

Public Safety, Courts & Civil Service (PSCCS)
Meeting
April 19, 2018
4:00 PM
Aurora Room

Council Member Charles “Charlie” Richardson, Chair
Council Member Allison Hiltz, Vice Chair
Council Member Nicole Johnston, Member

Assure a safe community for people

1. Approval of March 15th, 2018 draft Minutes Council Member Hiltz
2. Consent Items (None)
3. ATF/Local Law Enforcement Collaboration Chief O’Keefe 20 mins
4. Cancer in the Fire Service/Bunker Gear Chief Gray 20 mins
5. Charter Amendment – AFR/APD Probation Chief Gray 15 mins
6. Fire Facility Planning Chief Gray/Irvin 25 mins
7. Proposed Ballot Question
Public Safety Facilities Michelle Wolfe 30 mins
8. Miscellaneous Matters for Consideration
9. Confirm Next Meeting Council Member Hiltz

Next Meeting 05/17/2018 @ 4pm – Aurora Room

PUBLIC SAFETY, COURTS & CIVIL SERVICE MEETING
MARCH 15, 2018

Members Present: Council Member Charles “Charlie” Richardson, Chair
Council Member Allison Hiltz, Vice Chair
Council Member Nicole Johnston Zipsie

Others Present: M. Wolfe, S. Franklin, P. Sylvester, K. Mason, D. Carrel, J. Puscian, D. Kaiser, P. O’Keefe, M. Cain, J. Armijo, C. Hills, S. Newman, T. Jeffery, J. Ehmann, N. Shaikh, M. Bryant, M. Lawson, T. Brown, J. Lanigan, K. Moody, D. Culverhouse, J. Lutkin, E. Wittman, F. Gray, J. Heckman, Z. DeBoyes, N. Metz

REVIEW/APPROVAL OF MINUTES OF THE JANUARY 18TH & FEBRUARY 13TH MEETING

None.

ANNOUNCEMENTS

None.

CONSENT ITEMS

None.

INDEPENDENT REVIEW BOARD OVERVIEW

Summary of Issue and Discussion

The IRB is a process that engages the community to assist the Chief of Police in determining the appropriate level of discipline for instances of sustained misconduct by subject members and to also review events that draw significant community interests.

CM Hiltz asked if Council could have a more hands on approach in the interview process for selecting candidates to be on the board. Pat Sylvester said that is always an option and DCM Wolfe stated that it is a discussion that could be had at Study Session, and that ultimately it is up to Council to decide how much involvement they would like to have.

CM Johnston noticed that during the application review process for the board members that a lot of the citizens were former law enforcement. She felt that they would fall more under the peer category and would like to see more of a balance between non-experienced and experienced citizens. DCM Wolfe stated that Council would need to address the guidelines to ensure that kind of balance.

Outcome:

HR should prepare a recommendation for a civilian selection process to consider an interview process, and a number designation of non-law enforcement citizens. The committee requested that HR review the proposal with CM’s Hiltz and Johnston prior to scheduling for Study Session discussion.

Follow-up Action

After recommendation is prepared and reviewed, move forward to next available Study Session.

JUVENILE PRIVATE IMAGE ORDINANCE**Summary of Issue and Discussion**

APD brought this item to the February 13th, 2018 PSCCS meeting. The committee requested the item come back to the Committee with more information on statistics and expected case load for municipal court, an exemption for breast feeding mothers, and an examination of the possibility of a civil remedy or alternatives that would not impact a juvenile's criminal record.

APD's ICAC Unit investigated 31 "sexting" cases in 2017. None were prosecuted in any court. If these matters were handled under the municipal ordinance, approximately 62 summons would have been issued, with an average of 5 summons per month.

Staff proposed a revision to remove breastfeeding images from the definition of "sexually explicit images. The revision is reflected in the proposed ordinance.

Under new state laws, juvenile records in municipal court may be expunged immediately after the case is closed and automatically expunged each year.

CM Richardson asked if there could be a piece of paper that the judge hands out explaining the expungement. DCA Heckman said that a memo is given out to the parents and juveniles when they check in before seeing the judge that explains how the expungement works.

CM Hiltz was thankful the wording on breastfeeding was removed and was very appreciative.

CM Johnston asked about the provision of having the City Attorney review the expungement and if that was necessary. DCA Heckman said that was in the State Law, therefore cannot be changed. DCA Heckman asked the Committee about removing Subsection F which talks specifically about the possible penalties. She said that although this ordinance was mirrored off of the State statute, which discusses a diversion program, the City does not have a similar diversion program, and sentencing recommendations or plea bargain offers made by the prosecution will be evaluated on a case by case basis. The general penalty provision need not be mentioned in every separate City ordinance, and for consistency purposes, should be removed. The Committee approved the removal of subsection (f) in its entirety.

Outcome

DCA Heckman recommended two changes be made before moving forward.

Follow-up Action

Unanimously approved by the Committee to move forward to the next available Study Session after changes are made.

PROPOSED AMENDMENT TO SECTION 50-138**Summary of Issue and Discussion**

After HB16-1311 was signed by Governor Hickenlooper in 2016, the court had no recourse for collecting restitution for victims. The proposed revision to the ordinance would add restitution as a category of fees that can be assigned to a collection agency.

Outcome

Unanimously approved.

Follow-up Action

Approved by the Committee to move forward to next available Study Session.

SEX OFFENDER REGISTRATION ORDINANCE**Summary of Issue and Discussion**

Currently, if the sex offender fails to pay the applicable registration fee, the APD has been registering the sex offender anyway and having them sign a promise to pay such costs within 45 days, but there is currently no recourse if the sex offender does not return and pay the fee as promised, thus having a negative financial impact as well as an increase in the number of registrants moving to the City. An ordinance that allows the issuance of a summons to those offenders who fail to pay their required fee will generate increased compliance and revenue.

CM Hiltz asked if we were seeing an increase in sex offenders moving to Aurora because we are not collecting the fee. Detective Welton said that word does get out that we are not collecting and so yes, there has been an increase. In 2006 there were approximately 570 registered sex offenders, as of January 2018 there is over 1200. CM Johnston asked how Denver collected their fees and Det. Welton explained they do it the same way Aurora does, with the promise to pay, and does inform the individual that the City can come after them if they do not pay, however in most cases they don't. CM Johnston requested more explanation on the Indigent Waiver. Det. Welton explained that those individuals who are in transition from department of corrections or jail who do not have a job yet will get the initial \$75 fee waived and then will have to pay the \$25 fee either quarterly or annually. CM Richardson asked if that was done at the discretion of the department or if it was in the ordinance. Det. Welton explained that it's at the discretion of the department, he explained there is also a waiver for those that are medically indigent. CM Johnston is concerned that the system will deter the individuals from checking in. Det. Welton explained that he lets the individuals know personally that it's more important for them to register than to pay the fee because they want to keep them out of jail. CM Johnston wanted clarification on the 45 day requirement to pay the fee and the proposal to get rid of that language. Det. Welton explained that currently they fill out the promise to pay if they are unable to pay the fine. The reason for getting rid of the language is because the department has no recourse to collect that fee. The numbers are increasing and will continue to increase if action is not taken. DCA Heckman explained that after the summons is issued there is an additional 30 days before the hearing date that the individuals would be able to still pay the fine. CM Johnston asked if the fees that are collected could be paid towards restitution. DCA Heckman stated that because the individuals are coming from the County not the municipal court there would be no restitution to pay. CM Richardson wanted to clarify that the \$50 surcharge would not be applicable in this ordinance.

Outcome

M Richardson would like there to be language added that there would be no \$50 surcharge and CM Johnston will work with DCA Heckman on drafting an amendment.

Follow-up Action

Committee recommends forwarding to Council with an addition of an amendment.

TRAFFIC CITATIONS

Summary of Issue and Discussions

This item was presented to PSCCS back in October of 2017. After numbers were pulled from the Municipal Court, numbers were not exactly accurate because of dual offenses. Citation numbers are up from last year. Some factors that were affecting the traffic summons numbers were the complaint system, however a new system has been implemented and is working well. Additional assignments for MET officers, and population growth are also factors that affect the traffic summons. The department has pulled two HEAT officers off of the highway and has put them back as MET officers. Overall tickets are up 11% total. There was an 8% increase in municipal summons and 55% increase in state summons. CM Richardson was pleased to hear that two HEAT officers have been pulled from interstate patrol, however he wanted to point out that the ratio between tickets being issued and the amount of traffic and patrol officers, shows that the department is overwhelmed due to an understaffed police department. Although happy that two officers were taken off the highway to return to MET, the department shouldn't have to do that. He is hopeful that if the department can reach the consent decree number by December 15th, additions to the traffic division could be made.

CM Johnston asked if there are statistics that show the estimate of growth from 2016 to 2017. Lt. Lanigan said that the numbers that were provided were based off of the US Census.

CM Richardson mentioned that Denver has a program where civilians with law enforcement backgrounds respond to non-injury accidents and fill out the reports. He would like to know if this is something that the City is looking into. DCM Wolfe said that it was recommended in the Staffing Study, and Chief Metz followed up with saying that the department is looking into not only that program but several others.

On another note, CM Richardson wanted to ask about the missed target for Entry Level recruits and what was being done to rectify it. Chief Metz stated that a larger lateral class would take place and that it has been moved up a month. DCM Wolfe stated that the current projections for December staffing numbers would be 720 and the consent decree states the numbers need to be 686 by December, so the department would exceed the required number. CM Richardson stated that he does not recognize any other number than 714.

Outcome

Information only.

Follow-up Action

None.

MISCELLANEOUS MATTERS FOR CONSIDERATION

CM Richardson wanted to know what the plan is moving forward on the defined benefit versus define contribution. DCM Wolfe stated she was asked to schedule a meeting with three council members that had additional questions. The direction was to find out what concerns were, add them to the list and find out the answers and package it all together for council. CM Richardson asked if there was a completion date. DCM Wolfe said shouldn't take more than a couple of weeks. CM Richardson wanted DCA Heckman to confirm the council rule that a single council member can ask for a resolution to be docketed on the council agenda. DCA Heckman said that was correct.

NEXT MEETING AGENDA ITEMS

- Bunker Gear/Cancer in Fire Service
- Audits or GIS Studies, brief budget overview
- Federal ATF

- False Alarm Fee's
- Ballot measures

This meeting adjourned at 5:33 p.m.

The next meeting is scheduled for April 19, 2018, at 4:00pm, and room is to be determined.

APPROVED: _____
Charles Richardson, Chair



Public Safety, Courts and Civil Service Policy Committee Agenda Item Commentary

Item Title:

ATF AND APD COORDINATED EFFORTS AT ADDRESSING AND REDUCING GUN VIOLENCE IN OUR COMMUNITIES THROUGH THE CRIME GUN INTELLIGENCE CENTER.

Item Initiator: Paul O'Keefe

Staff Source: Deputy Chief of Police, Paul O'Keefe

Deputy City Manager Signature:

Outside Speaker: ATF SA Jeff Russell

Council Goal: 1.0: Assure a safe community for people--2012: 1.0--Assure a safe community for people.

ACTIONS(S) PROPOSED (*Check all appropriate actions*)

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY (*Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.*)

After a request to provide information about "bump stocks" and gun violence in our communities, ATF SA Jeff Russell will be presenting information on the Crime Gun Intelligence Center model for addressing ongoing gun violence through the National Integrated Ballistic Information Network (NIBIN) and cooperative efforts between the BATF and local law enforcement. SA Russell will also give a brief presentation on "bump stocks".

ITEM SUMMARY (*Brief description of item, discussion, key points, recommendations, etc.*)**QUESTIONS FOR Committee****EXHIBITS ATTACHED:**

Crime Gun Intelligence Center

Crime Gun Intelligence Center: ATF and Local Law Enforcement Collaboration to Reduce Gun Violence in our Communities

ATF and local law enforcement's partnership is the Crime Gun Intelligence Center (CGIC) is a real time forensic and investigative driven process designed to identify and disrupt Serial Shooters before they commit another shooting.

The CGIC process shines a bright and revealing light on the nature of violent gun crimes, who commits shootings and *why*. Where and how criminals obtain their Crime Guns and just as importantly how law enforcement (LE), crime laboratories, prosecutors, parole/probation, courts and communities must work hand in hand toward one goal: preventing shootings from occurring and stopping the contagious cycle of gun violence.

Without a fully functioning CGIC, it is apparent that LE has an incomplete and often times inaccurate portrait of the violent gun crime in their respective community. As such, without a reliable, complete and timely set of data it is nearly impossible to develop preventative strategies that are effective and have tangible community impact.

Understanding Violent Gun Crime

Before CGIC is explained further, we must first be willing to have an open mind on the nature of criminal shootings. It is imperative that we as law enforcement (LE) be willing to consider that long held institutional beliefs concerning shootings may not always hold true today. Below are facts and observations for consideration:

- Those who terrorize neighborhoods by committing shooting after shooting are Serial Shooters and will not stop until LE intervenes, they are jailed, or they themselves become murdered victims
- An extremely small number of people are responsible for the vast majority of shootings. Academia, in a study of Chicago gang murders (that accounted for the vast majority of the city's total murders), proved that approximately 6% of the city's gang members were responsible for 70% of the murders.
- Data reveals that 89% of the shootings occur in public places (highlighting the grave danger that the uninvolved public is put in)
- According to statistics compiled by FBI approximately 50% of murder victims know their killers (this applies to gang murders/shootings as well and may very well be higher)
- The age range of Serial Shooters is generally 15 years to 25 years of age
- According to multiple academic studies and a recent study conducted by Center for Disease Control, the majority of gang shootings involve disputes over immaterial things (perceived disrespect, dominance, control, retaliation and gang turf-not to be confused with drug turf)

The above facts and observations are meant to spark discussion as to the nature of criminal shootings that occur much too frequently in our communities. Before we can develop effective preventative strategies, we as LE must have a thorough understanding of the nature of shootings that plague our respective communities.

The Components of CGIC

The multi-agency CGIC's are comprised of:

- First Responders and ATF Explosives K-9's (if available) - responsible for collection and booking of ballistic evidence (evidence shell casings found at the scenes of shootings and seized Crime Guns)
- Crime Laboratory and ATF Personnel - responsible for producing comprehensive and timely NIBIN Investigative leads. NIBIN stands for National Integrated Ballistic Identification Network, a national database of digital images of spent bullets and cartridge cases that were found at crime scenes or test-fired from confiscated weapons. ATF manages the system and provides the equipment to crime labs around the country. A NIBIN hit report has many potential tactical and strategic uses for law enforcement. Law enforcement investigators can use it to link crimes, which can help to identify "shooters" and reveal patterns of gun crime and firearms trafficking. Comprehensive means that every shooting from an illegal discharge to murder is entered into NIBIN with the *same urgency*. It is a tenet of CGIC that nearly every shooting event held the criminal intent to murder. Timely is defined as producing and providing NIBIN Investigative Leads to investigators within 72 hours of the shooting.
- Dedicated Investigative Team - ATF Special Agents and Task Force Officers jointly investigate NIBIN Leads from start to finish. This investigative team is designed to either assume primary responsibility for, or supplement assigned detectives (who are most often overburdened and do not have the time to routinely conduct extensive complex investigations) in investigating multiple linked shooting events.
- Dedicated Analytical Team - responsible for tactical intelligence case and trial support and discovering leads not yet known to investigators.
- Dedicated Prosecution Team - local prosecutor's office and United States Attorney's Office responsible for providing prearrest/indictment support and deciding most impactful prosecution venue based on maximization of prison time for Serial Shooters.

Typical CGIC partners are:

- ATF
- Police department(s)
- Crime laboratory
- Crime analysts
- District attorney's office

- United States Attorney's Office
- Parole
- Probation
- Academic research partner
- Community violence interruption groups

It is paramount to CGIC success that it be demanded that all partners be equally invested and accountable with the realization that no one component or partner is more important than the other. For example, it does no good for a crime laboratory to produce comprehensive and timely NIBIN Leads if there is no one to investigate them. Conversely, a robust investigative team is useless without timely NIBIN Leads. Identifying and arresting Serial Shooters carries little or no impact if prosecutors do not properly charge, request upward bonds from the courts, seek detention (if federally charged) and strategically use NIBIN at sentencing hearings to maximize prison sentences. Lastly, if first responders are not collecting and booking into evidence spent casings from shooting scenes then there are either no or incomplete NIBIN Leads to be investigated and no serial Shooters to be identified, interrupted and ultimately prosecuted. It is readily apparent that all CGIC components are equally important and are vital foundational pieces that must be integrated into one joint effort to prevent gun violence.

