

BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2013

COUNCIL BILL NO.

COMMITTEE OF REFERENCE:

Discussed: _____, 2013

A BILL

For an ordinance amending Division Two of Article VIII of Chapter Two of the Revised Municipal Code concerning the governance structure of offices and programs relating to the basic and educational needs of children and youth living in the City and County of Denver.

12 **WHEREAS**, since 1995, the mayor's office for education and children, has promoted child
13 care initiatives, school readiness, academic success, and positive development for Denver's
14 children and youth; and

15 **WHEREAS**, school readiness efforts have been implemented primarily through the
16 administration of federally funded Head Start programs and services providing high quality early
17 childhood education, nutrition, health and social development services for low income children and
18 families in certain areas of the City and County of Denver; and

19 **WHEREAS**, the city's head start office has, in particular, sought to support all children,
20 including those of all races and ethnicities with limited English proficiency or special needs, to
21 enter Kindergarten with skills, competencies, and self-esteem to be able to succeed in school; and

22 **WHEREAS**, academic success efforts have been implemented primarily by promoting after
23 school and out of school programs designed to meet the needs and interests of middle and high
24 school students; and

25 **WHEREAS**, the mayor's office of education and children has recently expanded its mission
26 to include ensuring children's basic needs are met by promoting and administering healthy meals
27 programs throughout the City to boost school readiness and academic success; and

28 **WHEREAS**, it is in the best interests of the City to now modify the governance structure of
29 the mayor's office for education and children to streamline city efforts focused on issues related to
30 children, youth, and education, avoid the duplication of services and initiatives, and strengthen the
31 administration of the services and programs provided therein;

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

33 **Section 1.** That Section 2-141 of the D.R.M.C., is hereby amended by adding the
34 language underlined and deleting the language stricken as follows:

1 **Sec. 2-141. - Created.**

2 An agency currently known and to be known as the office of children's affairs ~~mayor's~~
3 ~~office for education and children~~ is hereby created as an agency under the mayor.

4 **Section 2.** That Section 2-142 of the D.R.M.C., is hereby amended by adding the
5 language underlined and deleting the language stricken as follows:

6 **Sec. 2-142. - Purpose.**

7 The purpose of the office of children's affairs ~~mayor's office for education and~~
8 ~~children~~ shall be to serve and advocate for the children and youth of Denver, as a liaison to
9 the Denver public schools, and to develop and administer policies and initiatives such as,
10 but not limited to:

- 11 A. Early childhood care and education and school readiness;
- 12 B. Literacy and student achievement;
- 13 C. Out of school programs –~~B~~before, and after school, and summer programs;
14 and
- 15 D. Positive youth development and engagement; and
- 16 E.D. Health, safety, and other child and youth services.

17 **Section 3.** That Section 2-143 of the D.R.M.C., is hereby amended by adding the
18 language underlined and deleting the language stricken as follows:

19 **Sec. 2-143. - Governance of the office of children's affairs ~~mayor's office for~~**
20 ~~education and children~~ **and program components.**

- 21 A. Organization. The city and county of Denver, acting by and through the office of the
22 mayor, shall be responsible for, and shall have the power, to oversee and govern the
23 ~~office of children's affairs~~ ~~mayor's office for education and children~~. The office of
24 ~~children's affairs~~ ~~mayor's office for education and children~~ shall include the following:
25 the Denver great kids head start office, the commission on youth, the office of child
26 ~~care initiatives~~, and any other offices or administrative components concerning
27 children, youth, and education that may be established from time to time.
- 28 B. Office of child care initiatives. An office currently known as and to be known as the
29 ~~office of child care initiatives~~ is hereby created under the ~~mayor's office for education~~
30 and children. The purpose of the office of child care initiatives shall be to increase
31 quality and capacity of child care in Denver, facilitate access of city employees to
32 child care services, promote employer sponsored child care, and advocate for quality
33 child care.
- 34 C. Commission on youth. An office currently known as and to be known as the
35 ~~commission on youth~~ is hereby created under the ~~mayor's office for education and~~
36 children. The purpose of the commission on youth is to develop and administer

1 policies and initiatives focused on youth development including but not limited to
2 leadership training, community service, and life skills.

