

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2011

COUNCIL BILL NO. CB11-0430

4 COMMITTEE OF REFERENCE:
Business, Workforce & Sustainability

5 **A B I L L**

6 **for an ordinance to amend the Revised Municipal Code to replace Denver**
7 **Office of Cultural Affairs and the Division of Theatres and Arenas with the**
8 **combined division of Arts and Venues Denver.**

9 **WHEREAS**, the City and County of Denver budget was revised upon Council approval to
10 combine the budget of the Denver Office of Cultural Affairs with General Services Division of
11 Theatres and Arenas; and

12 **WHEREAS**, corresponding changes to the ordinances in the Revised Municipal Code are
13 necessary to effectuate these changes to the corresponding management of the Denver Office of
14 Cultural Affairs, and renaming of the divisions when merged.

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

16 **Section 1.** Unless specifically amended or cancelled, the contracts, rules, regulations,
17 executive orders, policies, and procedures of the Denver office of cultural affairs and its
18 predecessor the mayor’s office of art culture and film and the division of theatres and arenas shall
19 remain in full force and effect with the merged division of arts and venues.

20 **Section 2.** That the title of Denver Revised Municipal Code Article VIII, Boards, Commissions
21 and Committees, Division 3 “Denver Office of Cultural Affairs” is hereby amended by adding the
22 language underlined and deleting the language stricken as follows:

23 **~~DIVISION 3. - DENVER OFFICE OF CULTURAL AFFAIRS~~ ARTS AND VENUES DENVER**

24 **Section 3.** That Section 2-191 “Created” of the Revised Municipal Code is hereby amended by
25 adding the language underlined and deleting the language stricken as follows:

26 **~~Sec. 2-191. Created.~~ Arts and venues Denver.**

27 ~~An agency to be known as the Denver office of cultural affairs is hereby created as an~~
28 ~~agency under the mayor.~~ Arts and venues Denver shall be the division of general services
29 responsible for operations of all facilities, structures, or parts of structures owned or leased by the
30 City and County and used for theatre, concert, auditorium, convention, or arena purposes, for
31 management of the City and County cultural and arts events, for administration of the public art
32 program and for issuance of film permits and coordination of special event permits, creative sector
33 development programs, and all related duties as described in this division. The division of arts and
34 venues Denver may perform other duties assigned by the manager of general services not
35 inconsistent with the Charter or the Code.
36
37
38

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

Section 4. That Section 2-192 “Director and other employees” of the Revised Municipal Code is hereby amended by adding the language underlined and deleting the language stricken as follows:

Sec. 2-192. - Director and other employees.

(a) The position of director of ~~the Denver office of cultural affairs~~ arts and venues Denver is hereby established as a position of employment in ~~the Denver office of cultural affairs~~ arts and venues Denver, and such employee shall be appointed by the mayor. ~~The Denver office of cultural affairs is hereby authorized within its appropriation to employ such other employees and assistants at the expense of the city as may be necessary to enable it to fulfill its duties.~~

(b) The ~~Denver office of cultural affairs~~ arts and venues Denver director shall be responsible to the mayor manager of general services for the performance of the functions, powers and duties assigned to ~~the Denver office of cultural affairs~~ arts and venues Denver by this division, subject to and consistent with the provisions of the Charter.

Section 5. That Section 2-193 “Powers and duties” of the Revised Municipal Code is hereby amended by adding the language underlined and deleting the language stricken as follows:

Sec. 2-193. - Powers and duties.

~~The Denver office of cultural affairs~~ Arts and venues Denver shall:

- (1) Work with the mayor, the city council, and all affected or interested departments, commissions, boards, officers, offices, agencies and employees of the city in cultural development activities and in operation and management of theatre, concert, auditorium, convention, or arena venues; and
- (2) Coordinate the activities of contractors and coordinate the various departments, commissions, boards, officers, offices, agencies and employees of the city in the preparation of those activities; and
- (3) Review and analyze provisions of ordinances, rules, executive orders and other regulatory documents that may affect film-making or other artistic activity in the city and advise the mayor and city council; and
- (4) ~~Foster a positive cultural environment~~; and
- (5) Administer the city's public art program, whereby a portion of capital improvement resource is utilized for public art; and
- (6) ~~Attract the film-making~~ creative businesses and operations to Denver; and
- (7) Coordinate film and special event permitting in the city; and
- (8) Act as liaison between the city and the Colorado ~~Film Commission~~ creative industries or its state-authorized successor; and
- (9) Assist the Denver district county cultural council and the Denver metropolitan scientific and cultural facilities district with administration and distribution of revenues under state law; and

