

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2016

COUNCIL BILL NO. _____
COMMITTEE OF REFERENCE:

4
5 A BILL

6
7 For an ordinance adopting a new Article XVII of Chapter 53, D.R.M.C. concerning
8 property taxes dedicated for the purpose of purchasing services for persons with
9 intellectual and developmental disabilities.

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11
12 WHEREAS, § 25.5-10-206 (6), C.R.S., authorizes counties in Colorado to levy up to
13 one mill in ad valorem property taxes for the purpose of purchasing services and
14 supports for persons with intellectual and developmental disabilities; and

15
16 WHEREAS, commencing in 1987 and acting pursuant to the applicable state
17 statutes, the City and County of Denver has levied a special *ad valorem* property
18 tax for services to persons with intellectual and developmental disabilities by
19 including a dedicated mill levy rate in its annual certification of property taxes;

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21 WHEREAS, via an initiated ordinance approved by the voters in 2003, the
22 levy dedicated for purchasing services to persons with intellectual and
23 developmental disabilities was increased to one full mill, the maximum rate allowed
24 by the statute; and

25
26 WHEREAS, the text of the 2003 initiated ordinance read in its entirety:

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28 “The current levy upon all taxable property, real, personal, and mixed, within the City
29 and County of Denver, of taxes in mills per dollar of assessed valuation, for the
30 Developmentally Disabled Fund is hereby increased by 0.860 mills to 1.000 mill, to be
31 effective upon proclamation of the adoption of this ordinance following the 2003 Denver
32 General Election, with the proceeds of such levy to be applied for the benefit of
33 developmentally disabled individuals and their families through Denver Options, Inc., the
34 current Community Centered Board for the City and County of Denver.”

35
36 and

37
38 WHEREAS, the ballot question associated with the 2003 initiated ordinance authorized

1 the city to collect and spend all revenue derived from the one mill levy on a year-to-year basis
2 indefinitely into the future, without regard to any expenditure, revenue-raising, or other limitation
3 contained in Article X, Section 20 of the Colorado Constitution (TABOR); and
4

5 WHEREAS, the City has not heretofore codified in the Denver Revised Municipal Code
6 any provision regarding the disbursement of revenue derived from the dedicated mill levy to
7 pay for services to persons with intellectual and developmental disabilities, and the purpose of
8 this ordinance is to clarify the permissible range of uses for such revenue consistent with state
9 law; and
10

11 WHEREAS, pursuant to § 8.3.1 of the charter, ten years after the adoption of any
12 initiated ordinance, the City Council may amend the ordinance by a simple majority but must
13 conduct a public hearing prior to adopting any such amendment.
14

15 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**
16 **DENVER:**
17

18 **Section 1.** That Chapter 53, D.R.M.C. shall be amended by adding a new Article XVII, to read
19 as follows:
20

21 **ARTICLE XV. - DEDICATED PROPERTY TAXES FOR PURCHASE OF SERVICES**
22 **ON BEHALF OF PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL**
23 **DISABILITIES**

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

25 (a) *Dedicated mill levy increase for purchase of services to persons with*
26 *intellectual and developmental disabilities.* The city shall assess on an annual basis,
27 in addition to any and all other city and county ad valorem property tax levies, a levy
28 at the rate of 1.0 mill on all taxable property in the City and County of Denver. The
29 revenue derived from said levy shall be credited to the Human Services Special
30 Revenue Fund, fund number 13000 of the fund plan as set forth in section 20-18 and
31 used exclusively for the purposes set forth in this Article XVII.

1 (b) *Permitted uses of mill levy revenue.* Revenue derived from the dedicated
2 levy shall be used exclusively for the following purposes:

3 (1) Contracts for purchasing services and supports for persons with
4 intellectual and developmental disabilities through the community centered board for
5 Denver County as designated by the Colorado Department of Health Care Policy and
6 Financing pursuant to § 25.5-10-209, C.R.S., as amended.

7 (2) Contracts for purchasing services and supports for persons with
8 intellectual and developmental disabilities through any other entity or organization
9 that provides such services.

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

13 (4) Costs incurred by the Denver Department of Human Services in order to
14 administer and enforce any city contracts for purchasing supports to persons with
15 intellectual and developmental disabilities as permitted by this section, in an amount
16 not to exceed three-quarters of one percent of the revenue derived from the
17 dedicated levy per annum.

18
19 (c) *Residency requirement for beneficiaries of dedicated revenue.* Any
20 contract for purchase of supports or services as permitted by this section shall
21 include provisions to require and ensure that revenue derived from the dedicated
22 levy is expended for the benefit of children and adults who are residents of Denver in
23 accordance with rules and regulations of the executive director of the Colorado
24 Department of Health Care Policy and Financing promulgated pursuant to § 25.5-10-
25 204, C.R.S., as amended.

26
27 (d) *Cap on administrative expenses paid from dedicated funds.* Any contract
28 for supports or services as permitted by this section shall include a provision limiting
29 the amount of the service provider's administrative and overhead expenses that may
30 be paid by the city to the service provider to no more than fifteen percent of the total
31 amount of dedicated mill levy funds disbursed to the service provider per annum.
32

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

5
6 COMMITTEE APPROVAL DATE: _____, 2016.

7 MAYOR-COUNCIL DATE: _____, 2016.

8 PASSED BY THE COUNCIL _____ 2016

9 _____ - PRESIDENT

10 APPROVED: _____ - MAYOR _____ 2016

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

15 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2016; _____ 2016

16
17 PREPARED BY: _____; DATE: _____
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19 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
20 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
21 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
22 3.2.6 of the Charter.
23

24 Cristal Torres
25 City Attorney

26
27 BY: _____, _____ City Attorney

28 DATE: _____
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