The Philosophical Change that is CGIC

The CGIC operates under the basic premise that *every* shooting in our community that does not result in a murder is really an attempted murder that "just missed by an inch." In other words, every shooting matters. This innovative premise frees CGIC to devote all its resources to seemingly "low priority" shootings on the front end to stop and disrupt a Serial Shooter before he can commit additional shootings and eventually murder. Many shootings that result in no or non-life threatening injuries receive minimal attention or resources because they are deemed low priority. Conversely, murders receive the utmost attention because they are in fact murders. With the advent of CGIC, the idea to rigorously investigate murders in order to reduce murders is an archaic strategy. Like some other violent crimes, ATF CGIC's often experience, through NIBIN Leads and subsequent investigation, the progression of the seriousness of shootings. For example, many NIBIN linked shootings progress from illegal discharge, to damaged property, to shooting into a vehicle, to shooting into an inhabited dwelling, to aggravated assault and eventually to murder if the serial Shooter is not interrupted. It is extremely rare that NIBIN linked shootings involve just murders. This underscores and supports the utter importance that ***every shooting regardless of severity be entered into NIBIN with urgency.***

The CGIC also operates under the premise that Crime Gun tracing results need to be layered with NIBIN Leads (seized Crime Guns linked to a shooting event(s)) in order to identify the true sources of those Crime Guns that are *actually being used to commit shootings*. NIBIN when paired with Crime Gun tracing reveals individual straw purchasers and "at risk gun dealers" and narrows the focus of investigators to a small group of people complicit in arming Serial Shooters and/or an

extremely small number of gun dealers that ATF is responsible for regulating and protecting. The bottom line outcome is for ATF and its CGIC partners to disrupt Crime Gun sources that are actually responsible for putting guns into the hands of shooters.

NIBIN is the Ultimate Analytical Tool

Historically NIBIN has been used as a reference library and a laboratory process required to confirm evidence for cases that resulted in trial. As a result, NIBIN has been largely underutilized and its tremendous value has not been realized. ATF has scrapped this old way of thinking and has innovatively positioned NIBIN as a frontend foundational piece to its actionable and real time Crime Gun Intelligence program.

In this application, NIBIN has grown into a dual purpose instrument- a crime laboratory and a crime analysis one. From an analytical standpoint here are some things that can be gleaned from comprehensive and timely NIBIN Investigative Lead generation to their subsequent follow up:

1. Geographically mapping Investigative Leads – potentially reveals the start of gang wars based on neighborhood boundaries controlled by street gangs. By analyzing chronologically mapped Investigative Leads the following can be deduced:
 - Which gangs are involved (directed enforcement)
 - Where shootings are taking place (directed enforcement and allocation of resources)
 - Where retaliatory shootings are taking place (directed enforcement and allocation of resources)
 - When shootings are taking place (allocation of resources to specific areas)
 - Can be the base line for Predictive Policing analytics
2. Investigative leads and subsequent investigation reveal:
 - Who is specifically involved (if not who at least a specific physical description, a vehicle description and/or a specific residence)
 - Where shootings occur
 - How shootings occur
 - Why shootings occur

Many police departments use the SARA model: Scanning, Analysis, Response and Assessment to identify specific areas for intervention by employing a geographic analysis of data on gun related crimes, arrests and calls for service to identify hot spots for violent gun crime. While this is certainly important, real time NIBIN data combined with analysis and investigative follow up provides the answer to the definitive and oftentimes elusive question of “*who*.”

Another common strategy is one of offender driven initiatives designed to identify those offenders most inclined to commit Part 1 offenses (homicide, forcible rape, robbery, aggravated assault,

burglary, larceny-theft, motor vehicle theft and arson) for directed enforcement. Implementation and use of such initiatives have been met with varying degrees of success. NIBIN, when used properly, is an excellent priority offender identification tool as it unmasks those individuals who are truly the most violent and who will continue to commit violent acts unless interrupted by LE. The CGIC process is able to identify these violent offenders by taking the “guess work” out of prioritizing offenders based upon such factors as criminal history, past suspected criminal conduct, neighborhoods in which they live and prior success/failure in completion of offender based treatment programs. In short, any person identified by NIBIN and the CGIC process as a Serial Shooter demands the utmost LE scrutiny.

CGIC as a Basis for Preventative Strategies

For effective gun violence preventative strategies to be developed it is imperative that a real time and comprehensive CGIC program be instituted. Without a robust CGIC program LE does not have complete or accurate data on the root causes of its gun violence. Only after determining *why* most shootings occur can LE develop and employ solutions that actually work. For purposes of our discussion it is assumed, and empirically proven, that the majority of shootings that afflict most American cities are committed by gang members and/or are gang motivated.

If a police department through CGIC data, determines the cause of the majority of its shootings is fueled by drug dealers (***which is highly unlikely***) then well-established antidrug strategies should be employed and expanded upon. If it is determined, that the cause of the majority of shootings are robberies (***which is highly unlikely***) then long developed strategies to allocate more personnel to robbery units/task forces and analysis to predict where robberies likely will occur should be undertaken.

If it is determined that the majority of shootings occur because of respect, dominance and retaliation then conflict recognition, intervention and resolution strategies need to be employed. For example, many LE officials from the patrol officer to the detective place a premium on developing narcotics intelligence. While this has its merits, if the majority of shootings occur because of respect, dominance and retaliation then narcotics information is often not a reliable indicator of where shootings are likely to occur, who is likely to be involved and when shootings are likely to occur.

In this scenario the importance of “street” intelligence should be shifted to seemingly trivial items such as; which persons were recently involved in public physical altercations; which persons are involved in disputes over girlfriends/ex-girlfriends; which persons are openly involved in seemingly trivial disputes taking place over social media; which persons are openly angry over being recently disrespected; and who is most likely seeking revenge for perceived acts of disrespect perpetrated against their gang. Because many people who commit gang shootings are generally 15-25 years of age, School Resource Officers play an even more important role in developing sources that can provide up to the minute information on disputes over seemingly trivial matters.

The partnership with community violence interruption groups can also be of extreme value. These groups can tell LE of developing disputes that seem meaningless but when placed into the context of why shootings occur can be of the utmost importance. Conversely, LE can relay to these community groups information on neighborhood disputes so that intervention techniques can be utilized. The goal of LE and community violence interruption groups is early conflict intervention and resolution in order to prevent the escalation of disputes which often times leads directly to shootings.

In summation, it is critical that LE determine who commits and why the majority of its shootings occur in order to develop and employ effective and holistic preventative strategies to combat violent gun crime. Regardless of the “why,” ATF and its partners have the expertise to develop and implement an effective preventative gun violence strategy.

Other Benefits of CGIC

CGIC also has additional benefits that may not be readily realized. These benefits include but are not limited to:

- Operational Precision- CGIC allows LE to be offender based and not geographically driven
- Scientific Platform- CGIC is based on the science of forensic ballistic imaging and tool mark identification. NIBIN does not factor in race, religion, gender and socio-economic status. Unbiased science leads LE to offenders
- Operational Justification- CGIC allows LE to economically and tactically justify where, when, why and how operations are conducted
- Community and Officer Safety- CGIC takes “chance encounters” with truly violent people out of the equation which affords LE the ability to plan, coordinate and act accordingly to the potential threat the Serial Shooter poses to citizens and officers alike
- Improved Community/LE Relationships- since the scientific CGIC process is intelligence and offender specific it drives LE to actively direct its time and attention to those individuals who are actually committing violent crimes. Members of that particular community who are not involved are not stopped and inconvenienced by saturation patrols meant to suppress violence thus helping change the perception that LE “lumps everyone into the same boat.”



Public Safety, Courts and Civil Service Policy Committee Agenda Item Commentary

Item Title:

DEVELOPING AN OCCUPATIONAL CANCER PREVENTION PROGRAM FOR AURORA FIRE RESCUE AND A PROPOSAL RELATING TO PROCUREMENT OF ADDITIONAL BUNKER GEAR.

Item Initiator: Clare Miller**Staff Source:** Fire Chief Fernando Gray**Deputy City Manager Signature:****Outside Speaker:****Council Goal:** 1.0: Assure a safe community for people--2012: 1.0--Assure a safe community for people**ACTIONS(S) PROPOSED (Check all appropriate actions)**

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)

Cancer is a growing issue in the United States Fire Service. Councilmember Hiltz has asked for a briefing related to AFRs approach to mitigate this occupational concern.

Councilmember Hiltz has been developing a proposal for a second set of bunker gear and a potential funding source for this procurement. In addition, she has partnered with the City Attorney's Office on the attached Resolution related to cancer prevention in the fire service and the procurement of additional bunker gear.

ITEM SUMMARY (Brief description of item, discussion, key points, recommendations, etc.)

Aurora Fire Rescue is in the process of developing a process that will incorporate all facets of a cancer prevention program consistent with the recommendations from the International Association of Fire Chiefs and International Association of Firefighters prevention models. Components will include a focus upon (1) incentivizing annual physicals (inclusive of pre-cancer screening), (2) cancer awareness training for new recruits, (3) policy development related to decontamination procedures (mandatory wet Decon), (4) facility modifications, (5) annual professional equipment/PPE cleaning process consistent with NFPA requirements, (6) phased installation of extractors/dryers at all stations, and (7) funding a sustainable replacement plan for complete sets of bunker gear.

In addition, Councilmember Hiltz will be presenting a proposal related to procurement of additional bunker gear with a possible funding source.

QUESTIONS FOR Committee

EXHIBITS ATTACHED:

Addressing Cancer in AFR
Resolution

AURORA FIRE RESCUE

Developing an Occupational Cancer Prevention Program

April 19, 2018

Fernando Gray, Fire Chief
Aurora Fire Rescue



Aurora, Colorado

PRESENTATION OVERVIEW

- Cancer is a very real part of the fire service especially given the chemical make up of combustibles today. The types of materials burning in fires have changed drastically over the last several years.
- The organic slow burning fires of the “good old days” are gone. What firefighters face today is a volatile mix of deadly chemicals known to produce cancer causing carcinogens when burned.
- A multi-focal approach to addressing this issue must be developed



Aurora, Colorado

PURPOSE-OBJECTIVE

- Define the scope of the cancer problem in the fire service
- Discuss the increase in toxic agents in today's fire environment
- Identify routes of exposure to cancer-causing agents
- List common firefighter exposures to carcinogens
- Detail an approach to limit the vulnerability of our members



Aurora, Colorado

SCOPE OF CANCER IN THE FIRE SERVICE

- Studies are finding higher incidents of cancer in firefighters compared to the general population.
- Cancer is one of the most dangerous threats to the health and safety of firefighters.
- Pinpointing the exact cause of cancer is difficult because firefighters are not exposed to just one agent but instead multiple



Aurora, Colorado

SCOPE OF CANCER IN THE FIRE SERVICE

- Boston
 - 160 Boston Firefighters who have died from cancer since 1990
- Miami-Dade Fire Rescue:
 - From 2008 to 2010, 32 percent of their firefighters were diagnosed with some form of cancer.
 - Major cancer issues found:
 - Male: prostate, testicular, melanomas of the skin, brain/nervous system, head and neck, bladder, and colon.
 - Female: cervix, thyroid, breast, melanomas of the skin.
- Seattle Fire Department
 - 36% of their firefighters have been diagnosed with cancer
- San Francisco Fire Department
 - Breast cancer rate 6 times the national average for women between the age of 40 to 50



Aurora, Colorado

SCOPE OF CANCER IN THE FIRE SERVICE

- Firefighters are susceptible to more than one type of cancer.
- Carcinogen exposure occurs through inhalation as well as skin absorption.
- Some cancer studies are also noting far more aggressive cancers, such as brain cancer, at a younger age than the general population.



Aurora, Colorado

TOXICITY OF TODAY'S HOMES

- Modern residential fires have more in common with hazmat incidents than with legacy house fires.
- Approximately 84,000 chemicals are being used commercially today in building construction and contents.
- Vehicle and Dumpster fires also can contain many of the same chemicals as residential structure fires.



Aurora, Colorado

ROUTES OF EXPOSURE

- Two routes of greatest exposure:
 - lungs and dermal (skin) absorption
- Skin easily absorbs chemicals
- Permeability and absorption increases with rising temperatures



Aurora, Colorado

COMMON EXPOSURE TO CARCINOGENS

- During the overhaul process
 - Period whereby firefighters ensure the fire is out to prevent rekindles
- Soot particles
 - Small granular remnants of incomplete/ burned materials are easy to inhale
- Diesel engine exhaust



Aurora, Colorado

EXPOSURE DURING OVERHAUL

- Today's synthetic and plastic household items present a risk to firefighters even after the fire is out
- Smoldering materials release chemicals that firefighters continue to breathe and absorb



Aurora, Colorado

SOOT PARTICLES

- The first reported form of occupational cancer was attributed to exposure to soot.
- Prolonged exposure to soot on the skin is a hazard.
- The neck area is one of the most likely areas to become contaminated.
- If not removed, contaminated exterior surfaces and inner layers of PPE can result in exposure well after the fire.



Aurora, Colorado

EXPOSURES DURING OVERHAUL



- Formaldehyde
- Asbestos
- Benzene
- Arsenic
- Ethyl Benzene
- Polynuclear Aromatic Hydrocarbons
- Acetaldehyde
- Styrene
- Coal-Tar Pitch
- Diesel Exhaust
- Vinyl Chloride
- Hydrocarbons



Aurora, Colorado

DIESEL ENGINE EXHAUST

- On June 12, 2012, the International Agency for Research on Cancer (IARC) classified diesel engine exhaust as a Group 1 carcinogen.
- Exposure is associated with an increased risk of lung cancer.
- Exhaust can also cause other types of cancer:
 - Bladder
 - Leukemia
 - Other cancers of the blood (non-Hodgkin's lymphoma and multiple myeloma).



Aurora, Colorado

DIESEL ENGINE EXHAUST

- Walls and furniture at the fire station reveal an incredible amount of exhaust particles.
- Diesel particles are inhaled and absorbed every shift.
- PPE stored in the apparatus bay is exposed to exhaust if not contained in an enclosed locker.



Aurora, Colorado

PREVENTION-TRAINING & CULTURE



- Cancer awareness and prevention must be integrated into both recruit and incumbent training. AFR will conduct a Safety Stand-down (period whereby there will be no non-emergency activities scheduled to allow time to focus on educating members about this concern).
- A Battalion Chief will function as the Incident Safety Officer (ISO) at all structure fires and tasked with ensuring that members have the appropriate level of PPE during active fighting fires and the overhaul process.
- The Health and Safety Office will be managed by a Fire Captain to provide a higher level of supervision



Aurora, Colorado

PREVENTION-TRAINING & CULTURE

- Wet Decon will be standard practice for our firefighters and decontamination of the apparatus cab will be done on an as needed basis but also a minimum of weekly.
- All fire stations will be equipped with diesel exhaust removal systems. However, we must emphasize usage and have a mechanism for immediate repair if the unit is malfunctioning.
- All Firefighters will immediately be issued a second hood (primary route of absorption)
- Health & Safety remodels for all stations to have an isolated bunker gear storage room and ventilation system will be completed by 2019



Aurora, Colorado

PREVENTION-WELLNESS INITIATIVE

- Primary goal of the program is early detection of possible life threatening illnesses/diseases, reduce injuries and promote overall better health.
- The leading cause of death in firefighters is cardiovascular events followed by cancer.
- Early identification is the key to remission of cancer.
- Re-establish relationship with Kaiser and ensure that cancer screenings are included within the annual physical
- Identify a means to incentivize the Kaiser physicals



Aurora, Colorado

PREVENTION-GEAR CLEANING

- NFPA 1851 recommends that all personnel protective equipment (PPE) be maintained/replaced according to specific guidelines:
 - The useful life of the equipment is 10 years
 - An ***annual/detailed*** cleaning and inspection (a best practice is to use a vendor for this service). In addition, the standard is about to change to every 6 months. Our goal is to have this process in place in 2019.
- Commercial grade extractors and dryers are the standard tool to conduct ***routine*** cleaning of the gear
 - Our goal is to purchase/install two per year over the next 5 years
 - All new builds will include this equipment
- This approach is a proven methodology to ensure gear is properly maintained and keep the equipment serviceable for the 10 year period



Aurora, Colorado

PREVENTION-GEAR REPLACEMENT

- 73 sets of replacement gear and 90 helmets were purchased in December 2017 with year-end funds
- The department will aspire to replace bunker gear using a scheduled approach. 70-80 sets of gear per year (20% of the inventory). The goal would be to provide members with two sets of bunkers with the primary set being used for five years before being transitioned to secondary gear for the last five years of the useful life of the equipment. Below please find an example/visual aid that displays the approach:

Year Purchased	2019	2020	2021	2022	2023
2013	Replace	1	2	3	4
2014	5	Replace	1	2	3
2015	4	5	Replace	1	2
2016	3	4	5	Replace	1
2017	2	3	4	5	Replace



Aurora, Colorado

SUMMATION & NEXT STEPS

- Cancer prevention will require an ongoing commitment to mitigate the hazards faced by our employees. A service level adjustment will be needed to fund some of the equipment/maintenance needs
- The department is looking at this issue holistically and will address the situation in the following manner:
 - 1) incentivizing annual physicals (inclusive of pre-cancer screening)
 - 2) cancer awareness training for new recruits and incumbents
 - 3) policy development related to decontamination procedures (mandatory wet Decon)
 - 4) facility modifications- enclosed gear storage rooms (in-progress)
 - 5) annual professional equipment/PPE cleaning process consistent with NFPA requirements
 - 6) phased installation of extractors/dryers at all stations, and
 - 7) funding a sustainable replacement plan for complete sets of bunker gear.