3 D. *Head start.* An agency currently known as and to be known as the Denver great kids
4 head start office is hereby created as an agency under the office of children's affairs
5 mayor's office for education and children.

6 1. *Governance of head start programs.* The city and county of Denver shall,
7 subject to and contingent upon the receipt and continuing availability of federal
8 funds, in whole or in part, for the purposes of head start, be responsible for,
9 and shall have the power, to oversee and govern the administration of the
10 city's head start programs on behalf of the city and county of Denver in
11 accordance with 42 U.S.C.A. § 9831 et. seq., (2011~~2005~~), 45 C.F.R. 1301, et.
12 seq., and any and all other applicable federal, state, and local laws, rules,
13 regulations, ordinances, and executive orders, as may be created and
14 amended from time to time.

15 2. *Head start office staff.* In accordance with career service rules the head start
16 director shall be selected by the director of the office for children's affairs
17 ~~mayor's office for education and children~~, and shall be confirmed separately by
18 the mayor and the Denver head start policy council acting by resolution. The
19 head start director will manage the Denver head start office and shall employ,
20 with the approval of the Denver head start policy council, such staff as is
21 necessary to accomplish the purposes of the head start office ~~including but not~~
22 ~~limited to the head start fiscal officer, who shall be hired by the head start~~
23 ~~director in accordance with the policies and procedures of the career service~~
24 ~~authority by the head start director. The head start fiscal officer shall be~~
25 ~~selected with the advice of the manager of finance and the auditor.~~ The staff of
26 the Denver head start office, including the head start director, shall be career
27 service employees.

28 3. *Powers and duties of the head start office.* The Denver head start office shall
29 be directly responsible for, and shall have the power to perform all actions
30 necessary to deliver head start programs in accordance with 42 U.S.C.A. §
31 9831, et. seq., (2011~~2005~~), 45 C.F.R. 1301, et. seq., and any and all other
32 applicable federal, state and local laws, rules, regulations, ordinances and
33 executive orders, as may be created and amended from time to time. The
34 Denver great kids head start office will so perform such functions in
35 accordance with and subject to the Charter and the Revised Municipal Code.

36 40 The duties of the Denver great kids head start office shall include:
41

42 a. Complying with the requirements of all applicable federal, state, and
43 local laws concerning the operation of head start programs and grant
44 administration;

- b. Performing any other tasks which may be required by law;
- c. Developing and, upon approval of the Denver great kids head start policy council, implementing policies and procedures to provide a formal structure of policy groups to share governance of head start programs;
- d. Developing and, upon approval of the Denver great kids head start policy council, implementing program planning procedures, communications systems, record-keeping systems, reporting systems, self-assessment systems, and program monitoring procedures;
- e. Establishing a senior management team comprised of the Denver great kids head start director, the executive directors of each and every delegate agency under the Denver great kids head start program, the great kids head start program directors employed by each delegate agency, and the director of the office of children's affairs mayor's office for education and children. The senior management team will meet regularly and will provide status reports to the Denver head start director concerning compliance with federal head start program performance standards in the operation of head start programs and other applicable federal, state or local requirements. The head start director shall make regular reports to the Denver head start policy council and to the mayor, city council, auditor and career service authority; and
- f. Performing other duties related to young children and families as assigned.

