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2 **BY AUTHORITY**

3 ORDINANCE NO.
4 SERIES OF 2024

COUNCIL BILL NO. 24-0929
COMMITTEE OF REFERENCE:
Finance and Governance

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6
7 **A BILL**

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9 **For an ordinance resubmitting to a vote of the qualified and registered electors**
10 **of the city and county of Denver at a special municipal election to be held in**
11 **conjunction with the coordinated election of November 5, 2024, a proposed**
12 **amendment to the charter pertaining to salaries of elected officials.**
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15 **WHEREAS**, Colorado Revised Statutes (“C.R.S.”) section 31-2-210(4) requires that the
16 governing body of a municipality publish notice of an election held for any Charter amendment within
17 thirty (30) days of adoption of such an ordinance; and

18 **WHEREAS**, pursuant to that statute, an election for the adoption of any proposed Charter
19 amendment shall be held no more than one-hundred twenty (120) days after publication of such
20 notice; and

21 **WHEREAS**, Ordinance No. 0360, Series 2024, submitting to a vote of qualified and registered
22 electors a proposed change to the Charter pertaining to salaries of elected official, was passed on
23 April 8, 2024, and notice of such election was published on April 11, 2024; and

24 **WHEREAS**, the Council does not intend to call a special election prior to August 9, 2024; and

25 **WHEREAS**, to resolve any ambiguity about Council’s intent to submit such proposed
26 amendment to qualified and registered electors at a special election to be held on November 5, 2024,

27 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**
28 **DENVER:**

29 **Section 1.** Ordinance No. 0360, Series 2024 is hereby repealed and shall not be submitted
30 to voters for approval.

31 **Section 2.** There is hereby submitted to the properly qualified and registered electors of
32 the city and county of Denver for their approval or rejection at a special municipal election to be
33 conducted at the same time and in conjunction with the coordinated election to be held on
34 November 5, 2024, a proposed amendment to the charter of the city and county of Denver, as
35 follows:

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2 **Effective upon publication and filing with the Secretary of State in accordance with**
3 **the Constitution and laws of the State of Colorado, the following sections of the**
4 **Charter of the city and county of Denver are amended to read as follows:**
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6 **Amend §9.2.2 by deleting the language stricken and adding the language underlined to**
7 **read as follows:**
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9 **§ 9.2.2 - Limitation on salaries and benefits of elected charter officers.**

10 (A) ~~After January 1 of any general election year for elected Charter officers, but before~~
11 ~~the general election, t~~The salaries of such elected Charter officers shall be fixed by ordinance for
12 the ensuing term within the limits set forth in this section. The salaries shall not exceed be the
13 lesser of:

14 (i) The current salaries adjusted for the cumulative percentage change over the
15 preceding four years in the Consumer Price Index for All Urban Consumers, Denver-Boulder-
16 ~~Greeley~~Aurora-Lakewood, or its successor index; or

17 (ii) The current salaries adjusted for the cumulative percentage change over the
18 preceding four (4) years in the mean salary of employees in the Career Service.

19 (B) Salaries fixed by ordinance pursuant to this section shall become effective on the
20 first day of the ensuing term. The ordinance, ~~once it is enacted,~~ shall be self-executing and may
21 not be modified, repealed or superseded during the term of office.

22 (C) Elected charter officers may, to the extent provided by ordinance, receive benefits
23 paid to or on behalf of employees by the City, in an amount not to exceed the amount established
24 by ordinance for Career Service employees.

25 **Section 2.** The ballot shall contain the following title and submission clause:
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27 **REFERRED QUESTION _____**

28 Shall the Charter of the City and County of Denver be amended to remove the
29 requirement that City Council vote on elected official salaries every four years prior to
30 the general election and to remove discretion in setting the salaries, and instead
31 require that the salaries be as stated in ordinance, and any future adjustments shall
32 continue to be the lesser of either the CPI increase for the Denver Metro Area or the
33 cumulative percentage change for Career Service Denver 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. That pursuant to Section 31-2-210(4) of the Colorado Revised Statutes, the Clerk and Recorder is directed to publish a notice of the City’s special election and to include in that notice the full text of the proposed amendments as stated in this Ordinance. Such notice is to be published within thirty (30) days of the adoption of this Ordinance and not less than sixty (60) days nor more than one hundred twenty (120) days before said election.

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.

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1 COMMITTEE APPROVAL DATE: July 16, 2024 by Consent

2 MAYOR-COUNCIL DATE: July 23, 2024

3 PASSED BY THE COUNCIL _____

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____

6 ATTEST: _____ - CLERK AND RECORDER
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL _____; _____

10 PREPARED BY: Anshul Bagga, Assistant City Attorney; DATE: June 26, 2024

11 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
12 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
14 3.2.6 of the Charter.

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16 Kerry Tipper, City Attorney

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18 BY: Anshul Bagga, Assistant City Attorney DATE: Jul 25, 2024