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2 **BY AUTHORITY**

3 ORDINANCE NO.
4 SERIES OF 2016

COUNCIL BILL NO. 16-0567
COMMITTEE OF REFERENCE:
Governance & Charter Review

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6
7 **A BILL**

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9 For an ordinance submitting to a vote of the qualified and registered electors of the
10 City and County of Denver at a special municipal election to be held in conjunction
11 with the state general election of November 8, 2016, a proposed amendment to the
12 Charter of the City and County of Denver concerning the Office of the Independent
13 Monitor

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

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17 **Section 1.** There is hereby submitted to the properly qualified and registered electors of
18 the City and County of Denver for their approval or rejection at a special municipal election to be
19 conducted at the same time and in conjunction with the state general election to be held in the
20 City and County of Denver on November 8, 2016, a proposed amendment to the Charter of the
21 City and County of Denver, as follows:

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23 **Effective upon publication and filing with the Secretary of State pursuant to the**
24 **Constitution and laws of the State of Colorado, the following sections of the 2002**
25 **Charter of the City and County of Denver shall be and are hereby amended to read**
26 **as follows:**

27
28 Amend Part 6 of Article II by adding a new Section 2.6.7, to read as follows:

29 **§ 2.6.7 Office of Independent Monitor**

30 (A) *Office created.*

- 31
32 (i) There is hereby created the office of the independent monitor
33 (“monitor’s office”) for the City and County of Denver. This office shall
34 consist of a full-time monitor with appropriate professional and support
35 staff. For purposes of this section, “monitor” means the head of the
36 office of the independent monitor.

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- (ii) The monitor's office shall actively monitor and participate in any investigations as may be prescribed in ordinance of uniformed personnel; make recommendations to the manager of safety regarding administrative action, including possible discipline, for such uniformed personnel; make recommendations regarding policy issues; and address any other issues of concern to the community, the members of the citizen oversight board ("board") created pursuant to subsection (B) of this section, the manager of safety, the chief of police, or the sheriff. For purposes of this article, "uniformed personnel" means all members of the classified service of the Denver police department, all sworn members of the Denver sheriff department, and members of the Denver fire department who are authorized to carry and use firearms on duty.
- (iii) The monitor shall establish standards of professional conduct and a comprehensive training program for its own staff in order to evaluate whether internal investigations have been properly conducted and to make recommendations as to the sustaining of rule violations, the imposition of disciplinary sanctions, and changes in policy and training.
- (iv) The monitor shall exercise such other powers and duties as may be provided by ordinance.

(B) *The citizen oversight board.* There is hereby created the citizen oversight board, the size, qualifications, composition and appointment of which shall be as provided by ordinance. The functions of the board shall be to:

- (i) Assess the effectiveness of the monitor's office;
- (ii) Make policy-level recommendations regarding discipline, use of force, and other policies; rules; hiring; training; community relations; and the complaint process;
- (iii) Address any other issues of concern to the community, members of the board, the monitor, the manager of safety, the chief of police, the sheriff, or the fire chief;
- (iv) Make recommendations as to specific cases as may be prescribed in ordinance; and

1 (v) Exercise such other powers and duties as may be provided by
2 ordinance.

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

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8 **REFERRED QUESTION _____**

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10 Shall the Charter of the City and County of Denver be amended concerning the office
11 of independent monitor and the citizen oversight board, as previously created by
12 ordinance, for the purposes of monitoring investigations of uniformed personnel in
13 the Denver Department of Safety, in order to formalize the existence of the monitor
14 and the board in the charter, and to adopt in the charter the basic powers and duties
15 of the monitor and the board?
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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 depressing the appropriate counter of the
20 voting machine which indicates the word "YES" or the word "NO", or by appropriate marking
21 upon paper ballots when used.

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

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

33 **Section 6.** If any section, paragraph, clause, or other portion of this ordinance is held to
34 be invalid or unenforceable for any reason, the validity of the remaining portions of this
35 ordinance shall not be affected.

36 **Section 7.** If approved by the voters, the Charter amendments set forth herein shall be

1 effective January 1, 2017.

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4 COMMITTEE APPROVAL DATE: August 3, 2016

5 MAYOR-COUNCIL DATE: N/A

6 PASSED BY THE COUNCIL _____ 2016

7 _____ - PRESIDENT

8 APPROVED: _____ - MAYOR _____ 2016

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 _____ 2016; _____ 2016

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15 PREPARED BY: David W. Broadwell, Asst. City Attorney; DATE: August 4, 2016

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

21 Denver City Attorney

22 _____, Assistant City Attorney Date: August 4, 2016