

AGENDA
REGULAR MEETING OF THE CITY COUNCIL
480 S. ALLISON PARKWAY
CITY OF LAKEWOOD, COLORADO
HYBRID MEETING
FEBRUARY 24, 2025
7:00 PM

To watch the Council meeting live, please use either one of the following links:

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Lakewood Speaks: Lakewoodspeaks.org

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How to Connect to Provide Public Comment: Online participants may post written comments of any length to LakewoodSpeaks.org, an online forum for public comments.

ITEM 1 – CALL TO ORDER

ITEM 2 – ROLL CALL

ITEM 3 – PLEDGE OF ALLEGIANCE

ITEM 4 – STATEMENT OF CONFLICT OF INTEREST

ITEM 5 – INITIAL PUBLIC COMMENT

Anyone who would like to address the Council on any matter other than an agenda item will be given the opportunity. Speakers should limit their comments to three minutes.

**CONSENT AGENDA
ORDINANCES ON FIRST READING**

ITEM 6 – R-2025-10 – APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF EDGEWATER REGARDING THE CITY OF LAKEWOOD'S MAINTENANCE AND REPAIR OF THE CITY OF EDGEWATER'S TRAFFIC EQUIPMENT

7 APPOINTING A MEMBER TO THE BUDGET AND AUDIT BOARD

ITEM 8 – O-2025-9 – REPEALING AND REPLACING TITLE 4 OF THE LAKEWOOD MUNICIPAL CODE REGARDING THE PERSONNEL POLICIES CODE FOR THE CITY OF LAKEWOOD, COLORADO

ITEM 9 – O-2025-10 – AUTHORIZING AN INTERNAL LOAN AGREEMENT IN THE FORM OF A TRANSFER OF GENERAL FUNDS IN THE AMOUNT OF \$19,682,727 TO THE STORMWATER ENTERPRISE FUND AND AUTHORIZING THE EXPENDITURE OF THESE FUNDS BY THE DIVISION OF PUBLIC WORKS VIA THE MILE HIGH FLOOD DISTRICT FOR MAJOR DRAINAGEWAY IMPROVEMENTS OF THE NORTH DRY GULCH AREA OF LAKEWOOD

ITEM 10 – O-2025-11 – AMENDING TITLE 10 OF THE MUNICIPAL CODE TO ALIGN WITH RECENT STATE LEGISLATION ON USE OF ELECTRONIC MOBILE DEVICES AND CHILD RESTRAINT SYSTEMS

ITEM 11 – APPROVING CITY COUNCIL MINUTES

A. 12-09-2024 COUNCIL MINUTES

ITEM 12 – – REQUEST FOR 2025 SPECIAL CITY COUNCIL MEETINGS

END OF CONSENT AGENDA

**ORDINANCES ON SECOND READING
AND PUBLIC HEARINGS**

ITEM 13 – O-2025-8 – ACCEPTING A DEED FROM URBAN DRAINAGE AND FLOOD CONTROL DISTRICT D/B/A MILE HIGH FLOOD DISTRICT TO THE CITY OF LAKEWOOD FOR 7650 WEST 2ND AVENUE, CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO

ITEM 14 – O-2025-7 – AN EMERGENCY ORDINANCE REPEALING AND REENACTING IN ITS ENTIRETY CHAPTER 16 OF TITLE 14 OF THE LAKEWOOD MUNICIPAL CODE RELATING TO REQUIREMENTS FOR PARK AND OPEN SPACE DEDICATION AND FEES IN LIEU THEREOF

ITEM 15 – GENERAL PUBLIC COMMENT

Anyone who would like to address the Council on any matter other than an agenda item will be given the opportunity. Speakers should limit their comments to three minutes.

ITEM 16 – GENERAL BUSINESS

ITEM 17 – MAYOR AND CITY COUNCIL REPORTS

A. COUNCIL MEMBERS BY WARD

B. MAYOR

ITEM 18 – ADJOURNMENT

STAFF MEMO

DATE OF MEETING: FEBRUARY 24, 2025 / AGENDA ITEM NO. 5

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: None

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: FEBRUARY 24, 2025 / AGENDA ITEM NO. 6

To: Mayor and City Council
From: Max Kirschbaum, Director of Public Works
Subject: **IGA for Traffic Device Maintenance with the City of Edgewater**

SUMMARY STATEMENT: The attached resolution would authorize an updated Intergovernmental Agreement (IGA) for maintaining traffic devices within the City of Edgewater. Edgewater would fully compensate Lakewood for the maintenance of traffic devices, including traffic signals, rectangular rapid flash beacons, school zone flashers, and four city-owned streetlights.

