

BY AUTHORITY

RESOLUTION NO. 25-0400
SERIES OF 2025

COMMITTEE OF REFERENCE:
Finance and Governance

A RESOLUTION

Amending the Denver City Council Rules of Procedure concerning Council expenditures.

WHEREAS, Section 2.9.3(A) of the Charter exempts the City Council from the Department of General Services' exclusive management and control of purchasing for the City and its departments and agencies;

WHEREAS, D.R.M.C. § 20-120 provides that all officers and employees, except the officers and employees of Denver Water, shall comply with the fiscal accountability rules adopted by the manager of finance;

WHEREAS, D.R.M.C. § 13-2(d) authorizes the City Council to make rules governing its procedures; and

WHEREAS, D.R.M.C. § 13-6(a)(2) provides that the Council may adopt or amend its rules of procedure by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That Rule 11 of the Denver City Council Rules of Procedure shall be amended by deleting the language stricken and adding the language underlined, to read as follows:

Rule 11. Expenditures.

11.1 Council General Fund.

(a) The members of City Council, the executive director, or and staff members authorized by them may spend the money allocated to ~~the member from~~ the Council General Fund budget on personnel, goods, and services ~~the following items:~~ provided that the purchase is required for work within the scope of the expending person's official duties and the expenditure adheres to all relevant federal, state, and city laws and rules, including but not limited to the code of ethics and the fiscal accountability rules.:

(a) ~~Payment for the salaries and benefits of the member and staff;~~

1 ~~(b) — Payment for contract employees and consultants;~~

2 ~~(c) — Rental of office space or of a facility for a Council meeting or event; parking for the~~
3 ~~member, staff, and visitors to the office; and items related to the operation of the City office, such as~~
4 ~~telephone service, utilities, maintenance, cleaning, snow removal, alarm systems, lawn care, and~~
5 ~~other such expenses;~~

6 ~~(d) — Purchase, lease, maintenance, and repair of equipment and furniture for the office;~~

7 ~~(e) — Purchase of stamps, office supplies, food items, utensils, coffee cups, napkins, first aid~~
8 ~~supplies, and similar items needed for the operation of the members City office;~~

9 ~~(f) — Preparation, printing, and distribution of official newsletters and mass mailings from~~
10 ~~the Council or the Council member to the public, provided the mailings do not urge the public to vote~~
11 ~~for or against a candidate for any office or for or against any ballot question or advocate for or against~~
12 ~~any matter in which the City has no direct and lawful interest (for example, labor disputes between~~
13 ~~a private employer and its employees);~~

14 ~~(g) — Automobile mileage, leasing and operating City-owned automobiles used in the course~~
15 ~~of official City business, and other automotive costs related to office functions, provided such~~
16 ~~expenditures are in compliance with applicable City rules and ordinances;~~

17 ~~(h) — Travel by the member or staff to attend conferences, training, meetings, or events,~~
18 ~~provided such travel is in compliance with the City's fiscal rules and is related to the official or~~
19 ~~ceremonial duties of the traveler;~~

20 ~~(i) — Meals for the member, the member's staff, and guests related to the official or~~
21 ~~ceremonial functions of the member or staff to the extent permitted by Rule 11.2;~~

22 ~~(j) — Admission to and meals at events related to City business or the member's official or~~
23 ~~ceremonial duties;~~

24 ~~(k) — Purchase of books and periodicals;~~

25 ~~(l) — Cable television service at the same level as provided in the City and County Building~~
26 ~~or a similar level of satellite television service, Internet service, and similar services for the Council~~
27 ~~member's office;~~

28 ~~(m) — Publication of notices or advertisements for the purpose or recruiting staff or notifying~~
29 ~~the public of City events or services;~~

30 ~~(n) — Dues for organizations to which the member belongs, provided that the membership~~
31 ~~must be related to the official or ceremonial duties of the member;~~

32 ~~(o) — Payment for the expenses related to participation in the activities of organizations to~~
33 ~~which the City belongs (by way of example, the Colorado Municipal League);~~

(p) ~~Donations and event sponsorships to the extent allowed by Rule 11.4.~~

(b) Goods, and services directly incidental to those goods, such as installation, repair, and maintenance, may be procured via purchase order, supplier invoice request, or other method deemed appropriate by the manager of general services.

