

## **(Draft Amended Charter for Elected Sheriff)**

- TITLE I - HOME RULE
- SUBTITLE A - CONSTITUTION OF COLORADO
- ARTICLE XX. - HOME RULE CITIES AND TOWNS
- SUBTITLE B - CHARTER
- ARTICLE I. - GENERAL PROVISIONS
  - ARTICLE II. - MAYOR AND EXECUTIVE DEPARTMENTS

### **Proposed Amendment Strikethrough (eliminate) some of Charter Article II, Part 2, Mayor's appointments**

#### **PART 1. - ELECTION AND SUCCESSION**

#### **PART 2. - POWERS AND DUTIES OF MAYOR**

##### **§ 2.2.7 - Appointment of County officers.**

- A. *Mayor's authority to appoint.* In case no officer has been specially mentioned to perform the duties of any County officer, or in case any new County office is created, then such office shall be filled by appointment by the Mayor, who shall appoint thereto some official of the City and County, who shall thereafter perform the acts and duties required by the constitution or by the general laws to be done by such County officer.
- B. *Appointment of subordinate County officers.* Whenever the constitution or general laws of the State permit the appointment of a deputy, ~~undersheriff~~ or other subordinate to perform the whole or any part of the duties or powers conferred upon any County officer, the commissioner or other officer herein named upon whom the powers and duties of such County officer have been conferred may appoint such deputy or deputies, ~~undersheriff~~ or other subordinate, and where under the constitution or general laws no such deputy or other subordinate can be named by such County officer to perform such duties, then the commissioner or other officer herein named upon whom the powers and duties of such County officer have been conferred shall perform such duties personally.

(Charter 1960, C5.15, C5.22; Subsection (A), Charter 1904, § 156; Subsection (B), amended February 14, 1913.)

## **Proposed Strikethrough (eliminate) of Charter, Article II, Part 6 Safety-Sheriff**

- **PART 6. - SAFETY**
- **§ 2.6.1 - Department of Safety created; departmental powers and duties.**

There shall be and hereby is created a Department of Safety which shall have, subject to the supervision and control of the Mayor, full charge and control of the departments of ~~sheriff~~, fire and police.

(Charter 1960, A9.1; amended October 26, 1971; Ord. No. 428-02, § 1, 6-3-02, elec. 8-13-02 Ord. No. 408-13, § 2, 8-26-13, elec. 11-5-13)

### **~~• § 2.6.4 - Sheriff Department.~~**

~~The Sheriff Department shall be composed of the Sheriff, who shall be 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.~~

(Charter 1960, A9.3, A9.3-1; Subsection (A), added March 25, 1991; Subsection (B), amended October 26, 1971, amended March 25, 1991; Ord. No. 676-02, § 1, 8-26-02, elec. 11-5-02; Ord. No. 665-03, § 1, 8-25-03, elec. 11-4-03 Ord. No. 408-13, § 2, 8-26-13, elec. 11-5-13)

- [ARTICLE III. - CITY COUNCIL](#)
- [ARTICLE IV. - COUNTY COURT](#)
- [ARTICLE V. - AUDITOR](#)
- [ARTICLE VI. - CITY ATTORNEY](#)
- [ARTICLE VII. - BUDGET AND FINANCE](#)
- [ARTICLE VIII. - CLERK AND RECORDER](#)

## **Proposed changes to Article VIII-Clerk and Recorder, Charter related to elections-Sheriff**

- **PART 1. - GENERAL PROVISIONS**

### **PART 2. - CONDUCT OF ELECTIONS**

#### **§ 8.2.2 - General election.**

A general City and County election shall be held on the first Tuesday in May of every odd-numbered year. On the first Tuesday of May, 1995 and on the same day every four (4) years thereafter, the general election shall be held for the purpose of electing a Mayor, an Auditor, *a Sheriff*, thirteen Councilmembers, and the Clerk and Recorder; and for the submission of any initiative, referendum, Charter amendment, or other referred measure to the voters. On the first Tuesday of May, 2005 and on the same day every four (4) years thereafter, the general election shall be held for the purpose of conducting vacancy elections in accordance with the requirements of this Charter and for the submission of any initiative, referendum, Charter amendment, or other referred measure to the voters.

(Charter 1960, C1.2-1; amended May 17, 1916; amended September 10, 1935; amended November 4, 1952; amended September 10, 1974; amended August 11, 1992; Ord. No. 679-02, § 1, 8-26-02, elec. 11-5-02; Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07)

#### **§ 8.2.7 - Nomination of candidates.**

The name of a candidate for district Councilmember shall be placed upon the ballot when a verified petition of not less than one hundred (100) signatures of registered electors, who reside in the district in which the candidate resides, shall have been filed in the candidate's behalf at least fifty-five (55) days before the day of election in the manner and form and under the conditions established by the Clerk and Recorder, unless otherwise provided by ordinance in pursuance of this Charter. The name of a candidate for Mayor, *Sheriff*, Auditor, Clerk and Recorder or Councilmember-at-large shall be placed upon the ballot when a verified petition of not less than three hundred (300) signatures of registered electors shall have been filed in the candidate's behalf at least fifty-five (55) days before the day of election in the manner and form and under the conditions established by the Clerk and Recorder.

