

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2024

COUNCIL BILL NO. CB 24-1063
COMMITTEE OF REFERENCE:
4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance approving adoption of the Parks Legacy Fund Five Year Plan**
7 **setting planned revenue uses from 2025-2029 for Denver Parks and Recreation.**

8
9 **WHEREAS**, pursuant to the provisions of Section 20-18 of the Denver Revised Municipal
10 Code (“DRMC”), by Ordinance No. 641, Series of 2018, and by voter approval, which was enacted
11 December 11, 2018, there has been approved the establishment of a fund for the receipt of a portion
12 of sales tax for the Parks, Trails, and Open Space Program, now referred to as the Parks Legacy
13 Program; and

14 **WHEREAS**, pursuant to the provisions of Section 39-223 and Section 39-224, DRMC, that
15 portion of sales tax paid to the fund shall be used for certain Permitted Uses under the Parks Legacy
16 Program; and

17 **WHEREAS**, pursuant to Section 39-224(i), DRMC, every five years after the first year of
18 adoption of the Parks Legacy Program, the Department of Parks and Recreation shall work with the
19 Department of Parks and Recreation Advisory Board to hold at least one (1) public hearing; and
20 submit to City Council for approval a five-year Parks Legacy Program Plan for the use and
21 expenditure of the fund established for the Program; and

22 **WHEREAS**, the Department of Parks and Recreation has held such public hearings and
23 submitted the Plan for approval as required; and

24 **WHEREAS**, the Parks Legacy Program Plan provides guidance regarding the acquisition of
25 additional land for parks, trails and open spaces; improving and maintaining existing parks, trails and
26 open spaces; restoring and protecting waterways, rivers, canals and streams; expanding the urban
27 tree cover in parks, parkways and public rights-of-way; and implementing the Game Plan for a
28 Healthy City; and

29 **WHEREAS**, pursuant to Section 39-224(i), DRMC, such plan for the use and expenditure of
30 the fund for the Parks Legacy Program shall be approved by City Council.

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

32 **Section 1.** Council hereby approves the Parks Legacy Program Plan.

33 **Section 2.** Approval of the Parks Legacy Program Plan, and of any amendment thereto, shall
34 not preempt the decision making powers vested by law or administrative directive in the Mayor, the
35 City Council or any other official of the City and County of Denver with respect to, but not limited to:

1 the operation, maintenance and management of parks and park facilities, a designation of a park,
2 the issuance of revocable permits, a conveyance or acquisition of real property by the City and
3 County of Denver, or an appropriation for maintenance and operation of parks and park facilities, or
4 construction of a capital improvement; and provided, further that it is expressly understood that
5 judgment must be exercised in the application of the Parks Legacy Plan in the decision making
6 processes of the Mayor, Council and other officials of the City and County of Denver.

7

8 COMMITTEE APPROVAL DATE: August 20, 2024 by Consent

9 MAYOR-COUNCIL DATE: August 27, 2024

10 PASSED BY THE COUNCIL: _____

11 _____ - PRESIDENT

12 APPROVED: _____ - MAYOR _____

13 ATTEST: _____ - CLERK AND RECORDER,
14 EX-OFFICIO CLERK OF THE
15 CITY AND COUNTY OF DENVER

16 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

17 PREPARED BY: Jason D. Moore, Assistant City Attorney DATE: September 5, 2024

18 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
19 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
20 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
21 3.2.6 of the Charter.

22

23 Kerry Tipper, Denver City Attorney

24

25 BY: _____, Assistant City Attorney DATE: _____