

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2019

COUNCIL BILL NO. _____
COMMITTEE OF REFERENCE:

A BILL

For an ordinance submitting to a vote of the registered electors of the City and County of Denver at a special municipal election to be held in conjunction with the coordinated election on November 3, 2020, a proposed amendment to the Charter of the City and County of Denver to give city council the authority to consent to certain mayoral appointments.

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

Section 1. There is hereby submitted to the registered electors of the City and County of Denver for their approval or rejection at a special municipal election held in conjunction with the coordinated election on November 3, 2020, a proposed amendment to the Charter of the City and County of Denver, as follows:

Effective upon publication and filing with the Secretary of State in accordance with the Constitution and laws of the State of Colorado, the following sections of the Charter of the City and County of Denver are amended to read as follows:

§ 2.2.6 - Administrative appointments.

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

(B) *Reserved.*

(C) The heads of all departments, all officers and employees not transferred or assigned to a department or office herein created, and not by this Charter expressly provided for, shall be appointed 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 Public Works, as described in section 2.3.2 of this Charter;
- (ii) The Manager of Parks and Recreation, as described insect 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 Director of Excise and Licenses, as described in section 2.7.2 of this Charter;
- (vi) The Manager of General Services, as described in section 2.9.2 of this Charter;
- (vii) The Manager of Human Services, as described in section 2.10.2 of this Charter;
- (viii) The Manager of Aviation, as described in section 2.11.2 of this Charter;
- (ix) The Manager of the Department of Public Health and Environment, as described in section 2.12.2 of this charter;
- (x) The Manager of Community Planning and Development, as described in section 2.13.2 of this Charter; and
- (xi) 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 Public Works.

The Manager of Public Works (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,

1 appointed by the Mayor and shall hold office at the pleasure of the Mayor.

2 **§ 2.5.2 - Manager of Finance.**

3 The Manager of Finance, acting as the chief financial officer of the City and County, shall be
4 in full charge and control of the department, and shall devote full time to the duties of the office.

5 The Manager of Finance shall be nominated and, by and with the consent of the city council,
6 appointed by the Mayor and hold office at the pleasure of the Mayor.

7 **§ 2.6.2 - Manager of Safety.**

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

14 **§ 2.7.2 - Director of Excise and Licenses.**

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

18 **§ 2.9.2 - Manager of General Services.**

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

24 **§ 2.10.2 - Manager of Human Services.**

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

29 **§ 2.11.2 - Manager of Aviation.**

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

1 member of the Mayor's cabinet.

2 **§ 2.12.2 - Manager of Department of Public Health and Environment; appointment, powers**
3 **and duties.**

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

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

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

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

20 (D) *Contracts with Denver Health and Hospital Authority.* The Manager may through
21 intergovernmental agreement contract with the Denver Health and Hospital Authority created by
22 and operating pursuant to Article 29, title 25, of the Colorado Revised Statutes for health and
23 medical services under such terms and conditions as the City may by ordinance or resolution of the
24 Council approve.

25 **§ 2.13.2 - Manager of Community Planning and Development—Appointment.**

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

31 **§ 6.1.1 - Attorney of the City and County of Denver.**

32 The Attorney of the City and County of Denver shall be the officer in full charge and control
33 of the Department of Law. The City Attorney shall be an attorney-at-law admitted to practice in the

1 State of Colorado and shall have a minimum of five years' experience in the active practice of law.
2 The City Attorney shall be nominated and, by and with the consent of the city council, appointed by
3 the Mayor. The City Attorney shall be the appointing authority for all employees of the Department
4 of Law.

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

6
7 **REFERRED QUESTION _____**

8
9 Shall the Charter of the City and County of Denver be amended to give the city council
10 authority to consent to mayoral cabinet appointments?
11

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

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

21 **Section 5.** If any section, paragraph, clause, or other portion of this ordinance is held to be
22 invalid or unenforceable for any reason, the validity of the remaining portions of this ordinance shall
23 not be affected.
24

25 COMMITTEE APPROVAL DATE: _____, 2019.
26 MAYOR-COUNCIL DATE: _____, 2019.
27 PASSED BY THE COUNCIL _____ 2019
28 _____ - PRESIDENT
29 APPROVED: _____ - MAYOR _____ 2019
30 ATTEST: _____ - CLERK AND RECORDER,
31 EX-OFFICIO CLERK OF THE
32 CITY AND COUNTY OF DENVER
33
34 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2019; _____ 2019
35

1 PREPARED BY: Troy Bratton, Assistant City Attorney; DATE: _____

2

3 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
4 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
5 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
6 3.2.6 of the Charter.

7

8 BY: _____, _____ City Attorney

9 DATE: _____