

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2019

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

6 **A B I L L**

7 **For an ordinance approving the Parks, Trails and Open Space Program Plan.**
8

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

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

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

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

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

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

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

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

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

which was submitted as revised June 7, 2019.

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

COMMITTEE APPROVAL DATE: June 4, 2019

MAYOR-COUNCIL DATE: June 11, 2019

PASSED BY THE COUNCIL 2019

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____ 2019

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

NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2019; _____ 2019

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

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

Kristin M. Bronson, Denver City Attorney

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