Local Ballot Issue Notice

NOTICE OF ELECTION
TO INCREASE TAXES / TO INCREASE DEBT / ON A CITIZEN PETITION/
REFERRED MEASURES and Denver’s Ballot Information Booklet

General Election
Tuesday, November 8, 2022

Denver Elections Division
200 W 14th Ave, Ste 100, Denver, CO 80204

Hon. Paul D. López
Clerk and Recorder, City and County of Denver

¡Vea la información en español en la contraportada!
Who is Eligible to Register
In order to vote in the City and County of Denver you must reside in Denver, be registered to vote, and be 18 on or before November 8, 2022. In order to register to vote, you must be:
• A United States citizen
• 16 years of age
• A Colorado resident at least 22 days immediately prior to Election Day

Election Model — Page 2
All active Denver voters will be automatically mailed a ballot to vote in the November 8th, 2022 General Election beginning October 17th.

Ready To Vote? — Page 3
Ballottrax — Page 3
Want to track your mail ballot through the U.S. postal system? Sign up for Ballottrax at ballottrax.com.

Voter Registration Form — Page 4
To register to vote or to update your voter registration information, please go to GoVoteColorado.gov, or fill out the Voter Registration Form found on page 4 of this booklet, or call 311 for more information.

Voter Services and Ballot Drop-Off Information — Page 5-9
Voter Service and Polling Center locations, hours of operation and 24-hour ballot drop-off box locations.

TABOR Notice — Pages 10-20
Taxpayer Bill of Rights (TABOR) information includes summaries of ballot measures that affect debt or taxes.

Municipal Information Booklet — Pages 21-41
Information includes summaries of Ballot Measures that do not affect debt or taxes.

Sample Ballot — Page 42-47

Visit GoVoteColorado.org to verify your registration status and update your voter information.

☐ Ballots will begin mailing on October 17th.

☐ Return your ballot:
  • Drop it off at a 24-Hour Ballot Drop-Off Box location (see pg. 9)
  • Deliver it to a Voter Service & Polling Center (see pg. 5)
  • Mail it back (return postage $0.81)

☐ Need a new ballot? Ballot not arrive? Visit DenverVotes.org/VoterInfo to request a ballot for curbside pick up. Or call us at 311 (or 720-913-8683), option 8, to request a new one.
READY TO VOTE?

1. REGISTER OR UPDATE YOUR ADDRESS NOW AT GOVOTECOLORADO.GOV

or fill out the form on the following page and return it to the Denver Elections Division

2. TRACK YOUR BALLOT.
Your ballot will automatically be mailed to you beginning October 17. Casting your mail ballot is safe and secure. Track your ballot and make sure your vote is counted!
Sign up at DenverVotes.org.

3. RETURN YOUR BALLOT at a 24-hour drop box, drive-through, or by mail
OR VOTE IN PERSON beginning October 17

Find locations at DenverVotes.org/VoterInfo or see page 5 of this booklet. Need a new ballot? Use our new curbside pick-up service or contact us.

MAKE YOUR VOICE HEARD.
Drop boxes open October 17. Don’t wait to cast your vote!
Ballots must be received by 7 p.m. November 8.

FOR MORE INFORMATION ABOUT HOW AND WHERE TO VOTE, OR TO SEE A SAMPLE BALLOT, GO TO DENVERVOTES.ORG/VOTERINFO.

Denver Elections Division · 200 W. 14th Avenue, Suite 100 · Denver, Colorado 80204
email: elections@denvergov.org · call or text: 303-653-9668
# Colorado Voter Registration Form

Fill out all fields marked with an asterisk (*).

## Eligibility

1. * Are you a citizen of the United States?  
   - Yes  
   - No  
   If you answered "No", do not complete this form.

## Name

2. **Last Name** | **First Name** | **Middle Name** | **Suffix**

## Identification

Provide your birth date and your identification information.

3. **Remember to write your birth date below.**
   - **MM**  
   - **DD**  
   - **YYYY**

- I have a valid CO Driver's License or ID card.  
  **Write that number here:**
  - _____  
  - _____  
  - _____  
  - _____  
  - _____  
  - _____  
  - _____

- I do not have a CO Driver's License or ID card.  
  **Write the last four digits of your SSN here:**
  - X  
  - X  
  - X  
  - X  
  - _____  
  - _____  
  - _____

- I do not have a Colorado Driver’s License, ID card, or a Social Security Number.

## The address where you live

4. **Address (no P.O. Boxes)**

   - State  
   - * Zip Code  
   - * City or Town

   - I am homeless. This is a location I regularly return to. I have also provided a mailing address in Section 5.

## The address where you receive mail

5. **Address**

   - City or Town  
   - State  
   - Zip Code

## The address to mail your ballot

The County will mail your ballot here until you say otherwise.

6. **Address**

   - City or Town  
   - State  
   - Zip Code

## Political affiliation

Choose only 7a or 7b

7a.  
- American Constitution  
- Approval Voting  
- Democratic  
- Green  
- Libertarian  
- Republican  
- Unity

7b.  
- All Major Parties’ Ballots  
- American Constitution  
- Approval Voting  
- Democratic  
- Green  
- Libertarian  
- Republican  
- Unity

## Updating a current record?

If so, you must provide the applicable changes here.

8.  
- I am not updating a current record  
- I am no longer overseas  
- I am no longer absent from Colorado due to military service

   - **Previous home address**
   - **Previous legal name**
   - **Previous mailing address**
   - **Previous party affiliation**

## Declaration

9.  

   - **Signature or mark**  
   - **Date**  
   - **Witness Signature**  
   - **Date**

   If you are unable to sign, you must make a mark and have the mark witnessed by another person.

## Optional information

10.  

   - **Phone number with area code**
   - **Gender identity**
   - **I would like to be an election judge**
   - **Email address**

   I want to receive election information by email:  
   (You will not receive a ballot by email)

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Secretary of State Approved 01-24-22

Form 100

voter information: DenverVotes.org/VoterInfo

voter registration & updates: GoVoteColorado.gov

[Article 2, Title 1, C.R.S.]
Voter Services and Ballot Drop-Off Information

Phase 1 Voter Service & Polling Centers (12):

1. Barnum Recreation Center
   360 N Hooker St  |  Multipurpose Room
2. Christ Church United Methodist
   690 N Colorado Blvd  |  Fellowship Hall
3. Christ Community Church
   8085 E Hampden Ave  |  Gym
4. Glenarm Recreation Center
   2800 Glenarm Pl  |  Gym
5. Harvard Gulch Recreation Center
   550 E Iliff Ave  |  Multipurpose Room
6. Harvey Park Recreation Center
   2120 S Tennyson Way  |  Multipurpose Room
7. Hiawatha Davis Jr Recreation Center
   3334 N Holly St  |  Multipurpose Room
8. Highland Recreation Center
   2880 N Osceola St  |  Multipurpose Room
9. Montbello Recreation Center
   15555 E 53rd Ave  |  Multipurpose Room
10. Montclair Recreation Center
    729 N Ulster Way  |  Multipurpose Room
11. Tivoli Student Union at Auraria
    900 Auraria Pkwy  |  Multicultural Lounge Rm # 261
12. Wellington Webb Municipal Building
    201 W Colfax Ave  |  Clerk and Recorder Office

* Drive-through ballot drop-off location on Bannock between 13th Ave and 14th Ave

VSPC sites that have drive-through ballot drop-off available and curbside ballot pick-up available.

VSPC sites that have drive-through ballot drop-off available

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**We expect high turnout. Make a plan to vote before November 8**
Phase 2 Voter Service & Polling Centers (5):

1. Central Park Recreation Center
   9651 E Martin Luther King Jr Blvd  /  Multipurpose Rm
2. Green Valley Ranch Recreation Center
   4890 N Argonne Way  /  Multipurpose Room
3. Southwest Recreation Center
   9200 W Saratoga Pl  /  Multipurpose Room
4. Swansea Recreation Center
   2650 E 49th Ave  /  Multipurpose Room
5. Windsor Gardens
   595 S Clinton St  /  Auditorium

VSPC sites that have drive-through ballot drop-off available and curbside ballot pick-up available.

VSPC sites that have drive-through ballot drop-off available.

Phase 3 Voter Service & Polling Centers (5):

1. Athmar Recreation Center
   2680 W Mexico Ave  /  Gym
2. Cook Park Recreation Center
   7100 Cherry Creek South Dr  /  Multipurpose Room
3. Eisenhower Recreation Center
   4300 E Dartmouth Ave  /  Multipurpose Room
4. La Familia Recreation Center
   65 S Elati St  /  Gym
5. University of Denver, Centennial Towers
   1770 S Williams St  /  Centennial Room
   (Accessible Entrance 1745 S High St)

VSPC sites that have drive-through ballot drop-off available.

**We expect high turnout. Make a plan to vote before November 8**
Phase 4 Voter Service & Polling Centers (15):

1. Abraham Lincoln High School
   2285 S Federal Blvd  |  Gym

2. Augustana Lutheran Church
   5000 E Alameda Ave  |  Fellowship Hall

3. East High School
   1600 City Park Esplanade  |  Calloway Gym (Enter from Detroit St)

4. Freyer – Newman Center at The Denver Botanic Gardens
   1085 York St  |  Classrooms 1 & 2

5. Manual High School
   1700 E 28th Ave  |  Auxiliary Gym

6. North High School
   2960 N Speer Blvd  |  Small Gym

7. Nova Church
   1205 E 8th Ave  |  Multipurpose Room

8. ReelWorks Denver
   1399 35th St  |  Main Ballroom

9. Scheitler Recreation Center
   5031 W 46th Ave  |  Gym

10. South High School
    1700 E Louisiana Ave  |  Gym

11. St. John’s Cathedral
    1350 N Washington St  |  Dagwell Hall

12. Thomas Jefferson High School
    3950 S Holly St  |  Dance Room

13. True Light Baptist Church
    14333 Bolling Dr.  |  Fellowship Hall

14. Union Station
    1701 Wynkoop St  |  Great Hall

15. West High School
    951 N Elati St  |  Auxiliary Gym (Enter from W 9th Ave Parking Lot)

VSPC sites that have drive-through ballot drop-off available.

**We expect high turnout. Make a plan to vote before November 8**
Voter Coach Mobile Voting Unit Locations (6):

**We expect high turnout. Make a plan to vote before November 8**

- **Central Park Recreation Center**
  9651 E Martin Luther King Jr Blvd
  Monday, October 24 and Tuesday, October 25

- **Washington Park Recreation Center**
  701 S Franklin St
  Wednesday, October 26 through Friday, October 28

- **Scheitler Recreation Center**
  5031 W 46th Ave
  Monday, October 31 and Tuesday, November 1

- **Denver Museum of Nature & Science**
  2001 N Colorado Blvd - City Park,
  East 22nd Ave West of DMNS (Parking Lot)
  Wednesday, November 2 and Thursday, November 3

- **Empower Field at Mile High**
  2708 Mile High Stadium W Cir - Parking Lot J
  Friday, November 4 and Saturday, November 5

- **Emily Griffith Technical College**
  1860 N Lincoln St
  Monday, November 7 and Tuesday, November 8

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**Hours of Operation**
- Monday, October 24 – Friday, October 28
  8 am – 5 pm
- Monday, October 31 – Friday, November 4
  8 am – 6 pm
- Saturday, November 5
  8 am – 5 pm
- Monday, November 7
  8 am – 6 pm
- **Tuesday, November 8**
  7 am – 7 pm
24-Hour Ballot Drop-Off Box Locations (43):

1. Athmar Recreation Center
   2680 W Mexico Ave
2. Aztlan Recreation Center
   4435 N Navajo St
3. Barnum Recreation Center
   360 N Hooker St
4. Bear Valley Branch Library
   5171 W Dartmouth Ave
5. Carla Madison Recreation Center
   2401 E Colfax Ave
6. Central Park Recreation Center
   9651 E Martin Luther King Jr Blvd
7. Cook Park Recreation Center
   7100 Cherry Creek South Dr
8. Denver Botanic Gardens
   1007 N York St
9. Denver Elections Division
   200 W 14th Ave - NE corner of building
10. Denver Elections Division
    200 W 14th Ave - SW corner of building
11. Denver Human Services
    1200 N Federal Blvd
12. Denver Museum of Nature & Science
    2001 N Colorado Blvd
13. Denver Police Department District 3
    1625 S University Blvd
14. Eisenhower Recreation Center
    4300 E Dartmouth Ave
15. Emily Griffith Technical College
    1860 N Lincoln St
16. Glenarm Recreation Center
    2800 Glenarm Pl
17. Glendale City Hall
    950 S Birch St, Glendale
18. Green Valley Ranch Recreation Center
    4890 N Argonne Way
19. Hampden Branch Library
    9755 E Girard Ave
20. Harvey Park Recreation Center
    2120 S Tennyson Way
21. Hiawatha Davis Jr Recreation Center
    3334 N Holly St
22. Highland Recreation Center
    2880 N Osceola St
23. La Familia Recreation Center
    65 S Elati St
24. Martin Luther King Jr Library
    9898 E Colfax Ave
25. MCA Administrative Offices
    8351 Northfield Blvd
26. Montbello Branch Library
    12955 Albrook Dr
27. Montbello Recreation Center
    15555 E 53rd Ave
28. Montclair Recreation Center
    729 N Ulster Way
29. Regis University Bookstore
    5115 N Federal Blvd
30. Rodolfo “Corky” Gonzales Branch Library
    1498 N Irving St
31. Ross – Cherry Creek Branch Library
    305 N Milwaukee St
32. RTD - I-25 and Broadway Station
    901 S Broadway
33. RTD - Light Rail at Union Station
    1601 Chestnut Pl
34. RTD - Southmoor Station
    3737 S Monaco Street Pkwy
35. Scheitler Recreation Center
    5031 W 46th Ave
36. Southwest Recreation Center
    9200 W Saratoga Pl
37. Swansea Recreation Center
    2650 E 49th Ave
38. Tivoli Student Center Auraria Campus
    900 Auraria Pkwy
39. University of Denver - The Ritchie Center
    2240 Buchtel Blvd S
40. Washington Park Recreation Center
    701 S Franklin St
41. Wellington Webb Municipal Building
    201 W Colfax Ave
42. Westwood Community Center / SWIC
    1000 S Lowell Blvd
43. Windsor Gardens
    595 S Clinton St

Denver Elections Division Contact Information:

📞 720-913-VOTE (8683)
📞 720-913-8600
📧 DenverVotes.org
📧 /DenverElections
📧 /DenverElections #DenverVotes

✉️ voterregistration@denvergov.org
   (for voter registration inquiries)
✉️ elections@denvergov.org
   (for general office information)
TABOR NOTICE

All Registered Voters

NOTICE OF ELECTION TO INCREASE TAXES/TO INCREASE DEBT/ON A CITIZEN PETITION/ON A REFERRED MEASURE
November 8, 2022, 7AM-7PM
Denver Elections Division, 200 W 14th Ave, Ste 100, Denver, CO 80204 720-913-VOTE (8683)

A ‘yes/for’ vote on any ballot measure is a vote in favor of changing current law or existing circumstances and a ‘no/against’ vote on any ballot measure is a vote against changing current or existing circumstances. The information contained in this notice was prepared by persons required by law to provide summaries of ballot issues and fiscal information.

