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2 **BY AUTHORITY**

3 ORDINANCE NO.  
4 SERIES OF 2020

COUNCIL BILL NO. 20-0836  
COMMITTEE OF REFERENCE:  
Direct File - CdeBaca

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7  
8 **A BILL**

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10 For an ordinance submitting to a vote of the qualified and registered electors of the  
11 City and County of Denver at a special municipal election to be held in conjunction with  
12 the coordinated election of November 3, 2020, a proposed amendment to the Charter  
13 of the City and County of Denver to create a nominating commission for the City  
14 Attorney.

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

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18 **Section 1.** There is hereby submitted to the properly qualified and registered electors of the  
19 City and County of Denver for their approval or rejection at a special municipal election to be  
20 conducted at the same time and in conjunction with the coordinated election to be held in the City  
21 and County of Denver on November 3, 2020, a proposed amendment to the Charter of the City and  
22 County of Denver, as follows:

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

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28 **§ 6.1.1 - Attorney of the City and County of Denver; City Attorney Nominating Commission.**

29 (A) The Attorney of the City and County of Denver shall be the officer in full charge and control  
30 of the Department of Law. The City Attorney shall be an attorney-at-law admitted to practice in the  
31 State of Colorado and shall have a minimum of five years' experience in the active practice of law.  
32 The City Attorney shall be the appointing authority for all employees of the Department of Law.

33 (B) There is hereby created a nomination commission, established for the purpose of  
34 presenting nominations to the Mayor for the City Attorney.

35 (i) The nomination commission shall be comprised of seven (7) members, all of whom shall

1 be qualified electors of the City and County of Denver:

2 (a) Two members appointed by the Independent Monitor;

3 (b) Two members appointed by City Council;

4 (c) One member appointed by the Auditor;

5 (d) One member appointed by the Clerk and Recorder; and,

6 (e) One member appointed by the Mayor.

7 (ii) Members of the nomination commission shall not receive any salary or compensation for  
8 their services as a member. Any commission member who is an immediate family member to an  
9 applicant shall be disqualified from considering that applicant.

10 (C) The functions and duties of the nomination commission shall be as follows:

11 (i) Whenever a vacancy occurs for the City Attorney, the nomination commission shall certify  
12 to the Mayor a list of three or more nominees. The list shall be submitted not later than thirty days  
13 after the removal, death, retirement, tender of resignation of the City Attorney. If the Mayor shall fail  
14 to make the appointment from such list within fifteen days from the day it is submitted to the Mayor,  
15 the appointment shall be made by the City Council from the same list within the next fifteen days.

16 (ii) The nomination and appointment to a vacancy for the City Attorney shall be based solely  
17 upon merit, ability, and integrity.

18 (iii) The identity of applicants and the deliberations of the nomination commission shall be  
19 confidential and privileged. The identity of nominees certified to the Mayor shall be public information.

20 (iv) The nomination commission's function is to aid and advise the appointing authority. If the  
21 nomination commission has not presented its nominations under this subsection to the Mayor within  
22 thirty (30) days of a vacancy occurring, the Mayor may thereafter fill such vacancy on the Mayor's  
23 own motion, applying the standards set forth in this subsection.

24 (v) The nomination commission shall publish and make available to the public such procedural  
25 rules as it may adopt for the conduct of its business.

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

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29 **REFERRED QUESTION \_\_\_\_\_**

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31 Shall the Charter of the City and County of Denver be amended to create a nomination  
32 commission for the City Attorney?

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

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

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

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14 COMMITTEE APPROVAL DATE: N/A

15 MAYOR-COUNCIL DATE: N/A

16 PASSED BY THE COUNCIL \_\_\_\_\_ 2020

17 \_\_\_\_\_ - PRESIDENT

18 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_ 2020

19 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
20 EX-OFFICIO CLERK OF THE  
21 CITY AND COUNTY OF DENVER  
22

23 NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_ 2020; \_\_\_\_\_ 2020

24  
25 PREPARED BY: Jonathan Griffin, Assistant City Attorney;           DATE: August 10, 2020  
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27 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
28 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
29 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §  
30 3.2.6 of the Charter.  
31

32 Kristin Bronson, City Attorney

33 BY: \_\_\_\_\_, \_\_\_\_\_ City Attorney

34 DATE: \_\_\_\_\_  
35

DRAFT