

## STUDY SESSION NOTES

### CITY OF WHEAT RIDGE, COLORADO

City Council Chambers 7500 W. 29<sup>th</sup> Avenue

February 6, 2017

Mayor Joyce Jay called the Study Session to order at 6:30 p.m.

Council members present: Monica Duran, Kristi Davis, Zachary Urban, George Pond, Tim Fitzgerald, Larry Mathews, Genevieve Wooden

Absent: Janeece Hoppe

Also present: City Clerk, Janelle Shaver; City Treasurer, Jerry DiTullio; City Attorney, Jerry Dahl; City Manager, Patrick Goff; Parks Director, Joyce Manwaring; Public Works Director, Scott Brink; Administrative Services Director; Heather Geyer; Community Development Director, Ken Johnstone; Police Chief, Daniel Brennan; other staff, guests, and interested citizens

CITIZEN COMMENT ON AGENDA ITEMS      none

#### 1.      Staff Report(s)

a) Ordinance to approve implementation of the sales tax raise to 3.5%

Mr. Dahl briefly reported to Council that an ordinance is forthcoming to make our Code of Laws reflect the increase in sales and use tax the voters approved in November. First Reading will be at the next City Council Meeting.

#### 2.      Local Government Liability Issues – Tami Tanoue, CIRSA

**Tami Tanoue**, from CIRSA, gave a presentation to Council about governance. Topics she touched on included:

- Governance characteristics
- Dissenting voices; what to do after a decision has been made
- Personal conduct, the importance of non-partisanship, the governing body as a whole
- The importance of a balance of information (everyone having the same information)
- The element of trust among councilmembers is paramount
- Mayor and councilmembers conforming to their roles as defined by the charter
- Staff should not be expected to be involved in political decisions; staff should not be blindsided in public.

- Public comment is best when focused on tone and content, but suppressing rude or abusive public comment is usually ineffective. Setting an example and creating a culture of civility is the most helpful.
- The difference between actual power and perceived power – which should be used wisely and humanely.
- The Manager should be a resource. Staff should not be considered “the enemy”.
- Governmental immunity covers when the parameters of an elected officials’ job description are maintained.

**Heather Bergman**, who will be facilitating the retreat, explained to Council that Ms. Tanoue’s presentation was scheduled in anticipation of the retreat. She asked Ms. Tanoue to address the consistent polarization on Council.

- Councilmembers should limit Facebook postings to conform to open meetings law.
- Mr. Dahl expounded on quasi-judicial matters, ex parte contact and expressing ex parte opinions. Ms. Tanoue noted the goal is to preserve councilmembers’ ability to participate in a quasi-judicial matter.
- Keeping personal and council Facebook pages very separate is a good idea. Nothing on social media is private.
- Ms. Tanoue expressed that constant “sides” indicates a form of partisanship; she encouraged focus on issues – not “sides”.

3. Dinner – 7:30 pm      A recess was taken at 7:30 for dinner.

#### 4. Elected Legislative Session

The meeting resumed at 7:53. The group was joined by Senator Cheri Jahn, Rep. Jesse Danielson, and Kevin Bommer, deputy director of CML. Introductions were made

Councilmember Urban, Council representative on the CML Policy Committee, reported.

**Senator Jahn** said she would be working mostly on opioid and substance abuse issues. Transportation and construction defects continue to be big issues at the legislature.

**Rep. Danielson** said she will continue working on seniors’ issues. A law on elder abuse passed last year, but there is more to do. Other issues she is focusing on include the gap in home health care jobs, equal pay for equal work, wage theft claims, transparency and accountability about how government communicates with people, improving service to veterans, and educational credits given to veterans for their service.

- Her first monthly town meeting in this Saturday at the Seniors Resource Center at 10.
- She reported being appointed Speaker pro tem for the House of Representatives.

Councilmembers inquired about various legislative topics. There was discussion which included input from the guests and comments by staff and Council.

