

Amended 10-6-97

BY AUTHORITY

ORDINANCE NO. 673
SERIES OF 1997

COUNCIL BILL NO. 617
COMMITTEE OF REFERENCE:

HUMAN SERVICES

A BILL

FOR AN ORDINANCE CREATING AND AUTHORIZING THE DENVER WELFARE REFORM BOARD TO PROMULGATE AND ADOPT POLICIES, RULES, AND REGULATIONS PERTAINING TO THE FUNCTIONS, DUTIES, AND RESPONSIBILITIES OF THE DENVER WELFARE REFORM BOARD AND THE DENVER DEPARTMENT OF SOCIAL SERVICES RELATED TO WELFARE REFORM.

WHEREAS, in order to comply with, and to take advantage of, the Federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Public Law 104-193, in the Spring of 1997 the Colorado General Assembly enacted legislation concerning welfare reform, including the Colorado Works Program Act, §§ 26-2-701, et seq., C.R.S., authorizing the City and County of Denver to administer and manage "welfare reform" and promulgate rules and policies concerning such legislation; and

WHEREAS, the City and County of Denver, pursuant to the Colorado Works Program Act, desires to create the Denver Welfare Reform Board to adopt policies, rules and regulations for implementation of welfare reform in Denver; and

WHEREAS, § 2-91(3) of the Revised Municipal Code of the City and County of Denver ("RMC") enables City agencies to promulgate policies, rules, and regulations, either pursuant to the requirements of § 2, Article VI of the RMC, or pursuant to specific ordinances; and

WHEREAS, in accordance with Charter Section A15.1-4, the City desires in this ordinance to set forth the procedural requirements for the adoption by the Denver Welfare Reform Board of policies, rules, or regulations related to welfare reform;

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

SECTION 1. The Denver Welfare Reform Board, consisting of the Mayor or his designee; the Manager of the Denver Department of Social Services; two City Council Members, appointed by the President of City Council; one member from the Denver business community,

34 appointed by the Mayor with City Council approval; one member from the One-Stop Career
35 Center System, appointed by the Chair of the Work Force Development Board with City Council
36 approval; one member with an Early Childhood Education/Child Care background, appointed by
37 the Mayor with City Council approval; one member, from the Board of Social Services,
38 appointed by its Chair with City Council approval; one at large member appointed by the Mayor
39 with City Council approval; one member who has experience as a service provider, appointed by
40 the Mayor with City Council approval; and one member who is a former welfare recipient,
41 appointed by the Mayor with City Council approval; is hereby created. The members are to
42 serve staggered terms of two, three, or four years. During their terms of office, Board members
43 shall not have a current contractual relationship involving the receipt of funds from the Colorado
44 Works Program Act, §26-2-701, et seq., C.R.S. and/or the Colorado Child Care Assistance
45 Program Act, §26-2-801, et seq., C.R.S.

46 **SECTION 2.** The Denver Welfare Reform Board shall have the full authority and power
47 to promulgate and adopt any policies, rules, or regulations pertaining to the functions, duties, and
48 responsibilities of the Denver Welfare Reform Board and the Denver Department of Social
49 Services related to welfare reform consistent with State and Federal law. The Board shall
50 approve the annual performance contract between Denver and the State Department of Human
51 Services referred to in Section 26-2-715, C.R.S. The Board's approval shall include the monies
52 budgeted from the Temporary Assistance to Needy Families and the Child Care Block Grants to
53 fund the performance contract. Policies, rules and regulations proposed by the Denver Welfare
54 Reform Board shall substantially comply with the following procedures:

55 **1. NOTICE AND PUBLIC HEARING**

56 **A.** The Denver Welfare Reform Board shall publicly announce and publish
57 notices of proposed policy and/or rule making at least twenty (20) days
58 prior to the public hearing concerning the proposed rule making. The
59 notice shall include the following information:

- 60 **1)** The date, time, place, and purpose of the proposed rule making
61 hearing.
- 62 **2)** A description of the subject of the proposed rule(s)
- 63 **3)** The requirements, if any, for interested persons or parties to notify
64 the Denver Welfare Reform Board of their intent to participate in

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the hearing, including the manner and deadline for such notice;

4) A statement that the complete text of the proposed rule is on file and may be examined at the office of the Manager of the Department of Social Services;

B. The text of the proposed rule may be revised by the Denver Welfare Reform Board by filing the revised portion(s) of the text with the Manager at least three (3) days before the date of the public hearing. Changes may also be made in the text of the proposed rule during or as a result of the public hearing, at the discretion of the Denver Welfare Reform Board, without further notice or hearing.