Aurora, Colorado

REFERENCE AND SOURCE MATERIAL

- <https://www.osha.gov/SLTC/dieselexhaust/chemical.html>
- <http://www.911healthwatch.org/cancer/>
- <http://www.iafc.org/Operations/LegacyArticleDetail.cfm?ItemNumber=3356>
- <http://monographs.iarc.fr/ENG/Monographs/vol100F/mono100F-21.pdf>
- <https://eh.uc.edu/assets/news/11-27-2010-Lemasters.pdf>
- https://en.wikipedia.org/wiki/Chimney_sweeps%27_carcinoma
- Systemic Exposure to PAHs and Benzene in Firefighters Suppressing Controlled Structure Fires; Kenneth W. Fent, Judith Eisenberg, John Snawder, Deborah Sammons, Joachim D. Pleil, Matthew A. Stiegel, Charles Mueller, Gavin P. Horn, James Dalto.
- <http://www.iarc.fr/en/media-centre/pr/2007/pr180.html>
- <http://www.firerescue1.com/fire-products/hoods/articles/1677809-How-to-improve-the-next-gen-firefighter-hood/>
- <http://www.firerescue1.com/fire-products/Personal-protective-equipment-ppe/articles/2154096-Firefighter-research-shows-PPE-exposure-risk/>
- http://www.firefightercancersupport.org/wp-content/uploads/2013/06/fighting_fires_fighting_cancer.pdf
- http://www.iarc.fr/en/media-centre/pr/2012/pdfs/pr213_E.pdf
- <http://www.fasny.com/cancer-fire-service/>
- <http://www.sfexaminer.com/sanfrancisco/breast-cancer-rate-alarms-sffd-female-firefighters/Content?oid=2317524>



Aurora, Colorado

RESOLUTION NO. R2018 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, DECLARING JUNE FIREFIGHTER CANCER AWARENESS AND PREVENTION MONTH AND DIRECTING THE CITY MANAGER TO REQUEST FUNDING IN THE PROPOSED ANNUAL BUDGET FOR THE PURPOSE OF REDUCING FIREFIGHTER CANCER RISKS

WHEREAS, a multi-year study by the National Institute for Occupational Safety and Health (NIOSH) found a 9% increase in cancer diagnoses and a 14% in cancer-related deaths in firefighters when compared to the general population; and

WHEREAS, increased exposure to fires increases chances for diagnosis and mortality for, including but not limited to, lung cancer, leukemia, digestive, oral, respiratory, testicular, multiple myeloma, colon, and urinary cancers; and

WHEREAS, the State of Colorado recognizes the cancer risk for firefighters in C.R.S. Section 8-41-209, C.R.S., "Coverage for occupational diseases contracted by firefighters;" and

WHEREAS, according to that section, the "[d]eath, disability, or impairment of health of a firefighter of any political subdivision who has completed five or more years of employment as a firefighter, caused by cancer of the brain, skin, digestive system, hematological system, or genitourinary system and resulting from his or her employment as a firefighter, shall be considered an occupational disease;"

WHEREAS, the City of Aurora prioritizes the health and safety of all of its first responders; and

WHEREAS, awareness, prevention, and adequate resources are key to keeping Aurora firefighters healthy and safe; and

WHEREAS, personal protective clothing and equipment, commonly referred to as "bunker gear," play a vital role in protecting firefighters against chemical and biological hazards that increase a firefighter's risk of cancer; and

WHEREAS, Safety Stand Down Week takes place nationally during the month of June, in an effort to highlight critical safety, health, and survival issues for fire and emergency services.

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

Section 1. The month of June is designated Firefighter Cancer Awareness and Prevention Month.

Section 2. During this month, the City of Aurora and Aurora Fire Rescue will promote awareness, prevention, and workplace improvements to reduce firefighter cancer risks.

Section 3. The City Manager is directed to include in the fiscal year 2019 budget message to the City Council a request for the appropriation of sufficient funds to provide each Aurora firefighter with a complete second set of bunker gear. The City Council may, but shall not be required to, make the appropriation so requested.

Section 4. All resolutions or parts of resolutions of the City in conflict herewith are hereby rescinded.

RESOLVED AND PASSED this _____ day of _____, 2018.

STEPHEN D. HOGAN, Mayor

ATTEST:

LINDA S. BLACKSTON, City Clerk

APPROVED AS TO FORM:

MICHAEL J. HYMAN, City Attorney



Public Safety, Courts and Civil Service Policy Committee Agenda Item Commentary

Item Title:

AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF AURORA, COLORADO, AT THE SPECIAL MUNICIPAL ELECTION OF NOVEMBER 6, 2018, A PROPOSED AMENDMENT TO ARTICLE III OF THE CITY CHARTER CONCERNING THE PROBATIONARY PERIOD FOR NEWLY APPOINTED FIREFIGHTERS AND OFFICERS WITHIN THE FIRE RESCUE AND POLICE DEPARTMENT.

Item Initiator: Clare Miller**Staff Source:** Fernando Gray, Fire Chief**Deputy City Manager Signature:****Outside Speaker:****Council Goal:** 1.0: Assure a safe community for people--2012: 1.0--Assure a safe community for people**ACTIONS(S) PROPOSED (Check all appropriate actions)**

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY (*Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.*)

Section 3-16(2) of the City Charter mandates a one (1) year probationary period for new civil service hires. In 2016, APD sought a change to the Charter in order to extend the probationary period to allow for more time for evaluation and training extensions, if needed, for newly-hired entry level and lateral police officers. On June 16, 2016, APD presented an ordinance to PSCCS, with the corresponding ballot question, for a probationary period that would end six (6) months after the completion of all training, including Field Training. The Committee forwarded the measure to City Council. Minutes from the June 16th meeting are attached.

The proposal was discussed at the June 27, 2016, Study Session, and the July 11, 2016, City Council Meeting. At the July meeting, City Council approved an amendment, presented by Councilmember Bergan, to revise the proposed probationary period to be 18 months from the date of hire for all newly appointed officers within the police department. The vote on the amendment was 9-2. City Council then voted to table the measure on a vote of 6-5. The Council packet from the June 27th meeting along with the minutes from the July 11th meeting are attached.

APD remains interested in extending the probationary period for newly hired police officers. This subject was discussed at the City Council Winter Workshop on March 17, 2018. Council voted to discuss this topic

solely for APD at a subsequent full council meeting. Fire Chief Gray, who joined the City after APD's initial proposal, would also like to propose extending the probationary period for new hires in the Fire Department. However, AFR had not brought the topic to committee for review. Therefore, direction was provided to submit this to the Public Safety Courts and Civil Service Committee at the April 19, 2018, meeting.

AFR and APD have worked together to draft a joint proposal that would benefit both Departments.

ITEM SUMMARY (Brief description of item, discussion, key points, recommendations, etc.)

City Charter, Sec. 3-16(2), provides for a probationary period of one (1) year in the Civil Service to determine if the person's conduct and capacity has been satisfactory before a permanent appointment is made.

The fire service has evolved to the point that simply providing suppression training for new recruits will not suffice. Medical requests for service are the most prevalent type of response across the country and within the City of Aurora. The probationary period constraints have led to a condensed academy with limited medical training and the inability to provide critical instruction related to skills such as driving/pumping operations. As mentioned in a recent audit, high attrition is an adverse driver of overtime and drains resources that should be redirected towards actual service delivery.

For police, training for new officers includes the courses at the Academy and a field training program. The training time for newly appointed peace officers - both lateral and basic - has increased significantly over the years. The result of extended training can mean that certain newly appointed peace officers have a very short period of time on their own following the Academy and field training.

This modification would be a change to the Charter which requires a ballot question, to be approved by ordinance, for Council's consideration.

The Departments have discussed a few time frame options for extension:

- (1) 18 months from the date of hire
- (2) one year from the end date of academy
- (3) 6 months (APD) and one year (AFR) from the end date of all formal training.
- (4) removal of the specific time frame from the Charter.

APD and AFR recommend option 2 - a probation period that ends one year from the date the officer or firefighter completed the Department's Academy program.

Included in your packet is the proposed ordinance with ballot question, and the full text of Section 3-16 of the Charter. Also included are the proposed ordinance, power point, and relevant minutes from the APD's 2016 proposal.

QUESTIONS FOR Committee

Does the Committee recommend moving this item forward for Council's consideration at the next study session?

EXHIBITS ATTACHED:

1 Yr from Academy - Charter Amend COMBINED AFR and APD Probation

2016 APD Power Pt for Charter Amendment

6-27-16 Study Session 3E

7-11-16 Meeting Minutes

Charter 3-16 (full text)

ORDINANCE NO. 2018- _____

A BILL

FOR AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF AURORA, COLORADO, AT THE SPECIAL MUNICIPAL ELECTION OF NOVEMBER 6, 2018, A PROPOSED AMENDMENT TO ARTICLE III OF THE CITY CHARTER CONCERNING THE PROBATIONARY PERIOD FOR NEWLY APPOINTED FIREFIGHTERS AND OFFICERS WITHIN THE FIRE RESCUE AND POLICE DEPARTMENT

WHEREAS, the City Charter of the City of Aurora, Colorado, was promulgated in 1961; and

WHEREAS, the City Charter provides for a probationary period of one (1) year for firefighters and police officers and in the Civil Service to determine if the person's conduct and capacity has been satisfactory before a permanent appointment is made; and

WHEREAS, the training time for newly appointed firefighters and police officers has increased significantly over the years; and

WHEREAS, because of the length of training time, including Field Training for police officers, newly appointed firefighters and police officers do not have much time on their own prior to the expiration of their one (1) year probationary period; and

WHEREAS, the City is desirous of serving the interests of its citizens by ensuring worthy members of the Civil Service are tenured and their probationary performance evaluated sufficiently prior to permanent appointment; and

WHEREAS, the City believes that a longer probationary period allows sufficient time to evaluate the person's conduct and capacity before determining if a permanent appointment is appropriate; and

WHEREAS, the Departments will ensure that probationary employees are provided with ongoing feedback about performance issues so that the employee has sufficient opportunity to attempt to improve their performance before the end of the probationary period.

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

Section 1. Subsection 13-16 (2) and (10) of the City Charter of the City of Aurora, Colorado is hereby amended to read as follows:

3-16. - Police and fire department, service requirements, disciplinary procedures, salaries.

- (2) *Probationary appointment, grades of firefighters and police officers.* Every original appointment in the Civil Service shall be for one (1) year have a period of probation of one year from the end of the Department's academy training. ~~at the end of which time, At the end of the period of probation following an original appointment,~~ if the conduct and capacity of the person appointed has been satisfactory, the member shall be permanently appointed; otherwise, the member shall be involuntarily separated. Service during the period of probation following an original appointment shall be deemed active service in the civil service of the Departments and shall be included and credited in determining eligibility for advancement, promotion, retirement, pension, increased salary or compensation based on length of service, and other benefits of the Civil Service. A member of the Police or Fire Department is, during the period of probation following original appointment, a member of such Department in Civil Service for all purposes, except for tenure of the employment or position to which the member has been so appointed. During the period of probationary appointment the person appointed shall be classified as a police officer 4th grade or firefighter 4th grade. Members of the Departments, while serving during the probationary period, may be separated from the Service in the following manner:

During the twelve month probationary period after the date of appointment, the member shall be separated at any time by written notification (indicating the date of separation and stating the reason for separation) by the Chief of the Department with the approval of the City Manager or a designee within the City Manager's office. The chief's action shall be final.

- (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. 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.

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, the first year of 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 a special municipal election which shall be held at the same time as the statewide general election on November 6, 2018:

"EXTENSION OF FIRE AND POLICE PROBATIONARY PERIOD"

SHALL ARTICLE III OF THE CITY CHARTER OF THE CITY OF AURORA BE AMENDED TO CHANGE THE PROBATIONARY PERIOD FOR NEWLY APPOINTED FIREFIGHTERS AND POLICE OFFICERS FROM THE END OF THE FIRST YEAR OF EMPLOYMENT TO ONE YEAR FROM THE DATE THE FIREFIGHTER OR POLICE OFFICER COMPLETES ACADEMY TRAINING?

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 a special municipal election to be conducted at the same time as the statewide general election on November 8, 2016.

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 the proposed Charter amendment 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 has 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, 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 provisions 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 Section 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.

INTRODUCED, READ, AND ORDERED PUBLISHED this _____ day of
_____, 2018.

PASSED AND ORDERED PUBLISHED BY REFERENCE this _____ day of
_____, 2018.

STEPHEN D. HOGAN, Mayor

ATTEST:

LINDA S. BLACKSTON, City Clerk

APPROVED AS TO FORM:

Sr. Assistant City Attorney

G:\Dept\City Attorney\CA\NANCY\APD\Charter Amendment - Probation\Charter Amend for COMBINED AFR and APD Probation (2018).docx



Current Language of Charter 3-16(2)

Every original appointment in the Civil Service shall be for one (1) year at the end of which time, if the conduct and capacity of the person appointed has been satisfactory, the member shall be permanently appointed; otherwise the member shall be involuntarily separated.

...

During the twelve-month probationary period after the date of appointment, the member shall be separated at any time by written notification ... by the Chief ... with the approval of the City Manager [or his designee]. The chief's action shall be final.



Proposed Language for Charter 3-16(3)

Every original appointment **for Police Officers** in the Civil Service shall be for one (1) year at the end of which time, have a period of probation from the date of hire until six (6) months after the completion of all formal introductory training, so long as the period of probation is no less than one (1) year and no more than two (2) years from the date of hire. At the end of the period of probation following original appointment, if the conduct and capacity of the person appointed has been satisfactory, the member shall be permanently appointed; otherwise the member shall be involuntarily separated.

...

During the ~~twelve-month~~ probationary period after the date of appointment, the member shall be separated at any time by written notification ... by the Chief ... with the approval of the City Manager [or his designee]. The chief's action shall be final.



Currently:

Basics spend ~6 months in the Academy, and ~3 months in FTO, leaving only ~3 months working on their own for evaluation.



Laterals spend ~4 months in the Academy, and ~2 months in FTO, leaving ~6 months working on their own for evaluation.*



**For most laterals, the proposed change will not extend their probationary period beyond 12 months.
Exceptions are for laterals whose training time is extended for various reasons (medical, training, family emergency, etc.)*





Goal #1: Provide for more time to evaluate basic hires on their own

Basics spend ~6 months in the Academy, and ~3 months in FTO, leaving only ~3 months working on their own for evaluation.

Academy

FTO

Solo

If the Charter change is made:

Academy

FTO

Solo

Hire date

6 months

9 months

12 months

15 months



Goal #2: Allow for the extension of FTO without compromising probationary status.

For an officer that could benefit from additional FTO training, the Department could extend his/her FTO time and still have 6 months to evaluate solo performance.

Academy

FTO w/ extension

6 mths solo

**Unlimited extensions resulting in never-ending probation could not happen. Under the proposed change, probation can not be longer than 2 years from date of hire.*



Goal #3: Allow for absences and extra time that may be needed during training

Currently, probation ends at 12 months from the date of hire, even if the employee has a medical issue or family emergency that results in them missing some training.

Example 1 – Basic with family emergency



Example 2 – Lateral with serious medical issue



Hire date

6 months

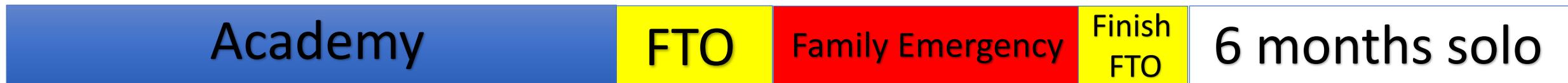
9 months

12 months



The proposed change would ensure that an officer has 6 months of probationary evaluation time

Example 1 – Basic with family emergency



Example 2 – Lateral with serious medical issue

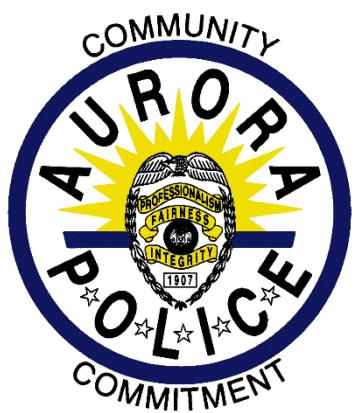


Probation ends _____



Extension Agreements

- Agreements with the chief to extend probation have been made on a case-by-case basis, resulting in a subjective determination as to who gets an extension and for how long.
 - Different chiefs will view extensions differently: with one chief allowing for many extensions and another chief not allowing extensions at all.
- Have a set end date for probation (6 months from the end of FTO) means that the Department must make a determination whether the officer is performing sufficiently to be permanently appointed before probation ends. If not, the employee will be terminated.



Probationary Employment Issues

- Probationary employees can be terminated by the Chief for unsatisfactory performance. The Chief's decision is final.
- Issues with unsatisfactory performance during probation are not always clear policy violations.
 - Fit – a person may not fit with a large, major city police department
 - Skill - not having the competence/aptitude to handle job duties and responsibilities
 - Emotional intelligence – not having the ability to manage job stress and daily challenges.
- If an officer violates policy during his/her probationary period, he or she will be sent to IA and could be disciplined and terminated because of the violation.
 - If the discipline is imposed after probation ends, the employee has appeal rights, and the Department will present its case to Civil Service.



