

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2019

COUNCIL BILL NO. 19-0538
COMMITTEE OF REFERENCE:
Land Use, Transportation
and Infrastructure

A BILL

For an ordinance approving the Parks, Trails and Open Space Program Plan.

WHEREAS, pursuant to the provisions of Section 20-18 of the Denver Revised Municipal Code (“DRMC”), by Ordinance No. 641, Series of 2018, and by voter approval, which was enacted December 11, 2018, there has been approved the establishment of a fund for the receipt of a portion of sales tax for the Parks, Trails, and Open Space Program; and

WHEREAS, pursuant to the provisions of Section 39-223 and Section 39-224, DRMC, that portion of sales tax paid to the fund shall be used for certain Permitted Uses under the Parks, Trails and Open Space Program; and

WHEREAS, pursuant to Section 39-224(i), DRMC, within one (1) year of enactment, the Department of Parks and Recreation shall work with the Department of Parks and Recreation Advisory Board to hold at least one (1) public hearing; and submit to City Council for approval a five-year Parks, Trails and Open Space Program Plan for the use and expenditure of the fund established for the Program; and

WHEREAS, the Department of Parks and Recreation has held such public hearings, and submitted the Plan to the clerk of City Council _____, 2019 for approval as required, with the final revised plan submitted to City Council June 7, 2019; and

WHEREAS, a copy of the final revised Plan is available through the Department of Parks and Recreation; and

WHEREAS, the Parks, Trails and Open Space Program Plan provides guidance regarding the acquisition of additional land for parks, trails and open spaces; improving and maintaining existing parks, trails and open spaces; restoring and protecting waterways, rivers, canals and streams; expanding the urban tree cover in parks, parkways and public rights-of-way; and implementing the Game Plan for a Healthy City; and

WHEREAS, pursuant to Section 39-224(i), DRMC, such plan for the use and expenditure of the fund for the Parks, Trails, and Open Space Program shall be approved by City Council.

NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER;

Section 1. Council hereby approves the Parks, Trails, and Opens Space Program Plan,

1 which was submitted as revised June 7, 2019.

2 **Section 2.** Approval of the Parks, Trails and Open Space Program Plan, and of any
3 amendment thereto, shall not preempt the decision making powers vested by law or administrative
4 directive in the Mayor, the Council or any other official of the City and County of Denver with respect
5 to, but not limited to: the operation, maintenance and management of parks and park facilities, a
6 designation of a park, the issuance of revocable permits, a conveyance or acquisition of real property
7 by the City and County of Denver, or an appropriation for maintenance and operation of parks and
8 park facilities, or construction of a capital improvement; and provided, further that it is expressly
9 understood that judgment must be exercised in the application of the Parks, Trails and Open Space
10 Plan in the decision making processes of the Mayor, Council and other officials of the City and
11 County of Denver.

12 COMMITTEE APPROVAL DATE: June 4, 2019

13 MAYOR-COUNCIL DATE: June 11, 2019

14 PASSED BY THE COUNCIL _____ 2019

15 _____ - PRESIDENT

16 APPROVED: _____ - MAYOR _____ 2019

17 ATTEST: _____ - CLERK AND RECORDER,
18 EX-OFFICIO CLERK OF THE
19 CITY AND COUNTY OF DENVER

20 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2019; _____ 2019

21 PREPARED BY: Jason D. Moore, Assistant City Attorney DATE: June 13, 2019

22 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
23 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
24 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
25 §3.2.6 of the Charter.

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27 Kristin M. Bronson, Denver City Attorney

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29 BY: _____, Assistant City Attorney DATE: _____, 2019