

Re: Potential costs to the City of Denver from activities of the Denver Extraterrestrial Affairs Commission (DEAC)

[Note: the initiative ordinance for creating the DEAC is now known as Initiative 300 on the November 2010 Denver election ballot.]

Following are corrections to the estimate of reimbursable costs outlined by Mr. Ed Scholz, Denver Budget Management Director, in an e-mail to a Denver citizen in April 2010. All or part of Mr. Scholz response to Bryan Bonner is contained in an e-mail from Bryan Bonner to the Denver Elections Division on April 19, 2010 and is included following the corrections.

Mr. Scholz was correct in stating that the Extraterrestrial Affairs Commission activities would not result in costs to the City of Denver. It is specifically mandated by the legally binding language of the proposed ordinance that the commission must be funded entirely by "*grants, gifts, and donations, without requiring any fiscal outlay from the city budget.*" Any incidental or indirect costs to the City of Denver merely need to be reimbursed.

Below are revised amounts, next to Mr. Scholz amounts, and relevant comments in brackets, by Jeff Peckman, author and chief proponent of Initiative 300 (2010):

From Mr. Scholz' e-mail to Bryan Bonner: - "*The spreadsheet below itemizes the DEAC requests listed in the ordinance. It also takes into consideration the indirect costs for elected officials and their staff. As mentioned above, if the DEAC is unable to provide these requests through grants, gifts, or donations prior to procurement, it will be the responsibility of the Commission to reimburse the General Fund for those expenses.*"

[**Note:** most of the "*DEAC requests listed in the ordinance*" as stated by Mr. Scholz are NOT listed in, or requested by, the ordinance known as Initiative 300. It is obvious that Mr. Scholz has misread or misunderstood the details of Initiative 300, probably due to a hasty to read in response to a nuisance inquiry.]

Denver Extraterrestrial Affairs Commission Costs

Items
Estimated Costs
Comments

Website set-up and maintenance
-\$10,000 [\$1,500*]

The annual maintenance costs will be \$1,500 and were calculated using maintenance costs for similar websites.

[*Sec. 2-255.62. Powers and Duties #2 and #3 only require that the ETA Commission displays, "*in the most cost-effective manner*", certain information on the City of Denver web site. It does not require creating a new web site. Of the eighty-five Denver Boards and Commissions listed at Denvergov.org, many have links to other pages on the same Denver government site. For example, the Extraterrestrial Affairs Commission section could resemble the Commission on Cultural Affairs web

page. And maintenance to the city government web site will occur anyway. But obviously some time of the city government webmaster is necessary. So this amount for use of the city government web site to post information for the ETA Commission would be closer to \$1,500 total annually and not \$10,000, as stated by Mr. Scholz. The new estimate of \$1,500 annually for the entire reimbursable cost should not be confused with Mr. Scholz' \$1,500 estimate for annual maintenance.]

~~Television Coverage~~ **[Not applicable]**

~~\$8,600~~ **[\$0.00 Zero* cost]**

The budget for four committee meetings* in room 391 at the City and County Building. This is only an estimate and is subject to vary if location, number of meetings and time allotment change. Television coverage was not requested in the ordinance, but if the language in the ordinance is modified** these costs need to be identified.

[*Sec. 2-255.62. Powers and Duties #8 does not require any meetings between the DEAC and the City Council, any of its committees, or the Mayor. And the only mandate with respect to meetings is that the DEAC must seek public input "...including at least two open public hearings per year." With reference to the City Council and Mayor, it is only necessary for the DEAC "to report quarterly...to the mayor and city council on progress in achieving the state purposes of the commission". The word "report", as defined by Random House Webster's Dictionary, can mean "to give an account or statement of" . Such account or statement can be a simple and short e-mail or letter. And there is no requirement in the language of the ordinance that even requires the Mayor or City Council to read it, discuss it, or respond to it.]

[Re: Scholz' comment** "Television coverage was not requested in the ordinance, but if the language in the ordinance is modified these costs need to be identified." The language of a proposed ballot initiative cannot be modified or changed by anyone after it is voted into law. It can not be modified by the Mayor, City Council, or even the ballot initiative proponents. The Mayor cannot even repeal it. However, the City Council, as I understand, can repeal a newly enacted initiated ordinance after six months, without a vote by the People. And the new ordinance can also be repealed by a vote of the people through another ballot initiative.

