

DENVER CITY COUNCIL



Ballot Measure Proposal Submission Form

Thank you for ensuring that Denver’s ballot referral process adheres to good governance principles. Please provide thoughtful and well researched responses to the following questions at least _____ before the proposal is submitted to the Finance and Governance Committee.

Responses to each question are limited to 250 words. Please contact _____ with any questions or concerns.

1. Is the ballot measure proposal an amendment to the Charter or the Code?

Charter Amendment

Code Amendment

2. Topic or title of ballot measure proposal.

For an ordinance to amend the Charter of the City and County of Denver to give City Council the authority to procure professional services without executive branch approval, subject to the approval of the voters at a special municipal election to be conducted in coordination with the state general election on November 3, 2020.

3. What problem are you trying to solve?

The proposed charter amendment would clarify that City Council can procure the professional services to fulfill their charter duties. This amendment essentially codifies the practice of city council being able to procure the assistance of professionals (engineer, attorney, financial analysts, etc.) on an as needed basis.

4. How will the proposed amendment address this problem?

The Denver Charter is currently silent on City Council's ability to hire staff. This amendment would explicitly states Council's authority to obtain professional services to fulfill its duties without approval of the administration.

5. Explain the origins and background of your proposal.
Issues coming before council are increasingly complex and council is often required to act quickly. Council is required to review and approve complex contracts and projects. In recent years the City Attorney and Mayor have blocked Council members from hiring professionals to review the DIA Great Hall contract. In addition, city council may need expertise if we were ever to utilize council investigative and subpoena powers. When considering the Council's response to sexual harassment complaints against the mayor it was not clear Council could hire outside legal expertise or enter into a contract with investigators or other professionals to assist in our response.
6. Describe the stakeholders (internal and external) and the stakeholder process.
The primary stakeholders are city council, the city attorney, the administration. There have been discussions with the office of the city attorney.
7. What city agencies will be impacted? Provide the agency feedback.
The office of the City Attorney expressed concern about City Council hiring attorneys to sue administrative agencies. The proposal was modified to make it clear Council may engage professionals to assist in the fulfillment of their Charter responsibilities. The Charter provisions stating that the Department of Law is responsible for representing the city in legal matters has not been altered.
8. What is the fiscal impact to the city?
Perhaps. Any funds for professional services would have to be in the city council budget and follow routine budgeting practices.
9. Provide any appropriate legal analysis. Are there any possible legal problems? Are there any relevant state laws?
No relevant state laws.

10. Will the proposal have an effect on neighboring cities or the state?

No

11. Provide examples from other cities if possible.

Attached to this is information on other municipalities ability to hire legal counsel and a memo from Jonathon Griffin that refers to practices in other cities.

12. Who opposes the proposal and why?

No one has spoken against the proposal in the Charter Review Committee.

13. Term/duration (Will this item need a sunset clause? If so, why?)

No