BACKGROUND INFORMATION: Lakewood has had an IGA with the City of Edgewater for maintenance of traffic devices for over 10 years. Lakewood routinely extends IGAs for five years total and then must update and create a new IGA. The previous IGA is expiring after the maximum four years of extensions; either a new IGA needs to be created, or Lakewood needs to inform the City of Edgewater that Lakewood will no longer perform the maintenance of traffic devices. In 2023, this work totaled \$7,960 in reimbursement to Lakewood. In 2024, this work totaled \$3,385 in reimbursement to Lakewood. The Edgewater work does slightly reduce the amount of work that Lakewood can perform within budget. Reimbursed work does not increase the approved budget obligation.

BUDGETARY IMPACTS: Routine maintenance work is usually reimbursed by Edgewater in January for the previous year. Larger projects are invoiced after completion. Budget impacts to Lakewood are neutral as all budget expenditures are reimbursed for the same annual budget period.

STAFF RECOMMENDATIONS: Public Works recommends approving the IGA with the City of Edgewater

ALTERNATIVES: The City Council can choose to reject IGA with the City of Edgewater.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: Sign the IGA for work to continue or direct Edgewater to find a different way to perform this maintenance.

ATTACHMENTS:

1. Resolution R-2025-10
2. IGA Traffic Signal Maintenance Lakewood
3. Attachment A-Maintenance List 2025
4. Attachment B-Contact List
5. Attachment C-Rates

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

A RESOLUTION

APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF EDGEWATER REGARDING THE CITY OF LAKEWOOD'S MAINTENANCE AND REPAIR OF THE CITY OF EDGEWATER'S TRAFFIC EQUIPMENT

WHEREAS, pursuant to C.R.S. § 29-1-203 and § 29-1-203.5 as amended, the City of Lakewood ("Lakewood") and the City of Edgewater ("Edgewater") have the authority to enter into an Intergovernmental Agreement (IGA);

WHEREAS, Edgewater operates intersection traffic signals, flashers, and streetlights (the "Traffic Equipment") within its municipal boundaries;

WHEREAS, Edgewater lacks the staff needed to maintain and repair the Traffic Equipment and desires to have Lakewood provide the necessary preventative maintenance services, routine repair services, and emergency repair services to maintain the Traffic Equipment in satisfactory operating condition (the "Services");

WHEREAS, Lakewood's Traffic Maintenance Shop has the personnel, equipment, and expertise to provide the Services; and

WHEREAS, Edgewater shall fully compensate Lakewood for all staff time, equipment, materials and/or subcontractors associated with providing the Services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood:

SECTION 1. The City Council hereby finds and determines that authorizing the City Manager to enter into an IGA, attached hereto as Attachment A and incorporated herein, between the City of Lakewood and the City of Edgewater for Lakewood's provision of maintenance and repair services for Edgewater's Traffic Equipment is and shall be in the best interest of the residents of the City of Lakewood, and hereby authorizes the City Manager to enter into the IGA with the City of Edgewater on behalf of the City of Lakewood.

SECTION 2. This Resolution shall become effective immediately upon signature following adoption.

[Remainder of the Page Intentionally Left Blank]

INTRODUCED, READ, AND ADOPTED by a vote of _ for and _ against at a hybrid regular meeting of the Lakewood City Council on February 24, 2025, at 7 o'clock p.m. at the Lakewood Civic Center, 480 S. Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF LAKEWOOD AND THE CITY OF EDGEWATER
FOR TRAFFIC SIGNAL MAINTENANCE
AGREEMENT NO. 4726

THIS INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LAKEWOOD AND THE CITY OF EDGEWATER FOR TRAFFIC SIGNAL MAINTENANCE, AGREEMENT NO. 4726 (the "Agreement") is made and entered into the ____ day of _____, 2025 (the "Effective Date"), by and between the **CITY OF LAKEWOOD**, a Colorado home rule municipal corporation whose principal business address is 480 South Allison Parkway, Lakewood, Colorado 80226 ("Lakewood"), and the **CITY OF EDGEWATER**, a Colorado home rule municipality, with offices at 1800 Harlan Street, Edgewater, Colorado 80214 ("Edgewater"). Lakewood and Edgewater may be referred to hereinafter as the "Parties."