Ballot Measure 2I

SHALL CITY AND COUNTY OF DENVER TAXES BE INCREASED BY NOT MORE THAN $36 MILLION (APPROXIMATELY $4.19 PER MONTH FOR THE TYPICAL HOME) IN 2023 AND BY WHATEVER ADDITIONAL AMOUNTS ARE RECEIVED ANNUALLY THEREAFTER BY INCREASING THE CITY’S MILL LEVY RATE 1.5 MILLS, WHICH WILL BE USED TO FUND THE DENVER PUBLIC LIBRARY IN ORDER TO MAINTAIN EXISTING SERVICES AND MEET THE INCREASED DEMAND FOR ADDITIONAL SERVICES WHICH MAY INCLUDE:

• INCREASING PAY FOR LIBRARIANS AND STAFF MAKING BELOW-MARKET WAGES
• INCREASING TECHNOLOGY TO SUPPORT PATRONS WHO LACK INTERNET ACCESS
• ENHANCING PROGRAMS AND SERVICES FOR CHILDREN, YOUTH, OLDER ADULTS, COMMUNITIES OF COLOR, AND VULNERABLE GROUPS LIKE IMMIGRANTS AND REFUGEES
• EXPANDING RESOURCES FOR THOSE IN THE JOB MARKET AND HELPING CONNECT PEOPLE TO POTENTIAL EMPLOYERS IN THE COMMUNITY
• RETURNING LIBRARY BRANCHES FROM REDUCED HOURS TO NORMAL SCHEDULES

AND ALLOWING LIBRARIES TO BE OPEN ON NIGHTS AND WEEKENDS
• EXPANDING THE COLLECTION OF BOOKS, MEDIA, AND OTHER POPULAR ITEMS TO REDUCE WAIT TIMES

AND SHALL THE CITY BE AUTHORIZED TO INCREASE SUCH MILL LEVY BEGINNING IN TAX COLLECTION YEAR 2023 AND ANNUALLY THEREAFTER TO OFFSET PROPERTY TAX REFUNDS OR ABATEMENTS OR REDUCTIONS IN THE PERCENTAGE OF ACTUAL VALUATION USED TO DETERMINE ASSESSED VALUATION; AND SHALL THE REVENUE AND EARNINGS ON THIS PROPERTY TAX BE COLLECTED AND SPENT AS A VOTER-APPROVED REVENUE CHANGE AND AN EXCEPTION TO THE LIMITS THAT WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION AND ANY OTHER LAW?

Fiscal information on Ballot Measure 2I:

Financial Impact:
Per the City and County of Denver’s (CCD) Municipal Code, Chapter 15, Section 15-11(e), this analysis provides the fiscal impact only to CCD.

Assumptions/Interpretations
The estimated or actual total of the City’s fiscal year spending for the current year and each of the past four years is as follows:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Fiscal Year Spending</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
<td>$4,053,523,724 (estimated)</td>
</tr>
<tr>
<td>2021</td>
<td>$3,242,818,979</td>
</tr>
<tr>
<td>2020</td>
<td>$2,947,971,695</td>
</tr>
<tr>
<td>2019</td>
<td>$2,857,531,603</td>
</tr>
<tr>
<td>2018</td>
<td>$3,017,686,356</td>
</tr>
</tbody>
</table>

The overall increase, as a percentage and dollar amount, in the City’s fiscal year spending from 2018 to 2022,
inclusively, is 34% and $1,035,523,724, respectively. The increase in fiscal year spending is primarily due to increases in capital project spending on voter approved bond projects and special tax initiatives.

Information on the taxes associated with the proposed mill levy increase:

Maximum annual dollar amount of the proposed tax increase for the first full fiscal year: $36,000,000
Estimated 2023 City fiscal year spending without the proposed tax increase: $5,066,904,655

For the purposes of this fiscal statement, the 2021 median residential home value of $469,000 was used for the typical residential home value defined in the ballot language. A 2021 value is used as property value assessments take place only in odd years.

The effect of the initial 1.5 mill levy on a median residential homeowner for 2023 would be an estimated amount of $4.19 a month ($50.28/year) on their property taxes without any tax adjustment as described below. After 2023, the mill levy may increase without limit in order to maintain existing services and meet the increased demand for additional services.

Senate Bill SB21-293, which provides a temporary assessment rate adjustment for residential property values assessed in 2022 and paid in 2023, from 7.15% to 6.95% for residential homes and from 7.15% to 6.80% on multi-family residences, was not considered in the impact on the cost to the homeowner due to it being only a temporary adjustment, which is likely to be offset by the increase in the median value of the property values. If considered, the cost to a median residential homeowner for 2023 would be $4.07 a month ($48.84/year), instead of $4.19 a month ($50.28/year).

Written Comments FOR Ballot Measure 2I

A Strong Library makes a Strong Denver. As Denver has continued to grow and change, funding for our Denver Public Library has not kept up. You can change that by voting yes on 2I.

Since 1889, the Denver Public Library (DPL) has been a cornerstone of the Denver community. The library has 27 locations distributed in neighborhoods throughout the City with two more locations coming soon. As one of the few places in the city that is free of charge, accessible and welcoming to all, the library provides programs and services to people of all ages and backgrounds. It is Denver's most visited cultural institution with 4 million in-person visits in 2019. The modern library plays a critical role in creating opportunity and supporting community.

With proper funding, Denver Public Library can address resource disparities in minority communities and low-income neighborhoods where families and especially children often lack access to computers, internet, and the books they need. It can restore and extend hours to ensure branches are open nights and weekends, when students and working adults need them most. As the gap between Denver’s rich and poor continues to grow, it becomes even more critical to fund our libraries so they can help level the playing field by providing access to the knowledge, technology, and resources our underserved communities need.

Voting yes on 2I will provide funding to:

- increase pay for librarians and staff, many currently making below-market wages
- ensure the library has the technology to support patrons who lack internet access and computers
- improve programs and services for children, youth, older adults, communities of color, and immigrants and refugees
- restore and expand operating hours to ensure the library is open nights and weekends
- expand and diversify the library’s collections to reduce wait times - the most popular books have an average 7 month wait time
- fund building maintenance to ensure all locations are safe and accessible

Across Colorado, many libraries are funded with dedicated property taxes. In Denver, the library is funded by the City’s general fund. Unfortunately, Denver has a lot of priorities and not enough funds to go around. A task force made up of Denverites from all walks of life unanimously recommended the City Council refer a
property tax increase to supplement the funding from the City and ensure more stable, reliable support for Denver Public Library.

This modest increase would cost the typical Denver homeowner just $4.19 a month. Together, we will generate about $32 million to strengthen and sustain our library for current and future generations.

Please vote YES on 2I

**Written Comments AGAINST**

**Ballot Measure 2I**

Increasing property taxes by permanently adding mills for library operations is the WRONG funding method. At a time when property taxes are already rising because of increased valuations, this proposal adds to the affordable housing crisis. Residential property becomes more expensive and rents increase.

In past administrations, city elected officials prioritized library funding from the city's General Fund. All funding for operations should come from the General Fund. Residents must insist their elected officials properly fund libraries in the city budget, even if other mayoral or council pet projects must wait.

This ballot proposal authorizes the city to INCREASE the library mill rate annually if certain conditions occur. These taxes add up for every property owner and renter. We can love our libraries but say “NO” to the proposed funding method.

**Text of Measure**

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

**Section 1.** Subject to the approval by the voters of the Ballot Question, Chapter 53, D.R.M.C., concerning taxation and miscellaneous revenue, is amended by the addition of a new Article XVIII.-Dedicated Property Taxes for the Denver Public Library, to read as follows:

ARTICLE XVIII.-Dedicated Property Taxes for the Denver Public Library

(a) **Purpose.** The intent of this section is to provide a reliable and stable source of funding to support the services and facilities of the Denver Public Library, any successor library district or any successor in function. In particular, the purpose of this section is to provide for the implementation of the property tax increase for the Denver Public Library approved by voters at the special municipal election conducted on November 8, 2022, whereby the city and county has been authorized to impose an additional ad valorem property tax at the rate of 1.5 mills (subject to adjustment as provided the ballot question approved by voters on November 8, 2022), and to dedicate the revenue derived from said tax to the Denver Public Library for the purpose of maintaining existing services and meeting the increased demand for additional services. Furthermore, the purpose of this section is to establish that the revenues derived from the property tax increase approved by voters at the special municipal election conducted on November 8, 2022, are supplemental to, and are not to replace or supplant any general fund revenues appropriated each year to the Denver Public Library.

(b) **Dedicated mill levy increase for the Denver Public Library.** For 2022 property taxes collected in 2023, and for each property tax year thereafter, the city and county shall assess, in addition to any and all other city and county property tax levies, a levy at the rate of 1.5 mills (subject to adjustment as provided the ballot question approved by voters on November 8, 2022) on all taxable property in the city and county. The revenue derived from said levy shall be credited to the Denver Public Library Fund.

(c) **Permitted Uses of Revenue in Denver Public Library Fund.** All monies derived from the ad valorem property tax approved by voters at the special municipal election conducted on November 8, 2022, deposited in the Denver Public Library Fund (“Fund”) in accordance with this section must be expended for the purpose of maintaining existing services and meeting the increased demand for additional services, which may include:

(1) Increasing pay for librarians and staff making below-market wages,
(2) Increasing technology to support patrons who lack internet access,
(3) Enhancing programs and services for children, youth, older adults, communities of color, and vulnerable groups like immigrants and refugees,
(4) Expanding resources for those in the job market and helping connect people to potential employers in the community,
(5) Returning library branches from reduced hours to normal schedules and allowing libraries to be open on nights and weekends, and
(6) Expanding the collection of books, media, and other popular items to reduce wait times.

(d) Fund earnings. Any interest earned on the balance of the Fund accrues to the Fund.

(e) Permanency. If the monies in the Fund are not expended at the end of the fiscal year, such monies must remain in the Fund to be expended in subsequent fiscal years.

(f) Maintenance of Effort. All moneys in the Fund must be used in accordance with this section and may not replace or supplant any general fund appropriations allocated each year to the Denver Public Library.

(g) Administration of funds. The Denver Public Library, any successor library district or any successor in function thereto is vested with the authority to manage the Fund.

(h) Expending authority. The expending authority for the Fund shall be the Denver Public Library.

(i) Transfer of Fund. At the request of the board of trustees of any library district organized to operate the Denver Public Library, the Fund shall be transferred in accordance with the procedures outlined in Article 90, Title 24, Colorado Revised Statutes, as amended, to such library district.

(j) Rulemaking. The Library Commission may promulgate rules and regulations in conformity with this article for the proper administration of this section.

All Registered Voters

NOTICE OF ELECTION TO INCREASE TAXES/TO INCREASE DEBT/ON A CITIZEN PETITION/ON A REFERRED MEASURE
November 8, 2022, 7AM-7PM
Denver Elections Division, 200 W 14th Ave, Ste 100, Denver, CO 80204 720-913-VOTE (8683)

A ‘yes/for’ vote on any ballot measure is a vote in favor of changing current law or existing circumstances and a ‘no/against’ vote on any ballot measure is a vote against changing current or existing circumstances. The information contained in this notice was prepared by persons required by law to provide summaries of ballot issues and fiscal information.

Initiated Ordinance 305

SHALL THE CITY OF DENVER’S TAXES BE INCREASED ANNUALLY BY ELEVEN MILLION, NINE HUNDRED EIGHTY-SIX THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE DOLLARS ($11,986,875.00) (FIRST FULL FISCAL YEAR INCREASE), AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER FROM AN EXCISE TAX TO BE PAID BY LANDLORDS ON EACH INDIVIDUAL RESIDENTIAL PROPERTY HELD OUT FOR LEASE IN THE AMOUNT OF $75 PER YEAR PER SUCH PROPERTY, WITH THE TAX RATE INCREASING EVERY YEAR THEREAFTER AT A RATE THAT DOES NOT EXCEED THE COLORADO CONSUMER PRICE INDEX; AND IN CONNECTION THEREWITH, SHALL ALL OF THE REVENUES COLLECTED BE USED TO FUND:

• THE ADMINISTRATIVE COST OF THE TAX, AND THEREAFTER TO
• ESTABLISH, RUN AND FULLY FUND A PROGRAM TO PROVIDE LEGAL REPRESENTATION TO TENANTS WHO FACE THE LOSS OF HOUSING IN EVICTION AND ADMINISTRATIVE PROCEEDINGS;
• PROVIDE A TENANT’S LEGAL SERVICES AND ASSISTANCE COORDINATOR TO ADMINISTER THE PROGRAM;
• CREATE A ‘TENANTS’ COMMITTEE COMPRISSED OF SEVEN MEMBERS PAID A $1,000 PER YEAR STIPEND; AND

SHALL THE FULL PROCEEDS OF SUCH TAXES AT SUCH RATES AND ANY EARNINGS THEREON BE COLLECTED, RETAINED, AND SPENT, AS A VOTER-APPROVED REVENUE CHANGE WITHOUT LIMITATION OR CONDITION, AND WITHOUT LIMITING THE COLLECTION,
Fiscal information on Fiscal information on Initiated Ordinance 305:

Financial Impact:

Per the City and County of Denver’s (CCD) Municipal Code, Chapter 15, Section 15-11(e), this analysis provides the fiscal impact only to CCD.

Assumptions/Interpretations

For the purposes of this fiscal impact statement, the City interprets this fee to be charged annually to the responsible parties (landlords) for each rentable dwelling unit.

The ballot language explicitly states that the revenues collected will be used to fund a Tenants’ Legal Services and Assistance Coordinator position and seven Tenants’ Committee members. The Legal Services and Assistance Coordinator position title does not currently exist in the City’s list of classifications and for the purposes of this fiscal note, the Program Manager position title will be used as the position funded by the collected excise tax.

For the purposes of this fiscal impact statement, the proposal authorizes payment for one Tenants’ Legal Services and Assistance Coordinator who is designated to be a City employee, but the City estimates the need for an additional nine (9) FTEs for procurement, contract administration, programmatic support, and reporting due to the estimated increase in legal service provider contracts. The City will have to identify funding for the additional personnel costs and other administrative costs required to implement the program that are not authorized to be paid from the excise tax.

There may be other unknown costs in future years associated with the implementation and operation of this initiative that could not be identified and are not reflected in this fiscal impact statement.

For the purposes of this fiscal impact statement, the City has calculated the total number of rentable units based on the data available from the Denver Assessor’s Office:

- As of July 19, 2022, there were 155,541 total living units classified as apartments in the City.
- As of July 7, 2022, there were 51,612 rental units classified as houses, condos, rowhomes, etc. in the City, based on the assumption that when a mailing and site address are different, this indicates a rental unit.
- For the purposes of this fiscal impact statement, the above are combined for a total of 207,153 rental units in the City.

