

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team
at MileHighOrdinance@DenverGov.org by **3:00pm on Monday.**

All fields must be completed.

Incomplete request forms will be returned to sender which may cause a delay in processing.

Date of Request: 2/7/2014

Please mark one: **Bill Request** or **Resolution Request**

1. Has your agency submitted this request in the last 12 months?

Yes **No** **If yes, please explain:**

2. Title: (Include a concise, one sentence description – please include name of company or contractor and contract control number - that clearly indicates the type of request: grant acceptance, contract execution, amendment, municipal code change, supplemental request, etc.)

Change DRMC 53-4(a) from saying collection lawsuits can be filed in the “2nd Judicial District” to “any court of competent jurisdiction.”

3. Requesting Agency: Treasury

4. Contact Person: (With actual knowledge of proposed ordinance/resolution.)

- **Name:** Bruce Moore
- **Phone:** 720.913.9421
- **Email:** bruce.moore@denvergov.org

5. Contact Person: (With actual knowledge of proposed ordinance/resolution who will present the item at Mayor-Council and who will be available for first and second reading, if necessary.)

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| ▪ Name: Bruce J. Moore, Dr. of Tax Compliance | Steve Ellington, Treasurer |
| ▪ Phone: 720.913.9421 | 720.913.9384 |
| ▪ Email: Bruce.Moore@denvergov.org | steve.ellington@denvergov.org |

6. General description of proposed ordinance including contract scope of work if applicable:

Currently, the DRMC chapter 53-4(a) states in part “.....In order to collect delinquent fines, debts, or fees, the city may, at its option, sue the debtor in the second judicial district...” This ordinance was enacted in 2004 so that the City could implement a city-wide collection program (known as Asset Recovery) for unpaid fines, fees, debts and dishonored checks, by contracting with an outside law firm that specializes in debt collection and litigation. At the time, listing the second judicial district (which specifically covers Denver County) as the venue for filing suit was thought to be sufficient. However, the collection program has occasionally run into an issue with unpaid citations that have been issued at Denver's mountain parks. The problem with these unpaid citations is that other statutory law directs that we are required to file suit, either where the Defendant lives, or in the county where the Citation was issued (the mountain parks are not physically located in Denver). So, unless the defendant just happens to live in Denver, we can't sue in the second judicial district (our own ordinance thus creates a conflict). Therefore, we are changing the language so that it states: “In order to collect delinquent fines, debts, fees, or dishonored bank drafts and other negotiable instruments, the city may, at its option, sue the debtor in “any court of competent jurisdiction.” We are also (since we are making a change anyway) clarifying that we may file suit for dishonored bank drafts and other negotiable instruments. **Note:** this has never actually been a problem since the current ordinance goes on to say (regarding dishonored bank drafts and other negotiable instruments); “In the case of dishonored bank drafts and other negotiable instruments, in addition to the fee provided for in section 53-3, the city may pursue all remedies provided for in the Colorado Revised Statutes.” The Colorado Revised Statutes have always provided for filing suit on dishonored bank drafts with “any court of competent jurisdiction.” Again though, as long as we are making a change, we thought we would just reiterate that capability in our ordinance.

****Please complete the following fields:** (Incomplete fields may result in a delay in processing.)

- a. **Contract Control Number:** N/A
- b. **Duration:** N/A
- c. **Location:** N/A
- d. **Affected Council District:** N/A
- e. **Benefits:** N/A
- f. **Costs:** N/A

7. Is there any controversy surrounding this ordinance? (Groups or individuals who may have concerns about it?) **Please explain.** None.

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____