

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2020

COUNCIL BILL NO. CB20-1319
COMMITTEE OF REFERENCE:

4 Safety, Housing, Education & Homelessness Committee

5 **A BILL**

6 **For an ordinance amending Article XVII of the Revised Municipal Code of the**
7 **City and County of Denver concerning property taxes dedicated for the purchase**
8 **of services on behalf of persons with intellectual and developmental disabilities.**

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

10 **Section 1.** Section 53-550 of the Denver Revised Municipal Code is hereby amended by
11 adding the underlined language and deleting the stricken language to read as follows:

12 **Sec. 53-550. – Developmental Disabilities Mill Levy**

13 (a) *Dedicated mill levy increases for purchases of services to persons with intellectual and*
14 *developmental disabilities, children up to age five with developmental delays, and*
15 *persons seeking a developmental disability or delay determination.* The city shall assess
16 on an annual basis, in addition to any and all other city and county ad valorem property
17 tax levies, a levy at the rate of 1.0 mill on all taxable property in the City and County of
18 Denver. The revenue derived from said levy shall be credited to the human services
19 special revenue fund, fund number 13000 of the fund plan as set forth in section 20-18
20 and used exclusively for the purposes set forth in this article XVII.

21
22 (b) Rulemaking. The administration of this article is hereby vested in the executive director
23 of the Denver Department of Human Services who shall have the power and authority to
24 adopt rules, regulations and internal guidelines in conformity with this article for the
25 proper administration and enforcement of the same.

26
27 (c) *Permitted uses of mill levy revenue.* Revenue derived from the dedicated levy shall be
28 used ~~exclusively~~ for the following purposes:

29
30 (1) ~~Contracts for purchasing~~ Procurement of services and supports for the benefit of
31 Eligible Persons, meaning persons with intellectual and developmental disabilities,
32 children up to age five with developmental delays, and persons seeking a
33 developmental disability or delay determination, through the community centered
34 board for Denver County as designated by the Colorado Department of Health Care
35 Policy and Financing pursuant to §§ 25.5-10-209 and 27-15.5-104, C.R.S., as
36 amended. Procurement includes the direct expenditure of mill levy funds by the
37 Denver Department of Human Services for the benefit and wellbeing of Eligible
38 Persons and expenditure through contracts with external vendors, meaning:

39 i. ~~Contracts for purchasing~~ procuring services and supports for the benefit of
40 Eligible Persons ~~persons with intellectual and developmental disabilities, children~~
41 ~~up to age five with developmental delays, and persons seeking a developmental~~

1 ~~disability or delay determination~~ through the community centered board for
2 Denver County as designated by the Colorado Department of Health Care Policy
3 and Financing pursuant to §§ 25.5-10-209, C.R.S. and 27-10~~5~~.5-104, C.R.S., as
4 amended. The community centered board for Denver County shall provide an
5 annual report to the council of the City and County of Denver in accordance with
6 the terms of the contract for purchasing services and supports for persons with
7 intellectual and developmental disabilities.

8 ii. Contracts for ~~purchasing~~ procuring services and supports for Eligible Persons
9 ~~persons with intellectual and developmental disabilities, children up to age five~~
10 ~~with developmental delays, and persons seeking a developmental disability or~~
11 ~~delay determination through any other entities or organizations that provides~~
12 ~~such services other than the community centered board.~~

13 (2) Transfer of revenue to the Colorado Department of Health Care Policy and Financing
14 in order to receive matching federal funds to provide Medicaid-approved waiver
15 services to persons with intellectual and developmental disabilities.

16 (3) Costs incurred by the Denver Department of Human Services in order to administer
17 funds expended on behalf of Eligible Persons, including but not limited to the
18 procurement, monitoring, evaluation, and enforcement of any city contracts for
19 ~~purchasing supports to eligible persons~~ as permitted by this section, in an amount not
20 to exceed ~~three-quarters of one~~ seven percent (-75%) of the revenue derived from
21 the dedicated levy per annum.

22 (d) *Residency requirement for ~~beneficiaries of~~ Eligible Persons receiving services funded by*
23 *~~dedicated revenue. Any contract for purchase of supports or services as permitted by~~*
24 *~~this section shall include provisions to require and ensure that r~~Revenue* derived from
25 the dedicated levy ~~shall be~~ is expended for the benefit of ~~children and adults~~ Eligible
26 Persons who are residents of Denver in accordance with rules and regulations of the
27 executive director as authorized by this section. of the Colorado Department of Health
28 Care Policy and Financing promulgated pursuant to § 25.5-10-204, C.R.S., as amended.

29 (e) *Cap on ~~indirect costs administrative expenses~~ paid from dedicated funds.* Except as
30 permitted in this subsection (~~de~~), any contract for supports or services as permitted by
31 this section shall include a provision limiting the amount of the service provider's indirect
32 costs administrative and overhead expenses that may be paid by the city to the service
33 provider to no more than ~~fifteen (15)~~ twenty (20) percent of the total cost for direct
34 services or the rate specified in a federally approved indirect cost rate, as defined under
35 the agreement and funded through the amount of dedicated mill levy, effective for
36 contracts executed on or after March 1, 2021. ~~funds disbursed to the service provider per~~
37 ~~annum. From July 1, 2018, until December 31, 2020,~~ For contracts executed prior to
38 March 1, 2021, a service provider may recover up to eighteen (18) percent of the total
39 amount of dedicated mill levy funds disbursed to the service provider per annum.
40 Indirect costs for permitted contracts are defined as those costs incurred for common or
41 joint objectives that cannot be readily identified with activities carried out in support of a
42 particular final objective.

1 ~~(f) Reporting. The community centered board for Denver County shall provide an annual~~
2 ~~report to the council of the City and County of Denver in accordance with the terms of~~
3 ~~the contract for purchasing services and supports for persons with intellectual and~~
4 ~~developmental disabilities.~~

5 COMMITTEE APPROVAL DATE: November 18, 2020

6 MAYOR-COUNCIL DATE: November 24, 2020 by Consent

7 PASSED BY THE COUNCIL: _____

8 _____ - PRESIDENT

9 APPROVED: _____ - MAYOR _____

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

13 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

14
15 PREPARED BY: Jordan Humphreys, Assistant City Attorney DATE: November 25, 2020

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17 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
18 the 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 Kristin M. Bronson, Denver City Attorney

23
24 BY: *Jonathan Griffin* _____

DATE: Nov 25, 2020 _____