1 (~~89~~) Encourage the utilization of creative local professionals and businesses ~~in the film~~
2 ~~industry~~; and

3 (~~910~~) Coordinate the efforts of arts and ~~culture~~ venues in assisting increasing tourism and
4 visitorship in the city; and

5 (~~101~~) Provide technical assistance and information to arts and cultural and film groups
6 concerning funding, grants, loans, and other forms of assistance available to them; and

7 (~~142~~) Promote the venues and arts ~~and the culture~~ of the city to connect community members
8 and visitors with Denver's arts and entertainment sector ~~cultural affairs~~; and

9 (~~123~~) Encourage the incorporation of art in privately funded activities and capital
10 improvements; and

11 (14) Work with the departments designated by Charter to acquire and construct all facilities,
12 structures, or parts of structures owned or leased by the City and County and used for theatre,
13 concert, auditorium or arena purposes; and

14 (15) Maintain, repair, manage and operate all facilities, structures, or parts of structures
15 owned or leased by the City and County and used for theatre, concert, auditorium, convention,
16 or arena purposes; and

17 (16) Perform centralized administrative functions for all arts & venues facilities, including
18 budgeting, revenue receipt, and coordination of capital improvements; and

19 (17) Provide event support services, including booking, contract administration, ticketing,
20 customer service, parking, and production services; and

21 (18) Oversee the utilization of city venues and generation of revenue by promoting cultural
22 tourism; and

23 (19) Develop policies and procedures for fair corporate access to sponsorships of city events,
24 arts, and venues; and

25 (20) Develop financial processes with a goal of maintaining and preserving the agency's
26 venues.

27
28 **Section 6.** That Section 2-194 "Rules and regulations" of the Revised Municipal Code is
29 hereby amended by adding the language underlined and deleting the language stricken as follows:

30 **Sec. 2-194. - Rules and regulations.**

31 The ~~Denver office of cultural affairs~~ arts and venues Denver director is hereby delegated the
32 authority to promulgate such rules and regulations and informal guidelines as may be necessary or
33 desirable to effect the purposes of this division of the Code.
34

35 **Section 7.** That Section 2-195 "Film permits" of the Revised Municipal Code is hereby
36 amended by adding the language underlined and deleting the language stricken as follows:

37 **Sec. 2-195. - Film permits.**

38 The ~~Denver office of cultural affairs~~ arts and venues Denver director is hereby delegated the

1 authority to review applications for a permit to allow filming operations upon the following terms
2 and conditions:

3 (1) Upon receipt of an application for a film operations permit, the following actions are taken:

4 A) ~~Denver office of cultural affairs~~ Arts and venues Denver shall notify and coordinate
5 specific details with affected city department(s) including but not limited to the permitting
6 division of the department of public works and parks and recreation, the Denver Police
7 Department, and the Denver Fire Department. Notification for significant productions will
8 also include council members within whose district the proposed filming will take place
9 and neighborhood organizations within whose district the proposed filming will take place;
10 and

11 B) A certificate of insurance in the face amount of not less than one million dollars
12 (\$1,000,000.00) showing coverage for general liability, including the operations under the
13 permit and showing the City and County of Denver and specific Denver departments as
14 additionally insured. Exemptions to the insurance requirements may be granted by ~~the~~
15 ~~Denver's Office of Cultural Affairs~~ arts and venues Denver, in consultation with Denver's
16 Risk Management Office, for filming by non-commercial, educational, charitable, and
17 public service organizations.

18 (2) The applicant shall, under determined conditions, distribute leaflets at least forty-eight
19 (48) hours prior to the proposed filming operations explaining the proposed operations to
20 inform adjoining residents and businesses located within two hundred (200) feet of the
21 proposed filming site or sites. The leaflet shall contain the phone number of the production
22 company and ~~the Denver Office of Cultural Affairs~~ arts and venues Denver. ~~Denver Office of~~
23 ~~Cultural Affairs~~ Arts and venues Denver may, in its sole discretion, shorten this notice period
24 or waive this requirement entirely if an applicant has sufficiently demonstrated that the filming
25 operations will not unduly disturb the neighborhood or affected businesses.