WHEREAS, Sections 29-1-201 and 29-1-203 Colorado Revised Statutes, as amended, permit and encourage governments to make the most efficient use of their powers and responsibilities by cooperating and contracting with other governments to provide authorized services;

WHEREAS, Edgewater operates the intersection traffic signals, flashers, and street lights, identified in **Attachment A – Traffic Equipment Maintenance List**, attached hereto and incorporated herein by this reference ("Attachment A");

WHEREAS, Edgewater lacks the staff needed to maintain and repair the traffic equipment and desires that Lakewood provide preventive maintenance services and emergency call-out on a 24-hour basis to maintain the traffic equipment in a satisfactory operating condition, as set forth herein (the "Services");

WHEREAS Lakewood's traffic maintenance division has the personnel, equipment and expertise to provide the Services; and

WHEREAS the Parties desire to cooperate to the fullest extent possible to ensure the Services are accomplished according to the mutual desires of each Party in the best interests of their respective residents.

NOW, THEREFORE, in order to accomplish the above stated desires, and in consideration of the mutual covenants and promises herein set forth, the Parties agree as follows:

1. TERM, TERMINATION AND RENEWAL. The Term of this Agreement shall commence on the Effective Date and expire one (1) year therefrom. The Parties may renew this Agreement annually, upon 30-days written notice, for not more than four (4) additional one-year renewal terms. Either Party may terminate this Agreement by providing the non-terminating Party thirty (30) days prior written notice.
2. SERVICES. Lakewood will provide the following services in accordance with the terms and conditions of this Agreement (the "Services"):
 - a. Preventive Maintenance. Lakewood will provide preventive maintenance of the traffic equipment identified in Attachment A. Attachment A may be revised as necessary to adjust the locations of the traffic equipment, subject to the written approval of both Parties, which may be memorialized in electronic mail communication and shall not be unreasonably withheld, without formal

amendment to this Agreement. Preventative Maintenance shall include an annual inspection of all signal heads and a visual inspection of the cabinet and its contents, with any deficiencies noted and repaired. Lakewood will test and certify the conflict monitor during performance of Preventive Maintenance.

- i. Lakewood will also provide maintenance of the following on an as-needed basis: signal heads, flashing beacons, bulbs, span wire, mast arms, poles, pole hardware, pull boxes, conduit runs, wire runs, detection systems and controller cabinets and their contents.
 - ii. Lakewood will also perform adjustments on an as-needed basis to sagging or excessive slack in overheads to maintain the standard clearance height of sixteen feet (16') to seventeen feet (17') above roadway crowns as much as existing facilities will allow.
- b. Signal Controller Cabinets. Access to the interior of the Signal controller cabinets shall be limited to Lakewood traffic maintenance personnel.
 - i. Each time a Signal controller cabinet is opened and a modification made, a Cartegraph task must be filed with Lakewood's Traffic Maintenance Shop who will log the incident necessitating the opening of a controller cabinet. The report shall state the date and time of the work, the location of the work, the nature of the work performed and the person who performed the work. Such task shall be recorded within one (1) working day of the incident.
 - ii. When a Signal timing malfunction creates a major traffic delay, the Edgewater Police Department ("EPD") may use the "police panel" to place the signal in flash. In such event, or when a malfunction of the controller or other equipment occurs, EPD shall notify Lakewood's Traffic Signal Supervisor during normal hours or use the standby pager after normal hours. The responding Lakewood signal staff person and EPD will determine if the situation warrants an emergency response as described in Paragraph 2(c) below.
 - iii. Lakewood may supply major cabinet components such as a traffic controller, a conflict monitor, or other cabinet components to keep a Signal in operation. Edgewater will reimburse Lakewood for the necessary equipment or Edgewater may provide their own equipment to be used.
- c. Emergency Work. Emergency work is warranted by one or more of the following conditions: total black out; major intersection signal on flash; conflicting indications displayed at an intersection; signal pole or cabinet knock-downs; or fewer than two (2) intersection signal indicators show for any direction.
- d. Use of Contractors. In the event of a knock-down or major malfunction in traffic equipment beyond the capabilities of Lakewood's personnel to address, Lakewood will engage their current on-call contractor to provide the required Services on Edgewater's behalf. In such event, Lakewood will contact Edgewater per the Contact List attached hereto as **Attachment B** (the "Contact List") and obtain authorization before any work is performed by the contractor. The contractor shall bill Lakewood for materials, labor and equipment and

Lakewood will invoice Edgewater for payment without mark-up or adjustment. The Contact List may be revised as necessary without formal amendment to this Agreement, .

