

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2020

COUNCIL BILL NO. CB20-XXXX  
COMMITTEE OF REFERENCE:  
\*\*\*Committee of Reference\*\*\*

**A BILL**

**For an ordinance amending Article XVII of the Revised Municipal Code of the City and County of Denver concerning property taxes dedicated for the purchase of services on behalf of persons with intellectual and developmental disabilities.**

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

**Section 1.** Section 53-550 of the Denver Revised Municipal Code is hereby amended by adding the underlined language and deleting the stricken language to read as follows:

**ARTICLE XVII. - DEDICATED PROPERTY TAXES FOR PURCHASE OF SERVICES ON BEHALF OF PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES**

**Sec. 53-550. – Developmental Disabilities Mill Levy**

(a) *Dedicated mill levy increases for purchases of services to persons with intellectual and developmental disabilities, children up to age five with developmental delays, and persons seeking a developmental disability or delay determination.* The city shall assess on an annual basis, in addition to any and all other city and county ad valorem property tax levies, a levy at the rate of 1.0 mill on all taxable property in the City and County of Denver. The revenue derived from said levy shall be credited to the human services special revenue fund, fund number 13000 of the fund plan as set forth in section 20-18 and used exclusively for the purposes set forth in this article XVII.

(b) *Rulemaking.* The administration of this article is hereby vested in the executive director of the Denver Department of Human Services who shall have the power and authority to adopt rules, regulations and internal guidelines in conformity with this article for the proper administration and enforcement of the same.

(c) *Permitted uses of mill levy revenue.* Revenue derived from the dedicated levy shall be used ~~exclusively~~ for the following purposes:

- (1) ~~Contracts for purchasing~~ Procurement of services and supports for the benefit of Eligible Persons, meaning persons with intellectual and developmental disabilities, children up to age five with developmental delays, and persons seeking a developmental disability or delay determination, through the community centered board for Denver County as designated by the Colorado Department of Health Care Policy and Financing pursuant to §§ 25.5-10-209 and 27-15.5-104, C.R.S., as amended. Procurement includes the direct expenditure of mill levy funds by the Denver Department of Human Services for the benefit and wellbeing of Eligible Persons and expenditure through contracts with external vendors, meaning:

1 i. ~~Contracts for purchasing~~ procuring services and supports for the benefit of  
2 Eligible Persons ~~persons with intellectual and developmental disabilities, children~~  
3 ~~up to age five with developmental delays, and persons seeking a developmental~~  
4 ~~disability or delay determination through the community centered board for~~  
5 Denver County as designated by the Colorado Department of Health Care Policy  
6 and Financing pursuant to §§ 25.5-10-209, C.R.S. and 27-10~~5~~.5-104, C.R.S., as  
7 amended. The community centered board for Denver County shall provide an  
8 annual report to the council of the City and County of Denver in accordance with  
9 the terms of the contract for purchasing services and supports for persons with  
10 intellectual and developmental disabilities.

11 ii. ~~Contracts for purchasing~~ procuring services and supports for Eligible Persons  
12 ~~persons with intellectual and developmental disabilities, children up to age five~~  
13 ~~with developmental delays, and persons seeking a developmental disability or~~  
14 ~~delay determination through any other entities or organizations that provides~~  
15 ~~such services other than the community centered board.~~

16 (2) Transfer of revenue to the Colorado Department of Health Care Policy and Financing  
17 in order to receive matching federal funds to provide Medicaid-approved waiver  
18 services to persons with intellectual and developmental disabilities.

19 (3) Costs incurred by the Denver Department of Human Services in order to administer  
20 funds expended on behalf of Eligible Persons, including but not limited to the  
21 procurement, monitoring, evaluation, and enforcement of any city contracts for  
22 purchasing supports to eligible persons as permitted by this section, in an amount not  
23 to exceed three-quarters of one seven percent (-75%) of the revenue derived from  
24 the dedicated levy per annum.

25 (d) *Residency requirement for beneficiaries of Eligible Persons receiving services funded by*  
26 *dedicated revenue. Any contract for purchase of supports or services as permitted by*  
27 *this section shall include provisions to require and ensure that Revenue derived from*  
28 *the dedicated levy shall be is expended for the benefit of children and adults Eligible*  
29 *Persons who are residents of Denver in accordance with rules and regulations of the*  
30 *executive director as authorized by this section. of the Colorado Department of Health*  
31 *Care Policy and Financing promulgated pursuant to § 25.5-10-204, C.R.S., as amended.*

32 (e) *Cap on indirect costs ~~administrative expenses~~ paid from dedicated funds.* Except as  
33 permitted in this subsection (~~de~~), any contract for supports or services as permitted by  
34 this section shall include a provision limiting the amount of the service provider's indirect  
35 costs ~~administrative and overhead expenses~~ that may be paid by the city to the service  
36 provider to no more than ~~fifteen (15)~~ twenty (20) percent of the total cost for direct  
37 services or the rate specified in a federally approved indirect cost rate, as defined under  
38 the agreement and funded through the amount of dedicated mill levy, effective for  
39 contracts executed on or after March 1, 2021. ~~funds disbursed to the service provider per~~  
40 ~~annum. From July 1, 2018, until December 31, 2020,~~ For contracts executed prior to  
41 March 1, 2021, a service provider may recover up to eighteen (18) percent of the total  
42 amount of dedicated mill levy funds disbursed to the service provider per annum.  
43 Indirect costs for permitted contracts are defined as those costs incurred for common or

1 joint objectives that cannot be readily identified with activities carried out in support of a  
2 particular final objective.

3 ~~(f) Reporting. The community centered board for Denver County shall provide an annual~~  
4 ~~report to the council of the City and County of Denver in accordance with the terms of~~  
5 ~~the contract for purchasing services and supports for persons with intellectual and~~  
6 ~~developmental disabilities.~~

7 COMMITTEE APPROVAL DATE: \*\*\*Committee Agenda Date\*\*\* \*\*IF Committee Agenda Consent  
8 YES OR NO\*\*\*

9 MAYOR-COUNCIL DATE: \*\*\*Mayor-Council Agenda Date\*\*\*

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: Jordan Humphreys, Assistant City Attorney DATE: **November 2, 2020**

18 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
19 the 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 Kristin M. Bronson, Denver City Attorney

24  
25 BY: Jordan Humphreys, Assistant City Attorney DATE: \_\_\_\_\_