

Agenda Item: General Business - C.
Meeting Date: July 26, 2021

Subject: Consideration of Ordinance 911, delegating certain administrative and disciplinary authority to the City Manager, on first reading.

Presenter: A.J. Euckert, City Manager

Background: Section 2-53 of the Dacono Municipal Code provides the City Manager shall be the chief administrative officer of the City and shall be responsible to the City Council for the administration of the matters placed in the charge of the City Manager by the City Council.

City Council recognizes that proper administration of the City and its departments occasionally requires the imposition of disciplinary actions, and the Council desires to delegate to the City Manager the authority to act on behalf of the City Council with regard to any disciplinary matters involving department heads, but not including termination of any department head.

The second piece of this Ordinance further recognizes that an important aspect of proper administration of the Police Department is the ability to establish and maintain policies, rules and regulations governing the operation of the Police Department, and City Council desires to facilitate contemporary, up-to-date policies, rules and regulations in order to promote the most efficient operation of the Police Department by authorizing the Police Chief to draft and update policies, rules and regulations for the Police Department for review and approval by the City Manager is in the best interest of the City and its residents.

Recommended Action: Consideration and approval of Ordinance 911, delegating certain administrative and disciplinary authority to the City Manager, on first reading.

ORDINANCE NO. 911

AN ORDINANCE DELEGATING CERTAIN ADMINISTRATIVE AND DISCIPLINARY AUTHORITY TO THE CITY MANAGER

WHEREAS, Section 7-7 of the City's Home Rule Charter authorizes the City Council to appoint a City Manager to serve at the pleasure of the Council, and the City Council has so appointed a City Manager; and

WHEREAS, Section 2-53 of the Dacono Municipal Code provides the City Manager shall be the chief administrative officer of the City and shall be responsible to the City Council for the administration of the matters placed in the charge of the City Manager by the City Council; and

WHEREAS, the City Council recognizes that proper administration of the City and its departments occasionally requires the imposition of disciplinary actions, and the Council desires to delegate to the City Manager the authority to act on behalf of the City Council with regard to any disciplinary matters involving department heads, but not including termination of any department head; and

WHEREAS, the City Council further recognizes that an important aspect of proper administration of the Police Department is the ability to establish and maintain policies, rules and regulations governing the operation of the Police Department; and

WHEREAS, the City Council desires to facilitate contemporary, up-to-date policies, rules and regulations in order to promote the most efficient operation of the Police Department; and

WHEREAS, the Chief of Police is appointed by and is responsible to the City Council for the proper administration of the Police Department, and in accordance with Section 2-73(7) of the Dacono Municipal Code communicates police matters to the City Manager, who serves as a conduit for such matters to the City Council; and

WHEREAS, the City Council finds that authorizing the Police Chief to draft and update policies, rules and regulations for the Police Department for review and approval by the City Manager as set forth herein is in the best interest of the City and its residents.

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

Section 1. Section 2-53 of the Dacono Municipal Code, concerning powers and duties of the City Manager, is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 2-53. Powers and duties.

The City ~~Administrator~~ Manager shall be the chief administrative officer of the City and shall be responsible to the City Council for the administration of the matters placed in the charge of the City ~~Administrator~~ Manager by the City Council, including the following:

- (1) To supervise the administration of the affairs of the City, including acting on behalf of the City Council with regard to any disciplinary matters involving department heads, but not including termination of any department head;
- (2) To see that the ordinances of the City and the applicable laws of the state are enforced;
- (3) To make recommendations to the City Council concerning the affairs of the City;
- (4) To keep the City Council advised of the financial condition and future needs of the City;
- (5) To prepare and submit to the City Council the annual budget estimate;
- (6) To prepare and submit to the City Council such reports as the City Council requires; ~~and~~
- (7) To perform such other duties as required by ordinance, resolution, or motion of the City Council; and
- (8) To serve as a conduit for transmission of all police matters to the City Council and for transmittal of all City Council directives to the Police Department, and to review and approve policies, rules, and regulations of the Police Department and amendments thereto.

Section 2. Section 2-72 of the Dacono Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 2-72. Policies, rules and regulations.

- (a) The Police Department shall be operated and managed in accordance with such departmental policies, rules and regulations as may from time to time be ~~adopted in writing~~ prepared by the

Chief of Police for consideration and adoption by the City Manager.

- (b) Quarterly, the Chief of Police shall provide a summary report to the City ~~Administrator~~ Manager, for submission to the City Council, of any changes made to departmental policies, rules and regulations.
- (c) The policies, rules and regulations shall be made available in written or electronic form to all ~~police officers in the City's employ, and all police officers of the City~~ members of the Police Department, who shall be instructed in their meaning.

Section 3. Section 2-73 of the Dacono Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 2-73. Chief – Powers and duties.

It shall be the duty of the Chief of Police to do the following:

- (1) The Chief of Police shall see that the ordinances of the City are duly enforced and the rules and regulations of the Police Department obeyed, and perform such duties as may be required by the City Council;
- (2) The Chief of Police shall direct the operations of the Police Department, subject to the rules and regulations thereof;
- (3) The Chief of Police shall apprehend any person violating any of the City ordinances and take such violator before the Municipal Court for trial;
- (4) The Chief of Police shall take charge of the detention facility, all prisoners confined therein and all those who are sentenced to labor on the streets or public works of the City, and see that orders and sentences with reference to prisoners are fully executed and complied with;
- (5) The Chief of Police shall render such accounts of the Police Department, his or her duties and receipts as may be required by the City Council, and keep the public records of his or her office open to inspection by the City Council at any reasonable time;
- (6) Before entering upon the duties of office, the Chief of Police shall take and subscribe to a verified oath that he or she will support the

Constitution and laws of the State, Constitution of the United States and ordinances of the City, and that he or she will faithfully perform the duties of the office upon which he or she is about to enter;

- (7) The Chief of Police shall communicate all police matters to the City ~~Administrator~~ Manager, who shall serve as the conduit for such matters to the City Council.
- (8) The Chief of Police shall prepare ~~and adopt~~ policies, rules and regulations to govern and guide the activities of the Police Department and submit the same to the City Manager for review and approval.

Section 4. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 5. The repeal or modification of any provision of any prior ordinance by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 6. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED AND POSTED BY TITLE this 26th DAY of JULY, 2021.

PUBLIC HEARING AND SECOND HEARING WILL BE THE 9th DAY OF AUGUST, 2021 AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY AVENUE, DACONO, CO.

READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this ____ day of _____, 2021.

CITY OF DACONO, COLORADO

Joe Baker, Mayor

ATTEST:

Valerie Taylor, City Clerk

Summary of Ordinance No. 911, “AN ORDINANCE DELEGATING CERTAIN ADMINISTRATIVE AND DISCIPLINARY AUTHORITY TO THE CITY MANAGER”: Delegates to the City Manager the authority to act on behalf of the City Council in disciplinary matters involving department heads and to review and approve policies, rules and regulations for the Police Department.