



## AGENDA

### MANAGEMENT AND FINANCE POLICY COMMITTEE

December 15, 2020

11:00 am

VIRTUAL MEETING

City of Aurora, Colorado

15151 E Alameda Parkway

#### **Public Participant Dialing Instructions**

**Dial Access Number: 1-408-418-9388**

**Enter Participant Code: 146-257-7923**

Council Member Gruber, Chair

Council Member Marcano, Vice Chair

Council Member Gardner

Deputy City Manager Roberto Venegas

Finance Director Terri Velasquez

The Management and Finance Committee oversees the following Council goal and objectives:

#### **PROVIDE A WELL-MANAGED AND FINANCIALLY STRONG CITY**

- Ensure the delivery of high-quality services to residents in an efficient and cost-effective manner.
- Maintain superior financial reporting, financial controls, appropriate reserves, budgeting financial management, and transparency, and invest in capital and infrastructure to support efficient and effective long-term provision of services.
- Maintain a high financial credit (bond) rating, maintain debt policies and debt practices that allow the assessment of appropriate debt levels, and periodically review debt and debt service to minimize costs.
- Provide appropriate stewardship of natural resources to ensure long-term sustainability for the city.

**Pages**

1. **Call to Order**
2. **Approval of Minutes** 1
3. **Consent Items**
  - 3.a. **November Sales Tax Chart** 12  
Greg Hays, Budget Officer (5 minutes)

4. **General Business**
  - 4.a. **Introduction of Teresa Sedmak – New City Treasurer** 15  
Terri Velasquez, Finance Director (5 minutes)
  - 4.b. **Porteos Business Improvement District Appointment of Directors** 16  
Cesarina Dancy, Development Project Manager (5 minutes)
  - 4.c. **2020 Employee Handbook Revisions** 33  
Dianna M. Giordano, Human Resource Director (30 minutes)
  - 4.d. **CABC Bylaw Changes** 126  
Greg Hays, Budget Officer (10 minutes)
  - 4.e. **FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, AMENDING ARTICLE IV OF SECTION 130 RELATING TO THE MODIFICATION OF THE EXEMPTION FOR LONG TERM LODGING** 133  
Trevor Vaughn, Tax and Licensing Manager (10 minutes)
  - 4.f. **CARES CoronaVirus Relief Fund Spending Update** 144  
Nancy Wishmeyer, Controller (10 minutes)
  - 4.g. **Management and Finance Policy Committee 2020 Recap** 147  
Terri Velasquez. Finance Director (5 minutes)
5. **Miscellaneous Matters for Consideration**  
Next meeting tentatively scheduled for January 19th at 1:00 pm, WebEx Meeting
6. **Adjournment**

Total projected meeting time: 80 minutes

**MANAGEMENT AND FINANCE POLICY COMMITTEE**  
**WEBEX**

**Members Present:** Council Member David Gruber – Chair, Council Member Marcano – Vice Chair, Council Member Gardner – Member

**Others Present:** Mayor Mike Coffman, Council Member Berzins, R. Venegas, N Freed, T. Velasquez, G. Hays, S. Newman, W. Sommer, K. Stuart, H. Hernandez, T. Joyce, R. Allen, D. Brotzman, B. Fillinger, A. Jamison, M. Crawford, R. Peterson, J. Prosser, C. Dancy, D. Hudson, B. Vander Wall, C. Bright, W. Douglas, E. Dauer, J. Andrews, and T. Hoyle

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**INTRODUCTIONS AND MINUTES**

October 17, 2020 minutes were approved.

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**CONSENT ITEMS**

October of 2020 was 0.6 percent lower than October of 2019. G. Hays noted it was flat and was not bad news versus the Leeds School of Business projection.

Committee Discussion

Council Member (CM) Gruber: Going back to the projection. Has Leeds School of Business done any updates based on this 2nd wave for Colorado?

G. Hays: Nothing that they have taken seriously. There has been some discussion on some things. We have rather meet our bed for the year of revenue projections and so we're just kind of watching versus that. We've been significantly better especially in the 3rd Qtr. and flat in the 4th Qtr. which is good news for us.

CM Gardner: Greg, I remember from CABC days when you talked about the shorter shopping season between Thanksgiving and Christmas and the impact of that. Is that impacted on the low end? Or is it generally higher because there's people are trying to fit more shopping into a shorter period.

G. Hays: It depends. So that's going to happen in December. It really depends on when Black Friday is in November. Right now, I will tell you this that it's going to be a different year than any other year. I don't think you're going to be able to track that because all the spending is going on online. In the past it was about everybody at midnight going shopping and trying to get the big deals in the stores. None of that's going to happen this year. So, I can't tell you how that's going to effect it except for everybody's going to go online to get their deals. And some Black Friday deals are going on right now which will affect the December sales.

Outcome

The Committee thanked staff.

Follow-up Action

No follow-up needed.

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## **RESOLUTION TO PROVIDE INFORMATION RAISE AWARENESS OF CREDITS TO LOW AND MODERATE-WAGE EARNERS LIVING IN AURORA**

### Summary of Issue and Discussion

Mayor Coffman provided an overview of the proposed resolution. The proposed resolution would provide for implementing a public information campaign within the 2021 budget or in a supplemental appropriation to communicate information to low- and moderate-income families to raise awareness of the earned income tax credit programs when they file their income tax returns.

### Committee Discussion

CM Gruber: I don't recognize that the Mayor is online. Do we have anybody who can speak to this? The draft is significantly different than the last draft. It seems the asks are relatively small and more of an advertising campaign. Terri, do you see a cost in any of that?

T. Velasquez: No. I did ask Kim Stuart to be on in case she had anything to add about what they did previously and how this might fit into that.

K. Stuart: I am on and I can. We have worked frequently with Piton Foundation earned income tax credits. But it sounded like we wanted to do a little bit more program assistance. So, we'll likely have to work with Jessica Prosser and maybe Andrea and some others to determine what that would look like. However, we're happy to promote it as we always have on our news show and through the website and all of other social media channels. We certainly could push out information that's on translated materials to make sure we're reaching all of our population, also make them aware of how that tax credit would affect them.

Mayor Coffman: Sorry, my internet was down and so I had to call in. What I found in my first approach and certainly listening to some of the testimony during the minimum wage hike debate and discussion, one person had talked about food and security and another talked about healthcare. I thought about all the programs that they're eligible for that's being left on the table which people aren't utilizing. So, my first attempt at this was to reach over to Adams and Arapahoe County to see if I could get their cooperation to work jointly with the City of Aurora in taking a more aggressive approach to low income workers at their worksite. In helping them navigate these programs and to sign up for the snap program, food assistance or Medicaid, or any of the other private sector programs. We got some push back saying we can but we're doing a great job, so I took a different direction. Some of the programs they don't do, is programs such as the earned income tax credit programs like the childcare tax credit or the one child independent care tax credit. When you think about the dollars in these programs, the complexity isn't that bad. But I think people need to be aware of the programs on earned income tax credits. Unfortunately, if you're just an individual or a married couple it's not that much. But, if you have one qualifying child it comes to \$3,618, and two children \$5,980, and three at \$6,728. Therefore, the income eligible for three children would be \$51,464 and joint filers are \$57,414. I think there's a lot of people that are eligible for this childcare tax programs and it's refundable. So that means if you don't have a tax liability it equates to you don't get a check back and same with a child tax credit. The one child independent tax credit is a little different. This one is not refundable whereas the child tax credit is refundable up to \$2,000 per child. Therefore, what I would like to see that we do once a year before tax time is do a public information campaign to encourage people to apply and to help explain the programs. We've done this before as the City for a lot of different programs. Apparently, we were heavily involved in Census. Encouraging people to apply for the Census program. So, I think this would be positive for residents of the City of Aurora

and really helpful to the bottom line that their aware of the programs and explain how they can navigate and profit and become eligible.

CM Gruber: Thank you Mayor. Kim, going back to what was said before as far as the impact on the Communications department and based on what the Mayor said, are there any changes on what your opinion was?

K. Stuart: No, we'll just need to get a little bit more information to add to what we've done in the past. It may very much require assistance from the counties if we're going to talk about other services and eligibility earned income tax credit. No problem to help promote that as we did with the Census. We were absolutely forbidden from helping people with the forms. That really was an encouragement of what the value is for folks to participate. So, I do see some similarities there, but we absolutely can help promote that and try to get the word out to all of our residents.

CM Gruber: Okay, so again your work is for the City of Aurora of Colorado to provide information to raise awareness for low- and moderate-income families living in Aurora to encourage them to apply for the earned income tax credit. And the second one, the City Council asked City staff to address funding for staff to implement a public information campaign. So, Kim what I'm hearing is that both of those are within scope and you can absorb this. I also support this.

CM Gardner: Do we know how many people are qualified for the earned income tax credit? I guess there's not really an answer. But what's going to be the cost to the City? Because this item does have City Council asking staff to address funding within the current budget proposal or in a supplemental appropriation. So that implies that there's a cost to the City. I don't know if we know that either.

CM Gruber: Let's read that whole sentence. The City Council asked the City staff to address funding for staff to implement a public information campaign within the 2021 budget proposal or a supplemental appropriation. But I think what we just heard from Kim Stuart was that they would be able to absorb this without additional funds. Kim did I hear correctly?

K. Stuart: Yes. However, I want to put one thing out there. It depends on what the expectation is on the public information campaign. Therefore, certain means of communication does have its price tag such as advertising and TV and the radio. If we're going that route, then there's a cost. But, if we're talking about using all of the available City communication tools such as Channel 8, social media website, translation of materials, and pushing things out as we have with other programs that would fall squarely within our area of expertise and the ability to do it as long as we're not adding paid marketing and advertising. There's no cost.

Mayor: And this certainly would be my intent. You know as we get into it and after a few years we'll have experience. I think the City has within the existing resources in terms of pushing information out. Therefore, that's certainly the way I would like to start.

CM Gruber: CM Gardner does that address your concern?

CM Gardner: Yes. It sounds like we're just going to use our existing channels. We're not going to be doing things like paid advertising. That was essentially my question because there's obviously always a cost for that.

CM Marcano: That's also one of the questions I had, but I do want to add that if we're able to somehow gather information on how many folks are eligible for the EITC or child tax credit in the City of Aurora that would be really great. I think it's important to compare that to how many folks are eligible but then don't claim those credits. It would be good information to have. I'm also supportive of this using existing resources. I think it's the very least we can do.

CM Gruber: Hearing that it sounds like we're unanimous in supporting moving this forward to Study Session. Thank you, Mayor and Kim for the information that you provided.

#### Outcome

The Committee recommended this item be moved forward to Study Session.

#### Follow-up Action

Staff will forward this item to Study Session.

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### **PUBLIC DEFENDER POSITION FOR VETERAN'S COURT**

This was brought forward to the Management and Finance Committee (M&F) for discussion regarding a veteran's court position. Doug Wilson, Chief Public Defender gave a brief overview about the staffing issue.

#### Committee Discussion

CM Gruber: I have spoken with Judge Day about this in general terms. I do understand your point about having to be in two courtrooms at the same time and you need two lawyers. But the judge did say the amount of cases in the first few months will be less than 2 or 3 hours a week. Is that what you understand as well?

D. Wilson: It's certainly my understanding CM Gruber, as to the court time. Yes. The issue is that any time you do a specialty court it's not the courtroom time that eats up the lawyer's time. When I was state public defender, I was involved in helping setup the first Veteran's court in Colorado Springs and it's the review time. The staffing time working with the provider time that becomes less of an advocate role and more of a lawyer/social worker type of role. So, I am certainly not going to sit here and tell you that on January 5th we're going to have 26 people and it's going to be an intensive representation. What I am going to tell you that as it builds there's a small window of time in which to hire lawyers. Because they all take the bar in July and we typically hire entry lawyers. They just got their bar results in October. So, it's like salmon season. I got a bunch of salmon running upstream right now. But if we wait until July, I won't have the ability to get the people hired and we're going to watch the case load increase from starting in January through the spring if that makes sense.

G. Hays: The position that's being held is about \$86,000 a onetime hold for 2021. Therefore, it's in our pro forma in 2022 and beyond. We have taken away the budget for 2021. So, if you want to do this it would take a supplemental.

CM Gruber: I understand that. The other question I have. Could we use an outside attorney for this? If it's only going to be 2 to 3 hours, and I understand the out of court work as well. So, could this be

outsourced for some amount of time until we have a better handle on the workload and a better handle on what our budget will look like in 2021?

D. Wilson: Sure. After all, the reality is the Courts are going to have to do something if it's not us. He is going to have to outsource. The problem is going to be this. They are going to be our clients. So, you're not going to outsource for the criminal representation. So, let's just take a case. Some veteran is charged with a trespass because he's homeless. We get the case and it's determined that he's eligible for the armed forces treatment court. We would then have to hand that off to another lawyer outside of our office. If it's successful that's great, if not it's going to get handed back to us. So, we now changed lawyers on the vet three times which is not the best use of attorney client relationship obviously. So, I think the judge and I've talked about it. He's going to have to outsource if we don't do it. Is that at an hourly rate? That's more expensive than a salary position. One of the reasons Aurora has a public defender system and one of the reasons the State of Colorado has a public defender system is because it is more efficient and more cost-effective of in-house staff lawyers. But there's nothing that keeps the court from doing outsourcing. I just don't know how that looks because it would not be under the Courts and I assume not under our office.

CM Gruber: I understand. Are there questions from Council Members?

CM Gardner: So, to clarify. We don't really know yet what the case load is going to be. Did I hear that correctly?

D. Wilson: Correct. What we know from the snapshot that the Court and the Probation department took when this discussion first started there were 26 potential veterans that could have come into the court at that particular time. But the protocols are still in the works as to who, what types of cases and what type of behavioral health issues would be available to go through this particular court. That's going to go on. We meet every month and we're still ironing that out. But it's going to go online in January. So, I can't tell you if it's going to be 10, 20, or 30 as we are walking through the process of admission and representation by our office.

CM Gardner: Greg, I understand it's not in the 2021 budget, but would we have to make adjustments somewhere else? So where are we at from that perspective.

G. Hays: From a budget balancing perspective. If you want to go forward with this then we would need a supplemental. I also would say that \$80,000 doesn't kill the General Fund so, there's your two sides of coin. Also, I can't tell you that we are going to be meeting our revenue budget in 2021. I know I'm not being much help. But if your wanting some assurance that we're going to be able to afford it \$80,000 on a \$400-million-dollar budget isn't much. But I can't say we are for sure going to beat our 2021 projection.

CM Gruber: So, here's my recommendation and we did this at our last meeting. Right now, it seems to me we don't know what the case will be. We don't know what our numbers are going into January and February. Given the fact that we just had the discussion about Black Friday and the shopping, I am personally reluctant right now to offer up another \$80,000 even though I very much appreciate the need. What I am willing to do is to say that this is a priority of M&F but then to move it to the City Manager. Because at our last meeting, Roberto gave a good description as to the unwinding process that the City will go through based on revenue increases. Therefore, and Roberto, I'm going to

paraphrase what I thought I heard you say. As the City begins to get healthy, the City will look at the furlough days, frozen billets and draft cuts that have been made as a result of COVID. They will unwind those as the funds are made available. I know that this is an approved billet and it's an unfunded approved billet. I do think we could agree that this is important. But also, that the City Manager should put this in with the other requirements as they begin to review funding. Therefore, I'm not willing at this time to say that furlough days should extend for any longer that they absolutely have to so that we can support this. I believe ending furlough days and getting our employees their salaries is our top priority as we begin to get healthy. Understanding that this is an important requirement. Roberto, I paraphrase you. Did you want to mention anything?

R. Venegas: I will say that we want to look at these things in totality. There are some priorities that are moving forward. This one being one of them. But also, the Mayor's military pay differential. We've got a lot of different things that are moving forward that we'll want to look at this comprehensively. In addition to some of the revenue projections and what we're seeing in the next few months. As I mentioned before potential shutdowns and if that impacts our sales tax collections. We want a little bit of that dust to settle to be able to look at totality at all of these requests for a Spring Supplemental. So, Council can review them as a whole to determine what they want to prioritize rather than one offs. Where they might say if we had known that there was another priority before. At least we know the Gallagher passed so that helps us with that revenue protection. But if we had known that sales tax was going to continue to decline for the rest of the 4th quarter and into 2021, then maybe we wouldn't have made those decisions. So, it's an attempt to be more comprehensive and put this in the priorities. Understanding that it is a priority for them and the Management and Finance Committee and probably many of other Council Members. But to be able to look at that across the board with all the other things that are coming through along with the cuts that we made in the budget and whether we want to restore any of those moving forward. I hope that clarifies. I didn't want to repeat what you were saying too much. I wanted to amplify it a little bit in terms of trying to be more comprehensive and Council being able to assess what they want to do.

CM Gruber: What I would recommend then is that the Management and Finance Committee moves this forward as a priority of the Committee. We move it forward to go into the list of requirements that the City Manager will use as our chief executive in vetting how we turn the City back on once our revenues come in. Doug, do you understand that and does that make sense?

D. Wilson: Yes sir.

CM Gruber: So, having that as a recommendation to the other Council Members. Do you approve?

CM Marcano and CM Gardner agreed.

#### Outcome

The Committee recommended to move this forward with the understanding that it will go into the funding process to be prioritized by the City Manager in the amended budget to bring forward for consideration in the Spring Supplemental budget process.

#### Follow-up Action

To be prioritized by the City Manager in the amended budget and brought forward for consideration in the Spring Supplemental budget process.



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**DISSOLUTION OF THE STERLING HILLS METROPOLITAN DISTRICT**

The Service Plan for the Sterling Hills Metropolitan District was originally approved by Council in 1994. This was one of the early Service Plans approved in the city, and as such, had limited scope and authority especially related to maintenance of improvements. The Board of Directors has recently passed a resolution to dissolve the District as there is no longer a need for the District to exist. Sterling Hills Metropolitan District is requesting consideration of resolution consenting to the dissolution.

Sterling Hills Metropolitan District has fulfilled its purposes set at the time of organization to install and finance public improvements. There are no related metropolitan districts, and the District is no longer responsible for operating or maintaining any public improvements or facilities. Any public improvements not already dedicated to the City are being maintained by the community Homeowner's Association. As of December 1, 2020, the District will have no outstanding debt or financial obligations beyond those associated with "winding up." The Board of Directors of the Sterling Hills Metropolitan District respectfully requests:

1. Prompt placement on an upcoming Council agenda for the proposed District dissolution to allow the District to meet year-end financial closure; and,
2. Council's consideration of a resolution consenting to the dissolution.

**Committee Discussion**

There were no questions asked.

The Committee recommended that this item is moved forward unanimously.

**Outcome**

The Committee recommended that the item is moved forward to Study Session.

**Follow-up Action**

Staff will forward the item to Study Session.

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**REVIEW OF 2021 APPROVED ANNUAL AUDIT PLAN**

Wayne Sommer, Internal Audit Manager, presented the approved 2021 annual audit plan to the Audit Committee for their review and affirmation.

The 2021 annual audit plan was developed using a risk-based approach that included a citywide survey and interviews with key management personnel. Internal Audit applied their professional judgement, experience, and knowledge of city activities in selecting engagements in those areas in which they believed they could add value. Conducting the risk assessment was challenging due to the obstacles resulting from the pandemic, but Internal Audit believes they were able to conduct an adequate assessment.

City management is responsible for identifying and managing risks in the City. Internal audit provides an independent review of the policies, processes, and controls in place to manage and mitigate risk to acceptable levels. The City Manager approves the audit plan. The M&F Committee's

role is to affirm the approved audit plan. The Committee can request changes through the addition of engagements or objectives. These are subject to review and approval by the City Manager.

The Internal Audit Manager informed the Committee of risk areas in which no engagements were planned. Those areas are either satisfactorily being addressed by other means with Internal Audit staying in contact with those responsible to monitor activities or the areas are new, and an audit would be premature or of little value.

The list of engagements and projects to be pursued in 2021 include:

- Engagements carried forward from 2020
- Property and Evidence Chain of Custody Audit for the Commission on Accreditation of Law Enforcement Agencies (CALEA) Accreditation
- Vice and Narcotics Financial Audit
- Marijuana Enforcement Processes
- Purchasing Card Transaction Monitoring
- Civil Service Hiring Process Review
- Aurora Fire and Rescue (AFR) Follow-on Culture Survey
- Succession Planning Assessment
- Payroll and Human Resources Select Process Reviews
- Planning Department Culture Follow-Up Assessment
- Assessment of Existing Audit Software

The Internal Audit Manager also presented the 2021 Police Auditor approved audit plan. This plan is for the new Police Auditor approved by City Council for 2021. The audit plan was developed in collaboration with the City Manager and the Chief of Police. Engagements included in the Police Auditor audit plan include:

- Colorado Open Records Act (CORA) / Colorado Criminal Justice Records Act (CCJRA) Efficiency and Effectiveness Review
- K-9 Unit Review (Part 2) Operational and Compliance Review
- Crisis Response Team (CRT) Program Review
- Senate Bill 217 Compliance Review

Other engagements that may be pursued—time and resources allowing—include:

- Complaint Process Review
- Use of Force Operational and Compliance Review

The Internal Audit Manager informed the Committee of a request submitted to the City Attorney's office to clarify those areas of the City over which it had a responsibility to perform a risk assessment and possibly an audit. The City Attorney's Office agreed to provide recommended language to the Committee and a suggested way forward. The Committee accepted the offer. The matter will be reviewed at a future meeting.

Finally, in accordance with Institute for Internal Auditors Standard 1110, the Internal Audit Manager affirmed the Office's organizational independence for the year.

### Committee Discussion

CM Gardner: On Page 3, under Risk Observations. It said the City has not established a formal organizational risk appetite. Is that something that you would like to see? I know risk assessment is kind of the buzz word in any organization right now. And so, I'm just curious is that something that you think the City should be working towards developing.

W. Sommer: It is something we would like to get to. In the past before COVID hit, we were actually reviewing our internal audit standards and establishing a good risk environment in which people are aware of what risk is and how they go about assessing and managing it. It's a goal that we have wanted to get to for quite a while. We've done it in baby steps and in the risk assessment we've introduced the concepts of risk measurement and impact. We would ultimately like to get to a point where we could assist the City in developing a true risk profile. We're just not quite there yet, but we would like to get there.

CM Gardner: I'm guessing that each department has various risk assessments they maintain. Information Technology probably has quite a few. And once we're able to develop our kind of overall risk tolerance appetite or whatever, then the Internal Audit department could basically audit those risk assessments to ensure that we're properly identifying and mitigating risk that each department is identified.

W. Sommer: That is true. We would also apply those risk tolerances in helping us evaluate the risk areas within that particular department. We think most of the departments and, in fact probably safely to say, almost all the departments are aware of risks within their department. Whether they have the terminology that we would apply or a process to identify them consciously, I think may be another matter. But that's something that we would get to through developing an overall risk profile for the City.

CM Gardner: Okay. My last question is related to these Carryforward Engagements. The Economic Development Jobs Incentives tracking. I know there was lot of interest on this Committee for that. So when its listed in 2nd Quarter, does this mean you're expecting to finish it by the 2nd quarter or you would start in the 2nd Quarter? Can you give me a little idea of the timeframe on that one?

W. Sommer: That engagement is active right now and is moving forward. I think in terms of our audit program we're roughly about halfway through and beginning to wind down on some of the field work on that engagement. That is something that we would certainly continue into 2021 into the 1st Quarter and try to get that done as soon as possible before we move on to any of the other items.

CM Gruber: Wayne when you had mentioned a couple of responsibilities that the audit committee does not have an ordinance or in Charter. One of those of course, is the ability to look at the Commissions. Would you recommend that Council bring that forward and create an ordinance to give authority to look at those outside organizations?

W. Sommer: Well it depends on how far you would like us to be able to reach within the City. We do have limitations based upon the way the Charter is written. That's part of the reason that we asked the attorney for this opinion in the first place because some of the terms were unclear and the limitations were unclear. Any clarity that the Committee and the Council are willing to provide are most appreciated by us. Our biggest fear was that something would happen, and we didn't look at it, and someone would say, "Where was Internal Audit? Why weren't they taking a look at it?" And it may

have been because we just didn't know we were supposed to or have the authority to go in there and take a look at it. So, anything that could be offered there would be appreciated.

CM Gruber: So, let me talk to the Committee then because I agree with that. I would be surprised if it was ever anybody's intent that our Internal Audit capability would be limited in any parts of the city. The ideal of having an audit organization that's external to the City Manager is to do exactly that. Therefore, we're not going to be able to do it by the end of the year the calendar years, which means that the next Management and Finance Committee would go forward with it. So, CM Gardner and CM Marcano, would you recommend that we put together an ordinance that would give the authority for audits of Commissions?

CM Marcano: I would.

CM Gardner: Yes. I think that kind of came up when we were talking about the Civic Engagement Commission whether or not there's overlap and things like that. So yes, I would be in support of that for sure.

CM Gruber: Terri if you could put that in the minutes as a goal that it was noted in November that probably it won't be done in the near term, but I see it being done by the first Quarter in 2021.

W. Sommer: Mr. Chairman, I do note that Hans and Rachel Allen are both on the call. They have actually provided this opinion for us. I believe they have a draft of a possible resolution that we could go back and review to make sure that it's clear and then bring that forward to the Committee if you like. Hans and Rachel can speak to that.

R. Allen: The only thing that I might add that the authority for the internal auditor rests both in the Charter as well as the municipal code. We can change that municipal code with an ordinance. If we change the Charter that's something that would require voter approval. So, let Hans and I take a deeper dive into it and see exactly where we can provide some clarity and the most efficient way to get there.

CM Gruber: Alright, appreciate that Rachel thank you. I have another set of questions and it has to do with COVID. I was going to bring this up during the miscellaneous as far as our expenditure rate with COVID dollars. The primary concern is that the funds will expire, and I don't think any organization wants to leave money on the table. But as far as our use of COVID since we've received it, do you foresee, Wayne, that an audit would be called upon to ensure that we spent the money appropriately? Again, given the fact that many of our COVID dollars comes from the counties. We have to be vetted by the counties before moving forward on it, but I want to make sure that we're considering whether or not an audit is required of our expenditure of COVID dollars.

W. Sommer: Terri can probably speak more to this than I can, but my understanding is that the audit of CARES funding will be included in the single audit procedures that BKD will perform. Terri did I get that correct?

T. Velasquez: You did Wayne. We've already been made aware that we will also receive auditing from the counties as sub recipients of the federal grand funds. So, I imagine we will be audited multiple times with regard to the CARES funding. And yes, we have received preapproval for all of the expenses prior to submitting them.

CM Gruber: Okay so that would not require additional tasking to Wayne’s organization is what I’m hearing.

W. Sommer: No, but if there were any areas that you thought that Internal Audit should look at, I would need to make you aware that I would probably recuse myself from that audit given my role as recovery manager. My independence and objectivity would be impaired. So that would put a strain on the existing staff resources to conduct the remainder of the audit plan.

CM Gruber: I think that since we have audits looking at our expenditures, I think that would be sufficient and we would be then compliant with any of the requirements at the federal or the county level. So, I think we’re good there. Wayne do you require an official approval from this Committee or was this informational only.

W. Sommer: Just if the Committee could affirm the audit plan as presented that would be sufficient for us.

The Committee affirmed the 2021 Annual Audit Plan.

#### Outcome

The Committee thanked staff. Information only.

#### Follow-up Action

Information Only.

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### **MISCELLANEOUS MATTERS FOR CONSIDERATION**

#### Summary of Issue and Discussion

- Overview of COVID funds
- SCFD
- The next meeting is on Tuesday, December 15, 2020 at 11:00 AM (WebEx).

THESE MINUTES WERE APPROVED AS SUBMITTED

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David Gruber, Chair of the Management & Finance (M&F) Committee

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Date



# CITY OF AURORA

## Council Agenda Commentary

|  |
|--|
| <b>Item Title:</b> November Sales Tax Chart  |
| <b>Item Initiator:</b> Greg Hays   |
| <b>Staff Source/Legal Source:</b> Greg Hays  |
| <b>Outside Speaker:</b> N/A  |
| <b>Council Goal:</b> 2012: 6.0--Provide a well-managed and financially strong City |

### COUNCIL MEETING DATES:

**Study Session:** N/A

**Regular Meeting:** N/A

Dual Listed Why is this item dual listed?[Click or tap here to enter text.](#)

---

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

- Approve Item as proposed at Study Session
- Information Only
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Approve Item with Waiver of Reconsideration  
Why is a waiver needed?[Click or tap here to enter text.](#)

---

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** Management & Finance

**Policy Committee Date:** N/A

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval
- Does Not Recommend Approval
- Forwarded Without Recommendation
- Recommendation Report Attached
- Minutes Attached
- Minutes Not Available

---

**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.)

Members of the M&F Committee have asked for the monthly sales tax performance chart.

