

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2023

COUNCIL BILL NO. CB23-1139
COMMITTEE OF REFERENCE:
Finance & Governance

4
5
6 **A BILL**
7

8 **For an ordinance establishing a new Fund in the General Government Special**
9 **Revenue Fund Series for the “Climate State Revenue” program.**
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11
12 **WHEREAS**, Colorado House Bill 22-1026 created a tax refund mechanism (“Clean Commute”
13 tax credit) of \$250,000 yearly in 2023 and 2024 for Colorado employers to invest in alternative
14 commute options for their workforce; and

15 **WHEREAS**, the bill amends C.R.S. 39-22-509 to allow for a local government or nonprofit
16 organization to file a corporate income tax return for information purposes to enable that entity to
17 claim the credits allowed; and

18 **WHEREAS**, the Office of Climate Action, Sustainability, and Resiliency (CASR) actively invests
19 in programs and services that provide affordable, clean, safe, and reliable transportation choices
20 that are eligible for the Clean Commute tax credit; and

21 **WHEREAS**, the City requires a new Special Revenue Fund to receive non-grant revenues
22 originating from the State Government for purposes related to building electrification, energy
23 efficiency, solar, battery storage, electric vehicle charging infrastructure, and clean energy transition
24 technical studies; and

25 **WHEREAS**, a companion ordinance request to create the “Climate State Revenue” Capital
26 Fund has been submitted via Ordinance 1138, Series of 2023; and
27

28 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**
29 **DENVER:**

30 **Section 1.** A new Special Revenue Fund is hereby established in the General Government
31 Fund Series, Accounting No. 11000, the “Climate State Revenue Program” Fund, Accounting No.
32 11890, for the purpose of accounting for the receipt and expenditure of State tax return dollars.

33 **Section 2.** Monies received from the State Government for payments under the “Clean
34 Commute” tax credit, and other sources of revenue, including state payments received by third-party

1 clean energy partners paid to the City, for Accounting No. 11890, shall be deposited into the Treasury
2 of the City and credited to the General Government Special Revenue Fund 11000, which is set forth
3 and described in Section 20-18 of the Revised Municipal Code of the City and County of Denver.

4 **Section 3.** Expenditures are hereby authorized for the “Climate State Revenue Program”
5 Special Revenue Fund, Accounting No. 11890, to be expended by the Executive Director of the
6 Office of Climate Action, Sustainability and Resiliency. Authorized expenditures for Accounting No.
7 11890 include professional services contracts and other Climate program operating expenditures,
8 as well as cash transfers to the Climate State Revenue Capital Improvements Fund and to other City
9 funds to support Climate programs. This is a revenue-based, non-lapsing fund.

10 **Section 4.** The Chief Financial Officer of the City and County of Denver is hereby authorized
11 and directed to make such book and record entries and to do such other things as may be necessary
12 to accomplish the purposes of this Ordinance.

13 COMMITTEE APPROVAL DATE: August 29, 2023, by Consent

14 MAYOR-COUNCIL DATE: September 5, 2023, by Consent

15 PASSED BY THE COUNCIL: _____
16 _____ - PRESIDENT

17 APPROVED: _____ - MAYOR _____

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

21 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

22 PREPARED BY: Nikki McCabe, Budget and Management Office DATE: September 7, 2023

23 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
24 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
25 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
26 3.2.6 of the Charter.

27 Kerry Tipper, Denver City Attorney

28 BY: Anshul Bagga, Assistant City Attorney DATE: Sep 7, 2023