

1
2 **BY AUTHORITY**

3 ORDINANCE NO. _____
4 SERIES OF 2020

COUNCIL BILL NO. 20-0536
COMMITTEE OF REFERENCE:
Finance and Governance Committee

6
7 **A BILL**

8
9 **For an ordinance submitting to a vote of the registered electors of the City and**
10 **County of Denver at a special municipal election to be held in conjunction with the**
11 **coordinated election on November 3, 2020, a proposed amendment to the Charter**
12 **of the City and County of Denver to give City Council the authority to consent to**
13 **certain mayoral appointments.**

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

16
17 **Section 1.** There is hereby submitted to the registered electors of the City and County of
18 Denver for their approval or rejection at a special municipal election held in conjunction with the
19 coordinated election on November 3, 2020, a proposed amendment to the Charter of the City and
20 County of Denver, as follows:

21
22 **Effective upon publication and filing with the Secretary of State in accordance with**
23 **the Constitution and laws of the State of Colorado, the following sections of the**
24 **Charter of the City and County of Denver are amended to read as follows:**

25
26 **§ 2.2.6 - Administrative appointments.**

27 (A) Except for as provided in subsections (D), (E), and (F) of this section, the Mayor shall
28 appoint the heads of all administrative departments, and shall appoint all commissions, boards and
29 officers, under the Mayor's control; and the appointees shall hold said appointments so long as their
30 services are satisfactory to the Mayor.

31 (B) *Reserved.*

32 (C) The heads of all departments, all officers and employees not transferred or assigned to a
33 department or office herein created, and not by this Charter expressly provided for, shall be appointed
34 and their duties fixed by the Mayor; and the Mayor may assign them or transfer, them from or to any
35 department, or office.

1 (D) Notwithstanding any other provision of law to the contrary, the Mayor shall nominate in a
2 reasonable and timely manner, and, by and with the consent of City Council, appoint the following
3 officers:

4 (i) The Manager of Transportation and Infrastructure, as described in section 2.3.2 of this
5 Charter;

6 (ii) The Manager of Parks and Recreation, as described in section 2.4.2 of this Charter;

7 (iii) The Manager of Finance, as described in section 2.5.2 of this Charter;

8 (iv) The Manager of Safety, as described in section 2.6.2 of this Charter;

9 (v) The Sheriff, as described in section 2.6.4 of this Charter;

10 (vi) The Chief of Police, as described in section 2.6.5 of this Charter;

11 (vii) The Chief of the Fire Department, as described in section 2.6.6 of this Charter;

12 (viii) The Director of Excise and Licenses, as described in section 2.7.2 of this Charter;

13 (ix) The Manager of General Services, as described in section 2.9.2 of this Charter;

14 (x) The Manager of Human Services, as described in section 2.10.2 of this Charter;

15 (xi) The Manager of Aviation, as described in section 2.11.2 of this Charter;

16 (xii) The Manager of the Department of Public Health and Environment, as described in
17 section 2.12.2 of this Charter;

18 (xiii) The Manager of Community Planning and Development, as described in section 2.13.2
19 of this Charter; and,

20 (xiv) The City Attorney, as described in section 6.1.1 of this Charter.

21 (E) In consenting to the appointment of the officers listed in subsection (D) of this section,
22 City Council must take action on the nomination within thirty days from the time the resolution is filed
23 for action by City Council. If City Council fails to take action on the nomination during this period, the
24 person nominated is appointed as though City Council consented. If City Council, by a majority vote
25 and within the prescribed time period, refuses to consent to a nomination, the Mayor shall nominate
26 another person for the office, who shall be subject to City Council consent in accordance with this
27 section.

28 (F) Any incumbent officer listed in subsection (D) serving at the time a new Mayor is sworn
29 into the Office of Mayor shall be subject to the consent of City Council.

30

31 **§ 2.3.2 - Manager of Transportation and Infrastructure.**

32 The Manager of Transportation and Infrastructure (hereinafter called the "Manager") shall be
33 the officer in full charge and control of the Department and shall devote full time to the duties of the

1 office. The Manager shall be nominated and, by and with consent of City Council, appointed by the
2 Mayor and hold office at the pleasure of the Mayor. The Manager shall be a member of the Mayor's
3 cabinet and shall be a member of the Board of Equalization.

4 **§ 2.4.2 - Manager of Parks and Recreation.**

5 The Manager of Parks and Recreation (hereinafter called the "Manager") shall be the officer in
6 full charge and control of the Department, shall devote full time to the duties of the office, shall be a
7 member of the Mayor's Cabinet, shall be nominated and, by and with the consent of City Council,
8 appointed by the Mayor and shall hold office at the pleasure of the Mayor.

