts called total small business set-asides, which are exclusively set aside for small businesses. See SBA website for details ([sba.gov](http://sba.gov)) They have the Women-Owned Small Businesses ([WOSB certification](#)), which is limited to women who are certified as WOSB.”

[Washington State's](#) equity of public spending showing what the State of Washington is doing.

[Seattle WA is](#) really interesting ... you can read public meeting minutes on how their Advisory committee was working through some of these same issues.

Seattle’s Priority Hiring Program - [Priority Hire Program](#)

[Equity Considerations — Equity Resource Hub](#)

- A resource on equity with questions to consider.

[EquitableDecisionMakingTool.pdf \(clark.edu\)](#)

- A series of questions, many of which are thought-provoking.

City of [Boulder](#) website, it translates the site into many languages.

Other translation services: [Translation services](#) or you can try [google translate](#)

<https://www.thomsonreuters.com/en-us/posts/news-and-media/government-procurement-dei/>

- Article on How Government Procurement Helps with Diversity, Equity and Inclusion, including a link to a procurement tracker used by the city of Tacoma, WA:

<https://sloanreview.mit.edu/article/how-procurement-can-strengthen-diversity-and-inclusion/>

- Article by the MIT Sloan School of Management on how Procurement can Strengthen Diversity and Inclusion:

<https://buildinginnovationhub.org/resource/find-a-qualified-vendor/high-road-contracting/>

- High-Road Contracting Too, a tool to help find qualified vendors:

### **Additional Links/Information:**

The Request from the City Council that generated this paper.

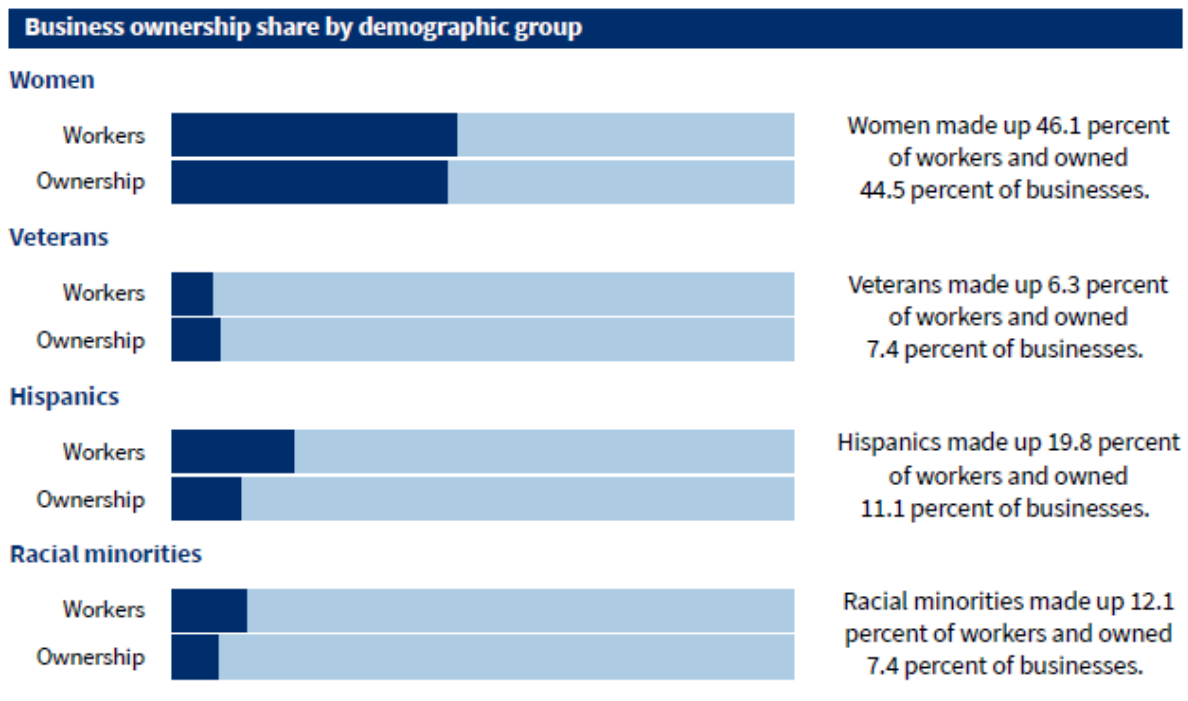
[City docs](#) click on this link to read the request and the current city docs.

[LAC Diversity Committee - Zoom](#) April 19, 2023 committee meeting video with City and County of Denver - Alexis Nightengale and Brittany Eroen

[LAC Diversity Committee - Zoom](#) March 22, 2023 committee meeting with Jefferson County DEI Manager - Marika Sitz

### **Graphical References:**

#### **Business Ownership by Demographic Group (State of Colorado)**



Ownership shares include equal and majority ownership

Sources of data: [American Community Survey, 2018](#) (Census and IPUMS); [Annual Business Survey, 2018](#) (Census);

[Nonemployer Statistics by Demographics, 2017](#) (Census)

**Contract Awards by the City of Lakewood (Partial 2023)**

<b>Month</b>	<b>Minority Owned (MO)</b>	<b>Woman Owned (WO)</b>	<b>Both MO &amp; WO</b>	<b>Total MO WO &amp; Combo</b>	<b>Total Contracts Awarded</b>	<b>Percent Awarded to MBEs</b>
<b>April</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>10</b>	<b>55</b>	<b>18.2%</b>
<b>May</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>7</b>	<b>46</b>	<b>15.2%</b>
<b>June</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>33</b>	<b>9.1%</b>
<b>July</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>42</b>	<b>7.1%</b>
<b>August</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>14</b>	<b>38</b>	<b>36.8%</b>
<b>Totals</b>	<b>11</b>	<b>15</b>	<b>11</b>	<b>37</b>	<b>214</b>	
<b>5-Month Average</b>						<b>17.3%</b>

**Notes:**

Contracts listed include Contractual Service Agreements, Professional Services Agreements, Bids, Requests for Proposals, Requests for Qualifications and Purchase Orders.

Totals contracts awarded excludes contracts to/with government entities and educational institutions.



Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

**Question/Request:**

Jeslin Shahrezaei: I would like to see a procedure/policy for women and minority-owned businesses to have equitable access to contract bids for Lakewood through the procurement process.

**Staff Response:**

We welcome and appreciate the above question/request.

**Policy Review:** LAC's research confirmed the City of Lakewood's purchasing policy is consistent with other municipalities, such as Denver. The City of Lakewood currently has a policy and follows in practice an open, fair, equitable and competitive process in which there are many steps taken to ensure this is an equitable process for all parties.

**Opportunity:** Although staff have confidence the purchasing process does give fair access to the bidding process, we also see an opportunity to improve equitable awareness of the opportunities to bid at the City of Lakewood and increase an understanding of the bidding process for diverse groups. The LAC research and recommendations will be helpful in pursuing this opportunity.

There are currently several efforts done by the Economic Development Department that tailor to diversity. As the LAC reported, Economic Development provides training and workshops, peer to peer mentoring, Jumpstart (funding source) and resources as well as the city's website now has a translator. However, we agree, the city can do more.

From the LAC top five recommendations Purchasing and Economic Development are planning to pursue the following:

- 1. Statistics & Data Gathering:** It is important to keep the award process unbiased. However, gathering data on the award outcome is important for Lakewood to determine current diversity of awards and tracking if the education efforts are changing the statistics. Recently it was added to the bid process that Women and Minority owned businesses could self-report so that we can track the % of awarded contracts. Staff gave this information to LAC for April 2023 which was the first month of collecting the data. Since then, staff provided to LAC the data through October. (See chart)





Lakewood Advisory Commission (LAC)  
 Diversity Subcommittee Recommendations  
 City of Lakewood Staff Response

MONTH	MINORITY OWNED	WOMEN OWNED	BOTH W/O and M/O	TOTAL	TOTAL CONTRACTS AWARDED	% CONTRACTS AWARDED TO MINORITY OR WOMEN OWNED
April	3	4	3	10	55	18.2%
May	3	3	1	7	46	15.2%
June	0	1	2	3	33	9.1%
July	0	2	1	3	42	7.1%
August	5	5	4	14	38	36.8%
September	3	8	6	17	47	36.2%
October	3	2	0	5	32	15.6%
<b>TOTALS</b>	<b>14</b>	<b>23</b>	<b>17</b>	<b>54</b>	<b>261</b>	
<b>AVERGAGE % (7-mo period)</b>						<b>19.75%</b>

This is something we will need to track over a longer period of time, but initially the data shows Lakewood is exceeding the State of Co, City of Denver and Federal Government awards on average. These three entities have formal diversity programs and award between 4.6% - 8.4% per the LAC research. It is important including other diversity groups in the data collection such as veterans, disabled, LGBTQ+ etc.

The City will continue to accumulate statistics and use the findings to determine the diversity of awards and make adjustments to education.

2. **Coordinated and Aligned (Transparent and Results Oriented):** Once the city has collected more data Purchasing and Economic Development will be evaluating the workshops & outreach, engage in partnerships, and look for opportunities for change/improvement.
  
3. **Training, workshops & Outreach:** Currently the city’s Economic Development Department provides various outreach to local businesses and Chambers of Commerce as mentioned above. Purchasing and Economic Development will enhance outreach to businesses interested in doing business with the City of Lakewood. They will be providing brochures for businesses and widening the outreach to more groups and multiple forms of communication. Additionally, the purchasing team will be reviewing the city website to provide more prominent/accessible links and frequently asked questions.

Lakewood Advisory Commission (LAC)  
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4. **More Partnerships:** Excellent idea from LAC. We want to leverage what others are doing and expand our partnerships.
  
5. **Establish Aspirational Goals:** As stated by the LAC the current stats indicated the city is within or exceeds the 5-8% range from the State/Metro area studies. The team that reviews the statistics, as mentioned in item 2, will recommend goals.

**Reporting Back:** The staff recommend reporting back after one year of tracking and making changes.

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 6**

To: Mayor and City Council

From:

Subject:

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**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:** LAC Report - Diversity Subcommittee Assignment #2022-06  
Staff Response to LAC WMBE Research

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

# Lakewood Advisory Commission Report

## **Research and Recommendations on Women / Minority Owned Business Enterprises**

Diversity Committee  
September 2023

*ASSIGNMENT #2022-06: WOMEN / MINORITY OWNED BUSINESSES*

“Welcome, we are building an inclusive community” - street sign as you enter Lakewood, CO.

### **Introduction**

The Lakewood Advisory Commission (LAC) is a group of informed citizen volunteers who perform research for the city council. City Council assigned the LAC, specifically the Diversity Committee, with a project to: (1) investigate what other cities are doing to increase the awareness and participation of Women and Minority Owned Businesses Enterprises (W/MBEs) in city procurements and (2) make recommendations to the city council for possible adoption into the Lakewood Municipal Code and related policies.

### **Executive Summary**

There is no shortage of information on this topic from both a historical context and what currently other cities are currently doing to increase awareness and participation of W/MBEs in competing and obtaining city contracts. We include a list of what neighboring cities are doing, as well as a list of the most recurring ideas and actions that cities around the country are taking and the goals they are striving to achieve. Based on our research and the 5-month's worth of data the City of Lakewood provided to us, the City of Lakewood is already doing a good job of awarding contracts to W/MBEs.

Since it was requested that we make recommendations based on our findings, we developed our top five recommendations for the Mayor and City Council to consider. Our Top 5 recommendations are: (1) gather and use data, (2) hire or appoint a program manager/coordinator, (3) conduct training and workshops, (4) engage in various partnerships and

(5) establish aspirational goals. In addition, there are more ideas or follow-on recommendations listed in this report that could be added or done later, perhaps in phases. Some of the additional ideas may require further research and we are happy to continue this research work.

## **Background**

The project began with all members of the Diversity Committee casting a wide net by conducting internet research, not only on what other cities are doing, while also inquiring about the current status of awards to W/MBEs by the City of Lakewood. We met with the City of Lakewood's Purchasing Supervisor to learn more about how procurements and contracting are handled now. We inquired about data the city gathers and learned the city does not keep data separated by women or minorities, but the Purchasing Supervisor agreed to gather data for us. Initially we were provided with 1-month's worth of data and then subsequently later in the year we were provided with 5-months' worth of data. The additional data was useful but it did cause a delay in our ability to present the report to the Mayor and City Council.

We also reached out to Jefferson County and the City and County of Denver to learn more about what they are doing around the subject of contracting with W/MBEs and met with their representatives. We also read studies and reports commissioned by other cities on this topic. For example, the State of Colorado engaged with the Keen Independent Research LLC to conduct a disparity study titled, "2020 State of Colorado Disparity Study." This 700+ page report documents the results they found and makes recommendations. The report attempts to outline methods that create a level playing field for historically disadvantaged businesses (HUBs) to compete for State contracts. Senate Bill 19-135 defined HUBs to be businesses owned by people of color, women, persons with physical or mental disabilities and members of the LGBT+ community.

Another study we examined was titled, "Recommendations for the City of Austin's Minority and Women-Owned Business Enterprise Program 2022" commissioned by the City of Austin, Texas. A much smaller, 22-page report, it reviewed the existing program and outlined the importance of revisiting any program on a periodic basis. The City of Ft. Collins' report titled, "Small Business Survey: Summary of Results" from 2018 was another good source of information. The websites from the City of Aurora, CO and the City of Colorado Springs and their related information were also reviewed and gave us more ideas to evaluate.

By having the LAC perform this research, the city likely saved thousands of dollars in taxpayer funding. We found our larger neighbors in the City and County of Denver to be potentially great collaborators of several recommendations by their willingness to engage in reciprocity agreements with the City of Lakewood in sharing not only best practices and lessons learned but also potentially their certification program. If Lakewood chooses to engage in this partnership, it

will likely save potentially millions of taxpayer dollars by not having to create, staff and administer such a program. Jefferson County was also willing to have discussions and assist the city in various ways. The State of Colorado also has resources and programs that Lakewood should explore further, including the possibility of obtaining grants and other support.

A question asked of our Committee was, why should the City of Lakewood look to expand the awareness, outreach and subsequently awards to a large variety of business owners? The answer is because of the many benefits both tangible and intangible. First, in regards to small businesses, small businesses are a key and integral part of the economy. Nationally they hire 2/3 of the employees and represent 44% of the overall economic activity. Second, engaging with new businesses increases competition and innovation and should lower procurement costs to the city. Third, our reading and research suggests that city contracting efforts with numbers that are reflective of all the city's diverse business owners increases civic pride, enhances the connection among residents and increases community engagement.

## **Cities in Colorado**

While we looked at what other cities are doing across the country, we later focused our research efforts on what our neighbors within the state are doing in regards to W/MBEs. Since Lakewood is the fifth largest city in the State of Colorado, we wanted to know how we compare to similar cities in our state.

As of 2021, these are the cities in Colorado with minority-owned business procurement programs or initiatives. Some may be missing if they are not in collaboration or promoting resources from or through the state's Minority Business Office (MBO) of Colorado. The cities with program and/or initiatives are:

- Denver: The City and County of Denver has a Minority and Women Business Enterprise (M/WBE) Program that seeks to increase the utilization of M/WBEs in city contracting and purchasing.
- Colorado Springs: The City of Colorado Springs has a Minority Business Enterprise (MBE) Program to enhance opportunities for minority-owned businesses in city contracting.
- Aurora: The City of Aurora has a Minority and Women Business Enterprise (M/WBE) Program to promote and assist M/WBEs in accessing city contract opportunities.
- Fort Collins: The City of Fort Collins has programs aimed at increasing opportunities for minority-owned businesses to participate in city procurement and contracting.
- Boulder: The City of Boulder has various programs and initiatives to support diverse businesses, including minority-owned businesses, in their procurement efforts.

The first cities in the list above are the 4 largest cities in Colorado. Boulder is the 8th largest city. We recognize there are several efforts being conducted by the Lakewood Economic Development Team and perhaps Lakewood should be on this list. While we will address this later in our recommendations, what seems to be missing is a policy and/or coordination that ties the development work, the mentoring and outreach work to the procurement efforts.

The conclusion we drew from the above is that Lakewood is an outlier for a city of our size in terms of having a formal program or initiatives or at least collaborating with the MBO so that they become aware of the various on-going efforts being performed and can be added to the list.

**Most Common Actions Taken by Other Cities**

Cities in both Colorado and across the U.S. who want to increase the awareness, participation and provide support to W/MBEs do a variety of things. From our research, it appears that in order to make an impact in a city’s inclusivity efforts that the actions are coordinated. From the city’s mission/vision statement to hiring or appointing a lead, such as a Diversity Equity and Inclusion (DEI) manager or similar, setting up policy and procedures, the engagement takes the form of a city program or a series of coordinated initiatives. Table 1 below describes the most consistent steps or actions that are typically part of a larger more comprehensive program to increase awareness and participation from W/MBEs in the city’s procurement program.

Table 1: Actions Cities Takes to Support W/MBEs

<b>Action</b>	<b>Details</b>
Commission a report on W/MBEs (much like this one through various sources).	Some of the bigger cities will commission a report such as this one from consultants or local universities. If they have a program for W/MBEs they evaluate the continuation of such programs or recommend updates. We read these reports and also related news stories, general information on W/MBEs and attempted to make recommendations that are tailored to the City of Lakewood. We strived to recommend actions that were achievable, expand on existing work and could be implemented with low to minimal costs.

<p>Set contracting goals</p>	<p>Establish aspirational goals. Cities tend to start by using their demographics data or disparity data to obtain W/MBE availability numbers. These goals are not quotas or mandates; they simply reflect the goals a city hopes to achieve and awards always go to best qualified firms. These goals are different and separate from any goals the Federal Government establishes for federal contracts. Cities follow the federal government set-aside rules when engaged in joint or dual city/federal contracts.</p>
<p>Keep statistics, publish those statistics and use the data.</p>	<p>Keep statistics on contract awards. Cities track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. For example, Lakewood could look something like this: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%). In 2024, women-owned businesses were awarded 10 city contracts from a total of 100 awarded contracts (10%). Then the city could do the same for minority-owned businesses. This data gives the city insight into areas they may need to target or do more outreach.</p>
<p>Hire/create position of diversity, equity, inclusion manager or similar more limited role focusing on disadvantaged businesses or someone to focus on an even larger role such as hiring, promotions, training.</p>	<p>Creates accountability and brings in a fresh or new perspective to look at things differently and perhaps to try different things.</p>
<p>Hold workshops or training sessions.</p>	<p>These are posted on the city website and trade/affinity group websites and held regularly with the goal of teaching interested businesses how to obtain contracts with the city. The Lakewood Economic Development team is already doing some of this work.</p>
<p>Utilize existing resources in the community to connect W/MBEs and others to mentors, funding sources and other similar business owners.</p>	<p>Other cities include links on their city website to such resources. City staff learns about trade/affinity/support groups then meets/partners to discuss challenges and also to create opportunities with the purpose to create and grow small businesses in our community. Lakewood is doing some of this, so perhaps it's more of expanding the</p>



	ongoing work.
Host or participate in small business coffee sessions or small business talk sessions.	Another way to bring small businesses together for networking, finding mentors, etc., while also taking the time to educate these businesses on opportunities to contract with the city. These are more informal in nature and appeal to social aspects vs educational sessions. Can also include speaking at various local Chambers of Commerce.
Highlight W/MBEs owned by residents of the city.	This creates awareness of existing W/MBEs, perhaps encourages patronage of such businesses and could serve as inspiration for future W/MBEs. We see new businesses mentioned in Looking @ Lakewood, but what about other social media sites, partner sites, the city website, etc.
Gather data (Disparity Study/Availability Study) usually from the closest big city/metro area. For Lakewood, the city could use Denver's Disparity study (addresses the Metro area).	Determine how the disparity numbers and availability numbers apply to Lakewood. Our initial evaluation is that the Metro numbers can be used by Lakewood.
Partner with another city or the county. Especially when using certification programs.	Some cities partner with nearby cities especially if they are part of a larger Metro area. The partnering can include sharing data, certification programs, lessons-learned, certification forms, training, etc.

### **Full List of Recommendations/Ideas**

We conducted extensive research on this topic gathering ideas from cities large and small. We thought it was important to share the full list of actions and ideas. What follows is the list of ideas and additional recommendations. The total list of ideas and recommendations total 16 with some having multiple parts. Some can be done in phases and some likely require more research. We recognize and appreciate the work the city has already implemented such as the website

translator and their on-going outreach and training efforts and we highlight these completed actions.

1. City should keep data on contract awards (both dollar amount and percentage amount). Without data, the city doesn't know where they stand. Some suggested software programs that can assist the city to track the data, mine the data and analyze the data can be found here: [Best Government Diversity, Equity, and Inclusion \(DEI\) Analytics Software - 2023 Reviews & Comparison \(sourceforge.net\)](#) .

2. The city should engage in more outreach to more W/MBEs.

a. This could include outreach through trade/affinity groups such as (percentage of Lakewood's population is noted in parentheses):

i. Hispanic Chamber of Commerce (23%)

<https://www.hispanicchamberdenver.com>

ii. Women's Chamber of Commerce (50%)

<https://www.cwcc.org>

iii. Asian Chamber of Commerce (3.9%)

<https://www.acccolorado.org>

iv. Colorado Black Chamber of Commerce (1.8%)

<https://www.coloradoblackchamber.org>

v. Other suggested groups to explore and expand outreach efforts include Veterans' groups, businesses owned or having employees who are persons with disabilities, LGBTQ+ owned or LGBTQ+ employees, etc.

Colorado LGBTQ Chamber of Commerce

<https://www.colgbtqcc.org>

Colorado Office of Economic Development and International Trade  
Minority Business Directory

<https://www.oedit.colorado.gov/minority-business-directory>

b. The city could also conduct workshops on the process of applying and doing business with the city. (Partially accomplished and ongoing. Some of this

is already happening as captured in “Looking at Lakewood” April 2023 and July 2023 editions.)

c. The city could also enhance their website through the use of language translators to achieve more outreach. The City of Boulder is a good example, but if further research is required, this could be assigned as a follow-on project to the LAC. ([Accomplished. The City of Lakewood website as of March 2023 has a translator option.](#))

d. The city could work and partner with the organizations listed in (a) above and ask if they could place RFPs or other opportunities and information on their specific sites.

e. Another follow-on potential assignment for the City Staff or the LAC is to research what are the top social media or other media sites utilized by Asian-owned, Hispanic-owned, Black-owned, Women-owned and Veteran-owned businesses and then the city could place the RFPs/links/opportunities on these sites. This could include possibly placing public service announcements or advertisements on Spanish-speaking radio stations.

3. Utilize data and programs from neighboring cities, especially Denver which is a bigger city with more resources. They maintain a list of W/MBEs. Perhaps when the city of Lakewood is reaching out to 3 firms for quotes, they could ensure at least one firm is from this list. Denver also conducts workshops; Lakewood city staff might be able to attend these Denver workshops as samples or resources as they build their own workshops.

The City/County of Denver utilizes a comprehensive certification program for women, minority, veteran-owned businesses. They also perform a validation of the certifications. The details of their program can be found on their Division of Small Business Opportunity (DSBO) website which is listed in the references. Of note, the representatives from the City/County of Denver are willing to share and partner with the City of Lakewood.

4. Being an inclusive city is a deliberate, thoughtful and on-going process. As such we recommend the following actions:

- a. Recommend the city update its mission/vision statement to include the goal that the city is building an inclusive community.
- b. Next we recommend the city establish aspirational contracting award goals using Census data or Disparity data from the Metro area. These goals are not quotas; they are simply proportional goals in writing that make it clear that the city of Lakewood wants to include everyone in contract awards and distribution of city funds with the understanding that the most qualified will be selected. We found

that it is critically important to define the terms so that everyone has a clear understanding of the procedure, policy and expectations.

- c. Included in this overall process recommendation is the hiring or appointing existing staff to be the coordinator for inclusive outreach and contracting. This role could be in the form of a Diversity, Equity and Inclusion Manager to work on the overall procurement process to include the outreach or could be broader to include all Lakewood to champion diversity, equity and inclusion across all the City's programs and services. Our research has shown that a program with the aim of trying to achieve inclusiveness and equity only has a good success rate when there is someone to be accountable and someone who champions the program. Hiring or appointing someone to a more limited role such as "Disadvantaged Small Business Liaison" could work and the option is used by the City of Ft Collins. Appointing several "Equity Champions" from across departments, who meet frequently, to discuss blind spots, next steps, the data and more as is being done in the City of Aurora, CO and is yet another option. The City of Lakewood is already doing a lot and achieving substantial success; however, the MBO of Colorado doesn't include Lakewood on its list of cities and perhaps it's due to Lakewood not having a person assigned to one of the roles listed above.

5. Update the city's procurement policies and procedures to match any recommendations adopted by this report. For example, gathering and maintaining data and statistics on all city contract awards is something we highly recommend and is very common practice throughout the country. The 5-months worth of data the city provided to us was very helpful and we hope it was also helpful to the procurement staff, the Economic Development team, the Mayor and City Council, etc.

Other areas to review for enhancements are the procurement processes themselves. For example: Does selection rely too heavily on positive past history doing business with the city? Can the city declare an aspirational goal for awarding contracts to firms who have never done business with the city? In reviewing the dollar thresholds and requirements to purchase we have some minor recommendations for consideration:

- a. Currently for purchases under \$10K, it's buyer's discretion. Suggestion: This seems like an area that could be further evaluated for possible improvements to engage with firms who have never been awarded a city procurement or contract. While there are some risks to engaging with new businesses, the low dollar amount may lend itself to taking on some risks. Can the city buyers be provided a list of W/MBEs and new businesses for their consideration? Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver.

Inclusiveness includes doing business with new businesses regardless of their race, gender or ethnic status.

- b. Currently for purchase between \$10K and \$74.9K city buyers must obtain 3 quotes or submit a sole source justification. Suggestion: We recommend that the city buyers be provided with a list of W/MBEs. Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver. The most qualified firm should always be selected. We recognize that contracting with new firms can involve some risks. Some risks of trying new businesses who are new to city contracting can include: the firms going through a learning curve, potentially lower quality or inability to timely completion of the job. However, it can also include potentially some benefits to the city, such as increased innovation and lower costs.
- c. Above \$75K is a very formalized process and selections are made as a group. When combined with federal funding they may be subject to set-aside provisions. Recommendation: Proceed as is.

6. W/MBEs often struggle to secure funding to start their business, again in their early years of existence to sustain their business and perhaps struggle even more to expand their business. Perhaps the city could also bring in representatives from Small Business Administration (SBA), banks and credit unions to conduct workshops on obtaining funding. Partner with mentors to conduct workshops on obtaining funding. Setup a follow-on program where protégés are then expected to become mentors.

7. Related to the above perhaps the city could host a business forum for women, minority and veteran owned businesses where they could all meet, network and share stories among themselves. Or the city could send economic development team representatives to the various chamber of commerce events.

8. During contract selection/deliberations, perhaps additional consideration (priority) is given to firms who use as subcontractors who are W/MBEs. Perhaps this could result in mentor-protégé relationships that could develop the pipeline for more W/MBEs to become prime contractors. We believe ideas like this and others' ideas that may come from city staff, community members, and others could help businesses that are just starting out and possibly create a pipeline of future contractors.

9. The city of Colorado Springs does engage in various efforts to help W/MBEs. One of the interesting actions is they highlight women-owned businesses on its "Visit Colorado Springs"

website. Perhaps Lakewood could do the same on the city website as we do not have a dedicated tourism site. While Lakewood does highlight new businesses in Looking @ Lakewood newspaper, perhaps the city could expand on this to the city website and other social media sites.

10. On the Pueblo County website, they explain why after 30-years of research and discussion there is still a need for programs that assist W/MBEs and Disadvantaged Small Businesses. While the data is from 2010, some things like lack of mentors and difficulty in getting funding still are reported on and discussed today and we found confirmed this with more recent reports and news articles. It was unclear exactly what the City/County of Pueblo are doing in regards to assisting W/MBEs. The 2018 Study by the City of Ft. Collins lists some of the same issues and challenges facing W/MBEs and their study provides additional information. The City of Ft. Collins does have a W/MBE program.

11. The city of Edmonds, WA describes on their website that small businesses are the backbone of the economy. They engage in strengthening opportunities for small and diverse businesses. They believe doing this not only strengthens the local economy, it supports the community, improves the quality of life for everyone and having more participants increases competition and innovation while lowering costs.

12. Require certification from women/minority/veteran-owned business enterprises. A program and database can be created or the city can use one that exists, such as the city of Denver's program. The Denver Reps we talked to said they are willing to engage in some sort of reciprocity agreement. This will likely require more city staffing to manage the program, check certifications, etc. Staffing requirements would be less if the city enters a partnership agreement.

13. Another recommendation would be to have a Lakewood certification form without a formal certification program that would collect data about businesses that do contract with the city. The informal program could gather information about the businesses. If confirmation is desired, perhaps this could be confirmed by site visits that could be done by volunteers. The form below is overzealous but a modified form that could fit our city could work well. In addition, Denver and the State of Colorado have certification formats that we could use and encourage State wide consistency with certification.

[City of Oakland pdf doc.](#)

14. City should formalize the definitions for terms such as Women and Minority-owned Business Enterprise (W/MBE), Disadvantaged Business Enterprise (DBE), Veteran-owned Small Business (VOSB) and others. While the SBA website is an excellent source of the definitions, we recognize some cities further define or expand on these definitions. It is important for all involved to know the definitions being used. These terms and definitions become important in the data collection and reporting process and also in the certification program, should the city decide to pursue this option. Of note, using the city data for awards they made during April 2023

further pointed-out the need for consistent and clear definitions so the data is captured effectively. We were not sure how to capture firms that are both women-owned and minority-owned so we ended up creating a third category called both.

15. Model the Federal Government. We don't have to redesign the wheel. [Disadvantaged Business Enterprise Program Requirements | US EPA](#) or [GSA Announces Actions to Advance Equity and Supplier Diversity in Federal Procurement | GSA](#)

16. Related to above, the City of Lakewood has the 2nd most concentration of Federal employees in the country located at the Federal Center. City should explore more collaboration efforts with the federal government. Perhaps the collaboration could lead to establishing an incubator to help create more minority and women owned businesses and jobs right here.

### Top 5 Recommendations

Based on our research and investigating what other cities have implemented and then tailoring to the City of Lakewood, we developed our Top 5 recommendations. We believe these recommendations can have an impact both quickly and with minimal costs. Table 2 below lists our top five recommendations for the City of Lakewood to consider in further improving the awareness and participation of W/MBEs.

Table 2: Top 5 Recommendations

Recommended Action	Justification/Benefits
1. Gather and keep statistics and use the data to refine the W/MBE program, the goals, the outreach, etc. Publish those statistics on the city website.	Cities keep statistics on all contract awards to ensure transparency. Without data it is difficult to know how the city is doing. We recommend the city at minimum track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. Examples of data could include: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%) and Hispanic-owned businesses were awarded 10 city contracts from a total of 100 city contracts (10%). This data gives the city insight into areas they may need to target or do more outreach.

<p>2. Evaluate hiring/assigning a coordinator to more efficiently coordinate the initiatives or beginnings or a program the city already has on-going. There are many things happening already. The 5-month's worth of data is indicative of what the city can achieve for a full year or more, once people hear about the city's achievements, we suspect many cities are going to want to speak to the city about how they can modify their programs.</p>	<p>A coordinated program has many benefits. Ties all the efforts together, creates a point person who continues to facilitate awareness, evaluates changes and improvements and continues to look for blind spots. Person in the position, using data, generates new ideas on what the city could do differently or better to reach more W/MBEs and start expanding to others such as veteran-owned businesses and others.</p> <p>There are more options, like a more limited role such as the City of Ft Collins has done. Another option taken from the city of Aurora would be to establish 2 champions (co-coordinators) such as the head of the city procurement and the head of the Economic Development team to continually discuss the data, ideas and resources.</p>
<p>3. City to conduct training, workshops and various outreach efforts to increase the numbers of W/MBEs businesses and participation in the City contracting process.</p>	<p>Some of this is already being done by Lakewood's Economic Development team. Expand efforts, do more workshops and outreach geared towards businesses interested in doing business with the city. Partner with various affinity groups listed in this report as possible sources to post opportunities or conduct some mentoring and more outreach. Also consider partnering with the State of Colorado and Small Business Administration. Small businesses are crucial to the economy.</p>
<p>4. Establish partnerships with the City &amp; County of Denver and Jefferson County.</p>	<p>We had several guest speakers come and share their programs with the LAC. Both the City &amp; County of Denver and Jefferson County are willing to share their expertise, lessons-learned, even their certification program with the City of Lakewood. There are abundant opportunities so that the city does not have to recreate the wheel nor duplicate efforts. Partnering can also save the city money by not having to hire a lot of additional staff.</p>



<p>5. Establish aspirational contracting goals.</p>	<p>Establish goals using demographics of current state business owners is a starting place (see references) and further refine using the Metro area Disparity Study and Availability numbers. We did some of this research and recommend using as aspirational goals that our neighbors with robust programs have achieved; therefore, <b>5-8%</b> contracting goal for Women-owned businesses and the same <b>5-8%</b> goal for Minority-owned businesses. Goals could be added to include Veteran-owned businesses and others. The contract award data suggests the city is already exceeding these aspirational goals, but 12-months of data should be used. If goals are being met, they can be raised to the next level which is 9-12%. The data suggests 20-24% of businesses who provide goods and services that cities utilize are W/MBEs.</p>
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**Conclusion**

Based on the 5-months worth data we were provided, the City of Lakewood is already doing an excellent job in awarding contracts to W/MBEs. While 12-months worth of data would have been preferable to draw more accurate conclusions, so far the city is exceeding the aspirational goals that most cities and federal agencies place on themselves. The city should continue to gather and maintain its contract award data, there could be a great story of success here that the city should be proud to showcase and share with others.

While the data looks good, we are recommending further steps that the city could implement to increase both the awareness and opportunities for W/MBEs. This in turn could lead to a strengthening of our local economy, increase competition and lower costs to the City of Lakewood. The research also suggests that awarding city contracts to a large range of businesses increases civic pride and creates a feeling of inclusiveness.

**Appreciation**

We LAC, Diversity Committee, appreciate this first assignment for our committee. We'd like to thank the Mayor and City Council for assigning us this project, especially Counselor Jeslin Shahrezaei for preparing and submitting this assignment to the LAC. We'd also like to thank Mary O'Halloran, City of Lakewood Procurement Supervisor for sharing her expertise and for gathering multiple iterations of data for us to evaluate. We'd also like to thank Jay Robb, the City Clerk, for all his support and contacts across the Metro area and beyond. Our deep appreciation to Marika Sitz, Diversity, Equity and Inclusion Manager, Jefferson County and to

Alexis Nightengale and Brittany Eroen from the Division of Small Business Opportunity, City and County of Denver.

### **References:**

Countless hours were spent by the team researching other cities' websites and commissioned studies in order for us to develop some recommendations that we think are appropriate for the City of Lakewood. Below are many of the links used, including links to reports, news stories and general information.

<https://www.denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Economic-Development-Opportunity/Business-Owners-Entrepreneurs/Do-Business-with-the-City/Frequently-Asked-Questions/About-DSBO>

- Division of Small Business Opportunity (DSBO) website, City/County of Denver

<https://oedit.colorado.gov/minority-business-office-of-colorado>

- General information from the Minority Business Office of Colorado, a division of Office of Economic Development and International Trade (OEDIT)

<https://oedit.colorado.gov/minority-owned-businesses>

- Specific OEDIT information including a list of minority owned businesses

<https://www.governing.com/cityaccelerator/cohort4>

- Helpful publication from City Accelerator:

<https://19thnews.org/2021/06/small-business-administration-contracts-woman-owned-businesses-for-decades/>

- Article on history of Federal contracts to WBEs and what the SBA has done

<https://www.mbda.gov/tags/disparity-studies>

- Compilation of multiple Disparity Studies across the US by Department of Commerce

<https://cao-94612.s3.amazonaws.com/documents/City-of-Oakland-Draft-Disparity-Study.pdf>

- Disparity Study- has information on what is legally allowed as well as analysis of Oakland's actual disparities.

<https://www.oaklandca.gov/documents/contracts-and-compliance-forms-and-schedules>

- City of Oakland's Contracts Schedules which include questions about race/ethnicity and

gender of business owners:

<https://www.open-contracting.org/2020/11/19/new-report-a-procurement-path-to-equity/>

- 5 Ways cities can use purchasing power to help W/MBEs

<https://www.fastcompany.com/90298216/how-cities-can-support-minority-and-women-entrepreneurs-buy-things-from-them>

- How cities can support women owned businesses: buy things from them

<https://www.boston.gov/news/proposal-filed-expand-access-city-contracts-minority-and-women-owned-enterprises>

- City of Boston, Proposal file to expand access to city contracts

<https://www.edmondswa.gov/cms/One.aspx?portalId=16495016&pageId=17269271>

- City of Edmonds, Diversity, Equity and Inclusion Commission. Ideas of things Lakewood may want to consider such as a film series.

<https://bellevuewa.gov/city-government/departments/city-managers-office/diversity-advantage-initiative>

- City of Bellevue, their Diversity Advantage Initiative

<https://www.fcgov.com/>

- City of Ft. Collins, CO. General site with links to 2018 Small Business Survey and Public Notice on contracting goals on dual/partner Federal contracts.

<https://www.visitcos.com/blog/women-owned-businesses-resources/>

- Visit Colorado Springs website highlighting women-owned businesses

<https://county.pueblo.org/energy-and-economic-development/minority-owned-business-resources>

- Pueblo County, CO website with resources for minority-owned businesses

<https://www.talgov.com/diversityinclusion/divinhome>

- City of Tallahassee, their Diversity Initiatives and Plans

<https://www.portseattle.org/business/bid-opportunities>

- Port of Seattle information

<https://cuyahogacounty.us/fightracism>

- Cuyahoga County Links

<http://accaweb.org/>

- American Contract Compliance Association

<https://goodfoodpurchasing.org/>

- Good Food purchasing programs in some cities.

<https://www.governing.com/cityaccelerator/blog/cities-purchase-power-people-color-minorities-lc.html>

- 5 Ways Cities can use their purchasing power to support minority-owned businesses

[https://hwpi.harvard.edu/files/govlabs/files/strategies\\_for\\_improving\\_vendor\\_diversity\\_brief.pdf](https://hwpi.harvard.edu/files/govlabs/files/strategies_for_improving_vendor_diversity_brief.pdf)

- A paper with strategies for improving vendor diversity.

<https://www.thewomenofdenver.com/>

- Women of Denver - a connection platform for women in Colorado to build their network; they also offer free mentoring and advice to women business owners by other women business owners.

<https://micasaresourcecenter.org/>

- Mi Casa Resource Center offers free coaching and consulting to Hispanic/Latino small businesses and entrepreneurs.

Here is [Find a minority, woman, or disabled-owned business | Services | City of Philadelphia](#)

- An example from Philadelphia to search for W/MBEs and disabled-owned businesses.

“A [1989 Supreme Court ruling](#) established that cities may only overtly work to support minority-owned businesses if they can prove a history of discrimination in city contracts.”

- What we are recommending is different but we leave this reference here for historical context.

Cities like Los Angeles and Chicago set up portals where new contracting opportunities could be posted well in advance, so smaller firms could learn how to bid on them. Also, rather than issuing a single contract to a large firm, the accelerator cities are breaking up contracts into smaller projects that a cohort of local businesses could tackle. Smaller contracts help the city establish relationships with more diverse vendors, who can use the revenue stream to grow their business. Improving procurements and [city accelerator](#)

The federal government has very specific goals for small businesses. Agencies have various

procurement programs set aside or earmark a certain percentage of contract dollars that must go to small businesses. The federal government has contracts called total small business set-asides, which are exclusively set aside for small businesses. See SBA website for details ([sba.gov](http://sba.gov)) They have the Women-Owned Small Businesses ([WOSB certification](#)), which is limited to women who are certified as WOSB.”

[Washington State's](#) equity of public spending showing what the State of Washington is doing.

[Seattle WA is](#) really interesting ... you can read public meeting minutes on how their Advisory committee was working through some of these same issues.

Seattle’s Priority Hiring Program - [Priority Hire Program](#)

[Equity Considerations — Equity Resource Hub](#)

- A resource on equity with questions to consider.

[EquitableDecisionMakingTool.pdf \(clark.edu\)](#)

- A series of questions, many of which are thought-provoking.

City of [Boulder](#) website, it translates the site into many languages.

Other translation services: [Translation services](#) or you can try [google translate](#)

<https://www.thomsonreuters.com/en-us/posts/news-and-media/government-procurement-dei/>

- Article on How Government Procurement Helps with Diversity, Equity and Inclusion, including a link to a procurement tracker used by the city of Tacoma, WA:

<https://sloanreview.mit.edu/article/how-procurement-can-strengthen-diversity-and-inclusion/>

- Article by the MIT Sloan School of Management on how Procurement can Strengthen Diversity and Inclusion:

<https://buildinginnovationhub.org/resource/find-a-qualified-vendor/high-road-contracting/>

- High-Road Contracting Too, a tool to help find qualified vendors:

### **Additional Links/Information:**

The Request from the City Council that generated this paper.

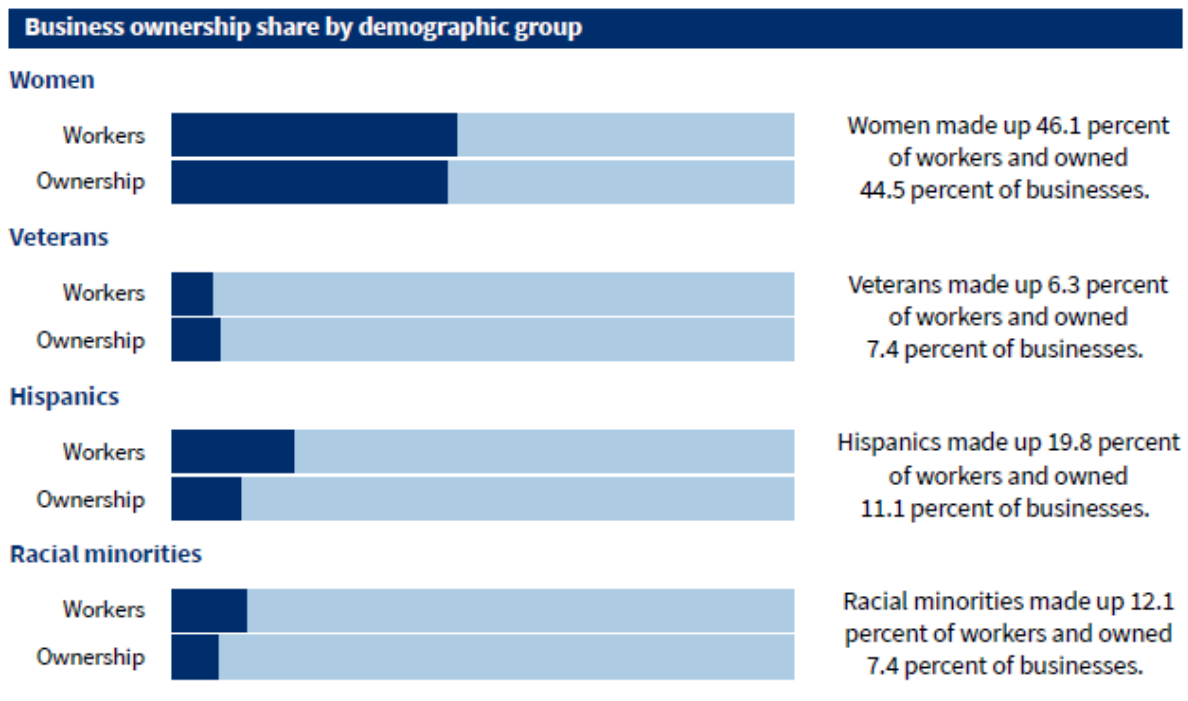
[City docs](#) click on this link to read the request and the current city docs.