Item #: 3e
SS: 6/27/16
1st:
2nd:

City of Aurora Council Agenda Commentary

Item Title:

CONSIDERATION TO APPROVE an ordinance submitting to a vote of the registered electors of the City of Aurora, Colorado, at the special municipal election of November 8, 2016, a proposed amendment to Article III of the City Charter concerning the probationary period for newly appointed officers within the police department.

Item Initiator: Grady, Gail - Administrative Technician - Police

Staff Source: Rodgers, Nancy - Senior Assistant City Attorney - City Attorney

City Manager/Deputy City Manager Signature:

Outside Speaker:

Council Goal: 2012: 1.0--Assure a safe community for people

ACTIONS(S) PROPOSED (Check all appropriate actions)

- | | |
|--|--|
| <input type="checkbox"/> Approve Item as proposed at Study Session | <input type="checkbox"/> Approve Item with Waiver of Reconsideration |
| <input checked="" type="checkbox"/> Approve Item and Move Forward to Regular Meeting | |
| <input checked="" type="checkbox"/> Approve Item as proposed at Regular Meeting | <input type="checkbox"/> Information Only |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee

Name: Public Safety, Courts and Civil Service Policy Committee

Meeting Date: 06/16/2016

Minutes Attached

Actions Taken: Recommends Do Not Recommend

Minutes Not Available

Forwarded without Recommendation

Recommendation Report Attached

HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)

The APD would like to extend the probationary period to allow for more time for evaluation and training extensions, if needed, for newly hired police officers. However, the Charter mandates a one (1) year probationary period for new hires. APD has drafted an amendment to the Charter for the Council's consideration and comment.

This item was discussed at the June 16 meeting of the Public Safety, Courts, and Civil Service Committee. The Committee recommended moving this item forward to full Council, however, they did request that something be drafted to address employees getting appropriate feedback during probation periods. This language has been added as a "Whereas" clause in the draft ordinance.

ITEM SUMMARY (*Brief description of item, discussion, key points, recommendations, etc.*)

City Charter, Sec. 3-16(2), provides for a probationary period of one (1) year in the Civil Service to determine if the person's conduct and capacity has been satisfactory before a permanent appointment is made.

A probationary employee is a newly hired employee who, for the period of probationary, is being evaluated to enable the employer to ascertain the long-term suitability of the employee for its purposes. The probationary period allows both employee and employer to see if the skill set and the employee match, at initially thought during the interview process and Academy training. Once a public employee completes his/her probationary period, they are considered to have a property right to their employment and can only be terminated for cause and with a certain procedural safeguards (notice, opportunity to be heard, appeal rights).

Training for new officers includes the courses at the Academy and a field training program. The training time for newly appointed peace officers - both lateral and basic - has increased significantly over the years.

The result of extended training can mean that certain newly appointed peace officers have a very short period of time on their own following the Academy and field training. In order to have sufficient time to evaluate newly appointed officers to determine if their conduct and capacity are satisfactory to warrant permanent appointment, the APD would like to extend the probationary period provided for in Charter. The APD proposes extending probation from one (1) year from date of hire to six (6) months from the end of an officer's formal training and field training program. However, in no case would the probationary period be less than one (1) year or more than two (2) years from date of hire.

Because this would be a change to the Charter, the APD is presenting a ballot question, to be approved by ordinance, for Council's consideration. The ballot question must be certified by Sept. 9, 2016, to be on the November ballot. If the committee supports passing this issue onto City Council, it would be heard at Study Session on June 27, 2016. If approved, it would be presented at July 11, 2016 and July 25, 2016, for votes.

For ease of reading, the attached draft highlights, in yellow, the substantive changes to Section 3-16 of the Charter, as well as the proposed ballot question.

QUESTIONS FOR COUNCIL

Shall the proposed ordinance be moved forward to the Regular Meeting?

LEGAL COMMENTS

Proceedings to amend a home rule charter may be initiated by an ordinance adopted by the governing body submitting the proposed amendment to a vote of the registered electors of the municipality. §31-2-210(1)(b), C.R.S. Such an ordinance shall also adopt a ballot title for the proposed amendment. Id. (Rodgers)

Jack Bajorek

PUBLIC FINANCIAL IMPACT (*If Yes, EXPLAIN*)

Yes No

No.

PRIVATE FISCAL IMPACT (*If Significant or Nominal, EXPLAIN*)

Not Applicable Significant Nominal

N/A

EXHIBITS ATTACHED:

Charter Amendment for APD Probation -Ordinance 6-20.pdf
PSCCS Draft Minutes 6-16-16-Charter Amendment APA Probation (final).pdf

ORDINANCE NO. 2016-_____

A BILL

FOR AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF AURORA, COLORADO, AT THE SPECIAL MUNICIPAL ELECTION OF NOVEMBER 8, 2016, A PROPOSED AMENDMENT TO ARTICLE III OF THE CITY CHARTER CONCERNING THE PROBATIONARY PERIOD FOR NEWLY APPOINTED OFFICERS WITHIN THE POLICE DEPARTMENT

WHEREAS, the City Charter of the City of Aurora, Colorado, was promulgated in 1961; and

WHEREAS, the City Charter provides for a probationary period of one (1) year in the Civil Service to determine if the person's conduct and capacity has been satisfactory before a permanent appointment is made; and

WHEREAS, the training time for newly appointed peace officer has increased significantly over the years; and

WHEREAS, because of the length of training time, including Field Training, newly appointed peace officers do not have much time on their own prior to the expiration of their one (1) year probationary period; and

WHEREAS, the City is desirous of serving the interests of its citizens by ensuring worthy members of the Civil Service are tenured and their probationary performance evaluated sufficiently prior to permanent appointment; and

WHEREAS, the City believes that a probationary period that concludes at the end of six (6) months following the completion of an officer's formal training and field training program allow sufficient time to evaluate the person's conduct and capacity before determining if a permanent appointment is appropriate; and

WHEREAS, the Department will ensure that probationary employees are provided with ongoing feedback about performance issues so that the employee has sufficient opportunity to attempt to improve their performance before the end of the probationary period.

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

Section 1. Subsection 13-16 (2) of the City Charter of the City of Aurora, Colorado is hereby amended to read as follows:

3-16. - Police and fire department, service requirements, disciplinary procedures, salaries.

- (1) The service requirements, disciplinary procedures, and methods of establishing salary scales for members of the Civil Service shall be the same for both Departments and as outlined hereafter.
- (2) *Probationary appointment, grades of firefighters and police officers.* Every original appointment in the Civil Service shall be for one (1) year at the end of which time, if the conduct and capacity of the person appointed has been satisfactory, the member shall be permanently appointed; otherwise, the member shall be involuntarily separated. Service during the period of probation following an original appointment shall be deemed active service in the civil service of the Departments and shall be included and credited in determining eligibility for advancement, promotion, retirement, pension, increased salary or compensation based on length of service, and other benefits of the Civil Service. A member of the Police or Fire Department is, during the period of probation following original appointment, a member of such Department in Civil Service for all purposes, except for tenure of the employment or position to which the member has been so appointed. During the period of probationary appointment the person appointed shall be classified as a ~~police officer 4th grade or firefighter 4th grade~~. Members of the Departments, while serving during the probationary period, may be separated from the Service in the following manner:
During the twelve-month probationary period after the date of appointment, the member shall be separated at any time by written notification (indicating the date of separation and stating the reason for separation) by the Chief of the Department with the approval of the City Manager or a designee within the City Manager's office. The chief's action shall be final.
- (3) *PROBATIONARY APPOINTMENT, GRADES OF POLICE OFFICERS.* EVERY ORIGINAL APPOINTMENT FOR POLICE OFFICERS IN THE CIVIL SERVICE SHALL HAVE A PERIOD OF PROBATION FROM THE DATE OF HIRE UNTIL SIX (6) MONTHS AFTER THE COMPLETION OF ALL FORMAL INTRODUCTORY TRAINING, SO LONG AS THE PERIOD OF PROBATION IS NO LESS THAN ONE (1) YEAR AND NO MORE THAN TWO (2) YEARS FROM THE DATE OF HIRE. AT THE END OF THE PERIOD OF PROBATION FOLLOWING AN ORIGINAL APPOINTMENT, IF THE CONDUCT AND CAPACITY OF THE PERSON APPOINTED HAS BEEN SATISFACTORY, THE MEMBER SHALL BE PERMANENTLY APPOINTED; OTHERWISE, THE MEMBER SHALL BE INVOLUNTARILY SEPARATED. SERVICE DURING THE PERIOD OF PROBATION FOLLOWING AN ORIGINAL APPOINTMENT SHALL BE DEEMED ACTIVE SERVICE IN THE CIVIL SERVICE OF THE DEPARTMENT AND SHALL BE INCLUDED AND CREDITED IN DETERMINING ELIGIBILITY FOR ADVANCEMENT, PROMOTION, RETIREMENT, PENSION, INCREASED SALARY OR COMPENSATION BASED ON LENGTH OF SERVICE, AND OTHER BENEFITS OF THE CIVIL SERVICE. A MEMBER OF THE POLICE IS, DURING THE PERIOD OF PROBATION FOLLOWING ORIGINAL APPOINTMENT, A

MEMBER OF SUCH DEPARTMENT IN CIVIL SERVICE FOR ALL PURPOSES, EXCEPT FOR TENURE OF THE EMPLOYMENT OR POSITION TO WHICH THE MEMBER HAS BEEN SO APPOINTED. DURING THE PERIOD OF PROBATIONARY APPOINTMENT THE PERSON APPOINTED SHALL BE CLASSIFIED AS A POLICE OFFICER 4TH GRADE. MEMBERS OF THE DEPARTMENTS, WHILE SERVING DURING THE PROBATIONARY PERIOD, MAY BE SEPARATED FROM THE SERVICE IN THE FOLLOWING MANNER: DURING THE PROBATIONARY PERIOD AFTER THE DATE OF APPOINTMENT, THE MEMBER SHALL BE SEPARATED AT ANY TIME BY WRITTEN NOTIFICATION (INDICATING THE DATE OF SEPARATION AND STATING THE REASON FOR SEPARATION) BY THE CHIEF OF THE DEPARTMENT WITH THE APPROVAL OF THE CITY MANAGER OR A DESIGNEE WITHIN THE CITY MANAGER'S OFFICE. THE CHIEF'S ACTION SHALL BE FINAL.

- (34) *Advancement standards for Police Officers and Firefighters 1st Grade, 2nd Grade and 3rd Grade.* A Police Officer 3rd Grade, or a Firefighter 3rd Grade, shall be one who has served for more than one (1) year but less than two (2) years in the service of the Department; a Police Officer 2nd Grade, or a Firefighter 2nd Grade, shall be one who has served for more than two (2) years, but less than three (3) years in the service of the Department; and a Police Officer 1st Grade, or a Firefighter 1st Grade, shall be one who has served more than three (3) years in the service of the Department.
- (45) *Work force reduction.* When the force in either Department is reduced, the person last certified to such Department for employment shall be the first laid off; and when the force in such Department is increased, persons laid off shall be reinstated in the order of their original certification in accordance with the rules of the Civil Service Commission consistent with this provision; and, for the purposes of determining tenure and longevity, all time served, whether or not interrupted, shall be computed.
- (56) *Service in Armed Forces.* Involuntary service in the Armed Forces of the United States shall be deemed and considered active service in the Civil Service of the Police or Fire Department, if performed by a member of either such Department and while a member thereof; provided that, after discharge from the Armed Forces, the member has sought reentrance into the Civil Service in said Department within such time and under such conditions as provided for by the rules of the Civil Service Commission. If the probationary period following an original appointment is interrupted by service in the Armed Forces and the appointee is thereafter readmitted to active service, the appointee shall complete the remaining portion of such period of probation before being permanently appointed.
- (67) *Promotion.* All ranks in the Civil Service of the Police and Fire Departments above the grades of Police Officer 1st Grade and Firefighter 1st Grade shall be filled by promotion from within the respective Departments, under such service requirements and examination procedures as shall hereafter be outlined by the Civil Service Commission; provided that all such rules and regulations outlining qualifications and service requirements for both applicants for original appointment and for promotion be promulgated without any reference to political or religious opinions or affiliations, or race, creed, color, or gender.

All promotions shall be made by appointing the first person on the eligibility list for the position as certified by the Civil Service Commission. The person so appointed shall complete a probationary period after appointment of twelve months' duration, at the end of which period he or she shall either be permanently appointed to said grade or rank or demoted to his or her former position, in accordance with the following procedure:

Between ten (10) and fifteen (15) days prior to the end of the probationary period, the Chief shall have the right to serve an order of demotion upon the officer, in the event an officer, having been duly certified and promoted, fails to satisfactorily perform the duties of the position to which he was promoted, in the opinion of the Chief of his Department. A copy shall be filed with the Civil Service Commission. The order of demotion shall state with specificity the reasons said officer did not satisfactorily perform his duties and shall be approved by the City Manager or a designee within the City Manager's office. The order of demotion shall be served upon the member no later than ten (10) days prior to the end of the probationary period. If the member cannot be personally served with the order of demotion, a copy of the order shall be transmitted by certified mail to the member's official address as shown in the department records. If it is necessary to mail the order of demotion, the date of service shall be the date upon which the order is deposited in the United States mail. If no order of demotion is served within the specified time period, the promotion shall become permanent at the conclusion of the probationary period. Within ten (10) days after receipt of an order of demotion, the Civil Service Commission shall approve or disapprove said action, and the decision of the Commission in this matter shall be final, subject only to judicial review.

- (78) *Organization charts, creation of and filling vacant positions.* The Chiefs of the respective Departments, with approval of the City Manager, shall, in conjunction with the proposed annual budget, supply City Council with an organization chart setting forth the number of positions in the Civil Service which will be necessary to perform the duties assigned to their Departments. The City Council shall, in accordance with authority vested in them, determine thereafter the number of positions to be allocated, based upon the budget available to said department. A vacant position, other than entry level, having been created or one which shall have become vacant by the promotion, death, retirement, resignation, or discharge of the holder thereof, shall be filled within sixty (60) days or said position shall be declared abolished for the remainder of the budget year. However, in the event the Civil Service Commission does not have a current certified list for a vacant or newly created position, the sixty (60) day period within which said position must be filled or abolished shall not begin until such list shall become available.

Nothing in this provision shall prevent City Council from creating new positions at any time, as the needs of the respective Departments may require; however, any new positions so created shall be filled in accordance with Civil Service Commission requirements and with the terms of this section.

A certified list for original appointment shall be prepared by using applicants taken from a pool of eligible candidates for which testing shall take place whenever the commission, in consultation with city management, determines that it is appropriate to conduct the testing in order to meet staffing requirements. The certified list for original appointment to positions in

the civil service shall expire upon the effective date of a newly established list of eligible candidates. A certified list for promotional appointments shall contain the names of applicants who passed required testing, which testing shall take place no less than once per year; such list shall expire after one year, except that in the event a vacancy should exist in one of the Departments and the certified list for that position is scheduled to expire and a new list is not available, the Civil Service Commission may extend such list, one time only, for a period not to exceed ninety (90) days.

(89) Disciplinary and appeal procedure.

- (a) The rules governing the conduct of the members of the civil service in the Police and Fire Departments shall be set forth as written rules and regulations by the Chiefs of each of the respective departments, with the approval of the City Manager or a designee; provided that such rules and regulations shall not contain any political, religious, race, creed, or gender qualifications or disqualifications. Any member of the civil service shall be subject to discipline for a violation of such rules and regulations.
- (b) Prior to the imposition of any discipline other than a reprimand, the member shall be provided with a predisciplinary hearing before the Chief or a designee. At this hearing, the member shall be given: (i) a copy of the specification of the charges; (ii) a copy of the written report of the evidence supporting the charges; (iii) a copy of the summary of the disciplinary record of the member, if any; and (iv) an opportunity to make a statement in response to the charges and written report. The statement, if made, shall be transcribed. The member shall have the right to submit a written statement to the Chief within three (3) days after the predisciplinary hearing. At the expiration of the three (3) day period, the Chief may proceed in accordance with the provisions of this section. If an appeal is filed by the member, all of the above-referenced documents shall be transmitted by the Chief to the Civil Service Commission. No other documentary materials shall be initially provided to the Civil Service Commission.
- (c) Discipline shall be by written command signed by the Chief of the Department. If discipline involves a monetary impact on the member greater than one-third (1/3) of the member's monthly salary, the disciplinary order must be approved by the City Manager or a designated Deputy City Manager. A disciplinary order submitted for City Manager approval shall be accompanied by all the materials described in (b). The City Manager or a designated Deputy City Manager shall, by endorsement or other written document, within five (5) business days approve, modify or disapprove the disciplinary order.
- (d) A copy of the written command with the endorsement by the City Manager or a designated Deputy City Manager shall be served on the member. If personal service of the order cannot be made within five (5) days because of the inability to locate the member within the City of Aurora, the copy of the order shall be mailed by certified mail, return receipt requested, to the last known address of the member as shown by

the records of the department. If service is by certified mail, it shall be complete upon return of the mailing receipt regardless of whether the order has been accepted.

