

1
2 **BY AUTHORITY**

3 ORDINANCE NO.
4 SERIES OF 2021

COUNCIL BILL NO. 21-0843
COMMITTEE OF REFERENCE:
Safety, Housing, Education & Homelessness Committee

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 pertaining to the structure of the office of the**
12 **independent monitor.**

13
14 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

15
16 **Section 1.** There is hereby submitted to the properly qualified and registered electors of
17 the city and county of Denver for their approval or rejection at a special municipal election to be
18 conducted at the same time and in conjunction with the coordinated election to be held on
19 November 2, 2021, a proposed amendment to the charter of the city and county of Denver, as
20 follows:

21
22 **Effective upon publication and filing with the Secretary of State in accordance with**
23 **the Constitution and laws of the State of Colorado, the following sections of the**
24 **Charter of the city and county of Denver are amended to read as follows:**

25
26 **Amend §2.6.7 by deleting the language stricken and adding the language underlined to**
27 **read as follows:**

28
29 ~~§ 2.6.7~~

30 **ARTICLE XII. - INDEPENDENT MONITOR**

31 **§12.1.1 Office of Independent Monitor.**

32 (A) *Office created.*

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

1 of the independent monitor.

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

11 (iii) The monitor shall establish standards of professional conduct and a comprehensive
12 training program for its own staff in order to evaluate whether internal investigations have been
13 properly conducted and to make recommendations as to the sustaining of rule violations, the
14 imposition of disciplinary sanctions, and changes in policy and training.

15 (iv) The monitor shall exercise such other powers and duties as may be provided by
16 ordinance.

17 (v) The monitor may employ or contract for services of an independent general counsel
18 who must be a member of the Colorado Bar. Upon request of the monitor, independent general
19 counsel may serve in lieu of the Department of Law in the following enumerated functions:

20 (a) The monitor may retain independent general counsel to provide legal advice under
21 §6.1.3(B) to assist the monitor in the performance of its duties. Legal advice of the independent
22 general counsel does not constitute a formal opinion under 6.1.3(B).

23 (b) The monitor may use independent general counsel to serve as special counsel if a
24 dispute arises under §6.1.2.

25 All amounts paid for services shall be from the appropriation to the monitor.

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

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

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

32 (iii) Address any other issues of concern to the community, members of the board, the
33 monitor, the manager of safety, the chief of police, the sheriff, or the fire chief;

- 1 (iv) Make recommendations as to specific cases as may be prescribed in ordinance;
2 and
3 (v) Exercise such other powers and duties as may be provided by ordinance.; and,
4 (vi) In addition to executing the powers and duties assigned to the citizen oversight
5 board, the citizen oversight board shall appoint, by and with the consent of city council, the monitor
6 or any appointee who will serve as monitor in the interim. The monitor shall serve at the pleasure
7 of the citizen oversight board.

8 **Amend 6.1.3 by deleting the language stricken to read as follows:**

9 **§ 6.1.3 - Functions of the Department of Law.**

10 (D) Drafting such legislation and rendering such formal opinions as ~~specified in Section~~
11 ~~3.3.5(D)~~ and as may be requested by the Mayor, the City Council, the Auditor or any other officer
12 of the City and County, acting in his or her official capacity;

13
14 **Amend § 9.1.1 (E)(xiii) by deleting the language stricken and adding the language**
15 **underlined to read as follows:**

16 **§ 9.1.1 Career Service personnel system.**

17 (E)(xiii) ~~any employee appointed to serve at the pleasure of the mayor for the~~
18 ~~purpose of monitoring internal investigations and disciplinary actions in the Department of Safety,~~
19 ~~and any employees appointed by the monitor to serve at the pleasure of the monitor. The~~
20 ~~appointment of any monitor by the mayor pursuant to this or any other provision of the charter~~
21 ~~shall require confirmation by the city council.~~ The director of the office of independent monitor
22 ("monitor") shall serve at the pleasure of the citizen oversight board and up to two employees
23 appointed by the monitor shall serve at the pleasure of the monitor. Prior to any removal of the
24 monitor by the citizen oversight board, the board shall consult with the city council regarding its
25 intention to remove the monitor.

26
27 **Section 2.** The ballot shall contain the following title and submission clause:

28
29 **REFERRED QUESTION _____**

30 Shall the Charter of the City and County of Denver be amended to allow the citizen
31 oversight board to appoint the independent monitor with consent of city council,
32 providing the office of the monitor with independent legal counsel and establishing
33 employment status of employees?

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Section 3. 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 4. 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 5. 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.

COMMITTEE APPROVAL DATE: August 4, 2021

MAYOR-COUNCIL DATE: N/A

PASSED BY THE COUNCIL _____ August 16, 2021

David Filmore - PRESIDENT

APPROVED: _____ - MAYOR *Mike Johnston* Aug 20, 2021

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

NOTICE PUBLISHED IN THE DAILY JOURNAL _____;

PREPARED BY: Kirsten Crawford, Assistant City Attorney DATE: August 5, 2021

Pursuant to section 13-9, 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.

Kristin Bronson, Denver City Attorney

BY: *Jonathan Griffin* _____, Assistant City Attorney DATE: Aug 5, 2021