4. *The policy council.* The city head start policy council shall be structured as follows:

- a. *Membership.* The membership of the Denver great kids head start policy council shall consist of at least twenty-one (21) members. The members of the Denver great kids head start policy council shall consist of the following two types of representatives: parents of children currently enrolled in Denver head start programs and community representatives.
- b. *Parents.* At least twelve (12) members of the Denver great kids head start policy council shall be parents of currently enrolled children. Parents of currently enrolled children shall elect all parent members of the Denver great kids head start policy council.
- c. *Community representatives.* Nine (9) members of the Denver great kids head start policy council shall be community representatives and shall be selected from the following categories:

1 1. A person who shall be an experienced licensed pediatrician or a
2 person who shall have experience as a professional health care
3 provider;
4 2. A certified public accountant;
5 3. An attorney;
6 4. An individual who shall be experienced in early childhood
7 education;
8 5. An individual who shall be experienced in foundations or other
9 charitable award organizations;
10 6. An individual who shall be experienced with the operation of
11 nonprofit organizations;
12 7. A person who shall be experienced in business;
13 8. A parent of a child formerly enrolled in Denver's head start
14 programs;
15 9. A person who shall be experienced in finance and/or the
16 management of money; and
17 10. A person who shall be experienced in conducting fundraising for
18 nonprofit purposes.

19
20 d. *Nomination and election of community representatives.* The community
21 representative members of the Denver great kids head start policy
22 council shall be seated as follows:

23
24 1. Five (5) community representatives of the Denver great kids
25 head start policy council shall be nominated by the mayor and
26 referred to the Denver head start policy council for election; and
27
28 2. Four (4) community representatives of the Denver great kids
29 head start policy council shall be nominated by the city council
30 by resolution and referred to the Denver head start policy council
31 for election.

32
33 e. *Adjustments to membership.* Each of the delegate agencies retained by
34 the city by contract to provide head start services shall designate two
35 (2) parents of children currently enrolled in head start programs
36 administered by the designating delegate agency. In the event that the
37 city increases or decreases the number of delegate agencies retained
38 by the city by contract to provide head start services, the total number
39 of seats on the policy council to be filled by parents shall be adjusted
40 upward or downward accordingly. At least fifty-one (51) percent of the
41 members of the Denver great kids head start policy council shall be
42 parents of children currently enrolled in head start programs
43 administered by the city and county of Denver. In the event that any
44 proposed change in membership to the Denver great kids head start

1 policy council may cause the number of parent members to be less
2 than fifty-one (51) percent of the total number of persons seated to
3 serve on the policy council, then the director of the Denver great kids
4 head start office shall recommend to the Denver great kids head start
5 policy council and the policy council shall adopt a procedure to ensure
6 that the membership remains at least fifty-one (51) percent parents of
7 children currently enrolled in head start programs administered by the
8 city and county of Denver.

9

10 f. *Terms/removal and vacancies.* The terms of the community
11 representatives first appointed after the effective date hereof shall be as
12 follows: One (1) member appointed by the mayor and one (1) member
13 appointed by the city council shall serve annually for up to three (3) one
14 (1) year terms; Two (2) members appointed by the mayor and two (2)
15 members appointed by the city council shall serve annually for up to
16 two (2) one (1) year terms; and Two (2) members appointed by the
17 mayor and one (1) member appointed by the city council shall serve a
18 term of one (1) year. After these transitional terms have been served,
19 the terms of all members of the Denver great kids head start policy
20 council shall be as designated by applicable federal law.
21 Upon notice from the policy council of a vacancy in the membership of
22 the policy council, the director shall notify the appropriate appointing
23 authority of such vacancy. The appropriate appointing authority shall
24 then designate a new member to serve on the policy council to
25 complete the term of office of the departing member.

