

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2010

COUNCIL BILL NO. CB10-0454
COMMITTEE OF REFERENCE:
GENERAL GOVERNMENT

5 A BILL

6 For an ordinance amending section 20-52, Denver Revised Municipal Code, to provide
7 consistent procedures for approval and receipt of public and private grants-in-aid.
8

9 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

10
11 **Section 1.** That section 20-52, D.R.M.C. shall be amended by deleting the language stricken
12 and adding the language underlined, to read as follows:

13 **Sec. 20-52. Approval of ~~federal and state~~ grants-in-aid.**

14
15 (a) For purposes of this section, the term "grant-in-aid" shall mean any discretionary
16 disbursement to the city by ~~the federal or state government or any department or agency~~
17 ~~thereof~~ any public or private entity to support a specific project or program of the city. The
18 term "grant-in-aid" shall not include any payment made to the city ~~by the federal or state~~
19 ~~government~~ in consideration for services or work performed by the city on behalf of ~~the~~
20 ~~federal or state government~~ another entity, and shall not include grant agreements with the
21 federal government for the Airport Enterprise Fund for airport purposes, provided the
22 agreement does not required any contribution or matching funds from the city's general
23 fund.
24

25 (b) Approval of the council shall be required prior to the acceptance of any grant-in-
26 aid by the city or by any department or agency thereof if:
27

28 (1) The grant-in-aid is for a dollar amount in excess of five hundred thousand
29 dollars (\$500,000.00) or, in combination with other grants-in-aid received from the same
30 source for the same project or program in the preceding year, will cause the total amount
31 received to exceed five hundred thousand dollars (\$500,000.00);
32

33 (2) The grant-in-aid specifically requires a matching contribution by the city in the
34 form of an expenditure for which a budget and appropriation has not previously been
35 approved by the council, regardless of the amount of the matching contribution; or

1 (3) Council approval of the grant-in-aid has been required as provided in subsection
2 (c) of this section.

3
4 (c) On or before the fifth day of each month, the mayor or the mayor's designee
5 shall submit to the president of council or the president's designee a written report listing all
6 applications for grants-in-aid submitted by the city and pending action by the ~~federal or state~~
7 ~~government~~ grantor. Each monthly report shall clearly delineate the grant applications that
8 have been added to the list since the last monthly report. The report shall include for each
9 grant application listed therein the name of the grant program, the source of the proposed
10 grant, the requested amount of the grant, a brief description of the purpose for which the
11 grant is sought, and a departmental or agency contact with knowledge of the grant
12 application. The council president or the president's designee shall promptly circulate each
13 monthly report to each member of council. Within thirty (30) days of receipt of the monthly
14 report, the council president may, upon the written request of any member of council,
15 require the mayor to submit for council approval any grant added to the list since the last
16 monthly report. Whenever the council president has communicated such a requirement to
17 the mayor in writing within the 30-day period, the grant in question shall not be accepted by
18 the city or a department or agency thereof unless and until approved by the council.

19
20 (d) Council approval shall not be required for a time extension or other amendment
21 of any contract or other instrument accepting a grant-in-aid as previously approved by
22 council, unless the amendment changes the purpose of the grant-in-aid or requires council
23 approval under any other law.

24
25 (e) The revenues from any grant-in-aid shall be ~~subject to appropriation by the~~
26 ~~council, unless the grant revenues are accounted for in a special revenue fund not subject~~
27 ~~to appropriation~~ treated as custodial funds of the city to be expended exclusively for the
28 purpose of carrying out the project or program for which the grant-in-aid was given and shall
29 not be subject to appropriation. These revenues shall be deposited into the treasury of the
30 city and credited to the appropriate fund as set forth and described in section 20-18. The
31 Manager of Finance shall make such book and record entries and do such other things as
32 may be necessary to effectuate the requirements of this section.

33
34 **Section 2.** That Section 20-55, D.R.M.C. shall be repealed by deleting the language stricken
35 as follows:

1
2 **Sec. 20-55. Donations from private funding sources.**
3

4 ~~(a) No application for an award, grant, contribution, or donation shall be submitted by~~
5 ~~an agent or agency, including offices, departments, commissions, boards, and employees or~~
6 ~~officers thereof, of the city to a private funding source unless a funded project of the~~
7 ~~appropriate subfund of a special revenue fund has been established by ordinance describing~~
8 ~~the purposes generally for which the application is made.~~
9

10 ~~(b) No donation, contribution, award, or grant to the city or its manager of finance from~~
11 ~~a private funding source may be accepted if it contains conditions that are inconsistent with the~~
12 ~~purposes generally described by the funded project of the subfund of the special revenue fund~~
13 ~~into which the donation is intended to be placed.~~

14 COMMITTEE APPROVAL DATE: June 2, 2010

15 MAYOR-COUNCIL DATE: June 8, 2010

16 PASSED BY THE COUNCIL _____ 2010

17 _____ - PRESIDENT

18 APPROVED: _____ - MAYOR _____ 2010

19 ATTEST: _____ - CLERK AND RECORDER,
20 EX-OFFICIO CLERK OF THE
21 CITY AND COUNTY OF DENVER

22 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2010; _____ 2010

23 PREPARED BY: David W. Broadwell, Asst. City Attorney; DATE: June 4, 2010

24 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
25 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
26 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
27 3.2.6 of the Charter.

28 David R. Fine, City Attorney

29 BY: _____, Assistant City Attorney DATE: _____, 2010