Any request for television coverage would independent of, and inconsistent with, the language in the proposed ordinance. It would therefore not become a cost imposed on the city budget by the mandated activities of the DEAC. If such coverage is requested by the City Council, Mayor, or some other part of the City of Denver government, and provided, then any costs to the city would be the result of their decision, and not the DEAC.]

Two Public Forums (set-up and breakdown)

\$600

The costing range is dependent upon whether or not the meeting is during working hours or after hours. Overtime is factored in if the hearing takes place after hours.

Trained City personnel to address valid extraterrestrial public concerns

\$0 [Correct. And this will continue to be zero cost*]

Section 2-255.62, provision 6 states the City* must refer residents and visitors to properly trained personnel or private professionals as necessary, to address valid concerns resulting from sightings, contact with, extraterrestrials or their vehicles. At this time the City does not have individuals trained properly address these concerns and therefore unable to accurately project the costs for these

services.

[*Sec. 2-255.62. Powers and Duties #6 mandates that the "Commission ", not the "City", "refer residents and visitors to properly trained personnel or private professionals as necessary...".

Therefore, if the City has no such properly trained personnel, all such referrals would be to private professionals and therefore this need not ever create costs the City of Denver.]

Mayor & Council (indirect costs) **[Not applicable]**

~~\$2,900~~ **[Zero cost*]**

This is an annualized cost. Total number of hours the Mayor and Council will spend meeting with the DEAC is 56, which is equivalent to seven working days

[*Sec. 2-255.62. Powers and Duties #8 does not require any "meetings" between the DEAC and the City Council or any of its committees, or the Mayor. If the Mayor or City Council requests such meetings with the DEAC, then any cost incurred by the city would be a consequence of the decision by the Mayor or City Council, and not by any mandate of the ordinance that established the DEAC.

Again, the only mandate with respect to "meetings" is that the DEAC must seek public input " ...including at least two open public hearings per year. " With reference to the City Council and Mayor, it is only necessary for the DEAC "...to report quarterly...to the mayor and city council on progress in achieving the stated purposes of the commission". The word " report", as defined by Random House Webster's Dictionary, can mean "to give and account or statement of". Such account or statement can be a simple and short e-mail or letter. And there is no requirement in the language of the ordinance that even requires the Mayor or City Council to read such a report, discuss it, or respond to it. Any time they spend in doing so is at their own discretion and is therefore not a cost incurred to the city by the DEAC.]

Mayoral Staff (indirect costs)

~~\$700~~ **[\$350*]**

Director of Boards and Commissions time for administration (1 hour/month) and communication with media* (1 hour/month)

[*Is it customary and to calculate costs for the time the Director of Boards and Commissions communicates with the media for issues related to different Denver Boards and Commissions, and then requesting reimbursement from the relevant commission for that cost? When the Mayor or a City Council member invites the media to cover a new program announcement or piece of legislation they are promoting, or an event in the community, are they asked to reimburse the city for the time they use in interacting with the news media? If the answer to the previous two questions is "no", then the 1 hour/month* estimate for " communication with media " would not be applicable as an expense of the DEAC. Therefore it would not need to be reimbursed to the City of Denver because it is not mandated by the language of the ballot initiative.]

Total = ~~\$22,800~~ \$2,450 [\$2,450 is a more accurate estimate of potential reimbursable costs to the City of Denver based on more precise reading and application of the legal mandates of the proposed DEAC ballot initiative. Reimbursement will be required regardless of the amount so this is just for the sake of better accuracy.]

Jeff Peckman, Director, EXTRA Campaign, www.extracampaign.org

Following is a copy of an e-mail from Bryan Bonner, to the Denver Elections Division. It refers to all or part of the information that Mr. Ed Scholz, Denver Budget Management Director, provided to Bryan Bonner.

From: Bryan [bryan@rockymountainparanormal.com]

Sent: Monday, April 19, 2010 12:06 PM

To: Electionscomm

Subject: Denver Extraterrestrial Affairs Commission

Follow Up Flag: Follow up

Flag Status: Red

Hello....

Here is the information that we have received about the costs of the Denver Extraterrestrial Affairs Commission so far.

There are some other potential costs, but this shows some of our concerns.

The information that we have included is from Ed Scholz who is the City Budget Director.

If you have any questions please feel free to contact us.