For the purposes of this fiscal impact statement, salary and benefit costs are based on City and County of Denver’s 2022 budgeted midpoint salaries plus an estimated 3% merit increase. Benefits are calculated at an estimated 30% of salaries.

The availability of contracted legal providers for eviction assistance is unknown at this time, thus the potential costs for procuring additional contractors are not able to be quantified.

For the purposes of this fiscal impact statement, the first-year revenues and expenditures were estimated within, and any future years’ revenues and expenditures were not included.

Potential costs for any future legal proceedings associated with the provisions of this initiative are unknown and are not estimated in this fiscal impact statement.

Historical Data used to Project Fiscal Impact

Based on eviction filings from 2010-2019 (per the City & County of Denver’s HOST Strategic Plan p. 77), the average number of eviction filings was 8,800 per year.

The average cost for legal representation per eviction case was $865.95 per HOST Eviction Legal Defense Contracts Data from Jan. 2022-June 2022.

Revenue

$75/dwelling unit x 207,153 rental units in the City = $15,536,475 in total expected revenue
Cost

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tenants’ Legal Services &amp; Assistance Coordinator cost:</td>
<td>$119,735</td>
</tr>
<tr>
<td>Tenants’ Committee Members cost:</td>
<td>$7,000</td>
</tr>
<tr>
<td>Additional personnel costs (9 FTEs). Tasks to include administrative,</td>
<td>$813,358</td>
</tr>
<tr>
<td>contractual and program management, reporting, tax collection and</td>
<td></td>
</tr>
<tr>
<td>processing, and accounts payable support</td>
<td></td>
</tr>
<tr>
<td>Software costs:*</td>
<td>$400,000</td>
</tr>
<tr>
<td>Mailing costs:</td>
<td>$200,000</td>
</tr>
<tr>
<td>Legal Assistance Contract costs (based on historical data):</td>
<td>$7,620,360</td>
</tr>
<tr>
<td><strong>Total Cost:</strong> $9,160,453</td>
<td></td>
</tr>
</tbody>
</table>

*Software costs are a one-time implementation cost to add a new module while leveraging the existing tax system and to develop a new reporting community in HOST's Salesforce application to manage additional contractors and expanded reporting requirements.

Difference
Per 27-194, section 6 of the ballot initiative language, funds generated in excess of the program's immediate needs are to be retained by the program as a reserve. Any changes or adjustments to 27-194, section 6 would require City Council approval, including a public hearing, and can happen no sooner than six months after the passage of the No Eviction without Representation initiative.

- Estimated annual revenue: $15,536,475
- Estimated annual expenses: $9,160,453
- Estimated annual reserve: $6,376,022

Written Comments FOR Initiated Ordinance 305

No comments were filed by the constitutional deadline.

Written Comments AGAINST Initiated Ordinance 305

This measure will raise approximately $12 million to fund a program that is unnecessary at best and counterproductive at worst. A quick search of the Denver government website shows 13 existing programs that already serve those facing inability to pay rent and utilities as well as those facing eviction and foreclosure.

HOST provides funding for free legal services for low to moderate income households (at or below 80% of the area median income) facing an eviction.

This initiative will only serve to increase the cost of housing, directly affecting the most vulnerable. Landlords will increase rents to cover the $75/unit fee, as well as the cost of compliance. More evictions will result from the passage of this measure.

This is a misguided and ill-timed initiative that will only make the affordable housing problem even worse in Denver.

It is not the city’s responsibility to provide legal representation for renters who are facing eviction. Only individuals who may face of loss of liberty in CRIMINAL proceedings are entitled to receive such government-provided services.

Government provides temporary monetary assistance for rent in some cases but providing a licensed attorney for one side only in a civil dispute goes too far.

This proposal calls for an excise fee of $75 annually to be paid by landlords for EACH rental property. The fee increases each year, according to the ballot proposal.

This proposal discourages owners to rent their properties, adding to the already crucial shortage of housing in Denver. Moreover, rents could increase because of the new excise fees and potential costly legal proceedings, squeezing affordability.

This issue is a fine one for non-profits to tackle if they wish. It is NOT the city taxpayer’s responsibility.

Denver is not in an eviction crisis. Last year, evictions dropped due to pandemic eviction moratoriums and rental-assistance programs offered by the city, state and federal governments. So far this year, the city’s eviction rate was down by more than a third in the first six months compared with 2019, the last full year before the pandemic.
By focusing on access to a lawyer only after an eviction has started, 305 offers one costly option to renters who are behind on their rent. This measure does not provide resources for renters to avoid eviction or address disputes with a landlord that might lead to eviction.

305 does not focus its resources on those who may need it most. Instead, 305 will even pay for lawyers for renters facing eviction from luxury apartments. That’s because 305 was not developed with City Council, city staff or the organizations working to address housing affordability in Denver. City officials have been working with nonprofits, community groups, job providers, and the building community to find ways to provide more affordable and attainable housing, including apartments and rental housing. This measure goes against that collaborative work.

This misguided measure will make housing more expensive for renters and make Denver less affordable.

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**Text of Measure**

*Be it ordained by the people of the City of Denver:*

**SECTION 1.** In the Denver Revised Code, add Article VIII to Chapter 27 of Title 12 as follows:

**Article VIII. - No Eviction Without Representation.**

**Section 27-191. - Legislative declaration.**

The purpose of this chapter is to supplement the provisions of state law governing the rights and duties of landlords and tenants of residential property in the City of Denver, including providing a right to legal representation to all tenants in legal and administrative proceedings where such housing is imperiled.

Whereas, in the landmark case *Gideon v. Wainwright*, the United States Supreme Court declared that reason, reflection, and the fair administration of justice require that persons facing the loss of their liberty in criminal proceedings shall have the right to legal counsel;

Whereas, this protection does not extend to legal proceedings where tenants face the serious hardship of being forced out of their homes;

Whereas in the City of Denver, tenants do not have a right to counsel in such proceedings and most tenants face such proceedings without legal representation;

Whereas, between ninety-seven and ninety-nine percent of tenants did not have legal representation in eviction cases individually reviewed as part of a study of evictions in Denver occurring from 2014-2016;

Whereas, every landlord did have legal representation in those same cases reviewed as part of the study;

Whereas, in the few eviction cases individually reviewed as part of that study where a tenant had legal representation the tenant typically prevailed and was not evicted, but in cases where the tenant did not have legal representation they were evicted at substantially greater rates;

Whereas, in August of 2017 the City of New York enacted local legislation to provide tenants in that City with legal representation in eviction proceedings;

Whereas, in 2018-2020 the cities of San Francisco, Newark, Cleveland, Philadelphia, Boulder, and Baltimore also enacted legislation to provide tenants in those cities with legal representation in eviction proceedings;

Whereas cities enacting a right to counsel have already started to reap the benefits, as New York City has seen 86 percent of represented tenants remain in their homes, San Francisco has seen two-thirds of fully represented tenants remain in their homes, and in Cleveland 93% of represented tenants have avoided eviction or an involuntary move;

Therefore, the people of the City of Denver declare that it is in the policy of the City of Denver that Denver tenants shall have a right to legal representation in eviction and administrative proceedings where they face the loss of housing, the City shall provide such representation to tenants to assist in the fair administration of justice.
following meanings unless the context clearly indicates otherwise:

Covered proceeding means legal proceedings to evict a tenant from their place of residence pursuant to C.R.S. 13-40-101 et seq., counterclaims related thereto, the termination of Section 8 housing assistance, and appeals arising from any of the foregoing, as well as any proceeding deemed by the Tenant's Legal Services Coordinator to be the functional equivalent thereof.

Legal representation means full scope representation provided by a licensed attorney to a tenant in a covered proceeding. This includes, but is not limited to, filing responsive pleadings, appearing on behalf of the tenant in court, administrative proceedings, or alternative dispute resolution, and providing legal advice, advocacy, and assistance associated with such matters, and necessary fees and costs related thereto.

Landlord means the owner, manager, lessor, or sublessor of a residential property.

Residential property means any dwelling unit, building, structure, vacant land, mobile home space, or part thereof, offered for lease or rent for residential purposes.

Tenant means any occupant of residential property who is a respondent or defendant, or who has legal standing to be a respondent or defendant, in a covered proceeding.

Section 27-193.-Written Disclosures Required. No landlord shall allow any person to occupy a rental property as a tenant or lessee or otherwise for valuable consideration unless and until that landlord has provided to such persons written notification of their right to legal representation provided in D.R.C. Article XIII, including a complete copy of the text of that Article.

Section 27-194.-NO EVICTION WITHOUT REPRESENTATION.

1) Provision of Legal Representation. The City of Denver shall establish, run, and fully fund a program to provide legal representation as a matter of right for all tenants within the city who face a covered proceeding to the greatest extent possible based on the program’s funding. This legal representation shall be available to a tenant immediately upon request after the tenant is served with a notice to quit or demand for possession pursuant to C.R.S. 13-40-101 et. seq., or a notice of termination of Section 8 housing assistance, and shall last at least until such time as the notice to quit, demand for possession, or unlawful detainer complaint is withdrawn, the case is dismissed, a final judgment in the matter is entered, or the Section 8 housing assistance termination proceedings are concluded.

Written notification of this right to legal representation and how to access it must be provided by the landlord to a tenant at the time the right to legal representation attaches as described under this Section, in addition to as provided in Section 27-193. The notice must include a complete copy of Article XIII of Chapter 27 of the Denver Revised Code.

2) Implementation. The Mayor shall promptly take all necessary steps to fully implement the provisions of this Article as soon as practicable, but not more than 12 months after the effective date of this ordinance. The City shall have no obligation to provide legal services under this Section where a state or federal program provides full scope legal representation to a tenant facing eviction proceedings as a matter of right.

3) Tenants’ Committee. A Tenants’ Committee is created to ensure that the legislative intent of this Article is fulfilled. Specifically, the Tenants’ Committee shall oversee the Tenants’ Legal Services and Assistance Coordinator and the legal service providers engaged to provide the services provided for herein, and shall advise the Mayor on its opinion of the merit and fitness of the Tenants’ Legal Services and Assistance Coordinator for the purpose of informing and guiding the Mayor in appointing and retaining the Tenants’ Legal Services and Assistance Coordinator. The Tenants’ Committee shall consist of seven members who are tenants in the city of Denver and do not own real property. The Tenant’s Committee members shall be selected by the City Council every two years and as vacancies arise in the interim. The City shall endeavor to ensure that the Committee membership is reflective of the racial, gender, and sexual orientation of the City’s tenants. Committee members shall be...
disqualified and replaced as soon as practicable in the event that they cease to be qualified to serve on the committee. Committee members are to be paid a stipend of $1,000 per year to be adjusted annually for inflation. The Mayor’s office and City Attorney’s office shall provide staff support to the Committee and Tenants’ Legal Services and Assistance Coordinator.

4) Tenants’ Legal Services and Assistance Coordinator. The Tenants’ Legal Services and Assistance Coordinator shall serve at the pleasure of the Mayor and can be selected from the City of Denver’s internal staff. The Tenants’ Legal Services and Assistance Coordinator shall be responsible for contracting with and supervising legal service providers, including but not limited to non-profits, private law firms, and private attorneys, to ensure the provision of the legal representation provided for herein and the day-to-day responsibilities related thereto. The Tenants’ Legal Services and Assistance Coordinator shall make its best efforts to allocate and facilitate the provision of legal representation to tenants in covered proceedings to maximize the housing security of said tenants to the greatest extent possible based on the program’s funding. This shall include, but not be limited to, outreach to tenants who potentially qualify for representation through the program through, and in coordination with, the court system. The Tenants’ Legal Services and Assistance Coordinator shall keep the Tenants’ Committee informed as to its fulfillment of its responsibilities and shall be responsive to requests for information and inquiries from the Tenants’ Committee.

5) Reporting.
No later than September 1, 2023 and annually by each September 1 thereafter, the Tenants’ Legal Service and Assistance Coordinator shall submit to the Mayor and City Council, and post online, a review of the program established pursuant to this Article and information regarding its implementation, to the extent such information is available, including, but not limited to:
1. The estimated number of individuals who experienced a covered proceeding;
2. The number of individuals who received legal representation, disaggregated by the following characteristics of such individuals:

   I. Postal code of residence;
   II. Age of head of household, household size, approximate household income, family status, race and ethnicity of members of household, and disability status of members of household;
   III. Estimated length of tenancy;
   IV. Receipt of ongoing public assistance at the time such legal services were initiated;
   V. Tenancy in rent-regulated housing; and
   VI. Tenancy in housing operated by the Denver Housing Authority;

3. Outcomes immediately following the provision of full legal representation, and information related thereto, as applicable and available, including, but not limited to, the number of:
   I. Case dispositions where a case was dismissed or was otherwise decided substantially in favor of the tenant;
   II. Case dispositions where judgment for possession in favor of landlord was entered;
   III. Case dispositions where a stipulation agreement, or other similar agreement, was made preventing the entry of judgment for possession;
   IV. Case dispositions where a stipulation agreement, or other similar agreement, was made providing a tenant with an opportunity to vacate a judgement for possession at a later date;
   V. Case dispositions where a tenant was required to vacate a residence, but was provided additional time to vacate and, in such cases, the amount of additional time provided to such tenants; and
   VI. Case dispositions that otherwise resulted in a tenant vacating a residence prior to the end of their lease term;

   VII. Case dispositions that resulted in the reduction of rental arrears or other sums alleged owed by a represented party;
   VIII. Instances where the attorney was discharged or withdrew;
   IX. The nature of the allegation giving rise to the covered proceeding, such as type of alleged lease violation, amount of rent in dispute, etc.; and
   X. Referrals to rental assistance or mediation programs.

4. Orders for possession filed in county court, writs
of restitution issued in county court in forcible entry and detainer proceedings, and residential evictions conducted by the county sheriff.

6) Dedicated Funding.
The spending obligations required by this Section are to be funded through the no eviction without representation tax levied pursuant to Section 27-195 of this Article. The revenues from this tax shall be designated for the administrative cost of the tax, and once that obligation has been fulfilled, used for implementation and administration and enforcement of a program to provide representation to tenants who face the loss of housing in covered proceedings, to provide a Tenant's Legal Services and Assistance Coordinator to administer the program; to create a Tenants' Committee whose members are paid a $1,000 per year stipend; and to pay any related expenses. Funds generated in excess of the programs immediate needs are to be retained by the program as a reserve.

7) Amendment and Rulemaking.
The Denver City Council may amend this Article, and the Mayor may supplement the provisions of this Article through rulemaking, if such amendment or rulemaking serves the purpose of ensuring and effectuating the provision of legal representation to tenants faced with legal proceedings imperiling their homes.

8) Severability.
If any provision of this Article or any application thereof to any person or circumstance is held invalid, such invalidity shall not affect any provision or application of this Article that can be given effect without the invalid provision or application. To this end, the provisions of this Section are severable.