- (e) A member shall have ten (10) business days from the service of the order to file an appeal of the disciplinary order with the Civil Service Commission. The appeal shall be in writing and contain the name and address of the appealing member, a copy of the written command being appealed and a brief summary of the reasons for the appeal. A member may express a desire to have the hearing closed to the public. Upon receipt of an appeal, the Commission shall promptly provide a copy of it to the office of the City Attorney.
- (f) The Commission shall conduct a hearing on the appeal not less than fifteen (15) nor more than thirty (30) days after receipt of the appeal. After a hearing date has been set, it may be continued only upon agreement of all the parties or upon good cause shown to the Commission. The notice of the hearing shall indicate whether the hearing will be public.
- (g) At the hearing before the Commission, each side may offer evidence and cross examine witnesses. The member may be represented by a representative of their choosing and the City Manager-Department shall be represented by the City Attorney or a designee. The hearing shall be recorded by a reporter or an electronic recording device. The Commission may adopt rules for the conduct of the hearing. The City Manager and Chief of the Department, through the office of the City Attorney as counsel, shall offer evidence and justification of the departmental action. The rules of evidence shall conform, to the extent practicable, with those in civil nonjury cases in the District Courts. However, when necessary to do so in order to ascertain facts affecting the substantial rights of the parties to the proceeding, the Commission may receive and consider evidence not admissible under such rules if such evidence possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs.
- (h) Commission hearings may be conducted by less than all of its members, but in no event by less than a majority of the members. After the hearing, the Commission shall issue a written decision affirming, reversing or modifying the disciplinary order, provided that the commission may not increase the level of discipline imposed by the order. In reviewing the disciplinary order, the Commission shall give due consideration to the necessity for maintaining administrative control of the Department by the Chief. The decision by the Commission must be concurred in by a majority of the members of the Commission hearing the appeal.
- (i) Appeals of Civil Service decisions reviewing disciplinary orders shall be made pursuant to the Colorado Rules of Civil Procedure applicable to judicial review of quasijudicial activities. Any appeal must be filed within thirty (30) days of the decision of the Commission. Judicial review of the decision shall not be further than

to determine if the Commission has exceeded its jurisdiction or abused its discretion under the provisions of this Charter.

- (j) Written and oral reprimands are not subject to the hearing and appeal procedure set out in this section. The Chiefs of the respective Departments shall have the power and authority to suspend with pay any member of the Civil Service pending an investigation and the initiation of disciplinary action, provided that the written specification of charges as heretofore set out is served upon the member, or such suspension must be terminated within thirty (30) days. If the investigation is still continuing at the expiration of the initial thirty (30) day period, the City Manager or his designee is authorized to extend the period of suspension with pay for up to an additional thirty (30) day period upon a finding that it is in the best interests of the affected Department to continue the suspension. Where a predisciplinary hearing is convened in accordance with the provisions heretofore set forth and before the expiration of the suspension, the disciplinary action emanating from such hearing shall supersede the suspension. Indictment of a member of the Civil Service, or the filing of an information or felony complaint against him by a prosecuting agency, charging any felony shall be cause for an immediate and indefinite suspension without pay upon order of the Chief, provided that such suspension shall be terminated by restoration to the service or by discharge as soon as the decision of the court becomes final. If the member of the Civil Service is restored to his position, he shall receive full pay for the entire period of such suspension and his eligibility for other benefits of the Service shall not be deemed to have been interrupted by such suspension. The conviction of a member of the Civil Service for a felony shall result in discharge from the Civil Service. A member of the Civil Service may be subject to discipline for the failure to answer questions concerning their own or any other member's conduct and activities as part of an internal departmental investigation only under the following circumstances:
 - (a) The subject matter of the statement or questions must be reasonably related to a member's work performance and/or fitness to hold his or her position and related to the specific charge or complaint being investigated;
 - (b) The member shall be afforded the appropriate legal assurances that said statement(s) will be used solely for the internal investigation pertaining to continuing employment;
 - (c) The statement or answers to questions shall not be used in any criminal proceeding against the member making the statement or answering the questions;
 - (d) The statement shall be confidential and neither the statement, any information contained therein nor the answers to questions shall be disclosed to anyone except:

- (1) The statement or information may be disclosed to persons within the member's department on a need-to-know basis as determined by the Chief of the Department;
 - (2) The statement of or information learned from a member not being investigated for misconduct may be disclosed to representatives of the District Attorney or City Attorney on a need-to-know basis as determined by the Chief of the Department; and
 - (3) The statement or answers may be offered as evidence to the Civil Service Commission in an appeal brought by a member challenging any discipline imposed; and
- (e) The member is advised in writing of the conditions contained in this section prior to giving the statement or answering any questions.
- (910) *Salaries.* The salaries for the members of the Civil Service shall be established by the City Council by ordinance subject to referral provision, as hereinafter set forth.

In the event City Council shall fail to provide an acceptable pay adjustment for the Civil Service for a period of two (2) consecutive years, the members of each department shall have the right to have their own pay increase proposal, which they submitted the second year, presented to the registered electors in the form of a Charter Amendment, at a regular or a special election called in accordance with the following provision:

- (a) On the second consecutive year in which the City Manager's budget, as presented to City Council, does not include an acceptable pay adjustment for the members of the Civil Service and said members of the Civil Service, having not received an acceptable pay adjustment in the previous year by City Council action, shall be authorized, through a designated representative, to present to City Council a pay adjustment plan of their own. Said plan shall be presented along with the City Manager's annual budget proposal.

City Council shall consider the plan so submitted and may, at their election, meet with the designated representatives of the Departments. In the event that City Council refuses to pass the pay plan as proposed, or some compromise thereof which is acceptable to a majority of the respective Departments, then City Council shall, by ordinance, call a special election in the event no regular election is scheduled, within ninety (90) days of the adoption of the regular city budget. The ordinance calling said election shall refer to the city electorate, the pay plan as proposed by the Departments, or either of them, for acceptance or rejection by the voter. In the event the pay plan, as proposed, is adopted, it shall take effect at the beginning of the fiscal year in the same manner as if it had been included in the regular city budget. In the event the proposed plan is rejected, another plan may not again be submitted to the electorate by either ordinance referral or initiation until a period of two (2) years has elapsed and the City Council has again failed to make an acceptable pay adjustment for a two-year period and the same procedure as outlined herein has been followed.

An "acceptable pay adjustment" as used herein shall mean any pay adjustment which has been accepted by a majority vote of the members of the Civil Service of each of the Departments voting separately on the pay adjustments affecting their own Departments.

Any other matters which may by law be presented to the electorate for their consideration may be placed on the ballot at any election called under the provisions of this amendment; however, the pay plans presented must be contained in a separate amendment permitting the voters an opportunity to accept or reject the salary proposals as submitted.

(+011) *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. 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.

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, ~~the first year of~~ employment shall be SUBJECT TO a probationary period pursuant to section 3-16 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 a special municipal election which shall be held at the same time as the statewide general election on November 8, 2016:

"EXTENSION OF POLICE PROBATIONARY PERIOD"

SHALL ARTICLE III OF THE CITY CHARTER OF THE CITY OF AURORA
BE AMENDED TO EXTEND THE PROBATIONARY PERIOD FOR NEWLY
APPOINTED POLICE OFFICERS FROM 1 YEAR FROM DATE OF HIRE TO A
PERIOD OF TIME THAT ENDS NO LESS THAN SIX (6) MONTHS AFTER THE
END OF THE OFFICER'S FORMAL INTRODUCTORY TRAINING?

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 a special municipal election to be conducted at the same time as the statewide general election on November 8, 2016.

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 the proposed Charter amendment 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 has 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, 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 provisions 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 Section 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.

INTRODUCED, READ, AND ORDERED PUBLISHED this _____ day of
_____, 2016.

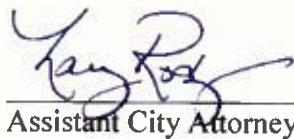
PASSED AND ORDERED PUBLISHED BY REFERENCE this _____ day of
_____, 2016.

STEPHEN D. HOGAN, Mayor

ATTEST:

JANICE NAPPER, City Clerk

APPROVED AS TO FORM:


Nancy L. Rodger
Assistant City Attorney

107

G:\Dept\City Attorney\CA\NANCY\Charter Amendment - Probation\Charter Amend for APD Probation.docx

PUBLIC SAFETY MEETING JUNE 16, 2016

Members Present: Council Member B. Cleland – Chair, Council Member B. Roth – Vice Chair

Members Present Via Tele-Conference: Council Member F. Bergan

Others Present: M. Dudley, E. Wittman, K. Stewart, C. Iovine, D. Iovine, J. Kaum, J. Wolton, J. Puscian, P. O'Keefe, J. Schneebeck, S. Reynoldson, S. Moran, G. Schimell, K. Crawford, M. Mitchell, D. Wilkinson, R. Weinberg, S. Newman, A. Jeffress, N. Coats, C. Amsler, G. Hansen, M. Garcia, N. Metz, M. Wolfe, J. Heckman, Z. DeBoyes, N. Rodgers

CHARTER AMENDMENT APD PROBATION

Summary of Issues and Discussion

Nancy Rodgers, Sr. Assistant City Attorney (ACA), provided the update on this topic. Currently, Charter 3-16(2) has a one year probationary period for all basic and lateral new hires. This is not enough time to fully evaluate the performance of the individual to decide if that person would be a good long term member of the department. Aurora Police Department (APD) is requesting that the charter be changed so that the probationary period for new hires would end six months from the end of formal introductory training (FTO). For most lateral hires, the period would still be a year from the date of hire. The time frame for most laterals is six months of academy and FTO training and six months of working on their own where they can be evaluated.

For basic hires, the length of the APD's training academy and FTO means that the time to evaluate basic hires' work on their own is only three months from the end of training, which does not seem sufficient to truly evaluate an employee on probation. Council Member (CM) Cleland asked for clarification. Deputy Chief O'Keefe explained that, assuming the basic hire is on track, it can work. But if there is an extension to their training, there is less time to truly evaluate the member. These new hire basics are the people that the department really wants to evaluate. Chief Metz stated the extension of the probationary time to evaluate the individual is not only beneficial to the department but also to the employee. The individual would have more time to get remedial training and meet the minimum standard of being a successful part of the department.

CM Roth asked when a recruit is considered a sworn officer. Chief Metz stated that a member is a sworn officer from the time the judge swears the recruit in. CM Cleland asked if this has been taken to the APA (Aurora Police Association). Doug Wilkinson from APA stated that, as the proposal stands right now, the APA would not support it. They understand the intent and spirit behind where the proposed amendment is going. However, the way the probationary process works right now, there is no capacity for an appeal for the probationary individual to the Civil Service Commission. The APA would like to have some way for a written appeal to be fair to the

individual and they would like to have an opportunity to understand the individual's side before the APD demotes or fires the employee. The APA is concerned that there are issues that currently aren't being addressed with the way that the charter is currently crafted. CM Roth said he was not sure why there would be an appeal; it would be set in stone for ending six months after the end of training. Officer Wilkinson stated, if he understands the proposal, it would reset the date and timing but not the process itself. He said due process is needed to understand why they believe the allegations behind the employee not making probation are unfounded. APA's proposal would be the proposed time extension combined with having due process. ACA Rodgers asked for clarification on if the APA's proposal was just for basic/lateral probationary employees or also for promotional probationary members. Officer Wilkinson said the APA's proposal was for both basic/lateral hires and promotional members.

The ensuing discussion clarified the change proposed by the APD is for only extending the time of probation for basic and lateral hires (new hires only) – not the probationary period for promoted members. CM Roth reviewed the process: you have 26 weeks of classroom and field training, then the member finishes the probationary period. If the individual hasn't met standards they go through additional training. During this period, if the member is deemed deficient, he/she is let go by the department. There is currently nothing in place for the individual to appeal. Officer Wilkinson said the APA believes that having the appeal process for a probationary employee would be the fair thing to do.

ACA Rodgers explained that currently basic and lateral termination decisions are final decisions by the chief of police, subject to approval by the city manager or his designee (typically the deputy city manager). For decisions on members on probation following promotion, the chief's decision to not make the promotional appointment permanent is reviewed by the Civil Service Commission, who can approve or disapprove the chief's decision. The individual has no say. The commission will usually know what the situation/decision is behind the termination and they either approve the termination or ask the chief to amend it.

CM Bergan stated if there currently is no appeal process with the commission for the new hires, the request by the chief is actually giving the individual more time to be evaluated. She asked for clarification.

ACA Rodgers stated that there are really two different issues. The chief wants to extend the time for evaluation. APA's issue is they want to have more process for the individual that may face separation during probation. The charter amendment proposed by the APD doesn't affect any other part of probation except the time frame.

CM Cleland stated that this has to go to council and be put on the ballot for fall. She doesn't agree that a probationary individual should be able to go to Civil Service. However, she said she understands that there should be an opportunity for the individual to be able to have someone to talk to if there is an issue or to have a hearing.

Chief Metz stated that minus a misconduct issue or something like that, he doesn't believe it is fair for a recruit to be called in during probation and told they are terminated. A process is needed that will help the individual through the probationary process.

CM Bergan asked if this is this a legal question. ACA Rodgers stated it is a policy question. It is odd that a charter has so much detail about probationary employees. CM Cleland wants verbiage put into the backup where council in 30 years would be able to read and understand why the changes were made without going into details.

Outcome

APA's concern is to be addressed separately. Council would like verbiage put into the backup about an internal feedback process for the probationary employee, and taken to city council. The committee appreciated APA for being present to answer questions and concerns.

Follow-Up Action

Forward to study session.

questions and the lack of sufficient information for those most impacted to understand the impact.

Council Member Cleland stated the applicant as the property owner also had rights. She expressed her hope that an agreement could be reached.

Council Member Pierce asked Council Member Richardson if he would like to add a date certain to the motion. Council Member Richardson stated his choice to table without a date certain was purposeful.

Voting Aye: Mayor Hogan, Bergan, Berzins, Cleland, Lawson, Peterson, Pierce, Richardson,

Voting Nay: LeGare, Mounier, Roth

Mayor Hogan recessed the meeting and called the meeting back to order after a five minute break.

12. **ORDINANCES FOR INTRODUCTION**

- ♦ a. **2016-33**
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, submitting to a vote of the registered electors of the City of Aurora, Colorado, at the special municipal election of November 8, 2016, a proposed amendment to Article III of the City Charter concerning the probationary period for newly appointed officers within the police department. STAFF SOURCE: Nancy Rodgers, Senior Assistant City Attorney, City Attorney

ORIGINAL MOTION

Motion by Peterson, second by Pierce, to introduce item 12a.

AMENDMENT I

Motion by Bergan, second by LeGare, to amend the text of the ordinance and ballot question to provide a probationary period for all newly appointed officers within the police department to be 18 months from the date of hire.

Council Member Richardson discussed the importance of racial diversity in the police department, noting the lack of diversity was disturbing. He stated anything that helped attract minorities to the department was good and anything that did not was not. He noted he would not support the item and expressed concerns that this change would fall under the column of limiting diversity in the department.

Nick Metz, Chief, Aurora Police, stated when the charter was initiated back in the 1960s, the academy time was significantly shorter which lessened the time when an officer would have solo time where they could be evaluated.

Council Member Richardson stated there could be two sides to that argument in terms of identifying someone who was not suitable for law enforcement. He noted changing the charter related to everyone including future chiefs.

Chief Metz stated doing so also took the subjectivity out of the chief's hands.

Council Member LeGare stated he was not in support of the motion prior to the amendment but would support it with the 18 month date.

- ♦ *The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.*

Motion by LeGare, second by Richardson, to table the item until the August 15, 2016 City Council special study session.

Mike Hyman, City Attorney, stated tabling the item would prevent it from going on the ballot this year, noting the motion to lay it on the table should not include a specified date. He suggested the motion should be to postpone to a certain date.

Council Member Bergan asked if the amendment would put it on the November ballot rather than the spring. Mr. Hyman discussed the process moving forward.

VOTE ON AMENDMENT I

Voting Aye: Mayor Hogan, Bergan, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Roth

Voting Nay: Berzins, Richardson

Motion by LeGare, second by Richardson, to table the amended ordinance.

Voting Aye: Mayor Hogan, Lawson, LeGare, Mounier, Pierce, Richardson

Voting Nay: Bergan, Berzins, Cleland, Peterson, Roth

13. RECONSIDERATIONS AND CALL-UPS

None

14. GENERAL BUSINESS

None

15. REPORTS

a. Report by the Mayor

No report.

b. Reports by the Council

Council Member Lawson announced the At-Large Town Hall meeting was scheduled for Thursday, July 21, 2016 at the MLK Library where Division Chief Vanessa Wilson, Aurora Police, would be present.

Council Member Mounier stated her hope that Aurora Police officers would remain safe.

Council Member Berzins commended the Aurora Police Department on their efforts in apprehending a suspect recently in her neighborhood and announced the joint Wards I and III community picnic scheduled for Saturday, July 23, 2016 at Bicentennial Park from 11:00 a.m. to 2:00 p.m.

Council Member Pierce stated there were 231 net new business licenses in the second quarter.

