

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2020

COUNCIL BILL NO. CB20-0751
COMMITTEE OF REFERENCE:
4 Finance & Governance

5 **A BILL**

6 **For an ordinance submitting to a vote of the qualified and registered electors of**
7 **the City and County of Denver at a special municipal election to be held in**
8 **conjunction with the general election of November 3, 2020, a proposed**
9 **amendment to the Charter of the City and County of Denver concerning a**
10 **clarification to the clerk and recorder’s appointments.**

11
12 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

13 **Section 1.** There is hereby submitted to the properly qualified and registered electors of the
14 City and County of Denver for their approval or rejection at a special municipal election to be
15 conducted at the same time and in conjunction with the general election to be held in the City and
16 County of Denver on November 3, 2020, a proposed amendment to the Charter of the City and
17 County of Denver, as follows:

18 **Effective upon publication and filing with the Secretary of State pursuant to the**
19 **Constitution and laws of the State of Colorado, subsection (D) of section 8.1.2 and**
20 **paragraph (xiv) of subsection (E) of section 9.1.1 of the 2002 Charter of the City**
21 **and County of Denver shall be and are hereby amended by deleting the language**
22 **stricken and adding the language underlined, to read as follows:**

23 **§ 8.1.2 - Powers and duties of Clerk and Recorder.**

24 *“(D) Appointment and employment of deputies and assistants.*

25 (1) The Clerk and Recorder shall appoint a Deputy, to serve at the pleasure of the Clerk and
26 Recorder, who shall have power to perform the duties of the Clerk. The Clerk and Recorder
27 may also employ such other assistants within his or her appropriation as are now or hereafter
28 may be authorized by ordinance.

29 ~~(2) The Clerk and Recorder shall employ a Director of Elections to assist the Clerk and Recorder~~
30 ~~in exercising the powers and duties set forth in Parts 2 and 3 of this Article VIII.~~

31 ~~(32) The Clerk and Recorder may appoint two additional four persons, in addition to the Deputy,~~
32 ~~to serve at the pleasure of the Clerk and Recorder, who shall exercise such powers of the~~
33 ~~Clerk as the Clerk may specifically assign to such appointees.~~

34 ~~(43) The Clerk and Recorder shall, without additional compensation, perform all the acts and~~
35 ~~duties now required or hereafter required by the general laws of this state to be exercised or~~
36 ~~performed by the public trustee for the City and County of Denver, or may employ a deputy to~~
37 ~~perform such acts and duties.”~~

1 **§ 9.1.1 - Career Service personnel system.**

2
3 “(xiv) the Deputy Clerk and Recorder and no more than ~~two~~ four other employees in positions
4 specifically designated or created by the Clerk and Recorder, appointed to serve at the
5 pleasure of the Clerk and Recorder. Any employee of the Denver Election Commission as of
6 July 16, 2007 and formerly excepted from the Career Service pursuant to this section shall
7 retain his or her position as an employee of the Clerk and Recorder if the employee qualifies
8 to retain the position in accordance with the rules of the Career Service Board.”
9

10 **Section 2.** All ballots and ballot marking devices for said election shall carry the following
11 designation, which shall be the title and submission clause:

12 **REFERRED QUESTION _____**

13
14 Shall the Charter of the City and County of Denver be amended to clarify that the Clerk
15 and Recorder may appoint four at-will employees in addition to the Deputy, all of whom
16 shall be exempt from the career service personnel system?
17

18 **Section 3.** Each elector voting at the election and wishing to vote for or against the
19 amendment shall indicate the elector’s choice by selecting the word “YES” or “NO”, on the ballot or
20 ballot marking device.

21 **Section 4.** 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 5.** 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 6.** 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.
33

1 COMMITTEE APPROVAL DATE: July 28, 2020.

2 MAYOR-COUNCIL DATE: N/A.

3 PASSED BY THE COUNCIL August 17, 2020

4 *Steve Filmer* - PRESIDENT

5 APPROVED: _____ - MAYOR _____

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

9 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ ; _____

10 PREPARED BY: Laurie J. Heydman DATE: August 6, 2020

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

15
16 Kristin M. Bronson, Denver City Attorney

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18 BY: *Kristin M. Bronson*, Assistant City Attorney

DATE: Aug 5, 2020,