1) All landlords shall pay an annual excise tax equal to $75 multiplied by the number of individual, non-exempt residential properties leased by the landlord per year to fund the “no eviction without representation” program provided in Section 27-194 of Article XIII of Chapter 27. The $75 multiplier used to calculate the annual excise tax shall be adjusted annually for inflation, as measured by the Consumer Price Index or similar index used for Colorado or the Denver metropolitan area.
2) A residential property is exempt if the landlord has submitted an Affidavit of Exemption for the exempt residential property to the City of Denver prior to the date the annual excise tax would have been due for the residential property; and
   a) The residential property is occupied by the owner or members of the owner’s family who are at least 21 years of age and housing no more than two roomers who are unrelated to the owner or the owner’s family. An owner includes an occupant who certifies that the occupant owns an interest in a corporation, firm, partnership, association, organization or any other group acting as a unit that owns the rental property; or
   b) The residential property meets all of the following conditions:
      i) The dwelling unit constitutes the owner’s principal residence;
      ii) The dwelling unit is temporarily rented by the owner for a period of time no greater than twelve consecutive months in any twenty-four-month period;
      iii) The dwelling unit was occupied by the owner immediately before its rental;
      iv) The owner of the dwelling unit is temporarily living outside of the City of Denver; and
      v) The owner intends to re-occupy the dwelling unit upon termination of the temporary rental period identified in subparagraph (2)(b) of this section.
3) The Administration, including collection and enforcement, of the excise tax provided in this Section 27-195 shall be handled in manner consistent with Division 1 of Article I of Chapter 53 of the Denver Revised Code's treatment of taxes imposed by Articles II through VIII of Chapter 53., except that:
   a) The Manager shall employ the investigative powers vested in it to identify taxpayers liable for the payment of tax imposed by this Section and to notify such taxpayers of same so as to proactively maximize the collection of the tax.
The Clerk and Recorder hereby certifies that the ballot issue notice contained herein is complete as submitted by the political subdivision.

THIS CONCLUDES THE BALLOT ISSUE NOTICE REQUIRED BY ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION.
Denver’s Municipal Ballot Information Booklet

General Election
Tuesday, November 8, 2022

Denver Elections Division
200 W 14th Ave, Ste 100, Denver, CO 80204

Hon. Paul D. López
Clerk and Recorder, City and County of Denver
Referred Question 2J

May the City and County of Denver Retain and Spend all 2021 Revenues derived from the 0.25% Climate Action sales and use tax originally approved by the voters on November 3, 2020, and continue to impose and collect the tax to the full extent of the 0.25% permitted by the original voter approval?

Fiscal information on Referred Question 2J

This referred question does not require statement of fiscal impact to the City and County of Denver.

Written Comments FOR Referred Question 2J

Referred Question 2J is not a tax increase. At the November 3, 2020 election, Denver voters overwhelmingly approved a sales and use tax increase to mitigate the effects of climate change in the city, including prioritizing over half of the funds for efforts to protect people of color and Indigenous people, low-income communities, people living with chronic health conditions, babies, children, and older adults. Referred Question 2J allows voters the opportunity to support retaining these revenues and continuing the previously approved tax, as required by TABOR. To date, these tax funds have been used for things like e-bike rebate programs, planting more than 2000 trees, large community solar projects, and workforce development for green jobs. If 2J doesn’t pass, dedicated funding to combat climate change will be permanently reduced.

Written Comments AGAINST Referred Question 2J

No comments were filed by the deadline.

Referred Question 2K

May the City and County of Denver Retain and Spend all 2021 Revenues derived from the 0.25% Homelessness resolution sales and use tax originally approved by the voters on November 3, 2020, and continue to impose and collect the tax to the full extent of the 0.25% permitted by the original voter approval?

Fiscal information on Referred Question 2K

This referred question does not require statement of fiscal impact to the City and County of Denver.

Written Comments FOR Referred Question 2K

Referred Question 2K is not a tax increase. At the November 3, 2020 election, Denver voters overwhelmingly approved a sales and use tax increase to fund housing, shelter and services for people experiencing homelessness. Referred Question 2K allows voters the opportunity to support retaining these revenues and continuing the previously approved tax, as required by TABOR. To date, these tax funds have been used for COVID emergency response-related housing and shelter services, housing support and services, and shelter services including family shelters. If 2K doesn’t pass, dedicated funding to resolve homelessness will be permanently reduced.

Written Comments AGAINST Referred Question 2K

No comments were filed by the deadline.

Shall the Charter of the City and County of Denver be amended to modernize procedures for access to the ballot in city-wide elections by: requiring initiatives to contain only one subject; updating
deadlines for candidate nominations to match mail-in ballot procedures; requiring the clerk and recorder, in consultation with city council staff and the city attorney, to set the title of a proposed initiative, referendum, or recall; allowing public comment on proposed titles for an initiative; and removing unnecessary detail in the charter regarding the wording of ballot questions and allowing ballot question wording to be addressed by city ordinance in lieu of the Charter?

Fiscal information on Referred Question 2L

This initiative would have no financial impact on the City and County of Denver.

Written Comments FOR Referred Question 2L

No comments were filed by the deadline.

Written Comments AGAINST Referred Question 2L

No comments were filed by the deadline.

Text of Measure

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

Section 1. There is hereby submitted to the registered electors of the City and County of Denver for their approval or rejection at a special municipal election to be conducted at the same time and in conjunction with the coordinated election to be held in the City and County of Denver on November 8, 2022, a proposed amendment to the Charter of the City and County of Denver, as follows:

Effective upon publication and filing with the Secretary of State in accordance with the Constitution and laws of the State of Colorado, the following sections of the Charter of the City and County of Denver are amended to read as follows:

Section 2. § 3.1.7 of the Charter of the City and County of Denver is amended by deleting the language stricken and adding the language underlined to read as follows:

§ 3.1.7 - Vacancies in the Office of District Councilmember.

When any District Councilmember is unable, by reason of resignation, unexcused absence as provided in Section 3.1.6 of this Charter, moving from the district in which the Councilmember resided when elected, or death, to perform the duties of office for the time remaining prior to expiration of his or her term of office, the Council shall declare by resolution that a vacancy exists. Such vacancy shall be filled by a special election within the Council District, which shall be called by the Council to be held not less than seventy-five (75) days nor more than eighty-nine (89) days after the Council declares that such vacancy exists, unless another City-wide election has been scheduled to be held within 90 days after such vacancy is declared; and the candidate receiving the greatest number of votes at said election shall qualify and take such office immediately, and shall hold such office for the unexpired portion of the term in which the vacancy occurs. The name of a candidate filling a vacancy for district Councilmember shall be placed upon the ballot in same manner as provided in section 8.2.7 of this Charter, except that a verified petition shall have been filed in the candidate's behalf not more than fifteen (15) days after such vacancy is declared.

Section 3. § 8.2.7 of the Charter of the City and County of Denver is amended by deleting the language stricken and adding the language underlined to read as follows:

§ 8.2.7 - Nomination of candidates.

The name of a candidate for district Councilmember shall be placed upon the ballot when a verified petition of not less than one hundred (100) signatures of registered electors, who reside in the district in which the candidate resides, shall have been filed in the candidate's behalf at least fifty-five (55) days before the day of election in the manner and form and under the conditions established by the Clerk and Recorder, unless otherwise provided by ordinance in pursuance of this Charter. The name of a candidate for Mayor, Auditor, Clerk and Recorder or Councilmember-at-large shall be placed upon the ballot when a verified petition of not less than three hundred (300) signatures of registered electors shall have been filed in the candidate's behalf at least fifty-five (55) days before the
Section 4. § 8.3.1 of the Charter of the City and County of Denver is amended by deleting the language stricken and adding the language underlined to read as follows:

§ 8.3.1 - Rights of initiative, referendum and recall reserved to the people.

(A) The people of the City and County of Denver reserve the right to propose and enact ordinances—by initiative; to require that existing ordinances be referred to a vote of the electorate—by referendum; and to recall elected officials. The right of initiative, referendum, or recall shall be exercised by petition of the registered electors of the City and County of Denver. Such petitions shall be filed with the Clerk and Recorder as follows: a petition for an initiated ordinance may be filed at any time; a petition for referendum shall be filed within ninety (90) days after final passage and publication of an ordinance; and a petition for recall shall be filed no less than six (6) months after, nor less than one (1) year before a regularly scheduled municipal election in which the office in question has been or will be filled.

(B) An ordinance initiated by petition shall not contain more than one subject, which must be clearly expressed in its title. If any subject is embraced in the proposed initiated ordinance that is not expressed in the title, the proposed initiated ordinance is void only as to the portion not expressed in the title.

(C) An ordinance may be initiated by petition of registered electors numbering at a minimum two (2) percent of the total number of active registered electors as of January 1 each odd-numbered year.

(D) An enacted ordinance may be referred by petition of registered electors numbering at a minimum two (2) percent of the total number of active registered electors as of January 1 each odd-numbered year.

(E) Recall may be exercised by petition of registered electors entitled to vote for a successor and numbering at a minimum twenty-five (25) per-cent of the vote cast for that office in the municipal election in which the official was elected. For Councilmember-at-large, registered electors shall number at a minimum ten (10) per-cent of the total vote cast for the offices of Councilmember-at-large at the election at which the official was elected.

(F) City Council shall not amend or repeal an initiated ordinance adopted by a vote of the people within six (6) months after final passage. After the first six months and within ten (10) years following final passage of any initiated ordinance adopted by a vote of the people, the initiated ordinance may be amended or repealed by City Council only by two-thirds (⅔) vote. Whenever City Council amends or repeals an initiated ordinance adopted by a vote of the people, City Council may do so only after it holds a public hearing.

(G) City Council shall not reenact an ordinance repealed by a referendum within one (1) year after repeal by a vote of the people. After the first year and up to ten (10) years following repeal of an ordinance by a referendum, the repealed ordinance may be reenacted by City Council only by two-thirds (⅔) vote. Whenever City Council reenacts an ordinance repealed by a referendum, City Council may do so only after it holds a public hearing.

Section 5. § 8.3.2 of the Charter of the City and County of Denver is amended by deleting the language stricken and adding the language underlined to read as follows:

§ 8.3.2 - Provisions applicable to all petitions.

(A) Filing a petition. Petitions for an initiative, referendum, or recall shall be filed with the Clerk and Recorder as follows: a petition for an initiated ordinance may be filed at any time; a petition for referendum shall be filed within ninety (90) days after final passage and publication of an ordinance; and a petition for recall shall be filed no less than six (6) months after, nor less than one (1) year before a regularly scheduled municipal election in which the office in question has been or will be filled.

(B) Petitioners’ committee. Any five (5) registered electors of the City and County of Denver may begin proceedings for initiative, referendum, or recall by filing with the Clerk and Recorder an affidavit constituting themselves as a petitioners’ committee for such purpose and specifying the intent of the committee to circulate either an initiative, a referendum, or a recall petition. The petitioners’ committee shall be responsible for circulating and filing the petition. For recall of a Councilmember from a council district, members of the petitioners’ committee shall be residents of that district.

(C) Contents of affidavit, ballot title, and petition sample. The affidavit shall contain the notarized signatures of each member of the petitioners’ committee; shall state the names, addresses, and telephone numbers of each member of the petitioners’ committee; and an address to which notices to the committee shall be sent; and shall specify one member of the committee to serve as the primary contact. Any affidavit for an initiative or referendum shall specify in full the text of the ordinance to be initiated or referred and shall...
include a ballot title which shall contain in summary form the major provisions of the ordinance, which shall be true and impartial and shall not be an argument, nor likely to create bias, either for or against the measure. The title for an initiative shall begin with the words: “Shall the voters for the City and County of Denver adopt...” unless different wording is required by the State Constitution. The title for a referendum shall begin with the words: “Shall the voters of the City and County of Denver repeal...” unless different wording is required by the State Constitution. Any affidavit for a recall shall state the name of the elected official to be recalled and a statement of the grounds upon which recall is sought. The petitioners’ committee shall append to any affidavit a sample petition form in a style and format that complies with the requirements of this Charter and of the Clerk and Recorder.

(6D) Review and approval of affidavit, ballot title and petition sample by Clerk and Recorder. The affidavit, ballot title, and petition sample shall be reviewed by the Clerk and Recorder for a determination of compliance with the requirements of this Charter, with any and all other applicable State or City and County laws, and with the rules of the Clerk and Recorder. In reviewing the ballot title, the Clerk and Recorder shall consider the public confusion that might be caused by a misleading title. The Clerk and Recorder shall have three (3) full working business days from the time of the filing of the affidavit to review the affidavit, and petition sample, and ballot title. At the end of the three (3) working business days, the Clerk and Recorder must either accept or reject the affidavit, and petition sample, or ballot title. If the affidavit, or petition sample, or ballot title is rejected, the Clerk and Recorder shall make written findings specifying the defects in the affidavit, or petition sample, or ballot title. The petitioners’ committee, if not satisfied with the decision of the Clerk and Recorder, may institute legal proceedings with the appropriate court. No petition shall be circulated, nor shall any signatures be procured, until such affidavit, and petition sample, and ballot title are approved by the Clerk and Recorder.

(E) Title setting. The Clerk and Recorder shall, in consultation with the City Attorney and the City Council staff, designate and fix a proper and fair title for each initiative, referendum, or recall, as provided by ordinance. All such titles shall be referred to the City Attorney prior to being fixed, and it shall be the duty of the City Attorney to make an examination thereof and to certify that the title conforms to the requirements of the Charter and established by ordinance.

(1) If an initiative contains more than one subject, such that a ballot title cannot be fixed that clearly expresses a single subject, no title shall be set and the measure shall not be submitted to the people for adoption or rejection at the polls. In such circumstance, however, the measure may be revised and resubmitted for the fixing of a proper title without the necessity of review and comment on the revised measure in accordance with § 8.3.7 of the Charter, unless the revisions involve more than the elimination of provisions to achieve a single subject, or unless the official or officials responsible for the fixing of a title determine that the revisions are so substantial that such review and comment is in the public interest. The revision and resubmission of a measure shall not operate to alter or extend any filing deadline applicable to the measure.

(2) When designating and fixing the title of an initiative or referendum, the Clerk and Recorder shall consider the public confusion that might be caused by a misleading title and shall avoid a title for which the general understanding of the effect of an affirmative or negative vote will be unclear. The title must correctly and fairly express the true intent and meaning of the measure, must be brief, and must unambiguously state the principle of the provision sought to be added, amended, or repealed. The Clerk and Recorder shall post a proposed title for an initiative and shall solicit public input on the proposed title for a period of five (5) business days. Upon conclusion of the public input period, the Clerk and Recorder shall designate and set the final title.

(F) Appeal. The petitioners’ committee, if not satisfied with the decision of the Clerk and Recorder under this section, shall have the right to appeal, as provided in ordinance.