Thanks,

Bryan

[From Mr. Ed Scholz to Bryan Bonner]

The projected cost to the City for the Denver Extraterrestrial Affairs Commission is calculated at a very high-level. BMO has the right to adjust or amend the proposed estimate if the language in the initiative is modified or other unforeseen costs are identified. Currently, the initiative states DEAC will be funded through grants, gifts, and donations, but does not take into consideration the indirect costs for the Mayor, Council, and related staff time spent working with the Commission. If the DEAC requires support from the General Fund for operating costs due to a shortage in grants, gifts, or donations, it will be the responsibility of the DEAC to reimburse the General Fund for all direct and indirect expenses.

Out of approximately 130 commissions only a few are supported by the General Fund. All other commissions are supported by means other than the General Fund if financial support is recommended or required.

Below are the answers to your questions:

a.. Mayor and City Council time: Only a few boards and commissions meet with City Council. If a meeting is requested by Council for a commission to give them an update, it is held at a meeting

already scheduled. Since the ordinance explicitly states the DAEC will require four meetings with the Mayor and Council, projected costs are identified in the spreadsheet below.

a.. Liaison between the Mayor and City Council: The Director of Boards and Commissions is the liaison between each Board and the Mayor. The Mayor's Office also has a City Council liaison that the Director of Boards and Commissions works with in referring mayoral appointments through the City Council confirmation process. The projected costs for these services have been identified in the spreadsheet below.

a.. Mayor and City Council costs to respond to media questions and concerns: Any inquiries or CORA requests that come from media are answered by our Communications Director in the Mayor's office with the assistance of the Director of Boards and Commissions and/or the Point of Contact for the Commission.

a.. Commission member training costs: Commission member training is not required, resulting in no cost to the City.

a.. Background Checks on Commission members: Background checks are not done on commission members. References are checked through the Director of Boards and Commissions for all commissions. (with few exceptions, some safety commissions may perform their own background checks). The projected costs associated with background checks have been identified in the spreadsheet below.

a.. Website set-up and maintenance: The projected costs associated with website construction and maintenance has been identified in the spreadsheet below.

a.. Time and use of computers to upload content to the City and County of Denver's website: The projected costs associated with website set-up and maintenance has been identified in the spreadsheet below.

a.. Office space: Commissions are not provided with an office, resulting in no cost to the City. If office space is requested by the DEAC, funding for such amenities will be the financial responsibility of the Commission.

a.. If the DEAC does not collect enough "gifts, grants, or donations" to operate, will the DEAC have to become City funded: No, if operating costs impact the General Fund, it will be the responsibility of the Commission to reimburse the General Fund for those expenses in a timely manner.

The spreadsheet below itemizes the DEAC requests listed in the ordinance. It also takes into consideration the indirect costs for elected officials and their staff. As mentioned above, if the DEAC is unable to provide these requests through grants, gifts, or donations prior to procurement, it will be the responsibility of the Commission to reimburse the General Fund for those expenses.

Denver Extraterrestrial Affairs Commission Costs

Items

Estimated Costs

Comment

Website set-up and maintenance

\$10,000

The annual maintenance costs will be \$1,500 and were calculated using maintenance costs for similar websites.

Television Coverage

\$8,600

The budget for four committee meetings in room 391 at the City and County Building. This is only an estimate and is subject to vary if location, number of meetings and time allotment change. Television coverage was not requested in the ordinance, but if the language in the ordinance is modified these costs need to be identified.

Two Public Forums (set-up and breakdown)

\$600

The costing range is dependent upon whether or not the meeting is during working hours or after hours. Overtime is factored in if the hearing takes place after hours.

Trained City personnel to address valid extraterrestrial public concerns

\$0

Section 2-255.62, provision 6 states the City must refer residents and visitors to properly trained personnel or private professionals as necessary, to address valid concerns resulting from sightings, contact with, extraterrestrials or their vehicles. At this time the City does not have individuals trained properly address these concerns and therefore unable to accurately project the costs for these services.

Mayor & Council (indirect costs)

\$2,900

This is an annualized cost. Total number of hours the Mayor and Council will spend meeting with the DEAC is 56, which is equivalent to seven working days

Mayoral Staff (indirect costs)

\$700

Director of Boards and Commissions time for administration (1 hour/month) and communication with media (1 hour/month)

Total \$22,800