

1
2 **BY AUTHORITY**

3 ORDINANCE NO.
4 SERIES OF 2020

COUNCIL BILL NO. 20-0837
COMMITTEE OF REFERENCE:
Finance and Governance Committee

6
7 **A BILL**

8
9 For an ordinance submitting to a vote of the qualified and registered electors of the
10 City and County of Denver at a special municipal election to be held in conjunction with
11 the coordinated election of November 3, 2020, a proposed amendment to the Charter
12 of the City and County of Denver granting the Denver City Council appointment power
13 over the Independent Monitor and to remove an exception from Career Service for
14 Monitor employees.

15
16 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

17
18 **Section 1.** There is hereby submitted to the properly qualified and registered electors of
19 the 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
22 and County of Denver, as follows:

23
24 **Effective upon publication and filing with the Secretary of State in accordance with**
25 **the Constitution and laws of the State of Colorado, the following sections of the**
26 **Charter of the City and County of Denver are amended to read as follows:**

27
28 **§ ~~2.6.7~~ 3.2.10 - Office of Independent Monitor.**

29 (A) *Office created.*

30 (i) There is hereby created the office of the independent monitor ("monitor's office") for the
31 City and County of Denver. This office shall consist of a full-time monitor, appointed by City
32 Council, with appropriate professional and support staff. For purposes of this section, "monitor"
33 means the head of the office of the independent monitor.

34 (ii) The monitor's office shall actively monitor and participate in any investigations as may
35 be prescribed in ordinance of uniformed personnel; make recommendations to the manager of
36 safety regarding administrative action, including possible discipline, for such uniformed personnel;

1 make recommendations regarding policy issues; and address any other issues of concern to the
2 community, the members of the citizen oversight board ("board") created pursuant to subsection
3 (B) of this section, the manager of safety, the chief of police, or the sheriff. For purposes of this
4 article, "uniformed personnel" means all members of the classified service of the Denver police
5 department, all sworn members of the Denver sheriff department, and members of the Denver
6 fire department who are authorized to carry and use firearms on duty.

7 (iii) The monitor shall establish standards of professional conduct and a comprehensive
8 training program for its own staff in order to evaluate whether internal investigations have been
9 properly conducted and to make recommendations as to the sustaining of rule violations, the
10 imposition of disciplinary sanctions, and changes in policy and training.

11 (iv) The monitor shall exercise such other powers and duties as may be provided by
12 ordinance.

13 (B) *The citizen oversight board.* There is hereby created the citizen oversight board, the
14 size, qualifications, composition and appointment of which shall be as provided by ordinance. The
15 functions of the board shall be to:

- 16 (i) Assess the effectiveness of the monitor's office;
- 17 (ii) Make policy-level recommendations regarding discipline, use of force, and other
18 policies; rules; hiring; training; community relations; and the compliant process;
- 19 (iii) Address any other issues of concern to the community, members of the board, the
20 monitor, the manager of safety, the chief of police, the sheriff, or the fire chief;
- 21 (iv) Make recommendations as to specific cases as may be prescribed in ordinance; and
- 22 (v) Exercise such other powers and duties as may be provided by ordinance.

23

24 **§ 9.1.1 - Career Service personnel system.**

25 A. There shall be and is hereby created a Career Service personnel system, which shall
26 be directed by a Career Service Board of five (5) members appointed by the Mayor and confirmed
27 by the City Council for staggered terms fixed by ordinance. The Board shall, pursuant to its own
28 rulemaking procedures, adopt, administer and enforce rules necessary to foster and maintain a
29 merit-based personnel system according to the principles set forth in this Part 1, including but not
30 limited to rules concerning the conduct of competitive examinations of competence, probationary
31 periods, grievance procedures, and appeals from actions of appointing authorities to the Board
32 and any hearing officers appointed by the Board. The Board and any hearing officers appointed
33 by the Board shall have the power to issue subpoenas. The Board shall perform such other duties

1 in relation to the Career Service personnel system as may be assigned by ordinance consistent
2 with this Charter.

3 B. All appointments and promotions of employees in the Career Service shall be made
4 solely on the basis of merit and ability. Dismissals, suspensions or disciplinary demotions of non-
5 probationary employees in the Career Service shall be made only for cause, including the good
6 of the service. The Career Service personnel system shall provide for equal employment
7 opportunity without regard to race, color, creed, national origin, gender, sexual orientation, age,
8 disability, or political affiliation or any other status protected by federal, state or local laws.

9 C. The City Council shall by ordinance enact a classification and pay plan and attendant
10 pay rates for all classifications in the Career Service and all classifications not in the Career
11 Service except elected and appointed Charter officers, the ranks of the classified service in the
12 Police and Fire Departments, Deputy Sheriffs, Deputy Sheriff Majors, Deputy Sheriff Division
13 Chiefs, and the Sheriff, based upon the duties of the several classifications. The pay rates as
14 reflected in the pay plan shall provide like pay for like work within such classifications. The Council
15 shall also by ordinance enact benefits for employees in such classifications. The Council shall
16 enact such ordinances after recommendations are made as provided in subsection (D) of this
17 section. Nothing in this section shall be deemed to prohibit the payment of incentives for
18 outstanding performance by employees within such classifications according to standards and
19 procedures established by ordinance.