Council Member Cleland announced the birth of her fifth grandchild and stated her respect for Chief Metz and Aurora police officers for their efforts in keeping Aurora safe. She confirmed that Waste Management did provide free services in the City in 2015 and 2016.

- ♦ *The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.*

3-16. - Police and fire department, service requirements, disciplinary procedures, salaries.

- (1) The service requirements, disciplinary procedures, and methods of establishing salary scales for members of the Civil Service shall be the same for both Departments and as outlined hereafter.
- (2) *Probationary appointment, grades of firefighters and police officers.* Every original appointment in the Civil Service shall be for one (1) year at the end of which time, if the conduct and capacity of the person appointed has been satisfactory, the member shall be permanently appointed; otherwise, the member shall be involuntarily separated. Service during the period of probation following an original appointment shall be deemed active service in the civil service of the Departments and shall be included and credited in determining eligibility for advancement, promotion, retirement, pension, increased salary or compensation based on length of service, and other benefits of the Civil Service. A member of the Police or Fire Department is, during the period of probation following original appointment, a member of such Department in Civil Service for all purposes, except for tenure of the employment or position to which the member has been so appointed. During the period of probationary appointment the person appointed shall be classified as a police officer 4th grade or firefighter 4th grade. Members of the Departments, while serving during the probationary period, may be separated from the Service in the following manner:

During the twelve-month probationary period after the date of appointment, the member shall be separated at any time by written notification (indicating the date of separation and stating the reason for separation) by the Chief of the Department with the approval of the City Manager or a designee within the City Manager's office. The chief's action shall be final.
- (3) *Advancement standards for Police Officers and Firefighters 1st Grade, 2nd Grade and 3rd Grade.* A Police Officer 3rd Grade, or a Firefighter 3rd Grade, shall be one who has served for more than one (1) year but less than two (2) years in the service of the Department; a Police Officer 2nd Grade, or a Firefighter 2nd Grade, shall be one who has served for more than two (2) years, but less than three (3) years in the service of the Department; and a Police Officer 1st Grade, or a Firefighter 1st Grade, shall be one who has served more than three (3) years in the service of the Department.
- (4) *Work force reduction.* When the force in either Department is reduced, the person last certified to such Department for employment shall be the first laid off; and when the force in such Department is increased, persons laid off shall be reinstated in the order of their original certification in accordance with the rules of the Civil Service Commission consistent with this provision; and, for the purposes of determining tenure and longevity, all time served, whether or not interrupted, shall be computed.
- (5) *Service in Armed Forces.* Involuntary service in the Armed Forces of the United States shall be deemed and considered active service in the Civil Service of the Police or Fire Department, if performed by a member of either such Department and while a member thereof; provided that, after discharge from the Armed Forces, the member has sought reentrance into the Civil Service in said Department within such time and under such conditions as provided for by the rules of the Civil Service Commission. If the probationary period following an original appointment is interrupted by service in the Armed Forces and the appointee is thereafter readmitted to active service, the appointee shall complete the remaining portion of such period of probation before being permanently appointed.
- (6) *Promotion.* All ranks in the Civil Service of the Police and Fire Departments above the grades of Police Officer 1st Grade and Firefighter 1st Grade shall be filled by promotion from within the respective Departments, under such service requirements and examination procedures as shall hereafter be outlined by the Civil Service Commission; provided that all such rules and regulations outlining qualifications and service requirements for both applicants for original appointment and for promotion be promulgated without any reference to political or religious opinions or affiliations, or race, creed, color, or gender. All promotions shall be made by appointing the first person on the eligibility list for the position as certified by the Civil Service Commission. The person so appointed shall complete a probationary period after appointment of twelve months' duration, at the end of which period he or she shall either be permanently appointed to said grade or rank or demoted to his or her former position, in accordance with the following procedure:

Between ten (10) and fifteen (15) days prior to the end of the probationary period, the Chief shall have the right to serve an order of demotion upon the officer, in the event an officer, having been duly certified and promoted, fails to satisfactorily perform the duties of the position to which he was promoted, in the opinion of the Chief of his Department. A copy shall be filed with the Civil Service Commission. The order of demotion shall state with specificity the reasons said officer did not satisfactorily perform his duties and shall be approved by the City Manager or a designee within the City Manager's office. The order of demotion shall be served upon the member no later than ten (10) days prior to the end of the probationary period. If the member cannot be personally served with the order of demotion, a copy of the order shall be transmitted by certified mail to the member's official address as shown in the department records. If it is necessary to mail the order of demotion, the date of service shall be the date upon which the order is deposited in the United States mail. If no order of demotion is served within the specified time period, the promotion shall become permanent at the conclusion of the probationary period. Within ten (10) days after receipt of an order of demotion, the Civil Service Commission shall approve or disapprove said action, and the decision of the Commission in this matter shall be final, subject only to judicial review.

- (7) *Organization charts, creation of and filling vacant positions.* The Chiefs of the respective Departments, with approval of the City Manager, shall, in conjunction with the proposed annual budget, supply City Council with an organization chart setting forth the number of positions in the Civil Service which will be necessary to perform the duties assigned to their Departments. The City Council shall, in accordance with authority vested in them, determine thereafter the number of positions to be allocated, based upon the budget available to said department. A vacant position, other than entry level, having been created or one which shall have become vacant by the promotion, death, retirement, resignation, or discharge of the holder thereof, shall be filled within sixty (60) days or said position shall be declared abolished for the remainder of the budget year. However, in the event the Civil Service Commission does not have a current certified list for a vacant or newly created position, the sixty (60) day period within which said position must be filled or abolished shall not begin until such list shall become available.

Nothing in this provision shall prevent City Council from creating new positions at any time, as the needs of the respective Departments may require; however, any new positions so created shall be filled in accordance with Civil Service Commission requirements and with the terms of this section.

A certified list for original appointment shall be prepared by using applicants taken from a pool of eligible candidates for which testing shall take place whenever the commission, in consultation with city management, determines that it is appropriate to conduct the testing in order to meet staffing requirements. The certified list for original appointment to positions in the civil service shall expire upon the effective date of a newly established list of eligible candidates. A certified list for promotional appointments shall contain the names of applicants who passed required testing, which testing shall take place no less than once per year; such list shall expire after one year, except that in the event a vacancy should exist in one of the Departments and the certified list for that position is scheduled to expire and a new list is not available, the Civil Service Commission may extend such list, one time only, for a period not to exceed ninety (90) days.

(8) *Disciplinary and appeal procedure.*

- (a) The rules governing the conduct of the members of the civil service in the Police and Fire Departments shall be set forth as written rules and regulations by the Chiefs of each of the respective departments, with the approval of the City Manager or a designee; provided that such rules and regulations shall not contain any political, religious, race, creed, or gender qualifications or disqualifications. Any member of the civil service shall be subject to discipline for a violation of such rules and regulations.
- (b) Prior to the imposition of any discipline other than a reprimand, the member shall be provided with a predisiplinary hearing before the Chief or a designee. At this hearing, the member shall be given: (i) a copy of the specification of the charges; (ii) a copy of the written report of the evidence supporting the charges; (iii) a copy of the summary of the disciplinary record of the member, if any; and (iv) an opportunity to make a statement in response to the charges and

written report. The statement, if made, shall be transcribed. The member shall have the right to submit a written statement to the Chief within three (3) days after the predisciplinary hearing. At the expiration of the three (3) day period, the Chief may proceed in accordance with the provisions of this section. If an appeal is filed by the member, all of the above-referenced documents shall be transmitted by the Chief to the Civil Service Commission. No other documentary materials shall be initially provided to the Civil Service Commission.

- (c) Discipline shall be by written command signed by the Chief of the Department. If discipline involves a monetary impact on the member greater than one-third (1/3) of the member's monthly salary, the disciplinary order must be approved by the City Manager or a designated Deputy City Manager. A disciplinary order submitted for City Manager approval shall be accompanied by all the materials described in (b). The City Manager or a designated Deputy City Manager shall, by endorsement or other written document, within five (5) business days approve, modify or disapprove the disciplinary order.
- (d) A copy of the written command with the endorsement by the City Manager or a designated Deputy City Manager shall be served on the member. If personal service of the order cannot be made within five (5) days because of the inability to locate the member within the City of Aurora, the copy of the order shall be mailed by certified mail, return receipt requested, to the last known address of the member as shown by the records of the department. If service is by certified mail, it shall be complete upon return of the mailing receipt regardless of whether the order has been accepted.
- (e) A member shall have ten (10) business days from the service of the order to file an appeal of the disciplinary order with the Civil Service Commission. The appeal shall be in writing and contain the name and address of the appealing member, a copy of the written command being appealed and a brief summary of the reasons for the appeal. A member may express a desire to have the hearing closed to the public. Upon receipt of an appeal, the Commission shall promptly provide a copy of it to the office of the City Attorney.
- (f) The Commission shall conduct a hearing on the appeal not less than fifteen (15) nor more than thirty (30) days after receipt of the appeal. After a hearing date has been set, it may be continued only upon agreement of all the parties or upon good cause shown to the Commission. The notice of the hearing shall indicate whether the hearing will be public.
- (g) At the hearing before the Commission, each side may offer evidence and cross examine witnesses. The member may be represented by a representative of their choosing and the City Manager-Department shall be represented by the City Attorney or a designee. The hearing shall be recorded by a reporter or an electronic recording device. The Commission may adopt rules for the conduct of the hearing. The City Manager and Chief of the Department, through the office of the City Attorney as counsel, shall offer evidence and justification of the departmental action. The rules of evidence shall conform, to the extent practicable, with those in civil nonjury cases in the District Courts. However, when necessary to do so in order to ascertain facts affecting the substantial rights of the parties to the proceeding, the Commission may receive and consider evidence not admissible under such rules if such evidence possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs.
- (h) Commission hearings may be conducted by less than all of its members, but in no event by less than a majority of the members. After the hearing, the Commission shall issue a written decision affirming, reversing or modifying the disciplinary order, provided that the commission may not increase the level of discipline imposed by the order. In reviewing the disciplinary order, the Commission shall give due consideration to the necessity for maintaining administrative control of the Department by the Chief. The decision by the Commission must be concurred in by a majority of the members of the Commission hearing the appeal.
- (i) Appeals of Civil Service decisions reviewing disciplinary orders shall be made pursuant to the Colorado Rules of Civil Procedure applicable to judicial review of quasijudicial activities. Any appeal must be filed within thirty (30) days of the decision of the Commission. Judicial review of

the decision shall not be further than to determine if the Commission has exceeded its jurisdiction or abused its discretion under the provisions of this Charter.

- (j) Written and oral reprimands are not subject to the hearing and appeal procedure set out in this section. The Chiefs of the respective Departments shall have the power and authority to suspend with pay any member of the Civil Service pending an investigation and the initiation of disciplinary action, provided that the written specification of charges as heretofore set out is served upon the member, or such suspension must be terminated within thirty (30) days. If the investigation is still continuing at the expiration of the initial thirty (30) day period, the City Manager or his designee is authorized to extend the period of suspension with pay for up to an additional thirty (30) day period upon a finding that it is in the best interests of the affected Department to continue the suspension. Where a predisiplinary hearing is convened in accordance with the provisions heretofore set forth and before the expiration of the suspension, the disciplinary action emanating from such hearing shall supersede the suspension. Indictment of a member of the Civil Service, or the filing of an information or felony complaint against him by a prosecuting agency, charging any felony shall be cause for an immediate and indefinite suspension without pay upon order of the Chief, provided that such suspension shall be terminated by restoration to the service or by discharge as soon as the decision of the court becomes final. If the member of the Civil Service is restored to his position, he shall receive full pay for the entire period of such suspension and his eligibility for other benefits of the Service shall not be deemed to have been interrupted by such suspension. The conviction of a member of the Civil Service for a felony shall result in discharge from the Civil Service. A member of the Civil Service may be subject to discipline for the failure to answer questions concerning their own or any other member's conduct and activities as part of an internal departmental investigation only under the following circumstances:
- (a) The subject matter of the statement or questions must be reasonably related to a member's work performance and/or fitness to hold his or her position and related to the specific charge or complaint being investigated;
 - (b) The member shall be afforded the appropriate legal assurances that said statement(s) will be used solely for the internal investigation pertaining to continuing employment;
 - (c) The statement or answers to questions shall not be used in any criminal proceeding against the member making the statement or answering the questions;
 - (d) The statement shall be confidential and neither the statement, any information contained therein nor the answers to questions shall be disclosed to anyone except:
 - (1) The statement or information may be disclosed to persons within the member's department on a need-to-know basis as determined by the Chief of the Department;
 - (2) The statement or information learned from a member not being investigated for misconduct may be disclosed to representatives of the District Attorney or City Attorney on a need-to-know basis as determined by the Chief of the Department; and
 - (3) The statement or answers may be offered as evidence to the Civil Service Commission in an appeal brought by a member challenging any discipline imposed; and
 - (e) The member is advised in writing of the conditions contained in this section prior to giving the statement or answering any questions.
- (9) **Salaries.** The salaries for the members of the Civil Service shall be established by the City Council by ordinance subject to referral provision, as hereinafter set forth.

In the event City Council shall fail to provide an acceptable pay adjustment for the Civil Service for a period of two (2) consecutive years, the members of each department shall have the right to have their own pay increase proposal, which they submitted the second year, presented to the registered electors in the form of a Charter Amendment, at a regular or a special election called in accordance with the following provision:

- (a) On the second consecutive year in which the City Manager's budget, as presented to City Council, does not include an acceptable pay adjustment for the members of the Civil Service and said members of the Civil Service, having not received an acceptable pay adjustment in the previous year by City Council action, shall be authorized, through a designated representative, to present to City Council a pay adjustment plan of their own. Said plan shall be presented along with the City Manager's annual budget proposal.

City Council shall consider the plan so submitted and may, at their election, meet with the designated representatives of the Departments. In the event that City Council refuses to pass the pay plan as proposed, or some compromise thereof which is acceptable to a majority of the respective Departments, then City Council shall, by ordinance, call a special election in the event no regular election is scheduled, within ninety (90) days of the adoption of the regular city budget. The ordinance calling said election shall refer to the city electorate, the pay plan as proposed by the Departments, or either of them, for acceptance or rejection by the voter. In the event the pay plan, as proposed, is adopted, it shall take effect at the beginning of the fiscal year in the same manner as if it had been included in the regular city budget. In the event the proposed plan is rejected, another plan may not again be submitted to the electorate by either ordinance referral or initiation until a period of two (2) years has elapsed and the City Council has again failed to make an acceptable pay adjustment for a two-year period and the same procedure as outlined herein has been followed.

An "acceptable pay adjustment" as used herein shall mean any pay adjustment which has been accepted by a majority vote of the members of the Civil Service of each of the Departments voting separately on the pay adjustments affecting their own Departments.

Any other matters which may by law be presented to the electorate for their consideration may be placed on the ballot at any election called under the provisions of this amendment; however, the pay plans presented must be contained in a separate amendment permitting the voters an opportunity to accept or reject the salary proposals as submitted.

- (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. 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.

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

(Ord. No. 67-35, § 1, 7-25-67; Ord. No. CA75-4, 11-4-75; Ord. No. CA75-5, 11-4-75; Ord. No. CA75-6, 11-4-75; Ord. No. CA77-1, 11-8-77; Ord. No. CA77-2, 11-8-77; Ord. No. 87-199, § 1, 11-3-87; Ord. No. 89-88, § 1, 11-7-89; Ord. No. 89-92, § 1, 11-7-89; Ord. No. 91-47, § 1, 11-13-91; Ord. No. 38, § 1, 11-4-2003; Ord. No. 2006-47, § 1, 8-7-2006)

Editor's note— Ord. No. 2006-47, § 1, adopted by the City Council Aug. 7, 2006 and approved at a special municipal election held on Nov. 7, 2006 amended section 3-16(6). Formerly, former §§ 3-12-3 and 3-12-4 were amended by §§ 1 and 2 of Ord. No. 87-199, approved at a city election held Nov. 3, 1987. Such former sections were renumbered as §§ 3-16 and 3-17 to correspond to the index of art. III which was amended by § 7 of Ord. No. 87-202, also approved Nov. 3, 1987. See the editor's footnote to the title of art. III.



Public Safety, Courts and Civil Service Policy Committee Agenda Item Commentary

Item Title:

CURRENT AND FUTURE PLANNING PROCESS FOR FUTURE FIRE FACILITIES

Item Initiator: Michelle Wolfe

Staff Source: Vinessa Irvin, Manager, Office of Development Assistance; Fire Chief Fernando Gray

Deputy City Manager Signature:

Outside Speaker: None

Council Goal: 1.0: Assure a safe community for people--2012: 1.0--Assure a safe community for people

ACTIONS(S) PROPOSED (Check all appropriate actions)

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY (*Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.*)

The committee has requested a presentation regarding how the city plans for fire stations.

ITEM SUMMARY (*Brief description of item, discussion, key points, recommendations, etc.*)

There will be a few presenters on topics related to this overall topic:

- Vinessa Irvin will discuss the development process, and how the city attempts to incorporate land dedication into development plans and factors related to the timing of construction.
- Chief Andersen will discuss the city's current prototype station design, and how that positions us for future station planning.
- Chief Gray will discuss his approach for future facility planning.

