

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2021

COUNCIL BILL NO. CB21-0532  
COMMITTEE OF REFERENCE:

Safety, Housing, Education & Homelessness Committee

**A BILL**

**For an ordinance amending Section 2-242 and Section 2-243 of the Denver Revised Municipal Code regarding the Denver Food Commission.**

**WHEREAS**, Initiated Ordinance No. 302, passed in the election of November 6, 2018, is a citizen initiated ordinance entitled "Denver Food Services for Youth Sales Tax." (Ord. No. 302, § 8, 11-6-18).

**WHEREAS**, Section 2-242 and Section 2-243, Division 6 of the Denver Revised Municipal Code is to be amended to conform based on Initiated Ordinance 302 which was citizen initiated and was effectively passed directly by the people

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

**Section 1.** That sections 2-242 (d) and 2-243 (c), Division 6 of the Denver Revised Municipal Code shall be amended by adding the underlined language, and deleting the stricken language, as follows:

**Sec. 2-242. – Appointment, qualifications, and terms.**

(a) The Denver food commission shall consist of the following thirteen (13) commissioners: three (3) persons from the mayor's cabinet, or department heads, who shall be appointed to the commission by the mayor; two (2) members of city council, who shall be approved by city council; four (4) residents of the city, who shall be appointed to the commission by the mayor; and four (4) representatives of city-wide organizations or institutions engaged in food related activities, who shall be appointed to the commission by the mayor.

(b) In making appointments, the mayor and city council will give consideration to assure a balance of knowledge and skill including, but not limited to, experience with food, gardening, youth development, non-profit administration, public health, grant-making, and business development.

(c) The Denver food commission shall reflect the geographic, demographic, socioeconomic, and ethnic diversity and composition of the City and County of Denver.

(d) Each commissioner must ~~be a resident of~~ live or work in the City and County of Denver, ~~over the age of twenty one (21) years~~, not currently be a volunteer or paid staff person of an organization applying for Healthy Food for Denver's Kids Initiative funding, and willing to disclose any potential conflicts of interest.

1 (e) Commissioners will serve without compensation.

2 **“Sec. 2-243. - Powers and duties.**

3 (a) The Denver food commission shall institute and promulgate procedures for the application,  
4 consideration, and determination of distribution of revenues from the Healthy Food for Denver's  
5 Kids Initiative Fund and any other funds raised or allocated to support the Healthy Food for  
6 Denver's Kids Initiative. The procedures shall expressly prohibit any and all discrimination on the  
7 basis of race, color, religion, national origin, gender, age, military status, sexual orientation,  
8 marital status, or physical or mental disability.

9 (b) The Denver food commission shall create criteria for the selection of organizations to  
10 receive monies from the Healthy Food for Denver's Kids Initiatives fund.

11 (c) At the minimum, criteria shall include the following:

12 (i) The requirement that all distributions of revenues shall help Denver's kids, primarily  
13 Denver's low income and at-risk youth, through year-round access for up to three (3)  
14 healthy meals and healthy snacks per day for Denver's youth ~~under the age of 18~~ age  
15 eighteen (18) and under; hands-on experiential education and public health programs  
16 associated with farming, gardening, cooking, home economics, and healthy eating; and  
17 preferentially procuring food from Colorado farms, ranches, and food manufacturing  
18 businesses so long as they are less than ten (10) percent more expensive than comparable  
19 out-of-state foods.

20 (ii) The requirement that revenues be distributed by the Denver food commission only to  
21 organizations which conduct ~~a majority of their activities~~ qualifying programmatic  
22 activities within the city and county of Denver, ~~and which~~ so long that distributed  
23 revenues principally benefit the residents of the city and county of Denver.

24 (iii) The requirement that any recipients provide regular reporting on their activities.

25 (iv) An allowance for the payment or reimbursement of basic operations and special project  
26 costs, provision for a diversity of participation, and provision for participation by new and  
27 emerging organizations as well as by stable and established organizations.

28 (v) An allowance for no more than ten (10) percent of the total revenues raised for and by  
29 the Healthy Food for Denver's Kids Initiative be used to cover city expenses directly  
30 related to the administration of this initiative.

31 The Denver food commission shall only distribute monies from the Healthy Food for Denver's Kids  
32 Initiatives fund to recipients who are either non-profit organizations in good standing that have a  
33 determination letter in effect from the U.S. Internal Revenue Service confirming the organization

1 meets the requirements of 26 USC 501(c)(3) and ~~whose primary purpose is to~~ that provide  
2 healthy meals and healthy snacks for Denver's youth ~~under the age of 18~~ age eighteen (18) and  
3 under; hands-on experiential education and public health programs associated with farming,  
4 gardening, cooking, home economics, and healthy eating; or the preferential procurement of food  
5 from Colorado farms, ranches, and food manufacturing businesses so long as they are less than  
6 ten (10) percent more expensive than comparable out-of-state foods; or agencies of local  
7 government, including Denver Public Schools and public schools in Denver, that have programs  
8 directly furthering such purposes.

9 COMMITTEE APPROVAL DATE: June 30, 2021

10 MAYOR-COUNCIL DATE: July 6, 2021 by Consent

11 PASSED BY THE COUNCIL: \_\_\_\_\_

12 \_\_\_\_\_ - PRESIDENT

13 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

14 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
15 EX-OFFICIO CLERK OF THE  
16 CITY AND COUNTY OF DENVER

17 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_; \_\_\_\_\_

18 PREPARED BY: Lee M. Zarzecki, Assistant City Attorney DATE: July 15, 2021

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

23  
24 Kristin M. Bronson, Denver City Attorney

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26 BY: Jonathan Griffin, Assistant City Attorney DATE: Jul 14, 2021,  
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