---

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

Attached is the November sales tax performance chart. November of 2020 was 17.0 percent higher than November of 2019.

---

**QUESTIONS FOR COUNCIL**

Info Only

---

**LEGAL COMMENTS**

The city charter requires that the city manager shall keep the council advised of the financial condition and future needs of the city and make such recommendations to the council for adoption as he may deem necessary or expedient. This item is informational only. See Aurora City Charter Sec. 7-4 (f). (Hernandez)

---

**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:** N/A

---

**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

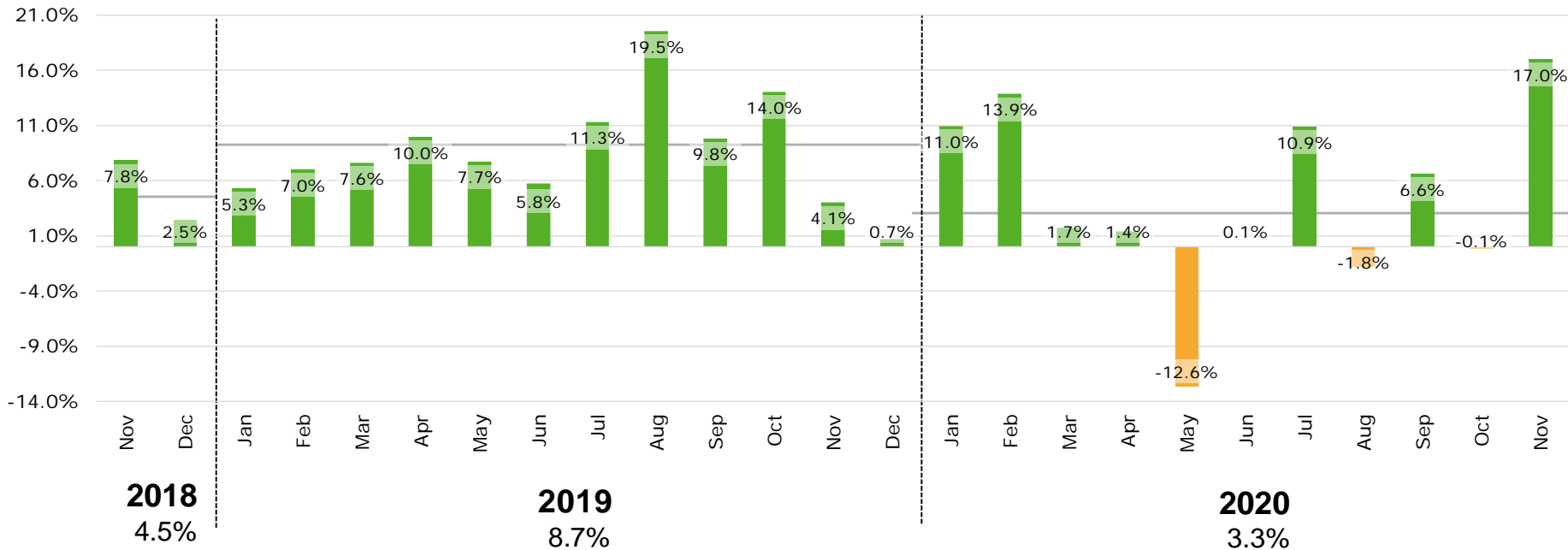
**If Significant or Nominal, explain:** N/A

# November 2020 Sales Tax Performance



## Percent Change from Prior Year By Month

**Nov. 2020 YTD Variance to:**  
 Projection - \$19.0m (10.7%)  
 2019 - \$8.3m (4.4%)



November 2020 Sales tax data is preliminary and includes a reduction for estimated November incentive payments





# CITY OF AURORA

## Management and Finance Policy Committee

### Agenda Item Commentary

|   |
|---|
| <b>Item Title:</b> Introduction of Teresa Sedmak – New City Treasurer               |
| <b>Item Initiator:</b> Andrew Jamison – Debt, Treasury & Investments Senior Analyst |
| <b>Staff Source:</b> Terri Velasquez, Finance Director                              |
| <b>Legal Source:</b> Hans Hernandez, City Attorney                                  |
| <b>Outside Speaker:</b> n/a   |
| <b>Council Goal:</b> 2012: 6.0--Provide a well-managed and financially strong City  |

#### **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 City Treasurer position was formerly known as the Debt, Treasury, & Investments Manager. The previous manager retired from the City in June. After a lengthy recruitment process, the Hiring Team was pleased to select Teresa Sedmak as the new City Treasurer

---

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

Teresa Sedmak joined the City of Aurora Finance Department on December 7th as City Treasurer, overseeing all City Treasury functions including Debt, Investments, Banking, and Treasury Operations. Teresa holds a Master of Business Administration and a Bachelor of Science in Business from the University of Colorado and brings extensive experience in public finance, investments, debt and treasury operations. Teresa comes from the City of Tacoma, Washington where she served as City Treasurer since June 2012. Prior to working for the City of Tacoma, Teresa worked at RTD (Regional Transportation District) as their Debt and Investment Manager from October 1998 to June 2012.

---

#### **QUESTIONS FOR COUNCIL**

Please join us in welcoming Teresa to the Team!



# CITY OF AURORA

## Council Agenda Commentary

|   |
|---|
| <b>Item Title:</b> Porteos Business Improvement District Appointment of Directors         |
| <b>Item Initiator:</b> Dancy, Cesarina  |
| <b>Staff Source/Legal Source:</b> Cesarina Dancy/ Hans Hernandez, Assistant City Attorney |
| <b>Outside Speaker:</b> n/a   |
| <b>Council Goal:</b> 2012: 6.0--Provide a well-managed and financially strong City        |

### COUNCIL MEETING DATES:

**Study Session:** n/a

**Regular Meeting:** n/a

Dual Listed Why is this item dual listed?[Click or tap here to enter text.](#)

---

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

- Approve Item as proposed at Study Session
- Information Only
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Approve Item with Waiver of Reconsideration  
Why is a waiver needed?[Click or tap here to enter text.](#)

---

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** Management & Finance

**Policy Committee Date:** n/a

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval
  - Does Not Recommend Approval
  - Forwarded Without Recommendation
  - Recommendation Report Attached
  - Minutes Attached
  - Minutes Not Available
-

---

**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.)*

City Council approved the establishment of the Porteos Business Improvement District (BID) on October 29, 2016 (Ord. 2016-43).

---

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

Earlier this year, the Porteos Business Improvement District engaged new legal counsel. In reviewing the District's files, counsel was unable to confirm the underlying qualifications of the Board members to serve as such, even though the current directors were elected to the District Board at elections held in May 2018 and May 2020. To affirm the qualifications of the members of the Board, the request is being made that the City Council reappoint the District's current five-member Board, by resolution, with two reappointed Board members serving terms until the next regular election in May 2022, and three reappointed Board members serving terms until the next regular election in May 2023. Counsel for the BID has taken steps to ensure the above-named individuals are appropriately qualified to serve on the District Board pursuant to § 31-25-1203(4); specifically, that each individual is a resident of the State of Colorado who is 18 years of age or older and who is the holder of a leasehold interest in taxable real or personal property within the boundaries of the District. Accordingly, they are requesting that the above-named individuals be reappointed to the District's Board of Directors for purposes of affirming their qualifications to serve. The current five members of the Board are as follows:

Mark Adams  
Melissa Shea  
Seth Rollert  
Kristen Adams  
Yuriy Gorlov

The attached resolution will appoint these five members to the Porteos BID Board of Directors.

---

**QUESTIONS FOR COUNCIL**

Does the committee wish to move this item forward to Study Session?

---

**LEGAL COMMENTS**

Section 5 of Ordinance No. 2016-43 organizing the Porteos Business Improvement District provides that within 30 days following the date on which a vacancy on the Board of Directors occurs, a successor shall be appointed by resolution of the City Council. (Hernandez)

---

**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:** N/A

---

**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:** N/A



# ICENOGL SEAVR POGUE

November 16, 2020

City of Aurora  
Office of Development Assistance  
15151 E. Alameda Parkway, Suite 5200  
Aurora, CO 80012  
Attn: Jacob Cox

**Re: Porteos Business Improvement District Board of Directors – Request for City Council Action to Reappoint Directors and Affirm Director Qualifications**

Dear Jacob,

As legal counsel to the Porteos Business Improvement District (“District”), I am writing to request that the City Council fill potential vacancies on the District’s Board of Directors (the “Board”) by reappointing the current District Board in accordance with § 31-25-1209(1)(d), C.R.S. and Section 4 of City Council Ordinance No. 2016-43 organizing the District. For your reference, the District’s proposed Operating Plan for fiscal year 2021 is enclosed.

Earlier this year, the District engaged our firm as legal counsel. In our review of the District’s files, we were unable to confirm the underlying qualifications of the Board members to serve as such, even though the current directors were elected to the District Board at elections held in May 2018 and May 2020. To affirm the qualifications of the members of the Board, we are requesting that the City Council reappoint the District’s current five-member Board, by resolution, with two reappointed Board member serving terms until the next regular election in May 2022, and three reappointed Board members serving terms until the next regular election in May 2023. The current five members of the Board and their addresses are as follows:

- Mark Adams      5859 S. Galena Street  
Greenwood Village, CO 80111
  
- Melissa Shea      1530 E Nichols Drive  
Centennial, CO 80122
  
- Seth Rollert      17757 E. Crestridge Place  
Centennial, CO 80015
  
- Kristen Adams      5859 S. Galena Street  
Greenwood Village, CO 80111
  
- Yuriy Gorlov      19512 East Lasalle Place  
Aurora, CO 80013

*Alan D. Pogue | APogue@isp-law.com | Direct 303.867.3006*

4725 S. Monaco St., Suite 360 | Denver, CO 80237 | 303.292.9100 | fax 303.292.9101 | www.isp-law.com



## ICENOGLE SEAVER POGUE

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We have taken steps to ensure the above-named individuals are appropriately qualified to serve on the District Board pursuant to § 31-25-1203(4); specifically, that each individual is a resident of the State of Colorado who is 18 years of age or older and who is the holder of a leasehold interest in taxable real or personal property within the boundaries of the District. Accordingly, we request that the above-named individuals be reappointed to the District's Board of Directors for purposes of affirming their qualifications to serve.

Sincerely,

ICENOGLE SEAVER POGUE  
A Professional Corporation

Alan Pogue

Enclosure  
/acw

**2021 OPERATING PLAN AND BUDGET**

**PORTEOS  
BUSINESS  
IMPROVEMENT  
DISTRICT**

City of Aurora, Adams County, Colorado

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EXHIBIT A – Director Contact Information

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EXHIBIT C – District Map

**2021**  
**OPERATING PLAN FOR THE**  
**PORTEOS BUSINESS IMPROVEMENT DISTRICT**

**1. PURPOSE AND SCOPE OF THIS DISTRICT**

**A. Requirement for this Operating Plan.** The Business Improvement District Act, specifically Section 31-25-1211, C.R.S., requires that the Porteos Business Improvement District (the “District”) file an operating plan and budget with the City Clerk no later than September 30 of each year.

Under the statute, the City of Aurora (the “City”) is to approve the operating plan and budget within 30 days of the submittal of all required information.

The District will operate under the authorities and powers allowed under the Business Improvement District Act, Sections 31-25-1201, *et seq.*, Colorado Revised Statutes, as amended, as further described and limited by this Operating Plan.

**B. What Must Be Included in the Operating Plan?** Pursuant to the provisions of the Business Improvement District Act, Section 31-25-1201, *et seq.*, Colorado Revised Statutes, as amended, this Operating Plan specifically identifies (1) the composition of the Board of Directors; (2) the services and improvements to be provided by the District; (3) the taxes, fees, and assessments to be imposed by the District; (4) the estimated principal amount of the bonds to be issued by the District and (5) such other information as the City may require.

The District’s original 2017 Operating Plan subsequent Operating Plans, previously approved by the City, are incorporated herein by reference, and shall remain in full force and effect except as specifically or necessarily modified hereby.

**C. Purposes.** As may be further articulated in prior years’ Operating Plans, the ongoing and/or contemplated purposes of this District for 2021 include financing, acquisition, construction, completion, installation, replacement and/or operation and maintenance of all of the services and public improvements allowed under Colorado law for business improvement districts.

**D. Ownership of Property or Major Assets.** The District will own public improvements as constructed if such improvements are not otherwise dedicated to other public entities for operation and maintenance.

**E. Contracts and Agreements.** It is anticipated that the District will enter into various agreements as required to facilitate the funding, construction, operation and maintenance of public improvements. The District is currently party to an Intergovernmental Agreement Concerning District Operations and Outstanding Reimbursement Obligations with Velocity Metropolitan District Nos. 1-9, dated January 29, 2019. The District may also enter into agreements with the City and other districts encompassing adjacent developments in order to cooperate on infrastructure projects.



**2. ORGANIZATION AND COMPOSITION OF THE BOARD OF DIRECTORS**

**A. Organization.** The Porteos Business Improvement District was organized by the City of Aurora, Colorado by Ordinance No. 2016-43 on October 29, 2016.

**B. Governance.** The District is governed by an elected board of directors.

**C. District Board.** The District is governed by a Board of Directors consisting of five electors all of whom shall be voting members. The Board members are:

- (1) Mark A. Adams
- (2) Kristen Adams
- (3) Yuriy Gorlov
- (4) Seth C. Rollert
- (5) Melissa M. Shea

The qualifications of the members of the Board of Directors are hereby ratified and affirmed. Director and other pertinent contact information is provided in **EXHIBIT A**.

**D. Term Limits.** Term limits were eliminated at the District’s November 2016 election. Members of the Board will be up for election at the May 2022 Regular Election.

**E. Advisory Board.** The Board of Directors may appoint one or more advisory boards to assist the Board of Directors on such matters as the Board of Directors desires assistance. The Board of Directors shall, upon the appointment of an advisory board, set forth its duties, duration, and membership. The Board of Directors may provide rules of procedure for the advisory board or may delegate to the advisory board the authority to provide such rules. No advisory boards have yet been appointed.

**3. BOUNDARIES, INCLUSIONS AND EXCLUSIONS**

A map of the District’s boundaries is attached as **EXHIBIT C**. In 2021 and subsequent years, the District anticipates requests for inclusion of additional property as boundaries are established and additional property owners participate in the District.

**4. PUBLIC IMPROVEMENTS**

The District will be primarily concerned with the provision of public improvements and services within the boundaries of the District; however, there may be instances to provide improvement or services outside of the boundaries of the District as part of the project. The District shall have the authority to provide these improvements and services, but the revenue- raising powers of the District to recoup the costs of extraterritorial improvements and services shall be as limited by state law.

The public improvements that the District anticipates it will construct, install or cause to be constructed and installed, include those public improvements the costs of which may, in

accordance with the Business Improvement District Act, Section 31-25-1201, et seq., C.R.S., lawfully be paid for by the District, including, without limitation, water services, safety protection devices, sanitation services, marketing, streetscape improvements, street improvements, curbs, gutters, culverts, drainage facilities, sidewalks, parking facilities, paving, lighting, grading, landscaping and storm and wastewater management facilities and associated land acquisition and remediation (the “Public Improvements”). The costs of such Public Improvements, including costs of design, acquisition, construction and financing, are referred to herein as the “Public Improvement Costs.”

## **5. ADMINISTRATION, OPERATIONS, SERVICES AND MAINTENANCE**

The District shall provide for ownership, operation, and maintenance of District facilities as activities of the District itself or by contract with other units of government or the private sector.

## **6. FINANCIAL PLAN AND BUDGET**

**A.** 2021 Budget. The proposed 2021 Budget for the District is attached in **EXHIBIT B.**

**B.** Authorized Indebtedness. In November 2016, the District held an election for the purpose of authorizing debt, taxes, revenue limits, spending limits, special assessments, and such other matters necessary or convenient for the implementation of Art. X., Sec. 20 of the Colorado Constitution, and the Operating Plan. As provided in prior years’ Operating Plans, the District’s initial maximum debt authorization was \$50,000,000. The District has determined it to be in the best interests of the District to increase the maximum authorized indebtedness from the initial maximum debt authorization of \$50,000,000 to \$100,000,000 to provide the District with the financial flexibility to efficiently finance the development and construction of the projected public improvements. The District has determined that the initial maximum debt authorization of \$50,000,000 is not sufficient due to the pace of development and phasing within the District and that an increase in the District’s maximum debt authorization at this time will best serve the economic interests of the District and its current and future property owners. Accordingly, the maximum debt authorization of the District is hereby increased to \$100,000,000.

**C.** Property Tax and Mill Levy Caps. The District taxing ability is constrained to mill levy limitations of up to 50 mills for debt service, general operations and administrative expenses due to the on-going operations and maintenance activities to be undertaken by the District within its boundaries.

**D.** District Revenues. The District is utilizing developer funding for initial revenue sources and thereafter revenues derived from property taxes. The District may also be the beneficiary of revenues derived from a privately imposed public improvement fee.

**E.** Existing Debt Obligations. The District has no current debt.

**F.** Future Debt Obligations. The District does not currently anticipate the issuance of any debt in 2021.

**G.** Other Financial Obligations. The District has entered into agreements including reimbursement and facility acquisitions as well as agreements for ongoing services such as legal, administration, compliance, budget, audit, etc.

**H.** Non-Default Provisions. Limited tax general obligation bonds issued by the District are structured and/or credit enhancements provided such that the bonds cannot default as long as the District is imposing the required maximum allowed mill levy.

**I.** No City Obligation. The debt of the District will not constitute a debt or obligation of the City in any manner. The faith and credit of the City will not be pledged for the repayment of the debt of the District. This will be clearly stated on all offering circulars, prospectus, or disclosure statements associated with any securities issued by the District

## **7. 2021 ACTIVITIES, PROJECTS AND CHANGES**

**A.** Activities. The District will be continuing the construction and financing of the Public Improvements in 2021.

**B.** Projects and Public Improvements. The District will be undertaking projects or public improvements as development needs require.

## **8. DISSOLUTION**

The District is anticipated to have ongoing operations and maintenance obligations that will necessitate perpetual existence. If the District no longer has such obligations, the District will seek to dissolve pursuant to C.R.S. § 31-25-1225.

## **9. CONCLUSION**

It is submitted that this Operating Plan and Budget for the District meets the requirements of the Business Improvement District Act and further meets applicable requirements of the Colorado Constitution and other law. It is further submitted that the types of services and improvements to be provided by the District are those services and improvements which satisfy the purposes of Part 12 of Article 25 of Title 31, C.R.S.

**EXHIBIT A**  
**Director and Other Contact Information**

**BOARD OF DIRECTORS:**

Mark A. Adams  
5859 S. Galena Street  
Greenwood Village, CO 80111  
[markaadams@mac.com](mailto:markaadams@mac.com)

Kristen Adams  
5859 S. Galena Street Greenwood  
Village, CO 80111  
[kristen@roganadams.com](mailto:kristen@roganadams.com)

Yuriy Gorlov  
19512 East Lasalle Place  
Aurora, CO 80013  
[gorlov@auroraedc.com](mailto:gorlov@auroraedc.com)

Seth C. Rollert  
17757 East Crestridge Place  
Centennial, CO 80015  
[sethrollert@rollertavery.com](mailto:sethrollert@rollertavery.com)

Melissa M. Shea  
1530 E. Nichols Drive  
Centennial, CO 80122  
[beinspired.mms@hotmail.com](mailto:beinspired.mms@hotmail.com)

**DISTRICT CONTACTS:**

**Legal Counsel:**

Alan D. Pogue  
Icenogle Seaver Pogue, P.C.  
4725 S. Monaco St, Suite 360  
Denver, CO 80237  
303-292-9100  
[apogue@isp-law.com](mailto:apogue@isp-law.com)

**Accountant:**

Diane Wheeler  
Simmons & Wheeler, P.C.  
304 Inverness Way South Suite 490  
Englewood, CO 80112  
303-689-0833  
[diane@simmonswheeler.com](mailto:diane@simmonswheeler.com)

**EXHIBIT B**  
**2021 BID Budget**

**Porteos Business Improvement District**  
**Proposed Budget**  
**General Fund**  
**For the Year ended December 31, 2021**

|                          | Actual<br><u>2019</u> | Final<br>Budget<br><u>2020</u> | Actual<br><u>07/31/20</u> | Estimate<br><u>2020</u> | Proposed<br>Budget<br><u>2021</u> |
|--------------------------|-----------------------|--------------------------------|---------------------------|-------------------------|-----------------------------------|
| Beginning fund balance   | \$ -                  | \$ 671                         | \$ 16,808                 | \$ 16,808               | \$ 21,089                         |
| Revenues:                |                       |                                |                           |                         |                                   |
| Property taxes           | 87                    | 212                            | 212                       | 212                     | 52,380                            |
| Specific ownership taxes | 8                     | 17                             | 9                         | 17                      | 4,190                             |
| Developer advances       | 71,670                | 152,244                        | 35,490                    | 35,490                  | 9,498                             |
| Transfer from Velocity   | 93,363                | 10,285                         | -                         | 41,290                  | 21,192                            |
| Public Improvement Fees  | -                     | -                              | 39,721                    | 70,000                  | 70,000                            |
| Interest income          | -                     | -                              | -                         | -                       | -                                 |
| Total revenues           | <u>165,128</u>        | <u>162,758</u>                 | <u>75,432</u>             | <u>147,009</u>          | <u>157,260</u>                    |
| Total funds available    | <u>165,128</u>        | <u>163,429</u>                 | <u>92,240</u>             | <u>163,817</u>          | <u>178,349</u>                    |
| Expenditures:            |                       |                                |                           |                         |                                   |
| Accounting / audit       | 10,682                | 10,000                         | 5,227                     | 10,000                  | 10,000                            |
| Engineering              | -                     | 10,000                         | 11,725                    | 11,725                  | 10,000                            |
| Insurance/SDA dues       | 16,441                | 20,000                         | 20,487                    | 20,500                  | 22,000                            |
| Legal                    | 72,617                | 40,000                         | 24,655                    | 50,000                  | 65,000                            |
| Management               | -                     | 1,500                          | -                         | 1,500                   | 1,500                             |
| Director's Fees          | 9,450                 | 6,000                          | 5,200                     | 6,000                   | 6,000                             |
| Miscellaneous            | 738                   | 2,000                          | -                         | 1,000                   | 2,000                             |
| Utilities                | 7,778                 | 20,000                         | 3,055                     | 12,000                  | 20,000                            |
| Landscape Maintenance    | 30,613                | 30,000                         | 13,157                    | 30,000                  | 30,000                            |
| Treasurer's fees         | 1                     | 3                              | 3                         | 3                       | 786                               |
| Repay developer advances | -                     | -                              | -                         | -                       | -                                 |
| Contingency              | -                     | 19,606                         | -                         | -                       | 6,044                             |
| Emergency reserve (3%)   | -                     | 4,185                          | -                         | -                       | 5,019                             |
| Total expenditures       | <u>148,320</u>        | <u>163,294</u>                 | <u>83,509</u>             | <u>142,728</u>          | <u>178,349</u>                    |
| Ending fund balance      | <u>\$ 16,808</u>      | <u>\$ 135</u>                  | <u>\$ 8,731</u>           | <u>\$ 21,089</u>        | <u>\$ -</u>                       |
| Assessed valuation       |                       | <u>\$ 42,490</u>               |                           |                         | <u>\$ 10,476,030</u>              |
| Mill Levy                |                       | <u>5.000</u>                   |                           |                         | <u>5.000</u>                      |

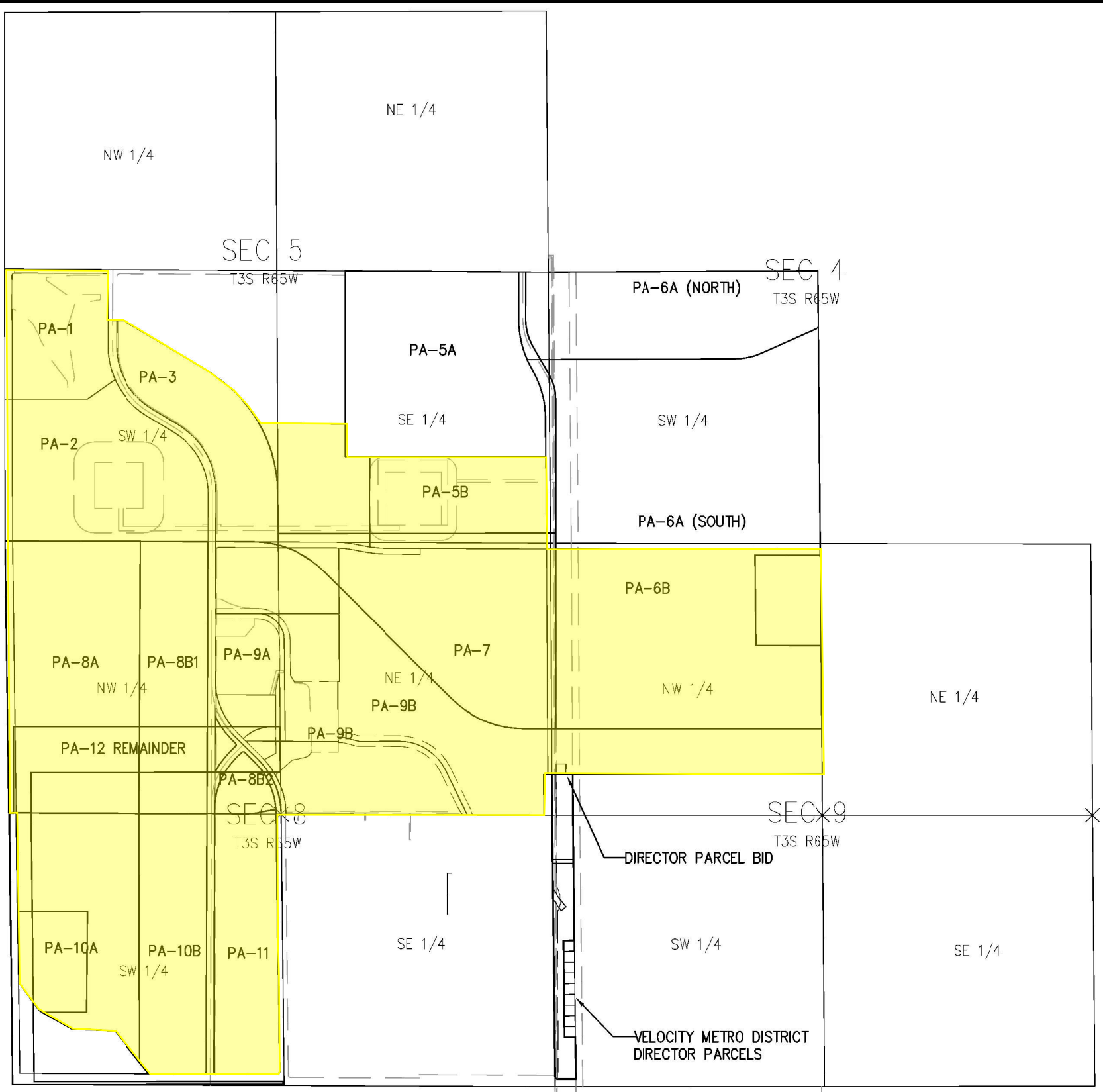
**EXHIBIT C**

**District Map**

THIS MAP IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION OR AS A BASIS FOR ANY OTHER PROJECT. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION SHOWN ON THIS MAP. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE APPROPRIATE AGENCIES.

