

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2024

COUNCIL BILL NO. CB 24-1063
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

For an ordinance approving adoption of the Parks Legacy Fund Five Year Plan setting planned revenue uses from 2025-2029 for Denver Parks and Recreation.

WHEREAS, pursuant to the provisions of Section 20-18 of the Denver Revised Municipal Code (“DRMC”), by Ordinance No. 641, Series of 2018, and by voter approval, which was enacted December 11, 2018, there has been approved the establishment of a fund for the receipt of a portion of sales tax for the Parks, Trails, and Open Space Program, now referred to as the Parks Legacy Program; and

WHEREAS, pursuant to the provisions of Section 39-223 and Section 39-224, DRMC, that portion of sales tax paid to the fund shall be used for certain Permitted Uses under the Parks Legacy Program; and

WHEREAS, pursuant to Section 39-224(i), DRMC, every five years after the first year of adoption of the Parks Legacy Program, the Department of Parks and Recreation shall work with the Department of Parks and Recreation Advisory Board to hold at least one (1) public hearing; and submit to City Council for approval a five-year Parks Legacy Program Plan for the use and expenditure of the fund established for the Program; and

WHEREAS, the Department of Parks and Recreation has held such public hearings and submitted the Plan for approval as required; and

WHEREAS, the Parks Legacy Program Plan provides guidance regarding the acquisition of additional land for parks, trails and open spaces; improving and maintaining existing parks, trails and open spaces; restoring and protecting waterways, rivers, canals and streams; expanding the urban tree cover in parks, parkways and public rights-of-way; and implementing the Game Plan for a Healthy City; and

WHEREAS, pursuant to Section 39-224(i), DRMC, such plan for the use and expenditure of the fund for the Parks Legacy Program shall be approved by City Council.

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

Section 1. Council hereby approves the Parks Legacy Program Plan.

Section 2. Approval of the Parks Legacy Program Plan, and of any amendment thereto, shall not preempt the decision making powers vested by law or administrative directive in the Mayor, the City Council or any other official of the City and County of Denver with respect to, but not limited to:

1 the operation, maintenance and management of parks and park facilities, a designation of a park,
2 the issuance of revocable permits, a conveyance or acquisition of real property by the City and
3 County of Denver, or an appropriation for maintenance and operation of parks and park facilities, or
4 construction of a capital improvement; and provided, further that it is expressly understood that
5 judgment must be exercised in the application of the Parks Legacy Plan in the decision making
6 processes of the Mayor, Council and other officials of the City and County of Denver.

7 COMMITTEE APPROVAL DATE: August 20, 2024

8 MAYOR-COUNCIL DATE: August 27, 2024

9 PASSED BY THE COUNCIL: September 16, 2024

10 *Amursh P. Sandoval* - PRESIDENT

11 APPROVED: _____ - MAYOR _____

12 ATTEST: _____ - CLERK AND RECORDER,
13 EX-OFFICIO CLERK OF THE
14 CITY AND COUNTY OF DENVER

15 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

16 PREPARED BY: Jason D. Moore, Assistant City Attorney DATE: September 5, 2024

17 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
18 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
19 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
20 3.2.6 of the Charter.

21
22 Kerry Tipper, Denver City Attorney

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24 BY: *Anshul Bagga*, Assistant City Attorney DATE: Sep 5, 2024