Initiated Ordinance 306

Shall the voters of the City and County of Denver adopt a measure requiring multifamily residential premises, non-residential premises, and food waste producers to offer recycling and/or organic material diversion, while also providing, in English and Spanish, proper education, information, signage, and instructions, while also providing an annual diversion plan, and notice of contract termination and change of provider,
• having multifamily residential premises phased in based on their number of units beginning June 1, 2022; and
• having non-residential premises and food waste producers, to be determined through rules and regulations established by the Department of Transportation and Infrastructure (DOTI), phased in based on their square footage beginning June 1, 2023;

while also requiring retail food mobile license holders to offer recycling and organic material diversion and to be prohibited from improper disposal of fats, oils, or grease; while also requiring special events to offer recycling and organic material diversion, in convenient and appropriate containers and locations, while allowing for waivers, and requiring a waste management plan with staff and volunteer training; while also requiring construction and demolition activities to separate and recycle all readily-recyclable concrete, asphalt, clean wood, scrap metal and corrugated cardboard, and to submit a recycling and reuse plan; and requiring DOTI to establish rules granting right of entry, exemptions, and fines and penalties for noncompliance?

Fiscal information on Initiated Ordinance 306:

Financial Impact:

Per the City and County of Denver’s (CCD) Municipal Code, Chapter 15, Section 15-11(e), this analysis provides the fiscal impact only to CCD.

Assumptions/Interpretations

Implementation of this program could have a financial impact on the private sector. It is unknown if private sector costs will be passed down to the consumer.

In the initiative, the first date for implementation is June 1, 2022, which has expired. Implementing this citywide program will involve many city agencies and will require coordination between the city and external partners, such as waste haulers. The timeline for full program implementation is estimated to be a minimum of one year and could be longer due to factors such as private industry capacity, supply chain delays, development of forms, policies and procedures, community outreach, and the hiring/training of new city personnel. Cost due to the delay of implementation, such as notification to the City regarding non-compliance, will be incorporated into current operational costs.

For the purposes of this fiscal impact statement, salary and benefit costs are based on City and County of Denver’s 2022 budgeted midpoint salaries, with benefits are calculated at 30% of salaries. Since this program would not be implemented until 2023, a 3% merit increase was added to all salary projections.

There may be other unknown costs associated with the implementation and operation of this initiative that could not be identified and are not reflected in this fiscal impact statement.

There may be affected premises not currently licensed by the City that fall under the requirements of this initiative. Since the quantity is unknown at this time, associated costs for those premises were not included in the fiscal analysis.

Potential costs for any future legal proceedings are not able to be quantified at this time.

Revenue

There is no revenue associated with this initiative.

Cost

The implementation of this initiative would require the work and coordination of several different departments within the City and County of Denver (CCD). For Special Events/Occasions, the Office of Special Events (OSE), Denver Arts and Venues (DAV), and the Department of Parks and Recreation (DPR) would be involved. For construction and demolition diversion issues, the Community Planning and Development department would be involved. For all other activities, the Department of Infrastructure and Transportation (DOTI) and the Excise and License Department (EXL) would be involved. DOTI includes the Solid Waste (SW) department that provides services to the residents of the City and County of Denver and EXL issues licenses to Food Waste producer businesses. The costs included in this fiscal impact statement incorporate the activities of
all of these departments.

<table>
<thead>
<tr>
<th>Program Management</th>
<th>Implementation Cost</th>
<th>Annual Ongoing Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Establish rules and regulations, create/maintain list of affected premises, set up program, notify responsible parties, coordinate with haulers and inspectors</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outside consultant</td>
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<tr>
<td>Program Manager (1 FTE)</td>
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<tr>
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<tr>
<td>Modify existing software systems</td>
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<td>Outside contractors</td>
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<tr>
<td>Review annual diversion plans</td>
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</tr>
<tr>
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<tr>
<td>Operations Assistant (1.5 FTEs)</td>
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</tr>
<tr>
<td>Purchase recycling/compost receptacles for Denver venues*</td>
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<tr>
<td>Implement program in municipal facilities</td>
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<tr>
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<tr>
<td>Program Management/Implementation Total</td>
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<td>$749,982</td>
</tr>
</tbody>
</table>

*Cost does not include purchase of receptacles for Red Rocks Coliseum as it is located outside of the city limits.

**Enforcement**

It is not stated within the initiative language that inspections are mandatory or how often they should occur. For the purposes of this fiscal impact statement, enforcement costs are presented at a minimal level, with inspections conducted upon request, in response to complaints, or by random spot-checking; and at a maximum level, with inspections conducted at every premise annually.

<table>
<thead>
<tr>
<th>Minimum Enforcement and Compliance</th>
<th>Implementation Cost</th>
<th>Annual Ongoing Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spot check/inspect on request</td>
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</tr>
<tr>
<td>City Inspector II (1 FTE)</td>
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<tr>
<td>Business License Inspector II (1 FTE)</td>
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<tr>
<td>Administrator I (0.15 FTE)</td>
<td>$11,548</td>
<td>$5,543</td>
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</tbody>
</table>

**Written Comments FOR Initiated Ordinance 306**

1. Upgrades access to recycling and composting service to those living in apartment complexes as well as those who are patronizing businesses and special events

2. Apartment complexes with eight or more units, businesses, and construction sites generate 82% of Denver’s waste, yet there is no policy mandating sustainable management.

3. Modernize practices of construction and demolition
companies creating diversion plans that often create new construction materials, allowing for more ecological practices.

4. Recycling and composting are energy efficient practices, create long term employment and a resilient local infrastructure improving the economy while reducing our impact on the climate.

Vote YES ON 306 to ensure all Denverites have access to recycling and composting, no matter where they live, work, or play. As Denver grows upwards, we need to expand services to people who aren’t served by Denver’s household municipal services. Waste No More Denver is a requirement for commercial businesses, festivals, multifamily properties 8 units or more, and construction sites to improve their waste management practices. These locations generate the majority of Denver’s waste (82%) however the majority of their waste (63%) ends up in a landfill. Ballot measure 306 will meet Denver’s solid waste plan goals, make Denver a Climate Action Leader, and place emphasis on the role of education in successful implementation.

Recycling and composting are effective ways to take direct climate action. Composting reduces methane emissions, while generating soil amendments that help protect our water and feed plants. Voting yes on 306 will also secure more jobs in our community as recycling creates nine times as many jobs as landfill only. VOTE YES ON 306 for a more sustainable and equitable Denver.

While the waste disposal goals of this initiative are commendable, the details are onerous. For example, the regulated entity must notify the city every time it changes a provider contract. The long list of establishments subject to these requirements can grow.

Denver says it wants more affordable multifamily residential premises. The costs to comply with the many city requirements detailed in this initiative will surely increase rents and condominium fees.

**Text of Measure**

Be it enacted by the City and County of Denver, Chapter 48 of the D.R.M.C. is amended by the addition of a new Article X to read as follows.

**ARTICLE X. - RECYCLING AND ORGANIC MATERIAL DIVERSION**

**Sec. 48-130. - Responsible Party.**

(a) With the exception of Subsection (b), a responsible party shall comply with any duty that is imposed on the responsible party in this Article X.

(b) A tenant or lessee on a premise who contracts or arranges with a hauler for solid waste service or who self-hauls is deemed the responsible party with respect to that portion of the premises over which the tenant or lessee has care, custody, control, or possession.

**Sec. 48-131. - Right of Entry.**

(a) City staff, determined through rulemaking, may enter a premise to inspect for compliance with this article.

(b) An inspector shall present the inspector’s credentials to an occupant of the premises on request.

(c) An inspector shall make a reasonable effort to locate the responsible party and request entry to the premises.

**Sec. 48-132. - Affected Premise.**

(a) The responsible party for a premise of which all or part is used for multi-family residential use shall ensure that tenants and employees have access to on-site recycling and organic material diversion described under this article, for that portion of the premises that is multi-family residential, effective:

1. June 1, 2022 for premises with 75 or more dwelling units;
2. June 1, 2023 for premises with 25 or more but less than 75 dwelling units; and

This initiative requires Denver to oversee a giant bureaucracy for multifamily residential premises, non-residential premises, and food waste producers to dispose of their food waste in specific ways. Denver cannot even consistently pick up residential trash on a day the city itself determines. It certainly cannot ride herd on food banks, universities with dining services, hotels, farmers markets, sports venues and 13 other types of commercial services, in addition to multifamily residential premises.

Written Comments AGAINST Initiated Ordinance 306

This initiative requires Denver to oversee a giant bureaucracy for multifamily residential premises, non-residential premises, and food waste producers to dispose of their food waste in specific ways. Denver cannot even consistently pick up residential trash on a day the city itself determines. It certainly cannot ride herd on food banks, universities with dining services, hotels, farmers markets, sports venues and 13 other types of commercial services, in addition to multifamily residential premises.
(3) June 1, 2024 for premises with 8 or more but less than 25 dwelling units;
(b) The responsible party for a premise of which all or part is used for non-residential use shall ensure that tenants and employees have access to on-site recycling services described under this article effective:
   (1) June 1, 2023 for premises with more than 25,000 square feet of any type of non-residential use;
   (2) June 1, 2024 for premises with more than 5,000 square feet and up to 25,000 square feet of any type of non-residential use; and
   (3) June 1, 2025 for all non-residential premises that are not described in (b) of this subsection.
(c) The requirements in Subsection (d) of this section are in addition to the requirements in Subsections (a) and (b) of this section.
(d) In addition to complying with the other requirements described in this section, The Department of Transportation and Infrastructure, through rules and regulations, shall create a list of affected premises for Food Waste Producers that should include, but not be limited to:
   (1) Grocery stores
   (2) Food wholesalers, distributors, and manufacturers
   (3) Food Trucks
   (4) Hotels
   (5) Hospitals
   (6) Sports venues
   (7) Event centers
   (8) Caterers
   (9) Nursing and residential care facilities
   (10) Office buildings with dining services
   (11) Farmers markets
   (12) Food shelves and food banks
   (13) Colleges and universities with dining services
   (14) Shopping centers
   (15) Airports
   (16) Golf clubs and country clubs
   (17) Rental kitchens or shared use commercial kitchens
   (18) Restaurants
(e) Food Waste Producers shall ensure that employees, contractors, and customers have access to on-site organic material diversion effective:
   (1) June 1, 2023 where the square footage in a certificate of occupancy, food license, or similar document issued by a government entity for the business or industry is between 5,000 square feet to 14,999 square feet; and
   (3) June 1, 2025 for all Food Waste Producers that and that are not described in (e) of this subsection.
(f) For purposes of determining the effective date under this section the Department of Transportation and Infrastructure may verify the square footage attributable to a specific use by consulting appraisal district or other public records or by requesting a valid certificate of occupancy or approved site plan documenting the types of uses.
(g) A responsible party for an affected premise to which an effective date in Subsections (a), (b), (c), (d), and/or (e) of this section applies and who begins operations after an applicable effective date shall comply with this ordinance on the date the affected premise is issued a certificate of occupancy.
(h) If the responsible party provides janitorial services to its business tenants, the contract for janitorial services shall include recycling and organic material diversion that meet the requirements listed above and support the collection system for recyclable and organic materials.

Sec. 48-133. Diversion Requirements for Affected Premises.
(a) On-site recycling and organic material diversion services required under this article shall:
   (1) For recycling, collect at least the following materials: paper (including mixed paper and office paper, but not shredded paper), plastic bottles, aluminum cans, corrugated cardboard, cartons, and glass bottles and jars;
   (2) For organic material diversion, collect organic materials;
   (3) Provide receptacles, collection, capacity, and storage areas that comply with applicable administrative rules; and
   (4) Provide recycling and organic material diversion information and instructions that comply with applicable administrative rules; and
   (5) Remove recyclables, organic materials, or recovered food by either:
       i. diverting the recyclables, organic materials, or recovered food to a materials recovery, composting facility, food bank authorized by law, or other, as determined through the rulemaking process;
       ii. contracting with a service provider to transport the recyclables and organic materials to a materials certificate of occupancy, food license, or similar document issued by a government entity for the business or industry is between 5,000 square feet to 14,999 square feet; and
   (3) June 1, 2025 for all Food Waste Producers that and that are not described in (e) of this subsection.
recovery or composting facility authorized by law, or other, as determined through the rulemaking process; or

iii. transporting recyclables, organic materials, or recovered food as permitted and required by City Code, to a material recovery facility, food bank, compost processor or drop-off facility, urban farm, community garden, designated transfer station for recyclables or organic materials, or other, as determined through the rulemaking process.

(b) The Department of Transportation and Infrastructure may add to or remove items from the list of recyclable materials required under Subsection (a)(1) of Sec. 48-133 by providing notice on the City’s website at least 120 continuous days before adding the additional materials.

(c) The department shall adopt rules that establish a process in which the responsible party for an affected premise can request:

1. a one-year exemption from the requirements based on rules and conditions established by the Department of Transportation and Infrastructure, including but not limited to economic hardship, de minimus volumes of materials, self-hauling of materials, and space constraints. The responsible party may re-apply for one additional exemption at the expiration of the initial exemption period.
2. approval to comply with this article through alternative means such as food donation, animal feed or other innovative processes;
3. approval to substitute another recyclable material in place of a required recyclable material listed in Subsection (a)(1) above;
4. approval to comply with this article by sharing solid waste, recycling, or organic material diversion services;
5. approval of a deduction of square footage under Subsection (e) of Sec. 48-132 if the food enterprise serves only pre-packaged food; or
6. approval for performing recycling or organic material diversion on-site.

(d) Owners or operators of Retail Food Mobile Licenses (Food Truck or Food Cart) that provide single use food ware must supply adequate collection containers for the appropriate source separation of recyclables, organic materials, and trash as determined by the type of food service ware distributed by vendors, placed near a main exit, unless that food vendor does not use single use food ware for on-site consumption and serves minimal to go orders per day, but not including any to go orders delivered to residents by a delivery service, effective June 1, 2022.
(e) Multiple Retail Food Mobile (Food Truck or Food Cart) License holders that provide single use food service ware and share a common eating area may share an appropriate number, size, and placement of containers for recyclables, organic material, and trash for convenient use by customers or visitors.
(f) Owners or operators of Retail Food Mobile Licenses (Food Truck or Food Cart) and events must not put any fats, oils, or grease in trash collection containers and must have adequate fat, oil, and grease collection.

Sec. 48-134. Education.

(a) The responsible party for an affected premise shall provide recycling and organic material diversion (where applicable) information and instructions in accordance with rules adopted by the Department of Transportation and Infrastructure to:

1. all tenants and employees of the premises annually;
2. a new employee or tenant no later than the 30th day after the tenant occupies or the employee begins work at the premises; and
3. all employees or tenants not later than the 30th day after a substantive change in the recycling service offered at the premises.

(b) The responsible party shall provide recycling and organic material diversion (where applicable) information and instructions in accordance with rules adopted by the Department of Transportation and Infrastructure to:

1. each business, tenant, or organization located at the premises annually;
2. a business, tenant, or organization newly located to the premises not later than the 30th day after any change in occupancy; and
3. all occupancies at the premises not later than the 30th day after a change in the recycling service offered.

(c) All information and documentation, including signage, required to be provided to persons or posted as public information under this article shall be written in English and Spanish, or picture-only, and include universal symbols as adopted by the Department of Transportation and Infrastructure.

