## 1 BY AUTHORITY 2 ORDINANCE NO. COUNCIL BILL NO. CB18-0837 3 SERIES OF 2018 COMMITTEE OF REFERENCE: FINANCE & GOVERNANCE 4 5 A BILL 6 For an ordinance submitting to a vote of the qualified and registered electors of the City and County of Denver at a special municipal election to be held in 7 conjunction with the general election of November 6, 2018, a proposed 8 9 amendment to the Charter of the City and County of Denver concerning the authority for the clerk and recorder to make appointments. 10 11 BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER: 12 **Section 1.** There is hereby submitted to the properly qualified and registered electors of the 13 City and County of Denver for their approval or rejection at a special municipal election to be 14 conducted at the same time and in conjunction with the general election to be held in the City and County of Denver on November 6, 2018, a proposed amendment to the Charter of the City and 15 16 County of Denver, as follows: 17 Effective upon publication and filing with the Secretary of State pursuant to the Constitution and laws of the State of Colorado, subsection (D) of section 8.1.2 of 18 19 the 2002 Charter of the City and County of Denver shall be and are hereby amended by deleting the language stricken and adding the language underlined, 20 to read as follows: 21 22 "(D) Appointment and employment of deputies and assistants." 23 24 (1) The Clerk and Recorder shall appoint a Deputy, to serve at the pleasure of the Clerk and Recorder, who shall have power to perform the duties of the Clerk, 25 and. The Clerk and Recorder may also employ such other assistants within 26 his or her appropriation as are now or hereafter may be authorized by 27 ordinance. 28 29 30 (2) The Clerk and Recorder shall appoint employ a Director of Elections to assist the Clerk and Recorder in exercising the powers and duties set forth in Parts 2 31 32 and 3 of this Article VIII. The City Council may establish by ordinance qualifications for the office of Director of Elections. 33 34 35 (3) The Clerk and Recorder may appoint two additional persons, to serve at the pleasure of the Clerk and Recorder, who shall exercise such powers of the 36 Clerk as the Clerk may specifically assign to such appointees. 37 38

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

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

"(xiv) the Director of Elections-Deputy Clerk and Recorder and no more than one two other employee employees in a position positions specifically designated or created by the Clerk and Recorder, appointed to serve at the pleasure of the Clerk and Recorder. Any employee of the Denver Election Commission as of July 16, 2007 and formerly excepted from the Career Service pursuant to this section shall retain his or her position as an employee of the Clerk and Recorder if the employee qualified to retain the position in accordance with the rules of the Career Service Board."

**Section 2.** All ballots and ballot marking devices 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 to require that the Deputy Clerk and Recorder must be an at-will appointee of the Clerk and Recorder, allow the Clerk and Recorder to appoint two additional at-will employees who shall be exempt from the career service personnel system to serve in positions to be designated by the Clerk and Recorder, and to eliminate the requirement that the Director of Elections must be an at-will appointee of the Clerk and Recorder?

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

**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.

2	ascertained, determined, and certified in accordance with the requirements of the Constitution and				
3	laws of the State of Colorado and the Charter and ordinances of the City and County of Denver.				
4	Section 6. If any section, paragraph, clause, or other portion of this ordinance is held to be				
5	invalid or unenforceable for any reason, the validity of the remaining portions of this ordinance				
6	shall not be affected.				
7	Section 7. If approved by the voters, the Charter amendments set forth herein shall be				
8	effective July 16, 2019.				
9	COMMITTEE APPROVAL DATE: August 7, 2018				
10	MAYOR-COUNCIL DATE: N/A				
11	PASSED BY THE COUNCIL			<del></del>	_
12		PRI	ESIDENT		
13	APPROVED:		MAYOR		
14 15 16 17	ATTEST:	EX-	OFFICIO CLE	CORDER, ERK OF THE NTY OF DENVER	
18	NOTICE PUBLISHED IN THE DAILY JOURN	IAL	;		
19	PREPARED BY: Victoria J. Ortega, Assistant City Attorney DATE: August 9, 2				2018
20 21 22 23 24	Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.				
25	Kristin M. Bronson, Denver City Attorney				
26 27	BY:, Assistant City	y Attorney	DATE:		

Section 5. The ballots cast at such election shall be canvassed and the results