(c) Services that will not exceed the *de minimus* amount identified in D.R.M.C. § 20-64(a)(5) as amended, may be procured via purchase order, supplier invoice request, or other method deemed appropriate by the manager of general services, unless compliance with city, state, or federal laws requires a contract.

(d) Services that will exceed the *de minimus* amount identified in D.R.M.C. 20-64(a)(5) as amended, may only be procured via the execution of a contract or pursuant to an existing city contract.

(e) Goods and services that will not exceed \$50,000, or that are over \$50,000 and are otherwise exempt from bidding procedures as outlined in D.R.M.C. § 20-64, may be acquired without the use of a formal or an informal competitive selection process set forth in D.R.M.C. §§ 20-62 and 20-63.

(f) Goods and services between \$50,000 and \$100,000, that are not otherwise exempted from bidding procedures as outlined in D.R.M.C. § 20-64, shall be acquired using an informal competitive selection process, obtaining a minimum of at least three (3) responses from responsible bidders.

(g) Goods and services over \$100,000, that are not otherwise exempted from bidding procedures pursuant outlined in D.R.M.C. § 20-64, shall be acquired using a formal solicitation process, as described in D.R.M.C. §§ 20-62 and 20-63.

(h) Goods and services exceeding \$50,000 that are acquired without a competitive selection process because the request is otherwise exempt from bidding procedures outlined in D.R.M.C. § 20-64, shall be accompanied by documentation identifying circumstances that qualify the expenditure for exemption, and the Council member, executive director, or staff authorized by them, shall obtain approval from the President or the President's designee prior to initiating the request for an expenditure. A vendor selected without a competitive process shall submit a political contribution disclosure when required pursuant to D.R.M.C. § 20-69.

(i) Contracts under this rule shall be in a form approved by the city attorney, shall be submitted for approval through the city's approval process, and signed by the Executive Director or President and the Mayor.

(j) Any expenditure that requires a contract under this rule shall be initiated prior to

October 1st of the calendar year in which the expenditure is declared.

~~11.2 MEAL EXPENDITURES. Money allocated to the member from the Council General Fund budget is not to be used for meals for members or staff if within the Denver metropolitan area. Appropriate food and beverage expenditures are for catering official functions (subject to the completion of any "official function" form as required by the City's Fiscal Accountability Rules), including meals served at an annual planning or budget retreat of the City Council or of individual Council district offices, for official visitors on City business or related to the member's official or ceremonial duties, or when the member or council staff is traveling outside the Denver metropolitan area as a part of the member's official or ceremonial duties. In general, expenditures for meals and reimbursement for meal expenses shall be made in accordance with the city's Fiscal Accountability Rules. Expenditures for meals (except for catering official functions) must be purchased with the member or staff's personal funds and reimbursed by the City. Expenditures for meals when the member or council staff is traveling outside the Denver metropolitan area shall be made via an official travel procurement card.~~

11.2 City Council Special Revenue Fund – Requests for Professional Services pursuant to Charter § 3.2.10.

(a) City Council, as a body, may procure professional services for work within the scope of its duties and obligations. Such requests shall be submitted pursuant to D.R.M.C. § 13-12. The request must include a detailed scope of work identifying the amount of funds requested, how the provider will be selected, who will make the selection, and how the provider will be supervised. The requesting Council members, in addition to any members selected by the President, shall be included in the development of the procurement documents, selection process, and negotiation of the contract, if required. Council members shall, when practicable, present any requests under this section during the Council budgeting process. Expenditures for such requests shall be paid from the City Council Special Revenue Fund.

(b) The purchasing process for professional services pursuant to this 11.2 shall be as provided in 11.1, except that expenditures over \$50,000 must follow the formal selection requirements in D.R.M.C. § 13-12(b) in lieu of either the informal competitive selection process or the procedures in D.R.M.C. §§ 20-62 and 20-63.

(c) Any expenditure from the City Council Special Revenue Fund shall be submitted to City Council for approval by resolution.

