

BY AUTHORITY

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ORDINANCE NO. _____
SERIES OF 2013

COUNCIL BILL NO. CB13-0823
COMMITTEE OF REFERENCE:
Business, Workforce and Sustainability

WHEREAS, in 2006, the City Council enacted Ordinance No. 760, Series of 2006, establishing an ordinance for a Minority and Women Business Enterprise (MBE/WBE) contracting ordinance in furtherance of nondiscrimination in city contracts for construction, reconstruction and remodeling and professional design and construction services and for the utilization of Small Business Enterprises (SBE) in City contracting and concessions; and

WHEREAS, passage of Ordinance No. 760, Series of 2006, was based, in part, on a study of availability and utilization of woman- and minority-owned business enterprises in construction, reconstruction and remodeling, and professional design and construction services; and

WHEREAS, the City has commissioned another study to determine if the conditions originally justifying the enactment of the MBE/WBE nondiscrimination program, pursuant to Ordinance No. 760, Series of 2006, still exist; and

WHEREAS, the City has also convened a task force to review both the MBE/WBE and SBE programs and the task force has now made certain recommendations regarding revisions to Division 3 of Article III or Article VII of Chapter 28; and

WHEREAS, under the current sunset provision of the Minority Business Enterprise and Women Business Enterprise ordinance (codified at Section 28-83(b) of the Revised Municipal Code), the MBE/WBE program is set to expire on January 1, 2014; and

WHEREAS, under the current sunset provision of the SBE ordinance (codified at Section 28-234(b) of the Revised Municipal Code), the SBE program is set to expire on January 1, 2014; and

WHEREAS, a temporary extension of the respective sunset periods for an additional three (3) months is necessary to review these recommendations and programs, and to make a determination of whether any reauthorizations, adjustments or revisions to Division 3 of Article III or Article VII of Chapter 28 are necessary; and

1 **WHEREAS**, this periodic review and sunseting of such ordinances is supported by
2 *Concrete Works of Colorado, Inc. v. City and County of Denver*, 823 F.Supp. 821, 843 (D.Colo.
3 1993), *rev'd on other grounds*, 36 F.3d 1513 (10th Cir. 2003); and *Adarand Constructors, Inc. v.*
4 *Slater*, 228 F.3d 1147, 1179 (10th Cir. 2000) (quoting *U.S. v. Paradise*, 480 U.S. 149, 178 (1987));

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

6 **SECTION 1.** That Subsection (b) of Section 28-83, D.R.M.C. will be amended by deleting
7 the language stricken and adding the language underlined to read as follows:

8 **Sec. 28-83. Review and sunset.**

9 (b) This division 3 will be repealed effective ~~January, 2014~~ April 1, 2014.

10 **SECTION 2.** That Subsection (b) of Section 28-234, D.R.M.C. will be amended by deleting
11 the language stricken and adding the language underlined to read as follows:

12 **Sec. 28-234. Review and sunset.**

13 (b) This division 3 will be repealed effective ~~January 1, 2014~~ April 1, 2014.

14 COMMITTEE CONSENT APPROVAL DATE: November 7, 2013 by Consent

15 MAYOR-COUNCIL DATE: November, 2013

16 PASSED BY THE COUNCIL: _____, 2013

17 _____ - PRESIDENT

18 APPROVED: _____ - MAYOR _____, 2013

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

22 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2013; _____, 2013

23 PREPARED BY: Victoria Ortega - ASSISTANT CITY ATTORNEY – DATE: November 14, 2013

24 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
25 the 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 Douglas J. Friednash, Denver City Attorney

29 BY: _____, Assistant City Attorney DATE: _____, 2013