9 **§ 2.5.2 - Manager of Finance.**

10 The Manager of Finance, acting as the chief financial officer of the City and County, shall be
11 in full charge and control of the department, and shall devote full time to the duties of the office.
12 The Manager of Finance shall be nominated and, by and with the consent of City Council,
13 appointed by the Mayor and hold office at the pleasure of the Mayor.

14 **§ 2.6.2 - Manager of Safety.**

15 The Manager of Safety shall be the officer in full charge of said department, subject to the
16 supervision and control of the Mayor, shall devote full time to the duties of the office, and may
17 appoint a Deputy Manager of Safety, who shall in addition to any other duties assigned perform
18 such functions and exercise such powers of the Manager as the Manager may specifically assign to
19 such Deputy. The Manager of Safety shall be nominated and, by and with the consent of City
20 Council, appointed by the Mayor and hold office at the pleasure of the Mayor.

21 **§ 2.6.4 - Sheriff Department.**

22 The Sheriff Department shall be composed of the Sheriff, who shall be nominated and, by and with
23 the consent of City Council, appointed by the Mayor; Deputy Sheriff Division Chiefs and Deputy
24 Sheriff Majors, all of whom shall be appointed by the Sheriff with the approval of the Manager of
25 Safety; and Deputy Sheriffs and other employees, as may be necessary to perform the duties of the
26 department, all of whom shall be appointed by the Manager of Safety pursuant to Career Service
27 requirements. The salary, benefits and other compensation of the Sheriff, Deputy Sheriff Division
28 Chiefs, and Deputy Sheriff Majors shall be established by ordinance. The Sheriff shall, subject to
29 the supervision of the Manager of Safety, have full charge and custody of the jails of the city and
30 county and the prisoners in the jails, transport prisoners, and execute writs and attend the several
31 courts of record held in the city and county. In addition thereto, the Sheriff and the Sheriff
32 Department shall exercise and perform the powers and duties now required or that may hereafter
33 be required by the Constitution or the general laws of the state to be performed by the county

1 sheriff, to the extent any such powers or duties are approved by the Manager of Safety. The
2 Manager of Safety shall be deemed the appointing authority pursuant to Career Service
3 requirements for purposes of hiring, discipline and termination of Deputy Sheriffs and other
4 employees within the Sheriff Department.

5 **§ 2.6.5 - Police Department.**

6 (A) *Who constitutes.* The Police Department shall be composed of the Chief of Police, who
7 shall be nominated and, by and with the consent of City Council, appointed by the Mayor, and such
8 subordinate police officers appointed pursuant to Civil Service requirements and employees
9 appointed pursuant to Career Service requirements, as may be necessary to preserve the peace,
10 protect persons and property, and enforce laws and ordinances.

11 (B) *Duties.* It shall be the duty of the police force to suppress all riots, disturbances and
12 breaches of the peace and apprehend any and all persons in the act of committing any offense
13 against the laws of the State or of the ordinances, and forthwith bring such persons before the
14 proper court or other competent authority for examination, and at all times diligently and faithfully
15 enforce all such laws, ordinances and regulations for the preservation of good order and the public
16 welfare as the Council may enact, and upon due and reasonable suspicion arrest any person or
17 persons who may be guilty of a breach of any of the ordinances or of any crime against the State or
18 the United States.

19 **§ 2.6.6 - Fire Department.**

20 The Fire Department shall be composed of the Chief of the Fire Department, who shall be
21 nominated and, by and with the consent of City Council, appointed by the Mayor and such other
22 subordinates appointed pursuant to Civil Service requirements and employees appointed pursuant
23 to Career Service requirements, as may be necessary to protect the City and County against fire
24 and to provide other emergency services as designated by the Manager of Safety.

25 **§ 2.7.2 - Director of Excise and Licenses.**

26 The Director of Excise and Licenses shall be in full charge and control of the Department,
27 shall devote full time to the duties of the office, shall be nominated and, by and with the consent of
28 City Council, appointed by the Mayor, and shall hold office at the pleasure of the Mayor.

29 **§ 2.9.2 - Manager of General Services.**

30 The Manager of General Services (hereinafter called the "Manager") shall be the officer in
31 full charge and control of the Department and shall devote full time to the duties of the office. The
32 Manager shall be a member of the Mayor's Cabinet, shall be nominated and, by and with the
33 consent of City Council, appointed by the Mayor, and shall hold office at the pleasure of the Mayor.

1 **§ 2.10.2 - Manager of Human Services.**

2 The Manager of Human Services shall be the officer in full charge and control of the
3 Department, shall devote full time to the duties of the office, shall be nominated and, by and with
4 the consent of City Council, appointed by the Mayor, and shall be, dismissed by, and be
5 responsible to the Mayor.

