

1
2 **BY AUTHORITY**

3 ORDINANCE NO. _____
4 SERIES OF 2021

COUNCIL BILL NO. 21-0908
COMMITTEE OF REFERENCE:
Finance and Governance

6 **A BILL**

7
8 **For an ordinance submitting to a vote of the qualified and registered electors of**
9 **the City and County of Denver at a special municipal election to be held in**
10 **conjunction with the coordinated election of November 2, 2021, a proposed**
11 **amendment to the Charter of the City and County of Denver transforming the**
12 **offices of councilmember at-large by creating two additional councilmember**
13 **districts.**

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 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 coordinated election to be held on
20 November 2, 2021, a proposed amendment to the charter of the city and county of Denver, as
21 follows:

22
23 **Effective January 1, 2023, and after publication and filing with the Secretary of State**
24 **in accordance with the Constitution and laws of the State of Colorado, the following**
25 **sections of the Charter of the City and County of Denver are amended to read as**
26 **follows:**

27
28 **Amend Section 2.4.3 by deleting the language stricken and adding the language underlined**
29 **to read as follows:**

30
31 **§ 2.4.3 - Board of Parks and Recreation.**

32 There is hereby created a Board of Parks and Recreation (hereinafter called the "Board")
33 consisting of nineteen members. One of the members shall be a member of the Board of School
34 District No. 1 designated by the Board of the School District. Five members of the Board shall be
35 appointed by the Mayor. Thirteen of the members shall represent the thirteen City Council
36 members and shall be appointed by the thirteen Councilmembers. The appointees of the ~~eleven~~

1 thirteen district Council members shall reside in the district of the appointing member. ~~The~~
2 ~~appointees of the two at-large Councilmembers shall each reside in the City and County of~~
3 ~~Denver.~~ Members shall serve at the pleasure of their respective appointing authorities. Members
4 of the Board shall serve without pay. The Board shall advise the Manager with respect to the
5 policy and operation of the Department and shall review and comment on the proposed annual
6 budget for the Department.

7

8 **Amend Article III by deleting the language stricken and adding the language underlined to**
9 **read as follows:**

10

11 **§ 3.1.1 - Composition of City Council; terms.**

12 There shall be elected one Councilmember by the voters of each of the ~~eleven~~thirteen
13 Council Districts, ~~and two to be elected at-large~~ by the qualified electors of the City and County of
14 Denver, all for a term of four (4) years or until their successors are duly qualified as in the Charter
15 provided.

16

17 **§ 3.1.2 - Council districts; change of boundaries.**

18 The City and County of Denver shall be divided by ordinance into ~~eleven~~thirteen Council
19 Districts. The boundaries of these districts may be changed by ordinances, but they shall be as
20 compact as can be, shall contain contiguous territory, and shall be divided as equally as practical
21 so that they contain equal population, based on the most recent United States decennial census,
22 or other official population studies or reports. Said boundaries shall be changed, by ordinance, at
23 least once every ten years, in accordance with the requirements hereof. Council Districts shall be
24 comprised of whole election precincts.

25

26 **§ 3.1.3 - Qualifications.**

27 Each Councilmember shall be a citizen of the United States; ~~a resident of the City and~~
28 ~~County of Denver for the two (2) years immediately preceding the member's election and during~~
29 ~~the term of office;~~ a qualified elector of the City and County of Denver; at least twenty-five (25)
30 years of age ~~and if elected from a Council District;~~ a resident of the City and County of Denver
31 for the two (2) years immediately preceding the member's election, of which the second year of
32 residency shall have been within the district from which the member was elected; and the
33 Councilmember must reside in the district during the term of office.

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~~§ 3.1.8 – Vacancies in the Office of Councilmember-at-large.~~

~~When any Councilmember-at-large is unable, by reason of resignation, death, moving from the City and County of Denver, or unexcused absence as provided in Section 3.1.6 of this Charter, to perform the duties of the office for the time remaining prior to expiration of the term of office, the Council shall declare by resolution that a vacancy exists. Notwithstanding any provision of Section 8.2.3 of this Charter, such vacancy shall be filled by a special election, which shall be called by the Council to be held not less than 120 days nor more than 130 days after the Council declares that such vacancy exists unless another City-wide election has been scheduled to be held within 160 days after such vacancy is declared; and the candidate receiving the greatest number of votes at said election shall qualify and take such office immediately and shall hold such office for the unexpired portion of the term in which the vacancy occurs. If two (2) vacancies exist in the office of councilmember-at-large, then the two (2) candidates who have received the greatest number of votes cast for that office shall fill such vacancies as provided in this Section.~~

Amend Article VIII by deleting the language stricken and adding the language underlined to read as follows:

§ 8.2.7 - Nomination of candidates.

The name of a candidate for district Councilmember shall be placed upon the ballot when a verified petition of not less than one hundred (100) signatures of registered electors, who reside in the district in which the candidate resides, shall have been filed in the candidate's behalf at least fifty-five (55) days before the day of election in the manner and form and under the conditions established by the Clerk and Recorder, unless otherwise provided by ordinance in pursuance of this Charter. The name of a candidate for Mayor, Auditor, or Clerk and Recorder—~~or Councilmember-at-large~~ shall be placed upon the ballot when a verified petition of not less than three hundred (300) signatures of registered electors shall have been filed in the candidate's behalf at least fifty-five (55) days before the day of election in the manner and form and under the conditions established by the Clerk and Recorder.