[LAC Diversity Committee - Zoom](#) April 19, 2023 committee meeting video with City and County of Denver - Alexis Nightengale and Brittany Eroen

[LAC Diversity Committee - Zoom](#) March 22, 2023 committee meeting with Jefferson County DEI Manager - Marika Sitz

### **Graphical References:**

#### **Business Ownership by Demographic Group (State of Colorado)**



Ownership shares include equal and majority ownership

Sources of data: [American Community Survey, 2018](#) (Census and IPUMS); [Annual Business Survey, 2018](#) (Census);

[Nonemployer Statistics by Demographics, 2017](#) (Census)

**Contract Awards by the City of Lakewood (Partial 2023)**

<b>Month</b>	<b>Minority Owned (MO)</b>	<b>Woman Owned (WO)</b>	<b>Both MO &amp; WO</b>	<b>Total MO WO &amp; Combo</b>	<b>Total Contracts Awarded</b>	<b>Percent Awarded to MBEs</b>
<b>April</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>10</b>	<b>55</b>	<b>18.2%</b>
<b>May</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>7</b>	<b>46</b>	<b>15.2%</b>
<b>June</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>33</b>	<b>9.1%</b>
<b>July</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>42</b>	<b>7.1%</b>
<b>August</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>14</b>	<b>38</b>	<b>36.8%</b>
<b>Totals</b>	<b>11</b>	<b>15</b>	<b>11</b>	<b>37</b>	<b>214</b>	
<b>5-Month Average</b>						<b>17.3%</b>

**Notes:**

Contracts listed include Contractual Service Agreements, Professional Services Agreements, Bids, Requests for Proposals, Requests for Qualifications and Purchase Orders.

Totals contracts awarded excludes contracts to/with government entities and educational institutions.



Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

**Question/Request:**

Jeslin Shahrezaei: I would like to see a procedure/policy for women and minority-owned businesses to have equitable access to contract bids for Lakewood through the procurement process.

**Staff Response:**

We welcome and appreciate the above question/request.

**Policy Review:** LAC's research confirmed the City of Lakewood's purchasing policy is consistent with other municipalities, such as Denver. The City of Lakewood currently has a policy and follows in practice an open, fair, equitable and competitive process in which there are many steps taken to ensure this is an equitable process for all parties.

**Opportunity:** Although staff have confidence the purchasing process does give fair access to the bidding process, we also see an opportunity to improve equitable awareness of the opportunities to bid at the City of Lakewood and increase an understanding of the bidding process for diverse groups. The LAC research and recommendations will be helpful in pursuing this opportunity.

There are currently several efforts done by the Economic Development Department that tailor to diversity. As the LAC reported, Economic Development provides training and workshops, peer to peer mentoring, Jumpstart (funding source) and resources as well as the city's website now has a translator. However, we agree, the city can do more.

From the LAC top five recommendations Purchasing and Economic Development are planning to pursue the following:

- 1. Statistics & Data Gathering:** It is important to keep the award process unbiased. However, gathering data on the award outcome is important for Lakewood to determine current diversity of awards and tracking if the education efforts are changing the statistics. Recently it was added to the bid process that Women and Minority owned businesses could self-report so that we can track the % of awarded contracts. Staff gave this information to LAC for April 2023 which was the first month of collecting the data. Since then, staff provided to LAC the data through October. (See chart)



Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

MONTH	MINORITY OWNED	WOMEN OWNED	BOTH W/O and M/O	TOTAL	TOTAL CONTRACTS AWARDED	% CONTRACTS AWARDED TO MINORITY OR WOMEN OWNED
April	3	4	3	10	55	18.2%
May	3	3	1	7	46	15.2%
June	0	1	2	3	33	9.1%
July	0	2	1	3	42	7.1%
August	5	5	4	14	38	36.8%
September	3	8	6	17	47	36.2%
October	3	2	0	5	32	15.6%
<b>TOTALS</b>	<b>14</b>	<b>23</b>	<b>17</b>	<b>54</b>	<b>261</b>	
<b>AVERGAGE % (7-mo period)</b>						<b>19.75%</b>

This is something we will need to track over a longer period of time, but initially the data shows Lakewood is exceeding the State of Co, City of Denver and Federal Government awards on average. These three entities have formal diversity programs and award between 4.6% - 8.4% per the LAC research. It is important including other diversity groups in the data collection such as veterans, disabled, LGBTQ+ etc.

The City will continue to accumulate statistics and use the findings to determine the diversity of awards and make adjustments to education.

2. **Coordinated and Aligned (Transparent and Results Oriented):** Once the city has collected more data Purchasing and Economic Development will be evaluating the workshops & outreach, engage in partnerships, and look for opportunities for change/improvement.
  
3. **Training, workshops & Outreach:** Currently the city’s Economic Development Department provides various outreach to local businesses and Chambers of Commerce as mentioned above. Purchasing and Economic Development will enhance outreach to businesses interested in doing business with the City of Lakewood. They will be providing brochures for businesses and widening the outreach to more groups and multiple forms of communication. Additionally, the purchasing team will be reviewing the city website to provide more prominent/accessible links and frequently asked questions.

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4. **More Partnerships:** Excellent idea from LAC. We want to leverage what others are doing and expand our partnerships.
  
5. **Establish Aspirational Goals:** As stated by the LAC the current stats indicated the city is within or exceeds the 5-8% range from the State/Metro area studies. The team that reviews the statistics, as mentioned in item 2, will recommend goals.

**Reporting Back:** The staff recommend reporting back after one year of tracking and making changes.

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 6**

To: Mayor and City Council

From:

Subject:

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**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:** LAC Report - Diversity Subcommittee Assignment #2022-06  
Staff Response to LAC WMBE Research

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

# Lakewood Advisory Commission Report

## **Research and Recommendations on Women / Minority Owned Business Enterprises**

Diversity Committee  
September 2023

*ASSIGNMENT #2022-06: WOMEN / MINORITY OWNED BUSINESSES*

“Welcome, we are building an inclusive community” - street sign as you enter Lakewood, CO.

### **Introduction**

The Lakewood Advisory Commission (LAC) is a group of informed citizen volunteers who perform research for the city council. City Council assigned the LAC, specifically the Diversity Committee, with a project to: (1) investigate what other cities are doing to increase the awareness and participation of Women and Minority Owned Businesses Enterprises (W/MBEs) in city procurements and (2) make recommendations to the city council for possible adoption into the Lakewood Municipal Code and related policies.

### **Executive Summary**

There is no shortage of information on this topic from both a historical context and what currently other cities are currently doing to increase awareness and participation of W/MBEs in competing and obtaining city contracts. We include a list of what neighboring cities are doing, as well as a list of the most recurring ideas and actions that cities around the country are taking and the goals they are striving to achieve. Based on our research and the 5-month's worth of data the City of Lakewood provided to us, the City of Lakewood is already doing a good job of awarding contracts to W/MBEs.

Since it was requested that we make recommendations based on our findings, we developed our top five recommendations for the Mayor and City Council to consider. Our Top 5 recommendations are: (1) gather and use data, (2) hire or appoint a program manager/coordinator, (3) conduct training and workshops, (4) engage in various partnerships and

(5) establish aspirational goals. In addition, there are more ideas or follow-on recommendations listed in this report that could be added or done later, perhaps in phases. Some of the additional ideas may require further research and we are happy to continue this research work.

## **Background**

The project began with all members of the Diversity Committee casting a wide net by conducting internet research, not only on what other cities are doing, while also inquiring about the current status of awards to W/MBEs by the City of Lakewood. We met with the City of Lakewood's Purchasing Supervisor to learn more about how procurements and contracting are handled now. We inquired about data the city gathers and learned the city does not keep data separated by women or minorities, but the Purchasing Supervisor agreed to gather data for us. Initially we were provided with 1-month's worth of data and then subsequently later in the year we were provided with 5-months' worth of data. The additional data was useful but it did cause a delay in our ability to present the report to the Mayor and City Council.

We also reached out to Jefferson County and the City and County of Denver to learn more about what they are doing around the subject of contracting with W/MBEs and met with their representatives. We also read studies and reports commissioned by other cities on this topic. For example, the State of Colorado engaged with the Keen Independent Research LLC to conduct a disparity study titled, "2020 State of Colorado Disparity Study." This 700+ page report documents the results they found and makes recommendations. The report attempts to outline methods that create a level playing field for historically disadvantaged businesses (HUBs) to compete for State contracts. Senate Bill 19-135 defined HUBs to be businesses owned by people of color, women, persons with physical or mental disabilities and members of the LGBT+ community.

Another study we examined was titled, "Recommendations for the City of Austin's Minority and Women-Owned Business Enterprise Program 2022" commissioned by the City of Austin, Texas. A much smaller, 22-page report, it reviewed the existing program and outlined the importance of revisiting any program on a periodic basis. The City of Ft. Collins' report titled, "Small Business Survey: Summary of Results" from 2018 was another good source of information. The websites from the City of Aurora, CO and the City of Colorado Springs and their related information were also reviewed and gave us more ideas to evaluate.

By having the LAC perform this research, the city likely saved thousands of dollars in taxpayer funding. We found our larger neighbors in the City and County of Denver to be potentially great collaborators of several recommendations by their willingness to engage in reciprocity agreements with the City of Lakewood in sharing not only best practices and lessons learned but also potentially their certification program. If Lakewood chooses to engage in this partnership, it

will likely save potentially millions of taxpayer dollars by not having to create, staff and administer such a program. Jefferson County was also willing to have discussions and assist the city in various ways. The State of Colorado also has resources and programs that Lakewood should explore further, including the possibility of obtaining grants and other support.

A question asked of our Committee was, why should the City of Lakewood look to expand the awareness, outreach and subsequently awards to a large variety of business owners? The answer is because of the many benefits both tangible and intangible. First, in regards to small businesses, small businesses are a key and integral part of the economy. Nationally they hire 2/3 of the employees and represent 44% of the overall economic activity. Second, engaging with new businesses increases competition and innovation and should lower procurement costs to the city. Third, our reading and research suggests that city contracting efforts with numbers that are reflective of all the city's diverse business owners increases civic pride, enhances the connection among residents and increases community engagement.

## **Cities in Colorado**

While we looked at what other cities are doing across the country, we later focused our research efforts on what our neighbors within the state are doing in regards to W/MBEs. Since Lakewood is the fifth largest city in the State of Colorado, we wanted to know how we compare to similar cities in our state.

As of 2021, these are the cities in Colorado with minority-owned business procurement programs or initiatives. Some may be missing if they are not in collaboration or promoting resources from or through the state's Minority Business Office (MBO) of Colorado. The cities with program and/or initiatives are:

- Denver: The City and County of Denver has a Minority and Women Business Enterprise (M/WBE) Program that seeks to increase the utilization of M/WBEs in city contracting and purchasing.
- Colorado Springs: The City of Colorado Springs has a Minority Business Enterprise (MBE) Program to enhance opportunities for minority-owned businesses in city contracting.
- Aurora: The City of Aurora has a Minority and Women Business Enterprise (M/WBE) Program to promote and assist M/WBEs in accessing city contract opportunities.
- Fort Collins: The City of Fort Collins has programs aimed at increasing opportunities for minority-owned businesses to participate in city procurement and contracting.
- Boulder: The City of Boulder has various programs and initiatives to support diverse businesses, including minority-owned businesses, in their procurement efforts.

The first cities in the list above are the 4 largest cities in Colorado. Boulder is the 8th largest city. We recognize there are several efforts being conducted by the Lakewood Economic Development Team and perhaps Lakewood should be on this list. While we will address this later in our recommendations, what seems to be missing is a policy and/or coordination that ties the development work, the mentoring and outreach work to the procurement efforts.

The conclusion we drew from the above is that Lakewood is an outlier for a city of our size in terms of having a formal program or initiatives or at least collaborating with the MBO so that they become aware of the various on-going efforts being performed and can be added to the list.

**Most Common Actions Taken by Other Cities**

Cities in both Colorado and across the U.S. who want to increase the awareness, participation and provide support to W/MBEs do a variety of things. From our research, it appears that in order to make an impact in a city’s inclusivity efforts that the actions are coordinated. From the city’s mission/vision statement to hiring or appointing a lead, such as a Diversity Equity and Inclusion (DEI) manager or similar, setting up policy and procedures, the engagement takes the form of a city program or a series of coordinated initiatives. Table 1 below describes the most consistent steps or actions that are typically part of a larger more comprehensive program to increase awareness and participation from W/MBEs in the city’s procurement program.

Table 1: Actions Cities Takes to Support W/MBEs

<b>Action</b>	<b>Details</b>
Commission a report on W/MBEs (much like this one through various sources).	Some of the bigger cities will commission a report such as this one from consultants or local universities. If they have a program for W/MBEs they evaluate the continuation of such programs or recommend updates. We read these reports and also related news stories, general information on W/MBEs and attempted to make recommendations that are tailored to the City of Lakewood. We strived to recommend actions that were achievable, expand on existing work and could be implemented with low to minimal costs.

<p>Set contracting goals</p>	<p>Establish aspirational goals. Cities tend to start by using their demographics data or disparity data to obtain W/MBE availability numbers. These goals are not quotas or mandates; they simply reflect the goals a city hopes to achieve and awards always go to best qualified firms. These goals are different and separate from any goals the Federal Government establishes for federal contracts. Cities follow the federal government set-aside rules when engaged in joint or dual city/federal contracts.</p>
<p>Keep statistics, publish those statistics and use the data.</p>	<p>Keep statistics on contract awards. Cities track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. For example, Lakewood could look something like this: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%). In 2024, women-owned businesses were awarded 10 city contracts from a total of 100 awarded contracts (10%). Then the city could do the same for minority-owned businesses. This data gives the city insight into areas they may need to target or do more outreach.</p>
<p>Hire/create position of diversity, equity, inclusion manager or similar more limited role focusing on disadvantaged businesses or someone to focus on an even larger role such as hiring, promotions, training.</p>	<p>Creates accountability and brings in a fresh or new perspective to look at things differently and perhaps to try different things.</p>
<p>Hold workshops or training sessions.</p>	<p>These are posted on the city website and trade/affinity group websites and held regularly with the goal of teaching interested businesses how to obtain contracts with the city. The Lakewood Economic Development team is already doing some of this work.</p>
<p>Utilize existing resources in the community to connect W/MBEs and others to mentors, funding sources and other similar business owners.</p>	<p>Other cities include links on their city website to such resources. City staff learns about trade/affinity/support groups then meets/partners to discuss challenges and also to create opportunities with the purpose to create and grow small businesses in our community. Lakewood is doing some of this, so perhaps it's more of expanding the</p>



	ongoing work.
Host or participate in small business coffee sessions or small business talk sessions.	Another way to bring small businesses together for networking, finding mentors, etc., while also taking the time to educate these businesses on opportunities to contract with the city. These are more informal in nature and appeal to social aspects vs educational sessions. Can also include speaking at various local Chambers of Commerce.
Highlight W/MBEs owned by residents of the city.	This creates awareness of existing W/MBEs, perhaps encourages patronage of such businesses and could serve as inspiration for future W/MBEs. We see new businesses mentioned in Looking @ Lakewood, but what about other social media sites, partner sites, the city website, etc.
Gather data (Disparity Study/Availability Study) usually from the closest big city/metro area. For Lakewood, the city could use Denver's Disparity study (addresses the Metro area).	Determine how the disparity numbers and availability numbers apply to Lakewood. Our initial evaluation is that the Metro numbers can be used by Lakewood.
Partner with another city or the county. Especially when using certification programs.	Some cities partner with nearby cities especially if they are part of a larger Metro area. The partnering can include sharing data, certification programs, lessons-learned, certification forms, training, etc.

### **Full List of Recommendations/Ideas**

We conducted extensive research on this topic gathering ideas from cities large and small. We thought it was important to share the full list of actions and ideas. What follows is the list of ideas and additional recommendations. The total list of ideas and recommendations total 16 with some having multiple parts. Some can be done in phases and some likely require more research. We recognize and appreciate the work the city has already implemented such as the website

translator and their on-going outreach and training efforts and we highlight these completed actions.

1. City should keep data on contract awards (both dollar amount and percentage amount). Without data, the city doesn't know where they stand. Some suggested software programs that can assist the city to track the data, mine the data and analyze the data can be found here: [Best Government Diversity, Equity, and Inclusion \(DEI\) Analytics Software - 2023 Reviews & Comparison \(sourceforge.net\)](#) .

2. The city should engage in more outreach to more W/MBEs.

a. This could include outreach through trade/affinity groups such as (percentage of Lakewood's population is noted in parentheses):

i. Hispanic Chamber of Commerce (23%)

<https://www.hispanicchamberdenver.com>

ii. Women's Chamber of Commerce (50%)

<https://www.cwcc.org>

iii. Asian Chamber of Commerce (3.9%)

<https://www.acccolorado.org>

iv. Colorado Black Chamber of Commerce (1.8%)

<https://www.coloradoblackchamber.org>

v. Other suggested groups to explore and expand outreach efforts include Veterans' groups, businesses owned or having employees who are persons with disabilities, LGBTQ+ owned or LGBTQ+ employees, etc.

Colorado LGBTQ Chamber of Commerce

<https://www.colgbtqcc.org>

Colorado Office of Economic Development and International Trade  
Minority Business Directory

<https://www.oedit.colorado.gov/minority-business-directory>

b. The city could also conduct workshops on the process of applying and doing business with the city. (Partially accomplished and ongoing. Some of this

is already happening as captured in “Looking at Lakewood” April 2023 and July 2023 editions.)

c. The city could also enhance their website through the use of language translators to achieve more outreach. The City of Boulder is a good example, but if further research is required, this could be assigned as a follow-on project to the LAC. ([Accomplished. The City of Lakewood website as of March 2023 has a translator option.](#))

d. The city could work and partner with the organizations listed in (a) above and ask if they could place RFPs or other opportunities and information on their specific sites.

e. Another follow-on potential assignment for the City Staff or the LAC is to research what are the top social media or other media sites utilized by Asian-owned, Hispanic-owned, Black-owned, Women-owned and Veteran-owned businesses and then the city could place the RFPs/links/opportunities on these sites. This could include possibly placing public service announcements or advertisements on Spanish-speaking radio stations.

3. Utilize data and programs from neighboring cities, especially Denver which is a bigger city with more resources. They maintain a list of W/MBEs. Perhaps when the city of Lakewood is reaching out to 3 firms for quotes, they could ensure at least one firm is from this list. Denver also conducts workshops; Lakewood city staff might be able to attend these Denver workshops as samples or resources as they build their own workshops.

The City/County of Denver utilizes a comprehensive certification program for women, minority, veteran-owned businesses. They also perform a validation of the certifications. The details of their program can be found on their Division of Small Business Opportunity (DSBO) website which is listed in the references. Of note, the representatives from the City/County of Denver are willing to share and partner with the City of Lakewood.

4. Being an inclusive city is a deliberate, thoughtful and on-going process. As such we recommend the following actions:

- a. Recommend the city update its mission/vision statement to include the goal that the city is building an inclusive community.
- b. Next we recommend the city establish aspirational contracting award goals using Census data or Disparity data from the Metro area. These goals are not quotas; they are simply proportional goals in writing that make it clear that the city of Lakewood wants to include everyone in contract awards and distribution of city funds with the understanding that the most qualified will be selected. We found

that it is critically important to define the terms so that everyone has a clear understanding of the procedure, policy and expectations.

- c. Included in this overall process recommendation is the hiring or appointing existing staff to be the coordinator for inclusive outreach and contracting. This role could be in the form of a Diversity, Equity and Inclusion Manager to work on the overall procurement process to include the outreach or could be broader to include all Lakewood to champion diversity, equity and inclusion across all the City's programs and services. Our research has shown that a program with the aim of trying to achieve inclusiveness and equity only has a good success rate when there is someone to be accountable and someone who champions the program. Hiring or appointing someone to a more limited role such as "Disadvantaged Small Business Liaison" could work and the option is used by the City of Ft Collins. Appointing several "Equity Champions" from across departments, who meet frequently, to discuss blind spots, next steps, the data and more as is being done in the City of Aurora, CO and is yet another option. The City of Lakewood is already doing a lot and achieving substantial success; however, the MBO of Colorado doesn't include Lakewood on its list of cities and perhaps it's due to Lakewood not having a person assigned to one of the roles listed above.
5. Update the city's procurement policies and procedures to match any recommendations adopted by this report. For example, gathering and maintaining data and statistics on all city contract awards is something we highly recommend and is very common practice throughout the country. The 5-months worth of data the city provided to us was very helpful and we hope it was also helpful to the procurement staff, the Economic Development team, the Mayor and City Council, etc.

Other areas to review for enhancements are the procurement processes themselves. For example: Does selection rely too heavily on positive past history doing business with the city? Can the city declare an aspirational goal for awarding contracts to firms who have never done business with the city? In reviewing the dollar thresholds and requirements to purchase we have some minor recommendations for consideration:

- a. Currently for purchases under \$10K, it's buyer's discretion. Suggestion: This seems like an area that could be further evaluated for possible improvements to engage with firms who have never been awarded a city procurement or contract. While there are some risks to engaging with new businesses, the low dollar amount may lend itself to taking on some risks. Can the city buyers be provided a list of W/MBEs and new businesses for their consideration? Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver.

Inclusiveness includes doing business with new businesses regardless of their race, gender or ethnic status.

- b. Currently for purchase between \$10K and \$74.9K city buyers must obtain 3 quotes or submit a sole source justification. Suggestion: We recommend that the city buyers be provided with a list of W/MBEs. Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver. The most qualified firm should always be selected. We recognize that contracting with new firms can involve some risks. Some risks of trying new businesses who are new to city contracting can include: the firms going through a learning curve, potentially lower quality or inability to timely completion of the job. However, it can also include potentially some benefits to the city, such as increased innovation and lower costs.
- c. Above \$75K is a very formalized process and selections are made as a group. When combined with federal funding they may be subject to set-aside provisions. Recommendation: Proceed as is.

6. W/MBEs often struggle to secure funding to start their business, again in their early years of existence to sustain their business and perhaps struggle even more to expand their business. Perhaps the city could also bring in representatives from Small Business Administration (SBA), banks and credit unions to conduct workshops on obtaining funding. Partner with mentors to conduct workshops on obtaining funding. Setup a follow-on program where protégés are then expected to become mentors.

7. Related to the above perhaps the city could host a business forum for women, minority and veteran owned businesses where they could all meet, network and share stories among themselves. Or the city could send economic development team representatives to the various chamber of commerce events.

8. During contract selection/deliberations, perhaps additional consideration (priority) is given to firms who use as subcontractors who are W/MBEs. Perhaps this could result in mentor-protégé relationships that could develop the pipeline for more W/MBEs to become prime contractors. We believe ideas like this and others' ideas that may come from city staff, community members, and others could help businesses that are just starting out and possibly create a pipeline of future contractors.

9. The city of Colorado Springs does engage in various efforts to help W/MBEs. One of the interesting actions is they highlight women-owned businesses on its "Visit Colorado Springs"

website. Perhaps Lakewood could do the same on the city website as we do not have a dedicated tourism site. While Lakewood does highlight new businesses in Looking @ Lakewood newspaper, perhaps the city could expand on this to the city website and other social media sites.

10. On the Pueblo County website, they explain why after 30-years of research and discussion there is still a need for programs that assist W/MBEs and Disadvantaged Small Businesses. While the data is from 2010, some things like lack of mentors and difficulty in getting funding still are reported on and discussed today and we found confirmed this with more recent reports and news articles. It was unclear exactly what the City/County of Pueblo are doing in regards to assisting W/MBEs. The 2018 Study by the City of Ft. Collins lists some of the same issues and challenges facing W/MBEs and their study provides additional information. The City of Ft. Collins does have a W/MBE program.

11. The city of Edmonds, WA describes on their website that small businesses are the backbone of the economy. They engage in strengthening opportunities for small and diverse businesses. They believe doing this not only strengthens the local economy, it supports the community, improves the quality of life for everyone and having more participants increases competition and innovation while lowering costs.

12. Require certification from women/minority/veteran-owned business enterprises. A program and database can be created or the city can use one that exists, such as the city of Denver's program. The Denver Reps we talked to said they are willing to engage in some sort of reciprocity agreement. This will likely require more city staffing to manage the program, check certifications, etc. Staffing requirements would be less if the city enters a partnership agreement.

13. Another recommendation would be to have a Lakewood certification form without a formal certification program that would collect data about businesses that do contract with the city. The informal program could gather information about the businesses. If confirmation is desired, perhaps this could be confirmed by site visits that could be done by volunteers. The form below is overzealous but a modified form that could fit our city could work well. In addition, Denver and the State of Colorado have certification formats that we could use and encourage State wide consistency with certification.

[City of Oakland pdf doc.](#)

14. City should formalize the definitions for terms such as Women and Minority-owned Business Enterprise (W/MBE), Disadvantaged Business Enterprise (DBE), Veteran-owned Small Business (VOSB) and others. While the SBA website is an excellent source of the definitions, we recognize some cities further define or expand on these definitions. It is important for all involved to know the definitions being used. These terms and definitions become important in the data collection and reporting process and also in the certification program, should the city decide to pursue this option. Of note, using the city data for awards they made during April 2023

further pointed-out the need for consistent and clear definitions so the data is captured effectively. We were not sure how to capture firms that are both women-owned and minority-owned so we ended up creating a third category called both.

15. Model the Federal Government. We don't have to redesign the wheel. [Disadvantaged Business Enterprise Program Requirements | US EPA](#) or [GSA Announces Actions to Advance Equity and Supplier Diversity in Federal Procurement | GSA](#)

16. Related to above, the City of Lakewood has the 2nd most concentration of Federal employees in the country located at the Federal Center. City should explore more collaboration efforts with the federal government. Perhaps the collaboration could lead to establishing an incubator to help create more minority and women owned businesses and jobs right here.

### Top 5 Recommendations

Based on our research and investigating what other cities have implemented and then tailoring to the City of Lakewood, we developed our Top 5 recommendations. We believe these recommendations can have an impact both quickly and with minimal costs. Table 2 below lists our top five recommendations for the City of Lakewood to consider in further improving the awareness and participation of W/MBEs.

Table 2: Top 5 Recommendations

Recommended Action	Justification/Benefits
1. Gather and keep statistics and use the data to refine the W/MBE program, the goals, the outreach, etc. Publish those statistics on the city website.	Cities keep statistics on all contract awards to ensure transparency. Without data it is difficult to know how the city is doing. We recommend the city at minimum track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. Examples of data could include: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%) and Hispanic-owned businesses were awarded 10 city contracts from a total of 100 city contracts (10%). This data gives the city insight into areas they may need to target or do more outreach.

<p>2. Evaluate hiring/assigning a coordinator to more efficiently coordinate the initiatives or beginnings or a program the city already has on-going. There are many things happening already. The 5-month's worth of data is indicative of what the city can achieve for a full year or more, once people hear about the city's achievements, we suspect many cities are going to want to speak to the city about how they can modify their programs.</p>	<p>A coordinated program has many benefits. Ties all the efforts together, creates a point person who continues to facilitate awareness, evaluates changes and improvements and continues to look for blind spots. Person in the position, using data, generates new ideas on what the city could do differently or better to reach more W/MBEs and start expanding to others such as veteran-owned businesses and others.</p> <p>There are more options, like a more limited role such as the City of Ft Collins has done. Another option taken from the city of Aurora would be to establish 2 champions (co-coordinators) such as the head of the city procurement and the head of the Economic Development team to continually discuss the data, ideas and resources.</p>
<p>3. City to conduct training, workshops and various outreach efforts to increase the numbers of W/MBEs businesses and participation in the City contracting process.</p>	<p>Some of this is already being done by Lakewood's Economic Development team. Expand efforts, do more workshops and outreach geared towards businesses interested in doing business with the city. Partner with various affinity groups listed in this report as possible sources to post opportunities or conduct some mentoring and more outreach. Also consider partnering with the State of Colorado and Small Business Administration. Small businesses are crucial to the economy.</p>
<p>4. Establish partnerships with the City &amp; County of Denver and Jefferson County.</p>	<p>We had several guest speakers come and share their programs with the LAC. Both the City &amp; County of Denver and Jefferson County are willing to share their expertise, lessons-learned, even their certification program with the City of Lakewood. There are abundant opportunities so that the city does not have to recreate the wheel nor duplicate efforts. Partnering can also save the city money by not having to hire a lot of additional staff.</p>



<p>5. Establish aspirational contracting goals.</p>	<p>Establish goals using demographics of current state business owners is a starting place (see references) and further refine using the Metro area Disparity Study and Availability numbers. We did some of this research and recommend using as aspirational goals that our neighbors with robust programs have achieved; therefore, <b>5-8%</b> contracting goal for Women-owned businesses and the same <b>5-8%</b> goal for Minority-owned businesses. Goals could be added to include Veteran-owned businesses and others. The contract award data suggests the city is already exceeding these aspirational goals, but 12-months of data should be used. If goals are being met, they can be raised to the next level which is 9-12%. The data suggests 20-24% of businesses who provide goods and services that cities utilize are W/MBEs.</p>
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**Conclusion**

Based on the 5-months worth data we were provided, the City of Lakewood is already doing an excellent job in awarding contracts to W/MBEs. While 12-months worth of data would have been preferable to draw more accurate conclusions, so far the city is exceeding the aspirational goals that most cities and federal agencies place on themselves. The city should continue to gather and maintain its contract award data, there could be a great story of success here that the city should be proud to showcase and share with others.

While the data looks good, we are recommending further steps that the city could implement to increase both the awareness and opportunities for W/MBEs. This in turn could lead to a strengthening of our local economy, increase competition and lower costs to the City of Lakewood. The research also suggests that awarding city contracts to a large range of businesses increases civic pride and creates a feeling of inclusiveness.

**Appreciation**

We LAC, Diversity Committee, appreciate this first assignment for our committee. We'd like to thank the Mayor and City Council for assigning us this project, especially Counselor Jeslin Shahrezaei for preparing and submitting this assignment to the LAC. We'd also like to thank Mary O'Halloran, City of Lakewood Procurement Supervisor for sharing her expertise and for gathering multiple iterations of data for us to evaluate. We'd also like to thank Jay Robb, the City Clerk, for all his support and contacts across the Metro area and beyond. Our deep appreciation to Marika Sitz, Diversity, Equity and Inclusion Manager, Jefferson County and to

Alexis Nightengale and Brittany Eroen from the Division of Small Business Opportunity, City and County of Denver.

### **References:**

Countless hours were spent by the team researching other cities' websites and commissioned studies in order for us to develop some recommendations that we think are appropriate for the City of Lakewood. Below are many of the links used, including links to reports, news stories and general information.

<https://www.denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Economic-Development-Opportunity/Business-Owners-Entrepreneurs/Do-Business-with-the-City/Frequently-Asked-Questions/About-DSBO>

- Division of Small Business Opportunity (DSBO) website, City/County of Denver

<https://oedit.colorado.gov/minority-business-office-of-colorado>

- General information from the Minority Business Office of Colorado, a division of Office of Economic Development and International Trade (OEDIT)

<https://oedit.colorado.gov/minority-owned-businesses>

- Specific OEDIT information including a list of minority owned businesses

<https://www.governing.com/cityaccelerator/cohort4>

- Helpful publication from City Accelerator:

<https://19thnews.org/2021/06/small-business-administration-contracts-woman-owned-businesses-for-decades/>

- Article on history of Federal contracts to WBEs and what the SBA has done

<https://www.mbda.gov/tags/disparity-studies>

- Compilation of multiple Disparity Studies across the US by Department of Commerce

<https://cao-94612.s3.amazonaws.com/documents/City-of-Oakland-Draft-Disparity-Study.pdf>

- Disparity Study- has information on what is legally allowed as well as analysis of Oakland's actual disparities.

<https://www.oaklandca.gov/documents/contracts-and-compliance-forms-and-schedules>

- City of Oakland's Contracts Schedules which include questions about race/ethnicity and

gender of business owners:

<https://www.open-contracting.org/2020/11/19/new-report-a-procurement-path-to-equity/>

- 5 Ways cities can use purchasing power to help W/MBEs

<https://www.fastcompany.com/90298216/how-cities-can-support-minority-and-women-entrepreneurs-buy-things-from-them>

- How cities can support women owned businesses: buy things from them

<https://www.boston.gov/news/proposal-filed-expand-access-city-contracts-minority-and-women-owned-enterprises>

- City of Boston, Proposal file to expand access to city contracts

<https://www.edmondswa.gov/cms/One.aspx?portalId=16495016&pageId=17269271>

- City of Edmonds, Diversity, Equity and Inclusion Commission. Ideas of things Lakewood may want to consider such as a film series.

<https://bellevuewa.gov/city-government/departments/city-managers-office/diversity-advantage-initiative>

- City of Bellevue, their Diversity Advantage Initiative

<https://www.fcgov.com/>

- City of Ft. Collins, CO. General site with links to 2018 Small Business Survey and Public Notice on contracting goals on dual/partner Federal contracts.

<https://www.visitcos.com/blog/women-owned-businesses-resources/>

- Visit Colorado Springs website highlighting women-owned businesses

<https://county.pueblo.org/energy-and-economic-development/minority-owned-business-resources>

- Pueblo County, CO website with resources for minority-owned businesses

<https://www.talgov.com/diversityinclusion/divinhome>

- City of Tallahassee, their Diversity Initiatives and Plans

<https://www.portseattle.org/business/bid-opportunities>

- Port of Seattle information

<https://cuyahogacounty.us/fightracism>

- Cuyahoga County Links

<http://accaweb.org/>

- American Contract Compliance Association

<https://goodfoodpurchasing.org/>

- Good Food purchasing programs in some cities.

<https://www.governing.com/cityaccelerator/blog/cities-purchase-power-people-color-minorities-lc.html>

- 5 Ways Cities can use their purchasing power to support minority-owned businesses

[https://hwpi.harvard.edu/files/govlabs/files/strategies\\_for\\_improving\\_vendor\\_diversity\\_brief.pdf](https://hwpi.harvard.edu/files/govlabs/files/strategies_for_improving_vendor_diversity_brief.pdf)

- A paper with strategies for improving vendor diversity.

<https://www.thewomenofdenver.com/>

- Women of Denver - a connection platform for women in Colorado to build their network; they also offer free mentoring and advice to women business owners by other women business owners.

<https://micasaresourcecenter.org/>

- Mi Casa Resource Center offers free coaching and consulting to Hispanic/Latino small businesses and entrepreneurs.

Here is [Find a minority, woman, or disabled-owned business | Services | City of Philadelphia](#)

- An example from Philadelphia to search for W/MBEs and disabled-owned businesses.

“A [1989 Supreme Court ruling](#) established that cities may only overtly work to support minority-owned businesses if they can prove a history of discrimination in city contracts.”

- What we are recommending is different but we leave this reference here for historical context.

Cities like Los Angeles and Chicago set up portals where new contracting opportunities could be posted well in advance, so smaller firms could learn how to bid on them. Also, rather than issuing a single contract to a large firm, the accelerator cities are breaking up contracts into smaller projects that a cohort of local businesses could tackle. Smaller contracts help the city establish relationships with more diverse vendors, who can use the revenue stream to grow their business. Improving procurements and [city accelerator](#)

The federal government has very specific goals for small businesses. Agencies have various

procurement programs set aside or earmark a certain percentage of contract dollars that must go to small businesses. The federal government has contracts called total small business set-asides, which are exclusively set aside for small businesses. See SBA website for details ([sba.gov](http://sba.gov)) They have the Women-Owned Small Businesses ([WOSB certification](#)), which is limited to women who are certified as WOSB.”

[Washington State's](#) equity of public spending showing what the State of Washington is doing.

[Seattle WA is](#) really interesting ... you can read public meeting minutes on how their Advisory committee was working through some of these same issues.

Seattle’s Priority Hiring Program - [Priority Hire Program](#)

[Equity Considerations — Equity Resource Hub](#)

- A resource on equity with questions to consider.

[EquitableDecisionMakingTool.pdf \(clark.edu\)](#)

- A series of questions, many of which are thought-provoking.

City of [Boulder](#) website, it translates the site into many languages.

Other translation services: [Translation services](#) or you can try [google translate](#)

<https://www.thomsonreuters.com/en-us/posts/news-and-media/government-procurement-dei/>

- Article on How Government Procurement Helps with Diversity, Equity and Inclusion, including a link to a procurement tracker used by the city of Tacoma, WA:

<https://sloanreview.mit.edu/article/how-procurement-can-strengthen-diversity-and-inclusion/>

- Article by the MIT Sloan School of Management on how Procurement can Strengthen Diversity and Inclusion:

<https://buildinginnovationhub.org/resource/find-a-qualified-vendor/high-road-contracting/>

- High-Road Contracting Too, a tool to help find qualified vendors:

### **Additional Links/Information:**

The Request from the City Council that generated this paper.

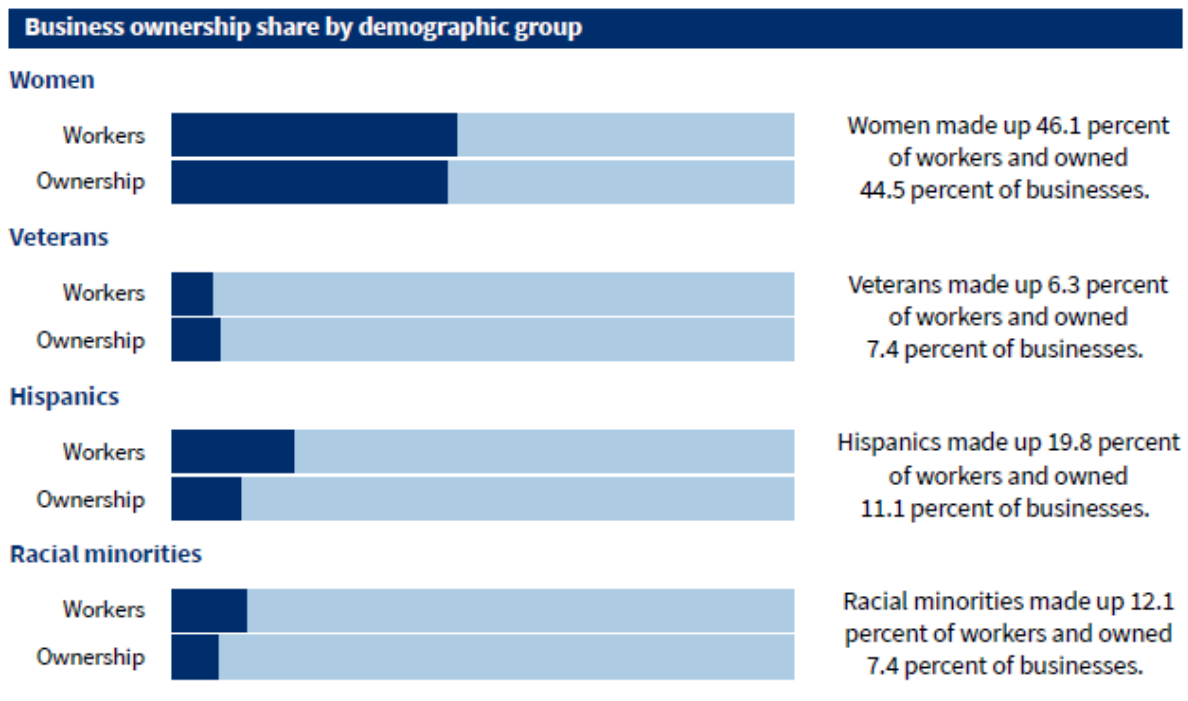
[City docs](#) click on this link to read the request and the current city docs.

[LAC Diversity Committee - Zoom](#) April 19, 2023 committee meeting video with City and County of Denver - Alexis Nightengale and Brittany Eroen

[LAC Diversity Committee - Zoom](#) March 22, 2023 committee meeting with Jefferson County DEI Manager - Marika Sitz

### Graphical References:

#### Business Ownership by Demographic Group (State of Colorado)



Ownership shares include equal and majority ownership

Sources of data: [American Community Survey, 2018](#) (Census and IPUMS); [Annual Business Survey, 2018](#) (Census);

[Nonemployer Statistics by Demographics, 2017](#) (Census)

**Contract Awards by the City of Lakewood (Partial 2023)**

<b>Month</b>	<b>Minority Owned (MO)</b>	<b>Woman Owned (WO)</b>	<b>Both MO &amp; WO</b>	<b>Total MO WO &amp; Combo</b>	<b>Total Contracts Awarded</b>	<b>Percent Awarded to MBEs</b>
<b>April</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>10</b>	<b>55</b>	<b>18.2%</b>
<b>May</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>7</b>	<b>46</b>	<b>15.2%</b>
<b>June</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>33</b>	<b>9.1%</b>
<b>July</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>42</b>	<b>7.1%</b>
<b>August</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>14</b>	<b>38</b>	<b>36.8%</b>
<b>Totals</b>	<b>11</b>	<b>15</b>	<b>11</b>	<b>37</b>	<b>214</b>	
<b>5-Month Average</b>						<b>17.3%</b>

**Notes:**

Contracts listed include Contractual Service Agreements, Professional Services Agreements, Bids, Requests for Proposals, Requests for Qualifications and Purchase Orders.

Totals contracts awarded excludes contracts to/with government entities and educational institutions.



Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

**Question/Request:**

Jeslin Shahrezaei: I would like to see a procedure/policy for women and minority-owned businesses to have equitable access to contract bids for Lakewood through the procurement process.

**Staff Response:**

We welcome and appreciate the above question/request.

**Policy Review:** LAC's research confirmed the City of Lakewood's purchasing policy is consistent with other municipalities, such as Denver. The City of Lakewood currently has a policy and follows in practice an open, fair, equitable and competitive process in which there are many steps taken to ensure this is an equitable process for all parties.

**Opportunity:** Although staff have confidence the purchasing process does give fair access to the bidding process, we also see an opportunity to improve equitable awareness of the opportunities to bid at the City of Lakewood and increase an understanding of the bidding process for diverse groups. The LAC research and recommendations will be helpful in pursuing this opportunity.

There are currently several efforts done by the Economic Development Department that tailor to diversity. As the LAC reported, Economic Development provides training and workshops, peer to peer mentoring, Jumpstart (funding source) and resources as well as the city's website now has a translator. However, we agree, the city can do more.

