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 3-16 SUBSECTION (10) OF THE CITY CHARTER CONCERNING HIRING AND TRAINING OF LATERAL POLICE OFFICERS AND FIREFIGHTERS

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 3-16, subsection (10) of the City Charter of the City of Aurora, Colorado, is hereby amended to read as follows:

(10) Lateral entry. Lateral entry into the Police and Fire Departments by individuals with prior public safety experience shall be permitted under those conditions and regulations promulgated by the Civil Service Commission and the provisions of this Charter. Such regulations shall include provisions requiring a minimum of three (3) years of previous related experience with good standing within the four (4) year period immediately preceding the application. Persons hired from the lateral entry appointment list shall not be eligible to take a promotional examination for ranks above Police Officer and Firefighter until a person hired from the certification list for original appointment at the same time is or would be eligible to take the same promotional examination or the lateral candidate has been a full-time paid officer in good standing in any jurisdiction for at least five (5) years, with at least three (3) years as an Aurora Police Officer. The seniority date for lateral entry hires shall be the date of hire. Applicants for the lateral entry program who meet the admission requirements shall be subject to appropriate testing, which may include, but not necessarily consist of, medical, background, polygraph, and psychological. Applicants who successfully pass these tests shall be placed in a pool of qualified individuals. The Chiefs of the respective Departments may, at their sole discretion, select qualified individuals from the unranked pool of individuals, unless the City Council, by ordinance, modifies the selection process described hereinabove. The respective Chiefs may hire from either the certification list for original appointment or the lateral entry appointment list provided that no more than half of the persons hired at any given time shall come from the lateral entry appointment list. A person hired from the lateral entry appointment list, during the training period established by the department for such persons and upon successful completion of that training program, shall be classified at such rank and grade as determined by the Chiefs of the respective Departments pursuant to departmental policy, but in no event at a rank higher than a Police Officer 1st Grade or Firefighter 1st Grade. Notwithstanding any other provision of this section, nothing in this section shall be deemed to prohibit the holding of a "lateral only" police academy or fire academy.
If an individual meets the requirements for lateral entry of both the Aurora Civil Service Commission and the Department, this lateral entry privilege shall supersede the requirement found in section 3-16 of the Charter relating to entry into the Civil Service exclusively at the ranks of Police Officer 4th Grade and Firefighter 4th Grade.

Notwithstanding the reclassification to a higher grade provided herein, employment shall be subject to the a probationary period pursuant to section 3-16(2) of this Charter. No person can remain on the lateral entry appointment list for more than two (2) years without reapplication.

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 clarify the manner in which the Police and Fire Departments are constituted regarding hiring, promotion, and training of lateral entry police and fire candidates.”

 Shall Article 3-16, subsection (10) of the City Charter of the City of Aurora, Colorado be amended to remove limits on the number of lateral police and fire hirings, allow for earlier promoting eligibility for police laterals, and to clarify that holding a lateral only fire academy is permitted?

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 is as 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.

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MIKE COFFMAN, Mayor