

BY AUTHORITY

ORDINANCE NO. 123  
SERIES OF 2003

COUNCIL BILL NO. 95  
COMMITTEE OF REFERENCE:

~~HUMAN SERVICES, HEALTH, & ENVIRONMENT~~

Charter Revision

A BILL

For an Ordinance providing for the submission to a vote of the qualified and registered electors of the City and County of Denver at the General Municipal Election to be held on May 6, 2003, an initiated ordinance to increase taxes by approximately \$6,497,300 annually, to provide services and support for children and adults of Denver with mental retardation or related developmental disabilities, by increasing the existing property taxes dedicated to such assistance through Denver Options, Inc., the current community-centered board for the City and County of Denver by an additional 0.860 mill upon all taxable property, real, personal, and mixed, within the City and County of Denver, Denver, to be spent as a voter-approved revenue change and an exception to the limits which would otherwise apply, and providing that the revenues from such additional mill levy be collected and spent by the district without regard to any expenditure, revenue-raising, or other limitation contained within Article X, Section 20 of the Colorado Constitution or any other law.

WHEREAS, on February 4, 2003, the Denver Election Commission forwarded to the City Council a petition for an Initiated Ordinance as more fully set forth herein, along with a Certificate of Sufficiency stating that the petition contained the validated signatures of registered electors of the City and County of Denver totaling 5% of the total vote for the office of mayor in the last election at which the mayor was elected; and

WHEREAS, pursuant to § 8.3.2 (I) of the Denver Charter, upon receipt of an initiative petition containing the aforesaid number of signatures, the City Council may either adopt the Initiated Ordinance or submit it to a vote of the people at the next scheduled citywide election held not less than thirty days after submission by the Council; and

WHEREAS, due to the fact that the Initiated Ordinance contains a proposed tax increase, the City Council is not at liberty to adopt the Ordinance but must submit it to a vote of the people pursuant to the requirement of Art. X, § 20 of the Colorado Constitution; and

WHEREAS, the next scheduled citywide election is due to occur May 6, 2003.

1 NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY AND COUNTY OF  
2 DENVER:

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4 **Section 1.** The current levy upon all taxable property, real, personal, and mixed, within the  
5 City and County of Denver, of taxes in mills per dollar of assessed valuation, for the Developmentally  
6 Disabled Fund is hereby increased by 0.860 mills to 1.000 mill, to be effective upon proclamation of  
7 the adoption of this ordinance following the 2003 Denver General Election, with the proceeds of such  
8 levy to be applied for the benefit of developmentally disabled individuals and their families through  
9 Denver Options, Inc., the current Community Centered Board for the City and County of Denver.

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11 **Section 2.** The provisions of Section One of this ordinance shall be effective only upon the  
12 approval of the following question, as contained in the initiative petitions, which is hereby  
13 submitted to a vote of the people at the regular Municipal Election to be held on May 6, 2003:

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15 "SHALL DENVER'S TAXES BE INCREASED BY APPROXIMATELY \$6,497,300 ANNUALLY, TO PROVIDE  
16 SERVICES AND SUPPORT FOR CHILDREN AND ADULTS OF DENVER WITH MENTAL RETARDATION OR  
17 RELATED DEVELOPMENTAL DISABILITIES, BY INCREASING THE EXISTING PROPERTY TAXES  
18 DEDICATED TO SUCH ASSISTANCE THROUGH DENVER OPTIONS, INC., THE CURRENT COMMUNITY-  
19 CENTERED BOARD FOR THE CITY AND COUNTY OF DENVER BY AN ADDITIONAL 0.860 MILL UPON ALL  
20 TAXABLE PROPERTY, REAL, PERSONAL, AND MIXED, WITHIN THE CITY AND COUNTY OF DENVER,  
21 DENVER, TO BE SPENT AS A VOTER-APPROVED REVENUE CHANGE AND AN EXCEPTION TO THE  
22 LIMITS WHICH WOULD OTHERWISE APPLY, AND SHALL THE REVENUES FROM SUCH ADDITIONAL  
23 MILL LEVY BE COLLECTED AND SPENT BY THE DISTRICT WITHOUT REGARD TO ANY EXPENDITURE,  
24 REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE  
25 COLORADO CONSTITUTION OR ANY OTHER LAW?

26  
27 YES \_\_\_\_\_ NO \_\_\_\_\_"

28  
29 **Section 3.** Each elector voting at the election and desirous of voting for or against the question  
30 shall indicate the elector's choice by depressing the appropriate counter of the voting machine which  
31 indicates the word "YES" or the word "NO", or by appropriate marking upon paper ballots when used.

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33 **Section 4.** The proper officials of the City and County of Denver as are charged with duties  
34 relating to the election shall, before the election, issue such calls, make such certifications, and  
35 publications, give such notices (including, without limitation, the notice required by Art. X, §20(3)(b) of  
36 the Colorado Constitution), make such appointments, and do all such other acts and things in  
37 connection with the submission of this question to the registered electors of the City and County of  
38 Denver at the election as are required by the constitution and laws of the state of Colorado and the  
39 Charter and ordinances of the City and County of Denver.

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**Section 5.** The ballots cast at such election shall be canvassed and the results ascertained, determined, and certified in accordance with the requirements of the Constitution and laws of the State of Colorado and the Charter and ordinances of the City and County of Denver.

**Section 6.** If any section, paragraph, clause, or other portion of this ordinance is for any reason held to be invalid or unenforceable, the invalidity or unenforceability shall not affect any of the remaining portions of this ordinance.

PASSED BY THE COUNCIL February 18 2003

[Signature] - PRESIDENT

APPROVED [Signature] ACTING MAYOR 2/18 2003

ATTEST: [Signature] - CLERK AND RECORDER,  
EX-OFFICIO CLERK OF THE  
CITY AND COUNTY OF DENVER

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PREPARED BY: Shelley Smith, City Council Staff 2/5/03

REVIEWED BY: \_\_\_\_\_ - CITY ATTORNEY \_\_\_\_\_ 2003

SPONSORED BY COUNCIL MEMBER(S) \_\_\_\_\_

