

1 **BY AUTHORITY**

2 ORDINANCE NO. _____

COUNCIL BILL NO. _____

3 SERIES OF _____

COMMITTEE OF REFERENCE:

4 [Finance & Governance]

5 **A B I L L**

6 **For an ordinance amending sections 53-541 through 53-545 of Chapter 53,**
7 **Article XVI, "Business Personal Property Tax Credits for New or Expanded**
8 **Businesses," of the Revised Municipal Code.**

9
10 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

11
12 Section I. Section 53-541 of the Denver Revised Municipal Code is hereby amended by
13 deleting the language stricken and adding the language underlined below, to read as follows:

14
15 Sec. 53-541 Credit against personal property taxes.

16
17 Each qualifying taxpayer is entitled to enter into an agreement with the
18 City and County of Denver for an incentive tax credit in the amount of the
19 general fund portion of the taxes upon the taxpayer's taxable personal
20 property assessed by the City and County of Denver upon the taxable
21 personal property located at or within a new business facility, or directly
22 attributable to an expanded business facility and located at or within the
23 expanded facility, and used in connection with the operation of the new or
24 expanded facility. The term of the agreement made pursuant to the provisions
25 of this section shall not exceed four (4) years, except where a qualifying
26 taxpayer commits to invest in greater than \$50 million in taxable personal
27 property to be located at or within the new or expanded business facility, and
28 to be used in connection with the operation of the business facility, during the
29 term of the agreement, in which case the term may, in the discretion of denver
30 economic development & opportunity (DEDO), exceed four (4) years but shall
31 not exceed ten (10) years. The credit will be applied against only the general
32 fund portion of the subject taxes, and will not be applied against taxes that are
33 specifically pledged for other purposes. The credit is not available with respect
34 to personal property whose value is determined by the State of Colorado.

35
36 Section II. Section 53-542 of the Denver Revised Municipal Code is hereby amended by
37 deleting the language stricken and adding the language underlined below, to read as follows:

38
39 Sec. 53-542 Qualifying taxpayers.

40
41 To be a qualifying taxpayer, a taxpayer must:

- 42
43 (1) Establish a ~~new business facility in the city and county~~, as defined in
44 section C.R.S. ~~§ 39-30-105(7)(e)~~ § 39-30-105.1(6)(b), in the city and
45 county; or
46
47 (2) Expand a ~~facility in the city and county~~, as defined in C.R.S. ~~§ 39-30-~~
48 ~~105(7)(e)~~ § 39-30-105.1(6)(e), in the city and county, the expansion
of which ~~constitutes a new business facility~~ authorizes the taxpayer

1 to claim a credit described in C.R.S. ~~§ 39-30-105(7)(e)~~ § 39-30-105.1,
2 and that is located in the city and county.

3
4 Section III. Section 53-543 of the Denver Revised Municipal Code is hereby amended by
5 deleting the language stricken and adding the language underlined below, to read as follows:
6

7 Sec. 53-543 Determination and application of credit; agreement.

8
9 Upon application for a personal property tax credit to ~~the office of~~
10 ~~economic development (OED), the OED~~ DEDO, DEDO shall determine
11 whether the taxpayer and the taxpayer's personal property meet the criteria of
12 sections 53-541 and 53-542.
13

- 14 (1) If ~~DEDO~~ ~~the OED~~ determines that a taxpayer and the taxpayer's
15 personal property meet the criteria of sections 53-541 and 53-542,
16 ~~DEDO~~ ~~the OED~~ shall consult with the department of finance to
17 establish which personal property is valued, assessed, and taxable
18 by the City and County of Denver.
- 19 (2) When ~~DEDO~~ ~~the OED~~ and the department of finance have determined
20 which personal property is valued, assessed and taxable by the City
21 and County of Denver, DEDO ~~the OED~~ shall offer to the qualifying
22 taxpayer an agreement setting forth the terms and conditions upon
23 which the qualifying taxpayer may receive a tax credit.
- 24 (3) Agreements between the city and qualifying taxpayers shall include,
25 without limitation, terms and conditions necessary to demonstrate the
26 taxpayer's eligibility for the tax credit throughout the term of the
27 agreement.

28
29 Section IV. Section 53-544 of the Denver Revised Municipal Code is hereby amended by
30 deleting the language stricken and adding the language underlined below, to read as follows:
31

32 Sec. 53-544 Administration.

33
34 The administration of this article is vested in the manager of finance
35 and the director of ~~DEDO~~ ~~OED~~, who shall prescribe application forms,
36 submittal deadlines and other program requirements, and who may make
37 reasonable rules and regulations in conformity with this article for the proper
38 administration of the same.
39

40 Section IV. Section 53-545 of the Denver Revised Municipal Code is hereby amended by
41 deleting the language stricken and adding the language underlined below, to read as follows:
42

43 Sec. 53-545 Review and Sunset.

- 44
45 (1) Reserved. ~~This article XVI shall be reviewed by the mayor, the director of OED~~
46 ~~and the manager of finance on the sixth anniversary of its enactment, in order~~
47 ~~to determine whether adjustments, revisions, additional studies or inquiries are~~

1 ~~deemed appropriate and should be undertaken or recommended, in order to~~
2 ~~further and maintain the purpose of this article XVI.~~

3 (2) This article XVI will be repealed effective June 30, 2031 ~~2022~~. Agreements fully
4 executed prior to the effective date of the repeal shall remain in effect in
5 accordance with their terms.

6
7 COMMITTEE APPROVAL DATE: _____

8 MAYOR-COUNCIL DATE: _____

9 PASSED BY THE COUNCIL: _____

10 _____ - PRESIDENT

11 APPROVED: _____ - MAYOR _____

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

15 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

16 PREPARED BY: Brian Martin, Assistant City Attorney DATE: _____

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

21 Kristin M. Bronson, Denver City Attorney

22 BY: _____, Assistant City Attorney DATE: _____