

1
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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8 **A BILL**

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

22
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 (i) There is hereby created the office of the independent monitor ("monitor's
32 office) for the City and County of Denver. This office shall consist of a full-time
33 monitor with appropriate professional and support staff. For purposes of this
34 section, "monitor" means the head of the office of the independent monitor.

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2 (ii) The monitor's office shall actively monitor and participate in any
3 investigations as may be prescribed in ordinance of uniformed personnel;
4 make recommendations to the manager of safety regarding administrative
5 action, including possible discipline, for such uniformed personnel; make
6 recommendations regarding policy issues; and address any other issues of
7 concern to the community, the members of the citizen oversight board
8 ("board") created pursuant to subsection (B) of this section, the manager of
9 safety, the chief of police, or the sheriff. For purposes of this article,
10 "uniformed personnel" means all members of the classified service of the
11 Denver police department, all sworn members of the Denver sheriff
12 department, and members of the Denver fire department who are authorized
13 to carry and use firearms on duty.
14

15 (iii) The monitor shall establish standards of professional conduct and a
16 comprehensive training program for its own staff in order to evaluate whether
17 internal investigations have been properly conducted and to make
18 recommendations as to the sustaining of rule violations, the imposition of
19 disciplinary sanctions, and changes in policy and training.
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21 (iv) The monitor shall exercise such other powers and duties as may be
22 provided by ordinance.
23

24 (B) *The citizen oversight board.* There is hereby created the citizen oversight board,
25 the size, qualifications, composition and appointment of which shall be as provided
26 by ordinance. The functions of the board shall be to:
27

28 (i) Assess the effectiveness of the monitor's office;

29
30 (ii) Make policy-level recommendations regarding discipline, use of force, and
31 other policies; rules; hiring; training; community relations; and the complaint
32 process;
33

34 (iii) Address any other issues of concern to the community, members of the
35 board, the monitor, the manager of safety, the chief of police, the sheriff, or the
36 fire chief;
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38 (iv) Make recommendations as to specific cases; and
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40 (v) Exercise such other powers and duties as may be provided by ordinance.

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

REFERRED QUESTION _____

Shall the Charter of the City and County of Denver be amended concerning the office of independent monitor and the citizen oversight board, as previously created by ordinance, for the purposes of monitoring investigations of uniformed personnel in the Denver Department of Safety, in order to formalize the existence of the monitor and the board in the charter, and to adopt in the charter the basic powers and duties of the monitor and the board?

Section 3. Each elector voting at the election and wishing to vote for or against the amendment shall indicate the elector’s choice by depressing the appropriate counter of the voting machine which indicates the word “YES” or the word “NO”, or by appropriate marking upon paper ballots when used.

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

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

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

Section 7. If approved by the voters, the Charter amendments set forth herein shall be effective January 1, 2017.

COMMITTEE APPROVAL DATE:

1 MAYOR-COUNCIL DATE:
2 PASSED BY THE COUNCIL _____ 2016
3 _____ - PRESIDENT
4 APPROVED: _____ - MAYOR _____ 2016
5 ATTEST: _____ - CLERK AND RECORDER,
6 EX-OFFICIO CLERK OF THE
7 CITY AND COUNTY OF DENVER
8
9 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2016; _____ 2016

10

11 PREPARED BY: David W. Broadwell, Asst. City Attorney; DATE:

12 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
13 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
14 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
15 3.2.6 of the Charter.

16

17 City Attorney

18 BY: _____, _____ City Attorney

19 DATE: _____