26

27 **Section 4.** That Section 2-144 of the D.R.M.C., is hereby amended by adding the language
28 underlined and deleting the language stricken as follows:

29

30 **Sec. 2-144. – Office of children's affairs ~~Mayor's office for education and children~~
director and other employees.**

31 The position of the director of the office of children's affairs ~~mayor's office for~~
32 ~~education and children~~ is hereby established to manage the office of children's affairs ~~the~~
33 ~~mayor's office for education and children~~. The director of the office of children's affairs
34 ~~mayor's office for education and children~~ shall be appointed by the mayor and shall serve at
35 the pleasure of the mayor. The director of the office of children's affairs ~~mayor's office for~~
36 ~~education and children~~ shall have the power to employ, within budget appropriations and in
37 accordance with the Charter, the Revised Municipal Code, and any other applicable laws
38 including but not limited to executive orders and rules and regulations of the city, any and all
39 employees and staff, ~~except for the Denver head start director~~, for the proper execution of
40 the duties and responsibilities of the office of children's affairs ~~mayor's office for education~~
41 ~~and children~~. The Denver great kids head start director shall be confirmed ~~selected~~ by the
42 mayor and ~~confirmed by resolution of~~ by the Denver great kids head start policy council.

1 acting by resolution, all in accordance with section 2-143D.2. of the Revised Municipal
2 Code. The director of the office of children's affairs mayor's office for education and children
3 shall instruct, direct and supervise any and all persons, including, but not limited to, the
4 Denver great kids head start director, employed at or authorized to act on behalf of the
5 office of children's affairs mayor's office for education and children or any program
6 components thereof. The director of the office of children's affairs mayor's office for
7 education and children is authorized and empowered to take any actions, not take any
8 actions, and delegate duties for the proper execution of the duties and responsibilities of the
9 office of children's affairs mayor's office for education and children.

10 **Section 5.** That Section 2-145 of the D.R.M.C., is hereby amended by adding the language
11 underlined and deleting the language stricken as follows:

12 **Sec. 2-145. - Advisory groups.**

13 A. ~~Mayor's early childhood education commission. An advisory commission to be known~~
14 ~~as the mayor's early childhood education commission is hereby created.~~

15 1. ~~Purpose and duties of the mayor's early childhood education commission.~~ The
16 ~~mayor's early childhood education commission shall advise the director of the~~
17 ~~office of child care initiatives on matters, excluding matters pertaining to the~~
18 ~~Denver head start program, concerning early childhood education (children~~
19 ~~0-8 years old) and child care for city employees and the residents of Denver.~~

20 2. ~~Membership.~~ The mayor's early childhood education commission shall consist
21 ~~of fifteen (15) members appointed by the mayor and confirmed by ordinance.~~
22 ~~Categories of membership shall include, but not be limited to, an individual~~
23 ~~who serves on the board of education of the Denver public schools; parents~~
24 ~~who are consumers of child care or early childhood education programs; an~~
25 ~~individual representing child care provider organizations; an individual~~
26 ~~representing child care development professionals; an individual representing~~
27 ~~city agencies with interests in child care; and a member of the city council.~~ The
28 ~~mayor shall select the chairperson of the commission.~~ The commission
29 ~~members shall elect the first vice chair person from its members who shall~~
30 ~~serve in such capacity for one (1) year until his or her successor has been duly~~
31 ~~elected.~~ In case of a vacancy in the office of vice chairperson, the mayor's
32 ~~early childhood education commission shall within thirty (30) days from the~~
33 ~~date of such vacancy elect a successor, who shall serve the unexpired~~
34 ~~balance of the predecessor's term.~~ The members of the mayor's early
35 ~~childhood education commission shall serve at the pleasure of the mayor.~~

36 3. ~~No compensation.~~ All members of the mayor's early childhood education
37 ~~commission shall serve without compensation, except that members may be~~
38 ~~reimbursed for reasonable expenses incurred in performance of their duties~~
39 ~~pursuant to the rules and regulations of the city for such reimbursement and~~
40 ~~as approved by the director of the office of child care initiatives.~~

41 4. ~~Terms.~~ The terms of the members first appointed to the mayor's early
42 ~~childhood education commission shall be staggered as follows: Five (5)~~

appointments shall be appointed to serve for one (1) year; five (5) members shall be appointed to serve for two (2) years, and the remaining five (5) members shall be appointed to serve for three (3) years. After the initial appointment terms have been served, members of the mayor's early childhood education commission shall be appointed to serve for three (3) years.