(d) Each container designated or used for collection and disposal of materials to a state-recognized landfill shall be prominently marked “Landfill Trash” in English and Spanish, or picture-only and in compliance with the rules adopted by the Department
of Transportation and Infrastructure.
(e) Each container designated or used for collection or transport of recyclables or organic materials shall be affixed with a sign that includes:
   (l) the universal chasing arrows recycling symbol;
   (2) the type of materials accepted written in English and Spanish, or picture-only; and (3) the term “Recycling” or “Compostables” or “Organics”, as appropriate.

Sec. 48-135. Annual Diversion Plan.
(a) The responsible party for an affected premise shall submit a recycling plan to the department by February 1, of each year starting with the year in which requirements of this article apply to the premises.
(b) The responsible party for an affected premise shall submit a recycling plan for a new business, building, or multi-family residential complex not later than the 30th day after receiving a certificate of occupancy or beginning operations or following any change that reduces recycling service or the types of materials collected.
(c) A plan must:
   (l) be on a form prescribed by the Department of Transportation and Infrastructure;
   (2) include information or documentation as required by the Department of Transportation and Infrastructure to verify compliance with this article.

Sec. 48-136. - Notice of Contract Termination.
A person who provides recycling or organic materials diversion service under this article by contract with a recycling service provider shall notify the department in writing not later than the 30th day after the person terminates the contract.

Sec. 48-137. - Notice of Change of Provider.
(a) The responsible party for an affected premise shall notify the department in writing if the person:
   (l) discontinues self-hauling and contracts with a recycling or organic materials diversion service provider; or
   (2) terminates a contract with a provider.
(b) A responsible party shall submit the notice required by this section to the department in accordance with rules adopted by the Department of Transportation and Infrastructure.

Sec. 48-138. - Special Event Requirements for Recyclables and Organic Material Collection.
(a) Owners or operators of permitted events must provide recycling and organic material collection to their employees, contractors, and customers, effective June 1, 2022.
(b) Owners or operators of permitted events must supply appropriate containers, placed in appropriate locations, to make source separation of recyclables, organic material, and trash convenient for the employees, contractors, and customers of permitted events. The containers must:
   (1) be of appropriate number and size in light of the recyclables, organic material, and trash quantities reasonably anticipated to be generated at the location;
   (2) display appropriate signage in English and Spanish, or picture-only, be color coded to identify the type of refuse to be deposited, and meet any additional design criteria established by the Department by regulation; and,
   (3) be placed as close together as possible to provide equally convenient access to users.
(c) Requirements may be waived for events providing reusable food ware, generating de minimus volumes, or events that do not distribute food for on-site consumption subject to approval of event permit.
(d) Special event permit applications shall be updated to include, but not limited to, a waste management plan, and staff and volunteer training to be reviewed by the Office of Special Events.
(e) Enforcement and compliance for special events shall be determined through a rules and regulations process.

Sec. 48-139. Construction and Demolition Requirements for Recyclables Collection
(a) All construction and demolition activities subject to city permit should separate and recycle, at a minimum, all readily-recyclable concrete, asphalt, clean wood, scrap metal and corrugated cardboard. Other materials may be added to this list by the Department of Transportation and Infrastructure as recycling opportunities expand, effective June 1, 2023.
(b) A rules and regulations process shall establish penalties and fines for noncompliance based on the square footage of the project. Penalties may include loss of license.
(c) All parties seeking a demolition permit must have a recycling and reuse plan approved by the Department of Transportation and Infrastructure prior to the issuance of the demolition permit.
(d) Projects under 500 square feet, projects requiring only mechanical, electrical, plumbing or HVAC permits, quick permits, and other applicable projects determined through rules and regulations are exempted.
Initiated Ordinance 307

Shall the voters of the City and County of Denver adopt an ordinance to create a sidewalk master plan and to implement a sustainable program for the construction, reconstruction, and ongoing repairs of sidewalks citywide; to fund the program by charging a fee to property owners; to create a sidewalk enterprise within the definition of Section 20, Article X, of the Colorado Constitution, with the authority to issue revenue bonds payable solely from the fees collected under this program and without further voter approval; and to remove the adjacent property owner’s current responsibility for sidewalk repair and reconstruction and place such responsibility on the City?

Fiscal information on Initiated Ordinance 307:

Financial Impact:

Per the City and County of Denver’s (CCD) Municipal Code, Chapter 15, Section 15-11(e), this analysis provides the fiscal impact only to CCD.

Assumptions/Interpretations

Per the following publications, Denver Moves: Pedestrians and Trails, published in January 2019, and Denver Moves Everyone 2050 - State of the System, published in March 2022, the timeline required to improve the City and County of Denver’s sidewalks would be approximately 27.5 years. The timeline of nine (9) years established by this initiative cannot be achieved due to the capacity requirements that would be placed on both the City and County of Denver’s resources as well as those of the various industries involved, such as limited concrete availability.

Calculations for this fiscal impact statement are based on data included within the Denver Moves Everyone 2050 - State of the System, March 2022 publication. Within this publication, it is stated that there are approximately 2,300 miles of sidewalks within Denver, including 300 miles of missing sidewalks and 830 miles of narrow sidewalks.

Furthermore, construction costs are noted to be as high as $2 million per mile for an average six-foot-wide sidewalk.

There may be other unknown costs associated with the implementation and operations of this initiative that were not identified or reflected in this fiscal statement.

Potential costs for any future legal proceedings are not able to be quantified at this time.

Revenue

The revenue assumptions below do not include any consideration for non-compliance or NEST discounts. Both non-compliance and NEST discounts would decrease revenue estimates in this fiscal impact statement. Nonpayment of charges could result in a lien on property and thus compliance is anticipated to be high.

Total revenue calculations are based on an average of fees by street type, per the initiative, which is calculated to be $3.23 per linear foot of property frontage multiplied by 2,300 miles of sidewalk. An annual 3% Consumer Price Index was used for the increase in fees that are to occur every 5th year and applied from the previous adjustment period, per the initiative.

<table>
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<tr>
<th>Year</th>
<th>Revenue</th>
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<tbody>
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<tr>
<td>Total for Years 1-30</td>
<td>$1,846,858,757</td>
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</table>

Cost

In years 1–9, per the ballot initiative, all sidewalks need to be addressed.
In years 1–3, only maintenance on existing sidewalks will be performed, while the sidewalk master plan is created.

In years 4–9, missing and deficient sidewalks will be started and completed, as well as the completion of maintenance on existing sidewalks, to fulfill the timeline set forth by the initiative.

In year 10 and on, 2% of all sidewalks will be addressed for maintenance work only, based on a 50-year average life of a sidewalk.

An average cost of $396,000 per mile was utilized for the maintenance of existing sidewalks. This cost is based on historical data from the Department of Transportation and Infrastructure (DOTI).

An average cost of $2 million per mile was utilized for the combined phases of: Planning & Public Involvement, Design, and Construction of sidewalks. The breakdown of costs between these stages is based on historical data from DOTI.

The sidewalk improvements included in this initiative will require some right of way (ROW) acquisitions of the property needed to accommodate new and widened sidewalks. ROW costs are estimated at $6.4 million per mile for the average six-foot wide sidewalk and are based on recent citywide ROW costs which historically are needed for 75% of sidewalks. Therefore, ROW costs are included for all of the missing sidewalks and 50% of the deficient sidewalks (only 50% are included based on the assumption that deficient sidewalks are already half in place). These costs are dependent on many variables including the assessed property value and the amount of property needed.

An annual construction cost inflator of 4.2% as calculated by the Colorado Department of Transportation was incorporated into the cost estimates.

Administrative, debt service, and indirect costs are unknown at this point and therefore not included in the calculation. Any debt issuance would require approval from Denver City Council and any revenue bond issuance would require established financial performance and a feasibility analysis to ensure projected revenues are sufficient to cover all costs including those related to capital and debt service.

<table>
<thead>
<tr>
<th>Years</th>
<th>Revenue</th>
<th>Costs Excluding ROW</th>
<th>Gap Excluding ROW</th>
<th>Running Balance of Gap Excluding ROW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 1</td>
<td>$39,164,400</td>
<td>$18,981,072</td>
<td>$20,183,328</td>
<td>$20,183,328</td>
</tr>
<tr>
<td>Year 2</td>
<td>$39,164,400</td>
<td>$19,778,277</td>
<td>$19,386,123</td>
<td>$39,569,451</td>
</tr>
<tr>
<td>Year 3</td>
<td>$39,164,400</td>
<td>$20,608,965</td>
<td>$18,555,435</td>
<td>$58,124,886</td>
</tr>
<tr>
<td>Year 4</td>
<td>$39,164,400</td>
<td>$472,669,788</td>
<td>($433,505,388)</td>
<td>($375,380,502)</td>
</tr>
<tr>
<td>Year 5</td>
<td>$39,164,400</td>
<td>$492,521,919</td>
<td>($453,357,519)</td>
<td>($828,738,021)</td>
</tr>
<tr>
<td>Year 6</td>
<td>$45,402,274</td>
<td>$513,207,840</td>
<td>($467,805,566)</td>
<td>($1,296,543,587)</td>
</tr>
<tr>
<td>Year 7</td>
<td>$45,402,274</td>
<td>$534,762,569</td>
<td>($489,360,296)</td>
<td>($1,785,903,883)</td>
</tr>
<tr>
<td>Year 8</td>
<td>$45,402,274</td>
<td>$557,222,597</td>
<td>($511,820,323)</td>
<td>($2,297,724,206)</td>
</tr>
<tr>
<td>Year 9</td>
<td>$45,402,274</td>
<td>$580,625,946</td>
<td>($535,223,673)</td>
<td>($2,832,947,879)</td>
</tr>
<tr>
<td>Years 10-30</td>
<td>$1,469,427,663</td>
<td>$898,298,583</td>
<td>$571,129,079</td>
<td>($2,261,818,800)</td>
</tr>
<tr>
<td>Total for Years 1-30</td>
<td>$1,846,858,757</td>
<td>$4,108,677,556</td>
<td>($2,261,818,800)</td>
<td></td>
</tr>
</tbody>
</table>

The implementation of this program will result in a gap of resources of approximately $2.8 billion after nine (9) years, excluding ROW costs, and $7.3 billion including ROW costs. It is unclear how this gap will be addressed and if there will be any cost to constituents.

As the ballot language is currently written, if approved, it will result in the creation of an Enterprise Fund per Colorado Revised Statute section 24-77-108 (1). Per Colorado Revised Statute section 24-77-102 (3)(b) Enterprise Funds can receive subsidies of no more than 10% of its annual revenues, or approximately $4 million per year. Per the ballot language, the subsidies provided to the NEST areas would be counted towards this 10% limit. Given the calculated forecasted difference between revenue and expenditures, subsidies or fee increase will be required to pay for the needed capital funding in amounts above this 10% limit, as the ballot language does not allow for additional fees to be assessed. This action will result in the loss of Enterprise Fund status unless the fees are increased to cover expenses, which could result in additional costs to the consumer.
40% of our streets have no sidewalks at all, or sidewalks that are too skinny for a person using a wheelchair. Many more sidewalks are in serious disrepair.

This makes it difficult for everyone to get around safely, particularly people with disabilities, older adults, and parents with children.

Low income neighborhoods, where residents are more likely to depend on walking as a form of transportation, are the least likely to have safe, well-maintained sidewalks.

People walking in Denver are 30 times more likely to die in a traffic crash compared to people in cars, and the lack of safe, usable sidewalks is a major contributing factor.

Denver Deserves Sidewalks will:

- Remove responsibility for hiring contractors and managing sidewalk repairs from adjacent property owners and place this responsibility on the City.
- Publicly fund the construction and repair of sidewalks citywide, through a modest annual fee charged to property owners.
- Enable construction of a complete sidewalk network that serves every neighborhood within nine years, instead of 400 years, which is the pace we are on with current policies and the meager amount of public funds that have been allocated for sidewalk construction through general obligation bonds and annual appropriations.
- Provide dedicated funding for sidewalk repairs in perpetuity. All property owners would be assessed an annual fee based on the length of sidewalk along their property and the type of street on which the property is located. For the owner of a typical single family home, the proposed sidewalk fee would be about $107 per year, or about $9 per month.

Properties in low-income neighborhoods that have historically received less investment in public infrastructure and are at high risk of displacement will receive an automatic 20% discount on the fee. Additionally, to reduce financial burden, property owners can choose to defer the fee until sale of the property.

The Denver Deserves Sidewalks initiative is a fair and equitable way to provide a basic need that benefits all of us through safer streets, better transit access, lower transportation costs and more livable neighborhoods.

<table>
<thead>
<tr>
<th>Year</th>
<th>Revenue</th>
<th>Costs Including ROW</th>
<th>Gap Including ROW*</th>
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<td>$58,124,886</td>
</tr>
<tr>
<td>Year 4</td>
<td>$39,164,400</td>
<td>$1,143,029,491</td>
<td>($1,103,865,091)</td>
<td>($1,045,740,205)</td>
</tr>
<tr>
<td>Year 5</td>
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<td>$1,191,036,730</td>
<td>($1,151,872,330)</td>
<td>($2,197,612,535)</td>
</tr>
<tr>
<td>Year 6</td>
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<td>$1,241,060,273</td>
<td>($1,195,657,999)</td>
<td>($3,393,270,534)</td>
</tr>
<tr>
<td>Year 7</td>
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<td>$1,293,184,804</td>
<td>($1,247,782,531)</td>
<td>($4,641,053,065)</td>
</tr>
<tr>
<td>Year 8</td>
<td>$45,402,274</td>
<td>$1,347,498,566</td>
<td>($1,302,096,292)</td>
<td>($5,943,149,358)</td>
</tr>
<tr>
<td>Year 9</td>
<td>$45,402,274</td>
<td>$1,404,093,506</td>
<td>($1,358,691,232)</td>
<td>($7,301,840,590)</td>
</tr>
<tr>
<td>Years 10-30</td>
<td>$1,469,427,663</td>
<td>$898,298,583</td>
<td>$571,129,079</td>
<td>($6,730,711,511)</td>
</tr>
<tr>
<td>Total for Years 1-30</td>
<td>$1,846,858,757</td>
<td>$8,577,570,267</td>
<td>($6,730,711,511)</td>
<td></td>
</tr>
</tbody>
</table>
The figures the proponents provide for the average cost are not accurate. On corners of busy streets tax will be $522-$1000 every year for the foreseeable future. Some corner properties will pay close to $300-$500 yearly. Yes, the people in between pay less, but the average for us is over $200 yearly. For interior blocks not on a busy street, the average cost will be closer to $175-$189 every year. Most of these homes will not need new sidewalks for decades, yet they will pay, and pay, and pay if this measure is passed. The initiative allows fees to be increased every 5 years.

We have “Hollywood sidewalks” and are already being taxed for them for storm drainage/wastewater usage, so we’ll be taxed again. How is that equitable?