§ 8.2.19 - Number of votes required for election.

To be elected Mayor, Auditor, Clerk and Recorder, or District Councilmember, a person shall have received a majority of the votes cast for such office at either a general City and County

1 election or at a run-off election as herein provided. ~~To be elected Councilmember at large, each~~
2 ~~person shall have received either the greatest number of votes or the next greatest number of~~
3 ~~votes at the general City and County election as herein provided.~~ Present elected officials shall
4 serve the term for which they are elected.

5
6 **§ 8.2.20 - Counting of votes; declaration of results.**

7 After the official abstract of votes cast for all candidates, ballot issues and questions has been
8 certified, the following persons shall be declared elected and entitled to a certificate of election:

9 (A) The candidate for the Office of Mayor who has received a majority of the votes cast
10 for that office.

11 (B) The candidate for the Office of Auditor who has received a majority of the votes cast
12 for that office.

13 (C) Each candidate for the office of District Councilmember who has received a majority
14 of the votes cast for that office in the respective districts.

15 ~~(D) The two (2) candidates for the office of Councilmember at large who have received~~
16 ~~the greatest number of votes cast for that office.~~

17 ~~(E)~~ (D) The candidate for the Office of Clerk and Recorder who has received a majority of
18 the votes cast for that office.

19
20 **§ 8.3.1 - Rights of initiative, referendum and recall reserved to the people.**

21 (A) The people of the City and County of Denver reserve the right to propose and enact
22 ordinances—by initiative; to require that existing ordinances be referred to a vote of the
23 electorate—by referendum; and to recall elected officials. The right of initiative, referendum or
24 recall shall be exercised by petition of the registered electors of the City and County of Denver.
25 Such petitions shall be filed with the Clerk and Recorder as follows: a petition for an initiated
26 ordinance may be filed at any time; a petition for referendum shall be filed within ninety (90) days
27 after final passage and publication of an ordinance; and a petition for recall shall be filed no less
28 than six (6) months after, nor less than one (1) year before a regularly scheduled municipal
29 election in which the office in question has been or will be filled.

30 (B) An ordinance may be initiated by petition of registered electors numbering at a
31 minimum two (2) percent of the total number of active registered electors as of January 1 each
32 odd-numbered year.

33 (C) An enacted ordinance may be referred by petition of registered electors numbering

1 at a minimum two (2) percent of the total number of active registered electors as of January 1
2 each odd-numbered year.

3 (D) Recall may be exercised by petition of registered electors entitled to vote for a
4 successor and numbering at a minimum twenty-five (25) per cent of the vote cast for that office in
5 the municipal election in which the official was elected. ~~For Councilmember-at-large, registered~~
6 ~~electors shall number at a minimum ten (10) per cent of the total vote cast for the offices of~~
7 ~~Councilmember-at-large at the election at which the official was elected.~~

8 (E) City Council shall not amend or repeal an initiated ordinance adopted by a vote of
9 the people within six (6) months after final passage. After the first six months and within ten (10)
10 years following final passage of any initiated ordinance adopted by a vote of the people, the
11 initiated ordinance may be amended or repealed by City Council only by two-thirds (2/3) vote.
12 Whenever City Council amends or repeals an initiated ordinance adopted by a vote of the people,
13 City Council may do so only after it holds a public hearing.

14 (fE) City Council shall not reenact an ordinance repealed by a referendum within one (1)
15 year after repeal by a vote of the people. After the first year and up to ten (10) years following
16 repeal of an ordinance by a referendum, the repealed ordinance may be reenacted by City Council
17 only by two-thirds (2/3) vote. Whenever City Council reenacts an ordinance repealed by a
18 referendum, City Council may do so only after it holds a public hearing.

19
20 **Section 2.** The ballot shall contain the following title and submission clause:

21
22 **REFERRED QUESTION _____**

23 Shall the Charter of the City and County of Denver be amended to convert the two at-large
24 City Council seats to district council seats, forming a City Council composed of 13 district
25 members?

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

33

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

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

8
9 COMMITTEE APPROVAL DATE: August 10, 2021

10 MAYOR-COUNCIL DATE: August 17, 2021

11 PASSED BY THE COUNCIL _____
12 _____ - PRESIDENT

13 APPROVED: _____ - MAYOR _____

14 ATTEST: _____ - CLERK AND RECORDER,
15 EX-OFFICIO CLERK OF THE
16 CITY AND COUNTY OF DENVER
17

18 NOTICE PUBLISHED IN THE DAILY JOURNAL _____; _____

19 PREPARED BY: Jonathan Griffin, Assistant City Attorney DATE: August 13, 2021

20 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
21 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
22 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
23 3.2.6 of the Charter.
24

25 Kristin Bronson, Denver City Attorney

26
27 BY: *Jonathan Griffin* _____, Assistant City Attorney

DATE: Aug 18, 2021

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