

1
2 **BY AUTHORITY**

3 ORDINANCE NO.
4 SERIES OF 2017

COUNCIL BILL NO. 17-0895
COMMITTEE OF REFERENCE:
Safety, Housing, Education and
Homelessness

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8
9 **A BILL**

10
11 **For an ordinance submitting to a vote of the qualified and registered electors of**
12 **the City and County of Denver at a special municipal election to be held in**
13 **conjunction with the coordinated election of November 7, 2017, a proposed**
14 **amendment to the Charter of the City and County of Denver concerning the**
15 **Department of Environmental Health.**
16
17

18 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**
19

20 **Section 1.** There is hereby submitted to the properly qualified and registered electors of the
21 City and County of Denver for their approval or rejection at a special municipal election to be
22 conducted at the same time and in conjunction with the coordinated election to be held in the City
23 and County of Denver on November 7, 2017, a proposed amendment to the Charter of the City and
24 County of Denver, as follows:
25

26 **Effective upon publication and filing with the Secretary of State pursuant to the**
27 **Constitution and laws of the State of Colorado, the following sections of Part 12 of**
28 **Article II of the 2002 Charter of the City and County of Denver shall be and are hereby**
29 **amended by deleting the language stricken and adding the language underlined, to**
30 **read as follows:**
31

32 **PART 12. - ~~ENVIRONMENTAL HEALTH~~ PUBLIC HEALTH AND ENVIRONMENT**

33
34 **§ 2.12.1 - Department of ~~Environmental Health~~ Public Health and Environment;**
35 **powers and duties.**

1 The Department of ~~Environmental Health~~ Public Health and Environment
2 shall administer and exercise control over all programs and functions pertaining to
3 the physical and mental health of the people, and all environmental ~~health~~
4 programs and functions of the City and County of Denver, including the following
5 specifically enumerated functions and such additional functions and programs
6 which shall from time to time be determined by ordinance, provided that such
7 additional functions and programs shall not be inconsistent with this Charter:

- 8 (A) Investigation and control of communicable diseases.
- 9
- 10 (B) Regulation of publicly and privately owned institutions for the purposes of
11 maintaining sanitation and public health standards.
- 12
- 13
- 14 (C) Promulgation and enforcement of regulatory measures and rules necessary
15 for protection of the health of the people.
- 16
- 17 (D) Operation of facilities for the physical and mental health of the citizens of the
18 City and County of Denver and others.
- 19
- 20 (E) Operation of the morgue.
- 21
- 22 (F) Conducting and performing functions assigned by law to coroners of
23 counties.
- 24
- 25 (G) Performance of functions assigned by law to local health departments,
26 health administrators, the environmental health department, or the health
27 officer of the City and County of Denver.
- 28
- 29 (H) Management, operation, and control of solid or hazardous waste disposal
30 sites owned or operated by the City and County of Denver, and management
31 and control of the operation, care, repair, and maintenance of all structures in
32 which and all land on which those sites are located and operated.
- 33
- 34 (I) Management and operation of environmental compliance and remediation
35 programs of the City and County of Denver.

36 **§ 2.12.2 - Manager of Department of ~~Environmental Health~~ Public Health and**
37 **Environment; appointment, powers and duties.**

38 The Manager of ~~Environmental Health~~ Public Health and Environment shall
39 administer the functions of the department, devoting the Manager's entire time to
40 the duties of the office. The Manager shall be appointed by the Mayor with the
41 advice of the Board but shall be subject to dismissal by the Mayor without the
42 consent of the Board.

- 43 (A) *Coroner.* The Manager shall appoint a coroner with the advice of the Board
44 of ~~Environmental Health~~ Public Health and Environment to perform the duties

1 required by law of a County coroner. The coroner may not be dismissed by the
2 Manager without the consent of the Board.

3
4 (B) *Budget.* The annual budget for the Department of ~~Environmental Health~~
5 Public Health and Environment shall be prepared by the Manager in
6 consultation with the Board and shall be transmitted by the Manager to the
7 Mayor.