From the LAC top five recommendations Purchasing and Economic Development are planning to pursue the following:

- 1. Statistics & Data Gathering:** It is important to keep the award process unbiased. However, gathering data on the award outcome is important for Lakewood to determine current diversity of awards and tracking if the education efforts are changing the statistics. Recently it was added to the bid process that Women and Minority owned businesses could self-report so that we can track the % of awarded contracts. Staff gave this information to LAC for April 2023 which was the first month of collecting the data. Since then, staff provided to LAC the data through October. (See chart)



Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

MONTH	MINORITY OWNED	WOMEN OWNED	BOTH W/O and M/O	TOTAL	TOTAL CONTRACTS AWARDED	% CONTRACTS AWARDED TO MINORITY OR WOMEN OWNED
April	3	4	3	10	55	18.2%
May	3	3	1	7	46	15.2%
June	0	1	2	3	33	9.1%
July	0	2	1	3	42	7.1%
August	5	5	4	14	38	36.8%
September	3	8	6	17	47	36.2%
October	3	2	0	5	32	15.6%
<b>TOTALS</b>	<b>14</b>	<b>23</b>	<b>17</b>	<b>54</b>	<b>261</b>	
<b>AVERGAGE % (7-mo period)</b>						<b>19.75%</b>

This is something we will need to track over a longer period of time, but initially the data shows Lakewood is exceeding the State of Co, City of Denver and Federal Government awards on average. These three entities have formal diversity programs and award between 4.6% - 8.4% per the LAC research. It is important including other diversity groups in the data collection such as veterans, disabled, LGBTQ+ etc.

The City will continue to accumulate statistics and use the findings to determine the diversity of awards and make adjustments to education.

2. **Coordinated and Aligned (Transparent and Results Oriented):** Once the city has collected more data Purchasing and Economic Development will be evaluating the workshops & outreach, engage in partnerships, and look for opportunities for change/improvement.
  
3. **Training, workshops & Outreach:** Currently the city’s Economic Development Department provides various outreach to local businesses and Chambers of Commerce as mentioned above. Purchasing and Economic Development will enhance outreach to businesses interested in doing business with the City of Lakewood. They will be providing brochures for businesses and widening the outreach to more groups and multiple forms of communication. Additionally, the purchasing team will be reviewing the city website to provide more prominent/accessible links and frequently asked questions.

Lakewood Advisory Commission (LAC)  
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4. **More Partnerships:** Excellent idea from LAC. We want to leverage what others are doing and expand our partnerships.
  
5. **Establish Aspirational Goals:** As stated by the LAC the current stats indicated the city is within or exceeds the 5-8% range from the State/Metro area studies. The team that reviews the statistics, as mentioned in item 2, will recommend goals.

**Reporting Back:** The staff recommend reporting back after one year of tracking and making changes.

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 6**

To: Mayor and City Council

From:

Subject:

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**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:** LAC Report - Diversity Subcommittee Assignment #2022-06  
Staff Response to LAC WMBE Research

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

# Lakewood Advisory Commission Report

## **Research and Recommendations on Women / Minority Owned Business Enterprises**

Diversity Committee  
September 2023

*ASSIGNMENT #2022-06: WOMEN / MINORITY OWNED BUSINESSES*

“Welcome, we are building an inclusive community” - street sign as you enter Lakewood, CO.

### **Introduction**

The Lakewood Advisory Commission (LAC) is a group of informed citizen volunteers who perform research for the city council. City Council assigned the LAC, specifically the Diversity Committee, with a project to: (1) investigate what other cities are doing to increase the awareness and participation of Women and Minority Owned Businesses Enterprises (W/MBEs) in city procurements and (2) make recommendations to the city council for possible adoption into the Lakewood Municipal Code and related policies.

### **Executive Summary**

There is no shortage of information on this topic from both a historical context and what currently other cities are currently doing to increase awareness and participation of W/MBEs in competing and obtaining city contracts. We include a list of what neighboring cities are doing, as well as a list of the most recurring ideas and actions that cities around the country are taking and the goals they are striving to achieve. Based on our research and the 5-month's worth of data the City of Lakewood provided to us, the City of Lakewood is already doing a good job of awarding contracts to W/MBEs.

Since it was requested that we make recommendations based on our findings, we developed our top five recommendations for the Mayor and City Council to consider. Our Top 5 recommendations are: (1) gather and use data, (2) hire or appoint a program manager/coordinator, (3) conduct training and workshops, (4) engage in various partnerships and

(5) establish aspirational goals. In addition, there are more ideas or follow-on recommendations listed in this report that could be added or done later, perhaps in phases. Some of the additional ideas may require further research and we are happy to continue this research work.

## **Background**

The project began with all members of the Diversity Committee casting a wide net by conducting internet research, not only on what other cities are doing, while also inquiring about the current status of awards to W/MBEs by the City of Lakewood. We met with the City of Lakewood's Purchasing Supervisor to learn more about how procurements and contracting are handled now. We inquired about data the city gathers and learned the city does not keep data separated by women or minorities, but the Purchasing Supervisor agreed to gather data for us. Initially we were provided with 1-month's worth of data and then subsequently later in the year we were provided with 5-months' worth of data. The additional data was useful but it did cause a delay in our ability to present the report to the Mayor and City Council.

We also reached out to Jefferson County and the City and County of Denver to learn more about what they are doing around the subject of contracting with W/MBEs and met with their representatives. We also read studies and reports commissioned by other cities on this topic. For example, the State of Colorado engaged with the Keen Independent Research LLC to conduct a disparity study titled, "2020 State of Colorado Disparity Study." This 700+ page report documents the results they found and makes recommendations. The report attempts to outline methods that create a level playing field for historically disadvantaged businesses (HUBs) to compete for State contracts. Senate Bill 19-135 defined HUBs to be businesses owned by people of color, women, persons with physical or mental disabilities and members of the LGBT+ community.

Another study we examined was titled, "Recommendations for the City of Austin's Minority and Women-Owned Business Enterprise Program 2022" commissioned by the City of Austin, Texas. A much smaller, 22-page report, it reviewed the existing program and outlined the importance of revisiting any program on a periodic basis. The City of Ft. Collins' report titled, "Small Business Survey: Summary of Results" from 2018 was another good source of information. The websites from the City of Aurora, CO and the City of Colorado Springs and their related information were also reviewed and gave us more ideas to evaluate.

By having the LAC perform this research, the city likely saved thousands of dollars in taxpayer funding. We found our larger neighbors in the City and County of Denver to be potentially great collaborators of several recommendations by their willingness to engage in reciprocity agreements with the City of Lakewood in sharing not only best practices and lessons learned but also potentially their certification program. If Lakewood chooses to engage in this partnership, it

will likely save potentially millions of taxpayer dollars by not having to create, staff and administer such a program. Jefferson County was also willing to have discussions and assist the city in various ways. The State of Colorado also has resources and programs that Lakewood should explore further, including the possibility of obtaining grants and other support.

A question asked of our Committee was, why should the City of Lakewood look to expand the awareness, outreach and subsequently awards to a large variety of business owners? The answer is because of the many benefits both tangible and intangible. First, in regards to small businesses, small businesses are a key and integral part of the economy. Nationally they hire 2/3 of the employees and represent 44% of the overall economic activity. Second, engaging with new businesses increases competition and innovation and should lower procurement costs to the city. Third, our reading and research suggests that city contracting efforts with numbers that are reflective of all the city's diverse business owners increases civic pride, enhances the connection among residents and increases community engagement.

## **Cities in Colorado**

While we looked at what other cities are doing across the country, we later focused our research efforts on what our neighbors within the state are doing in regards to W/MBEs. Since Lakewood is the fifth largest city in the State of Colorado, we wanted to know how we compare to similar cities in our state.

As of 2021, these are the cities in Colorado with minority-owned business procurement programs or initiatives. Some may be missing if they are not in collaboration or promoting resources from or through the state's Minority Business Office (MBO) of Colorado. The cities with program and/or initiatives are:

- Denver: The City and County of Denver has a Minority and Women Business Enterprise (M/WBE) Program that seeks to increase the utilization of M/WBEs in city contracting and purchasing.
- Colorado Springs: The City of Colorado Springs has a Minority Business Enterprise (MBE) Program to enhance opportunities for minority-owned businesses in city contracting.
- Aurora: The City of Aurora has a Minority and Women Business Enterprise (M/WBE) Program to promote and assist M/WBEs in accessing city contract opportunities.
- Fort Collins: The City of Fort Collins has programs aimed at increasing opportunities for minority-owned businesses to participate in city procurement and contracting.
- Boulder: The City of Boulder has various programs and initiatives to support diverse businesses, including minority-owned businesses, in their procurement efforts.

The first cities in the list above are the 4 largest cities in Colorado. Boulder is the 8th largest city. We recognize there are several efforts being conducted by the Lakewood Economic Development Team and perhaps Lakewood should be on this list. While we will address this later in our recommendations, what seems to be missing is a policy and/or coordination that ties the development work, the mentoring and outreach work to the procurement efforts.

The conclusion we drew from the above is that Lakewood is an outlier for a city of our size in terms of having a formal program or initiatives or at least collaborating with the MBO so that they become aware of the various on-going efforts being performed and can be added to the list.

**Most Common Actions Taken by Other Cities**

Cities in both Colorado and across the U.S. who want to increase the awareness, participation and provide support to W/MBEs do a variety of things. From our research, it appears that in order to make an impact in a city’s inclusivity efforts that the actions are coordinated. From the city’s mission/vision statement to hiring or appointing a lead, such as a Diversity Equity and Inclusion (DEI) manager or similar, setting up policy and procedures, the engagement takes the form of a city program or a series of coordinated initiatives. Table 1 below describes the most consistent steps or actions that are typically part of a larger more comprehensive program to increase awareness and participation from W/MBEs in the city’s procurement program.

Table 1: Actions Cities Takes to Support W/MBEs

<b>Action</b>	<b>Details</b>
Commission a report on W/MBEs (much like this one through various sources).	Some of the bigger cities will commission a report such as this one from consultants or local universities. If they have a program for W/MBEs they evaluate the continuation of such programs or recommend updates. We read these reports and also related news stories, general information on W/MBEs and attempted to make recommendations that are tailored to the City of Lakewood. We strived to recommend actions that were achievable, expand on existing work and could be implemented with low to minimal costs.

<p>Set contracting goals</p>	<p>Establish aspirational goals. Cities tend to start by using their demographics data or disparity data to obtain W/MBE availability numbers. These goals are not quotas or mandates; they simply reflect the goals a city hopes to achieve and awards always go to best qualified firms. These goals are different and separate from any goals the Federal Government establishes for federal contracts. Cities follow the federal government set-aside rules when engaged in joint or dual city/federal contracts.</p>
<p>Keep statistics, publish those statistics and use the data.</p>	<p>Keep statistics on contract awards. Cities track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. For example, Lakewood could look something like this: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%). In 2024, women-owned businesses were awarded 10 city contracts from a total of 100 awarded contracts (10%). Then the city could do the same for minority-owned businesses. This data gives the city insight into areas they may need to target or do more outreach.</p>
<p>Hire/create position of diversity, equity, inclusion manager or similar more limited role focusing on disadvantaged businesses or someone to focus on an even larger role such as hiring, promotions, training.</p>	<p>Creates accountability and brings in a fresh or new perspective to look at things differently and perhaps to try different things.</p>
<p>Hold workshops or training sessions.</p>	<p>These are posted on the city website and trade/affinity group websites and held regularly with the goal of teaching interested businesses how to obtain contracts with the city. The Lakewood Economic Development team is already doing some of this work.</p>
<p>Utilize existing resources in the community to connect W/MBEs and others to mentors, funding sources and other similar business owners.</p>	<p>Other cities include links on their city website to such resources. City staff learns about trade/affinity/support groups then meets/partners to discuss challenges and also to create opportunities with the purpose to create and grow small businesses in our community. Lakewood is doing some of this, so perhaps it's more of expanding the</p>



	ongoing work.
Host or participate in small business coffee sessions or small business talk sessions.	Another way to bring small businesses together for networking, finding mentors, etc., while also taking the time to educate these businesses on opportunities to contract with the city. These are more informal in nature and appeal to social aspects vs educational sessions. Can also include speaking at various local Chambers of Commerce.
Highlight W/MBEs owned by residents of the city.	This creates awareness of existing W/MBEs, perhaps encourages patronage of such businesses and could serve as inspiration for future W/MBEs. We see new businesses mentioned in Looking @ Lakewood, but what about other social media sites, partner sites, the city website, etc.
Gather data (Disparity Study/Availability Study) usually from the closest big city/metro area. For Lakewood, the city could use Denver's Disparity study (addresses the Metro area).	Determine how the disparity numbers and availability numbers apply to Lakewood. Our initial evaluation is that the Metro numbers can be used by Lakewood.
Partner with another city or the county. Especially when using certification programs.	Some cities partner with nearby cities especially if they are part of a larger Metro area. The partnering can include sharing data, certification programs, lessons-learned, certification forms, training, etc.

### **Full List of Recommendations/Ideas**

We conducted extensive research on this topic gathering ideas from cities large and small. We thought it was important to share the full list of actions and ideas. What follows is the list of ideas and additional recommendations. The total list of ideas and recommendations total 16 with some having multiple parts. Some can be done in phases and some likely require more research. We recognize and appreciate the work the city has already implemented such as the website

translator and their on-going outreach and training efforts and we highlight these completed actions.

1. City should keep data on contract awards (both dollar amount and percentage amount). Without data, the city doesn't know where they stand. Some suggested software programs that can assist the city to track the data, mine the data and analyze the data can be found here: [Best Government Diversity, Equity, and Inclusion \(DEI\) Analytics Software - 2023 Reviews & Comparison \(sourceforge.net\)](#) .

2. The city should engage in more outreach to more W/MBEs.

a. This could include outreach through trade/affinity groups such as (percentage of Lakewood's population is noted in parentheses):

i. Hispanic Chamber of Commerce (23%)

<https://www.hispanicchamberdenver.com>

ii. Women's Chamber of Commerce (50%)

<https://www.cwcc.org>

iii. Asian Chamber of Commerce (3.9%)

<https://www.acccolorado.org>

iv. Colorado Black Chamber of Commerce (1.8%)

<https://www.coloradoblackchamber.org>

v. Other suggested groups to explore and expand outreach efforts include Veterans' groups, businesses owned or having employees who are persons with disabilities, LGBTQ+ owned or LGBTQ+ employees, etc.

Colorado LGBTQ Chamber of Commerce

<https://www.colgbtqcc.org>

Colorado Office of Economic Development and International Trade  
Minority Business Directory

<https://www.oedit.colorado.gov/minority-business-directory>

b. The city could also conduct workshops on the process of applying and doing business with the city. (Partially accomplished and ongoing. Some of this

is already happening as captured in “Looking at Lakewood” April 2023 and July 2023 editions.)

c. The city could also enhance their website through the use of language translators to achieve more outreach. The City of Boulder is a good example, but if further research is required, this could be assigned as a follow-on project to the LAC. ([Accomplished. The City of Lakewood website as of March 2023 has a translator option.](#))

d. The city could work and partner with the organizations listed in (a) above and ask if they could place RFPs or other opportunities and information on their specific sites.

e. Another follow-on potential assignment for the City Staff or the LAC is to research what are the top social media or other media sites utilized by Asian-owned, Hispanic-owned, Black-owned, Women-owned and Veteran-owned businesses and then the city could place the RFPs/links/opportunities on these sites. This could include possibly placing public service announcements or advertisements on Spanish-speaking radio stations.

3. Utilize data and programs from neighboring cities, especially Denver which is a bigger city with more resources. They maintain a list of W/MBEs. Perhaps when the city of Lakewood is reaching out to 3 firms for quotes, they could ensure at least one firm is from this list. Denver also conducts workshops; Lakewood city staff might be able to attend these Denver workshops as samples or resources as they build their own workshops.

The City/County of Denver utilizes a comprehensive certification program for women, minority, veteran-owned businesses. They also perform a validation of the certifications. The details of their program can be found on their Division of Small Business Opportunity (DSBO) website which is listed in the references. Of note, the representatives from the City/County of Denver are willing to share and partner with the City of Lakewood.

4. Being an inclusive city is a deliberate, thoughtful and on-going process. As such we recommend the following actions:

- a. Recommend the city update its mission/vision statement to include the goal that the city is building an inclusive community.
- b. Next we recommend the city establish aspirational contracting award goals using Census data or Disparity data from the Metro area. These goals are not quotas; they are simply proportional goals in writing that make it clear that the city of Lakewood wants to include everyone in contract awards and distribution of city funds with the understanding that the most qualified will be selected. We found

that it is critically important to define the terms so that everyone has a clear understanding of the procedure, policy and expectations.

- c. Included in this overall process recommendation is the hiring or appointing existing staff to be the coordinator for inclusive outreach and contracting. This role could be in the form of a Diversity, Equity and Inclusion Manager to work on the overall procurement process to include the outreach or could be broader to include all Lakewood to champion diversity, equity and inclusion across all the City's programs and services. Our research has shown that a program with the aim of trying to achieve inclusiveness and equity only has a good success rate when there is someone to be accountable and someone who champions the program. Hiring or appointing someone to a more limited role such as "Disadvantaged Small Business Liaison" could work and the option is used by the City of Ft Collins. Appointing several "Equity Champions" from across departments, who meet frequently, to discuss blind spots, next steps, the data and more as is being done in the City of Aurora, CO and is yet another option. The City of Lakewood is already doing a lot and achieving substantial success; however, the MBO of Colorado doesn't include Lakewood on its list of cities and perhaps it's due to Lakewood not having a person assigned to one of the roles listed above.
5. Update the city's procurement policies and procedures to match any recommendations adopted by this report. For example, gathering and maintaining data and statistics on all city contract awards is something we highly recommend and is very common practice throughout the country. The 5-months worth of data the city provided to us was very helpful and we hope it was also helpful to the procurement staff, the Economic Development team, the Mayor and City Council, etc.

Other areas to review for enhancements are the procurement processes themselves. For example: Does selection rely too heavily on positive past history doing business with the city? Can the city declare an aspirational goal for awarding contracts to firms who have never done business with the city? In reviewing the dollar thresholds and requirements to purchase we have some minor recommendations for consideration:

- a. Currently for purchases under \$10K, it's buyer's discretion. Suggestion: This seems like an area that could be further evaluated for possible improvements to engage with firms who have never been awarded a city procurement or contract. While there are some risks to engaging with new businesses, the low dollar amount may lend itself to taking on some risks. Can the city buyers be provided a list of W/MBEs and new businesses for their consideration? Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver.

Inclusiveness includes doing business with new businesses regardless of their race, gender or ethnic status.

- b. Currently for purchase between \$10K and \$74.9K city buyers must obtain 3 quotes or submit a sole source justification. Suggestion: We recommend that the city buyers be provided with a list of W/MBEs. Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver. The most qualified firm should always be selected. We recognize that contracting with new firms can involve some risks. Some risks of trying new businesses who are new to city contracting can include: the firms going through a learning curve, potentially lower quality or inability to timely completion of the job. However, it can also include potentially some benefits to the city, such as increased innovation and lower costs.
- c. Above \$75K is a very formalized process and selections are made as a group. When combined with federal funding they may be subject to set-aside provisions. Recommendation: Proceed as is.

6. W/MBEs often struggle to secure funding to start their business, again in their early years of existence to sustain their business and perhaps struggle even more to expand their business. Perhaps the city could also bring in representatives from Small Business Administration (SBA), banks and credit unions to conduct workshops on obtaining funding. Partner with mentors to conduct workshops on obtaining funding. Setup a follow-on program where protégés are then expected to become mentors.

7. Related to the above perhaps the city could host a business forum for women, minority and veteran owned businesses where they could all meet, network and share stories among themselves. Or the city could send economic development team representatives to the various chamber of commerce events.

8. During contract selection/deliberations, perhaps additional consideration (priority) is given to firms who use as subcontractors who are W/MBEs. Perhaps this could result in mentor-protégé relationships that could develop the pipeline for more W/MBEs to become prime contractors. We believe ideas like this and others' ideas that may come from city staff, community members, and others could help businesses that are just starting out and possibly create a pipeline of future contractors.

9. The city of Colorado Springs does engage in various efforts to help W/MBEs. One of the interesting actions is they highlight women-owned businesses on its "Visit Colorado Springs"

website. Perhaps Lakewood could do the same on the city website as we do not have a dedicated tourism site. While Lakewood does highlight new businesses in Looking @ Lakewood newspaper, perhaps the city could expand on this to the city website and other social media sites.

10. On the Pueblo County website, they explain why after 30-years of research and discussion there is still a need for programs that assist W/MBEs and Disadvantaged Small Businesses. While the data is from 2010, some things like lack of mentors and difficulty in getting funding still are reported on and discussed today and we found confirmed this with more recent reports and news articles. It was unclear exactly what the City/County of Pueblo are doing in regards to assisting W/MBEs. The 2018 Study by the City of Ft. Collins lists some of the same issues and challenges facing W/MBEs and their study provides additional information. The City of Ft. Collins does have a W/MBE program.

11. The city of Edmonds, WA describes on their website that small businesses are the backbone of the economy. They engage in strengthening opportunities for small and diverse businesses. They believe doing this not only strengthens the local economy, it supports the community, improves the quality of life for everyone and having more participants increases competition and innovation while lowering costs.

12. Require certification from women/minority/veteran-owned business enterprises. A program and database can be created or the city can use one that exists, such as the city of Denver's program. The Denver Reps we talked to said they are willing to engage in some sort of reciprocity agreement. This will likely require more city staffing to manage the program, check certifications, etc. Staffing requirements would be less if the city enters a partnership agreement.

13. Another recommendation would be to have a Lakewood certification form without a formal certification program that would collect data about businesses that do contract with the city. The informal program could gather information about the businesses. If confirmation is desired, perhaps this could be confirmed by site visits that could be done by volunteers. The form below is overzealous but a modified form that could fit our city could work well. In addition, Denver and the State of Colorado have certification formats that we could use and encourage State wide consistency with certification.

[City of Oakland pdf doc.](#)

14. City should formalize the definitions for terms such as Women and Minority-owned Business Enterprise (W/MBE), Disadvantaged Business Enterprise (DBE), Veteran-owned Small Business (VOSB) and others. While the SBA website is an excellent source of the definitions, we recognize some cities further define or expand on these definitions. It is important for all involved to know the definitions being used. These terms and definitions become important in the data collection and reporting process and also in the certification program, should the city decide to pursue this option. Of note, using the city data for awards they made during April 2023

further pointed-out the need for consistent and clear definitions so the data is captured effectively. We were not sure how to capture firms that are both women-owned and minority-owned so we ended up creating a third category called both.

15. Model the Federal Government. We don't have to redesign the wheel. [Disadvantaged Business Enterprise Program Requirements | US EPA](#) or [GSA Announces Actions to Advance Equity and Supplier Diversity in Federal Procurement | GSA](#)

16. Related to above, the City of Lakewood has the 2nd most concentration of Federal employees in the country located at the Federal Center. City should explore more collaboration efforts with the federal government. Perhaps the collaboration could lead to establishing an incubator to help create more minority and women owned businesses and jobs right here.

### Top 5 Recommendations

Based on our research and investigating what other cities have implemented and then tailoring to the City of Lakewood, we developed our Top 5 recommendations. We believe these recommendations can have an impact both quickly and with minimal costs. Table 2 below lists our top five recommendations for the City of Lakewood to consider in further improving the awareness and participation of W/MBEs.

Table 2: Top 5 Recommendations

Recommended Action	Justification/Benefits
1. Gather and keep statistics and use the data to refine the W/MBE program, the goals, the outreach, etc. Publish those statistics on the city website.	Cities keep statistics on all contract awards to ensure transparency. Without data it is difficult to know how the city is doing. We recommend the city at minimum track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. Examples of data could include: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%) and Hispanic-owned businesses were awarded 10 city contracts from a total of 100 city contracts (10%). This data gives the city insight into areas they may need to target or do more outreach.

<p>2. Evaluate hiring/assigning a coordinator to more efficiently coordinate the initiatives or beginnings or a program the city already has on-going. There are many things happening already. The 5-month's worth of data is indicative of what the city can achieve for a full year or more, once people hear about the city's achievements, we suspect many cities are going to want to speak to the city about how they can modify their programs.</p>	<p>A coordinated program has many benefits. Ties all the efforts together, creates a point person who continues to facilitate awareness, evaluates changes and improvements and continues to look for blind spots. Person in the position, using data, generates new ideas on what the city could do differently or better to reach more W/MBEs and start expanding to others such as veteran-owned businesses and others.</p> <p>There are more options, like a more limited role such as the City of Ft Collins has done. Another option taken from the city of Aurora would be to establish 2 champions (co-coordinators) such as the head of the city procurement and the head of the Economic Development team to continually discuss the data, ideas and resources.</p>
<p>3. City to conduct training, workshops and various outreach efforts to increase the numbers of W/MBEs businesses and participation in the City contracting process.</p>	<p>Some of this is already being done by Lakewood's Economic Development team. Expand efforts, do more workshops and outreach geared towards businesses interested in doing business with the city. Partner with various affinity groups listed in this report as possible sources to post opportunities or conduct some mentoring and more outreach. Also consider partnering with the State of Colorado and Small Business Administration. Small businesses are crucial to the economy.</p>
<p>4. Establish partnerships with the City &amp; County of Denver and Jefferson County.</p>	<p>We had several guest speakers come and share their programs with the LAC. Both the City &amp; County of Denver and Jefferson County are willing to share their expertise, lessons-learned, even their certification program with the City of Lakewood. There are abundant opportunities so that the city does not have to recreate the wheel nor duplicate efforts. Partnering can also save the city money by not having to hire a lot of additional staff.</p>



<p>5. Establish aspirational contracting goals.</p>	<p>Establish goals using demographics of current state business owners is a starting place (see references) and further refine using the Metro area Disparity Study and Availability numbers. We did some of this research and recommend using as aspirational goals that our neighbors with robust programs have achieved; therefore, <b>5-8%</b> contracting goal for Women-owned businesses and the same <b>5-8%</b> goal for Minority-owned businesses. Goals could be added to include Veteran-owned businesses and others. The contract award data suggests the city is already exceeding these aspirational goals, but 12-months of data should be used. If goals are being met, they can be raised to the next level which is 9-12%. The data suggests 20-24% of businesses who provide goods and services that cities utilize are W/MBEs.</p>
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**Conclusion**

Based on the 5-months worth data we were provided, the City of Lakewood is already doing an excellent job in awarding contracts to W/MBEs. While 12-months worth of data would have been preferable to draw more accurate conclusions, so far the city is exceeding the aspirational goals that most cities and federal agencies place on themselves. The city should continue to gather and maintain its contract award data, there could be a great story of success here that the city should be proud to showcase and share with others.

While the data looks good, we are recommending further steps that the city could implement to increase both the awareness and opportunities for W/MBEs. This in turn could lead to a strengthening of our local economy, increase competition and lower costs to the City of Lakewood. The research also suggests that awarding city contracts to a large range of businesses increases civic pride and creates a feeling of inclusiveness.

**Appreciation**

We LAC, Diversity Committee, appreciate this first assignment for our committee. We'd like to thank the Mayor and City Council for assigning us this project, especially Counselor Jeslin Shahrezaei for preparing and submitting this assignment to the LAC. We'd also like to thank Mary O'Halloran, City of Lakewood Procurement Supervisor for sharing her expertise and for gathering multiple iterations of data for us to evaluate. We'd also like to thank Jay Robb, the City Clerk, for all his support and contacts across the Metro area and beyond. Our deep appreciation to Marika Sitz, Diversity, Equity and Inclusion Manager, Jefferson County and to

Alexis Nightengale and Brittany Eroen from the Division of Small Business Opportunity, City and County of Denver.

### **References:**

Countless hours were spent by the team researching other cities' websites and commissioned studies in order for us to develop some recommendations that we think are appropriate for the City of Lakewood. Below are many of the links used, including links to reports, news stories and general information.

<https://www.denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Economic-Development-Opportunity/Business-Owners-Entrepreneurs/Do-Business-with-the-City/Frequently-Asked-Questions/About-DSBO>

- Division of Small Business Opportunity (DSBO) website, City/County of Denver

<https://oedit.colorado.gov/minority-business-office-of-colorado>

- General information from the Minority Business Office of Colorado, a division of Office of Economic Development and International Trade (OEDIT)

<https://oedit.colorado.gov/minority-owned-businesses>

- Specific OEDIT information including a list of minority owned businesses

<https://www.governing.com/cityaccelerator/cohort4>

- Helpful publication from City Accelerator:

<https://19thnews.org/2021/06/small-business-administration-contracts-woman-owned-businesses-for-decades/>

- Article on history of Federal contracts to WBEs and what the SBA has done

<https://www.mbda.gov/tags/disparity-studies>

- Compilation of multiple Disparity Studies across the US by Department of Commerce

<https://cao-94612.s3.amazonaws.com/documents/City-of-Oakland-Draft-Disparity-Study.pdf>

- Disparity Study- has information on what is legally allowed as well as analysis of Oakland's actual disparities.

<https://www.oaklandca.gov/documents/contracts-and-compliance-forms-and-schedules>

- City of Oakland's Contracts Schedules which include questions about race/ethnicity and

gender of business owners:

<https://www.open-contracting.org/2020/11/19/new-report-a-procurement-path-to-equity/>

- 5 Ways cities can use purchasing power to help W/MBEs

<https://www.fastcompany.com/90298216/how-cities-can-support-minority-and-women-entrepreneurs-buy-things-from-them>

- How cities can support women owned businesses: buy things from them

<https://www.boston.gov/news/proposal-filed-expand-access-city-contracts-minority-and-women-owned-enterprises>

- City of Boston, Proposal file to expand access to city contracts

<https://www.edmondswa.gov/cms/One.aspx?portalId=16495016&pageId=17269271>

- City of Edmonds, Diversity, Equity and Inclusion Commission. Ideas of things Lakewood may want to consider such as a film series.

<https://bellevuewa.gov/city-government/departments/city-managers-office/diversity-advantage-initiative>

- City of Bellevue, their Diversity Advantage Initiative

<https://www.fcgov.com/>

- City of Ft. Collins, CO. General site with links to 2018 Small Business Survey and Public Notice on contracting goals on dual/partner Federal contracts.

<https://www.visitcos.com/blog/women-owned-businesses-resources/>

- Visit Colorado Springs website highlighting women-owned businesses

<https://county.pueblo.org/energy-and-economic-development/minority-owned-business-resources>

- Pueblo County, CO website with resources for minority-owned businesses

<https://www.talgov.com/diversityinclusion/divinhome>

- City of Tallahassee, their Diversity Initiatives and Plans

<https://www.portseattle.org/business/bid-opportunities>

- Port of Seattle information

<https://cuyahogacounty.us/fightracism>

- Cuyahoga County Links

<http://accaweb.org/>

- American Contract Compliance Association

<https://goodfoodpurchasing.org/>

- Good Food purchasing programs in some cities.

<https://www.governing.com/cityaccelerator/blog/cities-purchase-power-people-color-minorities-lc.html>

- 5 Ways Cities can use their purchasing power to support minority-owned businesses

[https://hwpi.harvard.edu/files/govlabs/files/strategies\\_for\\_improving\\_vendor\\_diversity\\_brief.pdf](https://hwpi.harvard.edu/files/govlabs/files/strategies_for_improving_vendor_diversity_brief.pdf)

- A paper with strategies for improving vendor diversity.

<https://www.thewomenofdenver.com/>

- Women of Denver - a connection platform for women in Colorado to build their network; they also offer free mentoring and advice to women business owners by other women business owners.

<https://micasaresourcecenter.org/>

- Mi Casa Resource Center offers free coaching and consulting to Hispanic/Latino small businesses and entrepreneurs.

Here is [Find a minority, woman, or disabled-owned business | Services | City of Philadelphia](#)

- An example from Philadelphia to search for W/MBEs and disabled-owned businesses.

“A [1989 Supreme Court ruling](#) established that cities may only overtly work to support minority-owned businesses if they can prove a history of discrimination in city contracts.”

- What we are recommending is different but we leave this reference here for historical context.

Cities like Los Angeles and Chicago set up portals where new contracting opportunities could be posted well in advance, so smaller firms could learn how to bid on them. Also, rather than issuing a single contract to a large firm, the accelerator cities are breaking up contracts into smaller projects that a cohort of local businesses could tackle. Smaller contracts help the city establish relationships with more diverse vendors, who can use the revenue stream to grow their business. Improving procurements and [city accelerator](#)

The federal government has very specific goals for small businesses. Agencies have various

procurement programs set aside or earmark a certain percentage of contract dollars that must go to small businesses. The federal government has contracts called total small business set-asides, which are exclusively set aside for small businesses. See SBA website for details ([sba.gov](http://sba.gov)) They have the Women-Owned Small Businesses ([WOSB certification](#)), which is limited to women who are certified as WOSB.”

[Washington State's](#) equity of public spending showing what the State of Washington is doing.

[Seattle WA is](#) really interesting ... you can read public meeting minutes on how their Advisory committee was working through some of these same issues.

Seattle’s Priority Hiring Program - [Priority Hire Program](#)

[Equity Considerations — Equity Resource Hub](#)

- A resource on equity with questions to consider.

[EquitableDecisionMakingTool.pdf \(clark.edu\)](#)

- A series of questions, many of which are thought-provoking.

City of [Boulder](#) website, it translates the site into many languages.

Other translation services: [Translation services](#) or you can try [google translate](#)

<https://www.thomsonreuters.com/en-us/posts/news-and-media/government-procurement-dei/>

- Article on How Government Procurement Helps with Diversity, Equity and Inclusion, including a link to a procurement tracker used by the city of Tacoma, WA:

<https://sloanreview.mit.edu/article/how-procurement-can-strengthen-diversity-and-inclusion/>

- Article by the MIT Sloan School of Management on how Procurement can Strengthen Diversity and Inclusion:

<https://buildinginnovationhub.org/resource/find-a-qualified-vendor/high-road-contracting/>

- High-Road Contracting Too, a tool to help find qualified vendors:

### **Additional Links/Information:**

The Request from the City Council that generated this paper.

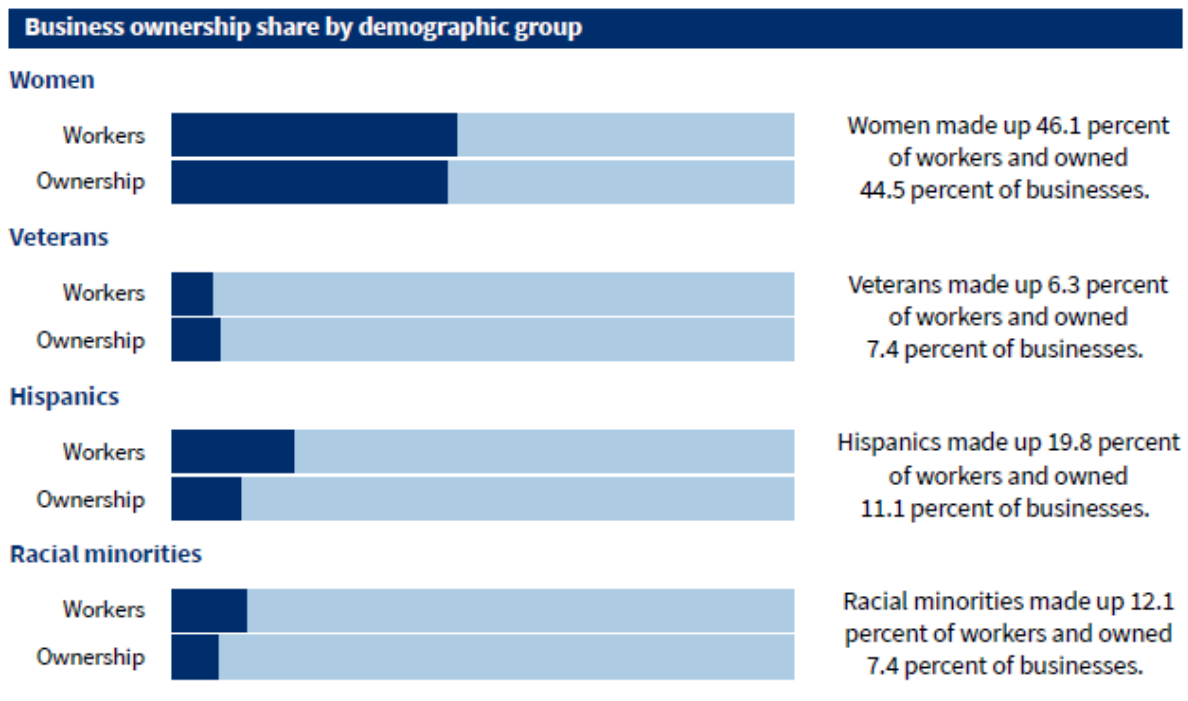
[City docs](#) click on this link to read the request and the current city docs.

[LAC Diversity Committee - Zoom](#) April 19, 2023 committee meeting video with City and County of Denver - Alexis Nightengale and Brittany Eroen

[LAC Diversity Committee - Zoom](#) March 22, 2023 committee meeting with Jefferson County DEI Manager - Marika Sitz

### Graphical References:

#### Business Ownership by Demographic Group (State of Colorado)



Ownership shares include equal and majority ownership

Sources of data: [American Community Survey, 2018](#) (Census and IPUMS); [Annual Business Survey, 2018](#) (Census);

[Nonemployer Statistics by Demographics, 2017](#) (Census)

**Contract Awards by the City of Lakewood (Partial 2023)**

<b>Month</b>	<b>Minority Owned (MO)</b>	<b>Woman Owned (WO)</b>	<b>Both MO &amp; WO</b>	<b>Total MO WO &amp; Combo</b>	<b>Total Contracts Awarded</b>	<b>Percent Awarded to MBEs</b>
<b>April</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>10</b>	<b>55</b>	<b>18.2%</b>
<b>May</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>7</b>	<b>46</b>	<b>15.2%</b>
<b>June</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>33</b>	<b>9.1%</b>
<b>July</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>42</b>	<b>7.1%</b>
<b>August</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>14</b>	<b>38</b>	<b>36.8%</b>
<b>Totals</b>	<b>11</b>	<b>15</b>	<b>11</b>	<b>37</b>	<b>214</b>	
<b>5-Month Average</b>						<b>17.3%</b>

**Notes:**

Contracts listed include Contractual Service Agreements, Professional Services Agreements, Bids, Requests for Proposals, Requests for Qualifications and Purchase Orders.

Totals contracts awarded excludes contracts to/with government entities and educational institutions.



Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

**Question/Request:**

Jeslin Shahrezaei: I would like to see a procedure/policy for women and minority-owned businesses to have equitable access to contract bids for Lakewood through the procurement process.

**Staff Response:**

We welcome and appreciate the above question/request.

**Policy Review:** LAC's research confirmed the City of Lakewood's purchasing policy is consistent with other municipalities, such as Denver. The City of Lakewood currently has a policy and follows in practice an open, fair, equitable and competitive process in which there are many steps taken to ensure this is an equitable process for all parties.

**Opportunity:** Although staff have confidence the purchasing process does give fair access to the bidding process, we also see an opportunity to improve equitable awareness of the opportunities to bid at the City of Lakewood and increase an understanding of the bidding process for diverse groups. The LAC research and recommendations will be helpful in pursuing this opportunity.

There are currently several efforts done by the Economic Development Department that tailor to diversity. As the LAC reported, Economic Development provides training and workshops, peer to peer mentoring, Jumpstart (funding source) and resources as well as the city's website now has a translator. However, we agree, the city can do more.

From the LAC top five recommendations Purchasing and Economic Development are planning to pursue the following:

- 1. Statistics & Data Gathering:** It is important to keep the award process unbiased. However, gathering data on the award outcome is important for Lakewood to determine current diversity of awards and tracking if the education efforts are changing the statistics. Recently it was added to the bid process that Women and Minority owned businesses could self-report so that we can track the % of awarded contracts. Staff gave this information to LAC for April 2023 which was the first month of collecting the data. Since then, staff provided to LAC the data through October. (See chart)



Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

MONTH	MINORITY OWNED	WOMEN OWNED	BOTH W/O and M/O	TOTAL	TOTAL CONTRACTS AWARDED	% CONTRACTS AWARDED TO MINORITY OR WOMEN OWNED
April	3	4	3	10	55	18.2%
May	3	3	1	7	46	15.2%
June	0	1	2	3	33	9.1%
July	0	2	1	3	42	7.1%
August	5	5	4	14	38	36.8%
September	3	8	6	17	47	36.2%
October	3	2	0	5	32	15.6%
<b>TOTALS</b>	<b>14</b>	<b>23</b>	<b>17</b>	<b>54</b>	<b>261</b>	
<b>AVERGAGE % (7-mo period)</b>						<b>19.75%</b>

This is something we will need to track over a longer period of time, but initially the data shows Lakewood is exceeding the State of Co, City of Denver and Federal Government awards on average. These three entities have formal diversity programs and award between 4.6% - 8.4% per the LAC research. It is important including other diversity groups in the data collection such as veterans, disabled, LGBTQ+ etc.

The City will continue to accumulate statistics and use the findings to determine the diversity of awards and make adjustments to education.

2. **Coordinated and Aligned (Transparent and Results Oriented):** Once the city has collected more data Purchasing and Economic Development will be evaluating the workshops & outreach, engage in partnerships, and look for opportunities for change/improvement.
  
3. **Training, workshops & Outreach:** Currently the city’s Economic Development Department provides various outreach to local businesses and Chambers of Commerce as mentioned above. Purchasing and Economic Development will enhance outreach to businesses interested in doing business with the City of Lakewood. They will be providing brochures for businesses and widening the outreach to more groups and multiple forms of communication. Additionally, the purchasing team will be reviewing the city website to provide more prominent/accessible links and frequently asked questions.

Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

4. **More Partnerships:** Excellent idea from LAC. We want to leverage what others are doing and expand our partnerships.
  
5. **Establish Aspirational Goals:** As stated by the LAC the current stats indicated the city is within or exceeds the 5-8% range from the State/Metro area studies. The team that reviews the statistics, as mentioned in item 2, will recommend goals.

**Reporting Back:** The staff recommend reporting back after one year of tracking and making changes.

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 6**

To: Mayor and City Council

From:

Subject:

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**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:** LAC Report - Diversity Subcommittee Assignment #2022-06  
Staff Response to LAC WMBE Research

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

# Lakewood Advisory Commission Report

## **Research and Recommendations on Women / Minority Owned Business Enterprises**

Diversity Committee  
September 2023

*ASSIGNMENT #2022-06: WOMEN / MINORITY OWNED BUSINESSES*

“Welcome, we are building an inclusive community” - street sign as you enter Lakewood, CO.

### **Introduction**

The Lakewood Advisory Commission (LAC) is a group of informed citizen volunteers who perform research for the city council. City Council assigned the LAC, specifically the Diversity Committee, with a project to: (1) investigate what other cities are doing to increase the awareness and participation of Women and Minority Owned Businesses Enterprises (W/MBEs) in city procurements and (2) make recommendations to the city council for possible adoption into the Lakewood Municipal Code and related policies.

