

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2010

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

4  
5  
6  
7 **A B I L L**

8 **For an ordinance establishing a new article XI on donations, gifts, grants, and**  
9 **bequests in Chapter 39 (parks and recreation) of the Denver revised municipal**  
10 **code, to include a new section 39-221, regarding monetary contributions,**  
11 **donations, bequests, beneficiary earnings, private grants, and other cash gifts**  
12 **or endowments, and a new section 39-222, regarding gifts of personal property**  
13 **and certain improvements, all in accordance with Charter section 2.4.4(E).**  
14

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

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

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

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

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

34 **WHEREAS**, it is also the intent to codify Ordinance No. 259, Series of 1986, as amended by  
35 Ordinance No. 97, Series of 2005, and as further amended herein, in order to make this ordinance  
36 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  
30 existing parks and recreational facilities or parks and recreational facilities in the process of being

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

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

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

9 2) "fixtures," as defined under Colorado property law; and

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

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

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

21 CONSENT COMMITTEE APPROVAL:

22 MAYOR-COUNCIL DATE:

23 PASSED BY THE COUNCIL \_\_\_\_\_ 2010

24 \_\_\_\_\_ - PRESIDENT

25 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_ 2010

26 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
27 EX-OFFICIO CLERK OF THE  
28 CITY AND COUNTY OF DENVER

29 NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_ 2010; \_\_\_\_\_ 2010

30 PREPARED BY: Patrick A. Wheeler - ASSISTANT CITY ATTORNEY - 7/6/2010

1 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
2 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
3 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
4 §3.2.6 of the Charter.

5 David R. Fine, City Attorney

6 BY: \_\_\_\_\_, \_\_\_\_\_ City Attorney - \_\_\_\_\_ 2010