File: location\O:\DEN\Projects\8434-01-Velocity Metro District\District Boundaries\Velocity Metro District and BID Map.dwg Plot Date: 9/4/2019 2:58 PM. Last Saved By: CALURRAY

 BID



|         |                |
|---------|----------------|
| BID MAP | DATE: 09/04/19 |
|         | SHEET: 1 OF 1  |



RESOLUTION NO. R2020-\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,  
COLORADO, APPOINTING FIVE MEMBERS TO THE BOARD OF  
DIRECTORS OF THE PORTEOS BUSINESS IMPROVEMENT DISTRICT

WHEREAS, the Council has adopted Ordinance No. 2016-43 organizing the Porteos Business Improvement District (the “District”) and appointed the District’s initial Board of Directors (the “Board”); and

WHEREAS, there are currently several vacancies on the Board; and

WHEREAS, Section 5 of the Organizing Ordinance provides that within thirty (30) days following the date on which a vacancy on the Board occurs, a successor shall be appointed by resolution of City Council; and

WHEREAS, the District has recommended that Mr. Mark Adams, Mrs. Melissa Shea, Mr. Seth Roller, Mrs. Kristen Adams, and Mr. Yuri Gorlov fill the existing vacancies in the Board; and

WHEREAS, the individuals recommended by the District are electors of the District, as defined by Section 31-25-1203(4)(a), C.R.S., and are therefore qualified for membership on the Board.

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

Section 1. Mr. Mark Adams, Mrs. Melissa Shea, Mr. Seth Roller, Mrs. Kristen Adams, and Mr. Yuri Gorlov are hereby appointed to fill the existing vacancies on the Board of Directors of the Porteos Business Improvement District.

Section 2. The City Clerk is hereby directed to cause an executed copy of this Resolution to be provided to the District.

Section 3. Within thirty (30) days of the effective date of this Resolution, Mr. Mark Adams, Mrs. Melissa Shea, Mr. Seth Roller, Mrs. Kristen Adams, and Mr. Yuri Gorlov shall appear before an officer authorized to administer oaths and take an oath to faithfully perform the duties of their office as required by law and to support the United States Constitution, the Colorado Constitution, and all laws made pursuant thereto.

RESOLVED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

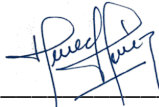
\_\_\_\_\_  
MIKE COFFMAN, Mayor

ATTEST:

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SUSAN BARKMAN,  
Interim City Clerk

APPROVED AS TO FORM:



RLA

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HANOSKY HERNANDEZ,  
Assistant City Attorney



# CITY OF AURORA

## Council Agenda Commentary

|  |
|--|
| <b>Item Title:</b> 2020 Employee Handbook Revisions                                |
| <b>Item Initiator:</b> Dianna M. Giordano  |
| <b>Staff Source/Legal Source:</b> Dianna M. Giordano                               |
| <b>Outside Speaker:</b> N/A  |
| <b>Council Goal:</b> 2012: 6.0--Provide a well-managed and financially strong City |

### COUNCIL MEETING DATES:

**Study Session:** N/A

**Regular Meeting:** N/A

Dual Listed Why is this item dual listed?[Click or tap here to enter text.](#)

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

- Approve Item as proposed at Study Session
- Information Only
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Approve Item with Waiver of Reconsideration  
Why is a waiver needed?[Click or tap here to enter text.](#)

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### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** Management & Finance

**Policy Committee Date:** 12/15/2020

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval
- Does Not Recommend Approval
- Forwarded Without Recommendation
- Recommendation Report Attached
- Minutes Attached
- Minutes Not Available

---

**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.)

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

Informational Update: The Human Resources Department and the City Attorney’s office have completed a review and extensive revision of the city’s Employee Handbook. City code requires the City Manager to notify Council of any policy changes which are then subject to call up by the Council for discussion. The vast majority of the revisions to the Employee Handbook are alignment with federal and state labor laws, clarity on employee expectations and alignment for user-friendly document. Those have been captured in a Summary document that is included in the M&F Packet, which highlights significant changes or additions to policy. The Summary document also includes a section-by-section explanation of changes to the respective section of the Handbook.

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**QUESTIONS FOR COUNCIL**

Does the M&F Committee support staff in following City Code to notify the Mayor and Council of the revisions to the Employee Handbook?

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**LEGAL COMMENTS**

The city manager shall establish comprehensive rules and regulations providing for the recruitment of employees, terms of employment of career and classified service employees, disciplinary action and such other matters relating to personnel management as the city manager may deem necessary. Such changes shall be effective upon notification of city council, subject to city council calling up any changes. *See Sec. 2-62 of the City Code.* (Hernandez)

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**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:**

---

**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:**

CITY OF AURORA

# EMPLOYEE HANDBOOK



2020

## **WELCOME TO THE CITY OF AURORA!**

Dear City Employee,

We are excited you have decided to join the City in our pursuit to make Aurora the best city in Colorado and an innovative leader in the region. This Employee Handbook serves to provide general guidelines, information and expectations that will assist you in being successful with the City. This Employee Handbook is not an employment contract.

We congratulate you on becoming a public servant and hope you find satisfaction in providing the citizens of Aurora with the quality and quantity of services they expect. This includes promoting goodwill and demonstrating the City's CORE 4 Values of Integrity, Professionalism, Respect and Customer Service in all we do.

I wish you much success and thank you for serving our community.

James Twombly

## **IMPORTANT NOTICE AND DISCLAIMER**

THE CITY AND THE EMPLOYEE HAVE NOT FORMED A CONTRACT FOR EMPLOYMENT, EITHER FORMAL OR INFORMAL, FOR ANY PERIOD OF TIME. THE LANGUAGE USED IN THIS EMPLOYEE HANDBOOK AND ANY VERBAL STATEMENT MADE BY MANAGEMENT ARE NOT A CONTRACT FOR EMPLOYMENT EITHER EXPRESS OR IMPLIED. EMPLOYMENT OF ALL EMPLOYEES IS AT WILL, MEANING THAT IT IS THE RIGHT OF THE CITY AND THE EMPLOYEE'S RIGHT AS AN EMPLOYEE TO TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME.

EMPLOYEE UNDERSTANDS THAT THE CITY MAY REVISE, SUPPLEMENT, OR RESCIND POLICIES, GUIDELINES OR PROCEDURES DESCRIBED IN THE EMPLOYEE HANDBOOK AND BUSINESS POLICY MEMORANDA (BPMs) WITH OR WITHOUT NOTICE. NO VERBAL STATEMENTS OR REPRESENTATIONS CAN CHANGE THE EMPLOYEE HANDBOOK OR BPMs. THE MOST RECENT VERSION OF THE CITY'S EMPLOYEE HANDBOOK, BPMs AND CORE 4 VALUES IN EFFECT WILL BE USED TO DETERMINE EITHER EMPLOYEE'S OR THE CITY'S OBLIGATIONS AND BENEFITS. IT IS EVERY EMPLOYEE'S RESPONSIBILITY TO REMAIN INFORMED OF ANY REVISIONS TO THE CITY'S EMPLOYEE HANDBOOK, BPMs AND CORE 4 VALUES.

## **PREFACE**

This Employee Handbook applies to all Career Service employees of the City. Provisions of this Handbook also apply to other employees of the City as set forth in Appendix I or as otherwise noted. The City Charter, City Code, Civil Service rules, and contractual or other agreements may in the case of conflict supersede any rule or regulation contained in this Handbook. City Manager policies, departmental rules and directives may be established as an adjunct to these policies. Oral statements or representations may not supersede Handbook provisions.

The Employee Handbook is broken into two main parts. Part One addresses employee conduct, conditions of employment and compensation. The Handbook contains provisions governing the appointment, promotion, transfer, layoff, dismissal, discipline and other conditions of employment. The policies and procedures are designed to inform employees and to guide management and supervisors in delivering an enlightened, consistent and impartial program of personnel administration. Any reference to the City Manager, Deputy City Manager, City Attorney, Human Resources Director, or Department Director, a designee of that person is also included.

Part Two addresses group benefits, leave policies and payroll administration.

Procedural guidance for administering and applying the policies can be referenced in the respective [Business Policy Memorandums](#).

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## **PART ONE: CONDUCT, COMPENSATION, AND EMPLOYMENT POLICIES**

### **EMPLOYEE INFORMATION AND EMPLOYEE CONDUCT**

#### **1-1 Equal Employment Opportunity Policy**

The City is an equal opportunity employer. The City is committed to complying with all applicable federal, state and local laws. All City employees shall adhere to and cooperate with the principles of equal employment opportunity (“EEO”).

Every employee is responsible for maintaining a professional environment free of harassment, sexual harassment, discrimination and retaliation, and for bringing to the City’s attention conduct that interferes with providing a work environment free of harassment, sexual harassment, discrimination and retaliation.

The City prohibits harassment, sexual harassment or discrimination on the basis of race, color, religion, national origin, sex (including pregnancy, childbirth, and related medical conditions), ancestry, sexual orientation, age, disability status, marital status, genetic information, gender identity or expression, active military personnel status, citizenship status, transgender status, or any other class, attribute, or affiliation that is protected by state, federal, or applicable local law. This City also prohibits retaliation for opposing a prohibited practice or participating in an equal employment opportunity matter.

This EEO and anti-discrimination policy applies to all City employees as well as those individuals who are seeking employment with the City. This policy includes all aspects of the employer/employee relationship including recruitment, employment, promotion, transfer, training, termination, working conditions, wage and salary administration, employee benefits and participating in social or recreational programs or other privileges of employment.

Furthermore, the City will not tolerate illegal harassment, sexual harassment, discrimination or retaliation between coworkers, supervisors, customers or vendors. The policies and principles of EEO also apply to the selection and treatment of outside consultants or contractors who work onsite in a City facility.

#### **1-2 Anti-Harassment: Harassment, Sexual Harassment, and Discrimination**

##### ***A. Harassment (Hostile Work Environment)***

Harassment is conduct or action that demeans, stereotypes, or shows hostility or aversion toward an individual or group because of the individual's or group's protected class.

Harassment is conduct directed toward an individual because the individual is a member of a protected class that:

1. Is reasonably perceived to be based on the individual's membership in the protected class; and
2. Is severe or pervasive; and either:
  - i. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
  - ii. Otherwise adversely affects an individual's employment opportunities.

***B. Sexual Harassment***

Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

The following are examples of conduct or communication that may constitute sexual harassment:

1. Verbal:
  - i. Sexual comments or innuendo about one's clothing, body, or sexual activity;
  - ii. Discussing sexual topics in the workplace, such as sexual practices or preferences or telling sexual jokes or stories;
  - iii. Requesting or demanding sexual favors or suggesting that there is any connection between sexual behavior and any term or condition of employment, whether that connection be positive or negative, known as quid pro quo harassment; or
  - iv. Using sexual words or phrases.

2. Nonverbal:
  - i. Displaying sexually explicit pictures or objects in the work area;
  - ii. Giving personal gifts of a sexual nature;
  - iii. Making sexually suggestive gestures;
  - iv. Making unwelcome visits to another's home or hotel room; or
  - v. Displaying cartoons or sending e-mails, text messages, instant messages, or notes, any of which contain sexual pictures, words, or phrases.
3. Physical:
  - i. Inappropriate touching, patting, pinching, or intentionally brushing against another's body; or
  - ii. Sexual contact, intercourse, or assault.

The examples listed are illustrative of the communications and conduct that may constitute sexual harassment if unwelcome and depending on the totality of the circumstances. In that regard, the following should be kept in mind:

1. A single incident may or may not constitute sexual harassment;
2. Whether a particular action is sexual harassment will depend on the facts and determinations and will be made on a case-by-case basis;
3. Conduct or communication that might be welcome to one person may be unwelcome to another person. Conduct that might have been welcome between two individuals at one time may become unwelcome at a later time.
4. Other conduct or communication not expressly described in the examples may be a violation of this Policy.

### ***C. Discrimination***

Discrimination concerns the unfair or unequal treatment of a person or group (either intentional or unintentional) due to a protected class.

Discrimination with respect to any condition of employment, or against any applicant for employment, may be a violation of Title VII of the Civil Rights Act of 1964, as amended,

the Age Discrimination in Employment, the Americans With Disabilities Act of 1990, the Civil Rights Act of 1991, and/or State statutes including the Colorado Anti-Discrimination Act and a violation of this Policy.

### **1-3 Disability, Religious Accommodation and Nursing Mothers**

#### ***A. Disability and Religious Accommodation***

The City complies with the Americans with Disabilities Act of 1990 (the “ADA”) and the ADA Amendments Act of 2008 (“ADAAA”). The City prohibits discrimination against individuals with disabilities in its employment practices or in providing access to municipal services, activities, or programs.

The City will make reasonable accommodations for qualified individuals in accordance with the Americans with Disabilities Act Procedures.

Reasonable accommodations for those whose work requirements interfere with a genuinely held religious belief will be considered, unless doing so would result in an undue hardship to the City or cause a direct threat.

Employees should contact Human Resources with any requests for accommodation. Human Resources, in consultation with the Department Director, or City Council Appointee and the City Attorney’s Office, will engage in an interactive process to make a determination on a request for reasonable accommodation.

#### ***B. Accommodation for Nursing Mothers***

A private space will be provided, and reasonable time will be permitted for nursing parents to express milk during the workday for up to two years following the birth of a child. The time permitted will typically run concurrent with the time that may be already provided for meal and rest breaks. If the breaks cannot run concurrently and/or additional time is needed, the employee’s supervisor and the employee will agree upon an appropriate schedule. Employees will be provided with the use of a room, office, or other private area, other than a bathroom, that is shielded from view and free from intrusion by co-workers and the public. The City will make a reasonable effort to identify a location within close proximity to the work area for the employee to express milk.

### **1-4 Anti-Retaliation**

The City prohibits retaliation against an individual for having complained about an alleged violation of the City’s EEO Policies, assisted in such a complaint, or participated in an investigation into such a complaint.

Retaliation and a fear of retaliation prevents issues from surfacing, keeps individuals from raising concerns, and enables a culture of fear and disrespect. The City recognizes the seriousness of retaliation and is committed to responding to and addressing retaliation concerns proactively and reactively upon receiving a complaint of retaliation. Retaliation, regardless of the merits of the underlying complaint that led to retaliation, violates this Policy.

It is against City policy for managers or supervisors to be aware of any type of retaliation against employees and fail to act. Managers or supervisors who know of, or receive reports of, retaliation must take immediate and appropriate remedial action, including reporting the issue to their Department Director and to Human Resources. If managers or supervisors become aware of acts of retaliation and do not take appropriate action, these managers or supervisors are subject to disciplinary action up to and including termination.

### **1-5 Reporting of Harassment, Sexual Harassment, and Discrimination**

Employees who believe they have been subjected to any form of unlawful discriminatory, harassing, or retaliatory behavior by anyone, including supervisors, co-workers, customers, clients or visitors must bring the matter to the attention of their Department Director, Council Appointee or Chief, the City's Employee Relations Office, or the Director of Human Resources as soon as possible after the incident, not to exceed 300 days.

Timely reporting enables the City to promptly investigate and correct any behavior. If the employee feels that they cannot go to any of the individuals listed above with a complaint, the employee should report the incident to the City Manager or a Deputy City Manager. All complaints must be brought forth in good faith.

Managers or supervisors shall not subject any employee to unlawful discrimination, harassment or retaliation either verbally or physically. Managers or supervisors who know of or receive reports of, discrimination, harassment or retaliation must take immediate and appropriate remedial action, including reporting the conduct to their Department Director and to Human Resources. Managers or supervisors who do not take appropriate action are subject to disciplinary action, up to and including termination.

### **1-6 Investigation of Harassment, Sexual Harassment, and Discrimination**

For the protection of complainants and those alleged to have violated the City's Anti-Harassment policy, an investigation shall be undertaken promptly by Human Resources or Human Resources may order an investigation be conducted by an independent third party.

During the investigation, the employee accused of a violation of this policy may be reassigned or placed on administrative leave. Employees are not entitled to representation during the investigative process, including any meetings with investigators. Participation in

an investigation is mandatory; an employee's refusal to participate in such an investigation will be cause for disciplinary action up to and including termination.

If it is determined that harassment, discrimination or retaliation has occurred, offenders shall be subject to disciplinary action up to and including termination of employment.

- a. Determination will be made if the incident requires an informal or formal investigation.
- b. Notice shall be given to the party making a complaint that an investigation into the matter has begun. At the conclusion of the investigation, the complainant will receive a notice of whether their complaint was sustained. At no time will they be informed as to what discipline, if any, was administered.
- c. Notice shall be given to the accused party that an investigation into the matter has begun. At the conclusion of the investigation, if the complaint is not sustained, notice shall be given to the accused party that the investigation has been completed.

If the complaint is sustained, notice shall be given to the accused party along with a redacted copy of the investigation report. The names of witnesses and other identifying information will be redacted.

- d. All other requests for a copy of the investigation must be made through the Colorado Open Records Act (CORA) request process.

#### ***A. Termination of Complaint***

Management reserves the right to initiate or continue the investigation of any complaint if deemed appropriate, even if the complainant(s) fail to pursue the complaint, withdraw the complaint or separate from their employment with the City.

#### ***B. Confidentiality During Investigation***

During the investigation, City employees may only discuss the complaint with authorized persons (or their designee). Confidentiality of complaints and investigations will be kept as confidential as reasonably possible.

### **1-7 Employee Conduct**

Employees are responsible for meeting reasonable and ethical standards of performance and conduct in their work activities. Managers and supervisors are responsible for providing leadership that creates an opportunity for employees to achieve professional standards of performance and conduct and, at the same time, holding employees accountable for their actions.

## ***A. Time and Attendance***

### **1. Hours of Work**

Except in cases of emergency, employees shall be scheduled to work with regular starting and ending times. Unless otherwise provided by the Department Director, the standard hours to be worked are from 8 a.m. – 5 p.m.

No employee shall be required to work more than two shifts, or 16 consecutive hours, in a 24-hour period. CDL drivers may not drive beyond the 14th consecutive hour after coming on duty, following 10 consecutive hours off duty. Exceptions during periods of extreme emergency require the approval of the City Manager.

### **2. Attendance**

Employees are expected to maintain a good attendance record on the job and report promptly for work in accordance with shift schedules. If an employee will be late or absent from work, it is the employee's responsibility to speak with a supervisor or manager prior to the start of their workday to secure approval. An employee notifying a manager or supervisor that they will be late or absent does not excuse the lateness or absence but failing to notify in advance could lead to additional disciplinary action. Department Directors shall have the option to modify this requirement based upon staffing needs.

Attendance includes but is not limited to, failure to follow call-in policies, tardiness, excessive use of unscheduled leave, or unapproved leave without pay. Absence without permission in excess of three consecutive works days will be considered abandonment of position.

Abandonment of position is an unauthorized absence from work that must be charged to leave without pay. When an employee is absent without permission for more than three consecutive workdays:

- i. The employee's position shall be declared abandoned and vacant.
- ii. The employee's absence shall be considered a non-disciplinary, voluntary resignation.
- iii. Voluntary resignations are not appealable. A written notice will be provided by the employee's department to the employee upon separation.
- iv. The employee is not eligible for re-employment.



### **3. Records of Attendance**

Time records shall be maintained for all employees, as appropriate. Overtime, which must be approved prior to working overtime hours, shall be clearly indicated on time records, as shall any type of absence or leave taken.

An employee and their supervisor shall be held responsible for verifying the accuracy of time records before submitting them for use in preparing payroll checks. Payroll shall make corresponding corrections to employees' pay.

#### ***B. Use of City Property***

Offices, desks, lockers, file cabinets, vehicles, storage rooms, and other equipment and storage spaces may be provided to employees for work purposes. Such items remain the sole property of the City and to further the business of the City. Employees shall not use, misappropriate or permit the use of City services or resources for personal purposes, personal gain, private purposes, other compensation, or non-governmental purposes.

Limited or de minimis use with prior approval from an immediate supervisor, Director, Deputy City Manager may be permitted.

If, for security purposes, restricting access to any property, location, documents, etc. is necessary, an employee's supervisor must have full access by means of a duplicate key, knowledge of the combination, or equivalent means.

#### **1. Workplace Inspections and Searches**

Employees shall have no expectation of privacy in any equipment, vehicles, offices, desks, or storage spaces provided by the City or on City property and containing work-related items. Such items and locations are subject to inspection and search, with or without notice and at any time. Any items that an employee does not want inspected or searched should not be brought to work.

#### **2. Electronic Records**

Intellectual property and electronic records stored on City devices, created with City resources, or created for City purposes—including emails, text messages, computer files, voicemail recordings, Internet browsing histories, and any other digital, audio, visual, or electronic information—are the property of the City and may be copied, reviewed, audited, inspected, searched, or distributed as deemed necessary by the City. Employees have no expectation of privacy in these or similar items, which may be subject to public disclosure pursuant to the Colorado Open Records Act, as part of a court or administrative proceeding, and for other reasons

under municipal, state, or federal law. These items are subject to inspection and search by the City at any time, with or without notice. By using personal devices for City purposes, employees consent to providing the City access to such devices for retrieving records for workplace investigations, litigation purposes, or pursuant to a request made under the Colorado Open Records Act.

***C. Official Badge or Credentials Use***

Officials or employees who wear a badge or other official insignia or who bear credentials as evidence of authority or identity, must ensure it is always visibly displayed when working. Employees shall not permit such badge or insignia to be used or worn by any other person or to otherwise leave the employee's possession. Employee badges or insignia also may not be used to receive preferential treatment or personal gain.

***D. Favoritism***

An employee shall guard against any relationship that creates conflicts of interest or which might be reasonably construed as evidence of favoritism, coercion, unfair advantage, or collusion.

***E. Improper Influence***

An employee should not act in a manner that creates by their conduct a reasonable basis for the impression that any person can improperly influence them or unduly enjoy their favor in the performance of their official duties, or that they are affected by the kinship, rank, position or influence of any party or person. Employees may not induce or attempt to induce any City employee to commit an unlawful act or act in violation of City regulations, official policy and/or departmental orders.

***F. Political Activity***

City employee groups, when identified as such, are prohibited from endorsing or working for the election, recall, or defeat of any candidate for City office.

Any City employee as a citizen has the right to participate fully in the election and campaign process. Such activities can include, but are not limited to, signing petitions, volunteering services on their own time for the political candidate of their choice, and financial contributions.

However, no employee shall campaign actively for any candidate on City time or in any manner calculated to exert the influence of City employment. Further, no campaigning shall be conducted while wearing a City uniform, credentials, badges, or other insignia.

Employees are not prohibited from actively participating in political activities on any other governmental level, except where a department may have a specific relationship with a counterpart in a county office. Employees whose functions are funded in whole or in part by federal funds are prohibited from such political activity as is prescribed by provisions of the Hatch Act.

### ***G. Nepotism***

Employees related by blood or marriage or who reside in the same household are subject to the following restrictions:

1. One employee may not be in a position to be supervised, to supervise or serve in the chain of command of the other.
2. One employee may not have access to the other's confidential information, including payroll and personnel records.
3. One employee may not audit, verify, receive, or be entrusted with money handled by the other.

These guidelines apply to all categories of employment, including full-time, part-time, contingent and temporary classifications.

Employees who become related through a marriage while employed or become part of the same household are treated in accordance with these guidelines. In the event one of the above situations applies, one of the employees may be transferred laterally or take a voluntary demotion if another position for which the employee is qualified is available within the City. If no position exists, then the last hired employee would be subject to termination.

No supervisor shall date anyone in their chain of command.

### ***H. Doing Business with the City***

No employee shall serve as an officer, director, or consultant of, be a principal owner of, or receive any form of income in these capacities from any enterprise doing business with the City.

### ***I. Solicitations***

This section provides standards and guidelines regarding the distribution of literature; vending; soliciting time, money or support; or collecting contributions by or from City employees on City time or City property.

The following activities are acceptable but limited to the placement of notices, advertisements or announcements on the City's authorized bulletin boards, including the electronic Bulletin Board located on the City's Intranet.

1. Solicitation for non-profit or charitable organizations through the sale of merchandise or the solicitation of pledges or contributions by City employees of other employees;
2. Solicitation regarding for-profit, employee-owned businesses;
3. Sale of used items by City employees to other employees.

For the activities listed above, presentations, demonstrations of products or services, or individual contact with City employees during work hours or on City property shall be prohibited unless authorized by management as a City-related business activity, such as a vendor demonstration of a new piece of equipment or vehicle. Order taking and merchandise delivery during work hours or on City property are prohibited.

General-purpose solicitation for City-sponsored or co-sponsored events involving non-profit or charitable organization shall require prior approval by the Deputy City Manager or a City Council Appointee before such activities may be sanctioned

#### ***J. Seeking Privileges or Exemptions***

No employee should use or attempt to use their official position to secure privileges or exemptions for himself, herself or others.

#### ***K. Work Clothing Standards***

All employees are expected to present a professional image of the City as we interact with the public, our citizens, elected officials and each other. All employees are expected to exercise good judgment in selecting attire and report for duty in a neat, clean and appropriate apparel and appearance.

Employees may be required to wear designated uniforms and safety articles. Employees working in office environments are expected to dress in business casual attire. The City recognizes "casual Fridays" appropriate for the workplace.

Department Directors, or their designees, have the discretion of establishing more specific uniform or dress requirements employees are expected to adhere to. The City Manager may declare an exemption of the dress code for special celebrations, weekend workshops or weather-related events.

Employees who are required to present or attend public meetings, committee meetings, or

City Council meetings/study sessions, must wear appropriate business attire, such as suits, ties, dress clothes, slacks, collared shirts and suit jackets.

Employees who report to work dressed inappropriately or inconsistent with the intent of this policy may be sent home to change and return to work.

## **1-8 Ethics, Professional Standards and Conflicts of Interest**

All employees of the City must adhere to high levels of ethical conduct, integrity and accountability so the public will have confidence that persons in positions of public responsibility are acting for the benefit of the public. Officials and employees should comply with both the letter and the spirit of this section and strive to avoid situations which create impropriety or the appearance of impropriety. City employees must be impartial and responsible to the citizens they serve.

The City complies with all applicable federal, state and local laws relating to ethics in government and conflicts of interest. City Employees should refer to respective Business Policy Memoranda (BPM) Code of Ethics for additional information.

### ***A. Ethics***

Each employee must remain free of any potential influence, interest or relationship that might conflict with the interests of the City. Each employee must seek to avoid any activity that interferes or might interfere with the independent exercise of their judgment with the City.

No employee should have any direct or indirect interest, financial or otherwise; engage in any business transaction or professional activity; or incur any obligation of any nature that is in conflict with their proper discharge of their duties in the public interest including, but not limited to the following:

### ***B. Gifts***

No employee or employee's immediate family member shall directly or indirectly receive or solicit a gift regardless of the value where such gift is given with the intent or appearance of influencing the employee's official actions or duties for the City. A gift is any item that would tend to improperly influence a reasonable person in their position to depart from the faithful and impartial discharge of their public duties.

1. Gifts include but are not limited to loans, rewards, payment, gifts in lieu of payment, promises, negotiations of future employment, favors or services, honoraria, travel, entertainment, or special discounts with a monetary value of greater than \$65. Acceptance of tickets for sporting, recreational or cultural events, or for travel and/or lodging expenses with a monetary value of greater than \$65 is prohibited. Exceptions

- recognized by Colorado law are recognized by the City.
2. These limitations are not intended to prohibit the acceptance of articles of negligible value, less than \$65, which are distributed generally, nor to prohibit employees from accepting social courtesies which promote good public relations, nor to prohibit employees from obtaining loans from regular lending institutions. It is, however, vitally important that employees guard against any relationship which might be construed as evidence of favoritism, coercion, unfair advantage, conflict of interest, or collusion.
  3. Employees shall not accept products or services which are in any way connected with an employee's employment with the City. Acceptance of items for general office consumption which are perishable or which are insignificant in value are not a violation of this policy. Such items might include holiday baskets and promotional items such as coffee cups and letter openers.
  4. Employees are allowed to have lunches or dinners provided by vendors or associations that are part of training opportunities and/or that are attended by multiple other current or prospective customers. They may also participate in activities and/or events that benefit, promote or support the City of Aurora and are hosted by charitable, non-profit, governmental, or quasi-governmental organizations. In addition, City employees may attend community events or celebrations, such as grand openings, even when corporate sponsored, when there is a reasonable expectation that their presence is expected or serves the interests of the City. Acceptance of one-on-one meals from those doing business with the City or their representatives is prohibited.
  5. If a gift is accepted or solicited in violation of this policy, the individual may be subject to disciplinary action up to and including termination and a penalty of double the value.

### ***C. Prior Employment***

Employees shall not take any direct official action with respect to their former employer for a period of six (6) months from the date of separation of the prior employment. The intent is to indicate persons are not disqualified from a City job because of prior employment, but rather to avoid special advantage being given to former employers of City employees; and to avoid special advantage being given to a City employee by a former employer.

