

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2010

COUNCIL BILL NO. 10-0620
COMMITTEE OF REFERENCE:
Public Amenities

6 **A B I L L**

7 **For an ordinance establishing a new article XI on donations, gifts, grants, and**
8 **bequests in Chapter 39 (parks and recreation) of the Denver revised municipal**
9 **code, to include a new section 39-221, regarding monetary contributions,**
10 **donations, bequests, beneficiary earnings, private grants, and other cash gifts**
11 **or endowments, and a new section 39-222, regarding gifts of personal property**
12 **and certain improvements, all in accordance with Charter section 2.4.4(E).**

13
14 **WHEREAS**, section 2.4.4(E) of the City Charter authorizes the Department of Parks and
15 Recreation to receive, manage and control gifts of real property or personal property (including
16 money) given to the City and County of Denver for park-related purposes, subject to the prior
17 approval of the Mayor and the City Council; and

18 **WHEREAS**, the time required to complete the gift ordinance process has, at times, made it
19 difficult to accept certain donations, gifts, private grants and bequests offered by donors,
20 benefactors, grantors and devisees to the Department of Parks and Recreation to improve parks
21 and recreational facilities or to enhance programs or activities in parks and recreation facilities; and

22 **WHEREAS**, it is the desire of the Manager of Parks and Recreation, the Mayor and the City
23 Council to allow the Department of Parks and Recreation to accept, without requirement of an
24 individual gift ordinance, certain donations, gifts, grants and bequests subject to restrictions and
25 requirements set forth herein; and

26 **WHEREAS**, by authority of Ordinance No. 259, Series of 1986, as amended by Ordinance
27 No. 97, Series of 2005, the City and County of Denver did, among other things, create a special
28 revenue fund, Auditor's No. 1565-7010, later recodified as Accounting No. 15710-7010000, to
29 receive funds from private sources and authorized the use of said funds; and

30 **WHEREAS**, it is now the intent herein to clarify the ongoing receipt into the special revenue
31 fund complies with Denver Charter section 2.4.4(E) and to allow the ongoing expenditures of the
32 special revenue fund for continued operations and other Parks and Recreation expenses; and

33 **WHEREAS**, it is also the intent to codify Ordinance No. 259, Series of 1986, as amended by
34 Ordinance No. 97, Series of 2005, and as further amended herein, in order to make this ordinance
35 more readily accessible through codification;

1 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**
2 **DENVER:**

3 **Section 1.** That new Sections 221 and 222 of Chapter 39 (“Parks and Recreation”) in a new
4 Article XI entitled “Donations, Gifts, Private Grants & Bequests” shall be added to read as follows:

5 **ARTICLE XI. DONATIONS, GIFTS, PRIVATE GRANTS & BEQUESTS**

6 **Section 39-221. Gifted funds; special fund no. 15000; expenditures.**

7 (a) Monies received from contributions, donations, private grants, bequests, project
8 incomes, beneficiary earnings, or other source of cash gifts or endowments to the Department of
9 Parks and Recreation (“Gifted Funds”) shall be deposited to the Treasury of the City and credited to
10 Special Fund No. 15000 which is set forth and described in Section 20-18 of the Revised Municipal
11 Code of the City and County of Denver. Any and all Gifted Funds so deposited are hereby approved
12 pursuant to Denver Charter Section 2.4.4(E) upon acceptance by the Manager of Parks and
13 Recreation as evidenced by the deposit.

14 (b) Except as otherwise required by Denver Charter Section 3.2.6, expenditures are
15 hereby authorized for the Parks and Recreation special revenue fund, Accounting No. 15710-
16 7010000, in the amount not to exceed the total deposit of Gifted Funds described in sub-section 39-
17 221(a), DRMC, to be expended for the purposes of the department by the Manager of Parks and
18 Recreation or duly authorized representatives.

19 (c) Gifted Funds shall be used for personnel costs and for the purchase of equipment,
20 furniture, supplies, and services or other Parks and Recreation expenses as determined by the
21 Manager of Parks and Recreation and provided in connection with the improvement of parks and
22 recreational facilities or the creation, enhancement, or expansion of programs or activities in parks
23 and recreation facilities, as well as costs associated with administering the Gifted Funds.

24 (d) Gifted Funds received or to be received under this section 39-221, DRMC, shall be
25 subject to the requirements of section 20-52, DRMC, to the extent that such Gifted Funds are a
26 “grant-in-aid” as defined in section 20-52(a), DRMC.

27 **Section 39-222. Personal property; fixtures; and general improvements.**

28 (a) The Manager of Parks and Recreation is authorized to accept and use for park-related
29 purposes gifts or bequests of personal property as well as fixtures for and general improvements to

1 existing parks and recreational facilities or parks and recreational facilities in the process of being
2 acquired or constructed (“Personal Property Gift”). By receiving and accepting a Personal Property
3 Gift in accordance with this Section 39-222, the Manager of Parks and Recreation shall be deemed
4 to have complied with the requirements of section 2.4.4(E) of the City Charter.

5 (b) A Personal Property Gift may include, so long as the Personal Property Gift is used for
6 park-related purposes:

7 1) “personal property,” as defined under Colorado property law, but it shall not
8 include any money, stocks, mutual funds, bonds, annuities, or any negotiable instruments and shall
9 not include the gift of any work of art subject to City Council approval under section 2-257, DRMC;

10 2) “fixtures,” as defined under Colorado property law; and

11 3) general improvements to existing parks and recreational facilities or parks and
12 recreational facilities in the process of being acquired or constructed, but it shall not include any new
13 buildings, additions to existing buildings, or land;

14 (c) If a Personal Property Gift is to be given by a party on such terms and conditions that
15 require an agreement to be entered in order to bind the parties to those terms and conditions, then
16 the Manager of Parks and Recreation shall comply with section 3.2.6(E) of the City Charter with
17 respect to obtaining City Council approval of revenue contracts for personal property valued at five
18 hundred thousand dollars (\$500,000) or more. Any condition that the Personal Property Gift be used
19 for general or specific park-related purposes shall not be sufficient alone to require an agreement to
20 be entered.

21 **Section 2.** This ordinance shall be effective upon adoption.

22

1 COMMITTEE APPROVAL DATE: July 22, 2010 (Consent)
2 MAYOR-COUNCIL DATE: July 27, 2010
3 PASSED BY THE COUNCIL _____ 2010
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____ 2010
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2010; _____ 2010
10 PREPARED BY: Patrick A. Wheeler - ASSISTANT CITY ATTORNEY - 7/27/2010
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 R. Fine, City Attorney
16 BY: _____, _____ City Attorney - _____ 2010