

ORDINANCE NO. 2023 - _____

A BILL

FOR AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF AURORA, COLORADO, AT THE REGULAR MUNICIPAL ELECTION OF NOVEMBER 7, 2023, PROPOSED AMENDMENTS TO ARTICLE 3-14, SUBSECTIONS (1), (5), & (7), OF THE CITY CHARTER CONCERNING AUTHORIZED POLICE DIVISION AND DEPUTY CHIEF POSITIONS AND CLARIFYING EXCEPTIONS FROM CIVIL SERVICE MEMBERSHIP

WHEREAS, Article XX, Section (6) of the Colorado Constitution and Article 1-6 of the City Charter empowers home rule municipalities to control and legislate in their Charters upon all matters of municipal concern and to amend those Charters through a vote of the electorate,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. That Article 3-14, subsections (1), (5), & (7) of the City Charter of the City of Aurora, Colorado, are hereby amended to read as follows:

(1) The Police Department shall be composed of the Chief of Police who shall be appointed by the City Manager with approval of a majority of City Council and such subordinate officers and police officers as shall be authorized by City Council as necessary to preserve the peace, protect persons and property, and enforce laws and ordinances. All members of the Department, except the Chief, **Deputy Chief(s)**, and the appointive Division Chiefs, **and Commanders** as hereafter provided for, shall be determined to be members of the Civil Service and shall be appointed pursuant to Civil Service requirements.

(5) The Chief of Police may, from time to time, with the approval of the City Manager, assign not more than **the number corresponding to .5% of the number of authorized sworn officers rounded to the nearest whole number of four (4)** officers to positions designated as Division Chief, and not more than **the number corresponding to 1.5% of the number of authorized sworn officers rounded to the nearest whole number of four (4)** officers as Commanders. In order to increase the designated number of either Division Chief(s) or Commander(s), a two-thirds affirmative vote of City Council shall be required. **At the request of the Chief of Police and approval of the City Manager, there may be one (1) Deputy Chief of Police position added when the Aurora Police Department authorized sworn strength reaches at least 800 authorized sworn members and an additional Deputy Chief of Police position may be added when the Aurora Police Department sworn strength reaches at least 1500 authorized sworn members. Unless otherwise stated or allowed by another provision of this Charter, One (1)** Deputy Chief(s) shall be selected from the position of Division Chief. The positions of Division Chief and Commander shall be selected from the ranks of either Captain or Lieutenant. Persons holding these positions shall perform those duties designated by the Chief. All shall serve at the pleasure of the Chief of Police. A Deputy Chief's salary must be at least one pay step higher than

the salary paid to a Division Chief. A Division Chief's salary must be at least one pay step higher than the salary paid to a Commander. A Commander's salary must be at least one pay step higher than the salary paid to a Captain. During such period of time as a Commander, Captain or Lieutenant shall serve in such capacity, they shall retain and have accrued said time as active service in the Police Department and in the Civil Service thereof, for all purposes in connection with retirement, pension and medical benefits, sick and injury leave, vacation leave, terminal pay, benefits to his or her spouse and dependent children upon death, and all other benefits of the Civil Service of the Police Department in existence at that time, or hereafter provided, other than salary, on the same basis and with the same effect as if during such time the Chief or Commander had remained in active service in the Police Department and in the Civil Service thereof, and the rank which was held in the Civil Service when appointed.

(7) Notwithstanding any provision to the contrary in the City Charter or ordinances, the Chief of Police shall, at his or her discretion, with approval of the City Manager, be empowered to select a Deputy Chief(s) **and**/or one or more Division Chiefs who have had no previous employment with the City of Aurora Police Department. Such individuals must meet, at a minimum, the educational and command experience requirements for the rank of Captain in the Aurora Police Department, and shall be ~~either Colorado P.O.S.T. certified or become Colorado P.O.S.T. certified within twelve months of their employment by the City.~~ These individuals shall not be considered members of the civil service of the City of Aurora. At no time shall Division Chiefs selected from outside the Department comprise more than one-half of the total number of Division Chiefs. This provision is intended to permit the Chief of Police to advertise, and recruit, utilizing a competitive selection process, a Deputy Chief(s) **and**/or Division Chief(s) who, in the Chief's opinion, would provide qualifications and background that would be beneficial to the Aurora Police Department.

Section 2. The following question shall be submitted to a vote of the registered electors of the City at the general election on November 7, 2023:

“Amending the City Charter to allow for an increase to the number of authorized Police Division and Deputy Chiefs in relation to the number of authorized sworn officers, and clarifying the Deputy Chiefs and Commanders are excepted from Civil Service membership.”

Shall Article 3-14, subsections (1), (5) &, (7), of the City Charter of the City of Aurora, Colorado be amended to clarify exceptions of Police Deputy Chiefs and Commanders from Civil Service Membership and authorizing an increase in the number of Deputy Chiefs and Division Chiefs as the Police Department grows in authorized number of sworn officers?

YES _____ NO _____

Section 3. Pursuant to Section 31-2-210(3.5), C.R.S., the City Clerk is hereby directed to certify the proposed ballot question to the Clerk and Recorder of each county in which the City is located for submission at the statewide general election on November 7, 2023.

Section 4. Pursuant to Section 31-2-210(4), C.R.S., the City Clerk is hereby directed to publish, within thirty (30) days of the adoption of this ordinance, notice of the date and time of the election upon which the proposed Charter amendment will be considered said publication to appear in a newspaper of general circulation in the City which notice shall contain the full text of the proposed Charter amendment.

Section 5. The City Clerk shall secure from each county the votes in favor of and opposed to the proposed Charter amendment and shall report the same to City Council following the election within such time as is provided for by state law. If the majority of the registered electors voting thereon have voted in favor of the proposed amendment, such amendment shall be deemed approved.

Section 6. In the event the proposed Charter amendment is approved by a majority of the registered electors voting thereon, the City Clerk shall publish once, in the same newspaper which published the notice of the charter amendment being on the ballot the full text of the Charter amendment following the election within such time as is provided by state law. At such time, the City Clerk shall also file with the Secretary of State two (2) copies of said amendment, along with the official tally of the vote for and against, as certified by the City Clerk.

Section 7. The provisions of this ordinance, the Charter amendment, and the question authorized hereby are severable. If any portion of this ordinance, the Charter amendment, or the question are judicially determined to be invalid or unenforceable, such determination shall not affect the remaining provision of such ordinance, Charter amendment, or question.

Section 8. All ordinances or parts of ordinances, of the City Code of the City of Aurora, Colorado, in conflict herewith are expressly repealed.

Section 9. Pursuant to Article 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this ordinance shall be by reference, utilizing the ordinance title. Copies of this ordinance are available at the office of the City Clerk.

Section 10. If two or more questions presented to and approved by the voters in the same election, whether by referral of City Council or through by the initiative process, are in direct conflict, the item receiving the highest number of affirmative votes shall become effective. If two or more items pass by majority vote creating inconsistency with the voter approved language changes but are not in direct conflict with the questions presented for vote, the codifier, after consultation and approval of the City Attorney, is authorized to incorporate and change language as necessary to codify the intention of the items as approved by the voters.

INTRODUCED, READ, AND ORDERED PUBLISHED this _____ day
of _____, 2023

PASSED AND ORDERED PUBLISHED BY REFERENCE this _____ day of
_____, 2023

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIQUEZ, City Clerk

APPROVED AS TO FORM:

JACK D. BAJOREK, Deputy City Attorney