Careful consideration should examine the cost especially to neighborhoods like ours which are populated by older retired people and working class families. This proposal treats some owners inequitably. It provides a 20% discount to properties in certain neighborhoods where displacement and gentrification have allowed scrape-offs, increasing property values. Affluent owners that contributed to that gentrification get discounts, but poor neighborhoods not yet gentrified pay the full amount. If the City and County cannot provide sidewalks in a timely manner according to the proponents of this measure, who can? Is there enough cement to even accomplish what they want? Are there enough companies to provide the expertise to install all these sidewalks? Enough landfill to provide for the disposal of all that cement? We can’t even get people to work in most jobs. Where will the people come from to install sidewalks at a faster rate than is now happening?

Under the present schedule, the completion could take 400 years. Does this proposal really speed up this process? Even 5 times faster (80 years) will mean that virtually every citizen in Denver will never see their sidewalk replaced or repaired in their lifetime. Delays and cost overruns will soar.

Have the constraints that are causing the long timeline been thoroughly examined and analyzed? Can they realistically be overcome to achieve what this measure wants to accomplish? I don’t think so.

This proposal is grossly unfair to property owners who have already paid to replace or repair their own sidewalks. They get no credit for their expenditures and have to pay for everyone else’s sidewalks for many years to come.

The proponents say a lot of sidewalks are too narrow. According to whose definition? Does that mean a bigger sidewalk will be installed intruding into existing landscape? Who will pay for all the damage done to people’s yards? Are there eminent domain issues that need to be considered? If not, will the wider sidewalks intrude into the street and gutter making the streets narrower?

Too many questions! And too few answers! PLEASE VOTE NO. There has to be a better way to provide safe sidewalks for all. This is not the answer.

Text of Measure

Be it enacted by the City and County of Denver:

Section 1. Article VI (Sidewalks, Curbs, Gutters and Driveways) of Chapter 49 (Streets, Sidewalks and Other Public Ways) of the Revised Municipal Code is amended by the addition of new Division 5 to read as follows:

DIVISION 5. - SIDEWALK PROGRAM AND SIDEWALK FUND

Sec. 49-145. General provisions.
(a) Sidewalks are basic infrastructure critical to creating and maintaining an equitable and vibrant city. Sidewalks are necessary to guarantee everyone, including parents, children, and people with disabilities, has the independence to move about the city freely and safely. However, many places in the city do not have sidewalks or have sidewalks that are narrow, in disrepair, and/or do not comply with legally mandated accessibility standards. Presently existing sidewalks require frequent reconstruction and repair.
(b) Historically, each owner of a lot or parcel of real property within the city was responsible for the construction, reconstruction and repair of the sidewalk on their real property. To create a comprehensive, integrated, and accessible sidewalk network, while also reducing the burden on individual real property owners to construct, reconstruct, and repair sidewalks, this division promulgates and sets forth...
an annual sidewalk service charge to be paid by real property owners, the revenues from which shall be dedicated to sidewalk construction, reconstruction and repair by the city. This division further removes individual real property owners’ responsibility for sidewalk construction, reconstruction and repair. Just as real property owners’ former responsibility for sidewalk construction, reconstruction and repair was proportionate to the length of sidewalk adjoining their property, real property owners should pay a sidewalk service charge proportionate to the length of sidewalk adjoining their property. Additionally, each owner of a lot or parcel of real property within the city to the extent it makes use of, and is served by, sidewalks, should pay for the use and availability of use of sidewalks.

(c) The revenue from the sidewalk service charge promulgated and set forth in this division is required, and shall be used, solely for sidewalk construction, reconstruction and repair purposes, including financing, administrative and other costs related to the implementation of the sidewalk construction, reconstruction and repair program.

(d) In addition to the above-stated general purposes, this division is enacted for the following specific purposes:

1. To promote the general public health, safety and welfare by assuring that sidewalks are accessible and safely maintained for all sidewalk users.
2. To provide for the establishment of a sidewalk master plan and maintenance program for effectively identifying sidewalks in need of construction, reconstruction and repair and developing a comprehensive program for sidewalk construction, reconstruction and repair.
3. To establish a reasonable sidewalk service charge for construction, reconstruction and repair of sidewalks computed on a basis of the use made of, and the need for, and the service provided by, sidewalks in the city.

**Sec. 49-146. Sidewalk master plan.**

(a) The manager of transportation and infrastructure shall, as soon as is practicable, formulate and develop a plan to be known as the sidewalk master plan of the city. The sidewalk master plan shall set forth the location, width and state of repair of all sidewalks within the city, as well as the location of all lots and parcels of real property in the city where there are currently no sidewalks.

(b) The sidewalk master plan shall set forth a near-term strategy for implementation of the initial capital investment plan described in subsection 49-146(c), as well as a long-term strategy for a continuing program of maintenance, repair, and/or reconstruction of city sidewalks as needed and over time. These strategies shall initially prioritize sidewalk construction, reconstruction and, repair based on the prioritization tiers assigned in the 2019 Denver Moves: Pedestrians & Trails Plan, or similar plan that prioritizes sidewalk construction, reconstruction and repair to maximize pedestrian safety, transit access, and access to other high-priority destinations such as schools, parks, grocery stores, and health care centers. The sidewalk master plan shall require sidewalks to be constructed, reconstructed and repaired to the minimum standard sidewalk widths identified in the city’s Complete Streets Guidelines for the type of street on which the sidewalk is located, unless the manager of transportation and infrastructure determines doing so is not reasonable or feasible.

(c) The manager of transportation and infrastructure shall include in the sidewalk master plan an initial capital investment plan that is to be fully implemented within nine years of the effective date of this section. The initial capital investment plan shall include, at a minimum, the construction of sidewalks on city property adjoining all parcels where no sidewalks currently exist, the upgrade or reconstruction of all existing sidewalks that do not meet the minimum standard sidewalk widths identified above, and the repair or reconstruction of all existing sidewalks that are in severe disrepair or do not comply with legally mandated accessibility standards as determined by the manager of transportation and infrastructure.

(d) The sidewalk master plan shall include strategies for, and the manager of transportation and infrastructure may make such additional studies as may be necessary for ensuring the efficiency and creation of functional sidewalk networks, including by consolidating new construction, upgrades and repairs geographically. The sidewalk master plan shall also consider and direct the implementation of strategies to preserve flagstone sidewalks where the existing materials are substantially intact and it is possible to do so while still satisfying sidewalk master plan priorities.
(e) The sidewalk master plan shall be updated in no less frequent intervals than five (5) years, including new improvements and developing problem areas and shall be submitted to the transportation and infrastructure advisory board and city council for their review.

(f) Prior to preparing the annual budget, the manager of transportation and infrastructure shall prepare an annual report and action plan detailing progress made in the prior year toward the goals of the sidewalk master plan, progress made in the implementation of the initial capital investment plan, and a detailed plan for proposed sidewalk construction, repair, and reconstruction to be undertaken in the next year. The annual report and action plan shall be provided for public comment and submitted to the transportation and infrastructure advisory board for its review and approval.

Sec. 49-147. Sidewalk construction, reconstruction and repair service charge.

(a) There is hereby imposed on each and every lot or parcel of land within the city, and the owners thereof, a sidewalk construction, reconstruction, and repair service charge (referred to in this division as the “sidewalk service charge”). This charge is deemed reasonable and is necessary to pay for (1) the maintenance, improvement and replacement of existing city sidewalks on the public right-of-way, and (2) the construction, maintenance, improvement and replacement of future city sidewalks on the public right-of-way. All of the proceeds of the sidewalk service charge are deemed to be in payment for (1) the use, construction, reconstruction, and repair of city sidewalks by the real property on, and with respect to, which the charge is imposed, and the owners thereof. Real property owned by the city pursuant to the Charter authority of the department of aviation shall not be subject to payment of such sidewalk service charge for so long as the department of aviation performs all necessary and appropriate maintenance, repair, replacement and future construction relating to sidewalks located on such real property.

(b) (1) The sidewalk service charge shall be payable in advance, twice annually or at some other billing frequency that the manager of transportation and infrastructure shall determine is necessary and appropriate, and shall be paid to the city, as billed by the city, by the owner or owners of each and every lot or parcel of real property located within the political jurisdiction of the city and shall be computed by first determining the linear footage of the property frontage for the lot or parcel of real property as set forth in subsection (c) of this section; second, identifying the street type on which the lot or parcel of real property is located as set forth in subsection (d) of this section; and third, multiplying the sidewalk service charge per linear foot for the assigned street type as set forth in section 49-148 by the linear footage of the property frontage for the lot or parcel of real property.

(2) For property owners who are not billed on a twice annual basis, charges under subsection (b)(1) of this section shall be prorated for each billing period.

(3) For a lot or parcel of real property located on two or more street types, the computation described in subsection (b)(1) of this section shall be performed separately for each portion of the lot or parcel on a different street type, and the resulting numbers summed to determine the total sidewalk service charge for the lot or parcel.

(c) The manager of transportation and infrastructure shall determine the linear footage of the property frontage for the lot or parcel of real property by any of the following methods:

(1) On-site measurements of the linear footage of the property frontage for the lot or parcel of real property made by the city or on its behalf;

(2) Computation of the linear footage of the property frontage for the lot or parcel of real property using the dimensions of the property frontage for the lot or parcel of real property which are set forth and contained in the records of the office of the assessor of the city; or

(3) Estimation, calculation and computation of the property frontage using aerial photography, photogrammetry, or equivalent technology.

(d) The manager of transportation and infrastructure shall identify the street type on which the lot or parcel of real property is located based on the Blueprint Denver future street typology, or such other comprehensive street typology as the city may subsequently create and on which the manager of transportation and infrastructure may choose to rely for purposes of this section.

Sec. 49-148. Sidewalk service charge per linear foot.
(a) Except as otherwise provided in this section, the sidewalk service charge per linear foot per twelve-month period for each street type is fixed as follows:

<table>
<thead>
<tr>
<th>Street Type</th>
<th>Annual fee per linear foot of property frontage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Arterial</td>
<td>$3.58</td>
</tr>
<tr>
<td>Commercial Collector</td>
<td>$2.15</td>
</tr>
<tr>
<td>Downtown Arterial</td>
<td>$4.30</td>
</tr>
<tr>
<td>Downtown Collector</td>
<td>$4.30</td>
</tr>
<tr>
<td>Industrial Arterial</td>
<td>$3.58</td>
</tr>
<tr>
<td>Industrial Collector</td>
<td>$2.15</td>
</tr>
<tr>
<td>Main Street Arterial</td>
<td>$4.30</td>
</tr>
<tr>
<td>Main Street Collector</td>
<td>$4.30</td>
</tr>
<tr>
<td>Mixed Use Arterial</td>
<td>$3.58</td>
</tr>
<tr>
<td>Mixed Use Collector</td>
<td>$3.58</td>
</tr>
<tr>
<td>Residential Arterial</td>
<td>$3.58</td>
</tr>
<tr>
<td>Residential Collector</td>
<td>$2.15</td>
</tr>
<tr>
<td>Local and Undesignated</td>
<td>$2.15</td>
</tr>
</tbody>
</table>

(b) Public health, safety, and welfare are furthered by ensuring that impacts to residents and businesses of neighborhoods experiencing significant change are mitigated to preserve the culture and character of these neighborhoods by helping provide residents and businesses opportunities to remain in place. In furtherance of this purpose, the annual fee per linear foot of property frontage set forth in subsection (a) of this section shall be discounted by 20% for real property located in neighborhoods identified through the city’s Neighborhood Equity & Stabilization (NEST) program. If using the city’s NEST program to identify neighborhoods in which the annual fee per linear foot of property frontage should be discounted becomes infeasible, the manager of transportation and infrastructure may direct that these neighborhoods be identified through alternate means.

(c) Starting in the fifth (5th) year after the year in which the sidewalk service charge is first collected, and every fifth (5) year thereafter, the current rates of charge (per linear foot of property frontage) shall be adjusted based on the percentage change from the date of the previous adjustment (or in the case of the first period, from the date of initial imposition of the charge) in the CPI-U as that term is defined in subsection 56-92(13.5). The percentage change to be applied to the rates shall be calculated as set forth in subsection 56-93(d).

Sec. 49-149. Administrative review and court proceedings.

(a) Any person who disputes the amount of any charge or rate of charge made against that person’s property may request a revision or modification to such charge or rate of charge from the agency or division of the department of transportation and infrastructure assessing such charge. Such request shall be made in writing not later than one (1) year after having been billed for any such charge. Said agency or division shall issue a written determination granting or denying such request, in whole or in part, which determination may be appealed pursuant to the remaining provisions of this section.

(b) Any person who disputes any determination made by or on behalf of the city pursuant to and by authority of the manager of transportation and infrastructure, which determination adversely affects such person, may petition the manager of transportation and infrastructure for a hearing concerning such determination no later than thirty (30) days after having been notified of any such determination.

(c) The manager of transportation and infrastructure may hold such hearing or, in the manager of transportation and infrastructure’s sole discretion, may designate an officer or employee of the department of transportation and infrastructure as a hearing officer with authority to hold such hearing or such hearings.

(d) Such petition shall be in writing and the facts and figures submitted shall be submitted under oath or affirmation either in writing or orally at a hearing scheduled by the manager of transportation and infrastructure or the hearing officer. The hearing, if any, shall take place in the city and notice thereof and the proceedings shall otherwise be in accordance with rules and regulations issued by the manager of transportation and infrastructure. The petitioner shall bear the risk of non persuasion, and the standard of proof shall conform with that in civil, non jury cases in state district court.

(e) Thereupon, the manager of transportation and infrastructure or the manager of transportation and infrastructure’s designee shall make a final determination. Such final determination shall be considered a final order of the manager of
transportation and infrastructure and may be reviewed under rule 106(a)(4) of the state rules of civil procedure.

(f) The district court of the second judicial district of the state shall have original jurisdiction in proceedings to review all questions of law and fact determined by the manager of transportation and infrastructure by order or writ under rule 106(a)(4) of the state rules of civil procedure.

Sec. 49-150. Administration of division by manager of transportation and infrastructure.

The administration of this division is hereby vested in and shall be exercised by the manager of the department of transportation and infrastructure who may, in accordance with article VI of chapter 2, prescribe forms and rules and regulations in conformity with this division for the ascertainment, computation and collection of the fees and charges imposed hereunder, and for the proper administration and enforcement hereof. The manager of transportation and infrastructure may delegate the administration of this division, or any part thereof, subject to the limitations of the Charter and this Code, to duly qualified deputies and agents of the manager of transportation and infrastructure.

Sec. 49-151. Notice

Every decision or determination of the manager of transportation and infrastructure shall be in writing and notice thereof shall be mailed to or served upon the petitioner within a reasonable time from the date of the manager’s action, and all such determinations, orders and decisions shall become final upon the expiration of thirty (30) days after notice of such determination or decision shall have been mailed to or personally served upon the petitioner, unless proceedings are begun within the time for review thereof as herein provided. Service by certified mail, return receipt requested, shall be conclusive evidence of service for the purpose of this division.

Sec. 49-152. Fiscal matters and Sidewalks Fund.