11.3 City Council Special Programs Fund – Charitable Contributions.

(a) Council members may solicit charitable contributions to the city or to private charitable

organization to the extent and in the manner permitted by the city's fiscal rules and code of ethics.
Any charitable contribution given directly to the City in support of a project, program, service, or
public improvement associated with the Council itself or with any individual Council Member shall be
subject to the following limitations:

(1) Any contribution shall be received and accounted for by the manager of finance in the
City Council Special Programs Fund as established by law;

(2) The donor shall specify the project, program, service or public improvement to be
funded by the contribution;

(3) Any contribution shall serve a public purpose benefitting the City and County of Denver
or its citizens.

(4) In no event shall charitable contributions be used to fund normal city council
operational expenses;

(5) Anonymous contributions shall not be accepted;

(6) To the extent it is determined that any charitable contribution is no longer needed for
the purpose for which it was given, the contribution shall be returned to the donor;

(b) By February 1 of each year, members of Council shall disclose in a memorandum to
the Clerk and Recorder the amount and the recipient of each donation received pursuant to this Rule
during the preceding calendar year.

11.43 Campaign Expenditures. Council members, the executive director, and council staff
shall comply with restrictions on the use of city funds for election purposes identified in chapter 15
of the Code. No member of Council or any staff member may use City funds, staff, consultants,
equipment, vehicles, or facilities in support of any political action committee, or for any purpose
related to any ballot issue campaign or any campaign involving the nomination, retention, election,
or re-election of any person to any public office.

11.4 Event Expenditures. ~~Prior to making or committing to make any donation or event~~
~~sponsorship in any amount, or purchasing a meeting or event ticket or admission valued at more~~
~~than \$50.00, the member shall complete a form and provide it to the council Executive Director~~
~~indicating whether the donation, sponsorship, or event ticket or admission is:~~

~~(a) For an identifiable public purpose documented in writing by the member;~~

~~(b) For the benefit of the City and County of Denver or its citizens;~~

~~(c) For a non-sectarian purpose;~~

~~(d) In compliance with all applicable city laws and rules;~~

~~(e) Not made to any campaign for a candidate or issue;~~

1 (f) ~~Not made to any political action committee; and~~

2 (g) ~~Not in support of any litigation or legal action.~~

3 **11.5 Disclosure.** ~~By February 1 of each year, members of Council shall disclose in a~~
4 ~~memorandum to the Clerk and Recorder the amount and the recipient of each donation made during~~
5 ~~the preceding calendar year as provided in Rule 11.4, and each donation received during the~~
6 ~~preceding calendar year as provided in Rule 11.7.~~

7 **11.6 Re-appropriation.** ~~Any money allocated to a council member for the purposes set forth~~
8 ~~in this Rule may, if unspent at the end of the year, be re-appropriated to a special revenue fund and~~
9 ~~may accumulate in the fund an amount not to exceed \$50,000 for the purpose of making~~
10 ~~expenditures beneficial to the member's district or to the City as a whole. Any such monies shall be~~
11 ~~spent solely for capital improvements or capital equipment owned by the City and County of Denver;~~
12 ~~for travel by the member or staff to attend conferences, training, meetings, or events, provided such~~
13 ~~travel is in compliance with city fiscal rules and is related to the official or ceremonial duties of the~~
14 ~~traveler; or to fund the preparation, printing and distribution of official newsletters or mass mailings~~
15 ~~or other communication from the Council or the Council member to the public, subject to the~~
16 ~~limitations set forth in Rule 11.1; or to pay the salary of temporary staff in the event of long-term~~
17 ~~leave or disability of permanent staff as long as those permanent staff continue to be paid out of the~~
18 ~~monies allocated to the member out of the council general fund budget.~~

19 **11.7 Charitable Contributions.** ~~Council members may solicit charitable contributions to the~~
20 ~~city or to private charitable organization to the extent and in the manner permitted by the city's code~~
21 ~~of ethics. Any charitable contribution given directly to the city in support of a project, program, service,~~
22 ~~or public improvement associated with the city council itself or with any individual council member~~
23 ~~shall be subject to the following limitations:~~

