



**Background Paper for Proposed Ordinance**

**COUNCIL MEETING DATE:** December 27, 2021

**TO:** President Lawrence W. Atencio and Members of City Council  
**CC:** Mayor Nicholas A. Gradisar  
**VIA:** Marisa Stoller, City Clerk  
**FROM:** Trevor Gloss, Assistant City Attorney  
**SUBJECT:** AN ORDINANCE AMENDING SECTION 3 OF CHAPTER 1 OF TITLE IX OF THE PUEBLO MUNICIPAL CODE RELATING TO THE CONFIDENTIALITY OF BUSINESS LICENSE INFORMATION

**SUMMARY:**

Attached for consideration is a text amendment that will amend Section 3 of Chapter 1 of Title IX of the Pueblo Municipal Code. This amendment relates to the confidentiality of information submitted for business licenses.

**PREVIOUS COUNCIL ACTION:**

Not applicable to this Ordinance.

**BACKGROUND:**

Pueblo Municipal Code Section 9-1-3 as originally enacted and still in force, requires the City to keep confidential all information submitted by a business license applicant or a current licensee. However, the Colorado Open Records Act, C.R.S. § 24-72-200.1 et seq., ("CORA") controls when such information can be released and only certain protected information, such as trade secrets and confidential commercial information in accordance with C.R.S. § 24-72-204(3)(a)(IV), is kept from public disclosure. This amendment to the code clarifies that business license information is subject to CORA and not all information confidential.

**FINANCIAL IMPLICATIONS:**

There are no financial implications for the City.

**BOARD/COMMISSION RECOMMENDATION:**

Not applicable to this Ordinance.

**STAKEHOLDER PROCESS:**

Not applicable to this Ordinance.

**ALTERNATIVES:**

If the code is not amended in accordance with this Ordinance, the code provision as is could create issues under CORA.

**RECOMMENDATION:**

Staff recommends approval of this Ordinance.

**Attachments:**

Proposed Ordinance amending the Pueblo Municipal Code

ORDINANCE NO. 10099

AN ORDINANCE AMENDING SECTION 3 OF CHAPTER 1 OF TITLE IX OF THE PUEBLO MUNICIPAL CODE RELATING TO THE CONFIDENTIALITY OF BUSINESS LICENSE INFORMATION

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that: (brackets indicate matter being deleted, underscoring indicates new matter being added)

SECTION 1.

Section 9-1-3 of the Pueblo Municipal Code is hereby amended to read as follows:

**Sec. 9-1-3. - City License Officer.**

(a) Issue Licenses. The License Officer shall collect all license fees and shall issue licenses in the name of the City to all persons qualified under the provisions of this Title or other portions of this Code and shall:

(1) Make Rules. Promulgate and enforce all reasonable rules and regulations necessary to the operation and enforcement of this Title.

(2) Adopt Forms. Adopt all forms and prescribe the information to be given therein as to character and other relevant matter for all necessary papers.

(3) Require Affidavits. Require applicants to submit all affidavits and oaths necessary to the administration of this Chapter, or other appropriate portions of this Code.

(4) Obtain Endorsement. Submit all applications, in a proper case, to appropriate City officials for their endorsements thereon as to compliance by the applicant with all City regulations which they have the duty of enforcing. Similarly, in all cases where an examination as to competence and ability is a prerequisite, to submit all such applications to the appropriate licensing board for examination and endorsement on the application of the results of such examination, whether qualified or not qualified. And similarly, where the issuance of a license is within the discretion of the City Council, the Licensing Officer shall submit the application to the City Council for action with the endorsement or report of appropriate City officials as to compliance with applicable City regulations or such investigation of character as may be required.

(5) Investigate. Investigate and determine the eligibility of any applicant for a license as prescribed herein.

(6) Examine Records. Examine the books and records of any applicant or licensee when reasonably necessary to the administration and enforcement of this Title, or other portions of this Code.

(7) Give Notice. Notify any applicant of the acceptance or rejection of his or her application and, upon his or her refusal of any license or permit, at the applicant's request, state in writing the reasons therefor and deliver them to the applicant.

(b) **Treatment of** Information **[Confidential]**. **[The License Officer shall keep all information furnished or secured under the authority of this Code in strict confidence. Such information shall not be subject to public inspection and shall be kept so that the contents thereof shall not become known except to the persons charged with the administration of this Title.]** **The License Officer shall ensure all information furnished or secured under the authority of this Code is kept in accordance with the Colorado Open Records Act, C.R.S. § 24-72-200.1 et seq., as may be amended. The information on the front of a business license as set forth in Pueblo Municipal Code Section 9-1-8 is public information subject to disclosure and is to be posted in accordance with Pueblo Municipal Code Section 9-1-9. Trade secrets, privileged information, and confidential commercial, financial, and other data shall not be disclosed to the public in accordance with C.R.S. § 24-72-204(3)(a)(IV), as may be amended. All information submitted to the City may be provided to and accessed by City staff as needed, including for, but not limited to, inspections as detailed in Pueblo Municipal Code Section 9-1-12.**

**SECTION 2.**

The officers and staff of the City are authorized to perform any and all acts consistent with this Ordinance and to implement the policies and procedures described therein.

**SECTION 3.**

This Ordinance shall become effective thirty (30) days after final action by the Mayor and City Council.

**Action by City Council:**

Introduced and initial adoption of Ordinance by City Council on December 27, 2021.

Final adoption of Ordinance by City Council on January 10, 2022.

  
\_\_\_\_\_  
President of City Council

**Action by the Mayor:**

Approved on January 12, 2022.

Disapproved on \_\_\_\_\_ based on the following objections:

---

---

---

---

*Hilda Leal*  
Mayor

**Action by City Council After Disapproval by the Mayor:**

Council did not act to override the Mayor's veto.

Ordinance re-adopted on a vote of \_\_\_\_\_, on \_\_\_\_\_

Council action on \_\_\_\_\_ failed to override the Mayor's veto.

\_\_\_\_\_  
President of City Council

ATTEST

*Lyssa*

\_\_\_\_\_  
City Clerk