5. Vacancies. Any vacancy, whether by removal, death or resignation, occurring during the term of any member shall be filled within ninety (90) days from the date that a seat becomes vacant. In the event of the death, removal or resignation of a member of the mayor's early childhood education commission, the succeeding appointment shall serve the unexpired portion of the term.

B. Mayor's Youth commission. An advisory commission to be known as the mayor's youth commission is hereby created.

1. *Purpose of the mayor's youth commission.* The purpose of the mayor's youth commission shall be to:

a. Provide a youth leadership opportunity to Denver's youth; Advise the director of the mayor's office for education and children on special problems pertaining to youth (ages 9-18) living in the city and county of Denver excluding, however, matters pertaining the Denver head start program, early childhood education (children 0-8 years old) and child care for city employees and the residents of Denver;

b. Advise the director of the office of children's affairs on special problems pertaining to youth (ages 12—18) living in the city and county of Denver excluding, however, matters pertaining to the Denver head start program, early childhood education and elementary school children (ages 0—11 years old) and child care for city employees and the residents of Denver;

c.b. Recommend necessary procedures, programs, legislation, or administrative action and to promote and ensure equal rights and opportunity for the youth of the city; and

d.e. Annually recommend goals and objectives of the commission on youth. Identify yearly goals and develop actions plans around the goals that positively impact Denver youth and provide assistance as requested by the director.

2. *Membership.* The mayor's youth commission shall consist of twenty-one (21) members. All members of the mayor's youth commission shall be appointed by and shall serve at the pleasure of the mayor. The membership of the mayor's youth commission shall reflect the ethnic, racial, and geographic

1 constitution of the population of the city. ~~The members serving on the existing~~
2 ~~advisory commission on youth under the agency for human rights and~~
3 ~~community relations shall continue to serve their designated terms on the~~
4 ~~youth commission under the mayor's office for education and children. The~~
5 ~~advisory mayor's youth commission shall include:~~

- 6 a. Eleven (11) members between the ages of fourteen (14) and eighteen
7 (18) who reside in Denver at the time of appointment;
- 8 b. Five (5) members who, at the time of appointment, are employees of
9 city agencies which serve serving or support youth; and
- 10 c. Five (5) members who, at the time of appointment, represent
11 community private agencies which serve or support serving youth.
- 12 3. *No compensation.* The members of the mayor's youth commission shall serve
13 without compensation, except that members may be reimbursed for
14 reasonable expenses incurred in performance of their duties pursuant to the
15 rules and regulations of the city for such reimbursement and as approved by
16 the director of the office of children's affairs~~mayor's office for education and~~
17 ~~children~~.
- 18 4. *Terms.* The terms of the members of the mayor's youth commission shall be
19 three (3) years; the terms shall be staggered so that one-third (1/3) of the
20 members shall be appointed each year; provided that, in the event that the
21 number of members of the mayor's youth commission is increased by
22 ordinance, all of such newly authorized members shall be appointed within
23 ninety (90) days following passage of such ordinance. In the event of the
24 death or resignation of any member, his or her successor shall be appointed in
25 the manner provided for original appointment, to serve for the unexpired
26 portion of the term for which such member has been appointed. The mayor's
27 youth commission members shall elect two individuals to serve as co-
28 chairpersons of the youth commission each of whom shall serve for a period of
29 one (1) year. No youth commission member elected co-chairperson shall
30 serve more than two (2) consecutive terms as co-chairperson.

31 C. *Meetings.*

- 32 1. The mayor's ~~early childhood education commission and the~~ youth commission
33 shall ~~each~~ establish a schedule of regular meetings, which shall occur, at a
34 minimum, on a quarterly basis.
- 35 2. Additional meetings shall be called as needed by the chairperson of the
36 mayor's ~~early childhood education commission or the~~ youth commission as
37 appropriate.