### ***D. Outside Employment or Business Activity***

The intent of this section is to avoid possible conflicts of interest and time conflicts between City employment and outside employment or business activity. Employment shall include

any form of employment, including self-employment, which may be formal or informal in nature, as well as any formal or informal entity created in anticipation of receiving some gain, financial or otherwise.

1. All employees shall report existing or proposed outside employment or other outside business activity annually in writing to their supervisory chain and obtain approval prior to accepting outside employment or engaging in business activity.

#### ***E. Post-Employment***

The intent of this policy is to avoid the actuality or appearance that employers who hire former City employees may get special treatment.

1. During six (6) months following separation, no former City employee shall obtain employment in which they will take direct advantage, unavailable to others, of matters with which they took direct official action during their service with the City.
2. For one (1) year following separation of service with the City, no former City employee shall engage in any action or litigation in which the City is involved, on behalf of any other person or entity, when the action or litigation involves an issue on which the person took direct official action while in the service of the City.

#### ***F. Confidentiality***

Employees are prohibited from discussing confidential information gained through employment with the City with unauthorized persons during or after employment.

#### ***G. Complaints and Inquiries***

Employees have a duty to report known or reasonably suspected violations of any policy by any City employee. Employees also may inquire about whether a perceived ethical violation or conflict of interest is a violation.

1. Employees with questions, concerns or knowledge of specific situations that could possibly be construed as a conflict of interest, appearance of impropriety, or receipt of a prohibited gift must disclose those situations, in writing, to their Department Director, the City Attorney's Office or the Human Resources Department.
2. Employees wishing to remain anonymous may also report fraud concerns or violations through Ethical Advocate's website at <https://auroracolorado.ethicaladvocate.com/> or by calling 855.449.0544. Ethical Advocate is an independent, third-party vendor providing anonymous and confidential incident reporting for City employees.

## **1-9 Disciplinary Action**

This policy applies to all regular full and part-time Career Service employees who have completed their introductory period.

Contingent and introductory employees are subject to termination of their employment without appeal rights for failure to perform or behave satisfactorily, for violation of any City policies or procedures or for operational considerations, as defined in Introductory and Trial Periods for Career Services Employees Policies and Contingent Employment.

Disciplinary Procedures for Civil Service employees are set forth in Section 3-16 of the Aurora Charter. 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.

Management and supervisory personnel have the right and the responsibility to counsel employees on their performance and to take appropriate disciplinary action.

Human Resources and the City Attorney's Office shall be available to provide counsel and advice in handling personnel problems and administering disciplinary actions.

When a supervisor suspects that a violation of City policy or procedure has occurred, or is occurring, a supervisor is obligated to immediately meet with the employee and discuss the situation or incident. EEO violations are required to be reported to and investigated by Human Resources.

If disciplinary action is appropriate, the supervisor shall prepare the appropriate documents in consultation with supervisory staff, Human Resources and the City Attorney's Office prior to administration of any disciplinary action.

The final decision of disciplinary action administered shall rest with the Department Director.

Failure to strictly follow these guidelines, does not waive or diminish the City's ability to administer discipline.

### ***A. Prohibited Conduct***

It is the responsibility of all regular employees to observe City policies and follow the procedures necessary for the proper operation of City government functions and to ensure



continuing municipal services.

Engaging in prohibited conduct will lead to disciplinary action up to and including immediate termination of employment. Prohibited conduct shall include, but is not limited to, the following types of conduct or activities when having a work-related impact:

1. Job Performance, including a failure to demonstrate reasonable competence to perform the work in a satisfactory manner following normal job orientation and training.
2. Violation of any applicable City or internal departmental rule, regulation, procedure, safety rule or policy, including the City's CORE 4 Values.
3. Insubordination or neglect of duty, including failure, neglect or refusal to follow instructions (either verbal or written) given by a supervisor, unless such instruction is injurious to the employee's or the general public's health and welfare.
4. Refusal to submit to a search of the employee's personal property when the personal property is present on City property and the search is requested as part of an investigation into work-related misconduct.
5. Conveying information the employee knows to be false.
6. Making direct or veiled threats of physical violence or, attempting to cause or causing bodily harm or injury to any other person.
7. Failing to self-disclose to the Director of Human Resources within 5 calendar days any arrest; pending felony, misdemeanor or municipal charges; traffic citations; suspension or revocation of a driver's license or other required license or certification; or conviction of any felony, misdemeanor, traffic offense, or municipal ordinance violation. A conviction shall include a guilty or no-contest plea, the acceptance of a plea bargain, a finding of guilty by a judge or jury, or the acceptance of a deferred sentence or deferred judgment.

Regardless of the status of a criminal proceeding, the City reserves the right to investigate the underlying allegation(s), to include but not limited to, processing a current criminal background check (in compliance with the Fair Credit Reporting Act), and to take disciplinary action based upon its investigation independent of and/or prior to the conclusion of the criminal case for any conduct, whether on or off duty, that: involves violent crimes, domestic violence, destruction of property, or dishonesty; on becoming public knowledge, could have an adverse effect on the City or on the confidence of the public in City government; is deemed by the City as unbecoming of a City employee; or would interfere with the employee's ability to do their job.

8. The intentional or knowing falsification, misrepresentation or material omission of facts, including but not limited to:
  - i. City insurance documents and other City forms
  - ii. Employment applications
  - iii. Personnel records
  - iv. Time reports
  - v. Information pertaining to an official investigation, including but not limited to making full disclosure of facts, known by the employee, to any investigator in an investigation conducted or requested by the City.
  - vi. Any information related to City business.
9. Receipt of a written reprimand, fine, suspension, and/or involuntary demotion and the subsequent commission of an infraction or infractions (either the same or a different type) that results in the administration of another written reprimand, fine, suspension, and/or involuntary demotion during any 12-month period.
10. Possession of, use of, testing positive for, or having impaired ability from alcohol or any other narcotic or dangerous drug while on duty. This includes medical/or retail marijuana.
11. Abuse, intentional destruction, abandonment, theft, improper or inappropriate use of, or damaging of property, tools, facilities, vehicles, computer software or data, equipment, funds or services belonging to another or the City.
12. Displaying deliberate, negligent, or careless conduct and/or using offensive or abusive language in public that may disrupt the work environment, affect the public's trust in the City or its employees, and/or endanger the safety of the employee, other employees or members of the public.
13. Discriminating against, harassing, sexually harassing, or retaliating against another City employee or citizen;
14. Displaying, sharing or disseminating pornographic, sexual or obscene materials or images.
15. Failure to be respectful to a supervisor, subordinate, co-worker, or any other person with whom an employee may come in contact during working hours.

16. Unauthorized absence, leaving assigned work area without prior authorization by a supervisor and/or habitual tardiness and attendance.
17. Engaging in a strike, slowdown, or group work stoppage, or any kind of unauthorized interruption of work.
18. Possessing a weapon while on duty or at an employee event, unless such weapon is required to be in the possession of the employee in the normal course of fulfilling the employee's duties. A weapon is defined as a firearm, whether loaded or unloaded; bludgeon; knife or other bladed instrument capable of inflicting cutting, stabbing, or tearing wounds; explosive, incendiary, or other dangerous device; or any other object defined as a "deadly weapon" or an "illegal weapon" by City ordinance.
19. As a supervisor, failing to take the necessary and appropriate steps to discipline a subordinate employee, when that conduct requires such action, and when the supervisor knows, or in the reasonable exercise of supervisory duties should know, of the situation.
20. Directors, managers and supervisors engaging in any activity, either in the workplace or outside the workplace, which would interfere with or could reasonably be perceived by others to interfere with the ability to objectively, fairly, and accurately evaluate the performance of a subordinate employee in the chain of command.
21. Failure to maintain qualifications/certifications/licenses/eligibility requirements, including failure to maintain a good driving record where driving is an essential element of an employee's job.

### ***B. Types of Disciplinary Action***

The types of disciplinary action that may be imposed shall include the following. If the behavior of the employee is sufficiently egregious, the employee may be subject to discipline up to and including termination.

#### **1. Verbal Warning or Reprimand**

Recommend supervisor consultation with Human Resources before issuance. If discipline is for an EEO policy violation, the supervisor must consult with Human Resources before issuance.

This action is administered orally with a written notation being made only for the supervisory record.

Whenever grounds for disciplinary action exist, and a supervisor determines that more severe action is not immediately necessary, the supervisor shall orally

communicate to the employee the deficiency and indicate that failure to remedy the deficiency shall result in some method of formal disciplinary action.

Verbal Warnings or Reprimands are not appealable to the next level of supervision within an employee's department or to the Career Service Commission.

## **2. Written Reprimand**

Supervisor must consult with Human Resources prior to issuance.

This action is administered in writing with the reprimand document being signed by the supervisor and acknowledged by the employee.

In situations where a verbal warning or reprimand has not resulted in the expected improvement, or where stronger initial action is warranted, a written reprimand shall be addressed to the employee.

The written reprimand shall:

- i. Identify the offense(s);
- ii. State the necessary corrective action(s) to be taken by the employee;
- iii. State, if applicable, the time period in which the employee must accomplish the corrective action(s); and
- iv. State what the consequences shall be if the employee repeats the same or similar offense(s) in the future.

After presentation to and discussion with the employee, a copy of the written reprimand, signed by the supervisor and acknowledged by the employee shall:

- i. Be given to the employee, and
- ii. Be forwarded to the Human Resources Department for inclusion in the employee's personnel file.

Employees may provide written responses to written reprimands for inclusion in their personnel files.

Written reprimands may be appealed to the next level of supervision above that of the supervisor issuing the reprimand. The appeal must be submitted in writing within five (5) working days from the date of receiving the written reprimand. Written

reprimands are not appealable to the Career Service Commission.

Employees may request that written reprimands be removed from their personnel file after two years. Removal of such documents must be approved by the Human Resources Director and the employee's Department Director. The basis for removal shall be that the behavior referenced in the reprimand has been corrected and not repeated since the last discipline for that issue. Once an employee leaves the City, the personnel file shall be considered closed and cannot be amended.

### ***C. Advanced Discipline***

Supervisor must consult with Human Resources prior to issuance.

### ***D. Types of Advanced Discipline***

#### **1. Unpaid Suspension**

- i. Unpaid disciplinary suspensions may be imposed for serious infractions of City policies.
- ii. Exempt employees may be suspended without pay only in full-day increments and as discipline for serious violations of written workplace conduct rules applicable to all City employees and not based on poor performance or attendance.

#### **2. Termination of Employment**

- i. Pending termination, an employee will be placed on paid or unpaid administrative leave until the issuance of the Letter of Final Decision. Separation of employment for medical reasons are non-punative and do not require administrative leave or issuance of a Proposed Letter of Adverse Action or Letter of Final Decision.

### ***E. Other Types of Advanced Discipline***

#### **1. Involuntary Demotion**

- i. Involuntary Demotions may be disciplinary action or may result from failure to perform.

#### **2. Fine**

- i. Fines are limited to violations of safety rules of major significance implemented to prevent serious danger to the workplace or workers.

***F. Procedures for Administering Advanced Discipline***

The employee shall be given a detailed statement of the specific reasons for the proposed disciplinary action and a statement setting forth the appeal process. The letter shall be signed by the employee's Department Director, Deputy City Manager or City Council Appointee (as applicable), and the Human Resources Director and approved as to form by the City Attorney's Office

The employee has up to five (5) working days to appeal to the Department Director the proposed letter of disciplinary action explaining why the proposed disciplinary action should not be taken or why it should be reduced.

Failure by the employee to respond in the five (5) working day period will result in the imposition of the proposed discipline and will end the appeal process.

If an appeal is filed, the Department Director has five (5) working days to respond to the employee's appeal unless additional time is required to investigate statements or claims. If additional time is necessary the employee shall be notified in writing of the additional time necessary. Failure to respond in (5) working days shall not diminish the discipline.

The employee shall be entitled to meet with the Department Director to discuss why the proposed disciplinary action should not be taken or why it should be reduced. The employee is not entitled to representation at the meeting and employees are prohibited from recording the meeting. If the meeting is recorded, it will be recorded by the City and a copy of the recording shall be given to the employee.

If the employee submitted a timely appeal, the employee shall be notified of the final decision in writing. The letter of final decision shall be signed by the employee's Department Director, Deputy City Manager or City Council Appointee (as applicable), and the Human Resources Director and approved as to the form by the City Attorney's Office.

Within (5) five working days following receipt of the letter of final decision, if the employee appealed to the Department Director, the employee may:

1. Request a hearing with the Career Service Commission by submitting a written request for a hearing to the Director of Human Resources, clearly stating the reason(s) why the disciplinary action should be reversed or modified; or
2. Choose to take no further action, in which instance the appeal process shall be concluded.

Non-disciplinary action separations for medical reasons are not appealable to the Career Service Commission.

### ***G. Career Service Commission***

Within five working days of receipt of the employee's request for a hearing before the Career Service Commission, the Director of Human Resources shall provide notice of the employee's request to the employee's Department Director, Deputy City Manager, Council Appointee, City Attorney's Office, and Career Service Commission.

Within 30 working days of receiving notification of the request for appeal hearing, the Career Service Commission shall notify the Director of Human Resources of the scheduled hearing date.

Within five working days of receipt of notice of the scheduled hearing date, the Director of Human Resources shall provide notice of the scheduled hearing date to the employee, the employee's Department Director, the appropriate Deputy City Manager or Council Appointee and the City Attorney's Office.

A recording of the hearing shall be arranged by Human Resources so that a verbatim transcript can be produced if requested at cost to the requestor.

The Career Service Commission, in hearing the appeal of the disciplinary action, shall consider only the reason(s) stated in the employee's written request for the hearing.

Within 30 working days after the conclusion of the hearing, the Career Service Commission shall notify the employee and, if applicable, the employee's representative; the employee's Department Director; the employee's Deputy City Manager or City Council Appointee; the City Attorney's Office; and the Director of Human Resources of its findings.

The decision of the Career Service Commission is final and ends the administrative appeal process for Career Service employees.

The findings and decisions of the Career Service Commission shall be distributed as specified. Appropriate documentation shall be placed in the employee's personnel file in Human Resources if the disciplinary action is upheld or reduced.

### **1-10 Grievances of Working Conditions or Practices**

The City shall make every reasonable effort to provide satisfactory and equitable working conditions and practices for all employees. The City desires the most efficient and effective accomplishment of its work. To this end, supervisors and employees are expected to make every effort to resolve problems quickly and informally.

When the informal process fails to resolve the problem, an employee may file a work-related grievance without fear of reprisal.

A grievance may address perceived unfair working conditions or practices. Grievances may not address matters of a policy nature such as establishment of wages or benefits, the setting of terms and conditions of employment, and matters affecting individual employee performance evaluations.

Complaints which address discrimination, harassment, sexual harassment, or retaliation are addressed in the **Discrimination, Harassment, Sexual Harassment Policy** of this Handbook.

Appeals of job performance evaluations are provided in a separate procedure entitled “Performance Evaluation Request for Review.” Performance Evaluation appeal procedures and forms are available through Human Resources.

#### ***A. Representation***

A grievance may be filed by an individual employee, a group of employees or by a designated employee. Each employee represented in a grievance must sign all written correspondence throughout the grievance procedure.

Throughout the grievance procedure, the term “employee” shall refer to the employee or employees filing the grievance and/or the designated representative.

#### ***B. Timeframes***

The timeframes and deadlines for the grievance procedure must be observed, unless extenuating circumstances require adjustment and are documented in writing.

Failure on the part of management to respond within the specified timeframes at any step in the grievance process entitles the employee to resubmit the grievance to the next higher level of authority.

When an employee fails to pursue a grievance within the timeframe specified or withdraws the grievance, the employee’s grievance shall be terminated and no further action shall be taken.

If an employee resigns from their employment, investigation of the grievance may be terminated. Management, however, reserves the right to continue the investigation if deemed appropriate.

#### ***C. Grievance Procedure***

If, at any time in the process, the employee does not initiate the next level of review within the timeframe specified for such review, it will be assumed that the employee accepts the



resolution/explanation last given and the grievance procedure shall be concluded.

Within ten working days of the occurrence of the event(s) causing the grievance or obtaining knowledge of the circumstance(s) causing the grievance, the employee must present a written statement of grievance to their immediate supervisor, unless the grievance is with the immediate supervisor, then the employee may take the grievance to the next level of management.

Within five working days of receiving the employee's written grievance, the employee's immediate supervisor shall respond in writing to the employee and shall provide:

1. An explanation of the matter;
2. An offered resolution, corrective action, or decision regarding the grievance; and
3. An explanation of further action the employee may take regarding the grievance.

Within five working days of receiving the immediate supervisor's response, the employee may request a meeting with their Department Director. This request must:

1. Be in writing with a copy sent to the employee's immediate supervisor; and
2. Specify the employee's reasons for disagreeing with the immediate supervisor's decision.

Absent written notification by the employee to the contrary, it shall be assumed that the employee accepts the resolution of the grievance offered by the immediate supervisor and the grievance procedure shall be concluded.

Within five working days of receiving the request for a meeting, the employee's Department Director shall meet with the employee and the employee's immediate supervisor.

Within five working days of the conclusion of the meeting, the employee's Department Director shall respond in writing to the employee, with a copy of the response also being provided to the:

1. Employee's immediate supervisor
2. Director of Human Resources

This response must provide:

1. An explanation of the matter,

2. The Director's decision regarding the grievance, and
3. An explanation of further action that may be taken regarding the grievance.

Within five working days of receiving the Department Director's response, the employee may request a meeting with their Deputy City Manager. This request must be in writing with a copy sent to the:

1. Employee's Department Director
2. Director of Human Resources

The request must specify the employee's reasons for disagreeing with the Department Director's decision.

Within 10 working days of receiving the request for a meeting, the employee's Deputy City Manager shall meet with the employee, the employee's Department Director, and any other person(s) relevant to the grievance.

Within five working days of the conclusion of the meeting, the employee's Deputy City Manager shall respond in writing to the employee with a copy of the response also being provided to the employee, employee's Department Director, employee's immediate supervisor and Director of Human Resources. This response must provide an explanation of the matter. The decision of the Deputy City Manager is final and ends the grievance procedure.

## CONDITIONS OF EMPLOYMENT

### 2-1 Introductory and Trial Service Periods for Career Service Employees

Introductory and Trial Service Periods are used to evaluate the performance and conduct of newly hired, promoted or transferred employees.

All newly hired Career Service employees, with the exception of Public Safety Communications personnel, shall be subject to an introductory period of six months of actual service unless otherwise extended.

An introductory employee may be separated from City employment at any time during the introductory period. No Introductory Career Service employee shall be separated without the approval of the introductory employee's Department Director. All reasons cited for the termination must be provided to the introductory employee in writing. Separations during the introductory period are not appealable.

The introductory period may be extended for approved leave taken during the introductory period which shall extend the introductory period proportionately.

Hiring or other such sign-on bonuses will not be paid out until successful completion of the introductory period.

#### ***A. Introductory Period for Public Safety Communications Personnel***

All Public Safety Communications employees shall be subject to an introductory period of 12 months of actual service.

#### ***B. Promotion***

Introductory employees may not apply for promotion or transfer as internal candidates, unless the position is posted to the public. If an Introductory Period employee is hired into a new position, the Introductory Period starts over.

#### ***C. Promotional opportunities are posted positions that are vacant or will become vacant and selection is made following a competitive process, excluding reclassification and career progressions. Satisfactory Completion***

Career Service: After completion of the introductory period, the employee is placed on regular status.

#### ***D. Trial Service***

All newly promoted Career Service employees, including employees who are reassigned through Career Progression, shall be subject to a trial-service period of six months of actual service.

Employees promoted to a position in a higher pay range shall be compensated at a rate not less than the minimum nor more than the maximum of the new pay range.

Newly promoted Career Service employees shall receive a six-month evaluation, subject to a trial-service period. An employee who does not receive a satisfactory evaluation will be subject to discipline. The affected employee may appeal their discipline in accordance with the City's Disciplinary Action procedures. Such employees may be returned to their former position or a similar type of job classification if available. No City employee, however, may be displaced from a position due to the failure of another employee to satisfactorily perform during their trial service period. If the employee's position or a similar type of job classification is not available, employment termination action shall be initiated in accordance with the City's Disciplinary Action Procedures.

The trial period may be extended for approved leave in excess of eight hours within a pay period taken during the trial period which shall extend the trial period proportionately.

## **2-2 CORE 4 Performance Evaluation Program**

Career Service employees will participate in the CORE 4 Performance Evaluation program. This program is designed to evaluate employees for their performance, their demonstration of the City's CORE 4 values and the objectives of their position.

Evaluations should occur at the mid-point and end of the evaluation year. If an employee receives two non-consecutive, overall *Below* ratings on their mid-point and/or annual CORE 4 performance reviews, that employee shall be separated from City employment.

Employees who receive advanced discipline may receive a *Below* rating on their evaluation. If an annual wage adjustment is approved by City Council, employees who receive advanced discipline during the applicable evaluation period will be ineligible for the wage adjustment.

Appeals of performance evaluations may be made to the employee's next level of supervision from the supervisor who issued the evaluation.

If an employee receives a below-standard performance evaluation, the employee will be automatically placed performance improvement plan.

## **2-3 Performance Improvement Plans**

In order to address performance issues, management may place an employee on a

Performance Improvement Plan of a definite duration, not to exceed 6 months. Performance Improvement Plans should not be used for employees who are on an Introductory or Trial Service Period.

The performance improvement plan is a tool used to assist in the process of improving an employee's performance. This plan must indicate the job task(s) that need to be improved and may include but is not limited to, behavior-based items, performance benchmarks or items related to attendance or punctuality.

A performance improvement plan must identify performance expectations and set forth the timeframe for which such items are required to be completed. It must also include a schedule of periodic meetings during which the employee and their supervisor will discuss and document progress.

If performance does not improve or declines, the manager or supervisor, in consultation with Human Resources, may end the plan prior to the end of the timeframe identified and commence with further disciplinary action up to and including termination.

Failure by the employee to sign the performance improvement plan will result in additional discipline, up to and including termination. The plan and the results shall be forwarded to Human Resources to be included in the employee's personnel file.

If a determination is made to pursue disciplinary action as the result of failure to correct performance deficiencies during a Performance Improvement Plan, procedures outlined in the **Disciplinary Action Policy** shall be followed.

An employee currently on a Performance Improvement Plan will not be eligible for job re-assignment if the Performance Improvement Plan is the result of conduct issues.

## **2-4 Career Progression Plans**

Career progression plans may be developed to allow for systematic career growth as an employee gains experience and increases their contributions to the organization. They shall clearly state what is required for an employee to be reclassified to a different classification and shall require as a minimum:

- a. An experience standard
- b. A minimum merit-eligible performance evaluation
- c. A duties and responsibilities standard
- d. Successful completion of a six month trial-service period after the reclassification

## 2-5 Drug/Alcohol-Free Workplace

The City is a drug and alcohol-free workplace and requires a work environment free from the effects of illegal or misused legal drugs such as certain prescription drugs, alcohol and controlled substances. Medical and recreational marijuana are both prohibited substances included in this policy.

This policy applies to all employees and applicants extended a conditional job offer. Employees and applicants who are required to hold a commercial driver's license (CDL) must also adhere to regulations as set forth by the Department of Transportation pursuant to 49 C.F.R. Part 40. Civil Service employees may also be subject to additional drug and alcohol-free policies and procedures. Compliance with these policies is a condition of continued employment.

In order to provide quality service to the public and a safe, healthful and efficient work environment, the City requires its employees to report for work fit to perform their job duties. Employees who may be suffering from addiction are encouraged to seek treatment through their own provider or through the *City of Aurora Addiction Rehabilitation Services (CAARS)* voluntary program.

All employees are subject to pre-employment testing, reasonable suspicion testing and post-accident testing in certain situations. CDL holders are also subject to random drug and alcohol testing compliant with DOT regulations. Submitting to a test is a condition of employment. An employee or applicant who refuses to test will be subject to termination or a rescinded offer of employment. Refusal to test includes, outright refusal to be taken to or report to a test site, to sign consent forms at the test site, submitting an adulterated or substituted sample, or failure to provide sufficient breath or urine without medical justification.

Employees are prohibited from using drugs or alcohol on the job and may not test positive for drugs or alcohol. Employees who test positive for drugs or alcohol, including marijuana will be in violation of this policy and subject to disciplinary action up to and including termination.

Any deviation from this policy shall be in accordance with all applicable laws and regulations, including the Americans with Disabilities Act (ADA).

**If any references to CDL holders contained herein that conflict with DOT Regulations, DOT Regulations shall supersede this handbook.**

## 2-6 Fit for Duty

For the duration of employment, each employee must have the physical ability and mental

capacity to perform their essential job functions in a safe, secure and effective manner. If questions arise regarding an employee's ability to perform their job or whether the employee constitutes a safety concern to the employee, property or others, the employee may be required to submit to a medical examination by a City-designated occupational physician or other provider qualified to determine the employee's fitness for duty, as arranged by the Risk Management Division.

An employee required to submit to such examination by a City-designated physician or provider shall be at no cost to the employee. Correction or treatment of conditions or considerations diagnosed during this examination shall be the sole cost and responsibility of the employee.

If it is determined an employee is unable to perform the essential function of their job, due to a disability, the employee may make a request for reasonable accommodation under the American with Disabilities Act (ADA), through the Human Resources Department.

## **2-7 Reduction in Force (Layoff)**

Any Career Service employee may be laid off because of lack of work, lack of funds or change in City operations as determined at the sole discretion of the City.

In a layoff situation due to a reduction in work force, the City Manager, after review and approval of City Council, shall establish the nature of the reductions. This may include, but is not limited to, any or all of the following:

- a. Achievement of a specified cost reduction, by dollar amount or by percent, on a City-wide basis or in specific departments or divisions;
- b. Reduction of a specified number of employees, on a City-wide basis or in specific departments or divisions;
- c. Layoff in specified job titles or job categories, on a City-wide basis or in specific departments or divisions.

Based on the City Manager's reduction plan, Department Director(s) shall determine the specific positions to be affected in their departments. This shall be reviewed and approved by the appropriate Deputy City Managers and the City Manager.

In the job titles affected by the layoff, contingent employees, employees with current performance evaluations below an achieves rating or with an active documented performance or disciplinary issues, and introductory employees shall be laid off first (in that order) with no retention rights.

Layoff of regular employees in the affected job titles or job categories with current evaluations which indicate at least an achieves rating, shall be based on length of continuous, uninterrupted service as a regular employee. Military leave, FMLA leave or injury leave shall not count as an interruption.

### ***A. Veterans Preference***

In the event of a layoff involving an employee eligible for veterans' preference pursuant to Article XII, Section 15, of the Colorado Constitution, length of continuous, uninterrupted service, shall include credit for military service given as follows:

#### **1. Credit for military service shall be given as follows:**

- i. For a person who has completed 20 or more years of active military service, no military service shall be counted in determining length of service in respect to such retention rights;
- ii. In the case of a person who has completed less than 20 years of such military service, no more than 10 years of service shall be counted in determining such length of service for such retention rights;

Credit for military service, as described above, shall be added to continuous uninterrupted service as a regular or introductory City employee when determining length of service by an honorably discharged veteran.

### ***B. Reinstatement***

Employees with unsatisfactory performance evaluations at the time of being laid off do not have reinstatement rights. Otherwise, a regular employee who is laid off shall be eligible for reinstatement to the position which they vacated, should said position become available at any time during the two-year period following the date that the layoff became effective.

Should a different position become available during that two-year period, that employee may apply as an internal candidate and must successfully pass the employment drug screening, background check and credit check required of new employees.

During the reinstatement period, a former regular employee who is re-employed after a layoff shall be given full credit for their prior service. However, employees shall not receive service credit for the time of the layoff. Reinstatement in the General Employees Retirement Plan is based on the provisions of the plan.

## **2-8 Separation from Employment**



An employee may separate from employment by job abandonment, layoff, resignation, retirement, medical separation or termination.

When an employee intends to voluntarily leave City employment, the employee should provide their immediate supervisor written notice at least two weeks prior to the last intended date of employment and should complete the necessary forms prior to leaving.

An employee who resigns in-lieu-of termination may not be eligible for rehire.

A resignation may be withdrawn prior to the effective date if approved by the appropriate Department Director.

Employees shall return all City property (e.g., documents, purchasing cards, computer equipment, City vehicles, supplies, materials, keys, I.D. cards) to their immediate supervisor prior to their departure.

