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July 15, 2024

Denver City Council
City & County Building
1437 Bannock Street, Room 451
Denver, CO 80202

Re: Proposed Ordinance 24-716

Dear Denver City Council:

I'm writing to you about ordinance 24-716 regarding collective bargaining for city employees. There is a Colorado Court of Appeals case, *Anderson v. Adams County*, 41 Colo. App. 441 (1978) that holds that district attorneys in Colorado are state officers serving in judicial districts independent of county governments. Since the district attorney is not an agent or employee of the county, union contracts entered into by a county government are not binding on the district attorney or the offices of district attorneys. Despite the fact that the plaintiff employee's salary in the *Anderson* case was paid by the County, her employment was controlled by the district attorney and the Court held that union agreements with the county were not applicable to her situation. This case has been cited several times in subsequent cases.

Thus, it is my understanding that the provisions of Ordinance 24-716 which allow collective bargaining and associated rights with union contracts, such as the right to strike, for Denver City and County employees will not apply to the Denver District Attorney's office and its Career Service employees.

I would ask that this letter be made a part of official legislative history of the ordinance. Thank you for your assistance.

Sincerely,

Beth McCann
Denver District Attorney