C. After a finally adopted rule has become effective, substantive changes or amendments to the rule may only be made by complying with the rule making procedures described in this Ordinance.

D. The rule making hearing may be rescheduled by the Denver Welfare Reform Board by publishing a notice of rescheduling at least twenty (20) days before the rescheduled hearing, specifying the date, time, and place of the rescheduled hearing, the purpose of the proposed rules, the reason the hearing is being rescheduled, and citing the prior notice by its publication date.

E. Once begun, a hearing may be continued by the Denver Welfare Reform Board without further publication or notice.

F. Any person who wishes to comment on proposed rules may do so in writing delivered to the Denver Welfare Reform Board prior to the hearing or in person at the hearing. The proceedings of the Hearing shall be preserved on audio magnetic tape.

G. A list of the names and mailing addresses of parties requesting to be notified when the Denver Welfare Reform Board proposes to adopt rules shall be maintained. All parties on such a list shall be sent the notice described above by first class mail on or before the date of publication of notice of rule making.

2. ADOPTION OF FINAL RULES

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- A. Rules shall be finally adopted and shall take effect after they have been approved for legality by the City Attorney or his designee, and on the date signed by the Denver Welfare Reform Board or its designee, whichever is later in time. Within seven (7) business days after the adoption of the rules, the Denver Welfare Reform Board shall file a copy of the rules as finally adopted with the Manager of the Denver Department of Social Services, and shall cause the final rules to be published in a newspaper of general circulation.
- B. To be enforceable, rules must be adopted within one hundred eighty days from initial publication of the notice of rule making. If proposed rules do not become effective, rule making may begin again.
- C. The Denver Welfare Reform Board shall maintain for each rule adopted a record of the rule making which shall include the required notice, the recording of the proceedings at the public hearing, the rule as proposed and finally adopted, and documents submitted during or prior to the hearing relating to the rule.

3. PUBLIC IMPACT

- A. To the extent reasonably practicable, the Denver Welfare Reform Board shall determine the impact of a proposed rule on the public, including a determination as to what groups of people and clients are likely to be affected, and how they will be affected. Groups the Denver Welfare Reform Board determines will likely to be affected shall be notified of the proposed rule at the time notice of the proposed rule making is published.
- B. Methods for minimizing the impact of regulatory compliance on all parties shall be considered by the Denver Welfare Reform Board.

4. ENFORCEMENT

An action to contest the validity of rules and regulations on the grounds of non-compliance with this ordinance may not commence more than one hundred twenty (120) days after the adoption of the rule.

5. PUBLIC INSPECTION

The Denver Welfare Reform Board shall maintain an official copy of its rules and

2406

127 regulations, and shall make them available for public inspection and copying at
128 the administrative offices of the Denver Department of Social Services during
129 regular business hours, charging an appropriate fee for such copies.

130 **6. EMERGENCY RULES**

131 The Denver Welfare Reform Board may adopt rules without following the notice
132 and hearing requirements of this ordinance if it deems such rules necessary to
133 comply with State, local or federal laws, or necessary to protect immediately the
134 public health, safety, or welfare, or if it determines that compliance with this
135 Ordinance would be contrary to the public interest. After adoption, the complete
136 text of the rule shall be filed with the Denver Welfare Reform Board and a notice
137 of adoption shall be published. Such rules shall take effect on the date of
138 adoption, or on such later date specified in the notice of adoption, and shall
139 remain in effect no more than one hundred eighty (180) days.

140 **7. REPORT TO CITY COUNCIL**

141 The Denver Welfare Reform Board shall provide an annual report to the City
142 Council by September 30 of its work during that year.

143 PASSED BY THE COUNCIL October 6, 1997

144 Cathy A. Reynolds, PRESIDENT

145 APPROVED: Walter E. Kelly MAYOR Oct. 7, 1997

146 ATTEST: Barbara E. Godoy CLERK AND RECORDER
147 EX-OFFICIO CLERK OF THE
148 CITY AND COUNTY OF DENVER
149

150 PUBLISHED IN THE ROCKY MTN NEWS Sept. 12, 1997, Oct. 10, 1997

151 PREPARED BY LYNN W. LEHMANN, ASSISTANT CITY ATTORNEY September 3, 1997

152 REVIEWED BY: _____ CITY ATTORNEY _____, 1997

153 SPONSORED BY COUNCIL MEMBER(S): _____

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