

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2023

COUNCIL BILL NO. CB23-0420
COMMITTEE OF REFERENCE:
Finance & Governance

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5
6 **A BILL**
7

8 **For an ordinance establishing a new Fund in the General Government Special**
9 **Revenue Fund Series for the “Climate Federal Revenue” program.**
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11 **WHEREAS**, prior to the Inflation Reduction Act of 2022 (IRA), Public Sector and non-profit
12 organizations were excluded from the ability to directly monetize clean energy investment tax credits;
13 and

14 **WHEREAS**, federal legislation updates § 6417 of the Internal Revenue Code allow applicable
15 entities, including the City and County of Denver, to receive certain tax credits, including but not
16 limited to the clean electricity investment credit determined under § 48E as a “direct payment”; and

17 **WHEREAS**, the Office of Climate Action, Sustainability, and Resiliency (CASR) is actively
18 implementing, and/or is in the planning phase for several projects that are eligible clean energy
19 investments that could generate IRA direct payments; and

20 **WHEREAS**, many of the clean energy projects funded by the City are implemented directly by
21 the City, and other projects are implemented by non-profit or other clean-energy partners through
22 agreements with the City; and

23 **WHEREAS**, said partners who received City funds to implement clean-energy projects that are
24 eligible for direct payment under the IRA may apply and receive payments that will be paid back to
25 the City; and

26 **WHEREAS**, due to federal accounting, reporting, and auditing purposes the City requires a new
27 Special Revenue Fund to receive non-grant revenues originating from the Federal Government for
28 purposes related to building electrification, energy efficiency, solar, battery storage, electric vehicle
29 charging infrastructure, and clean energy transition technical studies; and

30 **WHEREAS**, a companion ordinance request to create a “Climate Federal Revenue Capital
31 Fund” has been submitted via ordinance 0419, series of 2023;
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33 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**
34 **DENVER:**

1 **Section 1.** A new Special Revenue Fund is hereby established in the General Government
2 Fund Series, Accounting No. 11000, the “Climate Special Revenue Program” Fund, Accounting No.
3 11889, for the purpose of accounting for the receipt and expenditure of Federal IRA dollars.

4 **Section 2.** Monies received from the Federal Government for payments under the Inflation
5 Reduction Act for clean-energy investment credits , and other sources of revenue, including federal
6 payments received by third-party clean energy partners paid to the City, for Accounting No. 11889,
7 shall be deposited into the Treasury of the City and credited to the General Government Special
8 Revenue Fund 11000, which is set forth and described in Section 20-18 of the Revised Municipal
9 Code of the City and County of Denver.

10 **Section 3.** Expenditures are hereby authorized for the “Climate Special Revenue Program”
11 Special Revenue Fund, Accounting No. 11889, to be expended by the Executive Director of the
12 Office of Climate Action, Sustainability and Resiliency. Authorized expenditures for Accounting No.
13 11889 include professional services contracts and other Climate program operating expenditures,
14 as well as cash transfers to the Climate Federal Revenue Capital Improvements Fund. This is a
15 revenue-based, non-lapsing fund.

16 **Section 4.** The Chief Financial Officer of the City and County of Denver is hereby authorized
17 and directed to make such book and record entries and to do such other things as may be necessary
18 to accomplish the purposes of this Ordinance.

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[Signature page follows].

1 COMMITTEE APPROVAL DATE: April 18, 2023, by Consent
2 MAYOR-COUNCIL DATE: April 25, 2023
3 PASSED BY THE COUNCIL: _____
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____
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: Nikki McCabe, Budget and Management Office DATE: April 27, 2023
11 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
12 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 Kerry Tipper, Denver City Attorney
16 BY: *Anshul Bagga*, Assistant City Attorney DATE: Apr 27, 2023