

1
2 **BY AUTHORITY**

3 ORDINANCE NO.
4 SERIES OF 2019

COUNCIL BILL NO. _____
COMMITTEE OF REFERENCE:

5
6
7 **A BILL**

8
9 For an ordinance submitting to a vote of the registered electors of the City and County
10 of Denver at a special municipal election to be held in conjunction with the coordinated
11 election on November 3, 2020, a proposed amendment to the Charter of the City and
12 County of Denver to give city council the authority to consent to certain mayoral
13 appointments.
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 registered electors of the City and County of
18 Denver for their approval or rejection at a special municipal election held in conjunction with the
19 coordinated election on November 3, 2020, a proposed amendment to the Charter of the City and
20 County of Denver, as 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 **§ 2.2.6 - Administrative appointments.**

27 (A) Except for as provided in subsections (D) and (E) of this section, the Mayor shall appoint
28 the heads of all administrative departments, and shall appoint all commissions, boards and officers,
29 under the Mayor's control; and the appointees shall hold said appointments so long as their services
30 are satisfactory to the Mayor.

31 (B) *Reserved.*

32 (C) The heads of all departments, all officers and employees not transferred or assigned to a
33 department or office herein created, and not by this Charter expressly provided for, shall be appointed
34 and their duties fixed by the Mayor; and the Mayor may assign them or transfer, them from or to any

department, or office.

(D) Notwithstanding any other provision of law to the contrary, the Mayor shall nominate, and, by and with the consent of the Consent of the city council, appoint the following officers:

(i) The Manager of Transportation and Infrastructure, as described in section 2.3.2 of this Charter;

(ii) The Manager of Parks and Recreation, as described in section 2.4.2 of this Charter;

(iii) The Manager of Finance, as described in section 2.5.2 of this Charter;

(iv) The Manager of Safety, as described in section 2.6.2 of this Charter;

(v) The Sheriff, as described in section 2.6.4 of this Charter.

(vi) The Chief of Police, as described in section 2.6.5 of this Charter.

(vii) The Chief of the Fire Department, as described in section 2.6.6 of this Charter.

(viii) The Director of Excise and Licenses, as described in section 2.7.2 of this Charter;

(ix) The Manager of General Services, as described in section 2.9.2 of this Charter;

(x) The Manager of Human Services, as described in section 2.10.2 of this Charter;

(xi) The Manager of Aviation, as described in section 2.11.2 of this Charter;

(xii) The Manager of the Department of Public Health and Environment, as described in section 2.12.2 of this charter;

(xiii) The Manager of Community Planning and Development, as described in section 2.13.2 of this Charter; and,

(xiv) The City Attorney, as described in section 6.1.1 of this Charter.

(E) In consenting to the appointment of the officers listed in subsection (D) of this section, the city council must take action on the nomination within thirty days after the Mayor sends the nomination to city council. If the city council fails to take action on the nomination during this period, the person nominated is appointed as though the city council consented. If the city council, by a majority vote and within the prescribed time period, refuses to consent to a nomination, the Mayor shall nominate another person for the office, who shall be subject to city council consent in accordance with this section. If one of the offices listed in subsection (D) of this section becomes vacant, the Mayor shall nominate a person to fill the office in a timely manner.

§ 2.3.2 - Manager of Transportation and Infrastructure.

The Manager of Transportation and Infrastructure (hereinafter called the "Manager") shall be the officer in full charge and control of the Department and shall devote full time to the duties of the office. The Manager shall be nominated and, by and with the consent of the city council, appointed by

the Mayor and hold office at the pleasure of the Mayor. The Manager shall be a member of the Mayor's cabinet and shall be a member of the Board of Equalization.

§ 2.4.2 - Manager of Parks and Recreation.

The Manager of Parks and Recreation (hereinafter called the "Manager") shall be the officer in full charge and control of the Department, shall devote full time to the duties of the office, shall be a member of the Mayor's Cabinet, shall be nominated and, by and with the consent of the city council, appointed by the Mayor and shall hold office at the pleasure of the Mayor.

