

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2011

COUNCIL BILL NO. \_\_\_\_\_  
COMMITTEE OF REFERENCE:

**A B I L L**

**for an ordinance to codify the Denver Cultural Council.**

**WHEREAS**, Colorado Revised Statutes at Article 13 of Title 32 created the “Denver Metropolitan and Scientific and Cultural Facilities District” and requires that Denver City Council appoint a “Denver district county cultural council” to determine distribution of 95% of the voted ten one thousandths of one percent of regular state sales tax known as “Tier III Revenues” collected within the geographic boundaries of the City and County of Denver; and

**WHEREAS**, ordinance 288, series of 1996 as amended by ordinance 764, series of 1996 created the Denver cultural council to distribute Denver metropolitan scientific and cultural facilities district tier III revenues; and

**WHEREAS**, Denver City Council has determined to repeal the uncodified ordinance and replace it with a codified new Division 3.5 in Article VIII of Chapter 2 to be entitled “Denver county cultural council” added to the Revised Municipal Code.

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

**Section 1.** That ordinance 288, series of 1996 as amended by ordinance 764, series of 1996 be deemed repealed and replaced by a new Division 3.5 to Article VIII of Chapter 2 of the Revised Municipal Code as follows:

**DIVISION 3.5 DENVER COUNTY CULTURAL COUNCIL**

**Sec. 2-208. Created.** The Denver county cultural council is established to determine distribution of 95% of the voted ten one thousandths of one percent of regular state sales tax known as “Tier III Revenues” collected within the geographic boundaries of the City and County of Denver.

**Sec. 2-209. Appointment; membership.**

(a) The Denver county cultural council shall consist of eleven members appointed by resolution of Denver city council. Eight of the eleven members shall be at-large community representatives to serve staggered terms of two, three, and four years. The remaining three of the eleven members shall serve two year terms and shall be representatives of city-wide organizations or institutions engaged in activities which will complement and further community cultural and scientific interest, one of which shall be from the commission on cultural affairs and two of which shall be as determined by city council.

(b) In making appointments city council will give consideration to assure a balance of knowledge and skill including, but not limited to, experience in arts, cultural, scientific, and historical

1 organizations, in art education, in non-profit administration, in grant making and development, and in  
2 business.

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4 (c) The Denver county cultural council shall reflect the geographic, demographic, socioeconomic,  
5 and ethnic diversity and composition of the City and County of Denver.

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7 (d) The Denver county cultural council shall collectively provide a city-wide perspective, reflecting  
8 a broad range of professional, volunteer, and avocational experience in arts, cultural, scientific, or  
9 historical organizations.

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11 (e) Each member must be a resident of the City and County of Denver, over the age of twenty-  
12 one years, not currently a volunteer or paid staff person of an organization applying for tier III  
13 funding, and willing to disclose any conflict of interest.

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15 (f) Members will serve without compensation except, upon approval of the director of arts and  
16 venues Denver, reimbursement may be made for nominal costs incurred for work required by the  
17 Denver county cultural council.

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19 **Sec. 2-210. Powers and duties.**

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21 (a) The Denver county cultural council shall institute and promulgate procedures for the  
22 application, consideration, and determination of distribution for the tier III revenues. The procedures  
23 shall expressly prohibit any and all discrimination on the basis of race, color, religion, national origin,  
24 gender, age, military status, sexual orientation, marital status, or physical or mental disability.

25  
26 (b) The Denver county cultural council may create criteria for the selection of facilities to receive  
27 tier III revenues, which may include an allowance for the payment or reimbursement of basic  
28 operations and special project costs, provision for a diversity of participation, and provision for  
29 participation by new and emerging facilities as well as by stable and established facilities.

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31 (c) The Denver county cultural council shall distribute tier III revenues only to recipients meeting  
32 the requirements of Article 13 of Title 32 of the Colorado Revised Statutes as may be amended from  
33 time to time. At the time of passage of this ordinance, the tier III revenues may only be distributed to  
34 either non-profit organizations that have a determination letter in effect from the U.S. internal  
35 revenue service confirming the organization meets the requirements of 26 USC 501(c)(3) and  
36 whose primary purpose is to provide for the enlightenment and entertainment of the public through  
37 the production, presentation, exhibition, advancement or preservation of art, music, theater, dance,  
38 zoology, botany, or natural history or to an agency of local government that has such primary  
39 purpose. Additionally, at the time of passage of this ordinance, the tier III revenues are required to  
40 be distributed by the Denver county cultural council to facilities that have their principal office in the  
41 Denver metropolitan scientific and cultural facilities district, and which conduct a majority of their  
42 activities within the state of Colorado, and which principally benefit the residents of the Denver  
43 metropolitan scientific and cultural facilities district.

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45 (d) The Denver county cultural council shall conduct all meetings subject to and in compliance  
46 with the requirements of Denver open meetings law set forth in Article III of Chapter 2 of the Revised  
47 Municipal Code.

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49 (e) The Denver county cultural council shall submit an annual plan to the board of directors of the  
50 Denver metropolitan scientific and cultural facilities district for the distribution of tier III revenues

1 collected within the geographic boundaries of the City and County of Denver as described in  
2 Colorado Revised Statutes at Article 13 of Title 32, at the times and in the manner and form required  
3 by that board of directors.

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5 (f) The Denver county cultural council shall institute and promulgate procedures for periodic  
6 review and reporting on the activities of recipient facilities.

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8 (g) The Denver county cultural council shall report annually to the Denver city council by August  
9 30 of its plan or plans to be submitted to the board of directors of the Denver metropolitan scientific  
10 and cultural facilities district. The Denver county cultural council additionally shall report annually to  
11 the Denver city council by December 30 any new policies and procedures utilized in composing its  
12 annual plan and policies and procedures that the Denver county cultural council intends to use in  
13 constituting its next annual plan.

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15 (h) The division of arts and venues Denver shall provide administrative support to the Denver  
16 county cultural council.

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18 COMMITTEE APPROVAL DATE:

19 MAYOR-COUNCIL DATE: \_\_\_\_\_, 2011

20 PASSED BY THE COUNCIL \_\_\_\_\_ 2011

21 \_\_\_\_\_ - PRESIDENT

22 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_ 2011

23 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
24 EX-OFFICIO CLERK OF THE  
25 CITY AND COUNTY OF DENVER

26 NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_ 2011; \_\_\_\_\_ 2011

27 PREPARED BY: Laurie Heydman - ASSISTANT CITY ATTORNEY - \_\_\_\_\_, 2011

28 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
29 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
30 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
31 §3.2.6 of the Charter.

32 David W. Broadwell, City Attorney

33 BY: \_\_\_\_\_, \_\_\_\_\_ City Attorney - \_\_\_\_\_ 2011