Personal belongings not retrieved within six months may be donated or destroyed. The City reserves the option to mail personal belongings to employees' mailing/home address on file.

#### ***A. Separation Payments***

Final paychecks shall be prepared for normal distribution in accordance with regular payroll cycles. Annual and sick leave accruals as of the date of separation shall be paid out pursuant to City policies. The final paycheck may be offset by any monies or property owed to the City with approval from payroll administration and the employee's Department Director.

Coverage under health plans shall terminate on the last day of the month in which employment ceases.

## COMPENSATION AND POSITION STATUS POLICIES

### 3-1 Compensation

Taxpayer funds shall not be used to compensate public employees for hours not worked. Employees who are absent from work and who are not eligible for leave and have exhausted leave shall be placed on leave without pay status, if not voluntarily separated for job abandonment.

According to the City's pay plans, employees shall not be compensated at an amount less than the minimum pay rate for the job to which they are appointed. Compensation above the minimum pay rate may be authorized by the hiring Department Director based upon the employee's education, training, skills and/or experience.

### 3-2 Change in Compensation

#### *A. Upon Involuntary (Disciplinary) Demotion or Voluntary Change to Lower Pay Range*

##### **1. Involuntary (Disciplinary) Demotion**

Employees involuntarily demoted as the result of a disciplinary action shall receive a pay decrease. The new pay rate shall not exceed the maximum pay rate of the new range.

##### **2. Voluntary (Non-Disciplinary) Change to Lower Pay Range**

When an employee is moved to a position in a lower pay range at the employee's request (voluntary non-disciplinary change to lower pay range), or is placed in a position in a lower pay range through the application and certification process, the employee's salary shall be placed within the lower pay range at a rate not to exceed the employee's actual rate of pay prior to the change. Generally, employees voluntarily demoting to lower pay grades will receive a pay decrease; demotions that do not result in a pay decrease require Deputy City Manager approval.

#### *B. Upon Transfer*

Compensation for an employee who is moved from a position in one pay range to a position in the same pay range which requires different skills will generally not receive a salary increase, unless the duties of the new role are significantly more complex than the duties of the previous position, as determined and approved by the Manager of Human Resources. Such increases must also have the approval of the appropriate Deputy City Manager.

***C. Reclassification to a Lower Pay Range***

When a position is moved to a lower pay range as the result of a job evaluation, the employee's compensation may be adjusted within the new pay range at a rate not to exceed the employee's actual rate of pay prior to reclassification with the approval of the appropriate Deputy City Manager.

When an employee's salary is above the maximum pay rate of their new pay range as the result of a job evaluation, the employee's salary will not receive annual increases in base pay until the maximum pay for the salary range exceeds the employee's salary.

***D. Reclassification to a Higher Pay Range***

When a position is moved to a higher pay range as the result of a job evaluation or through career progression, an employee's salary shall be placed within the higher range at the discretion of the Department Director.

Salary changes resulting from a job evaluation may be made effective no earlier than the date upon which the request for job evaluation is signed by the Director of Human Resources.

***E. Employees Whose Salary is Above the Pay Range for Their Position***

An employee who is at or above the maximum rate of their pay range, and/or whose subsequent performance evaluation would place their salary above the maximum rate of their pay range, will not receive annual increases in base pay until their salary is within the pay range for their position. Their salary will remain the same until the maximum of the pay range exceeds their salary.

***F. Detail Assignments***

In order to maintain City operations, employees may be detailed to serve in a temporary or acting capacity in a job classification in a pay range above their regular job classification. Employees may be detailed by a Department Director after consultation with Human Resources.

**3-3 Special Pay**

***A. Bonuses***

Performance bonuses, which are not pensionable for purposes of retirement, may be granted to employees according to the following guidelines:

- a. A bonus may be granted to an employee who has demonstrated specific extraordinary

performance as determined by the employee's Department Director with approval by a Deputy City Manager.

**1.**

**This bonus program may not be used for the following:**

- i. Resolution of pay inequities
- ii. Special projects, standby pay or emergencies which are included in the City's current overtime policy
- iii. Detail pay
- iv. Employee suggestions
- v. Overtime
- vi. Any activities compensated through other available mechanisms.

**2. Bonuses Procedural Guidelines**

**Procedural Guidelines for the program are as follows:**

- i. Bonus awards shall be made in a single payment and shall not adjust the employee's base pay.
- ii. Bonus awards may be awarded at any time during the year.
- iii. The bonus amount awarded may be up to 10 percent of an employee's salary but shall not exceed \$3,500.
- iv. Funding for bonus awards must be allocated from departmental savings. In cases involving smaller departments, funding from another account may be considered following approval by the appropriate Deputy City Manager.
- v. Bonus awards shall be paid through the normal bi-weekly paycheck.

***B. Certification Pay***

Certification pay, which is not pensionable for purposes of retirement, may be used to support appropriate compensation for certifications that are essential to the position and standard within the industry. In partnership with the department, Human Resources will determine the

validity of the certification in comparison to external market and the monetary value placed on the certification. In general, the certification will be paid out one time per year, will not exceed 10% of total compensation, and will not exceed \$3,500.

### ***C. Call Back Pay***

When an eligible employee who is not on standby duty is called back for overtime work which is separate from their scheduled shift, a minimum of two hours pay at the overtime rate shall be guaranteed.

### ***D. Overtime***

Non-exempt employees shall be compensated for hours actually worked (productive time) in excess of 40 hours during the work week or in excess of the scheduled work shift as specified by the Department Director. The work week begins and ends at Friday midnight.

Hours compensated at the overtime rate on a work shift basis shall not be considered in determining total productive hours for the work week.

Department Directors or their respective designees shall determine whether overtime shall be based on the work week or work shift for each employee and if in the form of payment or compensatory time. An appropriate FLSA agreement shall be placed in each non-exempt employee's personnel file.

Department Directors, Deputy City Managers, City Council Appointees must authorize any overtime work.

All scheduling and payment of overtime must be authorized in advance by Department Directors or their designees. Employees who work overtime without authorization will be paid for overtime hours worked but may be subject to discipline.

### ***E. Compensation Rate for Overtime***

An amount equal to 1.5 times the hourly rate of pay for each of the overtime hours worked, or a rate equal to 1.5 times the number of hours worked in compensatory time.

The maximum amount of compensatory time any one employee may accumulate shall be determined by each Department Director. However, this amount may not exceed 240 overtime hours for Career Service employees.

### ***F. Standby***

Employees placed on standby duty apart from regular working hours may be paid straight

time up to 10 hours per work week for being on call, if the department sets a maximum response time for employees on standby duty. Non-exempt employees on standby duty who are actually called to work during non-duty hours shall be paid at the rate of 1.5 times their hourly rate for hours actually worked.

### ***G. Emergency Pay***

Employees may be compensated beyond their normal wage in the event:

- i. The City Manager has declared an emergency, or
- ii. The Public Works Director has declared a snow emergency, or
- iii. The employee is ordered to work under hazardous conditions beyond the normal scope of their job, or
- iv. A Director has declared an emergency for facility repair.

## **3-4 Recruitment**

It is the responsibility of Human Resources to compile and publish job opportunity listings announcing City employment opportunities. Recruitment shall be initiated when Human Resources receives a completed request from a hiring department, the request is reviewed by Human Resources and the Budget Division and approved by the Deputy City Manager.

The job opportunity listing shall indicate the department, position title, basic position duties, requirements, pay rate (or range), and benefits to be offered of each position listed and contain a statement affirming the City's commitment to equal employment opportunity.

The hiring department and Human Resources shall determine, prior to posting, if positions shall be announced internally, externally, or concurrently.

### ***A. Hiring Documentation***

Applicants for employment, promotion or transfer may be required to submit written documentation for items such as minimum age, identity, employment authorization required licenses, training, certification, registration, education or driving records.

Failure to provide required documentation may disqualify an applicant from employment, promotion or transfer consideration.

### ***B. Internal Applicants***

Employees may only apply for promotion or transfer upon completing their introductory period unless the position is posted to the public. If transferred or promoted, the Introductory Period would start over. A contingent employee may be directly appointed to a regular position of the same classification, if a competitive recruitment was conducted for the contingent position.

### ***C. Evaluation of Applicants***

The hiring department and Human Resources shall determine the appropriate method to be used in posting, recruiting, evaluating and selecting applicants for the position to be filled.

When a position has received an excessive number of applications, Human Resources will review applications. It is not guaranteed that applications received after the Human Resources review will be considered.

### ***D. Confidentiality***

The evaluations of each applicant shall be confidential, but applicants may request information concerning their own test performance. Information shall not be released that would compromise the rights of other applicants or the security of test materials.

### ***E. Ineligibility***

A person shall be determined ineligible for a position based upon, but not limited to the following:

1. Does not meet the requirements for the position or cannot perform the essential functions of the position, with or without reasonable accommodation;
2. Is below minimum age established by the City to conform to state and federal laws;
3. Has used or attempted to use political influence or bribery to secure an advantage in evaluation or appointment to a position in the City;
4. Has made false statements, omitted any material fact or has practiced or attempted to practice deception or fraud during any part of the application or selection process;
5. Has used unauthorized access to information concerning the contents of an examination;
6. Has been convicted of an offense which directly relates to the duties of the position applied for;

7. Would be in a position which would involve a supervisory/subordinate relationship between two members of the same family or household where one employee could influence the pay or performance rating of another;
8. Has an unsatisfactory employment history or if currently employed by the City, has received advanced discipline within the preceding six months, or the most recent mid-point or annual performance evaluation reflects below standard performance in their current position;
9. Has resigned in-lieu-of-termination (may be treated as ineligible); or
10. Has failed a drug screen within the past 12 months when applying for another City position.

#### ***F. Veterans' Preference***

All external applicants for Career Service positions who meet the minimum qualifications of the position and who qualify for veterans' preference pursuant to Article XII, Section 15, of the Colorado Constitution shall be included on the certification list of qualified candidates and shall be given an initial interview by the hiring department. This also applies to internal candidates applying for a non-promotional position.

### **3-5 Certification**

It is the responsibility of Human Resources to certify candidates for vacant Career Service positions.

#### ***A. Certification List***

Only qualified applicants who are certified for a position shall be given the opportunity to be interviewed by the hiring department as a part of the selection process.

Certification lists may remain active for up to six months following the date of their creation or until exhausted, whichever comes first. Such lists may be used to fill positions requiring similar or identical qualifications in one or more departments during the time the certification lists are active.

### **3-6 Selection**

#### ***A. Interview***

The hiring department shall make every reasonable effort to contact and schedule interviews with all certified applicants unless such applicant has been interviewed within the last 12



months and been determined through a previous interview not to be qualified for the position. Elimination of such applicants must be approved by Human Resources.

***B. Appointment***

The hiring department shall be responsible for selecting from among the certified candidates to fill position vacancies. Selection to all Career Service positions shall be made according to merit and fitness, without regard race, color, religion, national origin, sex (including pregnancy, childbirth, and related medical conditions), ancestry, sexual orientation, age, disability status, marital status, genetic information, gender identity or expression, active military personnel status, citizenship status, transgender status, except as provided by law.

***C. Reinstatement of Veterans***

Pursuant to USERRA, reinstatement shall be given any regular employee who enlists or accepts a commission or is drafted into the United States Armed Forces, (Navy, Air Force, Army, Marine Corps, or Coast Guard) and shall apply to members of the National Guard or Reserve components who are ordered to extended active duty during war or national emergency.

Reinstatement shall be given during both peace and war time but shall be limited to those eligible veterans who have been honorably discharged from active military service.

A veteran reinstated into a position comparable to the one previously vacated shall be credited with all previous satisfactory service completed prior to military service in determining pay. Time of military service shall be included when calculating eligibility to participate in pension benefits and seniority.

***D. Emergency Hiring Process***

When the City Manager has declared a City emergency, the procedures for hiring employees during the emergency may be suspended or amended as directed by the City Manager.

***E. Employment***

All employment requirements, including an appropriate physical examination, verification of education, successful completion of reference checks, successful completion of a criminal background check (“successful completion” is in the sole discretion of the Human Resources Department) credit check (for financial related positions) and drug screening scheduled by Human Resources must be satisfactorily completed prior to employment or promotion and transfer if through a competitive process

**3-7 Re-assignment, Transfers, and Voluntary Demotion**

***A. Re-Assignment***

The re-assignment of an employee from one position to a comparable position within a department where there is no significant change in job duties may be made at the discretion of the Department Director.

***B. Transfers***

The transfer of an employee from one position in one department to a comparable position or a position in a lower pay range in another department, shall be accomplished through the application and certification process, except when employees are transferred due to a reduction in work force or because a significant organizational need has been identified.

In the instance where a significant organizational need has been identified, the transfer of an employee from one position in one department to a comparable position in another department may be accomplished between departments by agreement of the affected Department Directors and reviewed by Human Resources.

The City Manager and/or Deputy City Manager may transfer an employee or employees to another position when necessitated by factors including but not limited to reduction in work force or functional reorganization.

***C. Voluntary Demotions***

The voluntary (non-disciplinary) demotion of an employee and their transfer to a position in a lower pay range may be accomplished:

1. Between departments by written agreement of the affected Department Directors (with approval of the appropriate Deputy City Manager), or
2. Within a department at the discretion of the Department Director.

A request for a voluntary demotion must be made in writing by the employee and submitted to and approved by their Department Director.

Voluntary demotions shall be implemented based on the reasons for the request, the qualifications of the employee and the availability of a suitable position vacancy within the City.

**3-8 Contingent Employment**

***A. Appointment***

Contingent employees who meet the requirements of the position may be hired or re-hired in positions at the discretion of the hiring department. Contingent employees are required to complete and successfully pass a criminal background check, physical examination, and drug screening prior to employment. A credit check may be required certain positions.

***B. Duration***

The length of the appointment shall be defined by the requesting department at the time of appointment but generally should not go beyond 12 months. Work permitting, an option to extend may be considered.

***C. Exemption***

Contingent employees are subject to separation of employment without Career Service appeal rights for failure to perform or behave satisfactorily, for violation of any City policy or procedures, or for operational considerations.

***D. Benefits***

Contingent and temporary employees generally are not eligible to participate in the City's employee benefits programs. Contingent employees working an average of 30 hours a week may qualify for medical coverage under the Affordable Care Act.

Benefit payments upon separation may not be deferred to the following year.

**PART TWO: BENEFITS, LEAVE POLICIES AND PAYROLL ADMINISTRATION**  
**POLICY**

The benefits offered in Part Two of the Handbook apply to all City employees except as otherwise set forth in a specific policy.

**GROUP BENEFITS**

The City may offer employees the opportunity to participate in City-sponsored insurance programs, such as health insurance, dental insurance, vision insurance, disability insurance, and life insurance. An employee's eligibility to participate in and the coverage provided by each program are determined by the benefit program plan, if such a plan exists, or by the terms of the agreement between the City and the benefit provider.

A copy of the benefit program plan or provider agreement for each benefit program sponsored by the City may be obtained from the Human Resources Department. It is solely the employee-participant's individual obligation to understand the coverage afforded by each benefit program plan or agreement and to pursue claims pursuant to the coverage provisions of each program.

The City reserves the right, at any time, to:

- a. Amend or modify, in whole or in part, any or all of the provisions of a benefit program, including provisions concerning who is eligible for coverage and the coverage provided;
- b. Discontinue, terminate, or add a benefit program; and
- c. Change the amount or nature of the required contribution to be made by the participant or beneficiary of a benefit program.

Employees may change health and welfare plans for themselves or those family members who already are covered during the annual open enrollment. Employees may also make changes within 30 days of a qualifying event.

Employees are personally responsible for removal of dependents from their insurance plans within 30 days of the date that such dependents become ineligible for coverage. Employees shall be responsible for the repayment of any premiums paid for by the City and/or expenses incurred by the ineligible dependents and are subject to disciplinary action up to and including termination.

When an employee is separated from employment with the City, other than for gross misconduct, or when a dependent is no longer eligible for coverage under the program plan, the employee or dependent may be eligible for continued healthcare coverage as specified by federal guidelines. In such cases, employees are responsible for the costs of such coverage.

#### **4-1 Deferred Compensation**

Eligible employees may participate in the deferred compensation plans offered by the City at their option and in accordance with the provisions of the plans. Exceptions are subject to the summary plan description or certificates of coverage.

#### **4-2 Retirement Plan**

All regular full-time and part-time employees, must participate in the retirement plan which covers their occupational group, as specified in the City Code.

##### ***A. Career Service Employees***

There is no mandatory retirement age. Eligibility for retirement with no minimum service requirement for employees in the General Employees' Retirement Plan (GERP) commences at age 65 for employees who began employment before January 1, 2012; for those who began employment on or after January 1, 2012, retirement age commences at age 67.

The Aurora General Employees' Retirement Plan Board is responsible for administering the plan.

##### ***B. Council Appointees other than Executive Personnel***

Council Appointees other than Executive Personnel who are hired after January 1, 1998, shall participate in the General Employees' Retirement Plan.

##### ***C. Fire Civil Service Employees, Deputy Chiefs, Shift Commanders and the Fire Chief (When Appointed from the Ranks of Civil Service)***

Fire personnel employees may be granted retirement and/or disability benefits as provided for in Article 30.5 or 31, as applicable, of Title 31 of the Colorado Revised Statutes 1973, as amended.

##### ***D. Police Civil Service Employees, Division Chiefs, Shift Commanders, Deputy Police Chief and the Police Chief (When Appointed from the Ranks of Civil Service)***

Law enforcement personnel employees may be granted disability benefits as provided for in Article 30.5 or 31, as applicable, of Title 31 of the Colorado Revised Statutes 1973, as amended.

The Aurora Police Money Purchase Pension Plan has contracted with an independent

financial consultant to administer their retirement plan in accordance with City Code. The Fire and Police Pension Association of Colorado is responsible for administering the disability pension plan.

***E. City Manager, Assistant City Managers, Deputy City Managers and Department Directors (Executive Personnel)***

Executive personnel may participate in the General Employees' Retirement Plan or may opt to participate in the Executive Personnel Money Purchase Plan (MPP). Selection and written acceptance must be made within 30 days of notification of their option to participate in the MPP.

The City has contracted with the General Employees' Retirement Plan to administer the plan.

**4-3 Social Security**

All employees are required to participate in Social Security with the following exceptions:

- a. Police and Fire Civil Service and elected officials do not participate in the retirement portion of Social Security.
- b. All Police and Fire Civil Service employees and elected officials hired or elected after April 1986 are required to participate in the Medicare portion of Social Security.

## LEAVE POLICIES

### 5-1 Annual Leave (Vacation)

Annual leave provides regular employees paid time off from work to pursue their own interests and to rejuvenate their energies.

Annual leave accrual rates for all regular full-time employees are based on length of continuous service and seniority hours worked (overtime hours not included) in accordance with the following schedule:

| <i>LENGTH OF EMPLOYMENT</i>      |                         | <i>LEAVE ACCRUAL</i> |                |                      |
|----------------------------------|-------------------------|----------------------|----------------|----------------------|
| <b>Hours of Service</b>          | <b>Years of Service</b> | <b>In Hours</b>      | <b>By Days</b> | <b>By Pay Period</b> |
| Before completion of 4,160 hours | 0-2                     | 96                   | 12             | 3.6923               |
| After completion of 4,160 hours  | 2-4                     | 104                  | 13             | 4.0000               |
| After completion of 8,320 hours  | 4                       | 112                  | 14             | 4.3077               |
| After completion of 12,480 hours | 6                       | 120                  | 15             | 4.6154               |
| After completion of 16,640 hours | 8                       | 128                  | 16             | 4.9231               |
| After completion of 20,800 hours | 10                      | 136                  | 17             | 5.2308               |
| After completion of 24,960 hours | 12                      | 144                  | 18             | 5.5384               |
| After completion of 29,120 hours | 14                      | 160                  | 20             | 6.1538               |
| After completion of 31,200 hours | 15                      | 184                  | 23             | 7.0769               |

Part-time employees less than a .8 FTE will accrue annual leave at half of the full-time rate as indicated on the above table.

Annual leave accrual rates for judges are based on years of employment regardless of

whether they are full-time or part-time status.

Annual leave may also be donated and transferred to a qualified employee pursuant to the provisions of the City's Leave Sharing Program.

Regular Career Service employees who separate their employment in good standing and are subsequently re-employed into a regular Career Service position within 12 months of their separation date shall be eligible to accrue annual leave at the rate accrued at the time of their employment separation.

**Maximum Accrual:** For all employees, except 24-hour firefighters, as of the pay period in which March 1 falls, the maximum permissible accrual shall be as follows:

- a. 260 hours for all City employees except Fire Civil Service.
- b. All annual leave hours in excess of the maximum accrual amount permitted shall be forfeited each year on the last day in February. Department Directors, Deputy City Managers, and City Council Appointees may approve compensation for any excess accrued annual leave if, in the Department Director's, Deputy City Manager's, or City Council Appointee's determination, unusually heavy workloads and/or lack of personnel have prevented an employee from using the excess leave. Such compensation shall be as of the end of February at the employee's regular hourly rate for each hour over the maximum accrual.
- c. If a Department Director, Deputy City Manager, or City Council Appointee determines that an employee qualifies for compensation for excess annual leave, they must submit a written request, no later than February 15, to the Payroll division stating the employee's name and the number of annual leave hours to be compensated. For 24-hour firefighters, the written request must be submitted to payroll by December 15.
- d. For 24-hour firefighters, the maximum permissible accrual timeframe is the pay period in which January 1 falls.
- e. City Council Appointees' maximum accrual will be determined by City Council.

#### ***A. Requirements for Use of Annual Leave***

Employees shall inform their immediate supervisor, in advance, of the date and amount of annual leave they would like to take. Use of annual leave must be scheduled and approved by an employee's immediate supervisor before the leave is taken, unless it is for a medical absence. A doctor's note may be required if the leave is for a medical absence.

Newly hired Career Service employees shall accrue and may take annual leave prior to the



completion of six months of service.

Supervisors and managers shall encourage employees to use annual leave whenever workload and staffing requirements permit. Supervisors may modify, limit or deny an employee's request for annual leave if the employee's absence would create an operational hardship.

Employees who become ill during a period of annual leave shall not have the option of changing their annual leave to sick leave during that period.

### ***B. Payment Upon Separation***

Upon separation of continuous service, Civil Service and Career Service employees, to include Public Safety Communications, who have successfully completed six months of service shall receive payment for unused accrued annual leave.

City Council Appointees and City Manager appointees may negotiate the provisions of annual leave.

## **5-2 Personal Leave**

This policy is limited to City Council Appointees, City Manager Appointees and Career Service employees.

Personal leave is paid leave that may be used by regular employees in those instances where personal time off from work is needed or desired.

### ***A. Regular full-time Employees***

Upon completion of six months of continuous service and 1,040 hours of service (over-time hours not included), full-time employees shall be entitled to 12 hours of personal leave with pay.

Upon completion of six additional months of continuous service and a total of 2,080 hours of service (overtime hours not included), full-time employees shall be entitled to an additional 12 hours of personal leave with pay. Each calendar year thereafter on January 1, full-time employees will receive 24 hours of personal leave. Personal leave balance may not be carried over from year-to-year.

### ***B. Regular part-time Employees***

Upon completion of six months of continuous service and 520 hours of service (over-time hours not included), part-time employees shall be entitled to six hours of personal leave with

pay each calendar year. Upon completion of six additional months of continuous service and a total of 1,040 hours of service (over-time hours not included), part-time employees shall be entitled to an additional six hours of personal leave with pay. Each calendar year thereafter on January 1, part-time employees will receive 12 hours of personal leave.

### ***C. Use of Personal Leave***

Employees shall inform their immediate supervisor, in advance, of the date and amount of personal leave they would like to take. Use of personal leave must be scheduled and approved by an employee's immediate supervisor before the leave is taken. Supervisors shall schedule and allow employees to take personal leave whenever workloads and staffing requirements permit. Supervisors may modify, limit or deny an employee's request for personal leave if the employee's absence would create an operational hardship.

Employees who become ill during a period of personal leave shall not have the option of changing their personal leave to sick leave during that period.

Personal leave may also be donated and transferred to a qualified employee pursuant to the provisions of the City's Leave Sharing Program.

Personal leave balance may not be carried over from year-to-year. Employees shall not be paid for unused personal leave upon separation.

## **5-3 Sick Leave**

Sick leave provides regular employees paid time off work for the sole purpose when:

- a. An employee is incapacitated due to a non-occupational illness, injury, or disability (including pregnancy), or
- b. Additional time is needed to supplement workers' compensation benefits after the expiration of Occupational Injury or Illness Leave. At no time shall the combination of workers' compensation and sick leave exceed 100 percent of an employee's regular pay, or
- c. An employee is bonding with a newborn, adopted child, or foster child, or is required to be in attendance for the placement or adoption of a child, or
- d. An employee is required to be in attendance for the necessary medical care of a member of the employee's immediate family.
- e. An employee or family member has been the victim of:

- i. Domestic abuse, sexual assault, or criminal harassment (as defined in State statute); and needs time to obtain medical treatment or victim services, seek counseling or legal services, or relocate, or
- f. When a public health emergency is declared, the employee is covered when:
  - i. Needing to self-isolate due to either being diagnosed with, or having symptoms of, a communicable illness that is the cause of a public health emergency;
  - ii. Seeking a diagnosis, treatment, or care (including preventive care) of such an illness;
  - iii. Being excluded from work by a government health official, or by an employer, due to the employee having exposure to, or symptoms of, such an illness (whether or not they are actually diagnosed with the illness);
  - iv. Being unable to work due to a health condition that may increase susceptibility or risk of such an illness; or
  - v. Caring for a child or other family member who is in category (1), (2), or (3), or whose school, child care provider, or other care provider is either unavailable, closed, or providing remote instruction due to the public health emergency.
- g. Due to a public health emergency, a public official has ordered the closure of:
  - i. The employee's child's school or place of care; or
  - ii. The employee's place of business.

Regular full-time employees, including introductory employees, shall accrue 104 hours of sick leave for each 2,080 hours of work (overtime hours not included). Regular part-time employees shall accrue sick leave on a pro-rated basis according to the number of hours worked.

When an employee has been out on sick leave for more than three (4) consecutive workdays, they may be required to submit documentation from a health care provider certifying the medical necessity for the absence and the expected date of return to work. If the employee already has provided a certification and application for FMLA covering the same period, this shall suffice.

Employees must notify their immediate supervisor before their shift begins if they are going to be absent from work and the absence is to be charged to sick leave. In order to verify the appropriate use of sick leave, supervisors have the authority to request that medical

verification for an employee's absence be provided.

Whenever possible sick leave shall be deducted within the pay period it is used. Employees can only use sick leave for the amount of hours they have in their balance (not future accruals). If employees cannot cover their absence with sick leave balance, this time becomes leave without pay.

Sick leave may also be donated and transferred to a qualified employee pursuant to the provisions of the City's Leave Sharing Program.

***A. Sick Leave Conversion (Non-Civil-Service Employees)***

Sick leave hours accumulated by regular employees in excess of established minimums may be converted annually to annual leave on the first pay period that ends in January at a rate of one hour's pay for every two hours of sick leave up to an established maximum.

Minimum sick leave balances and maximum payments may not exceed the following limits for:

1. A sick leave balance of 720 hours is required before any payment will be made. No more than 240 hours may be converted on an annual basis so that the maximum payment in one year shall be 120 hours.
2. Career Service employees may elect to increase their annual leave balances by up to 40 hours per year in exchange for twice that amount of accrued sick leave during the second pay period that ends in March.

***B. Sick Leave Conversion (Police Civil Service Employees)***

Sick leave hours accumulated in excess of established minimums may be converted annually on the first pay period that ends in January at a rate of one hour pay for each two hours of sick leave up to the established maximum for police officers.

A sick leave balance of 720 hours is required before any payment will be made. No more than 240 hours may be converted on an annual basis so that the maximum payment in one year shall be 120 hours.

***C. Sick Leave Conversion (Fire Civil Service Employees)***

Sick leave hours accumulated in excess of established minimums may be converted annually during the first pay period that ends in January at a rate of one hour pay for each two hours of sick leave up to the established maximum for firefighters.

A sick leave balance of 684 hours for 8-hour firefighters and 960 hours for 24-hour firefighters is required before any payment will be made. No more than 240 hours for 8-hour firefighters and 360 hours for 24-hour firefighters may be converted on an annual basis so that the maximum payment in one year shall be 120 hours for 8-hour firefighters and 180 hours for 24-hour firefighters.