§ 2.5.2 - Manager of Finance.

The Manager of Finance, acting as the chief financial officer of the City and County, shall be in full charge and control of the department, and shall devote full time to the duties of the office. The Manager of Finance shall be nominated and, by and with the consent of the city council, appointed by the Mayor and hold office at the pleasure of the Mayor.

§ 2.6.2 - Manager of Safety.

The Manager of Safety shall be the officer in full charge of said department, subject to the supervision and control of the Mayor, shall devote full time to the duties of the office, and may appoint a Deputy Manager of Safety, who shall in addition to any other duties assigned perform such functions and exercise such powers of the Manager as the Manager may specifically assign to such Deputy. The Manager of Safety shall be nominated and, by and with the consent of the city council, appointed by the Mayor and hold office at the pleasure of the Mayor.

§ 2.6.4 - Sheriff Department.

The Sheriff Department shall be composed of the Sheriff, who shall be nominated and, by and with the consent of the city council, appointed by the Mayor; Deputy Sheriff Division Chiefs and Deputy Sheriff Majors, all of whom shall be appointed by the Sheriff with the approval of the Manager of Safety; and Deputy Sheriffs and other employees, as may be necessary to perform the duties of the department, all of whom shall be appointed by the Manager of Safety pursuant to Career Service requirements. The salary, benefits and other compensation of the Sheriff, Deputy Sheriff Division Chiefs, and Deputy Sheriff Majors shall be established by ordinance. The Sheriff shall, subject to the supervision of the Manager of Safety, have full charge and custody of the jails of the city and county and the prisoners in the jails, transport prisoners, and execute writs and attend the several courts of record held in the city and county. In addition thereto, the Sheriff and the Sheriff Department shall exercise and perform the powers and duties now required or that may hereafter be required by the Constitution or the general laws of the state to be performed by the county

sheriff, to the extent any such powers or duties are approved by the Manager of Safety. The Manager of Safety shall be deemed the appointing authority pursuant to Career Service requirements for purposes of hiring, discipline and termination of Deputy Sheriffs and other employees within the Sheriff Department.

§ 2.6.5 - Police Department.

(A) *Who constitutes.* The Police Department shall be composed of the Chief of Police, who shall be nominated and, by and with the consent of the city council, appointed by the Mayor, and such subordinate police officers appointed pursuant to Civil Service requirements and employees appointed pursuant to Career Service requirements, as may be necessary to preserve the peace, protect persons and property, and enforce laws and ordinances.

(B) *Duties.* It shall be the duty of the police force to suppress all riots, disturbances and breaches of the peace and apprehend any and all persons in the act of committing any offense against the laws of the State or of the ordinances, and forthwith bring such persons before the proper court or other competent authority for examination, and at all times diligently and faithfully enforce all such laws, ordinances and regulations for the preservation of good order and the public welfare as the Council may enact, and upon due and reasonable suspicion arrest any person or persons who may be guilty of a breach of any of the ordinances or of any crime against the State or the United States.

§ 2.6.6 - Fire Department.

The Fire Department shall be composed of the Chief of the Fire Department, who shall be nominated and, by and with the consent of the city council, appointed by the Mayor and such other subordinates appointed pursuant to Civil Service requirements and employees appointed pursuant to Career Service requirements, as may be necessary to protect the City and County against fire and to provide other emergency services as designated by the Manager of Safety.

§ 2.7.2 - Director of Excise and Licenses.

The Director of Excise and Licenses shall be in full charge and control of the Department, shall devote full time to the duties of the office, shall be nominated and, by and with the consent of the city council, appointed by the Mayor, and shall hold office at the pleasure of the Mayor.

§ 2.9.2 - Manager of General Services.

The Manager of General Services (hereinafter called the "Manager") shall be the officer in full charge and control of the Department and shall devote full time to the duties of the office. The Manager shall be a member of the Mayor's Cabinet, shall be nominated and, by and with the

consent of the city council, appointed by the Mayor, and shall hold office at the pleasure of the Mayor.