- e. Intersection Timing. In the event Edgewater desires a change in intersection timing, Edgewater shall submit a request and the timing change information to Lakewood's Traffic Signal Supervisor, who will schedule required changes.

3. PERFORMANCE; PRIORITY.

- a. Lakewood will provide the services, other than Preventative Maintenance, on a 24-hour basis. Where unscheduled maintenance or repair is needed but is not of an emergency nature, such work shall commence within one (1) working day of Lakewood's receipt of notification of the needed maintenance or repair. In the event of an emergency condition, Lakewood's on-call staff will generally respond within one (1) hour of the call-out.
- b. In the event multiple signal outages occur in Lakewood and Edgewater, caused by storms, area power outages, accident or other circumstances, the Lakewood Traffic Signal Supervisor will prioritize scheduling of emergency resources at his/her discretion with the known information.

4. BILLING AND COSTS.

- a. Each January, Lakewood will send Edgewater an itemized invoice for normal maintenance to include personnel, materials and equipment for the previous year. Copies of billings to Lakewood for outside services and equipment rentals required for the Services will also be included.
- b. Lakewood will limit billings for personnel and equipment to the reasonable minimum necessary to perform the required tasks in a safe and efficient manner.
- c. Edgewater will reimburse Lakewood for the cost for Lakewood personnel and equipment. The initial rates are set forth in **Attachment C**, attached hereto and incorporated herein by this reference. Lakewood usually adjusts rates effective in March for the remainder of the year. Lakewood will forward the March hourly rate adjustment date and rate change thirty days before it goes into effect, which shall, thereafter establish the rates for Services provided unless Edgewater terminates this Agreement in accordance with Section 1 hereof. Lakewood personnel not-listed on Attachment C are billed at their average hourly rate (or overtime rate+\$2 for on-call charge) plus overhead and benefits at 30% for hourly staff or at 25% for supervisors. Equipment rates are set by the appropriate FEMA code.
- d. In the event Lakewood temporarily supplies a major component to keep traffic equipment in operation as authorized in Paragraph 2(b)(iii) above, Lakewood will bill costs for swapping out such components to Edgewater.
- e. Necessary repairs to equipment that require expenditure of funds or rental of equipment, such as controller repairs, conflict monitor testing, replacement loops, conduit repairs, replacement parts such as new signal heads, cabinet

contents, bulbs, etc., will be billed to Edgewater based on the actual costs of equipment rentals or materials, plus shipping.

- f. Lakewood will invoice Edgewater for any special projects beyond the scope of regular maintenance and Preventative Maintenance upon completion of such project. Copies of personnel costs, materials and equipment, and billings to Lakewood for outside services and equipment rentals required for the Services will be included.
 - g. Edgewater agrees to make payment to Lakewood within 30 days from receipt of an invoice.
 - h. Upon providing Edgewater written notice at least 30 days, Lakewood may modify the rates in Attachment C to accommodate changes in compensation for personnel or increased costs associated with operating and maintaining equipment. The labor and equipment rate list may be revised as necessary without formal amendment to this agreement.
 - i. Upon termination of the Agreement, Lakewood will submit copies of all maintenance records to Edgewater, and Edgewater will submit payment to Lakewood for all billing outstanding.
5. NOTICE.

Notices required under this Agreement and all other correspondence between the Parties shall be directed to the following and shall be deemed received when hand-delivered or three (3) days after being sent by certified mail, return receipt requested, or upon acknowledgement of receipt of an email by the receiving party:

If to Lakewood:

City Transportation Engineer
City of Lakewood- Public Works
480 S. Allison Pkwy.
Lakewood, CO 80226
mikwhi@lakewood.org

If to Edgewater:

Community Services Director
Kit Lammers
1800 Harlan Street
Edgewater, CO 80214
klammers@edgewaterco.com

6. GENERAL PROVISIONS.

- a. Insurance. Each Party shall include the other as an additional insured on its liability policy for the activities that are the subject of this Agreement.
- b. Liability. Each Party shall be responsible for its own negligent acts. Regardless of any written or oral statement to the contrary, in no event, instance or circumstance shall either party indemnify the other.
- c. Integrated Agreement; Amendment. This Agreement embodies the entire understanding of the Parties and shall be deemed to be a contract extending and binding upon the Parties and their respective representatives, agents, administrators, successors and assigns. This Agreement may be amended upon written agreement of the Parties.

