

COUNCILWOMAN CANDI CDEBACA

DRAFT ORDINANCE CHANGE PROPOSAL – OFFICE OF THE INDEPENDENT MONITOR 10-28-19

SOURCE TEXT:

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SEC. 2-372. - ~~APPOINTMENT, QUALIFICATION, AND REMOVAL OF MONITOR AND STAFF.~~ **APPOINTMENT AND REMOVAL OF THE MONITOR BY THE DENVER CITY COUNCIL (COUNCIL) WITH STRONG REMOVAL PROTECTIONS FOR A TERM OF 4 YEARS.**

- (a) ~~THE MAYOR COUNCIL SHALL DIRECT THE RECRUITMENT FOR THE MONITOR'S POSITION WITH THE ASSISTANCE OF THE OFFICE OF HUMAN RESOURCES OR OTHER ENTITY DESIGNATED BY THE MAYOR.~~
- (b) PRIOR TO THE APPOINTMENT OF ANY PERSON TO THE POSITION OF MONITOR, ~~THE MAYOR SHALL APPOINT A SCREENING COMMITTEE TO A SCREENING COMMITTEE SHALL~~ INTERVIEW AND EVALUATE CANDIDATES FOR THE POSITION. THE SCREENING COMMITTEE SHALL CONSIST OF THE FOLLOWING FIVE (5) PERSONS:
 - (1) ~~THE CHAIRPERSON OF THE COUNCIL, WHO SHALL BE THE CHAIRPERSON OF THE SCREENING COMMITTEE;~~ **FIVE PERSONS APPOINTED BY A MAJORITY VOTE OF THE COUNCIL TO INCLUDE A REPRESENTATIVE FROM THE CITIZEN OVERSIGHT BOARD (COB).**
 - (2) ~~A MEMBER OF CITY COUNCIL AS SELECTED BY THE CITY COUNCIL PRESIDENT;~~
 - (3) ~~A CURRENT OR RETIRED JUDGE AS SELECTED BY THE MAYOR;~~
 - (4) ~~THE OFFICE OF HUMAN RESOURCES EXECUTIVE DIRECTOR; AND~~
 - (5) ~~A PERSON WITH EXTENSIVE KNOWLEDGE OF INTERNAL POLICE INVESTIGATIONS OR THE MONITORING OF INTERNAL POLICE INVESTIGATIONS BUT WHO HAS NEVER BEEN EMPLOYED BY THE DENVER POLICE, SHERIFF, OR FIRE DEPARTMENTS AS SELECTED BY THE MAYOR.~~
- (c) THE SCREENING COMMITTEE SHALL FORWARD TO THE ~~MAYOR COUNCIL~~ THE NAMES OF UP TO THREE (3) CANDIDATES, WHOSE NAMES SHALL BE AVAILABLE TO THE PUBLIC.
- (d) THE ~~MAYOR COUNCIL~~ SHALL APPOINT THE MONITOR **BY MAJORITY VOTE** FROM THE LIST OF NAMES SUBMITTED BY THE SCREENING COMMITTEE, UNLESS THE ~~MAYOR COUNCIL~~ DECIDES NOT TO APPOINT ANY OF THOSE CANDIDATES, IN WHICH CASE THE ~~MAYOR COUNCIL~~ SHALL REQUEST THE SCREENING COMMITTEE TO PROVIDE ADDITIONAL NAMES.

- (e) THE APPOINTMENT OF THE MONITOR BY THE ~~MAYOR~~ **COUNCIL** SHALL NOT BE EFFECTIVE UNLESS AND UNTIL CONFIRMED BY THE CITY COUNCIL ACTING BY ORDINANCE.
- (f) ~~THE MONITOR SHALL SERVE AT THE PLEASURE OF THE MAYOR. PRIOR TO ANY REMOVAL OF THE MONITOR BY THE MAYOR, THE MAYOR SHALL CONSULT WITH THE CITY COUNCIL AND THE COUNCIL REGARDING HIS OR HER INTENTION TO REMOVE THE MONITOR.~~ **THE MONITOR SHALL SERVE A TERM OF 4 YEARS COMMENCING FROM THE DATE OF APPOINTMENT.**
- (g) **BEFORE THE EXPIRATION OF A 4 YEAR TERM, THE MONITOR MAY BE REMOVED BY A MAJORITY VOTE OF THE COUNCIL ONLY FOR GROSS MISCONDUCT, INCOMPETENCE, OR FAILURE TO PERFORM THE DUTIES OF SUCH OFFICE, PROVIDED THE COUNCIL FIRST STATES PUBLICLY THE REASONS FOR SUCH REMOVAL IN WRITING SIGNED BY NOT LESS THAN A MAJORITY OF ITS MEMBERS, AND GIVES THE MONITOR AN OPPORTUNITY TO BE HEARD BEFORE THE COUNCIL IN A PUBLIC COUNCIL MEETING IN THEIR OWN DEFENSE; OTHERWISE, THE COUNCIL MAY NOTE REMOVE THE MONITOR.**
- (h) **WHENEVER AN INCUMBENT MONITOR WISHES TO APPLY FOR REAPPOINTMENT TO ANOTHER TERM, THE MONITOR SHALL SO ADVISE THE COUNCIL IN WRITING AT LEAST ONE HUNDRED TWENTY (120) DAYS IN ADVANCE OF THE EXPIRATION OF THE MONITOR'S CURRENT TERM. THE COUNCIL SHALL DETERMINE, BY MAJORITY VOTE, WHETHER OR NOT TO REAPPOINT THE MONITOR FOR ANOTHER TERM. IF THE COUNCIL DETERMINES THAT THE INCUMBENT SHOULD NOT BE REAPPOINTED, THE COUNCIL SHALL PROCEED TO ISSUE A PUBLIC VACANCY NOTICE AS PROVIDED FOR IN (PARAGRAPH #) OF THIS SUBSECTION.**
- (i) THE STAFF OF THE MONITOR'S OFFICE SHALL BE HIRED BY THE MONITOR AND SHALL SERVE AT THE PLEASURE OF THE MONITOR.
- (j) NEITHER THE MONITOR NOR ANY EMPLOYEES OF THE MONITOR'S OFFICE SHALL HAVE FORMERLY BEEN EMPLOYEES OF THE DENVER POLICE, SHERIFF, OR FIRE DEPARTMENTS.