QUESTIONS FOR Committee

Does the Committee have any questions or request additional information?

EXHIBITS ATTACHED:

4.19.18_Public Safety Committee - Private Development Timing

AFR Station Prototype v 2

ORG Chart



MEMORANDUM

TO: Public Safety, Courts & Civil Service Policy Committee
FROM: Vinessa Irvin, Manager, Office of Development Assistance
DATE: April 19, 2018
RE: Private Development Timing Factors

This memo addresses the question of timing of future fire stations relative to the pace of private land development.

The process for “greenfield” land, on the outer boundaries of the developed city, to become a residential community or commercial park often takes many years to accomplish and requires a long term committed investment for the property owner and/or developer group involved. The first step for any property owner of land outside the city’s jurisdiction is annexation of the property. These often involve large parcels either assembled under one ownership or several property owners coordinating to share the cost of entitlement of the property. If these property owners are not developers, it may take several years after annexation to find a developer to purchase a portion or all of their land holdings for development.

As part of any annexation of property into Aurora, the city requires the petitioner to comply with the city’s model Annexation Agreement. In this agreement the city commits to provide city services (police, fire, water etc.) to the property and the property owner agrees to certain responsibilities related to development of that property. One such responsibility is dedication of land to the city for public purposes including parks and open space, roads, drainage channels, libraries, police and fire stations. The specific use, size and location of these property dedications is subsequently determined at the time of the master planning process for a particular property. This is usually in the form of a Framework Development Plan (FDP) which acts as the master plan document for a parcel of land. These projects can range in size from less than 100 acres to upwards of several thousand acres. It is the expectation of the developer and the city that these master planned projects will have a multiple year build-out schedule of often 10-30 years after construction has begun depending upon the type of development, the size of the project and the anticipated absorption rate.

There are many variables that affect the timing of the construction of any particular development after the entitlement process is done. Although there has been a significant investment by the landowner/developer up to this point in the process, actual project development including construction of public infrastructure (roads and utility extensions) and building construction requires additional substantial monetary investment. There is risk for the developer due to both the financial market and real estate market conditions. A developer may encounter a situation after completing the FDP where these market conditions are not favorable and therefore it may take several years for a property with an approved FDP to actually begin construction. There are also situations where a project began construction but has stalled either in response to market conditions or other financial concerns of the particular developer. Private investors who are funding the development projects are reacting to multiple market variables that can affect the timing of building out a project.

Although the city has established criteria containing triggers for temporary and permanent fire stations that are helpful in managing the uncertainty of development timing, it is still challenging to plan many years in advance exactly when and where a fire station should be built. We may expect development in a particular area to begin and need a station within the next 5-10 years, but because of the many variables, development could instead happen in a different part of the city first, at a different pace than expected or not at all. Therefore, it is not necessarily practical for the city to construct a station in a particular location until the homes and commercial structures are built that trigger the need and the infrastructure is in place to support the station.

AFR STATION PROTOTYPE

April 19, 2018

DC Andersen



Aurora, Colorado

BACKGROUND

- The study began in 2015
 - Meetings were held with City Manager and the Fire Chief to establish the intent of the Prototype

“The design and construction of future fire houses will meet the evolving needs of the community they serve.”

- This includes a the ability to be scalable for the size of the site
- Multifunctional and flexible for future growth
- Cost effective
- Accommodate daily activities safely and effectively



Aurora, Colorado

PRIORITIES:

- Six Categories were identified and ranked in order of importance:
 - Health and Safety
 - Operation
 - Longevity
 - Public
 - Security
 - Training



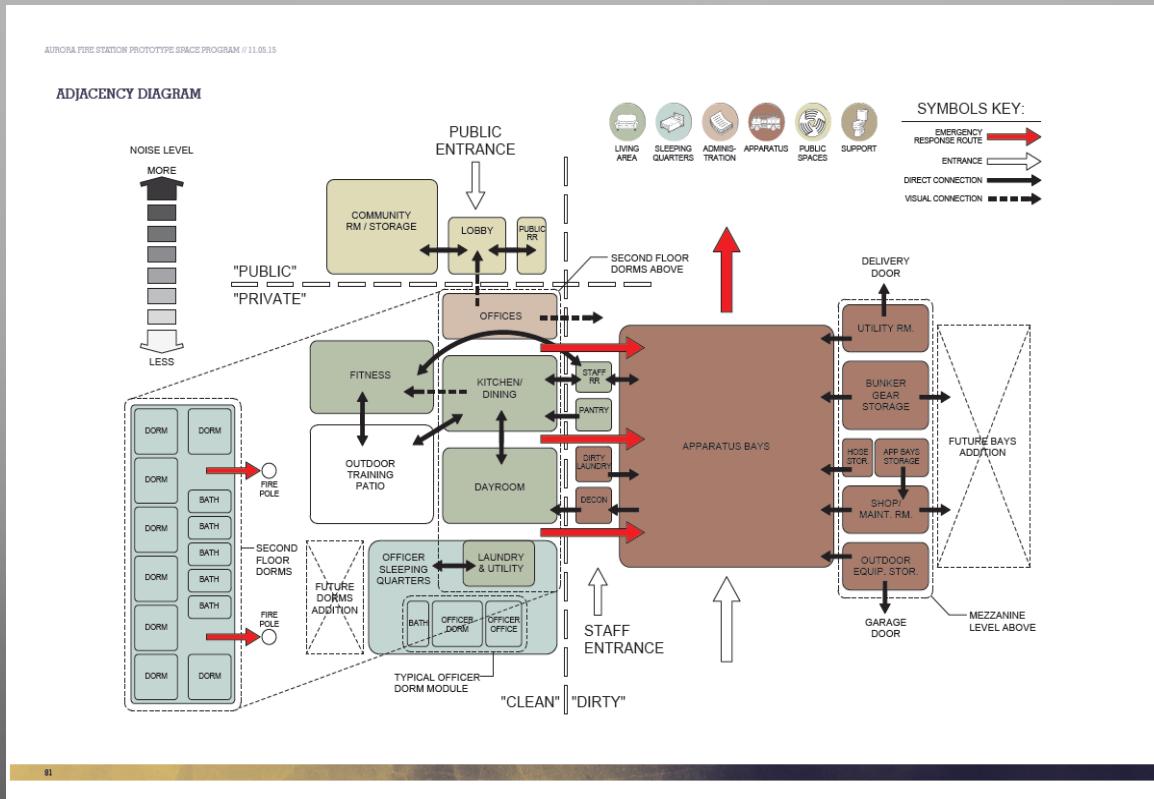
Aurora, Colorado

PROCESS STEPS

- November 2015 to January 2016 a facilities assessment was conducted: by the HB&A involving crews and station captains
- Charrette Group established including members from AFR
 - Kick off meeting to discuss intent of project
 - Tour of 6 new area fire station which included members from those station, HB&A, and the Charrette group
- Conceptual Prototype
 - Presented to group
 - Preferred concept selected and refined
 - Review
 - Cost estimate established



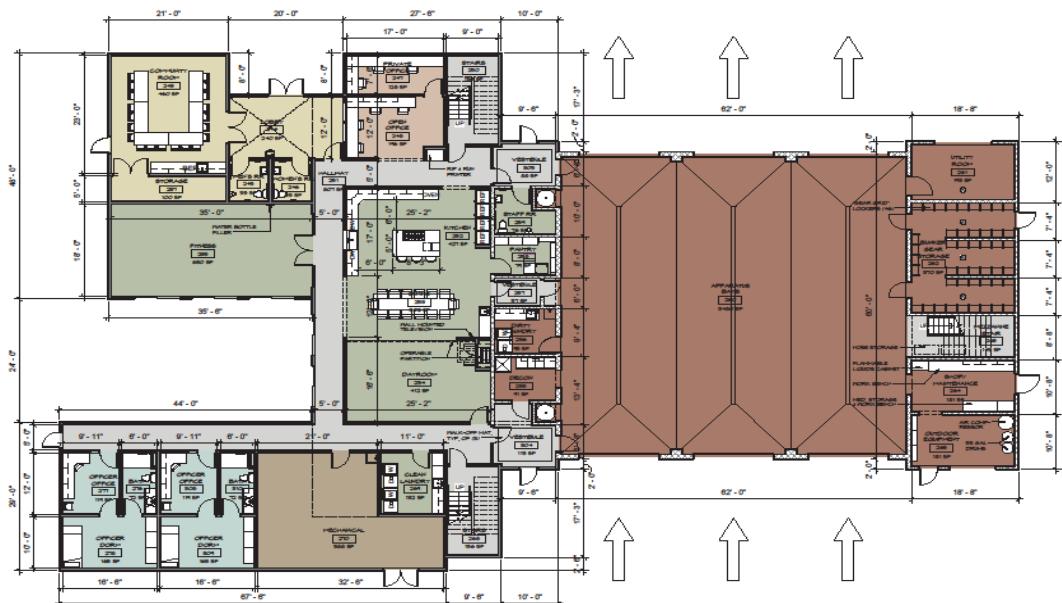
Aurora, Colorado



Aurora, Colorado

MODULAR IN DESIGN

HB&A



FIRST FLOOR AREA = 11,658 SF
TOTAL AREA = 14,557 SF

PROTOTYPE CONCEPT PLAN - FIRST FLOOR

Space Programming and Concept Development for Fire Station Prototype
10/01/2015

OUTCOME

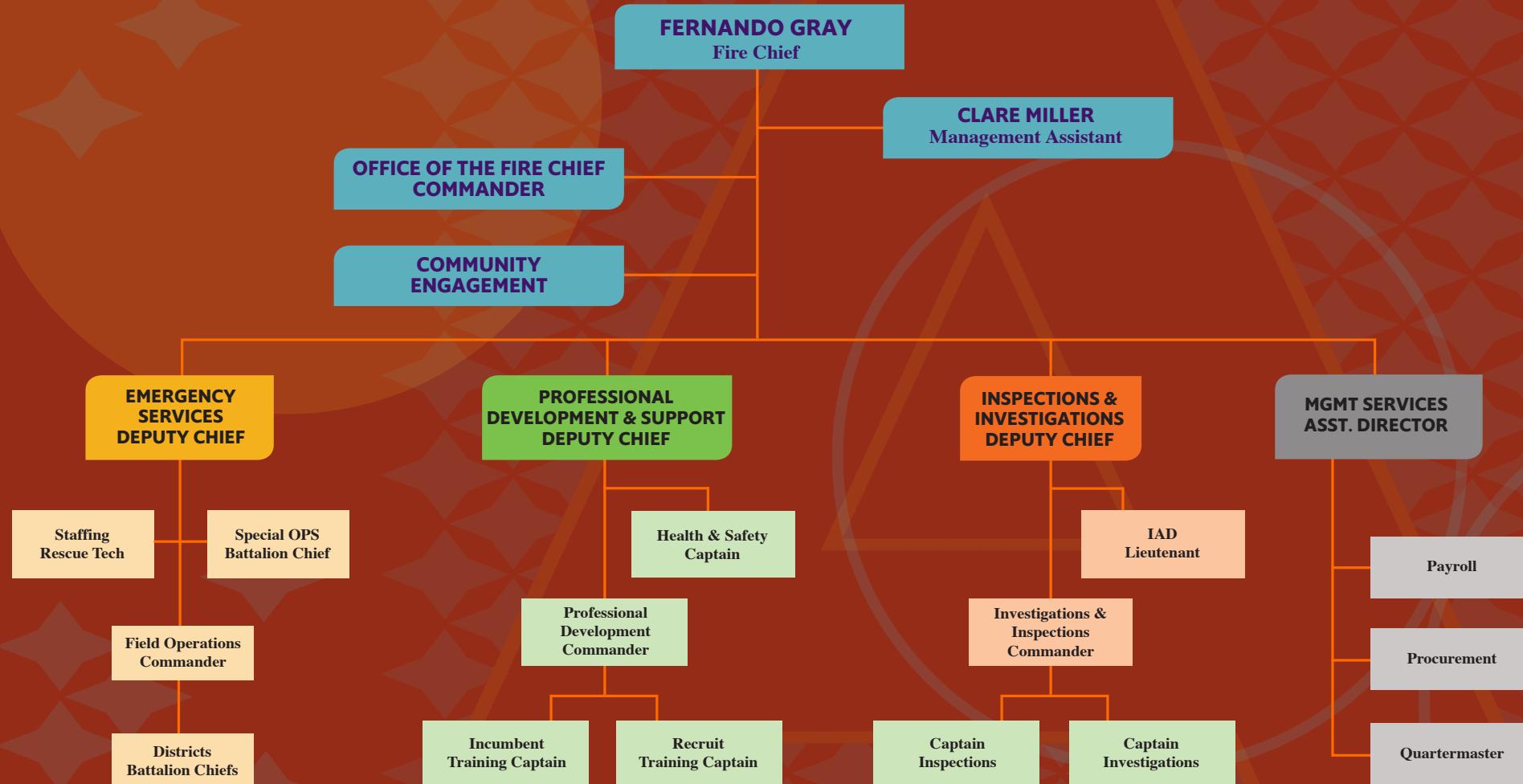
- Health and Safety Remodels in process
- Identified station remodel needs for 8, 9, 12 and 6's
- Currently using prototype on 3 stations



Aurora, Colorado

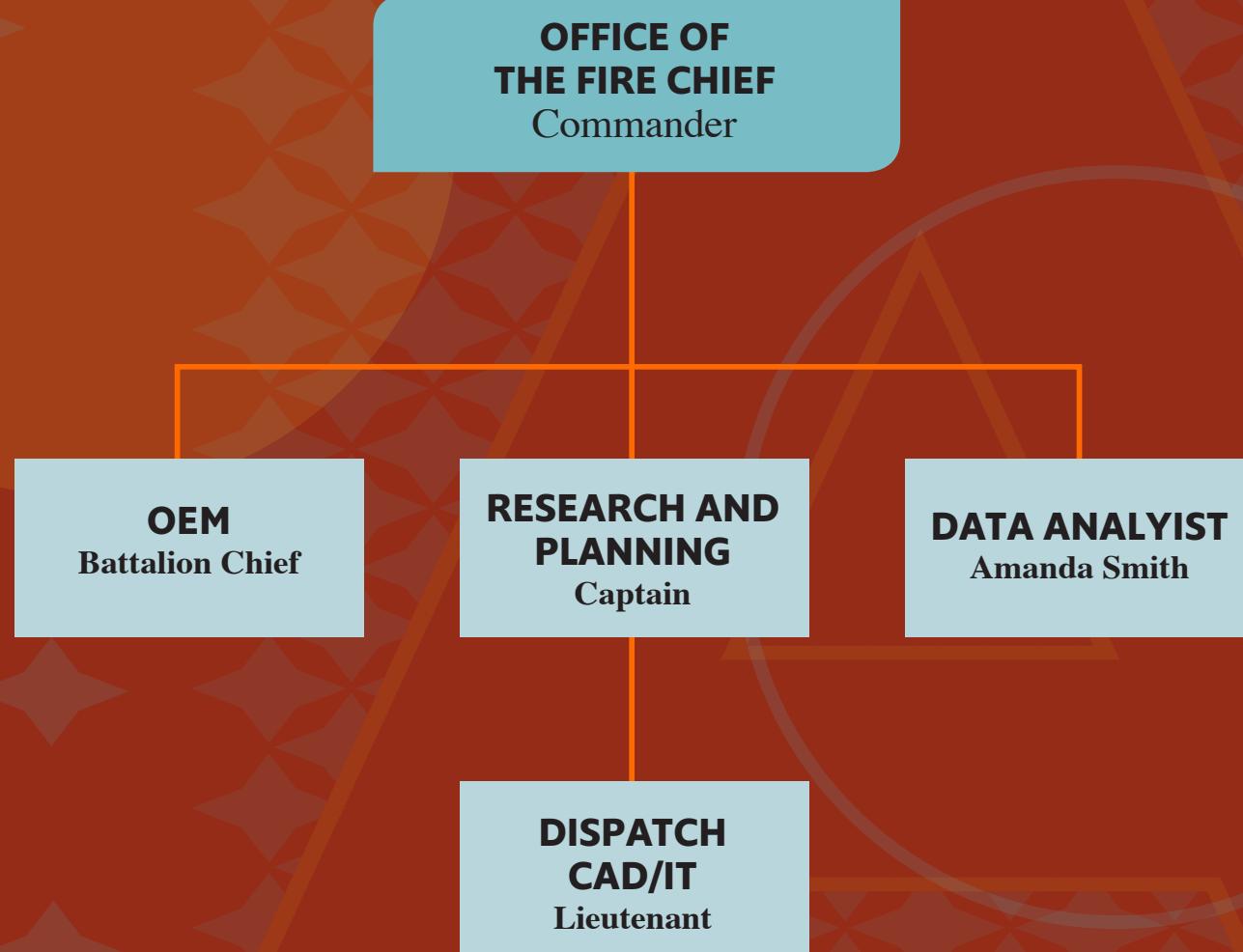


AURORA FIRE RESCUE CHIEF DIRECT REPORTS





AURORA FIRE RESCUE OFFICE OF THE FIRE CHIEF





Public Safety, Courts and Civil Service Policy Committee Agenda Item Commentary

Item Title:

BEGIN DISCUSSION REGARDING PROJECTS&NBSP;RELATED TO THE&NBSP;PROPOSED BALLOT QUESTIONS FOR PUBLIC SAFETY FACILITIES

Item Initiator: Michelle Wolfe, Deputy City Manager

Staff Source: Michelle Wolfe, Deputy City Manager

Deputy City Manager Signature:

Outside Speaker: None

Council Goal: 1.0: Assure a safe community for people--2012: 1.0--Assure a safe community for people

ACTIONS(S) PROPOSED (*Check all appropriate actions*)

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY (*Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.*)

At the 2018 Spring Workshop, City Council discussed possible ballot questions for public safety. The M&F Policy Committee will be addressing the ballot question(s) financing at their April meeting.

