

**BY AUTHORITY**

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

COUNCIL BILL NO. CB11-0545  
COMMITTEE OF REFERENCE:  
Business, Workforce & Sustainability

**A B I L L**

**for an ordinance to amend Division 3.5 of Article VIII of Chapter 2 of the Revised Municipal Code regarding the Denver Cultural Council powers.**

**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**, Denver City Council has determined to revise the ordinance more narrowly than required by state law in order to ensure that distribution of funds maximizes the benefit to the City and County of Denver.

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

**Section 1.** That Section 2-210 (c) of Division 3.5 of Article VIII of Chapter 2. “Powers and duties” of the Revised Municipal Code is hereby amended by deleting the language stricken and adding the language underlined as follows:

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

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

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2 COMMITTEE CONSENT APPROVAL DATE: July 28, 2011

3 MAYOR-COUNCIL DATE: August 2, 2011

4 PASSED BY THE COUNCIL \_\_\_\_\_ 2011

5 \_\_\_\_\_ - PRESIDENT

6 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_ 2011

7 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
8 EX-OFFICIO CLERK OF THE  
9 CITY AND COUNTY OF DENVER

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

11 PREPARED BY: Laurie Heydman - ASSISTANT CITY ATTORNEY - August 4, 2011

12 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
13 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
14 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
15 §3.2.6 of the Charter.

16 David W. Broadwell, City Attorney

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