

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2019

COUNCIL BILL NO. CB19-0772
COMMITTEE OF REFERENCE:
4 Finance & Governance

5 **A BILL**

6 **For an ordinance submitting to a vote of the qualified and registered**
7 **electors of the City and County of Denver at a special municipal**
8 **election to be held in conjunction with the coordinated election of**
9 **November 5, 2019, a proposed amendment to the charter of the City**
10 **and County of Denver concerning management and control of Arts**
11 **and Venues.**

12 **WHEREAS**, the agency known as Denver arts and venues plays an integral role
13 in promoting cultural and arts events in the community, administering the public art
14 program, and in the management and control of city property used for theatre, concerts,
15 conventions, and for other cultural purposes;

16 **WHEREAS**, as a companion bill to this ordinance, Denver arts and venues also
17 seeks revisions to city code to conform certain provisions to customary practices and the
18 revised charter should electors approve the ballot question contemplated herein.

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

21 **Section 1.** There is hereby submitted to the properly qualified and registered
22 electors of the City and County of Denver for their approval or rejection at a special
23 municipal election to be conducted at the same time and in conjunction with the
24 coordinated election to be held in the City and County of Denver on November 5, 2019,
25 a proposed amendment to the charter of the City and County of Denver, as follows:

26 **Effective upon publication and filing with the Secretary of State pursuant to**
27 **the Constitution and laws of the State of Colorado, the following sections of**
28 **Article II of the 2002 charter of the City and County of Denver shall be and**
29 **are hereby amended to read as follows:**

30 **Amend Part 9 of Article II by deleting the language stricken to read as follows:**

31 **§ 2.9.3 Powers and duties of Department of General Services**

1 ~~**(E) Operation of certain municipal facilities.** The Department shall have the~~
2 ~~management and control of the occupancy and of the operation, care, repair and~~
3 ~~maintenance, either by the Department or under contract let by the Department, of~~
4 ~~all facilities, structures or parts of structures owned or leased by the City and~~
5 ~~County and used for theatre, concert, auditorium or arena purposes whenever~~
6 ~~such facilities, structures, or parts of structures are regularly rented to others for~~
7 ~~such purposes and a charge is made for their use or a charge is customarily made~~
8 ~~for admission thereto. The Department shall also have the management and~~
9 ~~control of all land on which such facilities or structures are located, and shall have~~
10 ~~the right to establish and make reasonable charges for the use of such facilities~~
11 ~~and structures and to do such remodeling thereof as does not require~~
12 ~~reconstruction, change of design or structural change.~~

13 **Section 2.** The remaining subsections of Section 2.9.3 shall be re-lettered
14 accordingly.

15 **Section 3.** The voting machines and paper ballot for said election shall carry the
16 following designation, which shall be the title and submission clause:

17 **REFERRED QUESTION _____**

18 Shall the charter of the City and County of Denver be amended to remove
19 from the Department of General Services the management and control
20 of facilities owned or leased by the City and County for theatre, concert,
21 auditorium or arena purposes, in order to conform the charter to other
22 laws of the City and County assigning the responsibility to manage such
23 facilities to the agency known as Denver Arts and Venues?

24 **Section 4.** Each elector voting at the election and wishing to for or against the
25 amendment shall indicate the elector's choice by depressing the appropriate counter of
26 the voting machine which indicates the word "YES" or the word "NO", or by appropriate
27 marking upon paper ballots when used.

28 **Section 5.** The proper officials of the City and County of Denver as are charged
29 with duties relating to the election shall, before the election, issue such calls, make such
30 certifications and publications, give such notices, make such appointments, and do all
31 such other acts and things in connection with the submission of this charter amendment

1 to the registered electors of the City and County of Denver at the election as are required
2 by the constitution and laws of the State of Colorado and the charter and ordinances of
3 the City and County of Denver.

4 **Section 6.** The ballots cast at such election shall be canvassed and the results
5 ascertained, determined, and certified in accordance with the requirements of the
6 constitution and laws of the State of Colorado and the charter and ordinances of the City
7 and County of Denver.

8 **Section 7.** If any section, paragraph, clause, or other portion of this ordinance is
9 held to be invalid or unenforceable for any reason, the validity of the remaining portions
10 of this ordinance shall not be affected.

11 **Section 8.** If approved by the electors, the charter amendment set forth herein
12 shall be effective upon publication and filing with the Secretary of State.

13 COMMITTEE APPROVAL DATE: August 6, 2019

14 MAYOR-COUNCIL DATE: August 13, 2019

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
21 DENVER

22 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ ; _____

23
24 PREPARED BY: Frank Romines, Assistant City Attorney DATE: August 15, 2019

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

29
30 Kristin Bronson, Denver City Attorney

31
32 BY: _____, Assistant City Attorney DATE: _____