Staff will provide an overview of fire station improvement projects that are currently underway. Health and safety improvements are currently being done at Stations 13, 14, 10, and 6 which are scheduled to be completed by May. Phase II of health and safety improvements include stations 4, 7, 8, 9, and 11 which are projected to start in May.

Attached are:

- Station Facilities Executive Summary
- AFS Health and Safety Remodel Summary

ITEM SUMMARY (*Brief description of item, discussion, key points, recommendations, etc.*)

To assist framing the discussion, staff has started the process of identifying potential public safety projects and developing rough order of magnitude estimates.

By way of illustration, some examples of projects and cost ranges include:

- \$20m to \$37m - New District 4, Relocate District 1, Replace/Relocate/Decommission Firing Range, Fire Station Interior Remodels*, HQ Renovation
- \$10m to \$19m - New Fire Stations
- \$1m - \$9m - Asset Storage at HQ, CAPSTC Expansion, Firing Range Repairs, Fire Station Exterior Security Enhancements*, Evidence Storage
- Less than \$1m - Security Fence and Gates for D1 lawn

*Note that individual Fire Station Security Enhancement and Interior Remodels could be packaged together for smaller dollar amounts.

To help provide context to these projects, Finance Director Terri Velasquez provided the following examples of potential financing options. The assumptions are based on a General Obligation debt issue at 5% over 20 years. **Note: Costs for staffing and other operation costs of new facilities are not included.**

Possible Option 1 - \$50 Million Project Funds

(1 Mill = \$4 Million/ 20 Years @ 5%)

Possible Option 2 - \$100 Million Project Funds

(2 Mill = \$8 Million/ 20 Years @ 5%) Million

Possible Option 3 - \$150 Million Project Funds

(3 Mill = \$12 Million/ 20 Years @ 5%)

QUESTIONS FOR Committee

Does the committee wish to request additional information from staff? How would the committee like to proceed with developing a list of potential projects?

EXHIBITS ATTACHED:

Station Facilities Executive Summary
AFS Health Safety Remodel Summary

INTRODUCTION

Aurora Fire Rescue currently operates out of fifteen fire stations with over 300 on-line personnel plus support and administrative staff. The fifteen fire stations vary widely in age and condition, and also in their ability to safely accommodate the needs of the firefighters who live and work there. The AFR commissioned this Facilities Condition Assessments project to evaluate seven of the existing stations in the primary areas of Health and Safety, Daily Operations, and general physical condition of major building components. The seven fire stations are:

- Fire Station 2 – 12600 East Hoffman Boulevard, Aurora, CO 80811
- Fire Station 4 – 1110 South Quentin Street, Aurora, CO 80012
- Fire Station 6 – 15588 East Hampden Circle, Aurora, CO 80013
- Fire Station 7 – 2290 South Blackhawk Street, Aurora, CO 80014
- Fire Station 8 – 250 South Chambers Road, Aurora, CO 80017
- Fire Station 9 – 17200 East Mexico Avenue, Aurora, CO 80017
- Fire Station 12 – 19491 East 34th Drive, Aurora, CO 80012

The Aurora Fire Rescue completed a Programming and Prototype Design study in 2015 to document their goals and priorities for a new fire station design. This Facilities Condition Assessments project uses the previous study as a benchmark tool to evaluate the existing fire stations. During the week of January 25-28, the design team visited each of the seven fire stations and met with station captains and crew members to listen to their concerns. The team conducted visual observations of the major building components and documented the conditions with photographs and field notes.

The following sections contain the Facilities Condition Assessments for each fire station. A narrative description addresses the issues of health and safety; daily operations (administrative space, storage, training, daily life functions, fitness, etc.); space for increased staffing and apparatus; gender and privacy issues; environments conducive to rest, relaxation, and recovery; station security; and public accessibility/ADA. An overview of the general physical condition of building and site improvements and major systems (mechanical, plumbing, electrical, structural) follows the narrative.

EXECUTIVE SUMMARY

The Aurora Fire Station Facilities Condition Assessment was undertaken to observe the general physical condition of Aurora Fire Stations 2, 4, 6, 7, 8, 9, and 12 and examine various issues related to the health and safety of Aurora Fire Rescue personnel that occupy the stations, evaluate the adequacy and flexibility of the facilities to appropriately accommodate variations in the gender make-up of the crews, and identify deficiencies that are an impediment to the optimal daily operations of the stations. Items considered in the assessment include capability of the buildings to isolate living areas from carcinogens, diesel fumes, and biohazards periodically present in the apparatus bays; satisfactory provision of environments and facilities that promote and encourage rest, relaxation and recovery for firefighting personnel; and adequacy of the facilities to support daily operations of the firehouses.

Issues identified in the assessment of each fire station are grouped in a priority analysis that places the items into categories designated as Health and Safety, Operations, Security, Accessibility, Longevity, and Training. Of these, conditions that are characterized as Health and Safety receive the highest priority for remediation, with those identified in the remaining categories varying in their priority ranking depending on the degree of deficiency and the impact they have upon daily operations and quality of life of the station occupants. Among the issues identified,

many are common to virtually all of the stations. Others are limited to specific stations but tend to recur among the same three, (Stations 8, 9, and 12), indicating that those stations are substandard when compared to the benchmark for operational efficiency and quality of life that the Aurora Fire Department envisions as the minimum standard. In an effort to prioritize necessary remedial work, the recommended projects to correct deficiencies are classified as Health & Safety (first priority), Major Renovations, and Minor Renovations. Concept plans have been developed to illustrate solutions for Health & Safety projects and Major Renovations that include building additions for Stations 8, 9, and 12. Additionally, a Major Renovation to Station 6 was developed that involves considerable remodeling of interior space but does not expand the building footprint. Cost estimates are included for all Health & Safety and Major Renovation projects. Minor projects are identified but not costed. Some minor projects were already identified by the Facilities Manager and may be accomplished as O&M projects. The entire project list for Health & Safety, Major, and Minor Renovations is included as an active spreadsheet that the Aurora Fire Department can use as a living document to identify priorities and update as needed over time.

Primary Health and Safety deficiencies are generally associated with the inability to completely isolate air quality within the living areas from potential degradation originating in the apparatus bays, failure to comply with NFPA 1851 due inadequate ventilation and lack of separation between the bunker gear storage and apparatus bays, and the lack of a "clean" laundry area. Major operational issues are centered on the inability of the facilities to appropriately accommodate variations in the gender make-up of the crews and inadequate space within functional areas for a two-company staff. In particular the kitchens, fitness rooms, restroom / showers areas, dorm rooms, and office areas are not adequately sized to accommodate two companies in Stations 8, 9, and 12 without adding additional square footage to the buildings. The Aurora Fire Department has made a commitment to addressing the Health and Safety issues as the most immediate priority. The remainder of the projects will be prioritized based on departmental strategic necessity and available funding.

The major components of the health & safety upgrades for the existing fire stations are as follows:

- Station 1:
 - Install new walls to enclose the existing vestibules to the Apparatus Bays and ramps down to the App Bays slab level
 - Add new HVAC grilles in the enclosed vestibules tied into the existing HVAC supply
 - Replace door hardware on all doors leading to the Apparatus Bays
 - Install new doors into Bunker Gear Storage room
 - Add a new washer/dryer in the Decon room
 - Replace/add new card readers for several exterior doors
 - Add a new ventilation system for Bunker Gear Storage room
 - Install a new ventilation system in Apparatus Bays
 - Install a makeup air system in kitchen
 - Rebalance HVAC system to maintain positive pressurization in living quarters and negative pressurization in Apparatus Bays
 - Install a new electrical panelboard to accommodate the new equipment loads
- Station 2:
 - Install new walls to enclose the mezzanine storage room with double doors at the overhead hoist location
 - Construct a ceiling above the existing Bunker Gear Storage room
 - Install new doors into Bunker Gear Storage rooms
 - Replace door hardware on all doors leading to the Apparatus Bays
 - Replace/add new card readers for several exterior doors
 - Add a new ventilation system for Bunker Gear Storage rooms
 - Install a new ventilation system in Apparatus Bays
 - Turn the second floor shower/janitor rooms into a new Laundry Room with new washer and dryer
 - Install a new gravity intake ventilator on the roof to provide outside air into the existing HVAC system
 - Rebalance HVAC system to maintain positive pressurization in living quarters and negative pressurization in Apparatus Bays
 - Install a new electrical panelboard to accommodate the new equipment loads
- Station 3:
 - Replace door hardware on all doors leading to the Apparatus Bays
 - Install new doors into Bunker Gear Storage room
 - Add a new washer/dryer in the Shop room
 - Replace/add new card readers for several exterior doors
 - Add a new HVAC grille in the enclosed vestibule tied into the existing HVAC supply
 - Add a new ventilation system for Bunker Gear Storage room
 - Install a new ventilation system in Apparatus Bays
 - Rebalance HVAC system to maintain positive pressurization in living quarters and negative pressurization in Apparatus Bays
- Station 4:
 - Demo the existing janitor closet and install a new wall to enclose the existing entry. Put a door from the new enclosed vestibule to the Apparatus Bays
 - Make the kitchen countertop island smaller to accommodate the new vestibule walls
 - Relocate the DAS equipment and overhead door pushbutton
 - Remove the door that goes directly from the Kitchen to the Apparatus Bays.

- o Change the office in the Apparatus Bays to a Bunker Gear Storage room and relocate bunker lockers to the room.
 - o Replace door hardware on all doors leading to the Apparatus Bays
 - o Replace/add new card readers for several exterior doors
 - o Add a new ventilation system for Bunker Gear Storage room
 - o Install a new ventilation system in Apparatus Bays
 - o Install a new gravity intake ventilator on the roof to provide outside air into the existing HVAC system
- Station 6:
 - o Remove walls in the overwatch office, bunker gear rooms, and janitor closet.
 - o Create new vestibules at the main entry and Day Room leading to the Apparatus Bays.
 - o Install new janitor sink, relocate existing decon sink, and install new stackable washer/dryer in the Apparatus Bays
 - o Create a new enclosed Bunker Gear Storage room where the overwatch office is
 - o Replace/add new card readers for several exterior doors
 - o Add a new ventilation system for Bunker Gear Storage room
 - o Install a new ventilation system in Apparatus Bays
 - o Install a makeup air system in kitchen
 - o Rebalance HVAC system to maintain positive pressurization in living quarters and negative pressurization in Apparatus Bays
 - o There is significant electrical work in Station 6 because one of the walls being removed contains an electrical panelboard that will be reinstalled in a new wall, and we have to add a new electrical panelboard to accommodate the new equipment loads.
- Station 7:
 - o Remove walls and door from the overwatch office
 - o Install new walls and doors to create a vestibule from the entry to the Apparatus Bays and separate the entry from the main hallway
 - o Install new walls and doors to create new Bunker Gear Storage rooms
 - o Add a new washer/dryer in an alcove in the Apparatus Bays
 - o Replace door hardware on all doors leading to the Apparatus Bays
 - o Replace/add new card readers for several exterior doors
 - o Add a new ventilation system for Bunker Gear Storage rooms
 - o Install a new ventilation system in Apparatus Bays
 - o Install a makeup air system in kitchen
 - o Rebalance HVAC system to maintain positive pressurization in living quarters and negative pressurization in Apparatus Bays
 - o Install a new electrical panelboard to accommodate the new equipment loads
- Station 8:
 - o Remove walls and door from the overwatch office
 - o Install new walls and doors to create a vestibule from the entry to the Apparatus Bays and from the Dorm Room area to the Apparatus Bays
 - o Install new walls and doors to create a new Bunker Gear Storage room, and replace doors leading to existing Bunker Gear Storage room
 - o Add a new stackable washer/dryer in the Dorm Room area
 - o Replace door hardware on all doors leading to the Apparatus Bays
 - o Replace/add new card readers for several exterior doors
 - o Add a new ventilation system for Bunker Gear Storage rooms
 - o Install a new ventilation system in Apparatus Bays

- o Install a makeup air system in kitchen
 - o Rebalance HVAC system to maintain positive pressurization in living quarters and negative pressurization in Apparatus Bays
- Station 9:
 - o Remove walls and door from the overwatch office
 - o Install new walls and doors to create a vestibule from the entry to the Apparatus Bays and from the Dorm Room area to the Apparatus Bays
 - o Replace doors leading to existing Bunker Gear Storage room
 - o Add a new washer/dryer in the shop area and relocate shop bench to opposite side of Apparatus Bays
 - o Replace door hardware on all doors leading to the Apparatus Bays
 - o Replace/add new card readers for several exterior doors
 - o Add a new ventilation system for Bunker Gear Storage room
 - o Install a new ventilation system in Apparatus Bays
 - o Install a makeup air system in kitchen
 - o Rebalance HVAC system to maintain positive pressurization in living quarters and negative pressurization in Apparatus Bays
 - o Install a new electrical panelboard to accommodate the new equipment loads
- Station 10:
 - o Remove three doors from the living quarters to the Apparatus Bays and infill door openings
 - o Create a new vestibule at the north end of the Apparatus Bay, and install a new door leading from the main entry vestibule into the Bays
 - o Remove the existing Bunker Gear storage room walls and build two new enclosed Bunker Gear Storage rooms. Extend fire sprinkler protection to the new rooms.
 - o Replace door hardware on all doors leading to the Apparatus Bays and vestibules
 - o Add a new washer/dryer in the Apparatus Bays
 - o Replace/add new card readers for several exterior doors
 - o Add new ventilation systems for the new Bunker Gear Storage rooms
 - o Install a new ventilation system in Apparatus Bays
 - o Install a makeup air system in kitchen
 - o Rebalance HVAC system to maintain positive pressurization in living quarters and negative pressurization in Apparatus Bays
 - o Replace one existing electrical panelboard with a new one to accommodate the new equipment loads
- Station 11:
 - o Replace door hardware on all doors leading to the Apparatus Bays
 - o Install new doors into Bunker Gear Storage room
 - o Add a new stackable washer/dryer in the Shop room
 - o Replace/add new card readers for several exterior doors
 - o Add a new ventilation system for Bunker Gear Storage room
 - o Install a new ventilation system in Apparatus Bays
 - o Install a makeup air system in kitchen
 - o Install a new gravity intake ventilator on the roof to provide outside air into the existing HVAC system
 - o Rebalance HVAC system to maintain positive pressurization in living quarters and negative pressurization in Apparatus Bays
 - o Install a new electrical panelboard to accommodate the new equipment loads

- Station 12:
 - Remove the existing door from the Day Room to the Apparatus Bays
 - Add a new door from the Lobby to the Apparatus Bays, and add new doors into the Lobby vestibule from the Day Room
 - Relocate the decon sink and laundry washer/dryer to the north side of the Apparatus Bays, and enclose the existing laundry area to create a new clean laundry room
 - Enclose the existing Bunker Gear Storage room with walls and ceiling
 - Replace/add new card readers for several exterior doors
 - Add a new ventilation system for Bunker Gear Storage room
 - Install a new ventilation system in Apparatus Bays
 - Install a new gravity intake ventilator on the roof to provide outside air into the existing HVAC system
 - Rebalance HVAC system to maintain positive pressurization in living quarters and negative pressurization in Apparatus Bays
 - Install a new electrical panelboard to accommodate the new equipment loads
- Station 13:
 - Replace door hardware on all doors leading to the Apparatus Bays
 - Install new door into Bunker Gear Storage room
 - Add a new stackable washer/dryer in the Janitor room in the sleeping quarters
 - Replace/add new card readers for several exterior doors
 - Add a new ventilation system for Bunker Gear Storage room
 - Install a makeup air system in kitchen
 - Rebalance HVAC system to maintain positive pressurization in living quarters and negative pressurization in Apparatus Bays
- Station 14:
 - Replace door hardware on all doors leading to the Apparatus Bays
 - Install new doors into Bunker Gear Storage room
 - Add a new stackable washer/dryer in the Shop room
 - Install a new wall and door to close off the existing furnace in the shop room
 - Replace/add new card readers for several exterior doors
 - Add a new ventilation system for Bunker Gear Storage room
 - Install a new ventilation system in Apparatus Bays
 - Install a makeup air system in kitchen
 - Rebalance HVAC system to maintain positive pressurization in living quarters and negative pressurization in Apparatus Bays
 - Install a new electrical panelboard to accommodate the new equipment loads