### **Executive Summary**

There is no shortage of information on this topic from both a historical context and what currently other cities are currently doing to increase awareness and participation of W/MBEs in competing and obtaining city contracts. We include a list of what neighboring cities are doing, as well as a list of the most recurring ideas and actions that cities around the country are taking and the goals they are striving to achieve. Based on our research and the 5-month's worth of data the City of Lakewood provided to us, the City of Lakewood is already doing a good job of awarding contracts to W/MBEs.

Since it was requested that we make recommendations based on our findings, we developed our top five recommendations for the Mayor and City Council to consider. Our Top 5 recommendations are: (1) gather and use data, (2) hire or appoint a program manager/coordinator, (3) conduct training and workshops, (4) engage in various partnerships and

(5) establish aspirational goals. In addition, there are more ideas or follow-on recommendations listed in this report that could be added or done later, perhaps in phases. Some of the additional ideas may require further research and we are happy to continue this research work.

## **Background**

The project began with all members of the Diversity Committee casting a wide net by conducting internet research, not only on what other cities are doing, while also inquiring about the current status of awards to W/MBEs by the City of Lakewood. We met with the City of Lakewood's Purchasing Supervisor to learn more about how procurements and contracting are handled now. We inquired about data the city gathers and learned the city does not keep data separated by women or minorities, but the Purchasing Supervisor agreed to gather data for us. Initially we were provided with 1-month's worth of data and then subsequently later in the year we were provided with 5-months' worth of data. The additional data was useful but it did cause a delay in our ability to present the report to the Mayor and City Council.

We also reached out to Jefferson County and the City and County of Denver to learn more about what they are doing around the subject of contracting with W/MBEs and met with their representatives. We also read studies and reports commissioned by other cities on this topic. For example, the State of Colorado engaged with the Keen Independent Research LLC to conduct a disparity study titled, "2020 State of Colorado Disparity Study." This 700+ page report documents the results they found and makes recommendations. The report attempts to outline methods that create a level playing field for historically disadvantaged businesses (HUBs) to compete for State contracts. Senate Bill 19-135 defined HUBs to be businesses owned by people of color, women, persons with physical or mental disabilities and members of the LGBT+ community.

Another study we examined was titled, "Recommendations for the City of Austin's Minority and Women-Owned Business Enterprise Program 2022" commissioned by the City of Austin, Texas. A much smaller, 22-page report, it reviewed the existing program and outlined the importance of revisiting any program on a periodic basis. The City of Ft. Collins' report titled, "Small Business Survey: Summary of Results" from 2018 was another good source of information. The websites from the City of Aurora, CO and the City of Colorado Springs and their related information were also reviewed and gave us more ideas to evaluate.

By having the LAC perform this research, the city likely saved thousands of dollars in taxpayer funding. We found our larger neighbors in the City and County of Denver to be potentially great collaborators of several recommendations by their willingness to engage in reciprocity agreements with the City of Lakewood in sharing not only best practices and lessons learned but also potentially their certification program. If Lakewood chooses to engage in this partnership, it

will likely save potentially millions of taxpayer dollars by not having to create, staff and administer such a program. Jefferson County was also willing to have discussions and assist the city in various ways. The State of Colorado also has resources and programs that Lakewood should explore further, including the possibility of obtaining grants and other support.

A question asked of our Committee was, why should the City of Lakewood look to expand the awareness, outreach and subsequently awards to a large variety of business owners? The answer is because of the many benefits both tangible and intangible. First, in regards to small businesses, small businesses are a key and integral part of the economy. Nationally they hire 2/3 of the employees and represent 44% of the overall economic activity. Second, engaging with new businesses increases competition and innovation and should lower procurement costs to the city. Third, our reading and research suggests that city contracting efforts with numbers that are reflective of all the city's diverse business owners increases civic pride, enhances the connection among residents and increases community engagement.

## **Cities in Colorado**

While we looked at what other cities are doing across the country, we later focused our research efforts on what our neighbors within the state are doing in regards to W/MBEs. Since Lakewood is the fifth largest city in the State of Colorado, we wanted to know how we compare to similar cities in our state.

As of 2021, these are the cities in Colorado with minority-owned business procurement programs or initiatives. Some may be missing if they are not in collaboration or promoting resources from or through the state's Minority Business Office (MBO) of Colorado. The cities with program and/or initiatives are:

- Denver: The City and County of Denver has a Minority and Women Business Enterprise (M/WBE) Program that seeks to increase the utilization of M/WBEs in city contracting and purchasing.
- Colorado Springs: The City of Colorado Springs has a Minority Business Enterprise (MBE) Program to enhance opportunities for minority-owned businesses in city contracting.
- Aurora: The City of Aurora has a Minority and Women Business Enterprise (M/WBE) Program to promote and assist M/WBEs in accessing city contract opportunities.
- Fort Collins: The City of Fort Collins has programs aimed at increasing opportunities for minority-owned businesses to participate in city procurement and contracting.
- Boulder: The City of Boulder has various programs and initiatives to support diverse businesses, including minority-owned businesses, in their procurement efforts.

The first cities in the list above are the 4 largest cities in Colorado. Boulder is the 8th largest city. We recognize there are several efforts being conducted by the Lakewood Economic Development Team and perhaps Lakewood should be on this list. While we will address this later in our recommendations, what seems to be missing is a policy and/or coordination that ties the development work, the mentoring and outreach work to the procurement efforts.

The conclusion we drew from the above is that Lakewood is an outlier for a city of our size in terms of having a formal program or initiatives or at least collaborating with the MBO so that they become aware of the various on-going efforts being performed and can be added to the list.

### **Most Common Actions Taken by Other Cities**

Cities in both Colorado and across the U.S. who want to increase the awareness, participation and provide support to W/MBEs do a variety of things. From our research, it appears that in order to make an impact in a city’s inclusivity efforts that the actions are coordinated. From the city’s mission/vision statement to hiring or appointing a lead, such as a Diversity Equity and Inclusion (DEI) manager or similar, setting up policy and procedures, the engagement takes the form of a city program or a series of coordinated initiatives. Table 1 below describes the most consistent steps or actions that are typically part of a larger more comprehensive program to increase awareness and participation from W/MBEs in the city’s procurement program.

Table 1: Actions Cities Takes to Support W/MBEs

<b>Action</b>	<b>Details</b>
Commission a report on W/MBEs (much like this one through various sources).	Some of the bigger cities will commission a report such as this one from consultants or local universities. If they have a program for W/MBEs they evaluate the continuation of such programs or recommend updates. We read these reports and also related news stories, general information on W/MBEs and attempted to make recommendations that are tailored to the City of Lakewood. We strived to recommend actions that were achievable, expand on existing work and could be implemented with low to minimal costs.

<p>Set contracting goals</p>	<p>Establish aspirational goals. Cities tend to start by using their demographics data or disparity data to obtain W/MBE availability numbers. These goals are not quotas or mandates; they simply reflect the goals a city hopes to achieve and awards always go to best qualified firms. These goals are different and separate from any goals the Federal Government establishes for federal contracts. Cities follow the federal government set-aside rules when engaged in joint or dual city/federal contracts.</p>
<p>Keep statistics, publish those statistics and use the data.</p>	<p>Keep statistics on contract awards. Cities track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. For example, Lakewood could look something like this: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%). In 2024, women-owned businesses were awarded 10 city contracts from a total of 100 awarded contracts (10%). Then the city could do the same for minority-owned businesses. This data gives the city insight into areas they may need to target or do more outreach.</p>
<p>Hire/create position of diversity, equity, inclusion manager or similar more limited role focusing on disadvantaged businesses or someone to focus on an even larger role such as hiring, promotions, training.</p>	<p>Creates accountability and brings in a fresh or new perspective to look at things differently and perhaps to try different things.</p>
<p>Hold workshops or training sessions.</p>	<p>These are posted on the city website and trade/affinity group websites and held regularly with the goal of teaching interested businesses how to obtain contracts with the city. The Lakewood Economic Development team is already doing some of this work.</p>
<p>Utilize existing resources in the community to connect W/MBEs and others to mentors, funding sources and other similar business owners.</p>	<p>Other cities include links on their city website to such resources. City staff learns about trade/affinity/support groups then meets/partners to discuss challenges and also to create opportunities with the purpose to create and grow small businesses in our community. Lakewood is doing some of this, so perhaps it's more of expanding the</p>



	ongoing work.
Host or participate in small business coffee sessions or small business talk sessions.	Another way to bring small businesses together for networking, finding mentors, etc., while also taking the time to educate these businesses on opportunities to contract with the city. These are more informal in nature and appeal to social aspects vs educational sessions. Can also include speaking at various local Chambers of Commerce.
Highlight W/MBEs owned by residents of the city.	This creates awareness of existing W/MBEs, perhaps encourages patronage of such businesses and could serve as inspiration for future W/MBEs. We see new businesses mentioned in Looking @ Lakewood, but what about other social media sites, partner sites, the city website, etc.
Gather data (Disparity Study/Availability Study) usually from the closest big city/metro area. For Lakewood, the city could use Denver's Disparity study (addresses the Metro area).	Determine how the disparity numbers and availability numbers apply to Lakewood. Our initial evaluation is that the Metro numbers can be used by Lakewood.
Partner with another city or the county. Especially when using certification programs.	Some cities partner with nearby cities especially if they are part of a larger Metro area. The partnering can include sharing data, certification programs, lessons-learned, certification forms, training, etc.

### **Full List of Recommendations/Ideas**

We conducted extensive research on this topic gathering ideas from cities large and small. We thought it was important to share the full list of actions and ideas. What follows is the list of ideas and additional recommendations. The total list of ideas and recommendations total 16 with some having multiple parts. Some can be done in phases and some likely require more research. We recognize and appreciate the work the city has already implemented such as the website

translator and their on-going outreach and training efforts and we highlight these completed actions.

1. City should keep data on contract awards (both dollar amount and percentage amount). Without data, the city doesn't know where they stand. Some suggested software programs that can assist the city to track the data, mine the data and analyze the data can be found here: [Best Government Diversity, Equity, and Inclusion \(DEI\) Analytics Software - 2023 Reviews & Comparison \(sourceforge.net\)](#) .

2. The city should engage in more outreach to more W/MBEs.

a. This could include outreach through trade/affinity groups such as (percentage of Lakewood's population is noted in parentheses):

i. Hispanic Chamber of Commerce (23%)

<https://www.hispanicchamberdenver.com>

ii. Women's Chamber of Commerce (50%)

<https://www.cwcc.org>

iii. Asian Chamber of Commerce (3.9%)

<https://www.acccolorado.org>

iv. Colorado Black Chamber of Commerce (1.8%)

<https://www.coloradoblackchamber.org>

v. Other suggested groups to explore and expand outreach efforts include Veterans' groups, businesses owned or having employees who are persons with disabilities, LGBTQ+ owned or LGBTQ+ employees, etc.

Colorado LGBTQ Chamber of Commerce

<https://www.colgbtqcc.org>

Colorado Office of Economic Development and International Trade  
Minority Business Directory

<https://www.oedit.colorado.gov/minority-business-directory>

b. The city could also conduct workshops on the process of applying and doing business with the city. (Partially accomplished and ongoing. Some of this

is already happening as captured in “Looking at Lakewood” April 2023 and July 2023 editions.)

c. The city could also enhance their website through the use of language translators to achieve more outreach. The City of Boulder is a good example, but if further research is required, this could be assigned as a follow-on project to the LAC. ([Accomplished. The City of Lakewood website as of March 2023 has a translator option.](#))

d. The city could work and partner with the organizations listed in (a) above and ask if they could place RFPs or other opportunities and information on their specific sites.

e. Another follow-on potential assignment for the City Staff or the LAC is to research what are the top social media or other media sites utilized by Asian-owned, Hispanic-owned, Black-owned, Women-owned and Veteran-owned businesses and then the city could place the RFPs/links/opportunities on these sites. This could include possibly placing public service announcements or advertisements on Spanish-speaking radio stations.

3. Utilize data and programs from neighboring cities, especially Denver which is a bigger city with more resources. They maintain a list of W/MBEs. Perhaps when the city of Lakewood is reaching out to 3 firms for quotes, they could ensure at least one firm is from this list. Denver also conducts workshops; Lakewood city staff might be able to attend these Denver workshops as samples or resources as they build their own workshops.

The City/County of Denver utilizes a comprehensive certification program for women, minority, veteran-owned businesses. They also perform a validation of the certifications. The details of their program can be found on their Division of Small Business Opportunity (DSBO) website which is listed in the references. Of note, the representatives from the City/County of Denver are willing to share and partner with the City of Lakewood.

4. Being an inclusive city is a deliberate, thoughtful and on-going process. As such we recommend the following actions:

- a. Recommend the city update its mission/vision statement to include the goal that the city is building an inclusive community.
- b. Next we recommend the city establish aspirational contracting award goals using Census data or Disparity data from the Metro area. These goals are not quotas; they are simply proportional goals in writing that make it clear that the city of Lakewood wants to include everyone in contract awards and distribution of city funds with the understanding that the most qualified will be selected. We found

that it is critically important to define the terms so that everyone has a clear understanding of the procedure, policy and expectations.

- c. Included in this overall process recommendation is the hiring or appointing existing staff to be the coordinator for inclusive outreach and contracting. This role could be in the form of a Diversity, Equity and Inclusion Manager to work on the overall procurement process to include the outreach or could be broader to include all Lakewood to champion diversity, equity and inclusion across all the City's programs and services. Our research has shown that a program with the aim of trying to achieve inclusiveness and equity only has a good success rate when there is someone to be accountable and someone who champions the program. Hiring or appointing someone to a more limited role such as "Disadvantaged Small Business Liaison" could work and the option is used by the City of Ft Collins. Appointing several "Equity Champions" from across departments, who meet frequently, to discuss blind spots, next steps, the data and more as is being done in the City of Aurora, CO and is yet another option. The City of Lakewood is already doing a lot and achieving substantial success; however, the MBO of Colorado doesn't include Lakewood on its list of cities and perhaps it's due to Lakewood not having a person assigned to one of the roles listed above.
5. Update the city's procurement policies and procedures to match any recommendations adopted by this report. For example, gathering and maintaining data and statistics on all city contract awards is something we highly recommend and is very common practice throughout the country. The 5-months worth of data the city provided to us was very helpful and we hope it was also helpful to the procurement staff, the Economic Development team, the Mayor and City Council, etc.

Other areas to review for enhancements are the procurement processes themselves. For example: Does selection rely too heavily on positive past history doing business with the city? Can the city declare an aspirational goal for awarding contracts to firms who have never done business with the city? In reviewing the dollar thresholds and requirements to purchase we have some minor recommendations for consideration:

- a. Currently for purchases under \$10K, it's buyer's discretion. Suggestion: This seems like an area that could be further evaluated for possible improvements to engage with firms who have never been awarded a city procurement or contract. While there are some risks to engaging with new businesses, the low dollar amount may lend itself to taking on some risks. Can the city buyers be provided a list of W/MBEs and new businesses for their consideration? Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver.

Inclusiveness includes doing business with new businesses regardless of their race, gender or ethnic status.

- b. Currently for purchase between \$10K and \$74.9K city buyers must obtain 3 quotes or submit a sole source justification. Suggestion: We recommend that the city buyers be provided with a list of W/MBEs. Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver. The most qualified firm should always be selected. We recognize that contracting with new firms can involve some risks. Some risks of trying new businesses who are new to city contracting can include: the firms going through a learning curve, potentially lower quality or inability to timely completion of the job. However, it can also include potentially some benefits to the city, such as increased innovation and lower costs.
- c. Above \$75K is a very formalized process and selections are made as a group. When combined with federal funding they may be subject to set-aside provisions. Recommendation: Proceed as is.

6. W/MBEs often struggle to secure funding to start their business, again in their early years of existence to sustain their business and perhaps struggle even more to expand their business. Perhaps the city could also bring in representatives from Small Business Administration (SBA), banks and credit unions to conduct workshops on obtaining funding. Partner with mentors to conduct workshops on obtaining funding. Setup a follow-on program where protégés are then expected to become mentors.

7. Related to the above perhaps the city could host a business forum for women, minority and veteran owned businesses where they could all meet, network and share stories among themselves. Or the city could send economic development team representatives to the various chamber of commerce events.

8. During contract selection/deliberations, perhaps additional consideration (priority) is given to firms who use as subcontractors who are W/MBEs. Perhaps this could result in mentor-protégé relationships that could develop the pipeline for more W/MBEs to become prime contractors. We believe ideas like this and others' ideas that may come from city staff, community members, and others could help businesses that are just starting out and possibly create a pipeline of future contractors.

9. The city of Colorado Springs does engage in various efforts to help W/MBEs. One of the interesting actions is they highlight women-owned businesses on its "Visit Colorado Springs"

website. Perhaps Lakewood could do the same on the city website as we do not have a dedicated tourism site. While Lakewood does highlight new businesses in Looking @ Lakewood newspaper, perhaps the city could expand on this to the city website and other social media sites.

10. On the Pueblo County website, they explain why after 30-years of research and discussion there is still a need for programs that assist W/MBEs and Disadvantaged Small Businesses. While the data is from 2010, some things like lack of mentors and difficulty in getting funding still are reported on and discussed today and we found confirmed this with more recent reports and news articles. It was unclear exactly what the City/County of Pueblo are doing in regards to assisting W/MBEs. The 2018 Study by the City of Ft. Collins lists some of the same issues and challenges facing W/MBEs and their study provides additional information. The City of Ft. Collins does have a W/MBE program.

11. The city of Edmonds, WA describes on their website that small businesses are the backbone of the economy. They engage in strengthening opportunities for small and diverse businesses. They believe doing this not only strengthens the local economy, it supports the community, improves the quality of life for everyone and having more participants increases competition and innovation while lowering costs.

12. Require certification from women/minority/veteran-owned business enterprises. A program and database can be created or the city can use one that exists, such as the city of Denver's program. The Denver Reps we talked to said they are willing to engage in some sort of reciprocity agreement. This will likely require more city staffing to manage the program, check certifications, etc. Staffing requirements would be less if the city enters a partnership agreement.

13. Another recommendation would be to have a Lakewood certification form without a formal certification program that would collect data about businesses that do contract with the city. The informal program could gather information about the businesses. If confirmation is desired, perhaps this could be confirmed by site visits that could be done by volunteers. The form below is overzealous but a modified form that could fit our city could work well. In addition, Denver and the State of Colorado have certification formats that we could use and encourage State wide consistency with certification.

[City of Oakland pdf doc.](#)

14. City should formalize the definitions for terms such as Women and Minority-owned Business Enterprise (W/MBE), Disadvantaged Business Enterprise (DBE), Veteran-owned Small Business (VOSB) and others. While the SBA website is an excellent source of the definitions, we recognize some cities further define or expand on these definitions. It is important for all involved to know the definitions being used. These terms and definitions become important in the data collection and reporting process and also in the certification program, should the city decide to pursue this option. Of note, using the city data for awards they made during April 2023

further pointed-out the need for consistent and clear definitions so the data is captured effectively. We were not sure how to capture firms that are both women-owned and minority-owned so we ended up creating a third category called both.

15. Model the Federal Government. We don't have to redesign the wheel. [Disadvantaged Business Enterprise Program Requirements | US EPA](#) or [GSA Announces Actions to Advance Equity and Supplier Diversity in Federal Procurement | GSA](#)

16. Related to above, the City of Lakewood has the 2nd most concentration of Federal employees in the country located at the Federal Center. City should explore more collaboration efforts with the federal government. Perhaps the collaboration could lead to establishing an incubator to help create more minority and women owned businesses and jobs right here.

### Top 5 Recommendations

Based on our research and investigating what other cities have implemented and then tailoring to the City of Lakewood, we developed our Top 5 recommendations. We believe these recommendations can have an impact both quickly and with minimal costs. Table 2 below lists our top five recommendations for the City of Lakewood to consider in further improving the awareness and participation of W/MBEs.

Table 2: Top 5 Recommendations

Recommended Action	Justification/Benefits
1. Gather and keep statistics and use the data to refine the W/MBE program, the goals, the outreach, etc. Publish those statistics on the city website.	Cities keep statistics on all contract awards to ensure transparency. Without data it is difficult to know how the city is doing. We recommend the city at minimum track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. Examples of data could include: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%) and Hispanic-owned businesses were awarded 10 city contracts from a total of 100 city contracts (10%). This data gives the city insight into areas they may need to target or do more outreach.

<p>2. Evaluate hiring/assigning a coordinator to more efficiently coordinate the initiatives or beginnings or a program the city already has on-going. There are many things happening already. The 5-month's worth of data is indicative of what the city can achieve for a full year or more, once people hear about the city's achievements, we suspect many cities are going to want to speak to the city about how they can modify their programs.</p>	<p>A coordinated program has many benefits. Ties all the efforts together, creates a point person who continues to facilitate awareness, evaluates changes and improvements and continues to look for blind spots. Person in the position, using data, generates new ideas on what the city could do differently or better to reach more W/MBEs and start expanding to others such as veteran-owned businesses and others.</p> <p>There are more options, like a more limited role such as the City of Ft Collins has done. Another option taken from the city of Aurora would be to establish 2 champions (co-coordinators) such as the head of the city procurement and the head of the Economic Development team to continually discuss the data, ideas and resources.</p>
<p>3. City to conduct training, workshops and various outreach efforts to increase the numbers of W/MBEs businesses and participation in the City contracting process.</p>	<p>Some of this is already being done by Lakewood's Economic Development team. Expand efforts, do more workshops and outreach geared towards businesses interested in doing business with the city. Partner with various affinity groups listed in this report as possible sources to post opportunities or conduct some mentoring and more outreach. Also consider partnering with the State of Colorado and Small Business Administration. Small businesses are crucial to the economy.</p>
<p>4. Establish partnerships with the City &amp; County of Denver and Jefferson County.</p>	<p>We had several guest speakers come and share their programs with the LAC. Both the City &amp; County of Denver and Jefferson County are willing to share their expertise, lessons-learned, even their certification program with the City of Lakewood. There are abundant opportunities so that the city does not have to recreate the wheel nor duplicate efforts. Partnering can also save the city money by not having to hire a lot of additional staff.</p>



<p>5. Establish aspirational contracting goals.</p>	<p>Establish goals using demographics of current state business owners is a starting place (see references) and further refine using the Metro area Disparity Study and Availability numbers. We did some of this research and recommend using as aspirational goals that our neighbors with robust programs have achieved; therefore, <b>5-8%</b> contracting goal for Women-owned businesses and the same <b>5-8%</b> goal for Minority-owned businesses. Goals could be added to include Veteran-owned businesses and others. The contract award data suggests the city is already exceeding these aspirational goals, but 12-months of data should be used. If goals are being met, they can be raised to the next level which is 9-12%. The data suggests 20-24% of businesses who provide goods and services that cities utilize are W/MBEs.</p>
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**Conclusion**

Based on the 5-months worth data we were provided, the City of Lakewood is already doing an excellent job in awarding contracts to W/MBEs. While 12-months worth of data would have been preferable to draw more accurate conclusions, so far the city is exceeding the aspirational goals that most cities and federal agencies place on themselves. The city should continue to gather and maintain its contract award data, there could be a great story of success here that the city should be proud to showcase and share with others.

While the data looks good, we are recommending further steps that the city could implement to increase both the awareness and opportunities for W/MBEs. This in turn could lead to a strengthening of our local economy, increase competition and lower costs to the City of Lakewood. The research also suggests that awarding city contracts to a large range of businesses increases civic pride and creates a feeling of inclusiveness.

**Appreciation**

We LAC, Diversity Committee, appreciate this first assignment for our committee. We'd like to thank the Mayor and City Council for assigning us this project, especially Counselor Jeslin Shahrezaei for preparing and submitting this assignment to the LAC. We'd also like to thank Mary O'Halloran, City of Lakewood Procurement Supervisor for sharing her expertise and for gathering multiple iterations of data for us to evaluate. We'd also like to thank Jay Robb, the City Clerk, for all his support and contacts across the Metro area and beyond. Our deep appreciation to Marika Sitz, Diversity, Equity and Inclusion Manager, Jefferson County and to

Alexis Nightengale and Brittany Eroen from the Division of Small Business Opportunity, City and County of Denver.

### **References:**

Countless hours were spent by the team researching other cities' websites and commissioned studies in order for us to develop some recommendations that we think are appropriate for the City of Lakewood. Below are many of the links used, including links to reports, news stories and general information.

<https://www.denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Economic-Development-Opportunity/Business-Owners-Entrepreneurs/Do-Business-with-the-City/Frequently-Asked-Questions/About-DSBO>

- Division of Small Business Opportunity (DSBO) website, City/County of Denver

<https://oedit.colorado.gov/minority-business-office-of-colorado>

- General information from the Minority Business Office of Colorado, a division of Office of Economic Development and International Trade (OEDIT)

<https://oedit.colorado.gov/minority-owned-businesses>

- Specific OEDIT information including a list of minority owned businesses

<https://www.governing.com/cityaccelerator/cohort4>

- Helpful publication from City Accelerator:

<https://19thnews.org/2021/06/small-business-administration-contracts-woman-owned-businesses-for-decades/>

- Article on history of Federal contracts to WBEs and what the SBA has done

<https://www.mbda.gov/tags/disparity-studies>

- Compilation of multiple Disparity Studies across the US by Department of Commerce

<https://cao-94612.s3.amazonaws.com/documents/City-of-Oakland-Draft-Disparity-Study.pdf>

- Disparity Study- has information on what is legally allowed as well as analysis of Oakland's actual disparities.

<https://www.oaklandca.gov/documents/contracts-and-compliance-forms-and-schedules>

- City of Oakland's Contracts Schedules which include questions about race/ethnicity and

gender of business owners:

<https://www.open-contracting.org/2020/11/19/new-report-a-procurement-path-to-equity/>

- 5 Ways cities can use purchasing power to help W/MBEs

<https://www.fastcompany.com/90298216/how-cities-can-support-minority-and-women-entrepreneurs-buy-things-from-them>

- How cities can support women owned businesses: buy things from them

<https://www.boston.gov/news/proposal-filed-expand-access-city-contracts-minority-and-women-owned-enterprises>

- City of Boston, Proposal file to expand access to city contracts

<https://www.edmondswa.gov/cms/One.aspx?portalId=16495016&pageId=17269271>

- City of Edmonds, Diversity, Equity and Inclusion Commission. Ideas of things Lakewood may want to consider such as a film series.

<https://bellevuewa.gov/city-government/departments/city-managers-office/diversity-advantage-initiative>

- City of Bellevue, their Diversity Advantage Initiative

<https://www.fcgov.com/>

- City of Ft. Collins, CO. General site with links to 2018 Small Business Survey and Public Notice on contracting goals on dual/partner Federal contracts.

<https://www.visitcos.com/blog/women-owned-businesses-resources/>

- Visit Colorado Springs website highlighting women-owned businesses

<https://county.pueblo.org/energy-and-economic-development/minority-owned-business-resources>

- Pueblo County, CO website with resources for minority-owned businesses

<https://www.talgov.com/diversityinclusion/divinhome>

- City of Tallahassee, their Diversity Initiatives and Plans

<https://www.portseattle.org/business/bid-opportunities>

- Port of Seattle information

<https://cuyahogacounty.us/fightracism>

- Cuyahoga County Links

<http://accaweb.org/>

- American Contract Compliance Association

<https://goodfoodpurchasing.org/>

- Good Food purchasing programs in some cities.

<https://www.governing.com/cityaccelerator/blog/cities-purchase-power-people-color-minorities-lc.html>

- 5 Ways Cities can use their purchasing power to support minority-owned businesses

[https://hwpi.harvard.edu/files/govlabs/files/strategies\\_for\\_improving\\_vendor\\_diversity\\_brief.pdf](https://hwpi.harvard.edu/files/govlabs/files/strategies_for_improving_vendor_diversity_brief.pdf)

- A paper with strategies for improving vendor diversity.

<https://www.thewomenofdenver.com/>

- Women of Denver - a connection platform for women in Colorado to build their network; they also offer free mentoring and advice to women business owners by other women business owners.

<https://micasaresourcecenter.org/>

- Mi Casa Resource Center offers free coaching and consulting to Hispanic/Latino small businesses and entrepreneurs.

Here is [Find a minority, woman, or disabled-owned business | Services | City of Philadelphia](#)

- An example from Philadelphia to search for W/MBEs and disabled-owned businesses.

“A [1989 Supreme Court ruling](#) established that cities may only overtly work to support minority-owned businesses if they can prove a history of discrimination in city contracts.”

- What we are recommending is different but we leave this reference here for historical context.

Cities like Los Angeles and Chicago set up portals where new contracting opportunities could be posted well in advance, so smaller firms could learn how to bid on them. Also, rather than issuing a single contract to a large firm, the accelerator cities are breaking up contracts into smaller projects that a cohort of local businesses could tackle. Smaller contracts help the city establish relationships with more diverse vendors, who can use the revenue stream to grow their business. Improving procurements and [city accelerator](#)

The federal government has very specific goals for small businesses. Agencies have various

procurement programs set aside or earmark a certain percentage of contract dollars that must go to small businesses. The federal government has contracts called total small business set-asides, which are exclusively set aside for small businesses. See SBA website for details ([sba.gov](http://sba.gov)) They have the Women-Owned Small Businesses ([WOSB certification](#)), which is limited to women who are certified as WOSB.”

[Washington State's](#) equity of public spending showing what the State of Washington is doing.

[Seattle WA is](#) really interesting ... you can read public meeting minutes on how their Advisory committee was working through some of these same issues.

Seattle’s Priority Hiring Program - [Priority Hire Program](#)

[Equity Considerations — Equity Resource Hub](#)

- A resource on equity with questions to consider.

[EquitableDecisionMakingTool.pdf \(clark.edu\)](#)

- A series of questions, many of which are thought-provoking.

City of [Boulder](#) website, it translates the site into many languages.

Other translation services: [Translation services](#) or you can try [google translate](#)

<https://www.thomsonreuters.com/en-us/posts/news-and-media/government-procurement-dei/>

- Article on How Government Procurement Helps with Diversity, Equity and Inclusion, including a link to a procurement tracker used by the city of Tacoma, WA:

<https://sloanreview.mit.edu/article/how-procurement-can-strengthen-diversity-and-inclusion/>

- Article by the MIT Sloan School of Management on how Procurement can Strengthen Diversity and Inclusion:

<https://buildinginnovationhub.org/resource/find-a-qualified-vendor/high-road-contracting/>

- High-Road Contracting Too, a tool to help find qualified vendors:

### **Additional Links/Information:**

The Request from the City Council that generated this paper.

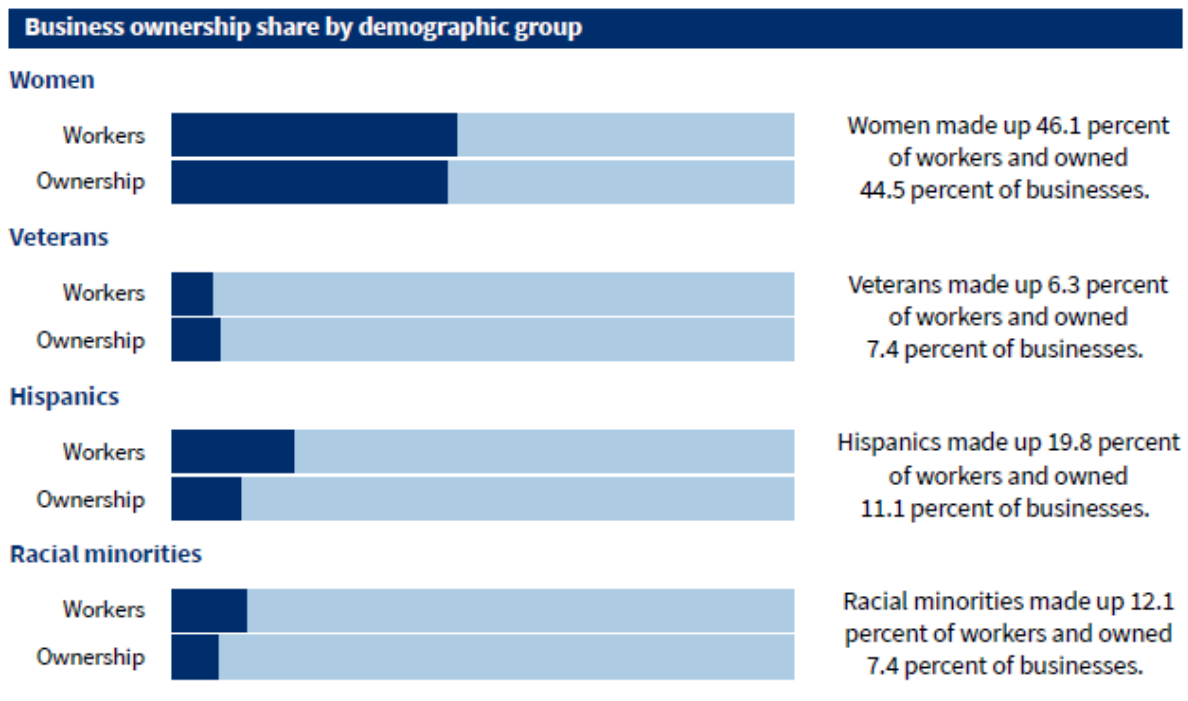
[City docs](#) click on this link to read the request and the current city docs.

[LAC Diversity Committee - Zoom](#) April 19, 2023 committee meeting video with City and County of Denver - Alexis Nightengale and Brittany Eroen

[LAC Diversity Committee - Zoom](#) March 22, 2023 committee meeting with Jefferson County DEI Manager - Marika Sitz

### **Graphical References:**

#### **Business Ownership by Demographic Group (State of Colorado)**



Ownership shares include equal and majority ownership

Sources of data: [American Community Survey, 2018](#) (Census and IPUMS); [Annual Business Survey, 2018](#) (Census);

[Nonemployer Statistics by Demographics, 2017](#) (Census)

**Contract Awards by the City of Lakewood (Partial 2023)**

<b>Month</b>	<b>Minority Owned (MO)</b>	<b>Woman Owned (WO)</b>	<b>Both MO &amp; WO</b>	<b>Total MO WO &amp; Combo</b>	<b>Total Contracts Awarded</b>	<b>Percent Awarded to MBEs</b>
<b>April</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>10</b>	<b>55</b>	<b>18.2%</b>
<b>May</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>7</b>	<b>46</b>	<b>15.2%</b>
<b>June</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>33</b>	<b>9.1%</b>
<b>July</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>42</b>	<b>7.1%</b>
<b>August</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>14</b>	<b>38</b>	<b>36.8%</b>
<b>Totals</b>	<b>11</b>	<b>15</b>	<b>11</b>	<b>37</b>	<b>214</b>	
<b>5-Month Average</b>						<b>17.3%</b>

**Notes:**

Contracts listed include Contractual Service Agreements, Professional Services Agreements, Bids, Requests for Proposals, Requests for Qualifications and Purchase Orders.

Totals contracts awarded excludes contracts to/with government entities and educational institutions.



Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

**Question/Request:**

Jeslin Shahrezaei: I would like to see a procedure/policy for women and minority-owned businesses to have equitable access to contract bids for Lakewood through the procurement process.

**Staff Response:**

We welcome and appreciate the above question/request.

**Policy Review:** LAC's research confirmed the City of Lakewood's purchasing policy is consistent with other municipalities, such as Denver. The City of Lakewood currently has a policy and follows in practice an open, fair, equitable and competitive process in which there are many steps taken to ensure this is an equitable process for all parties.

**Opportunity:** Although staff have confidence the purchasing process does give fair access to the bidding process, we also see an opportunity to improve equitable awareness of the opportunities to bid at the City of Lakewood and increase an understanding of the bidding process for diverse groups. The LAC research and recommendations will be helpful in pursuing this opportunity.

There are currently several efforts done by the Economic Development Department that tailor to diversity. As the LAC reported, Economic Development provides training and workshops, peer to peer mentoring, Jumpstart (funding source) and resources as well as the city's website now has a translator. However, we agree, the city can do more.

From the LAC top five recommendations Purchasing and Economic Development are planning to pursue the following:

- 1. Statistics & Data Gathering:** It is important to keep the award process unbiased. However, gathering data on the award outcome is important for Lakewood to determine current diversity of awards and tracking if the education efforts are changing the statistics. Recently it was added to the bid process that Women and Minority owned businesses could self-report so that we can track the % of awarded contracts. Staff gave this information to LAC for April 2023 which was the first month of collecting the data. Since then, staff provided to LAC the data through October. (See chart)



Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

MONTH	MINORITY OWNED	WOMEN OWNED	BOTH W/O and M/O	TOTAL	TOTAL CONTRACTS AWARDED	% CONTRACTS AWARDED TO MINORITY OR WOMEN OWNED
April	3	4	3	10	55	18.2%
May	3	3	1	7	46	15.2%
June	0	1	2	3	33	9.1%
July	0	2	1	3	42	7.1%
August	5	5	4	14	38	36.8%
September	3	8	6	17	47	36.2%
October	3	2	0	5	32	15.6%
<b>TOTALS</b>	<b>14</b>	<b>23</b>	<b>17</b>	<b>54</b>	<b>261</b>	
<b>AVERGAGE % (7-mo period)</b>						<b>19.75%</b>

This is something we will need to track over a longer period of time, but initially the data shows Lakewood is exceeding the State of Co, City of Denver and Federal Government awards on average. These three entities have formal diversity programs and award between 4.6% - 8.4% per the LAC research. It is important including other diversity groups in the data collection such as veterans, disabled, LGBTQ+ etc.

The City will continue to accumulate statistics and use the findings to determine the diversity of awards and make adjustments to education.

2. **Coordinated and Aligned (Transparent and Results Oriented):** Once the city has collected more data Purchasing and Economic Development will be evaluating the workshops & outreach, engage in partnerships, and look for opportunities for change/improvement.
  
3. **Training, workshops & Outreach:** Currently the city’s Economic Development Department provides various outreach to local businesses and Chambers of Commerce as mentioned above. Purchasing and Economic Development will enhance outreach to businesses interested in doing business with the City of Lakewood. They will be providing brochures for businesses and widening the outreach to more groups and multiple forms of communication. Additionally, the purchasing team will be reviewing the city website to provide more prominent/accessible links and frequently asked questions.

Lakewood Advisory Commission (LAC)  
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4. **More Partnerships:** Excellent idea from LAC. We want to leverage what others are doing and expand our partnerships.
  
5. **Establish Aspirational Goals:** As stated by the LAC the current stats indicated the city is within or exceeds the 5-8% range from the State/Metro area studies. The team that reviews the statistics, as mentioned in item 2, will recommend goals.

**Reporting Back:** The staff recommend reporting back after one year of tracking and making changes.

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 6**

To: Mayor and City Council

From:

Subject:

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**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:** LAC Report - Diversity Subcommittee Assignment #2022-06  
Staff Response to LAC WMBE Research

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

# Lakewood Advisory Commission Report

## **Research and Recommendations on Women / Minority Owned Business Enterprises**

Diversity Committee  
September 2023

*ASSIGNMENT #2022-06: WOMEN / MINORITY OWNED BUSINESSES*

“Welcome, we are building an inclusive community” - street sign as you enter Lakewood, CO.

### **Introduction**

The Lakewood Advisory Commission (LAC) is a group of informed citizen volunteers who perform research for the city council. City Council assigned the LAC, specifically the Diversity Committee, with a project to: (1) investigate what other cities are doing to increase the awareness and participation of Women and Minority Owned Businesses Enterprises (W/MBEs) in city procurements and (2) make recommendations to the city council for possible adoption into the Lakewood Municipal Code and related policies.

### **Executive Summary**

There is no shortage of information on this topic from both a historical context and what currently other cities are currently doing to increase awareness and participation of W/MBEs in competing and obtaining city contracts. We include a list of what neighboring cities are doing, as well as a list of the most recurring ideas and actions that cities around the country are taking and the goals they are striving to achieve. Based on our research and the 5-month's worth of data the City of Lakewood provided to us, the City of Lakewood is already doing a good job of awarding contracts to W/MBEs.

Since it was requested that we make recommendations based on our findings, we developed our top five recommendations for the Mayor and City Council to consider. Our Top 5 recommendations are: (1) gather and use data, (2) hire or appoint a program manager/coordinator, (3) conduct training and workshops, (4) engage in various partnerships and

(5) establish aspirational goals. In addition, there are more ideas or follow-on recommendations listed in this report that could be added or done later, perhaps in phases. Some of the additional ideas may require further research and we are happy to continue this research work.

## **Background**

The project began with all members of the Diversity Committee casting a wide net by conducting internet research, not only on what other cities are doing, while also inquiring about the current status of awards to W/MBEs by the City of Lakewood. We met with the City of Lakewood's Purchasing Supervisor to learn more about how procurements and contracting are handled now. We inquired about data the city gathers and learned the city does not keep data separated by women or minorities, but the Purchasing Supervisor agreed to gather data for us. Initially we were provided with 1-month's worth of data and then subsequently later in the year we were provided with 5-months' worth of data. The additional data was useful but it did cause a delay in our ability to present the report to the Mayor and City Council.

We also reached out to Jefferson County and the City and County of Denver to learn more about what they are doing around the subject of contracting with W/MBEs and met with their representatives. We also read studies and reports commissioned by other cities on this topic. For example, the State of Colorado engaged with the Keen Independent Research LLC to conduct a disparity study titled, "2020 State of Colorado Disparity Study." This 700+ page report documents the results they found and makes recommendations. The report attempts to outline methods that create a level playing field for historically disadvantaged businesses (HUBs) to compete for State contracts. Senate Bill 19-135 defined HUBs to be businesses owned by people of color, women, persons with physical or mental disabilities and members of the LGBT+ community.

Another study we examined was titled, "Recommendations for the City of Austin's Minority and Women-Owned Business Enterprise Program 2022" commissioned by the City of Austin, Texas. A much smaller, 22-page report, it reviewed the existing program and outlined the importance of revisiting any program on a periodic basis. The City of Ft. Collins' report titled, "Small Business Survey: Summary of Results" from 2018 was another good source of information. The websites from the City of Aurora, CO and the City of Colorado Springs and their related information were also reviewed and gave us more ideas to evaluate.

By having the LAC perform this research, the city likely saved thousands of dollars in taxpayer funding. We found our larger neighbors in the City and County of Denver to be potentially great collaborators of several recommendations by their willingness to engage in reciprocity agreements with the City of Lakewood in sharing not only best practices and lessons learned but also potentially their certification program. If Lakewood chooses to engage in this partnership, it

will likely save potentially millions of taxpayer dollars by not having to create, staff and administer such a program. Jefferson County was also willing to have discussions and assist the city in various ways. The State of Colorado also has resources and programs that Lakewood should explore further, including the possibility of obtaining grants and other support.