***D. Payment upon Separation (Non-Civil-Service Employees)***

Upon separation after five years of continuous service, employees may receive one hour's pay for every two hours of unused accrued sick leave, up to a maximum of 480 hours' payment, provided such separation has not been the result of termination of employment as disciplinary action or the employee's abandonment of position.

***E. Pandemic Paid Sick Leave (applies to all employees)***

To continue to protect the health of employees in the event of a future pandemic, the City in accordance with the Healthy Families Workplace Act will provide up to 80 hours (depending on work status) of paid sick leave in the event of a public health emergency. The paid sick leave becomes effective on the date a public health emergency is declared and continues four (4) weeks after the official termination or suspension of the public health emergency. Documentation is not required to take Pandemic Paid Sick Leave. Pandemic Paid Sick Leave cannot be converted and unused hours will not be paid out to an employee.

Pandemic paid sick leave covers employees when:

- (1) needing to self-isolate due to either being diagnosed with, or having symptoms of, a communicable illness that is the cause of a public health emergency;
- (2) seeking a diagnosis, treatment, or care (including preventive care) of such an illness;
- (3) being excluded from work by a government health official, or by an employer, due to the employee having exposure to, or symptoms of, such an illness (whether or not they are actually diagnosed with the illness);
- (4) being unable to work due to a health condition that may increase susceptibility or risk of such an illness; or
- (5) caring for a child or other family member who is in category (1), (2), or (3), or whose school, child care provider, or other care provider is either unavailable, closed, or providing remote instruction due to the public health emergency.

**5-4 Holidays**

Holiday leave is paid leave provided for official, designated City holidays. Eligible employees shall receive their regular pay for holidays not worked and premium pay for hours

worked on a City-observed holiday. Work schedules may need to be modified due to the date of the holiday.

Holidays for Civil Service employees are described in their respective collective bargaining agreements.

While City Council may designate additional special holidays, the following shall be official holidays for non-Civil Service employees:

|                           |                                      |
|---------------------------|--------------------------------------|
| New Year's Day            | January 1                            |
| Martin Luther King Day    | 3 <sup>rd</sup> Monday in January    |
| Presidents' Day           | 3 <sup>rd</sup> Monday in February   |
| Memorial Day              | Last Monday in May                   |
| Independence Day          | July 4                               |
| Labor Day                 | 1 <sup>st</sup> Monday in September  |
| Veterans Day              | November 11                          |
| Thanksgiving Day          | 4 <sup>th</sup> Thursday in November |
| Friday after Thanksgiving | 4 <sup>th</sup> Friday in November   |
| Christmas Day             | December 25                          |

When a holiday falls on a Sunday, the following Monday shall be observed, and when a holiday falls on a Saturday, the preceding Friday shall be observed.

Work units which are normally scheduled to operate on Saturdays or Sundays shall observe the actual day of the holiday.

When the day observed by the City as a holiday falls during an employee's regularly scheduled day off, the employee shall receive eight hours straight pay for the holiday, or eight hours paid time off. If paid time off, exempt employees must take the time off within the same pay period. Non-exempt employees can accrue as compensatory time.

When the day observed by the City as a holiday falls during an exempt employee's regularly scheduled day off, the employee shall receive eight hours straight pay for the holiday, or eight hours paid time off during the same pay period.

When a holiday falls during an employee's vacation, the day of the holiday shall not be charged against annual leave. An employee on leave without pay on the workday preceding or following a holiday shall not receive pay for that holiday.

Employees who are normally scheduled to work more than eight hours a day shall be required to use annual, compensatory or personal leave for hours taken in excess of the eight paid holiday hours or work additional hours to cover the difference.

Eligible part-time employees shall receive holiday pay on a pro-rated basis according to the number hours worked, unless they are normally scheduled to work more hours on the day on which the holiday falls. In such an event, the employee may be compensated for up to eight hours of holiday pay. Non-exempt part-time employees required to work on an official holiday, shall receive their regular hours for the day plus holiday pay on a pro-rated basis according to the number of hours worked.

Contingent employees who do not qualify for holiday leave shall not be paid for holidays unless they are required to work the holiday.

### **5-5 Occupational Injury or Illness Leave**

This policy applies to Career and Civil Service employees, who have completed the Introductory Period and City Council and City Manager Appointees who suffer an occupational injury or illness compensable under workers' compensation.

If a Career or Civil Service employee has not completed the Introductory Period and sustains an occupational injury or illness compensable under workers' compensation, the employee may be eligible for limited city paid leave or Temporary Modified Duty (TMD).

Eligible employees are entitled to Occupational Injury or Illness Leave until at which time the employee reaches maximum medical improvement or the approved leave period ends (not to exceed one year), whichever comes first.

The City of Aurora may provide up to one year for an injured or ill regular employee to return to full duty. "Full Duty" means that an employee is cleared of all work restrictions by the employee's doctor, is no longer working reduced hours, and is performing the essential functions of the job, with or without reasonable accommodation.

The City does not permit indefinite leave, all leave requests are evaluated on a case by case basis and leave is not to exceed one year. Repetitive, recurring injury or illness, or extended leave will be evaluated under the Americans with Disabilities Act (ADA) and Family and Medical Leave Act (FMLA) for continued employment and accommodation.

Occupational Injury or Illness Leave runs concurrent with FMLA and the Employee Medical Leave.

### **5-6 Family and Medical Leave**

Family and Medical Leave (FMLA) is an unpaid, job-protected leave provided to assist employees when they must be absent from work due to a serious medical condition to the employee, or the employee's spouse, child (under age 18 or older if disabled) or parent. Leave may also be provided for care of the employee's child within the first 12 months of

birth, adoption or foster placement. Leave can be supplemented using accrued annual, sick, personal and Leave Share. This policy shall be limited to employees, who meet stated eligibility requirements.

An eligible employee shall be entitled to take up to 12 work weeks of family, medical, and/or qualifying exigency for military leave in a rolling 12-month period. However, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to twenty- six (26) weeks of leave in a single twelve (12) month period to care for the service member.

To be eligible for FMLA leave, an employee must:

- a. Have worked for the City for at least 12 months;
- b. Have worked at least 1,250 productive hours in the previous 12 months.

For FMLA leave to be considered authorized, the employee must notify their direct supervisor and/or the Human Resources Department at least 30 days prior to the commencement of FMLA leave when the need is foreseeable. If foreseeable, the employee must make a reasonable effort to schedule treatment so not to unduly disrupt departmental or City operations.

If the leave is unforeseeable, the employee is expected to give notice to their direct supervisor and/or the Human Resources Department of the need for the leave as soon as practicable under the circumstances, generally within one or two working days. The employee is required to follow the attendance guidelines as noted in section 2.1 of this Employee Handbook while applying for leave. Failure to follow the attendance guidelines may be the basis for disciplinary action up to and including termination.

The City has established policies and implemented procedures in compliance with State and Federal laws and regulations. The City may not interfere with, restrain, or deny the exercise of any right provided under federal Family and Medical Leave Act or discharge or discriminate against any person for opposing any practice made unlawful by the Act or for involvement in any proceeding under or relating to the Act. The City shall make every effort to assist with and promote rehabilitation for employees and families with serious medical conditions.

## **5-7 Employee Medical Leave**

This policy applies to Career and Civil Service employees, who have completed the Introductory Period and City Council and City Manager Appointees, who experience an off the job injury or illness that renders the employee incapable of performing the essential duties



of their job.

Eligible employees are entitled to Employee Medical Leave until at which time the employee reaches maximum medical improvement or one year, whichever comes first.

The City of Aurora may provide up to one year for an injured or ill employee to return to full duty from an off-the-job injury or illness. “Full Duty” means that an employee is cleared of all work restrictions by the employee’s doctor, is no longer working reduced hours, and is performing the essential functions of the job, with or without reasonable accommodation.

The City does not permit indefinite leave, all leave requests are evaluated on a case by case basis and leave is not to exceed one year. Repetitive, recurring injury or illness, or extended leave will be evaluated under the Americans with Disabilities Act (ADA) and Family and Medical Leave Act (FMLA) for continued employment and accommodation.

#### **5-8 The Employee Medical Leave runs concurrent with FMLA. Leave Sharing Program**

This program is open to regular full and part-time employees.

Leave sharing is paid leave provided to assist employees when an employee must be absent from work due to a medical hardship to the employee, spouse, or child(ren).

City employees may voluntarily donate annual, personal and sick leave hours to a qualified employee.

For additional eligibility requirements, application procedures, and a detailed explanation of the program, see the Human Resources policy for Leave Sharing.

#### **5-9 Leave of Absence**

A leave of absence is a period of absence from work that is not covered by annual, emergency, holiday, injury, personal, sick or other forms of defined leave. Employees may request a leave of absence of up to six months for purposes of continuing their education, to deal with hardships, or other appropriate purposes. In cases of military leave, the six-month limitation shall not apply.

All requests for a leave of absence must be pre-approved by the employee’s Director, Deputy City Manager, the City Manager or their City Council Appointee. Approval of the employee’s appropriate Deputy City Manager or City Council Appointee, as applicable, is required if the leave is intended to exceed 30 working days. An employee’s request for a leave of absence may be modified, limited or denied if the employee’s absence would create an operational hardship unless it qualifies as FMLA leave, military leave or as a reasonable accommodation.

All annual and personal leave must be exhausted, to include sick leave if the leave is for medical reasons, before a leave of absence may be granted except in instances concerning:

- a. FMLA leave;
- b. Military leave;
- c. When a leave of absence is used in disciplinary action, resulting in a suspension;
- d. When a Department Director, Deputy City Manager, or City Council Appointee approves a leave of absence for an employee's professional activities or to deal with hardships;
- e. On-the-job injuries or illnesses;
- f. Long-term disability (sick leave must be exhausted); or
- g. Absence without permission.

Failure of an employee to return from a leave of absence within three calendar days of the date the approved leave ends, except in the case of military leave, shall be considered abandonment of position.

To maintain City contributions for insurance benefits, employees must supplement the employee-portion of benefits with paid leave accruals.

If an employee goes into a leave without pay status for more than 30 calendar days, the employee must pay the employee's portion of insurance benefits in order to keep them in effect unless the employee is on FMLA leave.

Hours to which an employee is in a leave without pay status, those hours shall not be credited towards accrual of annual leave, credited service for pension, performance-based salary increases, personal leave or sick leave, except as required under the Uniformed Services Employment and Reemployment Rights Act and Family Medical Leave Act.

## **5-10 Military Leave**

In compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and applicable state law, it is the policy of the City to grant a military leave of absence to eligible employees serving in the uniformed services, including but not limited to, the United States Armed Forces and National Guard and Reserves, for periods of active service (including voluntary and involuntary service) not to exceed a cumulative leave period of five years.

This policy applies to all active status employees: any individual who is employed in a regular, introductory, or temporary status whose services are paid for wholly or in part by the City.

In accordance with the law, the City provides benefit-eligible and contingent employees a leave of absence with all pay and benefits for which they are normally entitled for up to 15 scheduled working days each calendar year while engaged in service.

**Eligible returning service members will be reemployed with the same seniority, status and pay as well as other rights and benefits determined by seniority to include continuous service.**

## **5-11 Administrative Leave**

Administrative leave may be designated as paid or unpaid leave that may be administered in cases where employees are alleged to have been involved in criminal activities, violations of City policy or other circumstances where advisable. Unpaid leave is at the discretion of the Director, Council Appointee and is administered in cases that are inconsistent with the safe and efficient operation of the City.

Administrative leave is non-disciplinary and shall be imposed to the extent needed to address the matter being considered.

### ***A. Requirements for Use of Administrative Leave***

Any employee may be placed on administrative leave by a Department Director, Deputy City Manager, City Council Appointee or a designee during the time needed to objectively investigate allegations of employee involvement in criminal activity or violations of City policy, or when an employee is unable to work in an effective and/or safe manner where:

1. An employee's conduct threatens the safety of the workplace, other employees, or citizens, or
2. An employee's continued presence would immediately impact the effective operation of the work unit or department, or
3. The employee must be placed on immediate administrative leave in accordance with a stated City policy or procedure.

The determination of whether an employee shall be placed on paid administrative leave shall be made by a Department Director, City Council Appointee. However, prior to an employee being placed on an unpaid administrative leave, the City Attorney's Office and the Director of Human Resources, shall be consulted.

Employees shall be notified verbally or in writing at the time they are placed on administrative leave.

### **5-12 Civil Leave**

Civil leave is paid leave provided to employees who are summoned for jury duty, wish to vote, or are subpoenaed in an official capacity during a regularly scheduled workday. Pay is provided as follows:

**Jury Duty:** To the extent required for an employee to complete jury service.

**Voting:** For up to two hours, for each lawfully called election, in order for an employee to vote.

**Subpoena:** To the extent required for an employee to fulfill the requirements of the subpoena. An employee who is called as an expert witness or is a party in a legal proceeding may use accrued annual leave, personal leave or leave without pay, based upon the employee's request.

A verbal request for civil leave in order to vote made prior to election day, a copy of the order requiring jury duty, or a copy of the subpoena must be submitted by an employee to their immediate supervisor with the leave request.

### **5-13 Domestic Abuse Leave**

In compliance with state law, employees are entitled to three days of unpaid leave in any twelve (12) month period if they are the victim of domestic violence, stalking, sexual assault, or a crime found by the court to include an act of domestic violence. An employee may use accrued annual, personal or sick leave, to compensate the leave.

Unless there is imminent danger to the health and safety of the employee or employee's family, the employee, when possible, shall provide their immediate supervisor with advance notice of the leave request and may be required to provide documentation. All information related to the employee's leave shall be kept confidential.

### **5-14 Emergency or Bereavement Leave**

Regular employees may be granted forty (40) hours of paid leave in the event of the death of an immediate family member, per qualifying event. Emergency leave may also be taken in the case of a natural disaster, or a major home fire at the employee's residence.

Regular employees shall inform their immediate supervisor in advance, whenever possible, of the circumstances warranting the request for emergency or bereavement leave and the

amount of leave they would like to take. The leave can be taken intermittently in full day increments.

Emergency or bereavement leave is granted at the discretion of the employee's Department Director, Deputy City Manager or City Council Appointee, based upon the needs of the City.

## EMPLOYEE RECORDS AND PAYROLL ADMINISTRATION

### 6-1 Employee Records

Human Resources shall be responsible for maintaining all pertinent records on every City job applicant and active employee. These records constitute the official employee records of the City.

#### *A. Confidentiality*

Portions of the employee records are confidential and shall not be treated as open records under Colorado law and will not be released.

Authorized persons may obtain employee records only from Human Resources. Authorized persons include the employee, the employee's authorized representative, the employee's current supervisor through their chain of command, the prospective supervisor of a City employee who is being considered for a different City position, City Attorneys, paralegals within the City Attorney's Office, the Director of Human Resources, Risk Manager, Claims Supervisor, the City's Employee Relations Office, the external auditor and the internal auditor as well as employees within Human Resources authorized by the Director of Human Resources.

Human Resources shall maintain a log indicating the reviewer's name and date of review each time the record is used by an authorized person, other than staff in Human Resources.

Departmental employee records shall be subject to the same provisions for maintenance and security as referenced above.

Once an employee separates from the City, their employee record shall be considered closed and cannot be amended. The employee's record is then forwarded to and maintained by the City's Municipal Records Office.

#### *B. Personal Inquiries*

No personal information on a past or present City employee shall be volunteered by the City via telephone inquiries. The City may verify only salary, job title, and employment date information without a release from the employee.

Written requests shall be limited to salary, job title, and dates of employment, unless accompanied by a signed information release from the employee. Written approval must be received from Human Resources and the City Attorney's Office prior to releasing the additional information requested.

## **6-2 Payroll Administration**

### ***A. Pay Period***

Employees shall be paid on alternate Fridays in the week following the end of the pay period. Pay periods begin on Fridays at midnight, unless a work group has an approved modification to its work period designation. Payment is based upon a bi-weekly or hourly rate in accordance with the authorized salary established for each City position.

### ***B. Career Service Pay Period***

The standard pay period for Career Service and other non-Civil-Service employees shall be a seven-day period beginning and ending Friday at midnight, unless otherwise specified by a Department Director, Deputy City Manager or City Council Appointee. Pay period designations shall be indicated on an FLSA Statement of Understanding to be maintained in each employee's personnel file in Human Resources.

### ***C. Civil Service Pay Period***

The pay period for Civil Service employees may range from seven days to 28 days and must be declared in writing by the appropriate Department Director.

### ***D. Pay Changes***

Pay changes, when possible, shall be made effective on the first day of the pay period in which the eligibility occurs.

### ***E. Direct Deposit***

All employees shall be required to have their payroll checks directly deposited to their designated financial institution.

### ***F. Expense Allowances***

Expense allowances for clothing, safety shoes and tools are paid through payroll as taxable income.

### ***G. Clothing Allowance***

If the City requires an employee to wear a uniform, the City shall provide for the full cost of such uniform. Alternately, the City shall provide a clothing laundry exchange service for participating employees in the labor and trades positions.

### ***H. Annual Safety Shoe Allowance***

A safety shoe allowance shall be paid by the City to all regular employees that are required by the City to wear safety shoes on the job. An allowance amount will be determined annually by the City Manager that will be paid to employees that qualify for this allowance. The amount paid to an individual employee must be approved by their Department Director. New employees will receive reimbursement for receipted purchased safety shoes once they have successfully completed their six-month introductory period and then will receive their shoe allowance each year on their anniversary date.

Once a year on the first payday in March, employees who are not deemed in the labor/trades professions, but who must wear safety shoes as a job requirement, receive an annual safety shoe allowance.

### ***I. Annual Tool Allowance***

Fleet mechanics and Fleet service workers shall be paid a tool allowance in an amount to be determined annually by the City Manager on their anniversary date. An employee must work in an eligible position for at least twelve consecutive months to receive this allowance.

### ***J. Payroll Deductions***

Deductions that are required by law will be withheld from employee's pay and paid by the City. All eligible employees shall contribute to the retirement fund; deductions for employee contributions to that fund are withheld from employees' pay.

Optional payroll deductions for medical/dental/vision/life insurance coverage, financial institutions, and other miscellaneous deductions may be taken when approved by City Council and authorized by employees.

### ***K. Payroll Deduction Complaint Procedure***

The City of Aurora is committed to full compliance with the Fair Labor Standards Act (FLSA). Pay deductions that violate the FLSA are strictly prohibited, including (but not limited to): deductions that improperly bring an employee's wage below the statutory minimum wage, salary reductions of exempt employees due to quality or quantity of their work, or failing to pay non-exempt employees for all hours worked.

Employees who believe they have been subject to an improper pay deduction should promptly report their concerns to [insert Title and Department, perhaps include a copy to a second Title and Department] and include their name, their employee number, the date(s) of the perceived improper deductions, names of others who may have been affected, and an explanation of why they believe the deductions were improper. Reports may be oral or



written.

The City will promptly investigate the complaint to determine whether the deduction was improperly imposed, and the City shall reimburse for the full amount of the improper deduction no later than the next payroll cycle after the investigation has concluded.

The City shall determine and implement the best course of action to prevent re-occurrence, such as policy changes, training, or disciplinary action.

***L. Continuation of Group Benefits While on Leave Without Pay***

While on leave without pay, group benefits will only continue if the employee is on FMLA or military leave, or if the employee pays the full cost of existing insurance benefits (both the employee's contribution and the City's contribution).

***M. Garnishments, Tax Levies and Child Support Orders***

Any employee or officer of the City whose wages are garnished shall be notified of the amount and date of the garnishment by the Controller's Office. Employees should be aware that garnishments are legal court orders with which the City has no choice but to comply. No disciplinary action shall be taken by the City against an employee because of the garnishment.

***N. Return of City Property***

A signed affidavit shall be required from the terminating employee stating that the City property in question has been lost or stolen before final compensation is released.

**GLOSSARY**

|                                    |  |
|------------------------------------|--|
| Adverse Action                     | Disciplinary actions with a penalty which may monetarily affect the employee.  |
| Appeal of Disciplinary             | Process used by employees to request reconsideration of Action disciplinary action which has resulted in suspension without pay, fine, demotion or termination.  |
| Applicant                          | A person who has filed an application for employment or promotion.   |
| Appointment                        | Formal designation and induction of an individual in a specific position.  |
| Career Service Employees           | All regular employees other than Police Officers, Firefighters, City Manager and City Council Appointees, and Civil Service Commission employees   |
| Certification                      | Process of screening, evaluating and referring candidates for vacant positions.  |
| Change to Lower Pay Range          | The action involved when an employee voluntarily requests appointment to a position in a lower pay range.  |
| City Council Appointee             | The City Manager, City Attorney (and through the City Attorney, the deputy and assistant City Attorneys, paralegals, restitution officer and victim liaison), Presiding Judge (and through the Presiding Judge, the associate judges and relief judges) and Court Administrator.   |
| Civil Service Commission Employees | Employees hired by the Civil Service Commission to perform such duties as assigned by the Civil Service Commission.  |
| Civil Service Employees            | Regular and introductory commissioned police and fire personnel.   |
| Compensatory Time                  | Time that is accrued in lieu of overtime wages, computed at 1.5 the rate of pay for non-exempt employees.  |
| Contingent Employee                | Person hired by the City to fill a non-continuing (temporary) position, generally not to exceed 12 months. Appointments may be renewed based on workload or length of project assignment. This employee may be hired with an employment agreement providing for certain employee benefits. Otherwise, a contingent employee may not qualify to receive employee benefits offered by the City. A contingent employee has no Career Service or Civil Service appeal rights. Contingent employees who work 30 or more hours per week on a regular basis may be eligible for medical benefits. |
| Continuous Service Date            | The first day of employment as a regular employee. May be  |

|                                       |  |
|---------------------------------------|--|
|                                       | adjusted when leave without pay is taken.  |
| CORE 4 Performance Evaluation Program | The CORE 4 Performance Evaluation program is designed to reward employees for their performance as well as for <i>how</i> they did their job. They will be evaluated in the four areas of the City's CORE 4 Values: Integrity, Respect, Professionalism and Customer Service. Career Service employees shall be evaluated each year and may be eligible, based upon performance, to receive a pay adjustment.  |
| Demotion                              | Reassignment to a position of lower status, responsibility and pay.  |
| Detail                                | Temporary reassignment of personnel to another job.  |
| Disabling Damage                      | Precluding the departure of the vehicle or piece of equipment from the scene of the accident in its usual manner. Vehicle damage that can be remedied temporarily at the scene without special tools or parts, i.e., replacing a tire with the spare, taping over a head light or tying down the hood of a car, is not considered disabling.   |
| Disciplinary Action                   | Actions/events that may be taken to correct and/or punish violators of department/City policies and procedures.  |
| Discrimination                        | Whether deliberate or unintentional, any action that has the effect of limiting employment and advancement opportunities because of an individual's race, color, religion, national origin, sex (including pregnancy, childbirth, and related medical conditions), ancestry, sexual orientation, age, disability status, marital status, genetic information, gender identity or expression, active military personnel status, citizenship status, transgender status, or any other class, attribute, or affiliation that is protected by state, federal, or applicable local law. |
| Employee                              | Any individual who is employed in a regular, introductory, or contingent status whose services are paid for wholly or in part by the City.   |
| Equal Employment Opportunity          | Procedures and practices that effectively prevent an individual from being adversely excluded from employment opportunities on the basis of race, color, religion, national origin, sex (including pregnancy, childbirth, and related medical conditions), ancestry, sexual orientation, age, disability status, marital status, genetic information, gender identity or expression, active military personnel status, citizenship status, transgender status, or any other class, attribute, or affiliation that is protected by state, federal, or applicable local law.         |
| Executive Personnel                   | Highest level managerial positions. Includes but not limited to City Manager, Assistant City Managers, Deputy City   |

Managers and Department Directors (Executive Personnel).

|                           |   |
|---------------------------|---|
| Exempt Employee           | An employee is given “exempt” status pursuant to the definitions of administrative, professional or executive employees as contained in the Fair Labor Standards Act. Exempt employees are not required by federal law to receive overtime compensation.  |
| Family                    | See “Immediate Family”  |
| Grievance                 | Dissatisfaction or complaint expressed by employee(s) concerning some aspect of assigned work or working conditions for which specific resolution procedures have been established.   |
| Grievance Procedure       | The process by which grievances are channeled for solutions through progressively higher levels of authority.   |
| Hiring Department         | Department charged with the authority to hire, promote, reassign, transfer, discipline or take other employee action.   |
| Immediate Family (Member) | Employee’s spouse, mother, father, sister, brother, child, grandchild, grandparent, aunt, or uncle, whether those relationships are biological in nature or created through marriage, adoption or foster placement, parental surrogate or other relatives living at the employee’s residence. Immediate Family may also extend to a person for whom the employee is responsible for providing or arranging health- or safety-related care.    |
| Introductory Employee     | An employee who has not completed the introductory period and has not been approved for regular status.   |
| Introductory Period       | Period of time immediately following original appointment to a position, during which the employee is without appeal rights from disciplinary action and is required to demonstrate the ability to satisfactorily perform position duties.  |
| Job                       | A group of duties assigned to an individual (incumbent) by a hiring department. Jobs may be occupied or vacant. They may also be regular or temporary, part-time, or full-time.   |
| Layoff                    | The removal of an employee because of lack of work, lack of funds, abolishment of position or other causes that do not reflect unfavorably on the employee.   |
| Non-exempt Employee       | A non-exempt employee is governed by the Fair Labor Standards Act regarding overtime compensation in the form of compensatory time off or additional wages, either from being computed at 1.5 the hourly rate for productive hours worked in excess of the established work period or in excess of the scheduled work shift. Such employees generally do not fit the FLSA definitions of administrative, professional or executive employees. |

|                        |   |
|------------------------|---|
| Parental Surrogate     | Person(s) primarily responsible for rearing the employee in the absence of natural parents.   |
| Part-Time Position     | Job requiring a minimum of 20 hours but less than 30 hours of work per week for employees hired after June 30, 1996 (a minimum of 15 hours per week for employees hired prior to June 30, 1996).  |
| Performance Evaluation | See CORE 4 Performance Evaluation   |
| Probation              | A specified period of time by which an employee must improve performance or face disciplinary action up to and including termination.   |
| Productive Time        | The time when an employee is at work, as opposed to being on leave.   |
| Progressive Discipline | Disciplinary actions, increasing in severity, which ensure that employees are aware of expected behavior. Employees are subject to further disciplinary action to the extent they continue to violate the norms and/or policies of the organization.  |
| Promotion              | Advancement of employees, in accordance with the Equal Pay Act, to positions in a higher pay range that usually carry more responsibilities and increased salaries. Promotional opportunities are posted positions that are vacant or will become vacant and selection is made following a competitive process, excluding reclassification and career progressions. |
| Reclassification       | Change in the definition of a specific job based upon significant changes in the type and level of difficulty or responsibility of the work.  |
| Recruitment            | Process by which the City gathers applicants to fill its various positions.   |
| Regular Employee       | An employee who has completed an introductory period and has been approved for regular status. The use of the term regular employee in this Handbook necessarily excludes contingent, introductory, and contract personnel.   |
| Reprimand              | Formal censure for unacceptable job-related behavior.   |
| Resignation            | Formal employee notification to the City of intent to terminate the employee-employer relationship.   |
| Retirement             | Separation from employment where ongoing benefits are paid to the employee based upon specific eligibility and retirement plans in effect at the time of separation.  |
| Separation             | End of employment with the City.  |
| Suspension             | Involuntary leave imposed on an employee for disciplinary reasons.  |

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|----------------------|---|
| Supervisor           | Supervisor includes any member of the supervisory chain of command up to the Department Director, Chief or Council Appointee. |
| Temporary Employee   | A person working for the City hired through and paid by a third-party temporary agency.                                       |
| Termination          | Action taken by the City to end an individual's employment with the City.   |
| Transfer             | A transfer from one position to another position within the same pay range.   |
| Trial Service Period | Period of time following a promotion, transfer or demotion. Evaluated on ability to perform new duties.                       |

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## **APPENDIX I: APPLICABILITY AND APPROVAL**

### **City Manager**

The City Manager is responsible for the employment of personnel other than appointees of the City Council, for proposing and administering these Policies, for keeping the City Council advised of personnel matters and for the overall effectiveness of the personnel management program.

The City Manager has the authority to appoint, suspend, transfer and remove all employees of the city, except as otherwise provided herein, subject to the personnel regulations of the city adopted by council.