20 D. In order to attract and retain a qualified and competent work force, the policy of the City
21 and County of Denver shall be to provide generally prevailing compensation to employees in the
22 Career Service personnel system. The City Council shall by ordinance require either the Career
23 Service Board or such other entity as may be designated by the Council to conduct or obtain
24 annually surveys of generally prevailing pay rates, which shall include a fair sample of public and
25 private sector employers and jobs throughout the Denver metropolitan area or other appropriate
26 geographical areas. The Council shall also by ordinance require either the Board or such other
27 entity as may be designated by the Council to survey benefits paid to or on behalf of employees
28 by public and private employers in the Denver metropolitan area or other appropriate geographical
29 areas. Surveys of pay rates and benefits shall utilize established technically and professionally
30 sound methodologies. At least annually, either the Board or such other entity as may be
31 designated by Council to perform or obtain pay surveys shall make pay rate recommendations to
32 the Mayor and the Council based upon the findings of the surveys. Either the Board or such other
33 entity as may be designated by the Council to conduct benefit surveys shall make benefit

1 recommendations to the Mayor and the Council whenever deemed necessary by the Mayor, the
2 Council, the Board, or other designated entity. The Mayor and the Council may accept, reject or
3 modify any pay rate or benefit recommendation in determining the budget and appropriations of
4 the City, and in determining pay rates and benefits to be approved by ordinance. The City Council
5 shall provide by ordinance for an independent audit of survey methodologies and
6 recommendations regarding pay rates and benefits not less than once every four years.
7 Notwithstanding any provision of this subsection (D), the Council may establish by ordinance
8 additional or alternative procedures and requirements for surveying and obtaining
9 recommendations regarding pay rates and benefits.

10 E. The Career Service shall comprise all employees of the City and their positions except:

- 11 (i) elected officers;
- 12 (ii) members of the Mayor's cabinet;
- 13 (iii) the Director of Excise and Licenses;
- 14 (iv) up to fifty employees appointed to serve at the pleasure of the Mayor in positions
15 specifically designated or created by the Mayor in any department or agency of the City under the
16 direct control of the Mayor;
- 17 (v) county court judges and magistrates;
- 18 (vi) members of the Classified Service of the Police and Fire Departments, the Police Chief
19 if not a member of the Classified Service, the Fire Chief if not a member of the Classified Service,
20 and the Sheriff;
- 21 (vii) attorneys and part-time employees employed by the District Attorney, other employees
22 of the District Attorney excluded from the Career Service and placed in an alternate merit
23 personnel system pursuant to state law, and up to ten employees appointed to serve at the
24 pleasure of the District Attorney in positions specifically designated or created by the District
25 Attorney in the District Attorney's office;
- 26 (viii) certified public accountants employed by the Auditor and up to five employees
27 appointed to serve at the pleasure of the Auditor in positions specifically designated or created by
28 the Auditor in the Auditor's Office;
- 29 (ix) employees of the Denver Art Museum, the Denver Museum of Nature and Science, the
30 Denver Zoological Gardens, and the Denver Botanical Gardens;
- 31 (x) persons retained on a contractual basis to perform professional or technical services
32 for limited periods of time;
- 33 (xi) employees of the City Council, Library Commission, Civil Service Commission, Board

1 of Adjustment, and Denver Water; and

2 (xii) any hearing officers and up to two employees in positions specifically designated or
3 created by the Career Service Board, appointed to serve at the pleasure of the Board.

4 ~~(xiii) any employee appointed to serve at the pleasure of the mayor for the purpose of~~
5 ~~monitoring internal investigations and disciplinary actions in the Department of Safety, and any~~
6 ~~employees appointed by the monitor to serve at the pleasure of the monitor. The appointment of~~
7 ~~any monitor by the mayor pursuant to this or any other provision of the charter shall require~~
8 ~~confirmation by the city council. The head of the office of the independent monitor.~~

9 (xiv) the Deputy Clerk and Recorder and no more than two other employees in positions
10 specifically designated or created by the Clerk and Recorder, appointed to serve at the pleasure
11 of the Clerk and Recorder. Any employee of the Denver Election Commission as of July 16, 2007
12 and formerly excepted from the Career Service pursuant to this section shall retain his or her
13 position as an employee of the Clerk and Recorder if the employee qualifies to retain the position
14 in accordance with the rules of the Career Service Board.

15 (xv) up to five employees appointed to serve at the pleasure of the Manager of Aviation in
16 executive or other managerial positions in the Department of Aviation.

17 F. The enactment of this section or any ordinance adopted pursuant to this section shall
18 not be deemed to affect or impair any vested employment right enjoyed by any member of the
19 Career Service under any prior law.

20

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

22

23 **REFERRED QUESTION _____**

24 Shall the Charter of the City and County of Denver be amended to grant City Council
25 power to appoint the Independent Monitor and to remove an exception from Career
26 Service for Monitor employees?
27

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

34 **Section 4.** The ballots cast at such election shall be canvassed and the results

1 ascertained, determined, and certified in accordance with the requirements of the Constitution
2 and laws of the State of Colorado and the Charter and ordinances of the City and County of
3 Denver.

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

7
8 COMMITTEE APPROVAL DATE: N/A

9 MAYOR-COUNCIL DATE: N/A

10 PASSED BY THE COUNCIL _____ 20__

11 _____ - PRESIDENT

12 APPROVED: _____ - MAYOR _____ 20__

13 ATTEST: _____ - CLERK AND RECORDER,
14 EX-OFFICIO CLERK OF THE
15 CITY AND COUNTY OF DENVER
16

17 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 20__ ; _____ 20__

18
19 PREPARED BY: Jonathan Griffin, Assistant City Attorney; DATE: August 13, 2020

20
21 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
22 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
23 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
24 3.2.6 of the Charter.
25

26 Kristin Bronson, City Attorney

27 BY: _____, _____ City Attorney

28 DATE: _____

29
30
31
32