

1 **BY AUTHORITY**

2 ORDINANCE NO.
3 SERIES OF 2013

COUNCIL BILL NO. CB13-0521
COMMITTEE OF REFERENCE:
Government and Finance

4
5 **A BILL**

6
7 **For an ordinance submitting to a vote of the qualified and registered electors of**
8 **the City and County of Denver at a special municipal election to be held in**
9 **conjunction with the state odd-year election of November 5, 2013, a proposed**
10 **amendment to the Charter of the City and County of Denver concerning the**
11 **authority and functions of the various departments in the executive branch as**
12 **set forth in Article II of the Charter.**
13

14 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**
15

16 **Section 1.** There is hereby submitted to the properly qualified and registered electors of
17 the City and County of Denver for their approval or rejection at a special municipal election to be
18 conducted at the same time and in conjunction with the state odd-year election to be held in the
19 City and County of Denver on November 5, 2013, a proposed amendment to the Charter of the
20 City and County of Denver, as follows:
21

22 **Effective upon publication and filing with the Secretary of State pursuant to the**
23 **Constitution and laws of the State of Colorado, the following sections of the 2002**
24 **Charter of the City and County of Denver shall be and are hereby amended to read**
25 **as follows:**
26

27 Amend section 2.2.10 by adding a new subsection (D) to read as follows:

28 **§ 2.2.10 Mayor's cabinet.**

29 (D) Notwithstanding the use of the word "Manager" to denote the officers in charge of
30 the principle departments under the Mayor as set forth in this Article II, the Mayor
31 may order a different or additional title to be utilized by these officers for the purpose
32 of standardizing and modernizing official titles consistent with best practices.
33
34
35

1 Amend the introductory sentence of section 2.3.3 by deleting the language stricken, to read as
2 follows:

3 **§ 2.3.3 Powers and duties of Department of Public Works.**

4 The following duties and powers are hereby vested ~~exclusively~~ in the
5 Department of Public Works.

6
7 Amend the introductory sentence of section 2.4.4 by deleting the language stricken, to read as
8 follows:

9 **§ 2.4.4 Powers and duties of Department of Parks and Recreation.**

10 The following duties and powers are hereby vested ~~exclusively~~ in the Department of Parks
11 and Recreation.

12 Amend subsection (C) of section 2.5.3 by adding the language underlined, to read as follows:

13 **§ 2.5.3 Powers and duties of the Manager of Finance.**

14 (C) *Bank Depository; Investment of funds.* The Manager of Finance shall, with the
15 approval of the Mayor, select one or more banking or savings and loan institutions for
16 deposit of public funds. Before any deposit shall be made, the bank or savings and
17 loan institution shall pledge sufficient collateral as required by law. The Manager is
18 authorized to invest the funds in his or her custody or possession in the following
19 securities: obligations of the United States Government, obligations of the United
20 States Government agencies and United States Government sponsored
21 corporations, prime bankers acceptances, prime commercial paper, certificates of
22 deposit issued by banks and savings and loan institutions, repurchase agreements,
23 security lending agreements, highly rated municipal securities, money market funds
24 that purchase only the types of securities specified herein, any investment type in
25 which the Colorado state treasurer is allowed to invest state moneys if otherwise
26 compliant with the Department's investment policy, and other similar securities as
27 may be authorized by ordinance.
28

29 Amend subsection (C) of section 2.11.3 by adding the language underlined, to read as
30 follows:
31

32 **§ 2.11.3 Powers and duties of Department of Aviation.**

33 The following duties and powers are hereby vested in the Department of
34 Aviation:

1 (C) *Employment of professional and technical personnel.* In the manner pursuant to
2 terms and conditions fixed by the Mayor and the Cabinet, to employ qualified
3 professional or technical personnel for the performance of the duties imposed on or
4 the powers invested in the Department. The Manager of Aviation may, at the
5 Manager's sole discretion, appoint up to five persons to serve at the pleasure of the
6 Manager in executive or other managerial positions within the Department.
7

8 Amend Section 7.4.6 by adding the language underlined, to read as follows:

9 **§ 7.4.6 Board of Equalization.**

10 There is hereby created a Board of Equalization to consist of the President of
11 Council or the President's designee, the Manager of Public Works or the Manager's
12 designee, the Manager of Finance or the Manager's designee, the Clerk and
13 Recorder or the Clerk and Recorder's designee, and the Manager of General
14 Services or the Manager of General Services' designee, any three of whom shall
15 constitute a quorum for the transaction of business, to perform all the duties and
16 functions in reference to the equalization, reduction, abatement and rebate of general
17 taxes required by the constitution and general laws of the State to be performed by
18 County Commissioners, except the levying of the taxes, which shall be levied by the
19 Council.

20
21 Amend subsection 9.1.1 (E) by adding a new paragraph (xv) to read as follows:

22 **§ 9.1.1 Career Service personnel system.**

23 E. The Career Service shall comprise all employees of the City and their positions
24 except:
25

26 (xv) up to five employees appointed to serve at the pleasure of the Manager of
27 Aviation in executive or other managerial positions in the Department of Aviation.
28

29 **Section 2.** The voting machines and paper ballot for said election shall carry the
30 following designation, which shall be the title and submission clause:
31
32
33
34
35

36 **REFERRED QUESTION _____**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

Shall the Charter of the City and County of Denver be amended concerning the authority and functions of the various departments under the Mayor, to permit the Mayor to assign alternate titles to department managers, to eliminate the exclusivity of certain departmental functions, to expand options for investment of city funds by the Manager of Finance consistent with state law, to allow the Manager of Aviation to appoint up to five persons to serve in executive or managerial positions, and to allow the appointment of designees to serve on the Board of Equalization?

Section 3. Each elector voting at the election and wishing to vote for or against the amendment shall indicate the elector’s choice by depressing the appropriate counter of the voting machine which indicates the word “YES” or the word “NO”, or by appropriate marking upon paper ballots when used.

Section 4. The proper officials of the City and County of Denver as are charged with duties relating to the election shall, before the election, issue such calls, make such certifications and publications, give such notices, make such appointments, and do all such other acts and things in connection with the submission of this Charter amendment to the registered electors of the City and County of Denver at the election as are required by the Constitution and laws of the State of Colorado and the Charter and ordinances of the City and County of Denver.

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

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

Section 7. If approved by the voters, the Charter amendments set forth herein shall be effective January 1, 2014.

1 COMMITTEE APPROVAL DATE: July 31, 2013.

2 MAYOR-COUNCIL DATE: August 13, 2013.

3 PASSED BY THE COUNCIL _____ 2013

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____ 2013

6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9

10 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2013; _____ 2013

11

12 PREPARED BY: David W. Broadwell, Asst. City Attorney; DATE: August 15, 2013

13

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

19 Douglas J. Friednash, City Attorney

20 BY: _____, _____ City Attorney

21 DATE: _____