26 (3) ~~Denver Office of Cultural affairs~~ Arts and venues Denver shall establish Film and TV
27 Production Rules and Regulations. Compliance by filming operations shall be mandatory ~~upon~~
28 ~~enactment of the rules by the director~~. Immediately upon formal notification to the production
29 company by ~~Denver's Office of Cultural Affairs~~ arts and venues Denver, the film permit may
30 be cancelled if there is a failure to comply with the rules and regulations and all operations
31 allowed by the permit may be ordered to cease.

32 (4) Film permits shall state on their face the duration of the filming. Filming at any one
33 location shall not exceed fourteen (14) calendar days. A permit may be extended by ~~Denver's~~
34 ~~Office of Cultural Affairs~~ arts and venues Denver, to allow filming to exceed this 14-calendar-
35 day limit upon the determination that additional time is necessary, that appropriate
36 notifications are given and that operations are in compliance with the rules and regulations

37 (5) ~~Denver's Office of Cultural Affairs~~ Arts and venues Denver ~~D~~director may add conditions
38 to the permit, to protect the safety and comfort of the neighborhood in which the filming is
39 taking place. If a filming permit is denied, an appeal shall be reviewed by the ~~D~~director of the
40 ~~Denver Office of Cultural Affairs~~ arts and venues Denver in accordance with the guidelines set
41 under rules and regulations.

42 (6) ~~Denver's Office of Cultural Affairs~~ Arts and venues Denver shall refuse to grant a film
43 permit to any applicant which has not obtained necessary permits from other departments of

1 the City and County of Denver.

2 **Section 9.** That Section (b) of 2-275 “Procedure for naming buildings other than fire houses” of
3 the Revised Municipal Code is hereby amended by adding the language underlined and deleting
4 the language stricken as follows:
5

6 **Sec. 2-275. Procedure for naming buildings other than fire houses.**

7 (b) Buildings other than fire houses and major components of buildings other than fire houses
8 shall only be named for outstanding persons who have been influential in the cultural,
9 political, economical or social life of the community or in recognition of an individual or
10 corporation which has contributed substantial funding for the construction of the public
11 buildings or major component of public buildings. In addition, major components of
12 buildings managed by the director of the division of ~~theatres and arenas~~ arts and venues
13 Denver, or other designee of the manager of the department of general services, pursuant
14 to section 2.9.3(E) of the Charter (“theatres and arenas facilities”), may be named in
15 recognition of substantial financial contributions to the city by individuals or entities for the
16 administration, construction, management, maintenance, operation or repair of theatres
17 and arenas facilities.
18

19 **Section 10.** That Section 20-88 “Administration” of the Revised Municipal Code is hereby
20 amended by adding the language underlined and deleting the language stricken as follows:
21

22 **Sec. 20-88. Administration.**

23 The director of arts and venues Denver ~~the mayor's office of art, culture and film~~ (“director”) shall
24 be responsible for the implementation of the public art program. The director shall consult with the
25 manager of public works, manager of aviation, manager of parks and recreation, director of public
26 office buildings, or heads of other departments or agencies of the city that will be using and
27 occupying the capital improvement, in administering the public art program for that capital
28 improvement.
29

30 **Section 11.** That Section 20-89 “Rules and regulations” of the Revised Municipal Code is hereby
31 amended by adding the language underlined and deleting the language stricken as follows:
32

33 **Sec. 20-89. Rules and regulations.**

34 The director of arts and venues Denver ~~the mayor's office of art, culture and film~~ shall consult with
35 the officials described in section 20-88 above, and shall have the power and authority to adopt
36 rules and regulations and informal internal guidelines to effectuate the purpose and operation of
37 this division 4.
38

1 COMMITTEE APPROVAL DATE: June 22, 2011
2 MAYOR-COUNCIL DATE: June 21, 2011
3 PASSED BY THE COUNCIL: _____, 2011
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____, 2011
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2011; _____, 2011
10 PREPARED BY: Laurie Heydman - ASSISTANT CITY ATTORNEY - June 16, 2011
11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
14 §3.2.6 of the Charter.
15 David W. Broadwell, City Attorney
16 BY: _____, City Attorney DATE: _____, 2011