8
9 (C) *Authority to enter dwellings and structures.* Upon probable cause, supported
10 by oath or affirmation, a warrant may be issued by any Denver County Court
11 Judge authorizing the Manager or his or her designee to enter any dwelling for
12 public health reasons that do not constitute an emergency. The Manager may
13 if the public health is endangered by environmental or other hazards
14 constituting an emergency enter dwellings and other structures in accordance
15 with the law in such case provided.

16
17 (D) *Contracts with Denver Health and Hospital Authority.* The Manager may
18 through intergovernmental agreement contract with the Denver Health and
19 Hospital Authority created by and operating pursuant to Article 29, title 25, of
20 the Colorado Revised Statutes for health and medical services under such
21 terms and conditions as the City may by ordinance or resolution of the Council
22 approve.

23 **§ 2.12.3 - Board of ~~Environmental Health~~ Public Health and Environment;**
24 **composition.**

25 The Board of ~~Environmental Health~~ Public Health and Environment,
26 hereinafter referred to as the Board, shall consist of ~~five (5)~~ nine (9) members,
27 each of whom shall be appointed by the Mayor and each of whom shall be
28 confirmed by the Council. The terms of each member shall be for five (5) years and
29 shall be staggered ~~so as to commence at one year intervals following the initial~~
30 ~~appointments, which shall be for terms of one (1) year, two (2) years, three (3)~~
31 ~~years, four (4) years, and five (5) years~~ as provided in the Mayor's appointments.
32 Vacancies in the Board shall be filled for the unexpired term by a qualified person
33 appointed by the Mayor within sixty (60) days of the occurrence of the vacancy with
34 the same confirmation by Council, and members may succeed themselves in
35 office. Members of the Board shall serve without pay. Appointment to the Board
36 shall be made so that no business or professional group constitutes a majority of
37 the Board. At least one member of the Board shall be a non-professional who is
38 not in public employment.

39 **§ 2.12.4 - Board of ~~Environmental Health~~ Public Health and Environment;**
40 **functions.**

41 Functions of the Board of ~~Environmental Health~~ Public Health and
42 Environment shall include the following:

43 (A) To determine the policies to be followed in the exercise of the functions of
44 the department.

1
2 (B) To adopt regulations necessary for the protection of the ~~environmental~~
3 health of the people, developing such procedures for adopting such
4 regulations as the Board shall deem appropriate and necessary.

5
6 (C) To hear complaints of persons affected by decisions of the Manager of
7 ~~Environmental Health~~ Public Health and Environment and to review such
8 decisions for consistency with the policies and regulations of the department,
9 affirming those decisions that are and modifying or reversing those that are not.

10
11
12 **Section 2.** The voting machines and paper ballot for said election shall carry the following
13 designation, which shall be the title and submission clause:

14
15
16 **REFERRED QUESTION _____**

17
18 Shall the Charter of the City and County of Denver be amended to change the name of
19 the Department of Environmental Health to the Department of Public Health and
20 Environment, and to increase the size of the Board of Public Health and Environment
21 from five to nine members?
22

23
24 **Section 3.** Each elector voting at the election and wishing to vote for or against the
25 amendment shall indicate the elector's choice by depressing the appropriate counter of the voting
26 machine which indicates the word "YES" or the word "NO", or by appropriate marking upon paper
27 ballots when used.

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

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

37 **Section 6.** If any section, paragraph, clause, or other portion of this ordinance is held to be

1 invalid or unenforceable for any reason, the validity of the remaining portions of this ordinance shall
2 not be affected.

3
4 COMMITTEE APPROVAL DATE: August 9, 2017.

5 MAYOR-COUNCIL DATE: August 15, 2017.

6 PASSED BY THE COUNCIL _____
7 _____ - PRESIDENT

8 APPROVED: _____ - MAYOR _____

9 ATTEST: _____ - CLERK AND RECORDER,
10 EX-OFFICIO CLERK OF THE
11 CITY AND COUNTY OF DENVER
12

13 NOTICE PUBLISHED IN THE DAILY JOURNAL _____; _____

14
15 PREPARED BY: David W. Broadwell, Asst. City Attorney DATE: August 16, 2017

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17 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
18 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
19 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
20 3.2.6 of the Charter.
21

22 Kristin M. Bronson, City Attorney
23 BY: _____, Assistant City Attorney DATE: _____
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