(Charter 1960, C1.5; amended February 14, 1913; amended September 10, 1974; amended August 9, 1988; Ord. No. 428-02, § 1, 6-3-02, elec. 8-13-02; Ord. No. 679-02, § 1, 8-26-02, elec. 11-5-02; Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07)

### **§ 8.2.19 - Number of votes required for election.**

To be elected Mayor, *Sheriff*, Auditor, Clerk and Recorder, or District Councilmember, a person shall have received a majority of the votes cast for such office at either a general City and County election or at a run-off election as herein provided. To be elected Councilmember-at-large, each person shall have received either the greatest number of votes or the next greatest number of votes at the general City and County election as herein provided. Present elected officials shall serve the term for which they are elected.

(Charter 1960, C1.2; amended May 17, 1916; amended September 10, 1935; amended November 4, 1952; amended September 10, 1974; Ord. No. 428-02, § 1, 6-3-02, elec. 8-13-02; Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07)

### **§ 8.2.20 - Counting of votes; declaration of results.**

After the official abstract of votes cast for all candidates, ballot issues and questions has been certified, the following persons shall be declared elected and entitled to a certificate of election:

- a. The candidate for the Office of Mayor who has received a majority of the votes cast for that office.
- b. The candidate for the Office of *Sheriff* who has received a majority of the votes cast for that office.
- c. The candidate for the Office of Auditor who has received a majority of the votes cast for that office.
- d. Each candidate for the office of District Councilmember who has received a majority of the votes cast for that office in the respective districts.
- e. The two (2) candidates for the office of Councilmember-at-large who have received the greatest number of votes cast for that office.
- f. The candidate for the Office of Clerk and Recorder who has received a majority of the votes cast for that office.

(Charter 1960, C1.2-2; amended May 17, 1916; amended September 10, 1935; amended November 4, 1952; amended September 10, 1974; Ord. No. 428-02, § 1, 6-3-02, elec. 8-13-02; Ord. No. 679-02, § 1, 8-26-02, elec. 11-5-02; Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07; Ord. No. 409-13, § 1, 8-26-13, elec. 11-5-13)

### § 8.2.21 - Run-off elections.

If, at a general City and County election, no candidate receives a majority of the votes cast for Mayor, *for Sheriff*, for Auditor, for Clerk and Recorder, or for district Councilmember in the respective districts, a run-off election shall be held on the first Tuesday in June following the general election. The run-off election shall be held in the same manner as a general election, except:

Certification of candidates and publication of election notice shall be on or before the tenth (10th) day before election.

- a) If a run-off election for Mayor is required, the two (2) persons with the highest number of votes for Mayor in the general City and County election shall appear on the ballot as candidates for Mayor.
- b) If a run-off election for *Sheriff* is required, the two (2) persons with the highest number of votes for *Sheriff* in the general City and County election shall appear on the ballot as candidates for *Sheriff*.
- c) If a run-off election for Auditor is required, the names of the two (2) persons with the highest number of votes for Auditor in the general City and County election shall appear on the ballot as candidates for Auditor.
- d) In each Council district in which a run-off election is required, the names of the two (2) persons with the highest number of votes for district Councilmember of the respective district in the general City and County election shall appear on the ballot.
- e) If a run-off election for Clerk and Recorder is required, the names of the two (2) persons with the highest number of votes for Clerk and Recorder in the general City and County election shall appear on the ballot as candidates for Clerk and Recorder.

The names of candidates shall be arranged in the same order as the candidates filed their nomination petitions, with the first name being that of the first person to file.

After the official abstract of votes cast for all candidates has been certified, the candidates receiving the greatest number of votes cast at said election for the respective offices shall be declared elected and entitled to a certificate of election.

(Charter 1960, C1.2-3, C1.2-4; amended May 17, 1916; amended September 10, 1935; amended November 4, 1952; amended September 10, 1974; amended August 9, 1988;

amended August 11, 1992; Ord. No. 679-02, § 1, 8-26-02, elec. 11-5-02; Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07; Ord. No. 409-13, § 1, 8-26-13, elec. 11-5-13)

▪ **ARTICLE IX. - EMPLOYMENT**

**PART 9. - COLLECTIVE BARGAINING; DEPUTY SHERIFFS**

**Proposed changes to Article IX- Employment, Charter related to elected Sheriff**

**§ 9.9.2 - Definitions.**

As used in this Section, the following terms shall, unless the context requires a different interpretation, have the following meanings:

