

1 **BY AUTHORITY**

2 ORDINANCE NO.
3 SERIES OF 2020

COUNCIL BILL NO. CB20-1413
COMMITTEE OF REFERENCE:
Finance & Governance

5 **A BILL**

6 **For an ordinance establishing a new Fund in the General Government Special**
7 **Revenue Fund Series for the “Climate Protection” Fund and appropriating**
8 **budget for the fund in 2021.**
9

10 **WHEREAS**, in the Denver General Election in November 2020, Denver voters approved
11 Referred Measure 2A to increase the Denver sales tax rate by 0.25 percentage points to expand
12 support for climate protection efforts without supplanting General Fund appropriations allocated
13 each year to the Office of Climate Action, Sustainability, and Resiliency; and

14 **WHEREAS**, the City and County of Denver passed Ordinance No. 684 in Series 2020 to
15 compile and codify the fund plan, tax imposition, and tax remittance portions of the four sales and
16 use tax increases approved by the people of the City and County of Denver; and

17 **WHEREAS**, the City and County of Denver wishes to create a special revenue fund to
18 receive this additional sales tax revenue and administer the new program;

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20 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY**
21 **OF DENVER:**
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23 **Section 1.** A new fund is hereby established in the General Government Special Revenue Fund
24 Series, Accounting No. 11000, a “Climate Protection” Fund, Accounting No. 11880, for the purpose
25 of receiving and accounting for the Climate Protection Fund’s portion of sales and use tax receipts.

26 **Section 2.** Monies received from Denver sales and use tax collections which are determined
27 to be the Climate Protection Fund’s portion of such collections, as well as any interest earned on
28 said monies, shall be deposited into the Treasury of the City and credited to Special Revenue Fund
29 No. 11000, which is set forth and described in Section 20-18 of the Revised Municipal Code of the
30 City and County of Denver, and specifically to Accounting No. 11880-0107000.

31 **Section 3.** Program expenditures are hereby authorized for the “Climate Protection” Fund,
32 Accounting No. 11880, to be expended by the Executive Director of the Office of Climate Action,
33 Sustainability, and Resiliency. Authorized expenditures and administrative spending caps for

1 Accounting No. 11880 include those stipulated in Division 2 of Chapter 2 of the Denver Revised
2 Municipal Code, as amended by Referred Measure 2A and any subsequent amendments. This is
3 an appropriated, non-lapsing fund.

4 **Section 4.** For the year 2021, there is hereby appropriated to the appropriation account
5 hereinafter designated in the amount of money following such designation, to be expended for the
6 purposes and upon the authorizations in said Ordinance set forth:

<u>Accounting Number</u>	<u>Appropriation Account</u>	<u>Expending Authority</u>	<u>Amount</u>
11880-0107000	Climate Protection	Executive Director of the Office of Climate Action, Sustainability, and Resiliency	\$37,128,521

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8 Starting in 2022, expenditures for the “Climate Protection” Fund shall be authorized by
9 the annual appropriation ordinance.

10 **Section 5.** To ensure that the correct amount of revenue is dedicated to this voter-approved
11 program, the amount appropriated each year shall be increased or decreased by the difference
12 between (1) the prior year’s appropriation that was based upon estimated revenues and (2) the
13 actual revenues received in the prior year as determined by the annual audit of the City’s financial
14 statements, per fiscal year-end close.

15 **Section 6.** The Chief Financial Officer of the City and County of Denver is hereby authorized
16 and directed to make such book and record entries and to do such other things as may be
17 necessary to accomplish the purposes of this Ordinance.

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23 [Signature page follows].

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1 COMMITTEE APPROVAL DATE: December 1, 2020 by Consent
2 MAYOR-COUNCIL DATE: December 8, 2020 by Consent
3 PASSED BY THE COUNCIL: _____ December 21, 2020
4 *Stacie Filmore* - PRESIDENT
5 APPROVED: *RJM* - MAYOR _____ Dec 22, 2020
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____;
10 PREPARED BY: Rachel Bardin, Budget and Management Office DATE: December 10, 2020
11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the Office of
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
14 3.2.6 of the Charter.
15 Kristin M. Bronson, Denver City Attorney
16 BY: *Kristin J. Crawford*, Assistant City Attorney DATE: Dec 10, 2020