- d. No Third-Party Beneficiaries. It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement and all rights of action relating to such enforcement shall be strictly reserved to the Parties. It is the express intention of the Parties that any persons other than Lakewood and Edgewater shall be deemed to be only incidental beneficiaries under this Agreement.
- e. Governmental Immunity. No term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections or other provisions of the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101, *et seq.*
- f. Counterparts; Electronic Disposition. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all such counterparts taken together shall be deemed to constitute one and the same instrument. The Parties acknowledge and agree that the original of this Agreement, including the signature page, may be scanned and stored in a computer database or similar device, and that any printout or other output readable by sight, the reproduction of which is shown to accurately represent the original of this Agreement, may be used for any purpose as if it were the original, including proof of the content of the original writing.
- g. Authority. The Parties represent and warrant that they have taken all actions necessary to legally authorize the undersigned signatories to execute this Agreement on behalf of the Parties and to bind the Parties to its terms.
- h. Appropriation. Notwithstanding any other term, condition, or provision herein, each and every obligation of Lakewood or Edgewater stated in this Agreement is subject to the requirement of prior appropriation of funds therefore by the appropriate governing body of Lakewood and/or Edgewater.
- i. Employment Status. This Agreement shall not change the employment status of any employees of Parties. No party shall have the right to control or direct the activities of any employees of another related to this Agreement.
- j. Controlling Terms. In the event of any conflict between the provisions of this Agreement and those contained in any attachments or exhibits hereto, or any document referenced therein, the terms and conditions of this Agreement shall prevail, and as such, shall supersede the conflicting provisions of such attachments, exhibits or referenced document.
- k. Governing Law and Venue; Recovery of Costs. This Agreement shall be governed by the laws of the State of Colorado. Venue shall be in Jefferson County, Colorado, or in the United States District Court for the District of Colorado, as applicable. In the event legal action is brought to resolve any dispute among the parties related to this Agreement, the prevailing party in such action shall be entitled to recover from the non-prevailing party reasonable court costs and attorney fees.
- l. Headings. Paragraph headings used in this Agreement are for convenience of reference and shall in no way control or affect the meaning or interpretation of any provision of this Agreement.

- m.* Severability. In the event a court of competent jurisdiction holds any provision of this Agreement invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision of this Agreement.
- n.* Additional Documents or Actions. The Parties agree to negotiate and execute any additional documents and to take any additional actions necessary to carry out this Agreement.

[Remainder of page intentionally blank – signatures follow.]

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

ATTEST:

CITY OF EDGEWATER

By: _____
Lenore Pedroza, City Clerk

By: _____
Steve Conklin, Edgewater Mayor

(SEAL)

APPROVED AS TO FORM:

By: _____
Carmen Beery, City Attorney

ATTEST:

CITY OF LAKEWOOD

By: _____
Jay R. Robb, City Clerk

Kathleen E. Hodgson, City Manager

Date: _____

RECOMMENDED FOR APPROVAL:

APPROVED AS TO FORM:

By: _____
Max E. Kirschbaum,
Public Works Director

By: _____
Gus Schenck,
Senior Assistant City Attorney

By: _____
Holly Bjorklund,
Chief Financial Officer

ATTACHMENT A

Traffic Equipment Maintenance List

Intersection Traffic Signals: (Cartegraph asset#)

West 20th Avenue / Depew Street, (0405)

RRFBs @ crosswalks:

West 24th / Depew (0407)

West 26th / Depew (0408)

West 26th / Ingalls (0409)

2210 Pierce Street (0410)

2341 Pierce Street (0411)

2401 Pierce Street (24th & Pierce) (0412)

W 26th / Kendall (0413)

5461. W. 20th Ave. (20th and Benton) (0414)

5391 W. 20th Ave. (20th and Benton) (0415)

2003 Benton St. (20th and Benton) (0416)

6010 W. 20th Ave (20th & Harlan) (0417)

5990 W. 20th Ave (20th & Harlan) (0420)

School Zone Flashers:

6651 West 20th Avenue (0325)

2134 Pierce Street (0325)

5680 West 26th Avenue (0400)

5435 West 26th Avenue (Wheat Ridge) (0400)

5455 West 24th Avenue (0400)

5724 West 24th Avenue (0400)

Radar Speed feedback signs:

6419 W 20th Ave (WB) (0419)

Solar Street Lighting:

20th and Benton (NEC,SWC) (Edge003, Edge004)

City Owned LED Street Lighting:

20th and Harlan (NWC, SEC) (Edge001, Edge002)

ATTACHMENT B

Contact List

City of Lakewood:

City Transportation Engineer	Mike Whiteaker	303-987-7981
Lakewood Traffic Signal Supervisor Hours M-F 8-5	Steve Beavers	303-809-7110
On Call Pager Hours outside of standing working hours Holidays		303-559-9181

City of Edgewater:

Main Contact	Kit Lammers	720-763-3008 Office 720-766-1762 Cell
On-Call staff		720-921-1937
City Manager	Dan Maples	720-763-3012 Office 970-397-2053 Cell
Edgewater Police Dispatch		303-980-7300

ATTACHMENT C

Labor Rates

Labor rates may be adjusted at each annual renewal of this agreement or with 30 days' notice. Invoices will reflect the most current version of this Attachment C.

Effective January 1, 2025

Labor Category	Average Comp + Benefits per hour	Average Comp + Benefit OT + on- call rate per hour
Utility Locator	\$42.58	\$65.86
Signal Tech I	\$40.01	\$62.02
Signal Tech II	\$47.23	\$ 72.84
Signal Tech/Bench Tech III	\$54.40	\$83.60
Signal Supervisor	\$61.03	\$93.54
Engineering Technician III	\$57.43	N/A
Transportation Engineer	\$64.32	N/A
Engineering Manager	\$78.86	N/A

Lakewood's employee review process finished in December, and the next step will be for supervisors to recommend raises based on these evaluations. The new labor rates will be effective March 16, 2025. We will forward a new Attachment C as soon as possible.

Effective March 16, 2025

Labor Category	Average Comp + Benefits per hour	Average Comp + Benefit OT + on- call rate per hour
Utility Locator	TBD	
Signal Tech I	TBD	TBD
Signal Tech II	TBD	TBD
Signal Tech/Bench Tech III	TBD	TBD
Signal Supervisor	TBD	TBD
Engineering Technician III	TBD	N/A
Transportation Engineer	TBD	N/A
Engineering Manager	TBD	N/A

*Note: the OT rate includes the 1 ½ time premium and \$2 for on-call premium.

<u>EQUIPMENT CATEGORY</u>	<u>Hourly Rate</u>	<u>FEMA Code</u>
Automobile	\$25.80	8071
Signal Van	\$35.60	8745
Pickup 4x4 crew 3/4	\$27.78	8807
Pickup 4x4 crew 1 ton	\$31.81	8808
Aerial lift/ 5500	\$52.74	8487/8794
Aerial Lift/ Freightliner	\$78.53	8487/8797

STAFF MEMO

DATE OF MEETING: FEBRUARY 24, 2025 / AGENDA ITEM NO. 7

To: Mayor and City Council
From: Jay Robb, City Clerk
Subject: **Appointing a Member to the Budget and Audit Board**

SUMMARY STATEMENT: Resolution R-2025-11 appoints a member to the Budget and Audit Board.

BACKGROUND INFORMATION: The Screening Committee held interviews on February 12, 2025, and recommended the appointment of Lauren Sisneros to the Budget and Audit Board.

Adoption of this resolution will officially appoint Lauren Sisneros to the Budget and Audit Board to serve a three-year term, which began on January 1, 2025, and will end on December 31, 2027.

BUDGETARY IMPACTS: None.

STAFF RECOMMENDATIONS: Staff is recommending the adoption of R-2025-11.

ALTERNATIVES: The Screening Committee could interview additional candidates to serve on the Board.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: If the Resolution is adopted, the new member would begin orientation with the staff liaison.

ATTACHMENTS: 1. Resolution R-2025-11

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

R-2025-11

A RESOLUTION

APPOINTING A MEMBER TO THE BUDGET AND AUDIT BOARD

BE IT RESOLVED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Lauren Sisneros, a Lakewood resident, is hereby appointed to the Budget and Audit Board to serve a three-year term that commenced on January 1, 2025, and will end December 31, 2027.