(a) All fees and charges paid and collected pursuant to this division shall be segregated, credited and deposited in a special fund or funds (to be referred to as the “Sidewalks Fund”), and shall not be transferred therefrom to any other account of the city, except to pay for expenses directly attributable to the construction, reconstruction and repair of sidewalks, including costs to administer the construction, reconstruction and repair of sidewalks and the requirements of this division.

(b) The fees and charges paid and collected by virtue of this division shall not be used for general or other governmental or proprietary purposes of the city, except to pay for the equitable share of the costs of accounting, management, and government thereof. Instead, the fees and charges shall be used other than as described above, solely to pay for the costs of the construction, repair, maintenance, improvement, renewal, replacement and reconstruction of sidewalks within the city and costs incidental thereto.

(c) The fees and charges paid and collected by virtue of this division shall not be used for landscaping (except as needed to restore landscaping disturbed as part of construction), street furniture, structures, roadways, curb and gutter modifications (except as required incidental to construction or widening of a sidewalk), or snow removal.

(d) The city may pledge all fees and charges collected under this division, including those anticipated to be collected, to the payment of principal, interest and other amounts due on any revenue bond, note, certificate, contract, or other obligation issued or entered into for financing the design, construction, construction inspection, reconstruction, improvement, replacement and installation of improvements under this section and the acquisition of interests in land.

(e) The annual budget of the department of transportation and infrastructure shall include a proposed budget for the construction, reconstruction and repair of sidewalks for the ensuing budget year. There shall also be included in the comprehensive annual financial report of the City a statement of all amounts presently in the sidewalks fund, and an estimate of anticipated revenues for the ensuing budget year.

Sec. 49-153. Billing and collection of charges.

(a) The sidewalk service charge shall be billed and collected from owners of property directly by the manager of transportation and infrastructure. While bills for the sidewalk service charge may be sent to the address of the lot or parcel of real property directed to “owner or occupant,” the obligation to pay promptly the sidewalk service charges is in no way affected by the failure of the city to furnish or send a bill or of the
owner or occupant of the premises served to receive a bill for such services. Bills and notices are sent solely as a convenience to the users.

(b) Where possible, the sidewalk service charge shall be billed and collected with the storm drainage service charge established in Division 4 of Article III of Chapter 56 of the Revised Municipal Code.

(c) If any owner or owners of any lot, parcel of land or any real property within the legal boundaries of the city shall neglect, fail or refuse to pay the charges or fees fixed by this division, the rates, charges or fees due therefor may, by the manager of transportation and infrastructure, be periodically certified to the manager of finance who shall record a notice of such lien with the clerk and recorder. Such rates, charges or fees due shall become, from and after the date of such recording of the notice, a continuing lien upon the real property so charged. The manager of finance shall assess and charge the amounts of the charges or fees due against the property involved, and collect the same, plus interest thereon, in the manner as are delinquent real property taxes. The lien created hereby shall be superior and prior to all other liens, regardless of their dates of recordation, except liens for general taxes and special assessments. In addition to the remedies set forth herein, an action or other process provided by law may be maintained by the city to recover or collect any amounts, including interest, owing under this provision. Provided however, that when the failure to pay such rates, charges or fees due is the result of incorrect billing by the manager of transportation and infrastructure, the owner shall only be billed, with the related certification and notice, if any, for not more than two (2) years prior to the mailing of a corrected billing.

(d) Any property owner may apply for deferral of payment of fees until transfer of ownership to another person. All back fees, plus interest thereon, shall become due and payable with transfer of ownership. Applications may be submitted to and program eligibility will be determined by the manager of transportation and infrastructure, according to Federal standards including various factors such as age, disability, income level, and the assets of the property owner. Application for deferral can be made at any time.

Sec. 49-154. Liability.

(a) This division does not create a liability on the part of, or cause of action against, the city or any officer or employee thereof for any condition of any sidewalk or any lot or parcel of real property that does not have a sidewalk, or any inaction on the part of the city or any officer or employee therefor, nor does this division waive or otherwise alter the city's governmental immunity under the Colorado Governmental Immunity Act, §§ 24-10-101 et seq., C.R.S.

(b) An adjacent property owner shall have no responsibility to construct, reconstruct and repair sidewalks but shall be responsible for other sidewalk maintenance including removal of snow or other obstructions from the sidewalk. Nothing in this division shall be construed to alter a property owner’s liability for any removal, modification, or obstruction of the sidewalk, nor does this division represent any indemnification of a property owner by the city for any claim related to a sidewalk that fronts the property owner’s lot or parcel of real property, nor does this section purport to reduce the need or the necessity for obtaining property insurance.

(c) Nothing in this section shall limit the authority of the manager of transportation and infrastructure to require the owner of a land area to be developed or redeveloped to provide sidewalks in accordance with section 49-84(b), DRMC.

Sec. 49-155. Violations; evasion of collection or payment.

It shall be a violation of this division for any person to fail or refuse to make payment to the manager of transportation and infrastructure of any fees or charges due the city, or in any manner to evade the collection and payment to such fees and charges, or any part or parts thereof, imposed by this division or for any person to fail or refuse to pay such fees or charges or evade the payment thereof, or to aid or abet another in any attempt to evade the payments of the fees and charges imposed by this division.

Section 2. Sections 49-116 through 49-120, 49-122, 49-131(a), and 49-132 through 49-134 of the Revised Municipal Code are repealed.

Section 3. Subsection 20-17(b) of the Revised Municipal Code is amended by deleting the language stricken and adding the language underlined to read as follows:

(b) The following sections, divisions, agencies, funds or
departments of the city are designated as “subsection (2)(d) enterprises” within the definition of Section 20, Article X, of the Colorado Constitution:
(1) Wastewater management division of the department of transportation and infrastructure;
(2) The department of aviation in all operations, maintenance and improvements of the Denver Municipal Airport System;
(3) Environmental services, an agency of the department of public health and environment;
(4) Winter Park parks and recreation capital fund and Winter Park trust for parks and recreation, funds for projects of the department of parks and recreation; and
(5) Golf enterprise fund for golf projects of the department of parks and recreation; and
(6) Sidewalk fund for construction, reconstruction and repair of sidewalks by the department of transportation and infrastructure.

This is the end of the Municipal Information Booklet
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Front of Card B - Side 3 of 6 - Sample Ballot

State Ballot Measures - Medidas de la boleta electoral estatales

Proposition FF (STATUTORY)

Shall the state increase state property taxes, including an increase in the local share of state income tax revenues, to provide an increase in funding for education and health care services and for other governmental programs? The increase would be allocated to counties and school districts in the following manner: 45% to education; 25% to health care; 10% to other governmental programs; 5% to a technology and infrastructure account; and 10% to a reserve account. If approved, the increase would take effect on July 1, 2023.

Proposition GG (STATUTORY)

Shall the state increase the sales tax rate from 2.375% to 2.979% as follows: 1% for transportation infrastructure; 0.75% for local and regional governments; and 0.224% for the Colorado Health Care Fund?

Proposition HH (STATUTORY)

Shall the state create a new sales tax on electricity and certain other utility services, with proceeds going to the Colorado Health Care Fund?

Proposition II (STATUTORY)

Shall the state increase the sales tax rate from 2.375% to 2.979% to fund transportation infrastructure projects and programs in the state?

Proposition JJ (STATUTORY)

Shall the state create a new sales tax on electricity and certain other utility services, with proceeds going to the Colorado Health Care Fund?

Proposition KK (STATUTORY)

Shall the state increase the sales tax rate from 2.375% to 2.979% to fund transportation infrastructure projects and programs in the state?

Proposition LL (STATUTORY)

Shall the state increase the sales tax rate from 2.375% to 2.979% to fund transportation infrastructure projects and programs in the state?

Proposition MM (STATUTORY)

Shall the state create a new sales tax on electricity and certain other utility services, with proceeds going to the Colorado Health Care Fund?

Proposition NN (STATUTORY)

Shall the state increase the sales tax rate from 2.375% to 2.979% to fund transportation infrastructure projects and programs in the state?

Proposition OO (STATUTORY)

Shall the state increase the sales tax rate from 2.375% to 2.979% to fund transportation infrastructure projects and programs in the state?

Proposition PP (STATUTORY)

Shall the state create a new sales tax on electricity and certain other utility services, with proceeds going to the Colorado Health Care Fund?

Proposition QQ (STATUTORY)

Shall the state increase the sales tax rate from 2.375% to 2.979% to fund transportation infrastructure projects and programs in the state?

Proposition RR (STATUTORY)

Shall the state create a new sales tax on electricity and certain other utility services, with proceeds going to the Colorado Health Care Fund?
Back of Card B - Side 4 of 6 - Sample Ballot

State Ballot Measures - Medidas de la boleta electoral estatales

Proposition 124 (STATUTORY)
Shall there be a change to the Colorado Revised Statutes concerning the increase of the number of retail liquor store licenses in which a person may hold an interest, and, in connection therewith, phasing in the increase by allowing up to 8 licenses by December 31, 2026, up to 13 licenses by December 31, 2031, up to 20 licenses by December 31, 2036, and an unlimited number of licenses on or after January 1, 2041?

Proposition 125 (STATUTORY)
Shall there be a change to the Colorado Revised Statutes concerning the expansion of retail sale of alcohol beverages, and, in connection therewith, establishing a new fermented malt beverage and wine retailer license for off-site consumption to allow grocery stores, convenience stores, and other business establishments licensed to sell fermented malt beverages, such as beer, for off-site consumption to also sell, among other things, wine and certain other fermented malt beverages?

Proposition 126 (STATUTORY)
Shall there be a change to the Colorado Revised Statutes concerning the expansion of retail sale of alcohol beverages, and, in connection therewith, allowing retail establishments licensed to sell alcohol beverages for off-site consumption to deliver all types of alcohol beverages to a person twenty-one years of age or older through a third party delivery service company, prohibiting the delivery of alcohol beverages to a person who is under 21 years of age, and to prohibit third parties from delivering items other than alcohol beverages to an individual who is under 21 years of age?

City and County of Denver Ballot Questions - Preguntas sobre la Ciudad y el Condado

Referendum Question 31
Shall the City and County of Denver taxes be increased by not more than $41.56 per month for the typical home in 2023 and by not more than an additional $41.56 per month annually thereafter by increasing the City’s and County’s public safety sales and use tax, in order to maintain existing services and meet the increased demand for public safety services which may include:

- Increasing public safety services in the communities of color, vulnerable communities of color, and neighborhoods near transit stations;
- Enhancing the ability of children and seniors to be safe;
- Expanding resources for those in the job market;
- Returning library resources from reduced hours and allowing libraries to be open on weekdays;
- Expanding access to libraries and other community centers to reduce wait times;
- Allowing the city to increase the amount of money in its Tax Collection Year 2023 revenue which is used for public safety costs or reductions in the percentage of actual valuations used to determine increased valuation; and shall the revenue and earnings on this property be used and utilized by the city and county for public safety services which may include:
- Enhancing the ability of children and seniors to be safe;
- Expanding resources for those in the job market;
- Returning library resources from reduced hours and allowing libraries to be open on weekdays;
- Expanding access to libraries and other community centers to reduce wait times;
- Allowing the city to increase the amount of money in its Tax Collection Year 2023 revenue which is used for public safety costs or reductions in the percentage of actual valuations used to determine increased valuation; and shall the revenue and earnings on this property be used and utilized by the city and county for public safety services which may include:

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City and County of Denver Ballot Questions - Preguntas sobre boletas de la Ciudad y el Condado de Denver

Referred Question 2J
May the City and County of Denver Retain and Spend all 2021 Revenues derived from the 0.25% Climate Action sales and use tax originally approved by the voters on November 3, 2020, and continue to impose and collect the tax to the full extent of the 0.25% permitted by the original voter approval?

Pregunta Referida 2J. ¿Puede la Ciudad y el Condado de Denver retener y gastar todas las ingresos de 2021 derivados del impuesto sobre ventas y uso del 0.25% sobre la Acción Climática, originalmente aprobado por las votantes el 3 de Noviembre de 2020, y continuar imponerlo y colectarlo hasta el límite del 0.25% permitido por la aprobación original de los votantes?

Referred Question 2K
May the City and County of Denver Retain and Spend all 2021 Revenues derived from the 0.25% increase in a registration and use tax originally approved by the voters on November 3, 2020, and continue to impose and collect the tax to the full extent of the 0.25% permitted by the original voter approval?

Pregunta Referida 2K. ¿Puede la Ciudad y el Condado de Denver retener y gastar todas las ingresos de 2021 derivados del impuesto sobre ventas y uso del 0.25% sobre la sucesión de las personas, originalmente aprobado por las votantes el 3 de Noviembre de 2020, y continuar imponerlo y colectarlo hasta el límite del 0.25% permitido por la aprobación original de los votantes?

Initiated Ordinance 305

SHALL THE CITY OF DENVER TAXES BE INCREASED ANNUALLY BY THE EXCESS OF THE RATE OF INCREASE IN THE COLORADO CONSUMER PRICE INDEX OVER THE RATE OF INCREASE IN THE FEDERAL GOVERNMENT INFLATION MEASUREMENT INDEX FOR SUCH PROPERTY, WITH THE TAX RATE INCREASING THEREAFTER AT A RATE THAT DOES NOT EXCEED THE COLORADO CONSUMER PRICE INDEX?

AND IN CONNECTION THERETOFEE ALL OF THE REVENUES COLLECTED THEREFROM TO FUND:

THE ADMINISTRATIVE COSTS OF:

ESTABLISH A NEW FUND TO PAY FOR THE RECESSION OF A REVENUE REVERSION TO TENANTS WHO FACE THE LOSS OF HOUSING, IN A MANNER THAT IS ADMINISTRATIVE AND COST-EFFECTIVE.

ENFORCE A NONPROFIT LEASE SERVICES AND ADMINISTRATION OPERATIONS ADMINISTER THE PROGRAM.

REVENUE LIMITATIONS COMPRISING 0.3% PER THOUSAND DOLLARS OF AN INCREASE IN THE MORTGAGE VALUE OF A PROPERTY OR IMPROVEMENT PER YEAR UP TO $1,000 PER YEAR.

ENFORCE THIS FUND FOR SUCH TAXES AT SUCH RATES AND IN SUCH MANNER AS THEREOF TO BE COLLECTED, RETAINED, AND APPORTIONED FOR THE PAYMENT OF REVENUE LIMITATIONS THEREOF, ADMINISTRATION COSTS, AND WITHOUT LIMITING THE TAXATION, REVENUE LIMITATION, OR SPENDING PREFERENCES APPLICABLE TO FUNDS BY THE CITY OF DENVER UNDER ARTICLE X OF THE CONSTITUTION OF THE COLORADO CONSTITUTION.

The results of the Initiative 305 in Denver, Colorado, shall determine the impact of the proposed changes to the city’s tax code. The ballot question asks voters to decide whether to increase taxes on properties, with the aim of funding various administrative costs and providing relief to tenants facing housing loss. The proposal also includes a mechanism to enforce lease compliance and manage revenue contracts, among other measures. The initiative proposes an additional tax rate increase not exceeding the Colorado Consumer Price Index, subject to certain limitations.
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