

1
2 **BY AUTHORITY**

3 ORDINANCE NO.
4 SERIES OF 2019

COUNCIL BILL NO. _____
COMMITTEE OF REFERENCE:
Charter Review Committee

6
7 **A BILL**

8
9 **For an ordinance submitting to a vote of the qualified and registered electors of**
10 **the City and County of Denver at a special municipal election to be held in**
11 **conjunction with the coordinated election of November 5, 2019, a proposed**
12 **amendment to the charter of the City and County of Denver concerning**
13 **management and control of Arts and Venues.**

14
15 **WHEREAS**, the agency known as Denver arts and venues plays an integral role in promoting
16 cultural and arts events in the community, administering the public art program, and in the
17 management and control of city property used for theatre, concerts, conventions, and for other cultural
18 purposes;

19 **WHEREAS**, as a companion bill to this ordinance, Denver arts and venues also seeks revisions
20 to city code to conform certain provisions to customary practices and the revised charter should
21 electors approve the ballot question contemplated herein.

22 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**
23 **DENVER:**

24 **Section 1.** There is hereby submitted to the properly qualified and registered electors of the
25 City and County of Denver for their approval or rejection at a special municipal election to be
26 conducted at the same time and in conjunction with the coordinated election to be held in the City and
27 County of Denver on November 5, 2019, a proposed amendment to the charter of the City and County
28 of Denver, as follows:

29 **Effective upon publication and filing with the Secretary of State pursuant to the**
30 **Constitution and laws of the State of Colorado, the following sections of Article II of the**
31 **2002 charter of the City and County of Denver shall be and are hereby amended to read**
32 **as follows:**

33 **Amend Part 9 of Article II by deleting the language stricken to read as follows:**

34 **§ 2.9.3 Powers and duties of Department of General Services**

35 **~~(E) Operation of certain municipal facilities.~~ The Department shall have the management**

1 and control of the occupancy and of the operation, care, repair and maintenance, either by the
2 Department or under contract let by the Department, of all facilities, structures or parts of
3 structures owned or leased by the City and County and used for theatre, concert, auditorium or
4 arena purposes whenever such facilities, structures, or parts of structures are regularly rented
5 to others for such purposes and a charge is made for their use or a charge is customarily made
6 for admission thereto. The Department shall also have the management and control of all land
7 on which such facilities or structures are located, and shall have the right to establish and make
8 reasonable charges for the use of such facilities and structures and to do such remodeling
9 thereof as does not require reconstruction, change of design or structural change.

10 **Section 2.** The remaining subsections of Section 2.9.3 shall be relettered accordingly.

11 **Section 3.** The voting machines and paper ballot for said election shall carry the following
12 designation, which shall be the title and submission clause:

13 **REFERRED QUESTION _____**

14 Shall the charter of the City and County of Denver be amended to remove from the Department
15 of General Services the management and control of facilities owned or leased by the City and
16 County for theatre, concert, auditorium or arena purposes, in order to conform the charter to
17 other laws of the City and County assigning the responsibility to manage such facilities to the
18 agency known as Denver Arts and Venues?

19 **Section 4.** Each elector voting at the election and wishing to for or against the amendment
20 shall indicate the elector's choice by depressing the appropriate counter of the voting machine which
21 indicates the word "YES" or the word "NO", or by appropriate marking upon paper ballots when used.

22 **Section 5.** The proper officials of the City and County of Denver as are charged with duties
23 relating to the election shall, before the election, issue such calls, make such certifications and
24 publications, give such notices, make such appointments, and do all such other acts and things in
25 connection with the submission of this charter amendment to the registered electors of the City and
26 County of Denver at the election as are required by the constitution and laws of the State of Colorado
27 and the charter and ordinances of the City and County of Denver.

28 **Section 6.** The ballots cast at such election shall be canvassed and the results ascertained,
29 determined, and certified in accordance with the requirements of the constitution and laws of the State
30 of Colorado and the charter and ordinances of the City and County of Denver.

31 **Section 7.** If any section, paragraph, clause, or other portion of this ordinance is held to be
32 invalid or unenforceable for any reason, the validity of the remaining portions of this ordinance shall
33 not be affected.

1 **Section 8.** If approved by the electors, the charter amendment set forth herein shall be
2 effective upon publication and filing with the Secretary of State.

3
4 COMMITTEE APPROVAL DATE: August 6, 2019.

5 MAYOR-COUNCIL DATE: August 13, 2019.

6 PASSED BY THE COUNCIL _____

7 _____ - PRESIDENT

8 APPROVED: _____ - MAYOR _____

9 ATTEST: _____ - CLERK AND RECORDER,
10 EX-OFFICIO CLERK OF THE
11 CITY AND COUNTY OF DENVER
12

13 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ ; _____

14
15 PREPARED BY: Frank Romines, Assistant City Attorney **DATE: July 23, 2019**

16 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
17 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
18 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
19 3.2.6 of the charter.

20
21 Kristin Bronson, Denver City Attorney

22
23 BY: _____, Assistant City Attorney DATE: _____
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25