### **Career Service**

The City Manager shall establish comprehensive rules and regulations providing for the recruitment of employees, terms of employment of career and classified service employees, disciplinary action and such other matters relating to personnel management as the city manager may deem necessary. Such changes shall be effective upon notification of city council, subject to city council calling up any changes.

### **Civil Service (Police and Fire)**

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; 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. (Aurora Home Rule Charter 3-16)

*As City Manager, I hereby adopt the Employee Handbook for all employees and hereby adopt Police and Fire Directives and Policies set forth as written rules and regulations, with noted exceptions, for the Civil Service Police and Fire employees of the City of Aurora.*

### **Directors, Assistant City Managers, Deputy City Managers, Police Chief, Deputy Police Chief, Police Division Chiefs, Police Commanders, Fire Chief, Assistant Fire Chiefs, Deputy Fire Chiefs, Commanders and Battalion Chiefs**

The Employee Handbook shall not apply as these employees are not members of the Career or Civil Service.

*As City Manager, I hereby adopt the Employee Handbook for Directors, Assistant City Managers, Deputy City Managers, the Police Chief, Deputy Police Chief, Police Division*

*Chiefs, Police Commanders, Fire Chief, Assistant Fire Chiefs, Deputy Fire Chiefs, Commanders and Battalion Chiefs and hereby adopt Police and Fire Directives and Policies set forth as written rules and regulations, for the Police Chief, Deputy Police Chief, Police Division Chiefs, Police Commanders, Fire Chief, Assistant Fire Chiefs, Deputy Fire Chiefs, Commanders and Battalion Chiefs with the following noted exceptions:*

### **City Attorney**

The City Attorney shall establish policies and procedures regarding assistants reporting to them including but not limited to recruitment, selection, and termination. The City Attorney shall act as the final authority in lieu of references to the City Manager or Deputy City Manager contained elsewhere in this Handbook.

*As City Attorney, I hereby adopt the attached Employee Handbook with the following noted exceptions:*

### **Court Administrator**

The Court Administrator shall establish policies and procedures regarding staff reporting to them including but not limited to recruitment, selection, and termination. The Court Administrator shall act as the final authority in lieu of references to the City Manager or Deputy City Manager contained elsewhere in this Handbook.

*As Court Administrator, I hereby adopt the attached Employee Handbook with the following noted exceptions:*

### **Presiding Judge**

The Presiding Judge shall establish policies and procedures regarding staff reporting to him/her including but not limited to recruitment, selection, and termination. The Presiding Judge shall act as the final authority in lieu of references to the City Manager or Deputy City Manager contained elsewhere in this Handbook.

*As Presiding Judge, I hereby adopt the attached Employee Handbook with the following noted exceptions:*

### **Civil Service Commission Employees**

The Commission shall act as the final authority in lieu of references to the City Manager or Deputy City Manager contained elsewhere in this Handbook.

*The Commission hereby adopts the attached Employee Handbook with the following noted exceptions:*

**Public Defender Commission Employees**

The Chief Public Defender (and through the Chief Public Defender, the Chief Deputy Public Defenders and the Deputy Public Defenders and Paralegals). The Public Defender Commission shall establish policies and procedures regarding these positions, including but not limited to recruitment, selection and termination.

*The Commission hereby adopts the attached Employee Handbook with the following noted exceptions:*

**Significant Changes to the Employee Handbook-(Prior version issued January 2018)**

| <b>Section # in old Manual</b> | <b>Section # in new Handbook</b> | <b>Title</b>                | <b>Description</b>  |
|--------------------------------|----------------------------------|-----------------------------|---|
|                                |                                  |                             | Pronouns removed  |
|                                |                                  |                             | Additional reference points added for ease of finding and citing.   |
|                                |                                  | Welcome!                    | Added City Manager Welcome!   |
|                                |                                  | Preface                     | Expanded Notice and Disclaimer detailing the employer and employee relationship as not forming a contract and ability of the City to revise, supplement or rescind policies, guidelines or procedures without notice and employee responsibility to remain informed of any such revisions.<br><br>Added active link to BPM's  |
|                                |                                  | Applicability and Approval  | Moved Council Appointee Adoption portion to Appendix I.   |
|                                |                                  | Table of Contents           | Updated to reflect changes.   |
| 1.1                            | 1-1                              | Equal Opportunity Statement | Placed stronger emphasis on expectations of employees for providing workplace free of harassment and discrimination. Updated protected class to current state definitions, to include pregnancy and gender identity.  |
| 1.2                            | 1-2                              | Anti-Harassment             | Harassment and sexual harassment are specifically defined and reporting and investigation procedures are outlined.<br><br>Separated Investigative Reporting and Investigation processes into their own sections, now located after Anti-Harassment, Anti-Retaliation and Disability Accommodations since the process is the same for all.<br><br>Reporting-Employees must report, timely but within 300 days of the incident aligned with EEOC. Used same language from Council Sexual Harassment policy, "shall not subject any employee to unlawful discrimination", providing a legal obligation.<br><br>Investigation-Clarified process and moved after conduct that would prompt investigation; added provision for management's ability to investigate a complaint in the case a complainant withdraws; added confidentiality |

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|     |     |                                    | requirement of employees participating in an investigation; added option to informally investigate complaint if outcome is expected to be a written or below.  |
| 1.3 | 1-4 | Anti-Retaliation                   | Moved after Disability, Religious Accommodation and Accommodation for Nursing Mother's.  |
|     | 1-3 | Accommodation for Nursing Mother's | New! Accommodations for Nursing Mothers policy.  |
| 1.5 | 1-7 | Employee Conduct                   | <p>Formerly 1.5 Professionalism and Conflicts, Conflicts of Interest. Separated Employee Conduct and Ethics to help distinguish conduct issues from ethics issues.</p> <p>As noted, some policies were moved from other sections of the manual to group like topics together, ease of locating and applicability.</p> <p>1-7(A): New section, Time and Attendance. Moved Hours of Work and Records of Attendance from 2.1 Conditions of Employment section to group attendance standards. Expanded attendance to include failure to call in, tardiness, excessive use of unscheduled leave and absence without permission.</p> <p>Included 4.7 Abandonment of Position.</p> <p>1-7(B) Use of City Property. Moved from Conditions of Employment 2.5 City Property Policy.</p> <p>1-7(B)(1) Workplace Inspections and Searches. Moved from Conditions of Employment 2.5 Inspections and Searches. Broke out 1-7(B)(2) Electronic Records.</p> <p>1-7(C) Official Badge or Credential Use. Moved from Conditions of Employment 2.8.</p> <p>1-7(G) Nepotism retitled from Relatives in the Workplace.</p> |

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|  |     |   | New! 1-7(K) Work Clothing Standards.  |
|  | 1-8 | Ethics, Professional Standards and Conflict of Interest | <p>Formerly 1.5 Professionalism and Conflicts, Conflicts of Interest. Separated Employee Conduct and Ethics to help distinguish conduct issues from ethics issues.</p> <p>As noted, some policies were moved from other sections of the manual to group like topics together, ease of locating and applicability.</p> <p>This section serves as a Code of Ethics for our employees and addresses several issues such as: conflicts of interest, bribes, gifts, product endorsements, protecting public trust, requirement to report suspected violations of ordinances, statutes, personnel or department rules, etc. Other elements covered include favoritism, attempts at improper influence, misappropriation of funds, sharing confidential information, etc. Added Prior Employment and Post-Employment. Legal will draft Resolution to adopt BPM to comply with Ethics in Government provision in the Constitution.</p> <p>Political Activity to include Anti-Lobbying.</p> <p>1-8(B) Outside Employment moved from Conditions of Employment 2.4. Creating a BPM and approval document.</p> <p>New! 1-8(C) Prior Employment. New policy. The intent is to indicate persons are not disqualified from a City job because of prior employment, but rather to avoid special advantage being given to former employers of City employees; and to avoid special advantage being given to a City employee by a former employer.</p> <p>New! 1-8(F) Post-Employment. New policy. The intent of this policy is to avoid the actuality or appearance that employers who hire former City employees may get special treatment.</p> |

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|     |     |                     | <p>1-8(F) Confidentiality. Added language, “Employees are prohibited from discussing confidential information gained through employment with the City with unauthorized persons “during or after employment.”</p> <p>1-8(G) Complaints and Inquiries retitled from Failure To Report.</p> <p><u>Additional action to be taken:</u><br/>         Colo. Const. Art. XXIX, sec. 7 wants this adopted by Charter, ordinance or <b>resolution</b> and the Independent Ethics Commission wants the ethics provision to provide for:</p> <p>An independent commission, with provisions governing manner of appointment and manner of succession.</p> <p>A complaint, investigative, and enforcement process.</p> <p>A penalty provision indicating that any covered individual who breaches the public trust for private gain and any person or entity inducing such breach shall be liable to the local jurisdiction for double the amount of the financial equivalent of any benefits obtained by such actions. The manner of recovery and additional penalties may be provided by law.</p> <p>A process for covered individuals to seek ethical guidance is encouraged.</p> |
| 1.6 | 1-9 | Disciplinary Action | <p>Clarified policy only applies to Regular Employees. Introductory and Contingent employees do not have appeal rights.</p> <p>“Just Cause “ retitled to “Prohibited Conduct” because the City may terminate an at-will employee for no reason at all if it is not for the wrong/illegal reasons, which might include issues of discrimination. Including the term “Just Cause” in the employee handbook may create confusion and some legal liability.</p> <p>4. Added Refusal to submit to search of personal property present on City property;</p>  |



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|  |  |  | <p>7. Added Failure to self-disclose arrest within 5 calendar days; arrest; pending felony, misdemeanor or municipal charges; traffic citations; suspension or revocation of a driver’s license or other required license or certification; or conviction of any felony, misdemeanor, traffic offense, or municipal ordinance violation.</p> <p>18. Added clarification regarding weapons in workplace to include “possessing” a weapon not within normal course of employee’s duties.</p> <p>Added HR Consultation recommended for Oral Reprimands (unless EEO violation which must be in consultation with HR) and must consult with HR for Written Reprimand and above.</p> <p>Modified Written Reprimands appeal period from 10 to 5 working days to align with Advanced Discipline appeal period.-THIS CHANGED IN 2018</p> <p>Fines modified to reflect limited violations by all employees of safety rules of major significance implemented to prevent serious danger in the workplace or to other employees.</p> <p>Suspension without Pay clarified for exempt employees, only applied for rule or conduct violations not related to performance.</p> <p>Clarified medical separations are non-punitive and therefore do not require issuance of a Proposed or Final level.</p> <p>Added “If the guidelines are not strictly adhered to by the supervisor, the City does not waive or diminish its ability to administer discipline.”</p> <p>Proposing an amendment to Ordinance <b>Sec. 102-38. - Perfection of appeal</b> that requires the employee to appeal to the Career Service Commission only after exhausting all internal measures, currently an appeal of the Proposed Discipline to the Department Director.</p> |
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| 2.1 | 1-7 and 6-2 | Hours of Work  | Moved under Employee Conduct 1-7.<br><br>Moved Pay Period under Payroll Policies 6-2(A).  |
| 2.2 | 2-1         | A. Introductory and Trial Periods for Career Service Employees<br><br>B. Promotion | A. Removed limitation for intro employees to not apply for promotion or transfer as internal candidates but introductory period starts over if hired in a new position.<br><br>A. Added “Hiring or other such sign-on bonuses will not be paid out until successful completion of the introductory period.”<br><br>B. Equal Pay Act requires promotional opportunities be posted, added language. Announce using app tracking system.   |
| 2.3 | 2-2         | Core 4 Performance Evaluation Program  | Added Duration not to exceed 6 months but may be extended.<br><br>Added If an employee non-consecutively receives two overall Below ratings on their mid-point and/or annual Core 4 performance review, that employee shall be separated from City employment.<br><br>Prior language required 2 consecutive annual reviews of below ratings.<br><br>Employees who receive advanced discipline will be ineligible for an annual wage adjustment, if such adjustment is approved by City Council. Prior language required evaluation to be marked as below but if an employee received a reprimand early in the year but made significant improvements, the evaluation should accurately reflect that. The increase would still be forfeited.<br><br>Appeals now go to next level supervisor of who issued the evaluation to avoid the employee appealing to supervisor who issued the evaluation. Aligns with the disciplinary appeal process. |
| 2.3 | 2-3         | Performance Improvement Plans  | Clarified PIP’s are not for use during Introductory or Trial Service Periods because each period is already a 6-month evaluation period that should have its expectations for success already in place.   |

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|     |             |  | Removed requirement that employees who receive a below rated evaluation be automatically placed on a PIP. The consequence is an employee will not receive an annual increase if one is approved by council. PIP's should be used when they are needed, not just in response to a below rated evaluation. Not all conduct and behavior can be addressed on a PIP.  |
| 2.3 | 2-4         | Career Progression Plans   | Added d. Successful completion of a six-month trial service period is required.   |
| 2.4 | 1-7 and 1-8 | Outside Employment   | Moved to Ethics, Professional Standards and Conflicts of Interest.  |
| 2.5 | 1-7         | Access to City Property  | Moved under Employee Conduct.<br><br>Clarified workplace inspections, no expectation of privacy; search for work related purposes or investigations; included Electronic Records.   |
| 2.6 | 2-5         | Drug / Alcohol-Free Workplace  | Revised to address substance abuse in the workplace, directing employees to BPM for proper testing, identification and policies specific to CDL drivers as regulated by DOT.  |
| 2.7 | 2-5         | Drug and Alcohol Testing for Individuals Holding a Commercial Driver's License (CDL) | Combined with 2-5 and as a BPM.   |
| 2.8 | 1-7         | Official Badge or Credentials Use  | Moved under Employee Conduct.   |
| 2.9 | 2-6         | Fit for Duty   | Removed-A continuing physical or mental incapacity which precludes the employee's adequate performance of assigned duties may be cause for reassignment or separation of employment. Should no placement be applied for or found, separation of employment will occur. Such separations are not appealable.<br><br>Replaced with-If it is determined an employee is unable to perform the essential function of their job, due to a disability, the employee may make a request for reasonable accommodation under the American with Disabilities |

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|      |     |                       | Act (ADA), through the Human Resources Department.  |
| 2.10 | 2-7 | Reduction in Force    | Added provisions of Article XII, Section 15 of the Colorado Constitution which requires that veterans are given preference when there is a reduction in force.  |
| 3.2  | 3-2 | F. Detail Assignments | Equal Pay Act, removed language that an employee in a detail assignment can be promoted after 12 months. Promotional opportunities are required to be posted under the Act.   |
| 3.3  | 3-3 | Special Pay           | <p>Combined Holiday Pay with 5-4 Holiday Pay to avoid information being in 2 policies.</p> <p>Removed Special Pay for Exempt Employees and revised it specific to Emergency Pay for all employees</p> <p>Added reason for Emergency Pay being the result of hazardous working conditions beyond the normal scope of an employee's regular job. This will allow for the City to be eligible for Federal funding.</p> |
| 3.4  | 3-4 | Recruitment           | Added all external applicants for Career Service positions who meet the minimum qualifications of the position and who qualify for veterans' preference pursuant to Article XII, Section 15, of the Colorado Constitution shall be included on the certification list of qualified candidates and shall be given an initial interview   |
| 3.5  | 3-6 | Selection             | Reordered Selection and Certification as a matter of process.   |

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| 3.6  | 3-5     | Certification                                       | Reordered Selection and Certification as a matter of process.  |
| 3.7  | 3-8     | Contingent Employment                               | Policy provides no direction of authority regarding termination of employment. A decision of this nature may warrant Director/designee approval but that could be a large undertaking for some departments, i.e. PROS.   |
| 4.0  |         | Benefits, Leave Policies and Payroll Administration | Several policies abbreviated/removed as noted below. To be placed into Business Policies (BPM).  |
| 4.2  | Removed | Life Insurance                                      | Removed for placement in Benefits packet   |
| 4.3  | Removed | Long-Term Disability Insurance                      | Removed for placement in Benefits packet   |
| 4.7  | 1-7     | Abandonment of Position                             | Moved under Employee Conduct.  |
| 4.8  |         | Administrative Leave                                | Included ability to place employee on unpaid leave.  |
| 4.9  | 5-1     | Annual Leave (Vacation)                             | Added language to align with practice of payout after successful completion of 6 months of service, regardless of the length on an employee's Introductory Period.   |
| 4.21 | 5-3     | Sick Leave  | Health Families Workplace Act requires:<br><br>Use of sick leave applies to domestic and sexual abuse and public health emergency<br><br>Pandemic Paid Sick Leave includes variable employees.<br><br>Expanded definition of "Family Member" to include "a person for whom the employee is responsible for providing or arranging health- or safety-related care." Added to the Glossary and may apply to other leave such as for bereavement. |
| 4.10 | 5-4     | Holidays  | Added "When the day observed by the City as a holiday falls during an Exempt employee's regularly scheduled day off, the employee shall receive eight hours straight pay for the holiday, or eight hours paid time off during the same pay period."  |
| 4.11 | 5-12    | Civil Leave   | Clarified applies to Jury Duty, Voting, Subpoenas.   |

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|      |      |                              |  |
| 4.12 | 5-13 | Domestic Abuse Leave         | Removed 12-month eligibility requirement providing ability to use when needed.   |
| 4.13 | 5-14 | Emergency Leave              | Clarified covers bereavement leave.<br>Added that the leave may be used intermittently in full day increments.   |
| 4.14 | 5-7  | Employee Medical Leave       | Decrease 180 day return to work to 90 consecutive and trigger one year at day 4 non-consecutive of “other than full duty”.<br>Employee Medical Leave now only applies to off-duty injuries. On-duty injuries will be covered under Occupational Injury/Illness Leave Policy.   |
| 4.15 | 5-6  | Family and Medical Leave Act | Changed from calendar year to rolling 12-month period.<br>Abbreviated and moved process to BPM.<br>60 day notice to employees before changing.   |
| 4.16 | 5-5  | Injury Leave                 | Incorporated Employee Medical Leave one-year leave period due to separating occupational from off-the-job. Employee Medical Leave will now only pertain to off-the-job and remains unpaid leave.<br>Decrease 180 day return to work to 90 consecutive and trigger one year at day 4 non-consecutive “OTFD”.  |
| 4.18 | 5-9  | Leave Without Pay            | Retitled to Leave of Absence. Intent is to offer a LOA when the time is not covered under another defined leave. Often occurs with Introductory employees who experience a medical/other hardship and they don’t qualify for FMLA/Medical Leave. Also added if the leave is due to a medical hardship, sick leave would be required to have been exhausted. Previous version only required annual to be exhausted. |
| 4.19 | 5-10 | Military Leave               | Expanded for compliance with USERRA leave rights and created a BPM.  |

|                   |            |                                      |  |
|-------------------|------------|--------------------------------------|--|
| Glossary          | Glossary   | Glossary                             | <p>Added definition of Disabling Damage regarding vehicle accidents and when substance screening should occur in such an incident.</p> <p>Revised Immediate Family Member definition extending to a person for whom the employee is responsible for providing or arranging health- or safety-related care.</p> <p>Removed definition of Household Group Member and Civil Union. They will be managed in the Leave BPM through HR Benefits.</p> |
|                   | Index      | Index                                | Added an Index.  |
| <b>APPENDICES</b> |            |                                      |  |
| Appendix I        | Appendix I | Federal and State Employment Notices | <p>Removed Federal and State Employment Notices for placement in Benefits/Leave Document.</p> <p>Moved Council Appointee Adoption from the Preface of the 2018 Manual. Once Employee Handbook approved, Council Appointees can review and adjust which policies they will adopt.</p>   |



# CITY OF AURORA

## Council Agenda Commentary

|  |
|--|
| <b>Item Title:</b> CABC Bylaw Changes  |
| <b>Item Initiator:</b> Greg Hays, Budget Officer                                     |
| <b>Staff Source/Legal Source:</b> Greg Hays / Hans Hernandez Assistant City Attorney |
| <b>Outside Speaker:</b> Leanne Wheeler, Michael Westerberg CABC Executives           |
| <b>Council Goal:</b> 2012: 6.0--Provide a well-managed and financially strong City   |

### COUNCIL MEETING DATES:

**Study Session:** 12/21/2020

**Regular Meeting:** N/A

Dual Listed Why is this item dual listed?[Click or tap here to enter text.](#)

---

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

- Approve Item and move forward to Study Session       Information Only
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Approve Item with Waiver of Reconsideration  
Why is a waiver needed?[Click or tap here to enter text.](#)

---

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** Management & Finance

**Policy Committee Date:** N/A

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval       Does Not Recommend Approval
- Forwarded Without Recommendation       Recommendation Report Attached
- Minutes Attached       Minutes Not Available
-



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**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.)

CABC has a set of rules and bylaws that govern its action. Any revision to these bylaws require the approval of Council.

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

The Aurora CABC seeks to clarify ambiguous language throughout the rules and bylaws and make said clarifying language consistent throughout the document. The CABC also desires to make four substantive changes to the rules and bylaws including: (1) moving the election of officers to January of every year, instead of December, so the entirety of the new membership can select their officers for the year term; (2) choosing to define quorum as a calculation at the beginning of each meeting that shall not change until the meeting is adjourned; (3) adding a more comprehensive definition and procedures for conflicts of interests; and (4) adding language to allow all CABC functions to take place via electronic means.

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**QUESTIONS FOR COUNCIL**

Does the M&F Committee approve this to go forward to full Council?

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**LEGAL COMMENTS**

Under Section 2-627 of the city code, the Citizen’s Advisory Budget Commission (“CABC”) is empowered to create rules and regulations for the election of new officers, including a chairperson, vice-chairperson and recording secretary. The committee also has the power to promulgate rules and regulations governing the conduct of its business, which rules and regulations shall become effective upon approval by the council. The new CABC bylaws are required to be approved by Council before they can be implemented. City council shall act only by ordinance, resolution or motion. All legislative enactments must be in the form of an ordinance; all actions, except as herein provided, maybe in the form of a resolution or motions. This action is an approval of the CABC bylaws and can be taken in the form of a motion and shall be approved by a majority of council. *See also*, Section 5-1 Aurora City Charter. (Hernandez).

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**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:** N/A

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**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:** N/A

**CITIZENS' ADVISORY BUDGET COMMITTEE  
MISSION STATEMENT**

The mission of the Citizens' Advisory Budget Committee (CABC) is to study all phases of the budget of the City of Aurora and to make recommendations to City Council in regard to any and all budget matters.

## **CITIZENS' ADVISORY BUDGET COMMITTEE (CABC) RULES AND REGULATIONS**

1. Election of Chair, Vice-Chair, and Recording Secretary shall be accomplished as prescribed in these rules and regulations. These three (3) officers shall constitute the Executive Committee. Should any officer resign or be unable to carry out his/her duties, an election shall be held within two regularly scheduled meetings for purposes of filling the vacancy. If the position of Chair is vacant, the Vice-Chair will be the temporary Chair until an election for Chair can be held. If all three officer positions become vacant, the member having served the longest on the CABC will serve as temporary chair until an Executive Committee can be elected. If the regular December meeting is less than 60 days from the date of vacancy, a special election need not be held.

The executive committee shall be voting members of the CABC. Members of the executive committee are encouraged to interact with other committees and city entities. One member of the executive committee shall be a member of each subcommittee with the exception of the nominating committee.

2. Duties of the Executive Committee: The Chair will conduct meetings of the CABC, the Vice Chair will serve as Chair in the absence of the Chair, and the Recording Secretary will take the roll and keep the minutes. The three members of the Executive Committee, with a representative of the Budget Office, will conduct a regular business meeting and set the agenda for the upcoming regularly scheduled meeting.
3. A motion for removal from office may be initiated against any or all of the officers. The motion to remove must have a second and may be discussed at that same meeting, but no vote may be taken at such meeting. The vote on a motion to remove will be taken at the next regularly scheduled meeting, with a special written notice sent to all committee members advising them of the removal vote.

The Budget Office Staff will conduct the removal vote and it shall be the first item of business at the meeting. A 3/4 majority vote of the membership appointed to the CABC is required to remove an officer; a separate vote is required for each officer to be removed. If all three officers are removed, the meeting is then immediately adjourned and the vacancy rules in Section 1 above will apply. If any officer is removed, the entire City Council will be notified by the Budget Office within 24 hours.

4. A nominating committee will be comprised of volunteers solicited by the Chair at the regularly scheduled meeting in December each year. All those volunteering will serve as the nominating committee, providing that there are at least three. Should three people not volunteer, the Chair will appoint sufficient persons to make a committee of three. The nominating committee will select a spokesperson who will present the ballot to the members of CABC. No member of the Executive Committee shall be a member of the nominating committee. The slate of candidates will be included with the agenda for the January meeting. At the regularly scheduled meeting in January the election of officers will take place. Nominations may be made from the floor at this time. No second is

required for nominations from the floor per Robert's Rules of Order. The election will be by written ballot, an electronic message to the Budget Office if a member is participating by conference call, or by other electronic means approved by a majority of the Executive Committee prior to the regularly scheduled January meeting. A nominee is elected upon receiving votes of a majority of those members participating in the meeting. If a majority is not won on the first ballot, a run-off between the two nominees receiving the largest number of votes shall be held immediately thereafter. Those elected will assume office immediately following the conclusion of voting.

5. Robert's Rule of Order will be observed as the means of conducting any business that comes before the CABC. <sup>1</sup>
6. A majority of the members appointed shall constitute a quorum. The Secretary, at the beginning of each meeting, shall announce if quorum has been met after taking the roll. A quorum established at the beginning of the meeting constitutes a quorum for the duration of the meeting, and all vote thresholds shall be based upon said quorum for the duration of the meeting (i.e., a quorum of 20 members is established making 11 votes the requirement for a majority. If three members leave before the end of the meeting, a majority vote of 11 votes is still required for the duration of that meeting). A quorum is required for any items to be put to a vote. Any disputes about quorum shall be decided by referring to these rules, or in the case of ambiguity in said rules, a vote by each member of the executive committee.
7. Formal reports to the Council shall be made in accordance with Section 2-629<sup>2</sup> of the City Code or as otherwise required and must be approved by a majority vote. Unsolicited reports to City Council shall be made by the Chair with the approval of a majority vote.
8. The regularly scheduled meetings of the CABC will be at 6:30 PM the first Tuesday of each month. Special meetings may be called, or the date and/or time of any month's regularly scheduled meeting may be changed, providing that the schedule change is approved by a majority vote at least 30 days prior to the desired change.

Members will be notified of any meetings by email unless a member requests notification by letter, with special notice of any changes in time, date, or location of any meetings, as soon as is

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<sup>1</sup> The most current edition of Robert's Rules of Order shall be utilized.

<sup>2</sup> **Sec. 2-629. - Reports.**

**(a)**

The citizen's advisory budget committee shall issue a formal report for each budget cycle to coincide with the council's schedule for approval of that budget. Other reports to the council shall be made as are requested of them from time to time by a majority of the council. The committee shall in its discretion be authorized to prepare and issue a report requested by an individual councilmember. Upon a majority vote of the entire committee, the committee shall be authorized to prepare and issue an unsolicited report to the council.

**(b)**

All reports or recommendations made by the citizen's advisory budget committee shall be advisory only to the council and shall be presented by the chairperson of the committee and shall consist of a majority report. Whenever the report is approved by less than two-thirds of the members of the committee, a minority report may also be submitted. (Code 1979, § 8-97)

possible, by the Chair. All meetings will be concluded by 9:00 PM; unless an extension of time is agreed to by a majority vote.

9. Arrangements for meetings, space, clerical help, records, and other general assistance will be made with the City Manager or designee, as set forth in Section 2-628<sup>3</sup> of the City Code.
10. Committee members retain all their rights to freedom of speech granted them under the federal constitution and the bill of rights. Nevertheless, when a committee member speaks to a member of the public, the committee member should be careful to emphasize the fact that the committee member is expressing his or her own views, unless the committee has formally, as a body, adopted a position on the issue being discussed.
11. It is expected that all members will satisfactorily participate on the CABC either in person or by conference call. Satisfactory participation is defined as all of the following:
  - Participation on at least one budget subcommittee per budget cycle. Attending subcommittee meetings, involvement in subcommittee recommendations and reports.
  - Having no more than two unexcused absences in a 12-month period. An excused absence is defined as notifying a member of the executive committee or budget office staff in advance (no later than close of business on the meeting date) of being unable to attend a regularly scheduled CABC meeting.
  - Conduct in accordance with the rules and regulations of this committee.