A question asked of our Committee was, why should the City of Lakewood look to expand the awareness, outreach and subsequently awards to a large variety of business owners? The answer is because of the many benefits both tangible and intangible. First, in regards to small businesses, small businesses are a key and integral part of the economy. Nationally they hire 2/3 of the employees and represent 44% of the overall economic activity. Second, engaging with new businesses increases competition and innovation and should lower procurement costs to the city. Third, our reading and research suggests that city contracting efforts with numbers that are reflective of all the city's diverse business owners increases civic pride, enhances the connection among residents and increases community engagement.

## **Cities in Colorado**

While we looked at what other cities are doing across the country, we later focused our research efforts on what our neighbors within the state are doing in regards to W/MBEs. Since Lakewood is the fifth largest city in the State of Colorado, we wanted to know how we compare to similar cities in our state.

As of 2021, these are the cities in Colorado with minority-owned business procurement programs or initiatives. Some may be missing if they are not in collaboration or promoting resources from or through the state's Minority Business Office (MBO) of Colorado. The cities with program and/or initiatives are:

- Denver: The City and County of Denver has a Minority and Women Business Enterprise (M/WBE) Program that seeks to increase the utilization of M/WBEs in city contracting and purchasing.
- Colorado Springs: The City of Colorado Springs has a Minority Business Enterprise (MBE) Program to enhance opportunities for minority-owned businesses in city contracting.
- Aurora: The City of Aurora has a Minority and Women Business Enterprise (M/WBE) Program to promote and assist M/WBEs in accessing city contract opportunities.
- Fort Collins: The City of Fort Collins has programs aimed at increasing opportunities for minority-owned businesses to participate in city procurement and contracting.
- Boulder: The City of Boulder has various programs and initiatives to support diverse businesses, including minority-owned businesses, in their procurement efforts.

The first cities in the list above are the 4 largest cities in Colorado. Boulder is the 8th largest city. We recognize there are several efforts being conducted by the Lakewood Economic Development Team and perhaps Lakewood should be on this list. While we will address this later in our recommendations, what seems to be missing is a policy and/or coordination that ties the development work, the mentoring and outreach work to the procurement efforts.

The conclusion we drew from the above is that Lakewood is an outlier for a city of our size in terms of having a formal program or initiatives or at least collaborating with the MBO so that they become aware of the various on-going efforts being performed and can be added to the list.

**Most Common Actions Taken by Other Cities**

Cities in both Colorado and across the U.S. who want to increase the awareness, participation and provide support to W/MBEs do a variety of things. From our research, it appears that in order to make an impact in a city’s inclusivity efforts that the actions are coordinated. From the city’s mission/vision statement to hiring or appointing a lead, such as a Diversity Equity and Inclusion (DEI) manager or similar, setting up policy and procedures, the engagement takes the form of a city program or a series of coordinated initiatives. Table 1 below describes the most consistent steps or actions that are typically part of a larger more comprehensive program to increase awareness and participation from W/MBEs in the city’s procurement program.

Table 1: Actions Cities Takes to Support W/MBEs

<b>Action</b>	<b>Details</b>
Commission a report on W/MBEs (much like this one through various sources).	Some of the bigger cities will commission a report such as this one from consultants or local universities. If they have a program for W/MBEs they evaluate the continuation of such programs or recommend updates. We read these reports and also related news stories, general information on W/MBEs and attempted to make recommendations that are tailored to the City of Lakewood. We strived to recommend actions that were achievable, expand on existing work and could be implemented with low to minimal costs.

<p>Set contracting goals</p>	<p>Establish aspirational goals. Cities tend to start by using their demographics data or disparity data to obtain W/MBE availability numbers. These goals are not quotas or mandates; they simply reflect the goals a city hopes to achieve and awards always go to best qualified firms. These goals are different and separate from any goals the Federal Government establishes for federal contracts. Cities follow the federal government set-aside rules when engaged in joint or dual city/federal contracts.</p>
<p>Keep statistics, publish those statistics and use the data.</p>	<p>Keep statistics on contract awards. Cities track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. For example, Lakewood could look something like this: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%). In 2024, women-owned businesses were awarded 10 city contracts from a total of 100 awarded contracts (10%). Then the city could do the same for minority-owned businesses. This data gives the city insight into areas they may need to target or do more outreach.</p>
<p>Hire/create position of diversity, equity, inclusion manager or similar more limited role focusing on disadvantaged businesses or someone to focus on an even larger role such as hiring, promotions, training.</p>	<p>Creates accountability and brings in a fresh or new perspective to look at things differently and perhaps to try different things.</p>
<p>Hold workshops or training sessions.</p>	<p>These are posted on the city website and trade/affinity group websites and held regularly with the goal of teaching interested businesses how to obtain contracts with the city. The Lakewood Economic Development team is already doing some of this work.</p>
<p>Utilize existing resources in the community to connect W/MBEs and others to mentors, funding sources and other similar business owners.</p>	<p>Other cities include links on their city website to such resources. City staff learns about trade/affinity/support groups then meets/partners to discuss challenges and also to create opportunities with the purpose to create and grow small businesses in our community. Lakewood is doing some of this, so perhaps it's more of expanding the</p>



	ongoing work.
Host or participate in small business coffee sessions or small business talk sessions.	Another way to bring small businesses together for networking, finding mentors, etc., while also taking the time to educate these businesses on opportunities to contract with the city. These are more informal in nature and appeal to social aspects vs educational sessions. Can also include speaking at various local Chambers of Commerce.
Highlight W/MBEs owned by residents of the city.	This creates awareness of existing W/MBEs, perhaps encourages patronage of such businesses and could serve as inspiration for future W/MBEs. We see new businesses mentioned in Looking @ Lakewood, but what about other social media sites, partner sites, the city website, etc.
Gather data (Disparity Study/Availability Study) usually from the closest big city/metro area. For Lakewood, the city could use Denver's Disparity study (addresses the Metro area).	Determine how the disparity numbers and availability numbers apply to Lakewood. Our initial evaluation is that the Metro numbers can be used by Lakewood.
Partner with another city or the county. Especially when using certification programs.	Some cities partner with nearby cities especially if they are part of a larger Metro area. The partnering can include sharing data, certification programs, lessons-learned, certification forms, training, etc.

### **Full List of Recommendations/Ideas**

We conducted extensive research on this topic gathering ideas from cities large and small. We thought it was important to share the full list of actions and ideas. What follows is the list of ideas and additional recommendations. The total list of ideas and recommendations total 16 with some having multiple parts. Some can be done in phases and some likely require more research. We recognize and appreciate the work the city has already implemented such as the website

translator and their on-going outreach and training efforts and we highlight these completed actions.

1. City should keep data on contract awards (both dollar amount and percentage amount). Without data, the city doesn't know where they stand. Some suggested software programs that can assist the city to track the data, mine the data and analyze the data can be found here: [Best Government Diversity, Equity, and Inclusion \(DEI\) Analytics Software - 2023 Reviews & Comparison \(sourceforge.net\)](#) .

2. The city should engage in more outreach to more W/MBEs.

a. This could include outreach through trade/affinity groups such as (percentage of Lakewood's population is noted in parentheses):

i. Hispanic Chamber of Commerce (23%)

<https://www.hispanicchamberdenver.com>

ii. Women's Chamber of Commerce (50%)

<https://www.cwcc.org>

iii. Asian Chamber of Commerce (3.9%)

<https://www.acccolorado.org>

iv. Colorado Black Chamber of Commerce (1.8%)

<https://www.coloradoblackchamber.org>

v. Other suggested groups to explore and expand outreach efforts include Veterans' groups, businesses owned or having employees who are persons with disabilities, LGBTQ+ owned or LGBTQ+ employees, etc.

Colorado LGBTQ Chamber of Commerce

<https://www.colgbtqcc.org>

Colorado Office of Economic Development and International Trade  
Minority Business Directory

<https://www.oedit.colorado.gov/minority-business-directory>

b. The city could also conduct workshops on the process of applying and doing business with the city. (Partially accomplished and ongoing. Some of this

is already happening as captured in “Looking at Lakewood” April 2023 and July 2023 editions.)

c. The city could also enhance their website through the use of language translators to achieve more outreach. The City of Boulder is a good example, but if further research is required, this could be assigned as a follow-on project to the LAC. ([Accomplished. The City of Lakewood website as of March 2023 has a translator option.](#))

d. The city could work and partner with the organizations listed in (a) above and ask if they could place RFPs or other opportunities and information on their specific sites.

e. Another follow-on potential assignment for the City Staff or the LAC is to research what are the top social media or other media sites utilized by Asian-owned, Hispanic-owned, Black-owned, Women-owned and Veteran-owned businesses and then the city could place the RFPs/links/opportunities on these sites. This could include possibly placing public service announcements or advertisements on Spanish-speaking radio stations.

3. Utilize data and programs from neighboring cities, especially Denver which is a bigger city with more resources. They maintain a list of W/MBEs. Perhaps when the city of Lakewood is reaching out to 3 firms for quotes, they could ensure at least one firm is from this list. Denver also conducts workshops; Lakewood city staff might be able to attend these Denver workshops as samples or resources as they build their own workshops.

The City/County of Denver utilizes a comprehensive certification program for women, minority, veteran-owned businesses. They also perform a validation of the certifications. The details of their program can be found on their Division of Small Business Opportunity (DSBO) website which is listed in the references. Of note, the representatives from the City/County of Denver are willing to share and partner with the City of Lakewood.

4. Being an inclusive city is a deliberate, thoughtful and on-going process. As such we recommend the following actions:

- a. Recommend the city update its mission/vision statement to include the goal that the city is building an inclusive community.
- b. Next we recommend the city establish aspirational contracting award goals using Census data or Disparity data from the Metro area. These goals are not quotas; they are simply proportional goals in writing that make it clear that the city of Lakewood wants to include everyone in contract awards and distribution of city funds with the understanding that the most qualified will be selected. We found

that it is critically important to define the terms so that everyone has a clear understanding of the procedure, policy and expectations.

- c. Included in this overall process recommendation is the hiring or appointing existing staff to be the coordinator for inclusive outreach and contracting. This role could be in the form of a Diversity, Equity and Inclusion Manager to work on the overall procurement process to include the outreach or could be broader to include all Lakewood to champion diversity, equity and inclusion across all the City's programs and services. Our research has shown that a program with the aim of trying to achieve inclusiveness and equity only has a good success rate when there is someone to be accountable and someone who champions the program. Hiring or appointing someone to a more limited role such as "Disadvantaged Small Business Liaison" could work and the option is used by the City of Ft Collins. Appointing several "Equity Champions" from across departments, who meet frequently, to discuss blind spots, next steps, the data and more as is being done in the City of Aurora, CO and is yet another option. The City of Lakewood is already doing a lot and achieving substantial success; however, the MBO of Colorado doesn't include Lakewood on its list of cities and perhaps it's due to Lakewood not having a person assigned to one of the roles listed above.

5. Update the city's procurement policies and procedures to match any recommendations adopted by this report. For example, gathering and maintaining data and statistics on all city contract awards is something we highly recommend and is very common practice throughout the country. The 5-months worth of data the city provided to us was very helpful and we hope it was also helpful to the procurement staff, the Economic Development team, the Mayor and City Council, etc.

Other areas to review for enhancements are the procurement processes themselves. For example: Does selection rely too heavily on positive past history doing business with the city? Can the city declare an aspirational goal for awarding contracts to firms who have never done business with the city? In reviewing the dollar thresholds and requirements to purchase we have some minor recommendations for consideration:

- a. Currently for purchases under \$10K, it's buyer's discretion. Suggestion: This seems like an area that could be further evaluated for possible improvements to engage with firms who have never been awarded a city procurement or contract. While there are some risks to engaging with new businesses, the low dollar amount may lend itself to taking on some risks. Can the city buyers be provided a list of W/MBEs and new businesses for their consideration? Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver.

Inclusiveness includes doing business with new businesses regardless of their race, gender or ethnic status.

- b. Currently for purchase between \$10K and \$74.9K city buyers must obtain 3 quotes or submit a sole source justification. Suggestion: We recommend that the city buyers be provided with a list of W/MBEs. Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver. The most qualified firm should always be selected. We recognize that contracting with new firms can involve some risks. Some risks of trying new businesses who are new to city contracting can include: the firms going through a learning curve, potentially lower quality or inability to timely completion of the job. However, it can also include potentially some benefits to the city, such as increased innovation and lower costs.
- c. Above \$75K is a very formalized process and selections are made as a group. When combined with federal funding they may be subject to set-aside provisions. Recommendation: Proceed as is.

6. W/MBEs often struggle to secure funding to start their business, again in their early years of existence to sustain their business and perhaps struggle even more to expand their business. Perhaps the city could also bring in representatives from Small Business Administration (SBA), banks and credit unions to conduct workshops on obtaining funding. Partner with mentors to conduct workshops on obtaining funding. Setup a follow-on program where protégés are then expected to become mentors.

7. Related to the above perhaps the city could host a business forum for women, minority and veteran owned businesses where they could all meet, network and share stories among themselves. Or the city could send economic development team representatives to the various chamber of commerce events.

8. During contract selection/deliberations, perhaps additional consideration (priority) is given to firms who use as subcontractors who are W/MBEs. Perhaps this could result in mentor-protégé relationships that could develop the pipeline for more W/MBEs to become prime contractors. We believe ideas like this and others' ideas that may come from city staff, community members, and others could help businesses that are just starting out and possibly create a pipeline of future contractors.

9. The city of Colorado Springs does engage in various efforts to help W/MBEs. One of the interesting actions is they highlight women-owned businesses on its "Visit Colorado Springs"

website. Perhaps Lakewood could do the same on the city website as we do not have a dedicated tourism site. While Lakewood does highlight new businesses in Looking @ Lakewood newspaper, perhaps the city could expand on this to the city website and other social media sites.

10. On the Pueblo County website, they explain why after 30-years of research and discussion there is still a need for programs that assist W/MBEs and Disadvantaged Small Businesses. While the data is from 2010, some things like lack of mentors and difficulty in getting funding still are reported on and discussed today and we found confirmed this with more recent reports and news articles. It was unclear exactly what the City/County of Pueblo are doing in regards to assisting W/MBEs. The 2018 Study by the City of Ft. Collins lists some of the same issues and challenges facing W/MBEs and their study provides additional information. The City of Ft. Collins does have a W/MBE program.

11. The city of Edmonds, WA describes on their website that small businesses are the backbone of the economy. They engage in strengthening opportunities for small and diverse businesses. They believe doing this not only strengthens the local economy, it supports the community, improves the quality of life for everyone and having more participants increases competition and innovation while lowering costs.

12. Require certification from women/minority/veteran-owned business enterprises. A program and database can be created or the city can use one that exists, such as the city of Denver's program. The Denver Reps we talked to said they are willing to engage in some sort of reciprocity agreement. This will likely require more city staffing to manage the program, check certifications, etc. Staffing requirements would be less if the city enters a partnership agreement.

13. Another recommendation would be to have a Lakewood certification form without a formal certification program that would collect data about businesses that do contract with the city. The informal program could gather information about the businesses. If confirmation is desired, perhaps this could be confirmed by site visits that could be done by volunteers. The form below is overzealous but a modified form that could fit our city could work well. In addition, Denver and the State of Colorado have certification formats that we could use and encourage State wide consistency with certification.

[City of Oakland pdf doc.](#)

14. City should formalize the definitions for terms such as Women and Minority-owned Business Enterprise (W/MBE), Disadvantaged Business Enterprise (DBE), Veteran-owned Small Business (VOSB) and others. While the SBA website is an excellent source of the definitions, we recognize some cities further define or expand on these definitions. It is important for all involved to know the definitions being used. These terms and definitions become important in the data collection and reporting process and also in the certification program, should the city decide to pursue this option. Of note, using the city data for awards they made during April 2023

further pointed-out the need for consistent and clear definitions so the data is captured effectively. We were not sure how to capture firms that are both women-owned and minority-owned so we ended up creating a third category called both.

15. Model the Federal Government. We don't have to redesign the wheel. [Disadvantaged Business Enterprise Program Requirements | US EPA](#) or [GSA Announces Actions to Advance Equity and Supplier Diversity in Federal Procurement | GSA](#)

16. Related to above, the City of Lakewood has the 2nd most concentration of Federal employees in the country located at the Federal Center. City should explore more collaboration efforts with the federal government. Perhaps the collaboration could lead to establishing an incubator to help create more minority and women owned businesses and jobs right here.

### Top 5 Recommendations

Based on our research and investigating what other cities have implemented and then tailoring to the City of Lakewood, we developed our Top 5 recommendations. We believe these recommendations can have an impact both quickly and with minimal costs. Table 2 below lists our top five recommendations for the City of Lakewood to consider in further improving the awareness and participation of W/MBEs.

Table 2: Top 5 Recommendations

Recommended Action	Justification/Benefits
1. Gather and keep statistics and use the data to refine the W/MBE program, the goals, the outreach, etc. Publish those statistics on the city website.	Cities keep statistics on all contract awards to ensure transparency. Without data it is difficult to know how the city is doing. We recommend the city at minimum track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. Examples of data could include: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%) and Hispanic-owned businesses were awarded 10 city contracts from a total of 100 city contracts (10%). This data gives the city insight into areas they may need to target or do more outreach.

<p>2. Evaluate hiring/assigning a coordinator to more efficiently coordinate the initiatives or beginnings or a program the city already has on-going. There are many things happening already. The 5-month's worth of data is indicative of what the city can achieve for a full year or more, once people hear about the city's achievements, we suspect many cities are going to want to speak to the city about how they can modify their programs.</p>	<p>A coordinated program has many benefits. Ties all the efforts together, creates a point person who continues to facilitate awareness, evaluates changes and improvements and continues to look for blind spots. Person in the position, using data, generates new ideas on what the city could do differently or better to reach more W/MBEs and start expanding to others such as veteran-owned businesses and others.</p> <p>There are more options, like a more limited role such as the City of Ft Collins has done. Another option taken from the city of Aurora would be to establish 2 champions (co-coordinators) such as the head of the city procurement and the head of the Economic Development team to continually discuss the data, ideas and resources.</p>
<p>3. City to conduct training, workshops and various outreach efforts to increase the numbers of W/MBEs businesses and participation in the City contracting process.</p>	<p>Some of this is already being done by Lakewood's Economic Development team. Expand efforts, do more workshops and outreach geared towards businesses interested in doing business with the city. Partner with various affinity groups listed in this report as possible sources to post opportunities or conduct some mentoring and more outreach. Also consider partnering with the State of Colorado and Small Business Administration. Small businesses are crucial to the economy.</p>
<p>4. Establish partnerships with the City &amp; County of Denver and Jefferson County.</p>	<p>We had several guest speakers come and share their programs with the LAC. Both the City &amp; County of Denver and Jefferson County are willing to share their expertise, lessons-learned, even their certification program with the City of Lakewood. There are abundant opportunities so that the city does not have to recreate the wheel nor duplicate efforts. Partnering can also save the city money by not having to hire a lot of additional staff.</p>



<p>5. Establish aspirational contracting goals.</p>	<p>Establish goals using demographics of current state business owners is a starting place (see references) and further refine using the Metro area Disparity Study and Availability numbers. We did some of this research and recommend using as aspirational goals that our neighbors with robust programs have achieved; therefore, <b>5-8%</b> contracting goal for Women-owned businesses and the same <b>5-8%</b> goal for Minority-owned businesses. Goals could be added to include Veteran-owned businesses and others. The contract award data suggests the city is already exceeding these aspirational goals, but 12-months of data should be used. If goals are being met, they can be raised to the next level which is 9-12%. The data suggests 20-24% of businesses who provide goods and services that cities utilize are W/MBEs.</p>
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**Conclusion**

Based on the 5-months worth data we were provided, the City of Lakewood is already doing an excellent job in awarding contracts to W/MBEs. While 12-months worth of data would have been preferable to draw more accurate conclusions, so far the city is exceeding the aspirational goals that most cities and federal agencies place on themselves. The city should continue to gather and maintain its contract award data, there could be a great story of success here that the city should be proud to showcase and share with others.

While the data looks good, we are recommending further steps that the city could implement to increase both the awareness and opportunities for W/MBEs. This in turn could lead to a strengthening of our local economy, increase competition and lower costs to the City of Lakewood. The research also suggests that awarding city contracts to a large range of businesses increases civic pride and creates a feeling of inclusiveness.

**Appreciation**

We LAC, Diversity Committee, appreciate this first assignment for our committee. We'd like to thank the Mayor and City Council for assigning us this project, especially Counselor Jeslin Shahrezaei for preparing and submitting this assignment to the LAC. We'd also like to thank Mary O'Halloran, City of Lakewood Procurement Supervisor for sharing her expertise and for gathering multiple iterations of data for us to evaluate. We'd also like to thank Jay Robb, the City Clerk, for all his support and contacts across the Metro area and beyond. Our deep appreciation to Marika Sitz, Diversity, Equity and Inclusion Manager, Jefferson County and to

Alexis Nightengale and Brittany Eroen from the Division of Small Business Opportunity, City and County of Denver.

### **References:**

Countless hours were spent by the team researching other cities' websites and commissioned studies in order for us to develop some recommendations that we think are appropriate for the City of Lakewood. Below are many of the links used, including links to reports, news stories and general information.

<https://www.denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Economic-Development-Opportunity/Business-Owners-Entrepreneurs/Do-Business-with-the-City/Frequently-Asked-Questions/About-DSBO>

- Division of Small Business Opportunity (DSBO) website, City/County of Denver

<https://oedit.colorado.gov/minority-business-office-of-colorado>

- General information from the Minority Business Office of Colorado, a division of Office of Economic Development and International Trade (OEDIT)

<https://oedit.colorado.gov/minority-owned-businesses>

- Specific OEDIT information including a list of minority owned businesses

<https://www.governing.com/cityaccelerator/cohort4>

- Helpful publication from City Accelerator:

<https://19thnews.org/2021/06/small-business-administration-contracts-woman-owned-businesses-for-decades/>

- Article on history of Federal contracts to WBEs and what the SBA has done

<https://www.mbda.gov/tags/disparity-studies>

- Compilation of multiple Disparity Studies across the US by Department of Commerce

<https://cao-94612.s3.amazonaws.com/documents/City-of-Oakland-Draft-Disparity-Study.pdf>

- Disparity Study- has information on what is legally allowed as well as analysis of Oakland's actual disparities.

<https://www.oaklandca.gov/documents/contracts-and-compliance-forms-and-schedules>

- City of Oakland's Contracts Schedules which include questions about race/ethnicity and

gender of business owners:

<https://www.open-contracting.org/2020/11/19/new-report-a-procurement-path-to-equity/>

- 5 Ways cities can use purchasing power to help W/MBEs

<https://www.fastcompany.com/90298216/how-cities-can-support-minority-and-women-entrepreneurs-buy-things-from-them>

- How cities can support women owned businesses: buy things from them

<https://www.boston.gov/news/proposal-filed-expand-access-city-contracts-minority-and-women-owned-enterprises>

- City of Boston, Proposal file to expand access to city contracts

<https://www.edmondswa.gov/cms/One.aspx?portalId=16495016&pageId=17269271>

- City of Edmonds, Diversity, Equity and Inclusion Commission. Ideas of things Lakewood may want to consider such as a film series.

<https://bellevuewa.gov/city-government/departments/city-managers-office/diversity-advantage-initiative>

- City of Bellevue, their Diversity Advantage Initiative

<https://www.fcgov.com/>

- City of Ft. Collins, CO. General site with links to 2018 Small Business Survey and Public Notice on contracting goals on dual/partner Federal contracts.

<https://www.visitcos.com/blog/women-owned-businesses-resources/>

- Visit Colorado Springs website highlighting women-owned businesses

<https://county.pueblo.org/energy-and-economic-development/minority-owned-business-resources>

- Pueblo County, CO website with resources for minority-owned businesses

<https://www.talgov.com/diversityinclusion/divinhome>

- City of Tallahassee, their Diversity Initiatives and Plans

<https://www.portseattle.org/business/bid-opportunities>

- Port of Seattle information

<https://cuyahogacounty.us/fightracism>

- Cuyahoga County Links

<http://accaweb.org/>

- American Contract Compliance Association

<https://goodfoodpurchasing.org/>

- Good Food purchasing programs in some cities.

<https://www.governing.com/cityaccelerator/blog/cities-purchase-power-people-color-minorities-lc.html>

- 5 Ways Cities can use their purchasing power to support minority-owned businesses

[https://hwpi.harvard.edu/files/govlabs/files/strategies\\_for\\_improving\\_vendor\\_diversity\\_brief.pdf](https://hwpi.harvard.edu/files/govlabs/files/strategies_for_improving_vendor_diversity_brief.pdf)

- A paper with strategies for improving vendor diversity.

<https://www.thewomenofdenver.com/>

- Women of Denver - a connection platform for women in Colorado to build their network; they also offer free mentoring and advice to women business owners by other women business owners.

<https://micasaresourcecenter.org/>

- Mi Casa Resource Center offers free coaching and consulting to Hispanic/Latino small businesses and entrepreneurs.

Here is [Find a minority, woman, or disabled-owned business | Services | City of Philadelphia](#)

- An example from Philadelphia to search for W/MBEs and disabled-owned businesses.

“A [1989 Supreme Court ruling](#) established that cities may only overtly work to support minority-owned businesses if they can prove a history of discrimination in city contracts.”

- What we are recommending is different but we leave this reference here for historical context.

Cities like Los Angeles and Chicago set up portals where new contracting opportunities could be posted well in advance, so smaller firms could learn how to bid on them. Also, rather than issuing a single contract to a large firm, the accelerator cities are breaking up contracts into smaller projects that a cohort of local businesses could tackle. Smaller contracts help the city establish relationships with more diverse vendors, who can use the revenue stream to grow their business. Improving procurements and [city accelerator](#)

The federal government has very specific goals for small businesses. Agencies have various

procurement programs set aside or earmark a certain percentage of contract dollars that must go to small businesses. The federal government has contracts called total small business set-asides, which are exclusively set aside for small businesses. See SBA website for details ([sba.gov](http://sba.gov)) They have the Women-Owned Small Businesses ([WOSB certification](#)), which is limited to women who are certified as WOSB.”

[Washington State's](#) equity of public spending showing what the State of Washington is doing.

[Seattle WA is](#) really interesting ... you can read public meeting minutes on how their Advisory committee was working through some of these same issues.

Seattle’s Priority Hiring Program - [Priority Hire Program](#)

[Equity Considerations — Equity Resource Hub](#)

- A resource on equity with questions to consider.

[EquitableDecisionMakingTool.pdf \(clark.edu\)](#)

- A series of questions, many of which are thought-provoking.

City of [Boulder](#) website, it translates the site into many languages.

Other translation services: [Translation services](#) or you can try [google translate](#)

<https://www.thomsonreuters.com/en-us/posts/news-and-media/government-procurement-dei/>

- Article on How Government Procurement Helps with Diversity, Equity and Inclusion, including a link to a procurement tracker used by the city of Tacoma, WA:

<https://sloanreview.mit.edu/article/how-procurement-can-strengthen-diversity-and-inclusion/>

- Article by the MIT Sloan School of Management on how Procurement can Strengthen Diversity and Inclusion:

<https://buildinginnovationhub.org/resource/find-a-qualified-vendor/high-road-contracting/>

- High-Road Contracting Too, a tool to help find qualified vendors:

### **Additional Links/Information:**

The Request from the City Council that generated this paper.

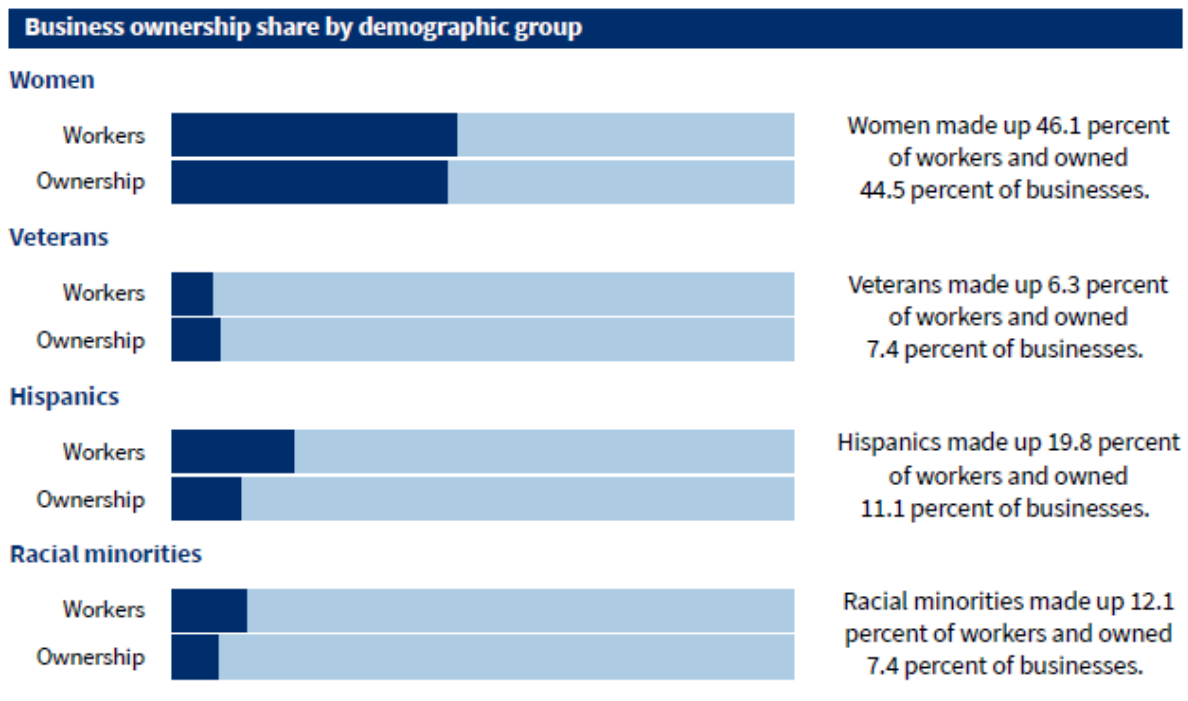
[City docs](#) click on this link to read the request and the current city docs.

[LAC Diversity Committee - Zoom](#) April 19, 2023 committee meeting video with City and County of Denver - Alexis Nightengale and Brittany Eroen

[LAC Diversity Committee - Zoom](#) March 22, 2023 committee meeting with Jefferson County DEI Manager - Marika Sitz

### **Graphical References:**

#### **Business Ownership by Demographic Group (State of Colorado)**



Ownership shares include equal and majority ownership

Sources of data: [American Community Survey, 2018](#) (Census and IPUMS); [Annual Business Survey, 2018](#) (Census);

[Nonemployer Statistics by Demographics, 2017](#) (Census)

**Contract Awards by the City of Lakewood (Partial 2023)**

<b>Month</b>	<b>Minority Owned (MO)</b>	<b>Woman Owned (WO)</b>	<b>Both MO &amp; WO</b>	<b>Total MO WO &amp; Combo</b>	<b>Total Contracts Awarded</b>	<b>Percent Awarded to MBEs</b>
<b>April</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>10</b>	<b>55</b>	<b>18.2%</b>
<b>May</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>7</b>	<b>46</b>	<b>15.2%</b>
<b>June</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>33</b>	<b>9.1%</b>
<b>July</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>42</b>	<b>7.1%</b>
<b>August</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>14</b>	<b>38</b>	<b>36.8%</b>
<b>Totals</b>	<b>11</b>	<b>15</b>	<b>11</b>	<b>37</b>	<b>214</b>	
<b>5-Month Average</b>						<b>17.3%</b>

**Notes:**

Contracts listed include Contractual Service Agreements, Professional Services Agreements, Bids, Requests for Proposals, Requests for Qualifications and Purchase Orders.

Totals contracts awarded excludes contracts to/with government entities and educational institutions.



Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

**Question/Request:**

Jeslin Shahrezaei: I would like to see a procedure/policy for women and minority-owned businesses to have equitable access to contract bids for Lakewood through the procurement process.

**Staff Response:**

We welcome and appreciate the above question/request.

**Policy Review:** LAC's research confirmed the City of Lakewood's purchasing policy is consistent with other municipalities, such as Denver. The City of Lakewood currently has a policy and follows in practice an open, fair, equitable and competitive process in which there are many steps taken to ensure this is an equitable process for all parties.

**Opportunity:** Although staff have confidence the purchasing process does give fair access to the bidding process, we also see an opportunity to improve equitable awareness of the opportunities to bid at the City of Lakewood and increase an understanding of the bidding process for diverse groups. The LAC research and recommendations will be helpful in pursuing this opportunity.

There are currently several efforts done by the Economic Development Department that tailor to diversity. As the LAC reported, Economic Development provides training and workshops, peer to peer mentoring, Jumpstart (funding source) and resources as well as the city's website now has a translator. However, we agree, the city can do more.

From the LAC top five recommendations Purchasing and Economic Development are planning to pursue the following:

- 1. Statistics & Data Gathering:** It is important to keep the award process unbiased. However, gathering data on the award outcome is important for Lakewood to determine current diversity of awards and tracking if the education efforts are changing the statistics. Recently it was added to the bid process that Women and Minority owned businesses could self-report so that we can track the % of awarded contracts. Staff gave this information to LAC for April 2023 which was the first month of collecting the data. Since then, staff provided to LAC the data through October. (See chart)





Lakewood Advisory Commission (LAC)  
 Diversity Subcommittee Recommendations  
 City of Lakewood Staff Response

MONTH	MINORITY OWNED	WOMEN OWNED	BOTH W/O and M/O	TOTAL	TOTAL CONTRACTS AWARDED	% CONTRACTS AWARDED TO MINORITY OR WOMEN OWNED
April	3	4	3	10	55	18.2%
May	3	3	1	7	46	15.2%
June	0	1	2	3	33	9.1%
July	0	2	1	3	42	7.1%
August	5	5	4	14	38	36.8%
September	3	8	6	17	47	36.2%
October	3	2	0	5	32	15.6%
<b>TOTALS</b>	<b>14</b>	<b>23</b>	<b>17</b>	<b>54</b>	<b>261</b>	
<b>AVERGAGE % (7-mo period)</b>						<b>19.75%</b>

This is something we will need to track over a longer period of time, but initially the data shows Lakewood is exceeding the State of Co, City of Denver and Federal Government awards on average. These three entities have formal diversity programs and award between 4.6% - 8.4% per the LAC research. It is important including other diversity groups in the data collection such as veterans, disabled, LGBTQ+ etc.

The City will continue to accumulate statistics and use the findings to determine the diversity of awards and make adjustments to education.

2. **Coordinated and Aligned (Transparent and Results Oriented):** Once the city has collected more data Purchasing and Economic Development will be evaluating the workshops & outreach, engage in partnerships, and look for opportunities for change/improvement.
  
3. **Training, workshops & Outreach:** Currently the city’s Economic Development Department provides various outreach to local businesses and Chambers of Commerce as mentioned above. Purchasing and Economic Development will enhance outreach to businesses interested in doing business with the City of Lakewood. They will be providing brochures for businesses and widening the outreach to more groups and multiple forms of communication. Additionally, the purchasing team will be reviewing the city website to provide more prominent/accessible links and frequently asked questions.

Lakewood Advisory Commission (LAC)  
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4. **More Partnerships:** Excellent idea from LAC. We want to leverage what others are doing and expand our partnerships.
  
5. **Establish Aspirational Goals:** As stated by the LAC the current stats indicated the city is within or exceeds the 5-8% range from the State/Metro area studies. The team that reviews the statistics, as mentioned in item 2, will recommend goals.

**Reporting Back:** The staff recommend reporting back after one year of tracking and making changes.

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 6**

To: Mayor and City Council

From:

Subject:

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**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:** LAC Report - Diversity Subcommittee Assignment #2022-06  
Staff Response to LAC WMBE Research

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

# Lakewood Advisory Commission Report

## **Research and Recommendations on Women / Minority Owned Business Enterprises**

Diversity Committee  
September 2023

*ASSIGNMENT #2022-06: WOMEN / MINORITY OWNED BUSINESSES*

“Welcome, we are building an inclusive community” - street sign as you enter Lakewood, CO.

### **Introduction**

The Lakewood Advisory Commission (LAC) is a group of informed citizen volunteers who perform research for the city council. City Council assigned the LAC, specifically the Diversity Committee, with a project to: (1) investigate what other cities are doing to increase the awareness and participation of Women and Minority Owned Businesses Enterprises (W/MBEs) in city procurements and (2) make recommendations to the city council for possible adoption into the Lakewood Municipal Code and related policies.

### **Executive Summary**

There is no shortage of information on this topic from both a historical context and what currently other cities are currently doing to increase awareness and participation of W/MBEs in competing and obtaining city contracts. We include a list of what neighboring cities are doing, as well as a list of the most recurring ideas and actions that cities around the country are taking and the goals they are striving to achieve. Based on our research and the 5-month's worth of data the City of Lakewood provided to us, the City of Lakewood is already doing a good job of awarding contracts to W/MBEs.

Since it was requested that we make recommendations based on our findings, we developed our top five recommendations for the Mayor and City Council to consider. Our Top 5 recommendations are: (1) gather and use data, (2) hire or appoint a program manager/coordinator, (3) conduct training and workshops, (4) engage in various partnerships and

(5) establish aspirational goals. In addition, there are more ideas or follow-on recommendations listed in this report that could be added or done later, perhaps in phases. Some of the additional ideas may require further research and we are happy to continue this research work.

## **Background**

The project began with all members of the Diversity Committee casting a wide net by conducting internet research, not only on what other cities are doing, while also inquiring about the current status of awards to W/MBEs by the City of Lakewood. We met with the City of Lakewood's Purchasing Supervisor to learn more about how procurements and contracting are handled now. We inquired about data the city gathers and learned the city does not keep data separated by women or minorities, but the Purchasing Supervisor agreed to gather data for us. Initially we were provided with 1-month's worth of data and then subsequently later in the year we were provided with 5-months' worth of data. The additional data was useful but it did cause a delay in our ability to present the report to the Mayor and City Council.

We also reached out to Jefferson County and the City and County of Denver to learn more about what they are doing around the subject of contracting with W/MBEs and met with their representatives. We also read studies and reports commissioned by other cities on this topic. For example, the State of Colorado engaged with the Keen Independent Research LLC to conduct a disparity study titled, "2020 State of Colorado Disparity Study." This 700+ page report documents the results they found and makes recommendations. The report attempts to outline methods that create a level playing field for historically disadvantaged businesses (HUBs) to compete for State contracts. Senate Bill 19-135 defined HUBs to be businesses owned by people of color, women, persons with physical or mental disabilities and members of the LGBT+ community.

Another study we examined was titled, "Recommendations for the City of Austin's Minority and Women-Owned Business Enterprise Program 2022" commissioned by the City of Austin, Texas. A much smaller, 22-page report, it reviewed the existing program and outlined the importance of revisiting any program on a periodic basis. The City of Ft. Collins' report titled, "Small Business Survey: Summary of Results" from 2018 was another good source of information. The websites from the City of Aurora, CO and the City of Colorado Springs and their related information were also reviewed and gave us more ideas to evaluate.

By having the LAC perform this research, the city likely saved thousands of dollars in taxpayer funding. We found our larger neighbors in the City and County of Denver to be potentially great collaborators of several recommendations by their willingness to engage in reciprocity agreements with the City of Lakewood in sharing not only best practices and lessons learned but also potentially their certification program. If Lakewood chooses to engage in this partnership, it

will likely save potentially millions of taxpayer dollars by not having to create, staff and administer such a program. Jefferson County was also willing to have discussions and assist the city in various ways. The State of Colorado also has resources and programs that Lakewood should explore further, including the possibility of obtaining grants and other support.

A question asked of our Committee was, why should the City of Lakewood look to expand the awareness, outreach and subsequently awards to a large variety of business owners? The answer is because of the many benefits both tangible and intangible. First, in regards to small businesses, small businesses are a key and integral part of the economy. Nationally they hire 2/3 of the employees and represent 44% of the overall economic activity. Second, engaging with new businesses increases competition and innovation and should lower procurement costs to the city. Third, our reading and research suggests that city contracting efforts with numbers that are reflective of all the city's diverse business owners increases civic pride, enhances the connection among residents and increases community engagement.

## **Cities in Colorado**

While we looked at what other cities are doing across the country, we later focused our research efforts on what our neighbors within the state are doing in regards to W/MBEs. Since Lakewood is the fifth largest city in the State of Colorado, we wanted to know how we compare to similar cities in our state.

As of 2021, these are the cities in Colorado with minority-owned business procurement programs or initiatives. Some may be missing if they are not in collaboration or promoting resources from or through the state's Minority Business Office (MBO) of Colorado. The cities with program and/or initiatives are:

- Denver: The City and County of Denver has a Minority and Women Business Enterprise (M/WBE) Program that seeks to increase the utilization of M/WBEs in city contracting and purchasing.
- Colorado Springs: The City of Colorado Springs has a Minority Business Enterprise (MBE) Program to enhance opportunities for minority-owned businesses in city contracting.
- Aurora: The City of Aurora has a Minority and Women Business Enterprise (M/WBE) Program to promote and assist M/WBEs in accessing city contract opportunities.
- Fort Collins: The City of Fort Collins has programs aimed at increasing opportunities for minority-owned businesses to participate in city procurement and contracting.
- Boulder: The City of Boulder has various programs and initiatives to support diverse businesses, including minority-owned businesses, in their procurement efforts.

The first cities in the list above are the 4 largest cities in Colorado. Boulder is the 8th largest city. We recognize there are several efforts being conducted by the Lakewood Economic Development Team and perhaps Lakewood should be on this list. While we will address this later in our recommendations, what seems to be missing is a policy and/or coordination that ties the development work, the mentoring and outreach work to the procurement efforts.

The conclusion we drew from the above is that Lakewood is an outlier for a city of our size in terms of having a formal program or initiatives or at least collaborating with the MBO so that they become aware of the various on-going efforts being performed and can be added to the list.

**Most Common Actions Taken by Other Cities**

Cities in both Colorado and across the U.S. who want to increase the awareness, participation and provide support to W/MBEs do a variety of things. From our research, it appears that in order to make an impact in a city’s inclusivity efforts that the actions are coordinated. From the city’s mission/vision statement to hiring or appointing a lead, such as a Diversity Equity and Inclusion (DEI) manager or similar, setting up policy and procedures, the engagement takes the form of a city program or a series of coordinated initiatives. Table 1 below describes the most consistent steps or actions that are typically part of a larger more comprehensive program to increase awareness and participation from W/MBEs in the city’s procurement program.

Table 1: Actions Cities Takes to Support W/MBEs

<b>Action</b>	<b>Details</b>
Commission a report on W/MBEs (much like this one through various sources).	Some of the bigger cities will commission a report such as this one from consultants or local universities. If they have a program for W/MBEs they evaluate the continuation of such programs or recommend updates. We read these reports and also related news stories, general information on W/MBEs and attempted to make recommendations that are tailored to the City of Lakewood. We strived to recommend actions that were achievable, expand on existing work and could be implemented with low to minimal costs.