1 **Section 6.** That Section 2-32 of the D.R.M.C., is hereby amended by adding the language
2 underlined and deleting the language stricken as follows:

3 **Sec. 2-32. - Definitions.**

4 For the purpose of this article, the following words and phrases shall have the
5 meanings ascribed to them:

6 (1) *Meeting.* Any assemblage of a quorum of any public body whose central
7 purpose is the discussion of public business or the adoption of any proposed
8 policy, position, resolution, rule, regulation, standard, ordinance, or other
9 official action or enactment. The term "quorum" shall mean that portion of a
10 public body defined by its by-laws or rules as the minimum number of its
11 members who must be present at a meeting for business to be transacted
12 legally.

13

14 (2) *Public body:*

15 a. City council and committees thereof;
16 b. Advisory commission on aging;
17 c. Mayor's Advisory commission on youth;
18 d. Advisory commission on people with disabilities;
19 e. Library commission;
20 f. Board of environmental health;
21 g. Board of human services;
22 h. Board of water commissioners;
23 i. Parks and recreation advisory board;
24 j. Board of county commissioners;
25 k. Board of equalization;
26 l. Board of adjustment-zoning;
27 m. Mayor's advisory council (community development);
28 n. Landmark preservation commission;
29 o. Denver planning board;
30 p. Civil service commission;
31 q. Career service board;
32 r. Board of trustees, firemen's pension fund;
33 s. Police pension and relief board;
34 t. Retirement board;
35 u. Commission on art, culture and film;
36 v. Building code revision committee;
37 w. ~~Child care advisory committee~~ Reserved;
38 x. Community corrections board;
39 y. Board of plan enforcement review and variation;
40 z. Board of appeals of the building inspection division;
41 aa. Reserved;
42 bb. Development review committee;

- cc. Health insurance committee;
- dd. City-school coordinating committee;
- ee. Economic development advisory committee;
- ff. Denver cable television board;
- gg. Employee deferred compensation committee;
- hh. Employee suggestion board;
- ii. Employee voluntary salary redirection committee;
- jj. Reserved;
- kk. Reserved;
- ll. Commission on mental health;
- mm. Reserved;
- nn. Neighborhood improvement and facilities commission;
- oo. Private industry council;
- pp. Rehabilitation advisory panel (Chapter 31 committee);
- qq. Board of standards;
- rr. Urban homesteading program committee;
- ss. Denver women's commission;
- tt. Reserved;
- uu. Stapleton redevelopment advisory committee;
- vv. Gay and lesbian advisory task force;
- ww. Hispanic advisory task force;
- xx. Black advisory task force;
- yy. American Indian advisory task force;
- zz. Asian advisory task force;
- aaa. Denver employee medical health care insurance program committee;
- bbb. Citizen oversight board;
- ccc. ACCESO-Spanish language voter advisory board.

(3) *Public business.* Any matter relating to governing or the government of the city or of the public business regulated by the respective public bodies.

32 COMMITTEE CONSENT APPROVAL DATE:

33 MAYOR-COUNCIL DATE:

34 PASSED BY THE COUNCIL: _____, 2013

35 - PRESIDENT

36 APPROVED: _____ - MAYOR _____, 2013

37 ATTEST: _____ - CLERK AND RECORDER,
38 EX-OFFICIO CLERK OF THE
39 CITY AND COUNTY OF DENVER

40 NOTICE PUBLISHED IN THE DAILY JOURNAL: , 2013; , 2013

1 PREPARED BY: Victoria Ortega - ASSISTANT CITY ATTORNEY – _____ 2013

2 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
3 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
4 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
5 §3.2.6 of the Charter.

6 Douglas J. Friednash, City Attorney for the City and County of Denver

7 BY: _____, _____ City Attorney

8 DATE: _____