6 **§ 2.11.2 - Manager of Aviation.**

7 The Manager of Aviation, hereinafter called the "Manager," shall be the officer in full charge
8 and control of the Department and shall devote full and entire time to the duties of the Office of
9 Manager. The Manager shall be nominated and, by and with the consent of City Council, appointed
10 by the Mayor and shall hold that office at the pleasure of the Mayor and shall be a member of the
11 Mayor's cabinet.

12 **§ 2.12.2 - Manager of Department of Public Health and Environment; appointment, powers**
13 **and duties.**

14 The Manager of Public Health and Environment shall administer the functions of the
15 department, devoting the Manager's entire time to the duties of the office. The Manager shall be
16 nominated and, by and with the consent of City Council, appointed by the Mayor with the advice of
17 the Board but shall be subject to dismissal by the Mayor without the consent of the Board.

18 (A) *Coroner.* The Manager shall appoint a coroner with the advice of the Board of Public
19 Health and Environment to perform the duties required by law of a County coroner. The coroner
20 may not be dismissed by the Manager without the consent of the Board.

21 (B) *Budget.* The annual budget for the Department of Public Health and Environment shall
22 be prepared by the Manager in consultation with the Board and shall be transmitted by the Manager
23 to the Mayor.

24 (C) *Authority to enter dwellings and structures.* Upon probable cause, supported by oath or
25 affirmation, a warrant may be issued by any Denver County Court Judge authorizing the Manager
26 or his or her designee to enter any dwelling for public health reasons that do not constitute an
27 emergency. The Manager may if the public health is endangered by environmental or other hazards
28 constituting an emergency enter dwellings and other structures in accordance with the law in such
29 case provided.

30 (D) *Contracts with Denver Health and Hospital Authority.* The Manager may through
31 intergovernmental agreement contract with the Denver Health and Hospital Authority created by
32 and operating pursuant to Article 29, title 25, of the Colorado Revised Statutes for health and
33 medical services under such terms and conditions as the City may by ordinance or resolution of the

1 Council approve.

2 **§ 2.13.2 - Manager of Community Planning and Development—Appointment.**

3 The Manager of Community Planning and Development shall be the officer in full charge and
4 control of the Department and shall devote full time to the duties of the Office of Manager. The
5 Manager shall be nominated and, by and with the consent of City Council, appointed by the Mayor,
6 shall hold that Office at the pleasure of the Mayor and shall be a member of the Mayor's cabinet.

7 **§ 6.1.1 - Attorney of the City and County of Denver.**

8 The Attorney of the City and County of Denver shall be the officer in full charge and control
9 of the Department of Law. The City Attorney shall be an attorney-at-law admitted to practice in the
10 State of Colorado and shall have a minimum of five years' experience in the active practice of law.
11 The City Attorney shall be nominated and, by and with the consent of City Council, appointed by the
12 Mayor. The City Attorney shall be the appointing authority for all employees of the Department of
13 Law.

14 **Section 2.** The ballot shall contain the following title and submission clause:

15

16 **REFERRED QUESTION _____**

17

18 Shall the Charter of the City and County of Denver be amended to give City Council
19 authority to consent to certain mayoral appointments?

20

21 **Section 3.** The proper officials of the City and County of Denver as are charged with duties
22 relating to the election shall, before the election, issue such calls, make such certifications and
23 publications, give such notices, make such appointments, and do all such other acts and things in
24 connection with the submission of this Charter amendment to the registered electors of the City and
25 County of Denver at the election as are required by the Constitution and laws of the State of
26 Colorado and the Charter and ordinances of the City and County of Denver.

27 **Section 4.** The ballots cast at such election shall be canvassed and the results ascertained,
28 determined, and certified in accordance with the requirements of the Constitution and laws of the
29 State of Colorado and the Charter and ordinances of the City and County of Denver.

30 **Section 5.** If any section, paragraph, clause, or other portion of this ordinance is held to be
31 invalid or unenforceable for any reason, the validity of the remaining portions of this ordinance shall
32 not be affected.

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34

1 COMMITTEE APPROVAL DATE: June 9, 2020

2 MAYOR-COUNCIL DATE: June 16, 2020

3 PASSED BY THE COUNCIL July 13, 2020

4  - PRESIDENT

5 APPROVED: _____ - MAYOR _____

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 _____; _____

11

12 PREPARED BY: Kirsten Crawford, Assistant City Attorney; DATE: _____

13

14 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
15 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 Kristin M. Bronson, Denver City Attorney

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21 BY: , Assistant City Attorney DATE: Jun 18, 2020