<p>Set contracting goals</p>	<p>Establish aspirational goals. Cities tend to start by using their demographics data or disparity data to obtain W/MBE availability numbers. These goals are not quotas or mandates; they simply reflect the goals a city hopes to achieve and awards always go to best qualified firms. These goals are different and separate from any goals the Federal Government establishes for federal contracts. Cities follow the federal government set-aside rules when engaged in joint or dual city/federal contracts.</p>
<p>Keep statistics, publish those statistics and use the data.</p>	<p>Keep statistics on contract awards. Cities track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. For example, Lakewood could look something like this: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%). In 2024, women-owned businesses were awarded 10 city contracts from a total of 100 awarded contracts (10%). Then the city could do the same for minority-owned businesses. This data gives the city insight into areas they may need to target or do more outreach.</p>
<p>Hire/create position of diversity, equity, inclusion manager or similar more limited role focusing on disadvantaged businesses or someone to focus on an even larger role such as hiring, promotions, training.</p>	<p>Creates accountability and brings in a fresh or new perspective to look at things differently and perhaps to try different things.</p>
<p>Hold workshops or training sessions.</p>	<p>These are posted on the city website and trade/affinity group websites and held regularly with the goal of teaching interested businesses how to obtain contracts with the city. The Lakewood Economic Development team is already doing some of this work.</p>
<p>Utilize existing resources in the community to connect W/MBEs and others to mentors, funding sources and other similar business owners.</p>	<p>Other cities include links on their city website to such resources. City staff learns about trade/affinity/support groups then meets/partners to discuss challenges and also to create opportunities with the purpose to create and grow small businesses in our community. Lakewood is doing some of this, so perhaps it's more of expanding the</p>



	ongoing work.
Host or participate in small business coffee sessions or small business talk sessions.	Another way to bring small businesses together for networking, finding mentors, etc., while also taking the time to educate these businesses on opportunities to contract with the city. These are more informal in nature and appeal to social aspects vs educational sessions. Can also include speaking at various local Chambers of Commerce.
Highlight W/MBEs owned by residents of the city.	This creates awareness of existing W/MBEs, perhaps encourages patronage of such businesses and could serve as inspiration for future W/MBEs. We see new businesses mentioned in Looking @ Lakewood, but what about other social media sites, partner sites, the city website, etc.
Gather data (Disparity Study/Availability Study) usually from the closest big city/metro area. For Lakewood, the city could use Denver's Disparity study (addresses the Metro area).	Determine how the disparity numbers and availability numbers apply to Lakewood. Our initial evaluation is that the Metro numbers can be used by Lakewood.
Partner with another city or the county. Especially when using certification programs.	Some cities partner with nearby cities especially if they are part of a larger Metro area. The partnering can include sharing data, certification programs, lessons-learned, certification forms, training, etc.

### **Full List of Recommendations/Ideas**

We conducted extensive research on this topic gathering ideas from cities large and small. We thought it was important to share the full list of actions and ideas. What follows is the list of ideas and additional recommendations. The total list of ideas and recommendations total 16 with some having multiple parts. Some can be done in phases and some likely require more research. We recognize and appreciate the work the city has already implemented such as the website

translator and their on-going outreach and training efforts and we highlight these completed actions.

1. City should keep data on contract awards (both dollar amount and percentage amount). Without data, the city doesn't know where they stand. Some suggested software programs that can assist the city to track the data, mine the data and analyze the data can be found here: [Best Government Diversity, Equity, and Inclusion \(DEI\) Analytics Software - 2023 Reviews & Comparison \(sourceforge.net\)](#) .

2. The city should engage in more outreach to more W/MBEs.

a. This could include outreach through trade/affinity groups such as (percentage of Lakewood's population is noted in parentheses):

i. Hispanic Chamber of Commerce (23%)

<https://www.hispanicchamberdenver.com>

ii. Women's Chamber of Commerce (50%)

<https://www.cwcc.org>

iii. Asian Chamber of Commerce (3.9%)

<https://www.acccolorado.org>

iv. Colorado Black Chamber of Commerce (1.8%)

<https://www.coloradoblackchamber.org>

v. Other suggested groups to explore and expand outreach efforts include Veterans' groups, businesses owned or having employees who are persons with disabilities, LGBTQ+ owned or LGBTQ+ employees, etc.

Colorado LGBTQ Chamber of Commerce

<https://www.colgbtqcc.org>

Colorado Office of Economic Development and International Trade  
Minority Business Directory

<https://www.oedit.colorado.gov/minority-business-directory>

b. The city could also conduct workshops on the process of applying and doing business with the city. (Partially accomplished and ongoing. Some of this

is already happening as captured in “Looking at Lakewood” April 2023 and July 2023 editions.)

c. The city could also enhance their website through the use of language translators to achieve more outreach. The City of Boulder is a good example, but if further research is required, this could be assigned as a follow-on project to the LAC. ([Accomplished. The City of Lakewood website as of March 2023 has a translator option.](#))

d. The city could work and partner with the organizations listed in (a) above and ask if they could place RFPs or other opportunities and information on their specific sites.

e. Another follow-on potential assignment for the City Staff or the LAC is to research what are the top social media or other media sites utilized by Asian-owned, Hispanic-owned, Black-owned, Women-owned and Veteran-owned businesses and then the city could place the RFPs/links/opportunities on these sites. This could include possibly placing public service announcements or advertisements on Spanish-speaking radio stations.

3. Utilize data and programs from neighboring cities, especially Denver which is a bigger city with more resources. They maintain a list of W/MBEs. Perhaps when the city of Lakewood is reaching out to 3 firms for quotes, they could ensure at least one firm is from this list. Denver also conducts workshops; Lakewood city staff might be able to attend these Denver workshops as samples or resources as they build their own workshops.

The City/County of Denver utilizes a comprehensive certification program for women, minority, veteran-owned businesses. They also perform a validation of the certifications. The details of their program can be found on their Division of Small Business Opportunity (DSBO) website which is listed in the references. Of note, the representatives from the City/County of Denver are willing to share and partner with the City of Lakewood.

4. Being an inclusive city is a deliberate, thoughtful and on-going process. As such we recommend the following actions:

- a. Recommend the city update its mission/vision statement to include the goal that the city is building an inclusive community.
- b. Next we recommend the city establish aspirational contracting award goals using Census data or Disparity data from the Metro area. These goals are not quotas; they are simply proportional goals in writing that make it clear that the city of Lakewood wants to include everyone in contract awards and distribution of city funds with the understanding that the most qualified will be selected. We found

that it is critically important to define the terms so that everyone has a clear understanding of the procedure, policy and expectations.

- c. Included in this overall process recommendation is the hiring or appointing existing staff to be the coordinator for inclusive outreach and contracting. This role could be in the form of a Diversity, Equity and Inclusion Manager to work on the overall procurement process to include the outreach or could be broader to include all Lakewood to champion diversity, equity and inclusion across all the City's programs and services. Our research has shown that a program with the aim of trying to achieve inclusiveness and equity only has a good success rate when there is someone to be accountable and someone who champions the program. Hiring or appointing someone to a more limited role such as "Disadvantaged Small Business Liaison" could work and the option is used by the City of Ft Collins. Appointing several "Equity Champions" from across departments, who meet frequently, to discuss blind spots, next steps, the data and more as is being done in the City of Aurora, CO and is yet another option. The City of Lakewood is already doing a lot and achieving substantial success; however, the MBO of Colorado doesn't include Lakewood on its list of cities and perhaps it's due to Lakewood not having a person assigned to one of the roles listed above.
5. Update the city's procurement policies and procedures to match any recommendations adopted by this report. For example, gathering and maintaining data and statistics on all city contract awards is something we highly recommend and is very common practice throughout the country. The 5-months worth of data the city provided to us was very helpful and we hope it was also helpful to the procurement staff, the Economic Development team, the Mayor and City Council, etc.

Other areas to review for enhancements are the procurement processes themselves. For example: Does selection rely too heavily on positive past history doing business with the city? Can the city declare an aspirational goal for awarding contracts to firms who have never done business with the city? In reviewing the dollar thresholds and requirements to purchase we have some minor recommendations for consideration:

- a. Currently for purchases under \$10K, it's buyer's discretion. Suggestion: This seems like an area that could be further evaluated for possible improvements to engage with firms who have never been awarded a city procurement or contract. While there are some risks to engaging with new businesses, the low dollar amount may lend itself to taking on some risks. Can the city buyers be provided a list of W/MBEs and new businesses for their consideration? Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver.

Inclusiveness includes doing business with new businesses regardless of their race, gender or ethnic status.

- b. Currently for purchase between \$10K and \$74.9K city buyers must obtain 3 quotes or submit a sole source justification. Suggestion: We recommend that the city buyers be provided with a list of W/MBEs. Perhaps the list comes from the city's Economic Development Team or from a list of certified W/MBEs from either Jeffco or the city and county of Denver. The most qualified firm should always be selected. We recognize that contracting with new firms can involve some risks. Some risks of trying new businesses who are new to city contracting can include: the firms going through a learning curve, potentially lower quality or inability to timely completion of the job. However, it can also include potentially some benefits to the city, such as increased innovation and lower costs.
- c. Above \$75K is a very formalized process and selections are made as a group. When combined with federal funding they may be subject to set-aside provisions. Recommendation: Proceed as is.

6. W/MBEs often struggle to secure funding to start their business, again in their early years of existence to sustain their business and perhaps struggle even more to expand their business. Perhaps the city could also bring in representatives from Small Business Administration (SBA), banks and credit unions to conduct workshops on obtaining funding. Partner with mentors to conduct workshops on obtaining funding. Setup a follow-on program where protégés are then expected to become mentors.

7. Related to the above perhaps the city could host a business forum for women, minority and veteran owned businesses where they could all meet, network and share stories among themselves. Or the city could send economic development team representatives to the various chamber of commerce events.

8. During contract selection/deliberations, perhaps additional consideration (priority) is given to firms who use as subcontractors who are W/MBEs. Perhaps this could result in mentor-protégé relationships that could develop the pipeline for more W/MBEs to become prime contractors. We believe ideas like this and others' ideas that may come from city staff, community members, and others could help businesses that are just starting out and possibly create a pipeline of future contractors.

9. The city of Colorado Springs does engage in various efforts to help W/MBEs. One of the interesting actions is they highlight women-owned businesses on its "Visit Colorado Springs"

website. Perhaps Lakewood could do the same on the city website as we do not have a dedicated tourism site. While Lakewood does highlight new businesses in Looking @ Lakewood newspaper, perhaps the city could expand on this to the city website and other social media sites.

10. On the Pueblo County website, they explain why after 30-years of research and discussion there is still a need for programs that assist W/MBEs and Disadvantaged Small Businesses. While the data is from 2010, some things like lack of mentors and difficulty in getting funding still are reported on and discussed today and we found confirmed this with more recent reports and news articles. It was unclear exactly what the City/County of Pueblo are doing in regards to assisting W/MBEs. The 2018 Study by the City of Ft. Collins lists some of the same issues and challenges facing W/MBEs and their study provides additional information. The City of Ft. Collins does have a W/MBE program.

11. The city of Edmonds, WA describes on their website that small businesses are the backbone of the economy. They engage in strengthening opportunities for small and diverse businesses. They believe doing this not only strengthens the local economy, it supports the community, improves the quality of life for everyone and having more participants increases competition and innovation while lowering costs.

12. Require certification from women/minority/veteran-owned business enterprises. A program and database can be created or the city can use one that exists, such as the city of Denver's program. The Denver Reps we talked to said they are willing to engage in some sort of reciprocity agreement. This will likely require more city staffing to manage the program, check certifications, etc. Staffing requirements would be less if the city enters a partnership agreement.

13. Another recommendation would be to have a Lakewood certification form without a formal certification program that would collect data about businesses that do contract with the city. The informal program could gather information about the businesses. If confirmation is desired, perhaps this could be confirmed by site visits that could be done by volunteers. The form below is overzealous but a modified form that could fit our city could work well. In addition, Denver and the State of Colorado have certification formats that we could use and encourage State wide consistency with certification.

[City of Oakland pdf doc.](#)

14. City should formalize the definitions for terms such as Women and Minority-owned Business Enterprise (W/MBE), Disadvantaged Business Enterprise (DBE), Veteran-owned Small Business (VOSB) and others. While the SBA website is an excellent source of the definitions, we recognize some cities further define or expand on these definitions. It is important for all involved to know the definitions being used. These terms and definitions become important in the data collection and reporting process and also in the certification program, should the city decide to pursue this option. Of note, using the city data for awards they made during April 2023

further pointed-out the need for consistent and clear definitions so the data is captured effectively. We were not sure how to capture firms that are both women-owned and minority-owned so we ended up creating a third category called both.

15. Model the Federal Government. We don't have to redesign the wheel. [Disadvantaged Business Enterprise Program Requirements | US EPA](#) or [GSA Announces Actions to Advance Equity and Supplier Diversity in Federal Procurement | GSA](#)

16. Related to above, the City of Lakewood has the 2nd most concentration of Federal employees in the country located at the Federal Center. City should explore more collaboration efforts with the federal government. Perhaps the collaboration could lead to establishing an incubator to help create more minority and women owned businesses and jobs right here.

### Top 5 Recommendations

Based on our research and investigating what other cities have implemented and then tailoring to the City of Lakewood, we developed our Top 5 recommendations. We believe these recommendations can have an impact both quickly and with minimal costs. Table 2 below lists our top five recommendations for the City of Lakewood to consider in further improving the awareness and participation of W/MBEs.

Table 2: Top 5 Recommendations

Recommended Action	Justification/Benefits
1. Gather and keep statistics and use the data to refine the W/MBE program, the goals, the outreach, etc. Publish those statistics on the city website.	Cities keep statistics on all contract awards to ensure transparency. Without data it is difficult to know how the city is doing. We recommend the city at minimum track the numbers of awards made to W/MBEs both in terms of dollar amounts and number of contracts. Examples of data could include: In 2024 women-owned businesses received \$500,000 in city contracts from a budget of \$2Mil (25%) and Hispanic-owned businesses were awarded 10 city contracts from a total of 100 city contracts (10%). This data gives the city insight into areas they may need to target or do more outreach.

<p>2. Evaluate hiring/assigning a coordinator to more efficiently coordinate the initiatives or beginnings or a program the city already has on-going. There are many things happening already. The 5-month's worth of data is indicative of what the city can achieve for a full year or more, once people hear about the city's achievements, we suspect many cities are going to want to speak to the city about how they can modify their programs.</p>	<p>A coordinated program has many benefits. Ties all the efforts together, creates a point person who continues to facilitate awareness, evaluates changes and improvements and continues to look for blind spots. Person in the position, using data, generates new ideas on what the city could do differently or better to reach more W/MBEs and start expanding to others such as veteran-owned businesses and others.</p> <p>There are more options, like a more limited role such as the City of Ft Collins has done. Another option taken from the city of Aurora would be to establish 2 champions (co-coordinators) such as the head of the city procurement and the head of the Economic Development team to continually discuss the data, ideas and resources.</p>
<p>3. City to conduct training, workshops and various outreach efforts to increase the numbers of W/MBEs businesses and participation in the City contracting process.</p>	<p>Some of this is already being done by Lakewood's Economic Development team. Expand efforts, do more workshops and outreach geared towards businesses interested in doing business with the city. Partner with various affinity groups listed in this report as possible sources to post opportunities or conduct some mentoring and more outreach. Also consider partnering with the State of Colorado and Small Business Administration. Small businesses are crucial to the economy.</p>
<p>4. Establish partnerships with the City &amp; County of Denver and Jefferson County.</p>	<p>We had several guest speakers come and share their programs with the LAC. Both the City &amp; County of Denver and Jefferson County are willing to share their expertise, lessons-learned, even their certification program with the City of Lakewood. There are abundant opportunities so that the city does not have to recreate the wheel nor duplicate efforts. Partnering can also save the city money by not having to hire a lot of additional staff.</p>



<p>5. Establish aspirational contracting goals.</p>	<p>Establish goals using demographics of current state business owners is a starting place (see references) and further refine using the Metro area Disparity Study and Availability numbers. We did some of this research and recommend using as aspirational goals that our neighbors with robust programs have achieved; therefore, <b>5-8%</b> contracting goal for Women-owned businesses and the same <b>5-8%</b> goal for Minority-owned businesses. Goals could be added to include Veteran-owned businesses and others. The contract award data suggests the city is already exceeding these aspirational goals, but 12-months of data should be used. If goals are being met, they can be raised to the next level which is 9-12%. The data suggests 20-24% of businesses who provide goods and services that cities utilize are W/MBEs.</p>
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**Conclusion**

Based on the 5-months worth data we were provided, the City of Lakewood is already doing an excellent job in awarding contracts to W/MBEs. While 12-months worth of data would have been preferable to draw more accurate conclusions, so far the city is exceeding the aspirational goals that most cities and federal agencies place on themselves. The city should continue to gather and maintain its contract award data, there could be a great story of success here that the city should be proud to showcase and share with others.

While the data looks good, we are recommending further steps that the city could implement to increase both the awareness and opportunities for W/MBEs. This in turn could lead to a strengthening of our local economy, increase competition and lower costs to the City of Lakewood. The research also suggests that awarding city contracts to a large range of businesses increases civic pride and creates a feeling of inclusiveness.

**Appreciation**

We LAC, Diversity Committee, appreciate this first assignment for our committee. We'd like to thank the Mayor and City Council for assigning us this project, especially Counselor Jeslin Shahrezaei for preparing and submitting this assignment to the LAC. We'd also like to thank Mary O'Halloran, City of Lakewood Procurement Supervisor for sharing her expertise and for gathering multiple iterations of data for us to evaluate. We'd also like to thank Jay Robb, the City Clerk, for all his support and contacts across the Metro area and beyond. Our deep appreciation to Marika Sitz, Diversity, Equity and Inclusion Manager, Jefferson County and to

Alexis Nightengale and Brittany Eroen from the Division of Small Business Opportunity, City and County of Denver.

### **References:**

Countless hours were spent by the team researching other cities' websites and commissioned studies in order for us to develop some recommendations that we think are appropriate for the City of Lakewood. Below are many of the links used, including links to reports, news stories and general information.

<https://www.denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Economic-Development-Opportunity/Business-Owners-Entrepreneurs/Do-Business-with-the-City/Frequently-Asked-Questions/About-DSBO>

- Division of Small Business Opportunity (DSBO) website, City/County of Denver

<https://oedit.colorado.gov/minority-business-office-of-colorado>

- General information from the Minority Business Office of Colorado, a division of Office of Economic Development and International Trade (OEDIT)

<https://oedit.colorado.gov/minority-owned-businesses>

- Specific OEDIT information including a list of minority owned businesses

<https://www.governing.com/cityaccelerator/cohort4>

- Helpful publication from City Accelerator:

<https://19thnews.org/2021/06/small-business-administration-contracts-woman-owned-businesses-for-decades/>

- Article on history of Federal contracts to WBEs and what the SBA has done

<https://www.mbda.gov/tags/disparity-studies>

- Compilation of multiple Disparity Studies across the US by Department of Commerce

<https://cao-94612.s3.amazonaws.com/documents/City-of-Oakland-Draft-Disparity-Study.pdf>

- Disparity Study- has information on what is legally allowed as well as analysis of Oakland's actual disparities.

<https://www.oaklandca.gov/documents/contracts-and-compliance-forms-and-schedules>

- City of Oakland's Contracts Schedules which include questions about race/ethnicity and

gender of business owners:

<https://www.open-contracting.org/2020/11/19/new-report-a-procurement-path-to-equity/>

- 5 Ways cities can use purchasing power to help W/MBEs

<https://www.fastcompany.com/90298216/how-cities-can-support-minority-and-women-entrepreneurs-buy-things-from-them>

- How cities can support women owned businesses: buy things from them

<https://www.boston.gov/news/proposal-filed-expand-access-city-contracts-minority-and-women-owned-enterprises>

- City of Boston, Proposal file to expand access to city contracts

<https://www.edmondswa.gov/cms/One.aspx?portalId=16495016&pageId=17269271>

- City of Edmonds, Diversity, Equity and Inclusion Commission. Ideas of things Lakewood may want to consider such as a film series.

<https://bellevuewa.gov/city-government/departments/city-managers-office/diversity-advantage-initiative>

- City of Bellevue, their Diversity Advantage Initiative

<https://www.fcgov.com/>

- City of Ft. Collins, CO. General site with links to 2018 Small Business Survey and Public Notice on contracting goals on dual/partner Federal contracts.

<https://www.visitcos.com/blog/women-owned-businesses-resources/>

- Visit Colorado Springs website highlighting women-owned businesses

<https://county.pueblo.org/energy-and-economic-development/minority-owned-business-resources>

- Pueblo County, CO website with resources for minority-owned businesses

<https://www.talgov.com/diversityinclusion/divinhome>

- City of Tallahassee, their Diversity Initiatives and Plans

<https://www.portseattle.org/business/bid-opportunities>

- Port of Seattle information

<https://cuyahogacounty.us/fightracism>

- Cuyahoga County Links

<http://accaweb.org/>

- American Contract Compliance Association

<https://goodfoodpurchasing.org/>

- Good Food purchasing programs in some cities.

<https://www.governing.com/cityaccelerator/blog/cities-purchase-power-people-color-minorities-lc.html>

- 5 Ways Cities can use their purchasing power to support minority-owned businesses

[https://hwpi.harvard.edu/files/govlabs/files/strategies\\_for\\_improving\\_vendor\\_diversity\\_brief.pdf](https://hwpi.harvard.edu/files/govlabs/files/strategies_for_improving_vendor_diversity_brief.pdf)

- A paper with strategies for improving vendor diversity.

<https://www.thewomenofdenver.com/>

- Women of Denver - a connection platform for women in Colorado to build their network; they also offer free mentoring and advice to women business owners by other women business owners.

<https://micasaresourcecenter.org/>

- Mi Casa Resource Center offers free coaching and consulting to Hispanic/Latino small businesses and entrepreneurs.

Here is [Find a minority, woman, or disabled-owned business | Services | City of Philadelphia](#)

- An example from Philadelphia to search for W/MBEs and disabled-owned businesses.

“A [1989 Supreme Court ruling](#) established that cities may only overtly work to support minority-owned businesses if they can prove a history of discrimination in city contracts.”

- What we are recommending is different but we leave this reference here for historical context.

Cities like Los Angeles and Chicago set up portals where new contracting opportunities could be posted well in advance, so smaller firms could learn how to bid on them. Also, rather than issuing a single contract to a large firm, the accelerator cities are breaking up contracts into smaller projects that a cohort of local businesses could tackle. Smaller contracts help the city establish relationships with more diverse vendors, who can use the revenue stream to grow their business. Improving procurements and [city accelerator](#)

The federal government has very specific goals for small businesses. Agencies have various

procurement programs set aside or earmark a certain percentage of contract dollars that must go to small businesses. The federal government has contracts called total small business set-asides, which are exclusively set aside for small businesses. See SBA website for details ([sba.gov](http://sba.gov)) They have the Women-Owned Small Businesses ([WOSB certification](#)), which is limited to women who are certified as WOSB.”

[Washington State's](#) equity of public spending showing what the State of Washington is doing.

[Seattle WA is](#) really interesting ... you can read public meeting minutes on how their Advisory committee was working through some of these same issues.

Seattle’s Priority Hiring Program - [Priority Hire Program](#)

[Equity Considerations — Equity Resource Hub](#)

- A resource on equity with questions to consider.

[EquitableDecisionMakingTool.pdf \(clark.edu\)](#)

- A series of questions, many of which are thought-provoking.

City of [Boulder](#) website, it translates the site into many languages.

Other translation services: [Translation services](#) or you can try [google translate](#)

<https://www.thomsonreuters.com/en-us/posts/news-and-media/government-procurement-dei/>

- Article on How Government Procurement Helps with Diversity, Equity and Inclusion, including a link to a procurement tracker used by the city of Tacoma, WA:

<https://sloanreview.mit.edu/article/how-procurement-can-strengthen-diversity-and-inclusion/>

- Article by the MIT Sloan School of Management on how Procurement can Strengthen Diversity and Inclusion:

<https://buildinginnovationhub.org/resource/find-a-qualified-vendor/high-road-contracting/>

- High-Road Contracting Too, a tool to help find qualified vendors:

### **Additional Links/Information:**

The Request from the City Council that generated this paper.

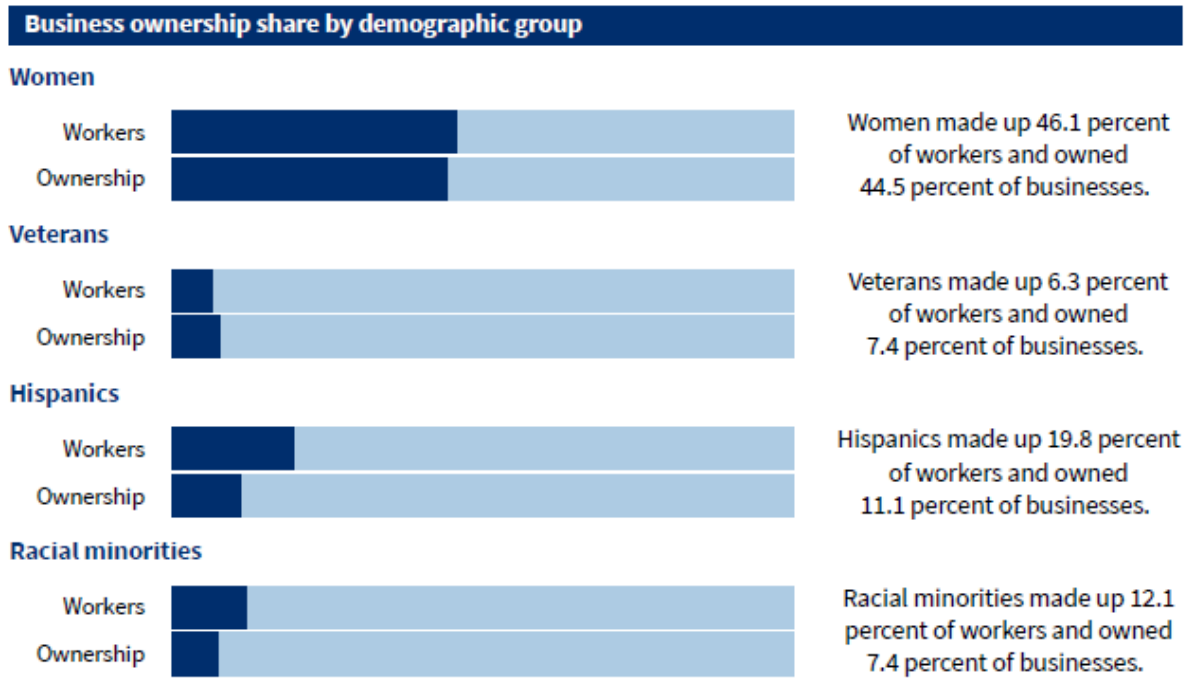
[City docs](#) click on this link to read the request and the current city docs.

[LAC Diversity Committee - Zoom](#) April 19, 2023 committee meeting video with City and County of Denver - Alexis Nightengale and Brittany Eroen

[LAC Diversity Committee - Zoom](#) March 22, 2023 committee meeting with Jefferson County DEI Manager - Marika Sitz

### **Graphical References:**

#### **Business Ownership by Demographic Group (State of Colorado)**



Ownership shares include equal and majority ownership

Sources of data: [American Community Survey, 2018](#) (Census and IPUMS); [Annual Business Survey, 2018](#) (Census);

[Nonemployer Statistics by Demographics, 2017](#) (Census)

**Contract Awards by the City of Lakewood (Partial 2023)**

<b>Month</b>	<b>Minority Owned (MO)</b>	<b>Woman Owned (WO)</b>	<b>Both MO &amp; WO</b>	<b>Total MO WO &amp; Combo</b>	<b>Total Contracts Awarded</b>	<b>Percent Awarded to MBEs</b>
<b>April</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>10</b>	<b>55</b>	<b>18.2%</b>
<b>May</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>7</b>	<b>46</b>	<b>15.2%</b>
<b>June</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>33</b>	<b>9.1%</b>
<b>July</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>42</b>	<b>7.1%</b>
<b>August</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>14</b>	<b>38</b>	<b>36.8%</b>
<b>Totals</b>	<b>11</b>	<b>15</b>	<b>11</b>	<b>37</b>	<b>214</b>	
<b>5-Month Average</b>						<b>17.3%</b>

**Notes:**

Contracts listed include Contractual Service Agreements, Professional Services Agreements, Bids, Requests for Proposals, Requests for Qualifications and Purchase Orders.

Totals contracts awarded excludes contracts to/with government entities and educational institutions.



Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

**Question/Request:**

Jeslin Shahrezaei: I would like to see a procedure/policy for women and minority-owned businesses to have equitable access to contract bids for Lakewood through the procurement process.

**Staff Response:**

We welcome and appreciate the above question/request.

**Policy Review:** LAC's research confirmed the City of Lakewood's purchasing policy is consistent with other municipalities, such as Denver. The City of Lakewood currently has a policy and follows in practice an open, fair, equitable and competitive process in which there are many steps taken to ensure this is an equitable process for all parties.

**Opportunity:** Although staff have confidence the purchasing process does give fair access to the bidding process, we also see an opportunity to improve equitable awareness of the opportunities to bid at the City of Lakewood and increase an understanding of the bidding process for diverse groups. The LAC research and recommendations will be helpful in pursuing this opportunity.

There are currently several efforts done by the Economic Development Department that tailor to diversity. As the LAC reported, Economic Development provides training and workshops, peer to peer mentoring, Jumpstart (funding source) and resources as well as the city's website now has a translator. However, we agree, the city can do more.

From the LAC top five recommendations Purchasing and Economic Development are planning to pursue the following:

- 1. Statistics & Data Gathering:** It is important to keep the award process unbiased. However, gathering data on the award outcome is important for Lakewood to determine current diversity of awards and tracking if the education efforts are changing the statistics. Recently it was added to the bid process that Women and Minority owned businesses could self-report so that we can track the % of awarded contracts. Staff gave this information to LAC for April 2023 which was the first month of collecting the data. Since then, staff provided to LAC the data through October. (See chart)



Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

MONTH	MINORITY OWNED	WOMEN OWNED	BOTH W/O and M/O	TOTAL	TOTAL CONTRACTS AWARDED	% CONTRACTS AWARDED TO MINORITY OR WOMEN OWNED
April	3	4	3	10	55	18.2%
May	3	3	1	7	46	15.2%
June	0	1	2	3	33	9.1%
July	0	2	1	3	42	7.1%
August	5	5	4	14	38	36.8%
September	3	8	6	17	47	36.2%
October	3	2	0	5	32	15.6%
<b>TOTALS</b>	<b>14</b>	<b>23</b>	<b>17</b>	<b>54</b>	<b>261</b>	
<b>AVERGAGE % (7-mo period)</b>						<b>19.75%</b>

This is something we will need to track over a longer period of time, but initially the data shows Lakewood is exceeding the State of Co, City of Denver and Federal Government awards on average. These three entities have formal diversity programs and award between 4.6% - 8.4% per the LAC research. It is important including other diversity groups in the data collection such as veterans, disabled, LGBTQ+ etc.

The City will continue to accumulate statistics and use the findings to determine the diversity of awards and make adjustments to education.

2. **Coordinated and Aligned (Transparent and Results Oriented):** Once the city has collected more data Purchasing and Economic Development will be evaluating the workshops & outreach, engage in partnerships, and look for opportunities for change/improvement.
  
3. **Training, workshops & Outreach:** Currently the city’s Economic Development Department provides various outreach to local businesses and Chambers of Commerce as mentioned above. Purchasing and Economic Development will enhance outreach to businesses interested in doing business with the City of Lakewood. They will be providing brochures for businesses and widening the outreach to more groups and multiple forms of communication. Additionally, the purchasing team will be reviewing the city website to provide more prominent/accessible links and frequently asked questions.

Lakewood Advisory Commission (LAC)  
Diversity Subcommittee Recommendations  
City of Lakewood Staff Response

4. **More Partnerships:** Excellent idea from LAC. We want to leverage what others are doing and expand our partnerships.
  
5. **Establish Aspirational Goals:** As stated by the LAC the current stats indicated the city is within or exceeds the 5-8% range from the State/Metro area studies. The team that reviews the statistics, as mentioned in item 2, will recommend goals.

**Reporting Back:** The staff recommend reporting back after one year of tracking and making changes.

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 7**

To: Mayor and City Council  
From: Jay Robb, City Clerk, 303-987-7081  
Subject: **COUNCIL APPOINTMENTS TO VARIOUS BOARDS AND COMMITTEES**

---

**SUMMARY STATEMENT:** City Council adopted a procedure via their Policies and Procedures Manual for annual appointment of council members to various boards and committees.

**BACKGROUND INFORMATION:** The procedure states that recommendations for appointments come before Council for a vote.

**BUDGETARY IMPACTS:** This item has no associated budget impact.

**STAFF RECOMMENDATIONS:** Staff recommends that City Council review and approve committee appointments, either from the attached list in Exhibit A or with changes.

**ALTERNATIVES:** Change appointments as shown on Exhibit A or violate the Policies and Procedures Manual by not adopting the recommendations.

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

**NEXT STEPS:** None.

**ATTACHMENTS:** Resolution 2024-1  
2024 Council Committee Appointments

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

2024-1

A RESOLUTION

APPROVING CITY COUNCIL APPOINTMENTS TO VARIOUS BOARDS AND COMMITTEES

WHEREAS, the City Council Policies and Procedures Manual, Policy 04.1, provides that the Mayor shall make recommendations for City Council member committee assignments to various boards and committees during, or prior to, January of every year;

WHEREAS, the City Council is responsible for approving the committee assignments; and

WHEREAS, Lakewood City Council wishes to approve the appointments to various boards and committees as shown on Exhibit A to this resolution.

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

SECTION 1. The Councilmember appointments to various boards and committees as shown on Exhibit A are hereby adopted for the year 2024.

SECTION 2. This Resolution shall become effective immediately upon its 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 8, 2024, at 7 o'clock p.m.

\_\_\_\_\_  
Wendi Strom, Mayor

ATTEST:

\_\_\_\_\_  
Jay Robb, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Alison McKenney Brown, City Attorney

**2024 City Council Committee Appointments**

**COMMITTEE**

**COUNCILMEMBER APPOINTMENT**

**Budget & Audit Board (3)**  
*Staff Liaison: Chief Financial Officer*

*Rebekah Stewart*  
*Jeslin Shahrezaei*  
*Isabel Cruz*

**Jefferson County EDC (Economic Development Corp)**

*Wendi Strom*  
*Alternate: Robert Smith*

**CML Policy Committee (2)**  
*Staff Liaison: Deputy City Manager*

*Isabel Cruz*  
*Alternate: Rebekah Stewart*

**DRCOG - Denver Regional Council of Governments and Jeffco Collaborative Transportation Forum (pursuant to IGA) (2)**

*Jeslin Shahrezaei*  
*Alternate: Roger Low*

**Head Start Executive Committee Governing Board (3)**

*Sophia Mayott-Guerrero*  
*Glenda Sinks*  
*Open W5*

**Housing Advisory Policy Commission (6)**  
*Staff Liaison: Director of Economic Development*

*Wendi Strom*  
*Glenda Sinks*

**Made permanent commission on 06-24-2019 with Ordinance O-2019-26**

*Sophia Mayott-Guerrero*  
*Roger Low*  
*Dave Rein*  
*Jacob LaBure*

**Jefferson County Criminal Justice Committee (2)**

*Dave Rein*  
*Open W5*

**Jefferson County Community Corrections Board (2)**

*Jacob Labure*  
*Alternate: Sophia Mayott-Guerrero*

**Judges Salary Committee (5)**  
*Staff Liaison: Deputy City Manager*

*Glenda Sinks*  
*Sophia Mayott-Guerrero*  
*Roger Low*  
*Rich Olver*  
*Open W5*

**Lakewood Reinvestment Authority Board (11)**  
*Staff Liaison: Economic Development Director*

*Wendi Strom*  
*Glenda Sinks*  
*Jeslin Shahrezaei*  
*Isabel Cruz*  
*Sophia Mayott-Guerrero*  
*Roger Low*  
*Rebekah Stewart*

*Dave Rein  
Rich Olver  
Jacob Labure  
Open W5*

**Legislative Committee (5)**  
**Staff Liaison: Deputy City Manager**

*Glenda Sinks  
Isabel Cruz  
Rebekah Stewart  
Dave Rein  
Jacob LaBure*

**Police Seizure Fund Committee (1)**

*Rich Olver*

**Screening Committee (5)**  
**Staff Liaison: City Clerk**

*Jeslin Shahrezaei  
Isabel Cruz  
Rebekah Stewart  
Dave Rein  
Open W5*

**Sister Cities Program (1)**

*Rich Olver*

**Mile High Flood District (By law, Mayor or Mayor Pro Tem)**

*Wendi Strom*

**Ad Hoc Committees**

**Campaign Finance Ad Hoc Committee (5)**  
**Staff Liaison: City Clerk**

*Glenda Sinks  
Sophia Mayott-Guerrero  
Rebekah Stewart  
Rich Olver  
Jacob LaBure*

**Development Dialogue Ad Hoc Committee (5)**  
**Staff Liaison: Director of Planning**

DISBANDED 3/28/2022

# STAFF MEMO

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

**NEXT STEPS:** None.

**ATTACHMENTS:** Resolution 2024-1  
2024 Council Committee Appointments

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

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2024 Council Committee Appointments

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



**2024 City Council Committee Appointments**

<b>COMMITTEE</b>	<b>COUNCILMEMBER APPOINTMENT</b>
<b>Budget &amp; Audit Board (3)</b> <i>Staff Liaison: Chief Financial Officer</i>	<i>Rebekah Stewart</i> <i>Jeslin Shahrezaei</i> <i>Isabel Cruz</i>
<b>Jefferson County EDC (Economic Development Corp)</b>	<i>Wendi Strom</i> <i>Alternate: Robert Smith</i>
<b>CML Policy Committee (2)</b> <i>Staff Liaison: Deputy City Manager</i>	<i>Isabel Cruz</i> <i>Alternate: Rebekah Stewart</i>
<b>DRCOG - Denver Regional Council of Governments and Jeffco Co</b>	<i>Jeslin Shahrezaei</i> <i>Alternate: Roger Low</i>
<b>Head Start Executive Committee Governing Board (3)</b>	<i>Sophia Mayott-Guerrero</i> <i>Glenda Sinks</i> <i>Open W5</i>
<b>Housing Advisory Policy Commission (6)</b> <i>Staff Liaison: Director of Economic Development</i> <b>Made permanent commission on 06-24-2019 with Ordinance O-20</b>	<i>Wendi Strom</i> <i>Glenda Sinks</i> <i>Sophia Mayott-Guerrero</i> <i>Roger Low</i> <i>Dave Rein</i> <i>Jacob LaBure</i>
<b>Jefferson County Criminal Justice Committee (2)</b>	<i>Dave Rein</i> <i>Open W5</i>
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<b>Lakewood Reinvestment Authority Board (11)</b> <i>Staff Liaison: Economic Development Director</i>	<i>Wendi Strom</i> <i>Glenda Sinks</i> <i>Jeslin Shahrezaei</i> <i>Isabel Cruz</i> <i>Sophia Mayott-Guerrero</i>

*Roger Low  
Rebekah Stewart  
Dave Rein  
Rich Olver  
Jacob Labure  
Open W5*

**Legislative Committee (5)**  
**Staff Liaison: Deputy City Manager**

*Glenda Sinks  
Isabel Cruz  
Rebekah Stewart  
Dave Rein  
Jacob LaBure*

**Police Seizure Fund Committee (1)**

*Rich Olver*

**Screening Committee (5)**  
**Staff Liaison: City Clerk**

*Jeslin Shahrezaei  
Isabel Cruz  
Rebekah Stewart  
Dave Rein  
Open W5*

**Sister Cities Program (1)**

*Rich Olver*

**Mile High Flood District (By law, Mayor or Mayor Pro Tem)**

*Wendi Strom*

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**Campaign Finance Ad Hoc Committee (5)**  
**Staff Liaison: City Clerk**

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Sophia Mayott-Guerrero  
Rebekah Stewart  
Rich Olver  
Jacob LaBure*

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**Staff Liaison: Director of Planning**

DISBANDED 3/28/2022

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2024 Council Committee Appointments

**REVIEWED BY:** Kathleen E. Hodgson, City Manager  
Benjamin B. Goldstein, Deputy City Manager  
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2024 Council Committee Appointments

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

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Rebekah Stewart  
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Jacob Labure  
Open W5*

**Legislative Committee (5)**  
**Staff Liaison: Deputy City Manager**

*Glenda Sinks  
Isabel Cruz  
Rebekah Stewart  
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Jacob LaBure*

**Police Seizure Fund Committee (1)**

*Rich Olver*

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**Staff Liaison: Director of Planning**

DISBANDED 3/28/2022

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2024 Council Committee Appointments

**REVIEWED BY:** Kathleen E. Hodgson, City Manager  
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Open W5*

**Legislative Committee (5)**  
**Staff Liaison: Deputy City Manager**

*Glenda Sinks  
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DISBANDED 3/28/2022

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Benjamin B. Goldstein, Deputy City Manager  
Alison McKenney Brown, City Attorney

**2024 City Council Committee Appointments**

<b>COMMITTEE</b>	<b>COUNCILMEMBER APPOINTMENT</b>
<b>Budget &amp; Audit Board (3)</b> <i>Staff Liaison: Chief Financial Officer</i>	<i>Rebekah Stewart</i> <i>Jeslin Shahrezaei</i> <i>Isabel Cruz</i>
<b>Jefferson County EDC (Economic Development Corp)</b>	<i>Wendi Strom</i> <i>Alternate: Robert Smith</i>
<b>CML Policy Committee (2)</b> <i>Staff Liaison: Deputy City Manager</i>	<i>Isabel Cruz</i> <i>Alternate: Rebekah Stewart</i>
<b>DRCOG - Denver Regional Council of Governments and Jeffco Co</b>	<i>Jeslin Shahrezaei</i> <i>Alternate: Roger Low</i>
<b>Head Start Executive Committee Governing Board (3)</b>	<i>Sophia Mayott-Guerrero</i> <i>Glenda Sinks</i> <i>Open W5</i>
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<b>Lakewood Reinvestment Authority Board (11)</b> <i>Staff Liaison: Economic Development Director</i>	<i>Wendi Strom</i> <i>Glenda Sinks</i> <i>Jeslin Shahrezaei</i> <i>Isabel Cruz</i> <i>Sophia Mayott-Guerrero</i>

*Roger Low  
Rebekah Stewart  
Dave Rein  
Rich Olver  
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Open W5*

**Legislative Committee (5)**  
**Staff Liaison: Deputy City Manager**

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Isabel Cruz  
Rebekah Stewart  
Dave Rein  
Jacob LaBure*

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*Rich Olver*

**Screening Committee (5)**  
**Staff Liaison: City Clerk**

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*Rich Olver*

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*Wendi Strom*

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Rebekah Stewart  
Rich Olver  
Jacob LaBure*

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**Staff Liaison: Director of Planning**

DISBANDED 3/28/2022

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 7**

To: Mayor and City Council  
From: Jay Robb, City Clerk, 303-987-7081  
Subject: **COUNCIL APPOINTMENTS TO VARIOUS BOARDS AND COMMITTEES**

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**SUMMARY STATEMENT:** City Council adopted a procedure via their Policies and Procedures Manual for annual appointment of council members to various boards and committees.