Internet service voter approval: Mr. Bommer advised that old SB42 was negotiated down to allow voter approval for cities to provide broadband infrastructure. Several jurisdictions have now been able to provide service without having an election. Voters statewide overwhelmingly want their cities to get involved. The issue is only about investing in broadband infrastructure. Mr. Goff said Wheat Ridge has not had this issue as a priority, but there is a group within Jefferson County working on it.

**Kevin Bommer** spoke on the following issues now before the legislature:

Construction defects: Conflict remains that is preventing owner-occupied housing from being built. Several bills are coming along with a different approach. They offer alternative dispute resolution and the right to repair. Any efforts to pre-empt any local ordinances, such as WR has enacted, would certainly be opposed by CML.

Urban Renewal: He thinks some past legislation was sloppy and misguided, but it can be fixed. Schools and special districts will now be part of all UR consideration, but the applicability clause of HB1348 is unclear. Mr. Goff noted the City took pre-emptive efforts last year by starting the clocks on all our UR areas. Steve Art related cooperative efforts that are ongoing.

Sales tax: A simplified sales tax mechanism is in the works which would have cities cooperate with the state. The standard definitions package has been adopted. A single point of remittance for home rule cities' sales tax collection is still being considered. This is an issue for some. It may go to a task force. There was some discussion on this topic.

- Treasurer DiTullio expressed concern that centralized collection could lead to cities not getting all their tax back. Mr. Bommer clarified that the collection would be done by a third part vendor; the state would not get any of the money. Also, it would be volunteer for home-rule cities as the Constitution guarantees them self-collection.
- Mr. Bommer explained this is being considered to provide convenience for businesses that have operations (and collect taxes) in more than one jurisdiction.

Other topics:

- Judge Randall expressed concerns about efforts by the legislature to correct larger societal issues. He cited the example of requiring cities to provide attorneys for folks in custody – when most of them don't even need an attorney at that point.

Restorative Justice is fine, but funding is an issue.

- Mr. Bommer acknowledged that lack of funding may delay compliance date.
- Councilmember Urban noted we have \$20K budgeted for this as an unfunded mandate.

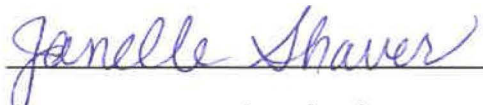
- Chief Brennan spoke on red light cameras and photo radar, and the impact of certain CORA requests. He shared that cities being held liable for medical costs for arrestees is a significant liability for cities. He also pointed out the flaws in mandated training for law enforcement when the training is not vetted for providers, described, given a measurement, etc. There is no framework.

**Rep. Danielson left at 9:15**

- Sen. Jahn said no information is available yet on the status of funding for education.
- Human trafficking: That is a House bill and Sen. Jahn has heard nothing so far
- Free standing ER's: A proposed bill would likely just create a licensure program. Mr. Goff noted our moratorium will be expiring in April.
- Sales tax increase to fund transportation: CML monitors that. Nothing definite so far.
- Ken Johnstone reported the City has received money for the Fruitdale project from the state – almost \$200K in State Historic tax credits and another \$1M in state tax credits.
- There is lots going on with marijuana and liquor. On-premise consumption clubs are being considered. Mr. Bommer posed that it will likely end up being left as a local decision. Mr. Goff noted Wheat Ridge has already prohibited them.
- Mr. Bommer made note of efforts to allow cities to extended hours for liquor licenses.
- Clerk Shaver told of CORA requests by data mining companies that request data and use it to sell their programs/software. They have no interest in the content, but our employees provide them with data for their product and they make the profit. It is time consuming for staff and the reimbursement is meager. Neither Sen. Jahn nor Mr. Bommer has heard of any efforts to quell this practice.
- Sen. Jahn reported that only 28% of doctors are using the Prescription Drug Monitoring Program. She has a bill to add pharmacies and veterinarians – the vets to address pet abuse. There are pet owners who injure their pets to get the pain meds.

**ADJOURNMENT**

The Study Session adjourned at 9:32 pm.

  
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Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON February 13, 2017

  
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George Pond, Mayor Pro Tem