§ 2.10.2 - Manager of Human Services.

The Manager of Human Services shall be the officer in full charge and control of the Department, shall devote full time to the duties of the office, shall be nominated and, by and with the consent of the city council, appointed by the Mayor, and shall be, dismissed by, and be responsible to the Mayor.

§ 2.11.2 - Manager of Aviation.

The Manager of Aviation, hereinafter called the "Manager," shall be the officer in full charge and control of the Department and shall devote full and entire time to the duties of the Office of Manager. The Manager shall be nominated and, by and with the consent of the city council, appointed by the Mayor and shall hold that office at the pleasure of the Mayor and shall be a member of the Mayor's cabinet.

§ 2.12.2 - Manager of Department of Public Health and Environment; appointment, powers and duties.

The Manager of Public Health and Environment shall administer the functions of the department, devoting the Manager's entire time to the duties of the office. The Manager shall be nominated and, by and with the consent of the city council, appointed by the Mayor with the advice of the Board but shall be subject to dismissal by the Mayor without the consent of the Board.

(A) *Coroner.* The Manager shall appoint a coroner with the advice of the Board of Public Health and Environment to perform the duties required by law of a County coroner. The coroner may not be dismissed by the Manager without the consent of the Board.

(B) *Budget.* The annual budget for the Department of Public Health and Environment shall be prepared by the Manager in consultation with the Board and shall be transmitted by the Manager to the Mayor.

(C) *Authority to enter dwellings and structures.* Upon probable cause, supported by oath or affirmation, a warrant may be issued by any Denver County Court Judge authorizing the Manager or his or her designee to enter any dwelling for public health reasons that do not constitute an emergency. The Manager may if the public health is endangered by environmental or other hazards constituting an emergency enter dwellings and other structures in accordance with the law in such case provided.

(D) *Contracts with Denver Health and Hospital Authority.* The Manager may through

1 intergovernmental agreement contract with the Denver Health and Hospital Authority created by
2 and operating pursuant to Article 29, title 25, of the Colorado Revised Statutes for health and
3 medical services under such terms and conditions as the City may by ordinance or resolution of the
4 Council approve.

5 **§ 2.13.2 - Manager of Community Planning and Development—Appointment.**

6 The Manager of Community Planning and Development shall be the officer in full charge and
7 control of the Department and shall devote full time to the duties of the Office of Manager. The
8 Manager shall be nominated and, by and with the consent of the city council, appointed by the
9 Mayor, shall hold that Office at the pleasure of the Mayor and shall be a member of the Mayor's
10 cabinet.

11 **§ 6.1.1 - Attorney of the City and County of Denver.**

12 The Attorney of the City and County of Denver shall be the officer in full charge and control
13 of the Department of Law. The City Attorney shall be an attorney-at-law admitted to practice in the
14 State of Colorado and shall have a minimum of five years' experience in the active practice of law.
15 The City Attorney shall be nominated and, by and with the consent of the city council, appointed by
16 the Mayor. The City Attorney shall be the appointing authority for all employees of the Department
17 of Law.

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

19
20 **REFERRED QUESTION _____**

21
22 Shall the Charter of the City and County of Denver be amended to give the city council
23 authority to consent to mayoral cabinet appointments?
24

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

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

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

4
5 COMMITTEE APPROVAL DATE: _____, 2019.

6 MAYOR-COUNCIL DATE: _____, 2019.

7 PASSED BY THE COUNCIL _____ 2019
8 _____ - PRESIDENT

9 APPROVED: _____ - MAYOR _____ 2019

10 ATTEST: _____ - CLERK AND RECORDER,
11 EX-OFFICIO CLERK OF THE
12 CITY AND COUNTY OF DENVER
13

14 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2019; _____ 2019

15
16 PREPARED BY: Troy Bratton, Assistant City Attorney; DATE: _____
17

18 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
19 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
20 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
21 3.2.6 of the Charter.
22

23 BY: _____, _____ City Attorney

24 DATE: _____