24 (a) ~~Any contribution shall be received and accounted for by the manager of finance in the~~
25 ~~city council donation fund as established by law;~~

26 (b) ~~The donor shall specify the project, program, service or public improvement to be~~
27 ~~funded by the contribution;~~

28 (c) ~~Any contribution shall serve a public purpose benefitting the City and County of Denver~~
29 ~~or its citizens. In no event shall charitable contributions be used to fund normal city council~~
30 ~~operational expenses of the type itemized in Rule 11.1;~~

31 (d) ~~Anonymous contributions shall not be accepted;~~

32 (e) ~~The city council reserves the right to refuse any unsolicited charitable contributions;~~

33 (f) ~~To the extent it is determined that any charitable contribution is no longer needed for~~

1 the purpose for which it was given, the contribution shall be returned to the donor;

2 (g) ~~— The city council shall annually report to the clerk and recorder any and all charitable~~
3 ~~contributions received as provided in Rule 11.5.~~

4 **11.8 Requests for Professional Services – Informal Process.** ~~Council members may~~
5 ~~invoice for professional services without a Request for Proposal (“RFP”) for work that:~~

6 (a) ~~— Is within the scope of their official duties;~~

7
8 (b) ~~— Adheres to City ethics rules and laws to avoid a conflict of interest in selecting the~~
9 ~~service provider;~~

10 (c) ~~— Utilizes funds from Council office budget(s), or donated funds properly accounted for~~
11 ~~and disclosed per council rules, as well as the Denver Charter and Denver Revised Municipal Code;~~

12 (d) ~~— Does not exceed \$10,000 from the member’s office budget. For contracts that utilize~~
13 ~~between \$10,000 to 50,000 of a member’s office budget, Council members may utilize the General~~
14 ~~Services informal procurement process or a Council-specific informal procurement process.~~

15 **11.9 Requests for Professional Services – Formal Process.** ~~City Council, as a body,~~
16 ~~may also procure professional services for work within the scope of its duties and obligations under~~
17 ~~the Charter and Ordinances of the City and County of Denver. A procurement request must be~~
18 ~~initiated by a minimum of three Council members and be submitted to the President and Executive~~
19 ~~Director. Council members shall, when practicable, present any requests under this section during~~
20 ~~the Council budgeting process to ensure funds are available in the central budget.~~

21 ~~The request must include a detailed scope of work which identifies the amount of funds~~
22 ~~requested; the source of funds (either pooled from City Council district budgets or Central Office~~
23 ~~budget); details on how the contractor will be supervised; how the provider will be selected, including~~
24 ~~who will make selection and the process that will be utilized.~~
25 ~~General Services and Legislative Counsel may advise and assist, if requested. The requesting~~
26 ~~Council members, in addition to any members selected by the Council president, will be included in~~
27 ~~the development of the procurement documents or RFP, selection process and drafting of any~~
28 ~~contract, if required.~~

29 ~~The procurement contract will be presented to city council as a resolution for majority~~
30 ~~approval. Contracts that exceed \$50,000 must follow the requirements in Sec. 13-12 (b) of the~~
31 ~~DRMC. On-call contracts for professional services may be used to obtain services under this Rule.~~

1 COMMITTEE APPROVAL DATE: April 1, 2025 by Consent
2 MAYOR-COUNCIL DATE: N/A
3 PASSED BY THE COUNCIL: _____
4 _____ - PRESIDENT
5 ATTEST: _____ - CLERK AND RECORDER,
6 EX-OFFICIO CLERK OF THE
7 CITY AND COUNTY OF DENVER
8
9 PREPARED BY: Anshul Bagga, Assistant City Attorney DATE: March 5, 2025
10 Pursuant to section 13-9, D.R.M.C., this proposed resolution has been reviewed by the Office of the
11 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
12 resolution. The proposed resolution is **not** submitted to the City Council for approval pursuant to
13 § 3.2.6 of the Charter.
14
15
16 Katie J. McLoughlin, Interim City Attorney
17
18 BY: Anshul Bagga, Assistant City Attorney DATE: Apr 10, 2025