

BY AUTHORITY

1
2 ORDINANCE NO. _____
3 SERIES OF 2013
4 **AS AMENDED 11-25-13**

COUNCIL BILL NO. CB13-0823
COMMITTEE OF REFERENCE:
Business, Workforce and Sustainability

A BILL

5
6 **For an ordinance amending Sections 28-83 and 28-234 of the Revised Municipal**
7 **Code to extend the enactment of, respectively, Division 3 of Article III of Chapter**
8 **28 (the Minority and Women Business Enterprise (MBE/WBE) Ordinance) and**
9 **Article VII of Chapter 28 (the Small Business Enterprise (SBE) Ordinance) for an**
10 **additional ~~six (6)~~ three (3) months.**

11 **WHEREAS**, in 2006, the City Council enacted Ordinance No. 760, Series of 2006,
12 establishing an ordinance for a Minority and Women Business Enterprise (MBE/WBE) contracting
13 ordinance in furtherance of nondiscrimination in city contracts for construction, reconstruction and
14 remodeling and professional design and construction services and for the utilization of Small
15 Business Enterprises (SBE) in City contracting and concessions; and

16 **WHEREAS**, passage of Ordinance No. 760, Series of 2006, was based, in part, on a study
17 of availability and utilization of woman- and minority-owned business enterprises in construction,
18 reconstruction and remodeling, and professional design and construction services; and

19 **WHEREAS**, the City has commissioned another study to determine if the conditions
20 originally justifying the enactment of the MBE/WBE nondiscrimination program, pursuant to
21 Ordinance No. 760, Series of 2006, still exist; and

22 **WHEREAS**, the City has also convened a task force to review both the MBE/WBE and SBE
23 programs and the task force has now made certain recommendations regarding revisions to
24 Division 3 of Article III or Article VII of Chapter 28; and

25 **WHEREAS**, under the current sunset provision of the Minority Business Enterprise and
26 Women Business Enterprise ordinance (codified at Section 28-83(b) of the Revised Municipal
27 Code), the MBE/WBE program is set to expire on January 1, 2014; and

28 **WHEREAS**, under the current sunset provision of the SBE ordinance (codified at Section
29 28-234(b) of the Revised Municipal Code), the SBE program is set to expire on January 1, 2014;
30 and

1 **WHEREAS**, a temporary extension of the respective sunset periods for an additional three
2 (3) months is necessary to review these recommendations and programs, and to make a
3 determination of whether any reauthorizations, adjustments or revisions to Division 3 of Article III or
4 Article VII of Chapter 28 are necessary; and

5 **WHEREAS**, this periodic review and sunseting of such ordinances is supported by
6 *Concrete Works of Colorado, Inc. v. City and County of Denver*, 823 F.Supp. 821, 843 (D.Colo.
7 1993), *rev'd on other grounds*, 36 F.3d 1513 (10th Cir. 2003); and *Adarand Constructors, Inc. v.*
8 *Slater*, 228 F.3d 1147, 1179 (10th Cir. 2000) (quoting *U.S. v. Paradise*, 480 U.S. 149, 178 (1987));

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

10 **SECTION 1.** That Subsection (b) of Section 28-83, D.R.M.C. will be amended by deleting
11 the language stricken and adding the language underlined to read as follows:

12 **Sec. 28-83. Review and sunset.**

13 (b) This division 3 will be repealed effective ~~January, 2014~~ April 1, 2014.

14 **SECTION 2.** That Subsection (b) of Section 28-234, D.R.M.C. will be amended by deleting
15 the language stricken and adding the language underlined to read as follows:

16 **Sec. 28-234. Review and sunset.**

17 (b) This division 3 will be repealed effective ~~January 1, 2014~~ April 1, 2014.

18 COMMITTEE CONSENT APPROVAL DATE: November 7, 2013 by Consent

19 MAYOR-COUNCIL DATE: November, 2013

20 PASSED BY THE COUNCIL: _____, 2013

21 _____ - PRESIDENT

22 APPROVED: _____ - MAYOR _____, 2013

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

26 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2013; _____, 2013

27 PREPARED BY: Victoria Ortega - ASSISTANT CITY ATTORNEY – DATE: November 14, 2013

28 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
29 the 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 Douglas J. Friednash, Denver City Attorney

33 BY: _____, Assistant City Attorney DATE: _____, 2013