- A. The term "Deputy Sheriff" shall mean all members sworn by the Sheriff in the Sheriff Department of the City and County of Denver, except the Sheriff, *Undersheriff*, Deputy Sheriff Division Chiefs, Deputy Sheriff Majors, *and other appointed executive level managers*.
- B. The term "Corporate Authorities" shall mean the *Sheriff* and the City Council of the City and County of Denver, or their representatives.
- C. The term "sole and exclusive bargaining agent" or "bargaining agent" shall mean an employee organization chosen by the Deputy Sheriffs pursuant to [Section 9.9.4](#).
- D. The term "final offer" shall be the written offer made latest in time by a party to the other party but at least seven (7) days prior to the start of a binding arbitration hearing.
- E. "Compensation" means wages, rates of pay, salaries or other forms of pay.
- F. "Fringe benefits" means: vacation leave; holidays; sick leave; bereavement leave; jury duty leave; leave for union activity; other paid or unpaid leave; payments for injuries, sickness, or death arising from the line of duty; health insurance; life insurance; allowances for uniform and equipment and the maintenance of uniforms and equipment; tuition refund; overtime pay; call back pay; shift differential; acting pay; payments for unused leave at separation; longevity pay; tuition refund; dependent's benefits; and any other financial or economic benefits to individual Deputy Sheriffs.

The term "fringe benefits" shall only apply to Deputy Sheriffs employed by the City and County of Denver. The term "fringe benefits" shall not include pensions.

(Charter 1960, C5.83-2; added March 20, 1995; Ord. No. 408-13, § 2, 8-26-13, elec. 11-5-13)

- [ARTICLE X. - BOARD OF WATER COMMISSIONERS](#)
- [ARTICLE XI. - LIBRARY COMMISSION](#)

## ARTICLE XII –SHERIFF

### PART 1. GENERAL PROVISIONS

#### 12.1.1 –Office of Sheriff, and Qualifications.

The Sheriff shall be a citizen of the United States; a resident of the City and County of Denver for the two (2) years immediately preceding his or her election; a qualified elector of the City and County of Denver and at least twenty-five years of age, and any other qualifications required by state law.

#### 12.1.2 –Election and Term.

The Sheriff shall be elected during the regular elections of all other elected officers for the City and County of Denver in accordance with section 8.2.2 of this charter, and serve 4 year terms and until a successor is elected and qualified. All provisions of Article VIII, Part 2 of this charter will apply to the election of Sheriff except that an election for the Office of Sheriff will occur during the first Coordinated Election after this Article XII is approved by the voters. The person serving as the Mayor's appointee in the office of Sheriff shall serve in the position until the newly elected Sheriff is elected and takes office in accordance with Article VIII, Part 2 of this charter.

#### 12.1.3 -Nominations.

The name of a candidate for Sheriff shall be placed upon the ballot when a verified petition of not less than three hundred (300) signatures of registered electors shall have been filed in the candidate's behalf at least fifty-five (55) days before the day of election in the manner and form and under the conditions established by the Clerk and Recorder.

#### 12.1.4- Vacancy in the Office of Sheriff.

When any Sheriff is unable, by reason of resignation or death, to perform the duties of the office for the time remaining prior to expiration of his or her term of office, the Council shall declare by resolution that a vacancy exists. Notwithstanding any provision of Section 8.2.3 of this Charter, such vacancy shall be filled by a special election, which shall be called by the

Council to be held not less than 120 days nor more than 130 days after the Council declares that such vacancy exists unless another City-wide election has been scheduled to be held within 160 days after such vacancy is declared; and the candidate receiving the greatest number of votes at said election shall qualify and take such office immediately and shall hold such office for the unexpired portion of the term in which the vacancy occurs. Prior to such election for the office of the Sheriff, the current Undersheriff shall serve as interim Sheriff.

#### 12.1.5 –Powers and Duties.

The Sheriff shall have full charge and authority of the Sheriff's Department for the City and County of Denver. The Sheriff's Department shall be composed of the Sheriff, an Undersheriff who shall be appointed by the Sheriff and serve as long his or her services are satisfactory to the Sheriff, other executive level managers who shall be appointed by the Sheriff and serve as long as their services are satisfactory to the Sheriff. The Sheriff, Undersheriff and the other executive level management positions shall not be members of the Career Service. The Sheriff's Department shall also consist of Deputy Sheriffs and other employees, as may be necessary to perform the duties of the department. The salary, benefits and other compensation of the Sheriff shall be set at a minimum consistent with provisions established in state law for category I-A counties but may exceed that level if established by ordinance. The Undersheriff, and any other appointed executive level managers shall be established by ordinance with due consideration given to the recommendations of the Sheriff. The Sheriff shall 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's 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. The Sheriff shall be deemed the appointing authority pursuant to Career Service requirements for purposes of hiring, promotion, discipline and termination of Deputy Sheriffs and other employees within the Sheriff's Department.

#### 12.1.6 Appropriations to Support Sheriff and the Sheriff's Department.

The City Council shall appropriate sufficient funds to the Sheriff and the Sheriff's Department to enable the Sheriff and the Sheriff's Department to exercise the powers and duties set forth herein, and to occupy and maintain suitable offices, operate jail facilities and jail programs, and court detention areas, to provide employee training, acquire supplies, obtain and maintain equipment and vehicles, and to provide appropriate wages and fringe benefits to employees to perform these powers and duties.