**BACKGROUND INFORMATION:** The procedure states that recommendations for appointments come before Council for a vote.

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**NEXT STEPS:** None.

**ATTACHMENTS:** Resolution 2024-1  
2024 Council Committee Appointments

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

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2024 Council Committee Appointments

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Benjamin B. Goldstein, Deputy City Manager  
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Open W5*

**Legislative Committee (5)**  
**Staff Liaison: Deputy City Manager**

*Glenda Sinks  
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**Police Seizure Fund Committee (1)**

*Rich Olver*

**Screening Committee (5)**  
**Staff Liaison: City Clerk**

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*Rich Olver*

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*Wendi Strom*

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**Campaign Finance Ad Hoc Committee (5)**  
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Jacob LaBure*

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**Staff Liaison: Director of Planning**

DISBANDED 3/28/2022

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2024 Council Committee Appointments

**REVIEWED BY:** Kathleen E. Hodgson, City Manager  
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2024 Council Committee Appointments

**REVIEWED BY:** Kathleen E. Hodgson, City Manager  
Benjamin B. Goldstein, Deputy City Manager  
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**2024 City Council Committee Appointments**

<b>COMMITTEE</b>	<b>COUNCILMEMBER APPOINTMENT</b>
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<b>CML Policy Committee (2)</b> <i>Staff Liaison: Deputy City Manager</i>	<i>Isabel Cruz</i> <i>Alternate: Rebekah Stewart</i>
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Rebekah Stewart  
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Open W5*

**Legislative Committee (5)**  
**Staff Liaison: Deputy City Manager**

*Glenda Sinks  
Isabel Cruz  
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**Police Seizure Fund Committee (1)**

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**Screening Committee (5)**  
**Staff Liaison: City Clerk**

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DISBANDED 3/28/2022

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2024 Council Committee Appointments

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



**2024 City Council Committee Appointments**

<b>COMMITTEE</b>	<b>COUNCILMEMBER APPOINTMENT</b>
<b>Budget &amp; Audit Board (3)</b> <i>Staff Liaison: Chief Financial Officer</i>	<i>Rebekah Stewart</i> <i>Jeslin Shahrezaei</i> <i>Isabel Cruz</i>
<b>Jefferson County EDC (Economic Development Corp)</b>	<i>Wendi Strom</i> <i>Alternate: Robert Smith</i>
<b>CML Policy Committee (2)</b> <i>Staff Liaison: Deputy City Manager</i>	<i>Isabel Cruz</i> <i>Alternate: Rebekah Stewart</i>
<b>DRCOG - Denver Regional Council of Governments and Jeffco Co</b>	<i>Jeslin Shahrezaei</i> <i>Alternate: Roger Low</i>
<b>Head Start Executive Committee Governing Board (3)</b>	<i>Sophia Mayott-Guerrero</i> <i>Glenda Sinks</i> <i>Open W5</i>
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<b>Jefferson County Community Corrections Board (2)</b>	<i>Jacob Labure</i> <i>Alternate: Sophia Mayott-Guerrero</i>
<b>Judges Salary Committee (5)</b> <i>Staff Liaison: Deputy City Manager</i>	<i>Glenda Sinks</i> <i>Sophia Mayott-Guerrero</i> <i>Roger Low</i> <i>Rich Olver</i> <i>Open W5</i>
<b>Lakewood Reinvestment Authority Board (11)</b> <i>Staff Liaison: Economic Development Director</i>	<i>Wendi Strom</i> <i>Glenda Sinks</i> <i>Jeslin Shahrezaei</i> <i>Isabel Cruz</i> <i>Sophia Mayott-Guerrero</i>

*Roger Low  
Rebekah Stewart  
Dave Rein  
Rich Olver  
Jacob Labure  
Open W5*

**Legislative Committee (5)**  
**Staff Liaison: Deputy City Manager**

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Dave Rein  
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**Police Seizure Fund Committee (1)**

*Rich Olver*

**Screening Committee (5)**  
**Staff Liaison: City Clerk**

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*Rich Olver*

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Rich Olver  
Jacob LaBure*

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**Staff Liaison: Director of Planning**

DISBANDED 3/28/2022

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 7**

To: Mayor and City Council  
From: Jay Robb, City Clerk, 303-987-7081  
Subject: **COUNCIL APPOINTMENTS TO VARIOUS BOARDS AND COMMITTEES**

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**SUMMARY STATEMENT:** City Council adopted a procedure via their Policies and Procedures Manual for annual appointment of council members to various boards and committees.

**BACKGROUND INFORMATION:** The procedure states that recommendations for appointments come before Council for a vote.

**BUDGETARY IMPACTS:** This item has no associated budget impact.

**STAFF RECOMMENDATIONS:** Staff recommends that City Council review and approve committee appointments, either from the attached list in Exhibit A or with changes.

**ALTERNATIVES:** Change appointments as shown on Exhibit A or violate the Policies and Procedures Manual by not adopting the recommendations.

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

**NEXT STEPS:** None.

**ATTACHMENTS:** Resolution 2024-1  
2024 Council Committee Appointments

**REVIEWED BY:** Kathleen E. Hodgson, City Manager  
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**NEXT STEPS:** None.

**ATTACHMENTS:** Resolution 2024-1  
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**REVIEWED BY:** Kathleen E. Hodgson, City Manager  
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DISBANDED 3/28/2022

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Subject: **COUNCIL APPOINTMENTS TO VARIOUS BOARDS AND COMMITTEES**

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**NEXT STEPS:** None.

**ATTACHMENTS:** Resolution 2024-1  
2024 Council Committee Appointments

**REVIEWED BY:** Kathleen E. Hodgson, City Manager  
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Benjamin B. Goldstein, Deputy City Manager  
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DISBANDED 3/28/2022

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**NEXT STEPS:** None.

**ATTACHMENTS:** Resolution 2024-1  
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**REVIEWED BY:** Kathleen E. Hodgson, City Manager  
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**Legislative Committee (5)**  
**Staff Liaison: Deputy City Manager**

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DISBANDED 3/28/2022

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**NEXT STEPS:** None.

**ATTACHMENTS:** Resolution 2024-1  
2024 Council Committee Appointments

**REVIEWED BY:** Kathleen E. Hodgson, City Manager  
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**NEXT STEPS:** None.

**ATTACHMENTS:** Resolution 2024-1  
2024 Council Committee Appointments

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**Staff Liaison: Deputy City Manager**

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**Development Dialogue Ad Hoc Committee (5)**  
**Staff Liaison: Director of Planning**

DISBANDED 3/28/2022

# STAFF MEMO

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

To: Mayor and City Council  
From: Jay Robb, City Clerk, 303-987-7081  
Subject: **DESIGNATING THE PUBLIC PLACE FOR POSTING NOTICES OF PUBLIC MEETINGS DURING 2024**

---

**SUMMARY STATEMENT:** The City Council must designate a public place for posting notices of public meetings during 2024.

**BACKGROUND INFORMATION:** One of the requirements of C.R.S. 24-6-402(2)(c) is the designation of a public place for posting notices of public meetings, in order to meet the requirement of “full and timely” notice of meetings.

**BUDGETARY IMPACTS:** None.

**STAFF RECOMMENDATIONS:** Staff recommends adopting Resolution 2023-3, designating that such public place for posting purposes shall be located within the lobby/atrium of the Lakewood Civic Center, 480 South Allison Parkway and published on the City’s official website.

**ALTERNATIVES:** City Council could designate an alternative public place for posting notices of public meetings during 2024.

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

**NEXT STEPS:** Next steps would be to implement the designated public place for posting notices of public meetings during 2024.

**ATTACHMENTS:** Resolution 2024-2

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

2024-2

A RESOLUTION

DESIGNATING THE PUBLIC PLACE FOR POSTING NOTICES OF PUBLIC MEETINGS DURING 2024 PURSUANT TO C.R.S. 24-6-402

WHEREAS, C.R.S. 24-6-402(2)(c) requires the designation of a public place for posting notices of public meetings in order to meet the requirement of “full and timely” notice of meetings; and

WHEREAS, it is hereby determined that such public place for posting purposes shall be located within the lobby/atrium of the Lakewood Civic Center, 480 South Allison Parkway, and published on the City’s official website (Lakewood.org), the exact manner and means of posting to be implemented by the City Manager or designee, and such posting place shall be used for “local public bodies” as defined under C.R.S. 24-6-402(2)(c).

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

SECTION 1. The lobby/atrium area within the Lakewood Civic Center, 480 South Allison Parkway, and the City’s official website (Lakewood.org), are hereby designated as the public places for the posting of notices of meetings in 2024, pursuant to C.R.S. 24-6-402(2)(c). The exact manner and means of said posting shall be implemented by the City Manager or designee.

INTRODUCED, READ AND ADOPTED by a vote of \_\_\_\_ for and \_\_\_\_ against at a hybrid regular meeting of the Lakewood City Council held on January 8, 2024, at 7 o’clock p.m.

\_\_\_\_\_  
Wendi Strom, Mayor

ATTEST:

\_\_\_\_\_  
Jay Robb, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Alison McKenney Brown, City Attorney

# STAFF MEMO

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

To: Mayor and City Council  
From: Jay Robb, City Clerk, 303-987-7081  
Subject: **DESIGNATING THE PUBLIC PLACE FOR POSTING NOTICES OF PUBLIC MEETINGS DURING 2024**

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**SUMMARY STATEMENT:** The City Council must designate a public place for posting notices of public meetings during 2024.

**BACKGROUND INFORMATION:** One of the requirements of C.R.S. 24-6-402(2)(c) is the designation of a public place for posting notices of public meetings, in order to meet the requirement of “full and timely” notice of meetings.

**BUDGETARY IMPACTS:** None.

**STAFF RECOMMENDATIONS:** Staff recommends adopting Resolution 2023-3, designating that such public place for posting purposes shall be located within the lobby/atrium of the Lakewood Civic Center, 480 South Allison Parkway and published on the City’s official website.

**ALTERNATIVES:** City Council could designate an alternative public place for posting notices of public meetings during 2024.

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

**NEXT STEPS:** Next steps would be to implement the designated public place for posting notices of public meetings during 2024.

**ATTACHMENTS:** Resolution 2024-2

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

2024-3

A RESOLUTION

DESIGNATING THE PUBLIC PLACE FOR POSTING NOTICES OF PUBLIC MEETINGS DURING 2024 PURSUANT TO C.R.S. 24-6-402

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**BACKGROUND INFORMATION:** One of the requirements of C.R.S. 24-6-402(2)(c) is the designation of a public place for posting notices of public meetings, in order to meet the requirement of “full and timely” notice of meetings.

**BUDGETARY IMPACTS:** None.

**STAFF RECOMMENDATIONS:** Staff recommends adopting Resolution 2023-3, designating that such public place for posting purposes shall be located within the lobby/atrium of the Lakewood Civic Center, 480 South Allison Parkway and published on the City’s official website.

**ALTERNATIVES:** City Council could designate an alternative public place for posting notices of public meetings during 2024.

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

**NEXT STEPS:** Next steps would be to implement the designated public place for posting notices of public meetings during 2024.

**ATTACHMENTS:** Resolution 2024-2

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

2024-3

A RESOLUTION

DESIGNATING THE PUBLIC PLACE FOR POSTING NOTICES OF PUBLIC MEETINGS DURING 2024 PURSUANT TO C.R.S. 24-6-402

WHEREAS, C.R.S. 24-6-402(2)(c) requires the designation of a public place for posting notices of public meetings in order to meet the requirement of “full and timely” notice of meetings; and

WHEREAS, it is hereby determined that such public place for posting purposes shall be located within the lobby/atrium of the Lakewood Civic Center, 480 South Allison Parkway, and published on the City’s official website (Lakewood.org), the exact manner and means of posting to be implemented by the City Manager or designee, and such posting place shall be used for “local public bodies” as defined under C.R.S. 24-6-402(2)(c).

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

SECTION 1. The lobby/atrium area within the Lakewood Civic Center, 480 South Allison Parkway, and the City’s official website (Lakewood.org), are hereby designated as the public places for the posting of notices of meetings in 2024, pursuant to C.R.S. 24-6-402(2)(c). The exact manner and means of said posting shall be implemented by the City Manager or designee.

INTRODUCED, READ AND ADOPTED by a vote of \_\_\_\_ for and \_\_\_\_ against at a hybrid regular meeting of the Lakewood City Council held on January 8, 2024, at 7 o’clock p.m.

\_\_\_\_\_  
Wendi Strom, Mayor

ATTEST:

\_\_\_\_\_  
Jay Robb, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Alison McKenney Brown, City Attorney



# STAFF MEMO

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

To: Mayor and City Council  
From: Jay Robb, City Clerk, 303-987-7081  
Subject: **DESIGNATING THE PUBLIC PLACE FOR POSTING NOTICES OF PUBLIC MEETINGS DURING 2024**

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**SUMMARY STATEMENT:** The City Council must designate a public place for posting notices of public meetings during 2024.

**BACKGROUND INFORMATION:** One of the requirements of C.R.S. 24-6-402(2)(c) is the designation of a public place for posting notices of public meetings, in order to meet the requirement of “full and timely” notice of meetings.

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**STAFF RECOMMENDATIONS:** Staff recommends adopting Resolution 2023-3, designating that such public place for posting purposes shall be located within the lobby/atrium of the Lakewood Civic Center, 480 South Allison Parkway and published on the City’s official website.

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**ATTACHMENTS:** Resolution 2024-2

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

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Wendi Strom, Mayor

ATTEST:

\_\_\_\_\_  
Jay Robb, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Alison McKenney Brown, City Attorney

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**ATTACHMENTS:** Resolution 2024-2

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

2024-3

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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 8, 2024, at 7 o’clock p.m.

\_\_\_\_\_  
Wendi Strom, Mayor

ATTEST:

\_\_\_\_\_  
Jay Robb, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Alison McKenney Brown, City Attorney

# STAFF MEMO

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

To: Mayor and City Council  
From: Jay Robb, City Clerk, 303-987-7081  
Subject: **DESIGNATING THE PUBLIC PLACE FOR POSTING NOTICES OF PUBLIC MEETINGS DURING 2024**

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**SUMMARY STATEMENT:** The City Council must designate a public place for posting notices of public meetings during 2024.

**BACKGROUND INFORMATION:** One of the requirements of C.R.S. 24-6-402(2)(c) is the designation of a public place for posting notices of public meetings, in order to meet the requirement of “full and timely” notice of meetings.

**BUDGETARY IMPACTS:** None.

**STAFF RECOMMENDATIONS:** Staff recommends adopting Resolution 2023-3, designating that such public place for posting purposes shall be located within the lobby/atrium of the Lakewood Civic Center, 480 South Allison Parkway and published on the City’s official website.

**ALTERNATIVES:** City Council could designate an alternative public place for posting notices of public meetings during 2024.

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

**NEXT STEPS:** Next steps would be to implement the designated public place for posting notices of public meetings during 2024.

**ATTACHMENTS:** Resolution 2024-2

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

2024-3

A RESOLUTION

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

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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 8, 2024, at 7 o’clock p.m.

\_\_\_\_\_  
Wendi Strom, Mayor

ATTEST:

\_\_\_\_\_  
Jay Robb, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Alison McKenney Brown, City Attorney

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 9**

To: Mayor and City Council  
From: Alison McKenney Brown, City Attorney  
Subject: **CODE AMENDMENTS TO COMPLY WITH §13-10-104.5, C.R.S. REGARDING MUNICIPAL PROSECUTION OF DOMESTIC VIOLENCE**

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**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 City of Lakewood prosecutes crimes of domestic violence and is therefore required to comply with revisions to Section 13-10-104.5, C.R.S. The City's Code was generally consistent with State requirements relating to crimes of domestic violence.

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. The City is amending two sections of its Code to ensure that local law is compliant with new state requirements. The proposed amendments affect the following sections of the Lakewood Municipal Code:

Title I, Chapter 1; and,  
Title X, Chapter 9

**BUDGETARY IMPACTS:** These changes are expected to require budgetary increases because of additional requirements imposed by Section 13-10-104.5, C.R.S. Increased costs are not readily quantifiable and 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 recommend 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:** If adopted on first reading, the City Council will consider action on the proposed ordinances at the second reading and public hearing scheduled for the January 22, 2024 Regular City Council meeting.

**ATTACHMENTS:** Ordinance O-2024-1  
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-2024-1

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 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](http://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

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:

CHAPTER 9.100 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](http://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

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*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:


**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:

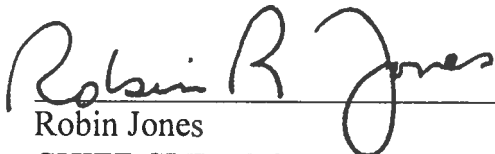
(f) TO REVIEW ANY REPORTS OF NONCOMPLIANCE WITH SECTION 13-10-104.5;

**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 25<sup>th</sup> 2023 at 10:43 am  
(Date and Time)

  
Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO

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

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 9**

To: Mayor and City Council  
From: Alison McKenney Brown, City Attorney  
Subject: **CODE AMENDMENTS TO COMPLY WITH §13-10-104.5, C.R.S. REGARDING MUNICIPAL PROSECUTION OF DOMESTIC VIOLENCE**

---

**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 City of Lakewood prosecutes crimes of domestic violence and is therefore required to comply with revisions to Section 13-10-104.5, C.R.S. The City's Code was generally consistent with State requirements relating to crimes of domestic violence.

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. The City is amending two sections of its Code to ensure that local law is compliant with new state requirements. The proposed amendments affect the following sections of the Lakewood Municipal Code:

Title I, Chapter 1; and,  
Title X, Chapter 9

**BUDGETARY IMPACTS:** These changes are expected to require budgetary increases because of additional requirements imposed by Section 13-10-104.5, C.R.S. Increased costs are not readily quantifiable and 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 recommend 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:** If adopted on first reading, the City Council will consider action on the proposed ordinances at the second reading and public hearing scheduled for the January 22, 2024 Regular City Council meeting.

**ATTACHMENTS:** Ordinance O-2024-1  
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

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 9**

To: Mayor and City Council  
From: Alison McKenney Brown, City Attorney  
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**BUDGETARY IMPACTS:** These changes are expected to require budgetary increases because of additional requirements imposed by Section 13-10-104.5, C.R.S. Increased costs are not readily quantifiable and 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 recommend 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:** If adopted on first reading, the City Council will consider action on the proposed ordinances at the second reading and public hearing scheduled for the January 22, 2024 Regular City Council meeting.

**ATTACHMENTS:** Ordinance O-2024-1  
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-2024-1

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 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](http://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

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:

CHAPTER 9.100 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](http://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

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*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:


**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:

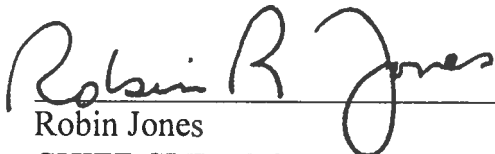
(f) TO REVIEW ANY REPORTS OF NONCOMPLIANCE WITH SECTION 13-10-104.5;

**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 25<sup>th</sup> 2023 at 10:43 am  
(Date and Time)

  
Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO

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

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 9**

To: Mayor and City Council  
From: Alison McKenney Brown, City Attorney  
Subject: **CODE AMENDMENTS TO COMPLY WITH §13-10-104.5, C.R.S. REGARDING MUNICIPAL PROSECUTION OF DOMESTIC VIOLENCE**

---

**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 City of Lakewood prosecutes crimes of domestic violence and is therefore required to comply with revisions to Section 13-10-104.5, C.R.S. The City's Code was generally consistent with State requirements relating to crimes of domestic violence.

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. The City is amending two sections of its Code to ensure that local law is compliant with new state requirements. The proposed amendments affect the following sections of the Lakewood Municipal Code:

Title I, Chapter 1; and,  
Title X, Chapter 9

**BUDGETARY IMPACTS:** These changes are expected to require budgetary increases because of additional requirements imposed by Section 13-10-104.5, C.R.S. Increased costs are not readily quantifiable and 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 recommend 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:** If adopted on first reading, the City Council will consider action on the proposed ordinances at the second reading and public hearing scheduled for the January 22, 2024 Regular City Council meeting.

**ATTACHMENTS:** Ordinance O-2024-1  
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

# STAFF MEMO

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To: Mayor and City Council  
From: Alison McKenney Brown, City Attorney  
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**BUDGETARY IMPACTS:** These changes are expected to require budgetary increases because of additional requirements imposed by Section 13-10-104.5, C.R.S. Increased costs are not readily quantifiable and 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 recommend 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:** If adopted on first reading, the City Council will consider action on the proposed ordinances at the second reading and public hearing scheduled for the January 22, 2024 Regular City Council meeting.

**ATTACHMENTS:** Ordinance O-2024-1  
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-2024-1

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 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](http://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

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:

CHAPTER 9.100 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](http://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

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*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:


**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:

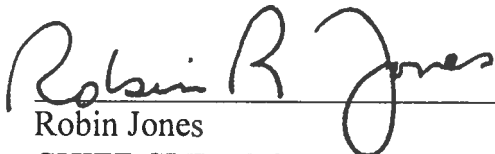
(f) TO REVIEW ANY REPORTS OF NONCOMPLIANCE WITH SECTION 13-10-104.5;

**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 25<sup>th</sup> 2023 at 10:43 am  
(Date and Time)

  
Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO

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

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 9**

To: Mayor and City Council  
From: Alison McKenney Brown, City Attorney  
Subject: **CODE AMENDMENTS TO COMPLY WITH §13-10-104.5, C.R.S. REGARDING MUNICIPAL PROSECUTION OF DOMESTIC VIOLENCE**

---

**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 City of Lakewood prosecutes crimes of domestic violence and is therefore required to comply with revisions to Section 13-10-104.5, C.R.S. The City's Code was generally consistent with State requirements relating to crimes of domestic violence.

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. The City is amending two sections of its Code to ensure that local law is compliant with new state requirements. The proposed amendments affect the following sections of the Lakewood Municipal Code:

Title I, Chapter 1; and,  
Title X, Chapter 9

**BUDGETARY IMPACTS:** These changes are expected to require budgetary increases because of additional requirements imposed by Section 13-10-104.5, C.R.S. Increased costs are not readily quantifiable and 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 recommend 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:** If adopted on first reading, the City Council will consider action on the proposed ordinances at the second reading and public hearing scheduled for the January 22, 2024 Regular City Council meeting.

**ATTACHMENTS:** Ordinance O-2024-1  
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

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 9**

To: Mayor and City Council  
From: Alison McKenney Brown, City Attorney  
Subject: **CODE AMENDMENTS TO COMPLY WITH §13-10-104.5, C.R.S. REGARDING MUNICIPAL PROSECUTION OF DOMESTIC VIOLENCE**

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**STAFF RECOMMENDATIONS:** Staff recommend 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:** If adopted on first reading, the City Council will consider action on the proposed ordinances at the second reading and public hearing scheduled for the January 22, 2024 Regular City Council meeting.

**ATTACHMENTS:** Ordinance O-2024-1  
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-2024-1

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 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](http://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

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:

CHAPTER 9.100 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](http://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

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*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:


**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:

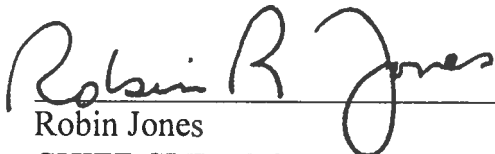
(f) TO REVIEW ANY REPORTS OF NONCOMPLIANCE WITH SECTION 13-10-104.5;

**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 25<sup>th</sup> 2023 at 10:43 am  
(Date and Time)

  
Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO

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

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 9**

To: Mayor and City Council  
From: Alison McKenney Brown, City Attorney  
Subject: **CODE AMENDMENTS TO COMPLY WITH §13-10-104.5, C.R.S. REGARDING MUNICIPAL PROSECUTION OF DOMESTIC VIOLENCE**

---

**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 City of Lakewood prosecutes crimes of domestic violence and is therefore required to comply with revisions to Section 13-10-104.5, C.R.S. The City's Code was generally consistent with State requirements relating to crimes of domestic violence.

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. The City is amending two sections of its Code to ensure that local law is compliant with new state requirements. The proposed amendments affect the following sections of the Lakewood Municipal Code:

Title I, Chapter 1; and,  
Title X, Chapter 9

**BUDGETARY IMPACTS:** These changes are expected to require budgetary increases because of additional requirements imposed by Section 13-10-104.5, C.R.S. Increased costs are not readily quantifiable and 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 recommend 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:** If adopted on first reading, the City Council will consider action on the proposed ordinances at the second reading and public hearing scheduled for the January 22, 2024 Regular City Council meeting.

**ATTACHMENTS:** Ordinance O-2024-1  
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

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 9**

To: Mayor and City Council  
From: Alison McKenney Brown, City Attorney  
Subject: **CODE AMENDMENTS TO COMPLY WITH §13-10-104.5, C.R.S. REGARDING MUNICIPAL PROSECUTION OF DOMESTIC VIOLENCE**

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Title I, Chapter 1; and,  
Title X, Chapter 9

**BUDGETARY IMPACTS:** These changes are expected to require budgetary increases because of additional requirements imposed by Section 13-10-104.5, C.R.S. Increased costs are not readily quantifiable and 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 recommend 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:** If adopted on first reading, the City Council will consider action on the proposed ordinances at the second reading and public hearing scheduled for the January 22, 2024 Regular City Council meeting.

**ATTACHMENTS:** Ordinance O-2024-1  
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-2024-1

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 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](http://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

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:

CHAPTER 9.100 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](http://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

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*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:


**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:

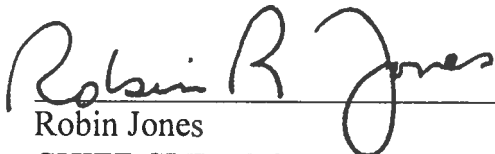
(f) TO REVIEW ANY REPORTS OF NONCOMPLIANCE WITH SECTION 13-10-104.5;

**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 25<sup>th</sup> 2023 at 10:43 am  
(Date and Time)

  
Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO

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

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 9**

To: Mayor and City Council  
From: Alison McKenney Brown, City Attorney  
Subject: **CODE AMENDMENTS TO COMPLY WITH §13-10-104.5, C.R.S. REGARDING MUNICIPAL PROSECUTION OF DOMESTIC VIOLENCE**

---

**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 City of Lakewood prosecutes crimes of domestic violence and is therefore required to comply with revisions to Section 13-10-104.5, C.R.S. The City's Code was generally consistent with State requirements relating to crimes of domestic violence.

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. The City is amending two sections of its Code to ensure that local law is compliant with new state requirements. The proposed amendments affect the following sections of the Lakewood Municipal Code:

Title I, Chapter 1; and,  
Title X, Chapter 9

**BUDGETARY IMPACTS:** These changes are expected to require budgetary increases because of additional requirements imposed by Section 13-10-104.5, C.R.S. Increased costs are not readily quantifiable and 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 recommend 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:** If adopted on first reading, the City Council will consider action on the proposed ordinances at the second reading and public hearing scheduled for the January 22, 2024 Regular City Council meeting.

**ATTACHMENTS:** Ordinance O-2024-1  
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

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 9**

To: Mayor and City Council  
From: Alison McKenney Brown, City Attorney  
Subject: **CODE AMENDMENTS TO COMPLY WITH §13-10-104.5, C.R.S. REGARDING MUNICIPAL PROSECUTION OF DOMESTIC VIOLENCE**

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Title I, Chapter 1; and,  
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**STAFF RECOMMENDATIONS:** Staff recommend 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:** If adopted on first reading, the City Council will consider action on the proposed ordinances at the second reading and public hearing scheduled for the January 22, 2024 Regular City Council meeting.

**ATTACHMENTS:** Ordinance O-2024-1  
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-2024-1

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 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](http://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

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:

CHAPTER 9.100 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](http://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

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*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:


**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:

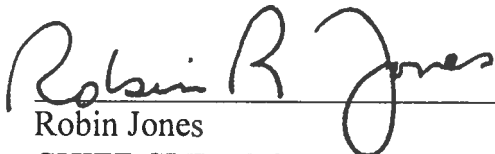
(f) TO REVIEW ANY REPORTS OF NONCOMPLIANCE WITH SECTION 13-10-104.5;

**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 25<sup>th</sup> 2023 at 10:43 am  
(Date and Time)

  
Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO

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

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 9**

To: Mayor and City Council  
From: Alison McKenney Brown, City Attorney  
Subject: **CODE AMENDMENTS TO COMPLY WITH §13-10-104.5, C.R.S. REGARDING MUNICIPAL PROSECUTION OF DOMESTIC VIOLENCE**

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**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 City of Lakewood prosecutes crimes of domestic violence and is therefore required to comply with revisions to Section 13-10-104.5, C.R.S. The City's Code was generally consistent with State requirements relating to crimes of domestic violence.

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. The City is amending two sections of its Code to ensure that local law is compliant with new state requirements. The proposed amendments affect the following sections of the Lakewood Municipal Code:

Title I, Chapter 1; and,  
Title X, Chapter 9

**BUDGETARY IMPACTS:** These changes are expected to require budgetary increases because of additional requirements imposed by Section 13-10-104.5, C.R.S. Increased costs are not readily quantifiable and 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 recommend 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:** If adopted on first reading, the City Council will consider action on the proposed ordinances at the second reading and public hearing scheduled for the January 22, 2024 Regular City Council meeting.

**ATTACHMENTS:** Ordinance O-2024-1  
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

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 9**

To: Mayor and City Council  
From: Alison McKenney Brown, City Attorney  
Subject: **CODE AMENDMENTS TO COMPLY WITH §13-10-104.5, C.R.S. REGARDING MUNICIPAL PROSECUTION OF DOMESTIC VIOLENCE**

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**STAFF RECOMMENDATIONS:** Staff recommend 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:** If adopted on first reading, the City Council will consider action on the proposed ordinances at the second reading and public hearing scheduled for the January 22, 2024 Regular City Council meeting.

**ATTACHMENTS:** Ordinance O-2024-1  
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-2024-1

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 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](http://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

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:

CHAPTER 9.100 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](http://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

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*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:


**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:

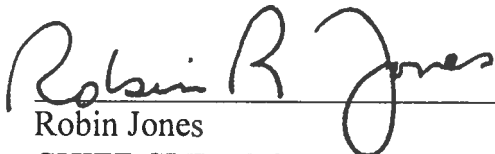
(f) TO REVIEW ANY REPORTS OF NONCOMPLIANCE WITH SECTION 13-10-104.5;

**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 25<sup>th</sup> 2023 at 10:43 am  
(Date and Time)

  
Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO

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

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 9**

To: Mayor and City Council  
From: Alison McKenney Brown, City Attorney  
Subject: **CODE AMENDMENTS TO COMPLY WITH §13-10-104.5, C.R.S. REGARDING MUNICIPAL PROSECUTION OF DOMESTIC VIOLENCE**

---

**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 City of Lakewood prosecutes crimes of domestic violence and is therefore required to comply with revisions to Section 13-10-104.5, C.R.S. The City's Code was generally consistent with State requirements relating to crimes of domestic violence.

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. The City is amending two sections of its Code to ensure that local law is compliant with new state requirements. The proposed amendments affect the following sections of the Lakewood Municipal Code:

Title I, Chapter 1; and,  
Title X, Chapter 9

**BUDGETARY IMPACTS:** These changes are expected to require budgetary increases because of additional requirements imposed by Section 13-10-104.5, C.R.S. Increased costs are not readily quantifiable and 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 recommend 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:** If adopted on first reading, the City Council will consider action on the proposed ordinances at the second reading and public hearing scheduled for the January 22, 2024 Regular City Council meeting.

**ATTACHMENTS:** Ordinance O-2024-1  
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

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 9**

To: Mayor and City Council  
From: Alison McKenney Brown, City Attorney  
Subject: **CODE AMENDMENTS TO COMPLY WITH §13-10-104.5, C.R.S. REGARDING MUNICIPAL PROSECUTION OF DOMESTIC VIOLENCE**

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**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 City of Lakewood prosecutes crimes of domestic violence and is therefore required to comply with revisions to Section 13-10-104.5, C.R.S. The City's Code was generally consistent with State requirements relating to crimes of domestic violence.

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. The City is amending two sections of its Code to ensure that local law is compliant with new state requirements. The proposed amendments affect the following sections of the Lakewood Municipal Code:

Title I, Chapter 1; and,  
Title X, Chapter 9

**BUDGETARY IMPACTS:** These changes are expected to require budgetary increases because of additional requirements imposed by Section 13-10-104.5, C.R.S. Increased costs are not readily quantifiable and 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 recommend 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:** If adopted on first reading, the City Council will consider action on the proposed ordinances at the second reading and public hearing scheduled for the January 22, 2024 Regular City Council meeting.

**ATTACHMENTS:** Ordinance O-2024-1  
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-2024-1

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 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](http://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

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:

CHAPTER 9.100 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](http://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

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*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:


**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:

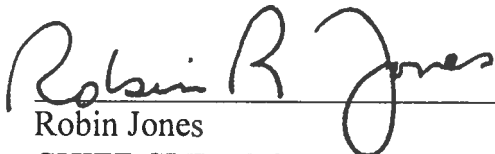
(f) TO REVIEW ANY REPORTS OF NONCOMPLIANCE WITH SECTION 13-10-104.5;

**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 25<sup>th</sup> 2023 at 10:43 am  
(Date and Time)

  
Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO

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

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 9**

To: Mayor and City Council  
From: Alison McKenney Brown, City Attorney  
Subject: **CODE AMENDMENTS TO COMPLY WITH §13-10-104.5, C.R.S. REGARDING MUNICIPAL PROSECUTION OF DOMESTIC VIOLENCE**

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**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 City of Lakewood prosecutes crimes of domestic violence and is therefore required to comply with revisions to Section 13-10-104.5, C.R.S. The City's Code was generally consistent with State requirements relating to crimes of domestic violence.

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. The City is amending two sections of its Code to ensure that local law is compliant with new state requirements. The proposed amendments affect the following sections of the Lakewood Municipal Code:

Title I, Chapter 1; and,  
Title X, Chapter 9

**BUDGETARY IMPACTS:** These changes are expected to require budgetary increases because of additional requirements imposed by Section 13-10-104.5, C.R.S. Increased costs are not readily quantifiable and 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 recommend 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:** If adopted on first reading, the City Council will consider action on the proposed ordinances at the second reading and public hearing scheduled for the January 22, 2024 Regular City Council meeting.

**ATTACHMENTS:** Ordinance O-2024-1  
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

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 9**

To: Mayor and City Council  
From: Alison McKenney Brown, City Attorney  
Subject: **CODE AMENDMENTS TO COMPLY WITH §13-10-104.5, C.R.S. REGARDING MUNICIPAL PROSECUTION OF DOMESTIC VIOLENCE**

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**ALTERNATIVES:** N/A

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

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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-2024-1

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 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](http://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

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:

CHAPTER 9.100 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](http://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

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*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:


**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:

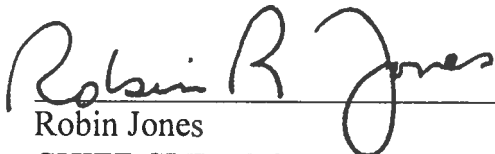
(f) TO REVIEW ANY REPORTS OF NONCOMPLIANCE WITH SECTION 13-10-104.5;

**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 25<sup>th</sup> 2023 at 10:43 am  
(Date and Time)

  
Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO

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

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 9**

To: Mayor and City Council  
From: Alison McKenney Brown, City Attorney  
Subject: **CODE AMENDMENTS TO COMPLY WITH §13-10-104.5, C.R.S. REGARDING MUNICIPAL PROSECUTION OF DOMESTIC VIOLENCE**

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**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 City of Lakewood prosecutes crimes of domestic violence and is therefore required to comply with revisions to Section 13-10-104.5, C.R.S. The City's Code was generally consistent with State requirements relating to crimes of domestic violence.

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. The City is amending two sections of its Code to ensure that local law is compliant with new state requirements. The proposed amendments affect the following sections of the Lakewood Municipal Code:

Title I, Chapter 1; and,  
Title X, Chapter 9

**BUDGETARY IMPACTS:** These changes are expected to require budgetary increases because of additional requirements imposed by Section 13-10-104.5, C.R.S. Increased costs are not readily quantifiable and 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 recommend 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:** If adopted on first reading, the City Council will consider action on the proposed ordinances at the second reading and public hearing scheduled for the January 22, 2024 Regular City Council meeting.

**ATTACHMENTS:** Ordinance O-2024-1  
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

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 9**

To: Mayor and City Council  
From: Alison McKenney Brown, City Attorney  
Subject: **CODE AMENDMENTS TO COMPLY WITH §13-10-104.5, C.R.S. REGARDING MUNICIPAL PROSECUTION OF DOMESTIC VIOLENCE**

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

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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-2024-1

AN ORDINANCE

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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](http://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

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:

CHAPTER 9.100 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](http://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

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*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:


**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:

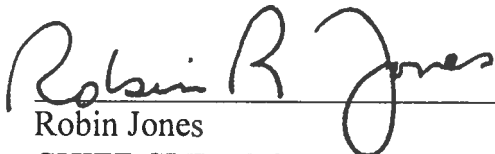
(f) TO REVIEW ANY REPORTS OF NONCOMPLIANCE WITH SECTION 13-10-104.5;

**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 25<sup>th</sup> 2023 at 10:43 am  
(Date and Time)

  
Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO

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

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 9**

To: Mayor and City Council  
From: Alison McKenney Brown, City Attorney  
Subject: **CODE AMENDMENTS TO COMPLY WITH §13-10-104.5, C.R.S. REGARDING MUNICIPAL PROSECUTION OF DOMESTIC VIOLENCE**

---

**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 City of Lakewood prosecutes crimes of domestic violence and is therefore required to comply with revisions to Section 13-10-104.5, C.R.S. The City's Code was generally consistent with State requirements relating to crimes of domestic violence.

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. The City is amending two sections of its Code to ensure that local law is compliant with new state requirements. The proposed amendments affect the following sections of the Lakewood Municipal Code:

Title I, Chapter 1; and,  
Title X, Chapter 9

**BUDGETARY IMPACTS:** These changes are expected to require budgetary increases because of additional requirements imposed by Section 13-10-104.5, C.R.S. Increased costs are not readily quantifiable and 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 recommend 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:** If adopted on first reading, the City Council will consider action on the proposed ordinances at the second reading and public hearing scheduled for the January 22, 2024 Regular City Council meeting.

**ATTACHMENTS:** Ordinance O-2024-1  
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

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 9**

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From: Alison McKenney Brown, City Attorney  
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**STAFF RECOMMENDATIONS:** Staff recommend 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.

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**ATTACHMENTS:** Ordinance O-2024-1  
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-2024-1

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 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](http://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

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:

CHAPTER 9.100 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](http://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

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*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:


**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:

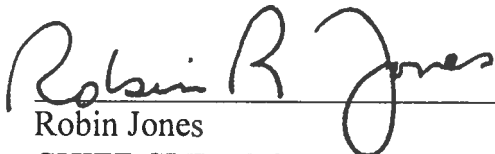
(f) TO REVIEW ANY REPORTS OF NONCOMPLIANCE WITH SECTION 13-10-104.5;

**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 25<sup>th</sup> 2023 at 10:43 am  
(Date and Time)

  
Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO

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

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 9**

To: Mayor and City Council  
From: Alison McKenney Brown, City Attorney  
Subject: **CODE AMENDMENTS TO COMPLY WITH §13-10-104.5, C.R.S. REGARDING MUNICIPAL PROSECUTION OF DOMESTIC VIOLENCE**

---

**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 City of Lakewood prosecutes crimes of domestic violence and is therefore required to comply with revisions to Section 13-10-104.5, C.R.S. The City's Code was generally consistent with State requirements relating to crimes of domestic violence.

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. The City is amending two sections of its Code to ensure that local law is compliant with new state requirements. The proposed amendments affect the following sections of the Lakewood Municipal Code:

Title I, Chapter 1; and,  
Title X, Chapter 9

**BUDGETARY IMPACTS:** These changes are expected to require budgetary increases because of additional requirements imposed by Section 13-10-104.5, C.R.S. Increased costs are not readily quantifiable and 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 recommend 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:** If adopted on first reading, the City Council will consider action on the proposed ordinances at the second reading and public hearing scheduled for the January 22, 2024 Regular City Council meeting.

**ATTACHMENTS:** Ordinance O-2024-1  
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

# STAFF MEMO

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**STAFF RECOMMENDATIONS:** Staff recommend 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.

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**ATTACHMENTS:** Ordinance O-2024-1  
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-2024-1

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 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](http://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

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:

CHAPTER 9.100 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](http://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

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*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:


**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:

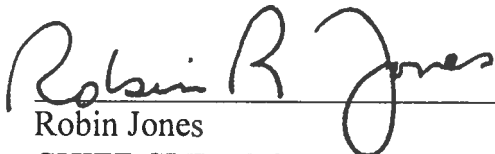
(f) TO REVIEW ANY REPORTS OF NONCOMPLIANCE WITH SECTION 13-10-104.5;

**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 25<sup>th</sup> 2023 at 10:43 am  
(Date and Time)

  
Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO

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

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 9**

To: Mayor and City Council  
From: Alison McKenney Brown, City Attorney  
Subject: **CODE AMENDMENTS TO COMPLY WITH §13-10-104.5, C.R.S. REGARDING MUNICIPAL PROSECUTION OF DOMESTIC VIOLENCE**

---

**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 City of Lakewood prosecutes crimes of domestic violence and is therefore required to comply with revisions to Section 13-10-104.5, C.R.S. The City's Code was generally consistent with State requirements relating to crimes of domestic violence.

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. The City is amending two sections of its Code to ensure that local law is compliant with new state requirements. The proposed amendments affect the following sections of the Lakewood Municipal Code:

Title I, Chapter 1; and,  
Title X, Chapter 9

**BUDGETARY IMPACTS:** These changes are expected to require budgetary increases because of additional requirements imposed by Section 13-10-104.5, C.R.S. Increased costs are not readily quantifiable and 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 recommend 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:** If adopted on first reading, the City Council will consider action on the proposed ordinances at the second reading and public hearing scheduled for the January 22, 2024 Regular City Council meeting.

**ATTACHMENTS:** Ordinance O-2024-1  
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

# STAFF MEMO

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**ATTACHMENTS:** Ordinance O-2024-1  
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-2024-1

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 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](http://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

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

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

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

CHAPTER 9.100 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](http://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

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*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:


**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:

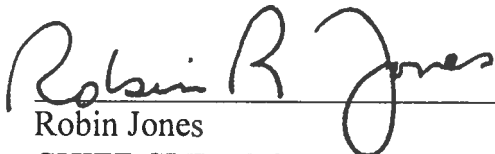
(f) TO REVIEW ANY REPORTS OF NONCOMPLIANCE WITH SECTION 13-10-104.5;

**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 25<sup>th</sup> 2023 at 10:43 am  
(Date and Time)

  
Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO

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

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 9**

To: Mayor and City Council  
From: Alison McKenney Brown, City Attorney  
Subject: **CODE AMENDMENTS TO COMPLY WITH §13-10-104.5, C.R.S. REGARDING MUNICIPAL PROSECUTION OF DOMESTIC VIOLENCE**

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**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 City of Lakewood prosecutes crimes of domestic violence and is therefore required to comply with revisions to Section 13-10-104.5, C.R.S. The City's Code was generally consistent with State requirements relating to crimes of domestic violence.