Unsatisfactory participation shall result in the following:

- After any unexcused absence, a courtesy communication from the Chair will take place to find out why the member was absent. After the third unexcused absence occurs, the CABC Secretary shall send written notification to the Council Member who appointed the member regarding their appointee's unsatisfactory performance.<sup>4</sup>
12. Any member, on any vote, who encounters a substantial conflict of interest shall recuse themselves from said vote by either not voting on said item at all or by recording an abstention during said vote. A substantial conflict of interest arises when any member, by voting on the issue at hand, will likely benefit monetarily or otherwise personally more than any other member of the public might on the particular issue if said member were to vote one way over the other. If such a substantial conflict arises, said member

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<sup>3</sup> **Sec. 2-628. - Assistance from city manager.**

The city manager shall provide such records, information, supplies, clerical help, budget data, meeting space and other general assistance as is requested by the chairperson of the citizen's advisory budget committee, provided such request shall be reasonable both as to extent and content so as not to place an undue burden upon the administration of the city.

(Code 1979, § 8-96)

<sup>4</sup> Nothing in this subsection shall be deemed to conflict with the authority of any Council Member to appoint or remove any person to this committee that they are so entitled in accordance with Aurora Municipal Code Sec. 2-625.

shall bring to the Chair's attention the nature of the conflict as the reason for the member's non-vote or abstention immediately following the members casting their abstention or non-vote.

13. When a member resigns from the CABC, a resignation is official when it is received by the Budget Office, city clerk's office, executive committee member or their appointer via letter or email. Resigning members are strongly encouraged to consider completion of current workplan prior to resignation.
14. The CABC may make such other rules, regulations, or changes thereto as deemed necessary. All rule and regulation changes are to be approved (by motion or resolution) by Council per Section 2-627<sup>5</sup>. These rules and regulations shall be reviewed annually by the CABC.

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<sup>5</sup> **Sec. 2-627. - Organization.**

The election of new officers, including a chairperson, vice-chairperson and recording secretary, will be held in accordance with the rules as adopted by the citizens' advisory budget committee. The committee shall also promulgate rules and regulations governing the conduct of its business, which rules and regulations shall become effective upon approval by the council. Should any officer either resign or be unable to carry out his or her duties, an election shall be held in accordance with the rules and regulations.

*(Code 1979, § 8-95)*



# CITY OF AURORA

## Council Agenda Commentary

**Item Title:** FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, AMENDING ARTICLE IV OF SECTION 130 RELATING TO THE MODIFICATION OF THE EXEMPTION FOR LONG TERM LODGING

**Item Initiator:** Trevor Vaughn, Manager of Tax and Licensing

**Staff Source/Legal Source:** Trevor Vaughn, Manager of Tax and Licensing

**Outside Speaker:**

**Council Goal:** 2012: 6.0--Provide a well-managed and financially strong City

### COUNCIL MEETING DATES:

**Study Session:** n/a

**Regular Meeting:** n/a

Dual Listed Why is this item dual listed?[Click or tap here to enter text.](#)

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

- Approve Item as proposed at Study Session  Information Only
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Approve Item with Waiver of Reconsideration  
Why is a waiver needed?[Click or tap here to enter text.](#)

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** Management & Finance

**Policy Committee Date:** 12/22/2020

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval  Does Not Recommend Approval
- Forwarded Without Recommendation  Recommendation Report Attached
- Minutes Attached  Minutes Not Available

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**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.)*

This item was previously presented at the June 23rd Management and Finance Committee Meeting. The committee expressed concern that modifying the exemption without Denver doing so may result in a competitive disadvantage for Aurora hotels. Denver city council has passed an ordinance modifying the exemption in alignment with the state and as is proposed with this ordinance. Visit Aurora does not oppose the ordinance as a result of this change.

The concept of this modification was presented to City Council on March 2nd and a majority requested that it be brought forward for additional consideration.

The item was presented at the May meeting of the Business Advisory Board which supported the item with a unanimous vote of the members that were present.

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

This proposed item will redefine the long term stay lodger's tax exemption to apply to natural persons. Currently the exemption applies to "persons" and is broader than its original intent. Businesses may still obtain the exemption after the modification if the same person is staying in the room. This change aligns with recent changes by the City of Denver and the State of Colorado.

As a result of report from the Office of the State Auditor on State tax expenditures, an interim legislative committee recommended a modification to the State's exemption for long term lodging. This modification was adopted by the legislature through house bill 20-1020 which was signed by the governor on March 20th and will be effective January 1, 2021.

Lodger's tax or sales tax on lodging is intended to apply to short term lodging. Stays longer than 30 days with a written agreement are exempt from this tax as they are considered to be residential stays and not short-term lodging. The state and city tax codes define a person to include corporations and other non-natural persons. This has resulted in a situation for business entities that lease a room for longer than 30 days receiving the exemption as if it was a residential stay even when the people staying in the room may be different each night. The State determined this was not the original intent of the exemption. House bill 20-1020 redefines the exemption to only apply to natural persons. A business entity may still claim the exemption if it is leasing the room for a single person for longer than 30 days.

For the same reasons the state identified that the exemption is not serving its purpose when it is taken by non-natural persons, the city may consider making the same adjustment to the lodger's tax code. This will also allow for simplification with the state application of taxes. This change would result in an estimated \$240,000 in additional lodger's tax revenue each year when the travel economy returns to pre-pandemic levels.

Denver's combined lodging sales tax rate is 15.75%. Aurora's combined rate is 12.25% in Arapahoe County and 12.75% in Adams County plus an additional \$2 per room night Destination Marketing Improvement Fee charged to the hotel.



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**QUESTIONS FOR COUNCIL**

Does the committee wish to forward to ordinance modifying the exemption to City Council study session?

---

**LEGAL COMMENTS**

Pursuant to the city's home rule authority granted to the City of Aurora under Article XX Section 6 (g) of the Colorado Constitution, the City has the power of taxation for local municipal purposes. This ordinance clarifies the enforcement section of the tax code, is not imposing a new tax and is compliant with Article X Section 20 of the Colorado Constitution. City Council shall act only by ordinance, resolution or motion. All legislative enactments must be in the form of an ordinance; all actions, except as herein provided, may be in the form of Resolutions or motions. Section 5-1 Aurora City Charter. (Hernandez)

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**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:** Approximately \$240,000 in additional revenue per year based on pre-pandemic levels.

---

**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:** Additional lodger's tax collections.

## Vaughn, Trevor

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**From:** Bruce Dalton <brucedalton@visitaurora.com>  
**Sent:** Monday, December 7, 2020 11:20 AM  
**To:** Vaughn, Trevor  
**Subject:** Aurora Long Term Lodging Tax Modification

Hi Trevor,

Based on the City of Denver moving forward with modifying their lodger's tax exemption for business entities leasing the hotel rooms for multiple people longer than 30 days. I support the change of the Aurora lodger's tax exemption to follow Denver in collecting this lodger's tax for business entities leasing the hotel rooms for multiple people longer than 30 days.

I believe that exemptions should continue to apply to 30-day plus stays of natural persons considered residential stays. A business entity may still claim the exemption if it leases the room for a single person for longer than 30 days.

I will be happy to be on the M & F Committee call to review my position.

Regards,

Bruce

### **Bruce Dalton**

President & CEO | Visit Aurora

Office: 720-484-8904

2260 S. Xanadu Way Ste. 200

Aurora, CO 80014 | [get directions](#)



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# An Act

HOUSE BILL 20-1020

BY REPRESENTATIVE(S) Snyder and Benavidez, Herod, Melton;  
also SENATOR(S) Moreno, Gonzales, Hansen, Lee, Rodriguez, Winter.

CONCERNING THE RESTRICTION OF THE STATE SALES TAX EXEMPTION FOR  
LONG-TERM LODGING.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1. Legislative declaration.** (1) The general assembly finds and declares that:

(a) The sales tax exemption for long-term lodging exempts stays of thirty days or more at hotels, apartment hotels, lodging houses, motor hotels, guesthouses, guest ranches, trailer coaches, mobile homes, auto camps, or trailer courts and parks from the state sales tax on lodgings.

(b) This sales tax exemption has remained largely unchanged since it was enacted in 1959.

(c) The exemption does not state whether it can be claimed in the case where the lodgings are paid for by the same payer for at least 30 days, but multiple persons stay in the lodging during that period of time and none

*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

of those persons stay for longer than 30 days. The department of revenue has allowed the exemption to be claimed in this circumstance. However, this application of the long-term lodging exemption expands the use of the exemption beyond its presumed original purpose of providing equal tax treatment for persons who enter into residential leases of 30 days or more and persons who stay for more than 30 days in lodgings that are typically used for short-term stays.

(d) The department of revenue does not collect data specifically for the long-term lodging exemption.

(2) Therefore, it is the intent of the general assembly to simplify the collection and administration of taxes for the state of Colorado and to relieve taxpayers' confusion and vendors' administrative burdens by repealing tax expenditures that are not meeting their original purpose and which are not tracked by the department of revenue.

**SECTION 2.** In Colorado Revised Statutes, 39-26-704, **amend** (3) as follows:

**39-26-704. Miscellaneous sales tax exemptions - governmental entities - hotel residents - schools - exchange of property.** (3) (a) There shall be exempt from taxation under the provisions of part 1 of this article 26 all sales and purchases of commodities and services under the provisions of section 39-26-102 (11) to any ~~occupant~~ NATURAL PERSON who is a permanent resident of any hotel, apartment hotel, lodging house, motor hotel, guesthouse, guest ranch, trailer coach, mobile home, auto camp, or trailer court or park and who enters into or has entered into a written agreement for occupancy of a room or accommodations for a period of at least thirty consecutive days during the calendar year or preceding year.


(b) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ON OR AFTER JANUARY 1, 2021, FOR ANY LOCAL GOVERNMENT OR POLITICAL SUBDIVISION OF THE STATE THAT LEVIES A SALES OR USE TAX BASED ON THE SALES OR USE TAX LEVIED BY THE STATE PURSUANT TO THIS ARTICLE 26, ALL SALES AND PURCHASES OF COMMODITIES AND SERVICES UNDER THE PROVISIONS OF SECTION 39-26-102 (11) TO ANY OCCUPANT WHO IS A PERMANENT RESIDENT OF ANY HOTEL, APARTMENT HOTEL, LODGING HOUSE, MOTOR HOTEL, GUESTHOUSE, GUEST RANCH, TRAILER COACH, MOBILE HOME, AUTO CAMP, OR TRAILER COURT OR PARK AND WHO ENTERS INTO OR HAS

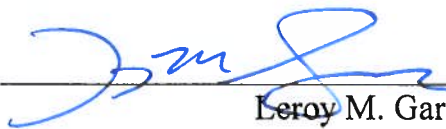
ENTERED INTO A WRITTEN AGREEMENT FOR OCCUPANCY OF A ROOM OR ACCOMMODATIONS FOR A PERIOD OF AT LEAST THIRTY CONSECUTIVE DAYS DURING THE CALENDAR YEAR OR PRECEDING CALENDAR YEAR SHALL BE EXEMPT FROM THE SALES OR USE TAX OF SUCH LOCAL GOVERNMENT OR POLITICAL SUBDIVISION, UNLESS THE LOCAL GOVERNMENT OR POLITICAL SUBDIVISION EXPRESSLY SUBJECTS SUCH SALE TO ITS SALES OR USE TAX FOR THE APPLICABLE PERIOD AT THE TIME OF ADOPTION OF ITS INITIAL SALES OR USE TAX ORDINANCE OR RESOLUTION OR SUBSEQUENT AMENDMENT THERETO.


**SECTION 3. Act subject to petition - effective date - applicability.** (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be

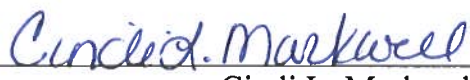
held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to sales taxes levied on or after January 1, 2021.

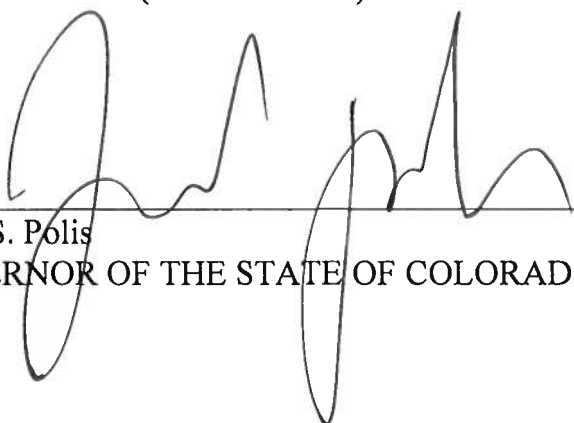
  
\_\_\_\_\_  
KC Becker  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

  
\_\_\_\_\_  
Leroy M. Garcia  
PRESIDENT OF  
THE SENATE

  
\_\_\_\_\_  
Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

  
\_\_\_\_\_  
Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED March 20, 2020 at 12:51pm  
(Date and Time)

  
\_\_\_\_\_  
Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO

## 4. Modification of lodger's tax exemption

| Revenue category   | New or existing revenue                            | Difficulty to implement        | New revenue generated (annually) |
|--------------------|--|--------------------------------|----------------------------------|
| <b>Tax-related</b> | <b>Existing</b><br>(remove lodger's tax exemption) | City Council approval required | <b>~\$240,000</b>                |

### Description

House bill 20-1020 proposed at the state originated from an interim committee and would limit lodger's tax exemptions on stays of 30+ nights to "natural persons." Currently the exemption is provided to "Persons" which is defined to include corporations. Adjusting the definition in the exemption would essentially remove the ability for businesses (usually airlines) to claim the exemption. This change would make the exemption more consistent with its original intent to provide an exemption for residential stays.

If the bill passes, the City could follow the state and remove the exemption with approval from the Council.

### Barriers and other considerations

No legal concerns anticipated. Legal challenges may be possible.

By ordinance, a portion of lodger's tax is allocated to Visit Aurora, this can be modified via ordinance.



ORDINANCE NO. 2021-\_\_\_\_

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, AMENDING ARTICLE IV OF SECTION 130 RELATING TO THE MODIFICATION OF THE EXEMPTION FOR LONG TERM LODGING

WHEREAS, the City of Aurora, Colorado, (the “City”), is a home rule municipality, organized and existing under and by virtue of Article XX, Section 6 of the Colorado Constitution; and

WHEREAS, under Article XX Section 6 the Colorado Constitution, the City has authority over local taxation matters; and

WHEREAS, the lodgers tax exemption for long-term lodging exempts stays of thirty days or more; and

WHEREAS, the exemption does not state whether it can be claimed in the case where the lodgings are paid for by the same payer for at least 30 days, but multiple persons stay in the lodging during that period of time and none of those persons stay for longer than 30 days. The Finance Department has allowed the exemption to be claimed in this circumstance. However, this application of the long-term lodging exemption expands the use of the exemption beyond its presumed original purpose of providing equal tax treatment for persons who enter into residential leases of 30 days or more and persons who stay for more than 30 days in lodgings that are typically used for short-term stays; and

WHEREAS, the City believes that this is more in line with the original intent of the exemption and will streamline the tax treatment with the state with the passage of house bill 2020-1020.

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

Section 1. Article IV, of Section 130 is hereby amended to read as follows.

Sec. 130-364. Exemptions.

- (1) All sales to any ~~person~~ **natural person** who is, in fact, a resident of, and who enters into or has entered into, a written agreement for occupancy of a room or rooms, or other accommodations in any hotel, apartment hotel, lodging house, motor hotel, guest house, bed and breakfast residence, guest ranch, mobile home, auto camp, trailer court, or trailer park in the city for a period of at least 30 consecutive days.



Section 2. Notwithstanding and provision of the Charter or the City Code of the City of Aurora, Colorado, to the contrary, this ordinance shall become effective on the first day of the month which is at least thirty days after the date of adoption.

Section 3. All ordinances or parts of ordinances of the City Code of the City of Aurora, Colorado, in conflict herewith are expressly repealed.

Section 4. 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 \_\_\_\_\_, 2021.

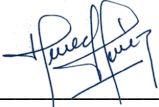
PASSED AND ORDERED PUBLISHED BY REFERENCE this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
MIKE COFFMAN, Mayor

ATTEST:

\_\_\_\_\_  
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

 RLA  
\_\_\_\_\_  
HANOSKY HERNANDEZ,  
Assistant City Attorney



# CITY OF AURORA

## Council Agenda Commentary

|  |
|--|
| <b>Item Title:</b> CARES Coronavirus Relief Fund Spending Update                   |
| <b>Item Initiator:</b> Nancy Wishmeyer   |
| <b>Staff Source/Legal Source:</b> Nancy Wishmeyer                                  |
| <b>Outside Speaker:</b> N/A  |
| <b>Council Goal:</b> 2012: 6.0--Provide a well-managed and financially strong City |

### COUNCIL MEETING DATES:

**Study Session:** N/A

**Regular Meeting:** N/A

Dual Listed Why is this item dual listed?[Click or tap here to enter text.](#)

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

- Approve Item as proposed at Study Session
- Information Only
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Approve Item with Waiver of Reconsideration  
Why is a waiver needed?[Click or tap here to enter text.](#)

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### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** Management & Finance

**Policy Committee Date:** N/A

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval
- Does Not Recommend Approval
- Forwarded Without Recommendation
- Recommendation Report Attached
- Minutes Attached
- Minutes Not Available

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**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 city of Aurora is subrecipient of Federal CARES Act Coronavirus Relief Fund funding through Arapahoe and Adams counties. In order to respond to / mitigate the effects of the COVID-19 Pandemic, the city has spent or earmarked the CARES CRF funds on various community assistance needs, infrastructure improvements, and service preservation efforts.

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

Update on progress of how the city plans to spend the ~\$34.0M CARES ACT Coronavirus Relief Fund allocations from Arapahoe and Adams Counties.

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**QUESTIONS FOR COUNCIL**

Information only

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**LEGAL COMMENTS**

The city charter requires that the city manager shall keep the council advised of the financial condition and future needs of the city and make such recommendations to the council for adoption as he may deem necessary or expedient. This item is informational only. See Aurora City Charter Sec. 7-4 (f). (Hernandez)

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**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:** Receipt of CARES CRF grant funds reduces the public burden to provide funding to respond to and/or mitigate effects of COVID-19 pandemic.

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**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:** N/A

City of Aurora COVID-19 Spending, 11.24.20

|   | <u>Total Allocation</u> |
|---|-------------------------|
| <u>Community Assistance</u>   |                         |
| Small Business Grants - AER 1   | 377,000.00              |
| Small Business Grants - AER 2   | 4,730,649.16            |
| Small Business Grants - AER 3   | 6,000,000.00            |
| CLA small business review   | 135,000.00              |
| Rental Assistance Grants  | 1,600,000.00            |
| Quarantine At-Risk Population   | 1,437,889.28            |
| Stanley - Colorado Restaurant Response                                | 858,000.00              |
| Food Assistance, baby supplies  | 800,000.00              |
| HelpKitchen meal delivery   | 250,000.00              |
| Aurora Water Cares  | 500,000.00              |
| COA/APS learning center supplies                                      | 140,000.00              |
| Aurora Public Schools - food carts for grab n go meals                | 215,000.00              |
| Cherry Creek School District - testing kits and PPE                   | 125,000.00              |
| Total Community Assistance  | <u>17,168,538.44</u>    |
| <u>Infrastructure</u>   |                         |
| Scanning services, docusign   | 105,480.00              |
| Laptops, docking stations, monitors, adobe pro, VDI                   | 1,963,284.63            |
| Preschool technology  | 11,770.00               |
| Power DMS, Microwave  | 1,098,562.67            |
| Security, IAM assessment, firewalls, COOP, patch tool                 | 778,869.20              |
| Switches, servers, phones, fiber                                      | 1,710,351.88            |
| Webex, Jabber, support, public engagement                             | 294,547.48              |
| Virtual Customer assist - ChatBot, Telestaff calls                    | 100,085.00              |
| ADAM software, PS MDC Data  | 199,600.00              |
| Fire Record Management System - Image Trend, BKSquared                | 164,691.00              |
| WiFi replacements, expansion, internet capacity                       | 424,865.51              |
| Backup 911 center   | 132,911.23              |
| COVID consulting work   | 190,000.00              |
| Gator Masks for CAPSTC  | 4,960.00                |
| Planning Building zoning software                                     | 100,000.00              |
| Nearmap   | 10,000.00               |
| Court digitization  | 50,000.00               |
| Fox theatre virtual programming                                       | 11,500.00               |
| Library hot spots and computers for check out                         | 110,000.00              |
| Library e-Content, virtual programing, online library cards           | 75,000.00               |
| Courts, Criminal CA technology  | 51,955.73               |
| Facility retrofit, D1 AMC   | 14,745.00               |
| EOC upgrade   | 17,000.00               |
| Cleaning, disinfecting supplies & serv; Fire Aeroclave                | 205,498.47              |
| Home Office Furnishings, estimate                                     | 150,000.00              |
| Police records, impound workstations                                  | 466,000.00              |
| FOPs - Maint/replacement at various locations (carpet, special clean) | 819,500.00              |
| FOPs - Restroom surfaces (D2, Bicentennial, MLK, libraries, more)     | 558,250.00              |
| FOPS - HVAC systems (>35 facilities), Furnace FS 6                    | 672,800.00              |
| Total Infrastructure  | <u>10,492,227.80</u>    |
| <u>Service Preservation</u>   |                         |
| PPE - including social distancing measures, Fire half mask, Conex     | 493,613.92              |
| PPE - SCBA regulators   | 760,000.00              |
| PPE - Faulk   | 45,000.00               |
| Thermometers / test kits/testing site                                 | 169,092.07              |
| CU medical consultant   | 15,000.00               |
| Translation Services  | 21,588.02               |
| Hazard Pay for police and fire  | 2,643,313.50            |
| FFCRA   | 952,053.01              |
| Unemployment  | 100,000.00              |
| Total Service Preservation  | <u>5,199,660.52</u>     |
| Total spent/anticipated spend   | 32,860,426.76           |
| Total CRF Allocation from Counties                                    | <u>33,882,755.00</u>    |
| Unallocated / unspent   | <u>1,022,328.24</u>     |



# CITY OF AURORA

## Council Agenda Commentary

|  |
|--|
| <b>Item Title:</b> Management and Finance Policy Committee 2020 Recap              |
| <b>Item Initiator:</b> Terri Velasquez   |
| <b>Staff Source/Legal Source:</b> Terri Velasquez                                  |
| <b>Outside Speaker:</b> n/a  |
| <b>Council Goal:</b> 2012: 6.0--Provide a well-managed and financially strong City |

### COUNCIL MEETING DATES:

**Study Session:** n/a

**Regular Meeting:** n/a

Dual Listed Why is this item dual listed?[Click or tap here to enter text.](#)

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

- Approve Item as proposed at Study Session
- Information Only
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Approve Item with Waiver of Reconsideration  
Why is a waiver needed?[Click or tap here to enter text.](#)

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### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** Management & Finance

**Policy Committee Date:** 12/15/2020

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval
  - Does Not Recommend Approval
  - Forwarded Without Recommendation
  - Recommendation Report Attached
  - Minutes Attached
  - Minutes Not Available
-

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**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.)

This item is to review the 2020 activity of the Management and Finance Policy Committee.

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

This item is information only.

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**QUESTIONS FOR COUNCIL**

n/a

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**LEGAL COMMENTS**

n/a

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**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:** n/a

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**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:** n/a

## **M&F Committee 2020 Recap**

### **January**

- SALES TAX CHART
- 2019 BKD AUDIT ENGAGEMENT LETTER
- GRANTS PROCESS OVERVIEW
- SOUTHEAST REC CENTER FINANCING ORDINANCE
- DEBT MANUAL
- INTERNAL AUDIT 2019 ANNUAL REPORT
- 2020 MANAGEMENT AND FINANCE WORK PLAN

### **February**

- SALES TAX CHART
- CITADEL METRO DISTRICT AND BID INCLUSION AREA CHANGES
- SMALL BUSINESS ENTERPRISE PROGRAM OVERVIEW
- INFORMATION TECHNOLOGY UPDATE
- MARKETPLACE FACILITATOR UPDATE

### **March**

- SALES TAX CHART
- SPRING SUPPLEMENTAL
- CABC OVERVIEW

### **April**

- SALES TAX CHART
- AURORA CROSSROADS METRO DISTRICT
- CHANGE TO CITY CODE SEC.2-66(f) DISQUALIFIED VENDOR OR CONTRACTOR
- 2019 EXTERNAL AUDIT PRE-AUDIT LETTER
- COVID-RELATED GRANT OPPORTUNITIES
- 2020 BALLOT QUESTION TO RETAIN PROPERTY TAX OVER TABOR LIMIT
- INVESTMENT PORTFOLIO AND CASH FLOW UPDATE
- INTERNAL AUDIT Q1 REPORT

### **June**

- SALES TAX CHART
- PROPOSED CHANGES TO METRO DISTRICTS MODEL SERVICE PLANS
- SANDCREEK METRO DISTRICT SERVICE PLAN AMENDMENT
- KING RANCH METROPOLITAN DISTRICT NOS 1-5
- PUBLIC BANKING
- LODGERS TAX EXEMPTION MODIFICATION
- INVESTMENT ADVISORY COMMITTEE APPOINTMENT
- INTERNAL AUDIT Q1 PROGRESS REPORT

## **July**

- SALES TAX CHART
- COLORADO INTERNATIONAL CENTER (CIC) SERVICE PLAN AMENDMENTS
- 2019 AUDIT RESULTS AND COMPREHENSIVE ANNUAL FINANCIAL REPORT
- GERP UPDATE
- GERP ORDINANCE
- DRAFT POLICE HYBRID PENSION PLAN DOCUMENT
- HAZARD PAY
- FINANCIAL POLICIES REGARDING USE OF FUNDS AVAILABLE
- INTERNAL AUDIT Q2 REPORT

## **August**

- SALES TAX CHART
- 2021 SERVICE FEES
- GREEN VALLEY RANCH EAST (GVRE) INFRASTRUCTURE FUNDING AGREEMENT
- PROPOSED CAMPAIGN FINANCE REFORM
- PROPOSED LOCAL MINIMUM WAGE ORDINANCE
- PAY RESOLUTION
- CHANGE TO CITY CODE SEC. 2-667(F) DISQUALIFIED VENDOR OR CONTRACTOR
- REVIEW OF OUTSTANDING MORAL OBLIGATIONS

## **September**

- SALES TAX CHART
- PROPOSED CAMPAIGN FINANCE REFORM ORDINANCE
- PROPOSED BACKGROUND CHECK ORDINANCE
- IT CARES SPENDING
- EXTERNAL AUDITOR CONTRACT
- COLORADO SALES AND USE TAX SIMPLIFICATION SYSTEM
- PROPOSED ORDINANCE TO AMEND THE EXECUTIVE RETIREMENT PLAN
- UPDATE ON CITY CASH, INVESTMENTS, AND FINANCING
- GENERAL IMPROVEMENT DISTRICT BUDGETS (VIA EMAIL)

## **October**

- SALES TAX CHART
- FALL SUPPLEMENTAL
- DIFFERENTIAL PAY FOR THOSE GOING OUT ON MILITARY PAY
- TEMPORARY CAP ON THIRD PARTY FOOD DELIVERY FEES
- AURORA'S CONTRIBUTIONS VS BENEFITS OF SCFD
- BUSINESS IMPROVEMENT DISTRICT ANNUAL OPERATING PLANS AND BUDGETS
- BKD AUDIT ENGAGEMENT LETTER



- INTERNAL AUDIT Q3 REPORT

### **November**

- SALES TAX CHART
- RESOLUTION TO PROVIDE INFORMATION RAISE AWARENESS OF CREDITS TO LOW AND MODERATE-WAGE EARNERS LIVING IN AURORA
- PUBLIC DEFENDER POSITION FOR VETERAN'S COURT
- DISSOLUTION OF THE STERLING HILLS METROPOLITAN DISTRICT
- REVIEW OF 2021 APPROVED ANNUAL AUDIT PLAN

### **December**

- SALES TAX CHART
- INTRODUCTION OF CITY TREASURER
- PORTEOS BID DIRECTOR APPOINTMENT
- EMPLOYEE MANUAL UPDATE
- CITIZENS' ADVISORY BUDGET COMMITTEE BYLAW CHANGES
- LODGERS TAX EXEMPTION MODIFICATION
- CARES UPDATE
- 2020 RECAP