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. The City is amending two sections of its Code to ensure that local law is compliant with new state requirements. The proposed amendments affect the following sections of the Lakewood Municipal Code:

Title I, Chapter 1; and,  
Title X, Chapter 9

**BUDGETARY IMPACTS:** These changes are expected to require budgetary increases because of additional requirements imposed by Section 13-10-104.5, C.R.S. Increased costs are not readily quantifiable and 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 recommend 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:** If adopted on first reading, the City Council will consider action on the proposed ordinances at the second reading and public hearing scheduled for the January 22, 2024 Regular City Council meeting.

**ATTACHMENTS:** Ordinance O-2024-1  
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

# STAFF MEMO

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**STAFF RECOMMENDATIONS:** Staff recommend 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:** If adopted on first reading, the City Council will consider action on the proposed ordinances at the second reading and public hearing scheduled for the January 22, 2024 Regular City Council meeting.

**ATTACHMENTS:** Ordinance O-2024-1  
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-2024-1

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 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](http://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

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:

CHAPTER 9.100 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](http://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

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*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:


**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:

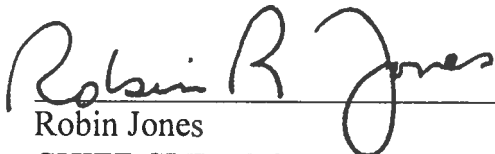
(f) TO REVIEW ANY REPORTS OF NONCOMPLIANCE WITH SECTION 13-10-104.5;

**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 25<sup>th</sup> 2023 at 10:43 am  
(Date and Time)

  
Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO

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



**MINUTES  
REGULAR MEETING OF THE CITY COUNCIL  
CITY OF LAKEWOOD**

**7:00 P.M**

**November 27, 2023**

*Minutes are not a verbatim transcription, but rather an attempt to capture the intent of the speaker by the City Clerk.*

**ITEM 1 – CALL TO ORDER**

[View video recording here](#)

Mayor Paul called the HYBRID meeting to order at 7:03 p.m.

**ITEM 2 – ROLL CALL**

[View video recording here](#)

Those present were: Mayor Adam Paul, Presiding  
Richard Olver  
Sophia Mayott-Guerrero  
Barb Franks  
Rebekah Stewart  
Wendi Strom  
Mary Janssen  
Jeslin Shahrezaei  
Anita Springsteen  
Sharon Vincent

Absent: Charley Able

Others in attendance: Kathy Hodgson, City Manager  
Alison McKenney Brown, City Attorney  
Jay Robb, City Clerk

Full and timely notice of this City Council meeting had been given and a quorum was present.

**ITEM 3 – PLEDGE OF ALLEGIANCE**

[View video recording here](#)

The Pledge of Allegiance was led by Girl Scout Troop 68211 and the Webelos Arrow of Light (AOL) Den from Cub Scout Pack 748, and the audience remained standing for a moment of silent prayer.

**ITEM 4 – STATEMENT OF CONFLICT OF INTEREST**

[View video recording here](#)

Mayor Paul read the Statement of Conflict of Interest

**CONSENT AGENDA**

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[View video recording here](#)

**ITEM 5 – APPROVING MINUTES OF THE CITY COUNCIL MEETINGS**

CITY COUNCIL REGULAR MEETING	SEPTEMBER 25, 2023
CITY COUNCIL REGULAR MEETING	OCTOBER 9, 2023
CITY COUNCIL REGULAR MEETING	OCTOBER 23, 2023

Mayor Pro Tem Strom made a motion to approve Council minutes. It was seconded.

**Vote on the motion:**

AYE: Paul, Olver, Mayott-Guerrero, Franks, Stewart, Strom, Janssen, Shahrezaei, Vincent.

NAY: Springsteen.

ABSENT: Able.

**Result:**

Approved 9-1, the motion passed.

**END OF CONSENT AGENDA**

**ITEM 6 – INDUCTION CEREMONY – FOR NEWLY ELECTED MAYOR AND CITY COUNCIL MEMBERS**

[View video recording here](#)

Judge Bozarth swore-in the newly elected members of the City Council in the following order:

Glenda Sinks - Ward 1  
Roger Low - Ward 3  
David Rein - Ward 4  
Jacob LaBure - Ward 5  
Wendi Strom - Mayor

Following the induction ceremony, Mayor Paul called a recess at 7:16 p.m.

**ITEM 7 – RECESS – RECEPTION FOR INCOMING/OUTGOING CITY COUNCIL MEMBERS**

**ITEM 8 – ROLL CALL FOR THE NEW COUNCIL**

[View video recording here](#)

Mayor Strom reconvened the meeting at 8:00 p.m. and asked the City Clerk for roll call.

The newly elected members of the City Council took their places at the dais and roll call was taken again. Those present were: Mayor Strom and Council members Olver, Mayott-Guerrero, Rein, Stewart, LaBure, Shahrezaei, Low, Sinks.

Mayor Strom asked to move Item 10 ahead of public comment, the motion was seconded.

**Vote on the motion:**

AYE: Strom, Rein, Stewart, LaBure, Shahrezaei, Low, Sinks.

NAY: Olver, Mayott-Guerrero.

ABSENT: None.

**Result:**

Approved 7-2, the motion passed.

**ITEM 10 – RESOLUTION 2023-57** – CALLING A SPECIAL MUNICIPAL ELECTION IN WARD 5 TO BE HELD JANUARY 30, 2024, FOR THE PURPOSE OF FILLING A VACATED CITY COUNCIL SEAT, WITH SUCH SPECIAL ELECTION TO BE CONDUCTED AS A MAIL BALLOT ELECTION BY THE LAKEWOOD CITY CLERK'S OFFICE

[View video recording here](#)

Councilor Shahrezaei made a motion to adopt Resolution 2023-57. It was seconded.

**Vote on Resolution 2023-57:**

AYE: Strom, Olver, Mayott-Guerrero, Rein, Stewart, LaBure, Shahrezaei, Low, Sinks.

NAY: None.

ABSENT: None.

**Result:**

Approved 9-0, the motion passed.

**ITEM 9 – PUBLIC COMMENT**

[View video recording here](#)

**Public Comment received via telephone/in-person:**

James Mace, Ward 1, spoke to Council about issues with Lakewood Police Department and West Metro Fire District. He finished by speaking against the development proposed at 777 S. Yarrow Street and talked about it threatening Belmar Park.

Regina Hopkins, spoke against the development proposed at 777 S. Yarrow Street and talked about the new City Council collaborating with residents, staff, and the developer of the property to find a better outcome than the current proposed development.

Mary Depetro, Ward 3, spoke against the development proposed at 777 S. Yarrow Street and talked about it threatening the wildlife habitat in Belmar Park.

John Grant, Ward 3, spoke against Belmar Park proposed at 777 S. Yarrow Street, asked the new Council to help save Belmar Park, and talked about the amenities of the park.

Tanner Hininger, spoke against the development proposed at 777 S. Yarrow Street and talked about the need to preserve Belmar Park.

Jed Phillips, spoke against the development proposed at 777 S. Yarrow Street and talked about the negative environmental impact of the development on Belmar Park.

Celia Greenman, Ward 2, spoke against the development proposed at 777 S. Yarrow Street and provided a presentation with specific examples about how the development will threaten mature trees and wildlife habitat in Belmar Park. Ms. Greenman closed by talking about the types of trees protected under the Lakewood Municipal Code and provided an example of other apartment buildings in the Denver metro area that have incorporated outdoor plants and vegetation.

Mark Smith, Ward 2, spoke against the development proposed at 777 S. Yarrow Street and distributed a handout to the Council (Attachment A) of an email to Mayor Strom from Mr. Smith sent on Friday, November 24<sup>th</sup> and distributed a second handout to the Council (Attachment B) of personal comments from Mr. Smith as the Vice-Chair of Save Belmar Park Committee. Mr. Smith spoke about his conversations with planning staff regarding the project and closed by providing specific reasons why the current development at 777 S. Yarrow Street is not feasible. And emphasized the request for a buffer from the developer on the western edge.

Katie Gill, Morrison resident, but speaking on behalf of Save Bear Creek Lake Park. Welcomed the new Council Members and provide a summary of why Bear Creek Lake Park needed to be preserved.

Lenore Herskovitz, Ward 1, talked about an ongoing lawsuit between the City of Lakewood and Colorado Christian University. Ms. Herskovitz, provided a recent ruling from the Colorado Court of Appeals that ruled in favor of the City to allow the City to regulate the growth of the University. Ms. Herskovitz, talked about the evolution of the case, which included the definition of “student living units” addressed in state statutes and the Lakewood Municipal Code and explained that the university began purchasing duplexes surrounding the campus along S. Cody Court and W. Cedar Avenue.

Holly Thorstad, Ward 5, spoke against the development proposed at 777 S. Yarrow Street and talked about the proposed development threatening wildlife habitat in Belmar Park.



Pastor Ben Hensley, Ward 2, spoke as a board member of the Community Investment Alliance, to talk about the importance of the city to invest in pallet homes in Lakewood to provide housing. Pastor Ben spoke about the need for city code amendments to allow for communities to allow pallet homes.

Paula Nystrom, Ward 5, spoke against the development proposed at 777 S. Yarrow Street, talked about the amenities of Belmar Park, and closed by discussing the opportunity for the new City Council to change the status quo in Lakewood.

John Claus, Ward 1, referred to written public comments on LakewoodSpeaks.org regarding snow getting plowed into bike lanes and asked the Council to work with staff to resolve the issue.

### **Public Comment received via Lakewood Speaks: 3**

Steven Buckley, Nov 27, 2023, 10:24am.

I agree with David Rothenburger's comment and wish to add some more thoughts in a similar vein. Although I haven't visited the bike path along the W-line since this past week's snowfall like he apparently has, his comment rings true to me because in previous winters, I have seen a lot of snow and ice along this same trail several days or even more than a week after snowfall events. Additionally, on-street bike lanes in the city never get plowed after any snow storm, and particularly on the south side of east-west streets where the bike lanes are perpetually in shadow during the winter, bike lanes are so full of snow and ice that they are unsafe and unusable for several weeks after each individual snow storm, which is basically the entire winter. I have inquired twice on this topic in the past, asking for the city to plow the bike lanes on streets where the car lanes get plowed too. Both times, Public Works responded to me with basically the same answer explaining why bike lanes are not plowed: 1) It is too hard to plow bike lanes, 2) there is an issue of where to store the snow because bike lanes are often used for snow storage from the car lanes that do get plowed, 3) streets are plowed primarily for the benefit of emergency vehicles like fire trucks, ambulances, and police cars which don't use bike lanes, 4) that it would cost too much money, and 5) the bike lanes are still usable in warm weather months. Frankly, I feel that all these explanations are pretty lame and are more excuses than answers. I will respond to each point. 1) It is possible to drive a snow plow over a bike lane, just like it is possible to drive a snow plow over a car lane. Other cities near us do this. Denver even has special equipment to plow the protected bike lanes they have been building more and more of, and they are pretty good at actually plowing them, in my observation. So plowing a bike lane is not too hard to do, it just requires the will to do it. 2) Many streets with bike lanes have roadside ditches instead of curb and gutter and sidewalk. In these situations, it is easy to see where the snow could be stored. Just push the snow from the car lanes and the bike lanes into the ditch. Other streets like Jewell Avenue and Alameda Avenue have no bike lanes at all, and the city manages to plow all the car lanes right up to the curb and gutter - so it is possible to plow the whole roadway width, regardless of how it is used by traffic - and the snow is still going somewhere without a bike lane to store it in. Presumably, that "somewhere" is either the grassy buffer between the curb and the sidewalk, or directly onto the sidewalk itself if it is attached to the back of curb. I can understand that this may be a bother to property owners who would have to do the extra work of shoveling more snow off their sidewalks if the bike lane gets plowed onto it, but this is also a situation that many other property owners already face along busier streets, and such property owners probably already get some snow from the roadway blown onto their sidewalks by plows as it is, even with the bike

lanes carrying some of the duty. Separately, I will point out that about a year and a half ago Mississippi Ave between Wadsworth and Pierce was resurfaced and restriped with a new westbound bike lane that didn't previously exist on that street. Before the restriping project, the entire width of Mississippi got plowed every snow storm. Last winter, the first winter after the restriping project, the new bike lane did not get plowed, and snow from the car lanes was stored in the bike lane. The city used to plow the whole roadway width. Now they don't. Why did it used to be possible to plow the whole roadway width, and now it isn't possible and storage space in a bike lane is needed? 3) Regarding emergency vehicles, yes, of course, allowing emergency access is the primary reason to plow streets, but it is not the only reason. Snow plowing has a tremendous safety and convenience benefit to the traveling public at large too - provided (at least for now) that you are traveling in a car, and not a bike. 4) Regarding the extra cost of plowing bike lanes, I can see that this is true. If the city did what I am asking for, it would likely take extra passes of the snow plows down the same street to clear the bike lanes. That's more time to pay a plow driver, more fuel and mileage for the trucks, etc. But exactly how much more would this cost? That I never got an answer to. At the very least, it seems like the city staff should try to determine the additional cost, and then tell the city council what the extra cost is, and then let the council make the policy / budget decision of whether this extra money would be money well spent. And finally, response number 5 is what really irked me the most in the past. There would be hell to pay for whatever policy maker dared to suggest that drivers of cars should be grateful that they have snow-free lanes to drive in for 8 or 9 months of the year, but nobody thinks twice about this when it's just bicyclists who are getting the short end of the stick. If you want to support sustainable modes of transport like bicycles, we need to have the infrastructure for them, and not just for cars. If we don't plow bike lanes and trails, we don't have the infrastructure in winter. Period. Lakewood can do better.

David Rothenburger, Nov 26, 2023, 1:48pm,

Please note as of 2 pm Sunday the bike path from Oak to Mount Air Park has not been cleared of snow. Now a most of you know it is on the North side of the West light rail line and does not get much sun due to the sound walls on the south side of the trail. The bike trail also was not cleared of snow from the first snow fall that we had a couple of weeks ago and due to the warm weather the trail was snow free 4 to 5 days later. - The city needs to take a look at who is going to plow this along with the bike trail under Wadsworth at Highland (8th Ave) as the IGA with RTD stated that Lakewood was responsible for maintaining the bike trail which includes keeping weeds under 6 inches, cleaning graffiti off of the bike trail and of course plowing the trail. Hope that you can come up with a plan on having the trail cleared in a timely manor this winter. Over 10 years ago the City of Lakewood purchased equipment in order to clear this trail. Thank you

Joshua Comden, Nov 17, 2023, 11:49pm,

I have two pieces of news from W Colfax since the last city council meeting. (1) Over Veteran's Day weekend, a Vietnam war vet was evicted from his motel room because they raised the rate from \$300/week to \$500/week. He is now sleeping out of his vehicle, so please be kind to him if you see him. At the moment, he still has the opportunity to retrieve his stuff to get it a storage unit, but needs to find affordable movers. The lowest quote he got was \$600 but he cannot afford that. If you are able to help, please contact me and I can put you in contact with him. (2) On Saturday night, October 28th, an unhoused man who went by the name Angel was shot and killed at his motel room by someone he was helping only hours earlier. Other unhoused people expressed to me how deeply sad they were about his murder because the phrase "giving the shirt off one's back" was not a figurative statement to describe him but a literal fact. They told me stories of how he shared whatever he had whether it be food, clothes, or even a motel room. I attached a picture of the makeshift memorial they set up for him outside of the motel he was murdered at.

**ITEM 11 – EXECUTIVE REPORT**

[View video recording here](#)

City Manager Kathy Hodgson welcomed the new Council Members and summarized the upcoming Workshop scheduled for 6:00 p.m. on December 4<sup>th</sup>, that will be used as an opportunity to on-board the new City Council Members.

**ITEM 12 – GENERAL BUSINESS**

[View video recording here](#)

None.

**ITEM 13 – MAYOR AND CITY COUNCIL REPORTS**

[View video recording here](#)

Mayor Strom and the incumbent Council Members welcomed the newly elected Council Members.

The newly elected Council Members made opening remarks and the entire Council provided updates regarding upcoming meetings and events in the community.

**ITEM 14 – ADJOURNMENT**

[View video recording here](#)

There being no further business to come before City Council, Mayor Strom adjourned the meeting at 9:27 p.m.

Respectfully submitted,

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Jay Robb, City Clerk



**MINUTES  
REGULAR MEETING OF THE CITY COUNCIL  
CITY OF LAKEWOOD**

**7:00 P.M**

**December 11, 2023**

*Minutes are not a verbatim transcription, but rather an attempt to capture the intent of the speaker by the City Clerk.*

**ITEM 1 – CALL TO ORDER**

[View video recording here](#)

Mayor Strom called the HYBRID meeting to order at 7:00 p.m.

**ITEM 2 – ROLL CALL**

[View video recording here](#)

Those present were: Mayor Wendi Strom, Presiding  
Richard Olver  
Sophia Mayott-Guerrero  
Dave Rein  
Rebekah Stewart  
Jacob LaBure  
Jeslin Shahrezaei  
Roger Low  
Glenda Sinks

Absent: None

Others in attendance: Kathy Hodgson, City Manager  
Ben Goldstein, Deputy City Manager  
Alison McKenney Brown, City Attorney  
Jay Robb, City Clerk

Full and timely notice of this City Council meeting had been given and a quorum was present.

**ITEM 3 – PLEDGE OF ALLEGIANCE**

[View video recording here](#)

The Pledge of Allegiance was recited, and the audience remained standing for a moment of silent prayer.

**ITEM 4 – STATEMENT OF CONFLICT OF INTEREST**

Mayor Strom read the Statement of Conflict of Interest

**ITEM 5 – INDUCTION CEREMONY**

[View video recording here](#)

Judge Bozarth swore-in the newly elected City Council member Isabel Cruz.

**ITEM 6 – RECESS – RECEPTION FOR INCOMING CITY COUNCIL MEMBER**

[View video recording here](#)

Mayor Strom recessed the meeting at 7:05 p.m.

Mayor Strom reconvened the meeting at 7:22 and asked the City Clerk for roll call.

[View video recording here](#)

**SECOND ROLL CALL** – The newly elected member of City Council took her place at the dais and roll call was taken again. Those present were: Mayor Strom and Council members Olver, Mayott-Guerrero, Rein, Stewart, LaBure, Shahrezaei, Low, Cruz, Sinks.

**CONSENT AGENDA**

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[View video recording here](#)

**ITEM 7 – RESOLUTION 2023-58** – APPROVING THE NOMINATION OF BRENT FITCH TO THE BOARD OF DIRECTORS OF THE LAKEWOOD-WEST COLFAX BUSINESS IMPROVEMENT DISTRICT

**ITEM 9 – RESOLUTION 2023-60** – RELINQUISHING EMERGENCY RESPONSE AUTHORITY FOR HAZARDOUS SUBSTANCE INCIDENTS OCCURRING WITHIN THE CORPORATE LIMITS OF THE CITY OF LAKEWOOD

**ITEM 10 – RESOLUTION 2023-61** – APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH JEFFERSON COUNTY FOR USE OF INFRASTRUCTURE INVESTMENT AND JOBS ACT/SAFE STREETS FOR ALL GRANT TO DEVELOP A COMPREHENSIVE SAFETY ACTION PLAN

**ITEM 11 – RESOLUTION 2023-62** – APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE MILE HIGH FLOOD DISTRICT FOR DESIGN AND CONSTRUCTION OF DRAINAGE, CHANNEL, AND PARK IMPROVEMENTS FOR DRY GULCH IN TWO CREEKS PARK

**END OF CONSENT AGENDA**

**Public Comment received via telephone/in-person:** None

**Public Comment received via Lakewood Speaks: 1 for Item 10**

Michael Newman, Dec 9, 2023, 10:57am.

I am excited about the prospect of Lakewood participating in this USDOT grant. This is a wonderful opportunity for the city to utilize funds to help make Lakewood a safer place for folks trying to get around, whether that is using a wheelchair, driving a car, pedaling a bicycle, or simply walking. I hope that we are forward thinking and attentive to the path that leads to both safer streets and a focus on ways of getting around that are environmentally responsible. Looking over some of the possibilities on the USDOT website, once we get to the implementation stage, there are certainly a number that fit the bill. Thank you, Lakewood leaders, for your work toward this goal!

Mayor Strom requested that Item 8, Resolution 2023-59, be pulled from the Consent Agenda.

Councilor Shahrezaei made a motion to approve the consent agenda, except for Item 8 - Resolution 2023-59. It was seconded.

**Vote on the motion:**

AYE: Strom, Olver, Mayott-Guerrero, Rein, Stewart, LaBure, Shahrezaei, Low, Cruz, Sinks.

NAY: None

ABSENT: None.

**Result:**

Approved 10-0, the motion passed.

Jay Robb, City Clerk read Item 8 into the record.

**ITEM 8 – RESOLUTION 2023-59 – AUTHORIZING THE TERMINATION OF AN IGA BETWEEN CITY OF LAKEWOOD AND GREEN TREE METRO DISTRICTS**

**Public Comment received via telephone/in-person:**

Pete Del Ducca, Ward 2, spoke against Resolution 2023-59 and provided a summary of the IGA between the City of Lakewood and Green Tree Metro Districts. Asked for resolution of the relationship between the City and Green Tree Metro Districts.

**Public Comment received via Lakewood Speaks: 4**

Ludmila K., Dec 11, 2023, 11:17am.

When the president of Green Tree Metropolitan District, another Green Tree board member and Greg Stevinson equally paid for Wendi Strom's campaign banners, they could possibly receive a great return on their investment, a \$3 million loan forgiveness. If the City Council votes in favor of forgiving this \$3 million loan, the three wealthy real estate investors, will walk away with \$3 million in their pocket, will not be required to pay back their loan, and the

constituents of Lakewood are again left holding the bag and will lose \$3 million. See page 4 lines 6, 7, and 8. <https://www.lakewood.org/files/assets/public/v/1/city-clerks-office/elections/campaign-finance-reports/candidates/strom-wendi/2023-mayor/strom-contributions-and-expenditures-report-10-25-2023-through-12-05-2023.pdf> Greg Stevinson also hosted a "birthday celebration"/campaign fundraiser for Ms. Strom. Ms. Strom, any and all city council members that attended this "birthday celebration"/campaign fundraiser, should recuse themselves from voting and all Lakewood city employees and city management personnel that attended are compromised, in my opinion. See the photo attached. The City Council is voting to forgive this \$3 million loan and just weeks prior the City Council refused to vote on council-member Jensen's proposal to lower the property taxes so a woman could buy groceries with the \$25 she would have saved. Those city council members that are voting on this resolution, vote for your constituents and not for the three wealthy real estate investors that do not reside in the city of Lakewood! Why would the mayor unilaterally decide to place public comet at the end of the meeting? Is it another way of silencing those opposed to this \$3 million loan forgiveness?

Donna Hopkins, Dec 9, 2023, 11:09pm,

I think that Wendi Strom should recuse herself from voting on this IGA matter due to conflict of interest. She accepted campaign monies from people associated with Green Tree Metropolitan District and is on friendly terms with Greg Stevinson, who sponsored an expensive and exclusive birthday bash celebration for her. And now he is wanting to have a 3 million dollar loan forgiven.

Lenore Herskovitz, Dec 9, 2023, 8:45am,

How does terminating this IGA serve the public interest? Where is the justification for taking this action? By passing this resolution, you as a governing body are forgiving a \$3,000,000 +7% interest loan/investment (depending on your interpretation of the initial agreement). In 2019, Jeffco reached a settlement agreement with the developers in which they promised to pay back the loans over a 45 year period. Lakewood chose not to be part of that. Now our staff wants to terminate our IGA with Green Tree Metro District eliminating any chance of getting back one cent of taxpayer money that helped finance the C-470 and Alameda interchange. Why would we do that? So far no explanations have been offered. As a council you have fiduciary responsibilities to act in the best interest of your constituents. We are bombarded with comments regarding budgetary shortfalls yet we are willing to void a \$3,000,000+interest debt. Does that even make sense? Please reject this resolution. To do otherwise is irresponsible governing.

Donna Hopkins, Dec 9, 2023, 12:02am,

Who is pushing this termination? This is a loan that should be paid back to the city of Lakewood. I am encouraging all city council members to vote NO on this resolution. Furthermore, Mayor Strom's plan to push back public comment to the end of the council meeting will not even offer an opportunity for the public to make comments on this issue before a vote is taken on this pending resolution. What kind of disregard for public input is going on, and why is this being done. Vote NO, listen to citizen input and bring it up for a future discussion if needed. I am really disturbed by what has been happening in Lakewood. Behind the scenes shenanigans is what I call it. This is something that must have public discussion.

Councilor Shahrezaei asked if the Resolution could be brought back to the City Council at a later date.

Ms. McKenney Brown explained that the item could be brought back to the City Council for action at a later date.

Councilor Shahrezaei made a motion to adopt Resolution 2023-59. The motion was seconded.

**Vote on the motion:**

AYE: None

NAY: Strom, Olver, Mayott-Guerrero, Rein, Stewart, LaBure, Shahrezaei, Low, Cruz, Sinks.

ABSENT: None.

**Result:**

Failed 0-10, the motion failed.

**ITEM 9 – PUBLIC COMMENT**

[View video recording here](#)

**Public Comment received via telephone/in-person:**

Adrienne Hanagan, read a poem to the Council, then talked about a recent, coordinated effort to find shelter for unhoused residents in Lakewood during a recent cold spell. Ms. Hanagan closed by thanking Councilor Stewart and Cruz.

Jenna Hallock, from Colorado Christian University, Ward 1, provided updates regarding the recent goings-on at the local university for students and various athletic programs.

Fred Clifford, Ward 1, talked about the Council changing the order of public comment to follow the Consent Agenda.

Gail Hamilton, Ward 3, spoke against the residential development proposed at 777 S. Yarrow Street and expressed concerns about the potential damage caused by the development to the wildlife habitat of Belmar Park.

Linda Stopp Ward 4, talked about the responsibility of the elected Council to behave as stewards of the city, spoke against the residential development proposed at 777 S. Yarrow Street, and expressed concerns about the potential damage caused by the development to the wildlife habitat of Belmar Park.

Connie Rettig, Ward 3, spoke against residential developments in Lakewood, like the project at 777 S. Yarrow Street, and discussed numerous problems in her building and asked the new Council to address problems that are impacting residents in Lakewood.



Ms. Rettig submitted documents ahead of time to be submitted to Council as part of the meeting record.

Amber Varwig, Ward 2, talked about recent issues coordinating effort to find shelter for unhoused residents in Lakewood during a recent cold spell in the community. Ms. Varwig asked the Council to improve communication between centers that are sheltering unhoused residents, and closed by thanking Councilors Stewart, Sinks, and Cruz as well as the City CAT Team for their assistance.

Joshua Comden, Ward 1, talked about his relationship with an unhoused resident in Lakewood and discussed the hardships of surviving in the community when one is unhoused. Mr. Comden closed by discussing the need to improve coordination efforts to find shelters for unhoused residents in Lakewood when temperatures fall below freezing.

Polly Reetz, spoke against the residential development proposed at 777 S. Yarrow Street and expressed concerns about the potential damage caused by the development to the wildlife habitat of Belmar Park.

Regina Hopkins, Ward 5, spoke against the residential development proposed at 777 S. Yarrow Street and expressed concerns about the potential damage caused by the development to the wildlife habitat of Belmar Park.

Andrew Peterson, Denver resident, spoke against the residential development proposed at 777 S. Yarrow Street and talked specifically about the numerous benefits of mature trees in a community.

Barbara Millman, Ward 2, spoke against the residential development proposed at 777 S. Yarrow Street and expressed her concerns about the potential damage caused by the development to the wildlife habitat of Belmar Park.

Celia Greenman, Ward 2, discussed the wildlife habitat and mature trees of Belmar Park and spoke against several specific components of the residential development proposed at 777 S. Yarrow Street. Ms. Greenman provided examples of Belmar Park becoming overused and provided an example about catching teenagers fishing illegally in Belmar Park.

David Thormodsgard, Ward 3, spoke about the negative and positive benefits of the residential development proposed at 777 S. Yarrow Street.

Heidi Snyder, Ward 3, provided a presentation to the Council illustrating the important wildlife habitat and mature trees of Belmar Park.

Anita Springsteen, Ward 3, spoke against the development proposed at 777 S. Yarrow Street, then played a voicemail from a representative of the developer's law firm and alleged campaign donations to the former Mayor from the firm.

Carol Mobley, Ward 5, spoke against the residential development proposed at 777 S. Yarrow Street and expressed concerns about the potential damage caused by the development to the wildlife habitat of Belmar Park.

Kelsey Krebsbach, spoke about the zoning challenges and housing crisis in Lakewood in the context of the residential development proposed at 777 S. Yarrow Street, and discussed alternatives to the project.

Mark Smith, Ward 3, spoke against the residential development proposed at 777 S. Yarrow Street and expressed concerns about the potential damage caused by the development to the wildlife habitat of Belmar Park. Mr. Smith referred to a packet of materials that were compiled for the Council and asked that it be part of the meeting record.

Thomas Dietz, spoke to the Council about the residential development proposed at 777 S Yarrow Street, and talked about the city's need for more parks and libraries.

Erica Anderson, Ward 4, spoke against the residential development proposed at 777 S. Yarrow Street and asked for the use of eminent domain by the City Council as a viable alternative to stop the project.

Laura Espinal, Ward 2, spoke about the housing crisis in Lakewood in the context of the residential development proposed at 777 S. Yarrow Street, asked the Council to choose a better future, and expressed concerns about the potential damage to the wildlife habitat of Belmar Park. Ms. Espinal, closed by taking about snow removal on City sidewalks.

**Public Comment received via Lakewood Speaks: 9 See page 9**

**ITEM 11 – EXECUTIVE REPORT**

[View video recording here](#)

City Manager Kathy Hodgson summarized several benefits that resulted from a recent meeting with Jefferson County and updated the Council about the City's Strategic Housing Plan that will be presented at the December 18<sup>th</sup> Study Session.

**ITEM 12 – GENERAL BUSINESS**

None.

**ITEM 13 – MAYOR AND CITY COUNCIL REPORTS**

[View video recording here](#)

The Council Members made remarks in response to public comments and provided updates regarding upcoming Ward meetings and other events in the community.

**ITEM 14 – ADJOURNMENT**

[View video recording here](#)

There being no further business to come before City Council, Mayor Strom adjourned the meeting at 9:46 p.m.

Respectfully submitted,

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Jay Robb, City Clerk

## **ITEM 9 – PUBLIC COMMENT**

### **Public Comment received via Lakewood Speaks: 9**

Joshua Comden, Dec 11, 2023, 11:54am,

This past Friday evening on December 8th when it was snowing, I was out on W Colfax with some friends giving out hot food, coffee, gloves, hats, and socks, many of the things were graciously donated by the surrounding community, individuals and organizations. I believe we are moving in the correct direction. However, there are still cracks that people are falling through. When we were trying to find shelter for a woman, we had a list of phone numbers to call, but most were not being picked up, or they required registration hours/days earlier, or they thought some other organization was taking care of it. It was a mess. For me, this was a very ironic situation because last week I read an article about how Houston was doing better than Dallas in solving the homelessness crisis <https://www.nytimes.com/2023/11/22/opinion/homeless-houston-dallas.html>. One of the points that was made was that Houston did much better because it coordinated the housing response between many of nonprofits. Last week, I had thought that coordination couldn't be the key, but on Friday I learned that it probably is. From the article "One of Houston's most important innovations was to establish Coalition for the Homeless there as an independent, outside agency to coordinate 100 nonprofits, so that they could all address homelessness under the umbrella of an effort called The Way Home. In other cities, organizations are well meaning but scattered, so one homeless person may have contact with three nonprofits while another has contact with none — and these initiatives may not be tightly focused on getting a roof over someone's head. In a recent survey by The Oregonian, two-thirds of unsheltered people in Portland said that they had never been approached by an outreach worker offering steps to get housed. And among the one-third who had been contacted, there had been no follow-up in three-quarters of the cases. In Houston, every sinew is pulling in sync to get people off the streets and into housing."

Chana Guy, Dec 11, 2023, 11:48am,

I agree with Rev Hensley regarding the lack of communication that our new facility/shelter was open during the recent cold weather conditions. And that no one was answering the phone at the navigation center. At a minimum there should have been a recorded answer to give people information and options. The city could have used many options to get the word out with technology and social media what it is today. A new resource is only as good as it is made to be. Hopefully we can learn and move forward. As Lakewood starts the New Year with a new Mayor and some new councilors I hope new opportunities will continue to come forward. There will be upcoming appointments to various boards, committees and commissions, along with an annual retreat and goal setting. I would like council to consider adding two citizen seats to the Housing Policy Commission. HPC appears to be the only board that does not have any citizen seats on it and that's sad. There are so many constituents that could bring a lot to this commission and are passionate about all aspects of housing. Finally, I hope that general public comment is kept at the beginning of the meetings. Many constituents have to plan their time around voicing a comment in person. Whether they have children to get ready for bed, or school the next day. Whether they have their own work schedule at the time and want to speak while on break. Whether they have mobility or transportation concerns. Whether for medical or health reasons they cannot sit around and wait. Whether they have access to zoom or Lakewood Speaks. The beginning of the meeting is the most accessible and reasonable time to comment on items not on the agenda, for all. I'm ok with adjusting procedures with the new council and Mayor. But please do so fairly. Don't make us all pay the price for a few. I'm ok with limiting comment time overall, then any overflow continues at the end of the meeting. Or if there is a special circumstance put it on the agenda "comment for,

dot dot dot only, 2 minutes per person, 30 minute max overall time, no pooling, etc.” There are many options. I want to say more but I am running out of time. Thanks for listening.

Steve Farthing, Dec 11, 2023, 7:20am,

To follow-up my previous email to Mayor Strom and City Council, Lakewood should comply with the following petition: <https://www.change.org/p/protect-belmar-park-in-lakewood-co-via-eminent-domain> This petition has been signed by hundreds of Lakewood residents and support is still growing. Thank You, Save Belmar Park Community Action

Kathleen White, Dec 10, 2023, 6:26pm,

I am concerned that the council has moved the comment section towards the end of the meeting instead of the beginning. At times when I have attended the city council meetings, there have been disabled people who wish to speak. This may be a hardship for them to wait so long, as well as the elderly and those who work the next morning and need to wake up early. Please consider moving the comments back to the beginning.

Jan Fargo, Dec 9, 2023, 10:57pm,

We urge Lakewood City council to continue hearing public comment first and not last on the meeting agenda.

Regina Hopkins, Dec 9, 2023, 6:21pm,

Some city council meetings have disabled individuals, including a gentleman in a wheelchair, who wish to share their comments. It's highly disheartening for all of us who would need to wait around for hours just to be heard, and highly impractical for individuals in wheelchairs if they were forced to wait until the end of the evening, especially considering some may rely on public transportation. Moving public comments to the end, after prolonged discussions, is not only unjust but also goes against the standard practice in the Denver metro area. This change seems designed to stifle our voices, cause frustration, and encourage people to leave, giving them free rein to proceed unchecked. It's cruel and we need to stand against such a move that undermines inclusivity, fair participation and ADA accommodations.

Lenore Herskovitz, Dec 9, 2023, 8:22am,

For this meeting General Public Comment has been pushed back to follow the Consent Agenda. On November 27, the majority of Council voted to switch the order of public comment (it ended up being only a brief delay but the constituents didn't know that in advance). I am hoping that Mayor Strom will not make a permanent change to the format and will support the return of the tradition of having General Public comment at the beginning of our Council meetings. The importance of public engagement was certainly mentioned frequently during many campaigns for the recent election. Why discourage that by making people wait longer to speak? If you truly want to hear our voices, respect that our time and words are valuable. We make the effort to prepare our thoughts and share our concerns by showing up, please don't make us wait! Thank you in advance.

Rev. Ben A. David Hensley, Dec 9, 2023, 8:18am,

On the night of December 8, we had what the city of Lakewood's recently passed Ordinance O-2023-37 would define as "extreme" weather: "temperatures are forecasted to be 1) below 32 degrees Fahrenheit with wet conditions, or 2) temperatures below 20 degrees Fahrenheit with dry conditions." Thankfully, the city of Lakewood followed this ordinance and set up emergency shelter at 8000 W Colfax, run by Bayaud Enterprises. What concerns me is the utter lack of communication on the part of the city to let the community know this shelter was opening. There are folks on the ground across our city who actively help folks experiencing homelessness who

had no way of knowing that they could get people to shelter when it was cold, especially when they ended up calling 8000 W Colfax which was operating as a shelter that night and no one picked up the phone. It is wonderful to see the city actively provide a humane response that keeps our neighbors experiencing homelessness from perishing due to cold. But just opening the shelter is not enough. There must be communication that this shelter is in operation so that members of the community who do their own outreach to people experiencing homelessness can help the city get the word out. The city cannot do this on its own. And the city must not rely solely on LPD for street outreach (and the navigators are not working at night nor on the weekend anyway), nor does it have to! I hope that the next time an extreme weather event happens in Lakewood and our city opens a shelter that they will actively communicate across multiple channels to let our community know that they have done so. The city could do multiple things--set up a hotline that could be called with a pre-recorded message that communicates what the shelter status is, the city could make announcements about sheltering on its social media accounts, the city could maintain a website that updates anyone who visits on the emergency shelter status. What ever it is, I hope we can continue to develop this response so that it can be as effective and life-saving as possible.

Jacob E Bader, Dec 3, 2023, 2:58pm.

Please save Belmar Park and do not approve the building the the 412-unit apartment complex! I am a concerned resident of Lakewood and I believe that this development goes against the mandate of our newly elected Mayor who ran on a pledge to protect our parks and the environment. A new development on that scale will inevitably cause an increase in pollution and will be a threat to the wildlife sanctuary. The need for more housing should not be done at the expense of the environment. Please say no to this planned development. Thank you

# STAFF MEMO

**DATE OF MEETING: JANUARY 8, 2024 / AGENDA ITEM NO. 11**

To: Mayor and City Council  
From: Jay Robb, City Clerk, 303-987-7081  
Subject: **A RESOLUTION APPOINTING THE MAYOR PRO TEM**

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**SUMMARY STATEMENT:** Each year a Mayor Pro Tem is selected to fulfill the duties of Mayor Pro Tem and serve in place of the Mayor when the Mayor is unavailable.

**BACKGROUND INFORMATION:** The City of Lakewood home rule charter, section 2.4, states that the City Council shall select a Mayor Pro Tem from among its members for a term and in a manner determined by the City Council.

City Council's Policy 01.2 states that one member of City Council is chosen each year, at the first regular City Council meeting in January, to serve as Mayor Pro Tem. The term of the Mayor Pro Tem is one (1) year.

**BUDGETARY IMPACTS:** There are no budgetary impacts.

**STAFF RECOMMENDATIONS:** Staff recommends appointment of a Mayor Pro Tem at the January 8, 2024, Council meeting.

**ALTERNATIVES:** The Charter does not offer any alternatives.

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

**NEXT STEPS:** There will not be next steps unless a Mayor Pro Tem is not appointed.

**ATTACHMENTS:** Resolution 2024-3

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

2024-3

A RESOLUTION

APPOINTING THE MAYOR PRO TEM OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD

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

SECTION 1. \_\_\_\_\_ is hereby appointed Mayor Pro Tem of the City Council of the City of Lakewood, Colorado, commencing January 1, 2024 and ending December 31, 2024.

INTRODUCED, READ AND ADOPTED by a vote of \_\_\_\_ for and \_\_\_\_ against at a hybrid regular meeting of the Lakewood City Council held on January 8, 2024, at 7 o'clock p.m.

\_\_\_\_\_  
Wendi Strom, Mayor

ATTEST:

\_\_\_\_\_  
Jay Robb, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Alison McKenney Brown, City Attorney



# City Council Request for Legislative Modifications



**Submitted on** 15 December 2023, 11:01AM  
**Receipt number** 47  
**Related form version** 7

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**Council member sponsor(s)** LaBure

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**Enter email address to receive a copy of this submission** jlabure@lakewood.org

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**Briefly describe the minor modification being requested**

I would like the City Council to act by submitting a formal request to the Planning Commission, for them to Review our Special Use Permitting Requirements for Car Washes and Gas Stations. They should considering recommending an expansion of such requirement where they do no exist. As they do not exist in various Zoning Districts.

The Commission should also review/consider adding additional requirements that contemplate the health, and environmental impacts of fuel stations, and car washes and contemplate the increased use of electric vehicles. Such as electric charging station requirements or other areas the commission sees fit.

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**Provide history / background information that supports the request**

There is a significant governmental interest in protecting the general welfare of the community. The increased market interest in gas stations, and car washes - undermines those interests. The City of Lakewood should consider the health impacts of fuel stations when considering any expansion of fuel stations. They should also consider the environmental impacts of fuel stations and car washes. Emissions from fuel stations impact nearby residents and chemical runoff can contain harsh chemicals and pollutants that are harmful to the environment. The runoff from both car washes and fuel stations can enter the storm water systems and natural bodies of water.

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**If it needs expedited handling, please provide an explanation why**

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**Attach file if needed**

# City Council Request for Legislative Modifications



**Submitted on** 18 December 2023, 9:31PM  
**Receipt number** 48  
**Related form version** 7

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**Council member sponsor(s)** Councilor Low, Councilor Cruz

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**Enter email address to receive a copy of this submission** rlow@lakewood.org

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**Briefly describe the minor modification being requested**

We would like to see a study session scheduled ASAP to discuss two related topics:

- 1) Better understand Lakewood's cold weather shelter system for our unhoused residents, how it gets activated, how to better communicate about it to the public when it gets cold, and how to build on it
- 2) At the same time, with the Denver region experiencing an influx of migrants which has created an acute need for services and shelter in our region, better understand what options and opportunities there are for Lakewood and for this council to play a role supporting this population

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**Provide history / background information that supports the request**

The first issue - the cold weather shelter system for our unhoused neighbors - was a topic of concern at our last city council meeting, where multiple councilors and multiple members of the public asked for more information on this topic. Given Lakewood's progress in this space over the last two years, we would like to have more information on how to communicate about this issue to the public, and explore feasible options to build on that system, including potentially adding additional resources to it.

We think there is an opportunity to concurrently explore opportunities for our city to do more, even at a small or pilot level, to help support migrants into the region, given the many ways Denver appears to have been overwhelmed by an influx of migrants this year.

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**If it needs expedited handling, please provide an explanation why**

We suggest that this study session ideally get scheduled during the winter/during cold weather season, when it is still reasonably timely.

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**Attach file if needed**