INTRODUCED, READ, AND ADOPTED by a vote of _ for and _ against at a hybrid regular meeting of the Lakewood City Council on February 24, 2025, at 7 o'clock p.m. at the Lakewood Civic Center, 480 S. Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: FEBRUARY 24, 2025 / AGENDA ITEM NO. 8

To: Mayor and City Council
From: Cory Peterson, Chief of the Operational Services Branch
Subject: **Update to City Personnel Policies**

SUMMARY STATEMENT: Lakewood Municipal Charter §4.7(a) requires the City Council to adopt, by ordinance, provisions that expand upon the personnel merit system policies set forth within the Charter. Other than modifications to change the titles of the Human Resources Department and the Director, these policies have not been reviewed for compliance with State law since 2014.

BACKGROUND INFORMATION: Lakewood Municipal Charter §4.7(a) requires the City Council to adopt, by ordinance, provisions that expand upon the personnel merit system policies set forth within Charter. These policies were written in 1999. At that time the City incorporated all their human resources policies within the personnel merit system policies. Over time State and Federal law has mandated several changes to personnel matters. The City complies with State and Federal law even when it conflicts with the Personnel Merit System policies of the Lakewood Municipal Code. This has created confusion for employees and challenges in policy administration.

Beginning in 2020, the Human Resources Department undertook a comprehensive review of the Personnel Merit System policies to determine which provisions were required to be included therein and which policies were more appropriately included within the City's Administrative Regulations/Personnel Handbook. The following policies were removed from the Personnel Merit System Policies as being outside the scope of the Personnel Merit System policies to allow for greater flexibility in responding to changes promulgated by State and Federal law, as well as the needs of a changing workplace and changing workforce.

Attached to this item are several support documents. Due to the number of policies removed from this Code and the myriad of staff members who have worked on this project over the past five years, the redline version is not legible. Therefore, to provide a visual description of the proposed changes a copy of the current Title 4 with all policies that have been removed shown in strikethrough text has been included. Not all of the general policies have been removed, as several of them were determined to relate back to the intent of the Personnel Merit System requirements.

Additionally, a comparison document is included that compares the remaining policies in their current form to the proposed revised form.

Finally, two historical ordinances have been attached for illustrative purposes. Ordinance 1999-34 shows how few changes had been made to the personnel policy handbook between 1999 and the present. Ordinance 2019-7 shows the scope of the most recent changes to this Code.

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: Approve the revised policies for the City's Personnel Merit System.

ALTERNATIVES: The Council may decide not to approve the revised policies for the City's Personnel Merit System.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS:

1. Ordinance O-2025-9
2. Title 4-Personnel Policies_Redline
3. Title 4-Personnel Policies_Policies Comparison
4. Ordinance O-1999-34
5. Ordinance O-2019-24

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

O-2025-9

AN ORDINANCE

REPEALING AND REPLACING TITLE 4 OF THE LAKEWOOD MUNICIPAL CODE REGARDING THE PERSONNEL POLICIES CODE FOR THE CITY OF LAKEWOOD, COLORADO

WHEREAS, Section 4.7 of the Lakewood Municipal Charter (Charter §4.7) establishes the personnel merit system for the employment, promotion, and evaluation of employees of the City, and establishes that provisions associated with the personnel merit system will be adopted by Ordinance;

WHEREAS, Title 4 of the Lakewood Municipal Code (Title 4) was originally adopted in 1999, with updates in 2001, 2004, 2007, 2009, 2014 and 2019 to both fulfill the requirements of creating personnel merit system policies as mandated by Charter §4.7 and to serve as a comprehensive personnel policy handbook;

WHEREAS, O-2014-09 was the last review of Title 4 policies in that O-2019-24 was limited to updating the term “Employee Relations” to “Human Resources”;

WHEREAS, the City has historically used the City’s Code to serve as a personnel policy handbook, rather than limiting the Code provisions to those policies arising out of the Personnel Merit System as set forth in Charter §4.7, making it difficult to address the evolving needs of the City’s workforce;

WHEREAS, changes in State and Federal law have superseded many of the general and personnel merit system policies set forth within Title 4 making them invalid;

WHEREAS, the proposed revisions to Title 4 update the personnel merit system policies to conform to current State and Federal law and remove most of the general personnel policies, placing those policies within the administrative regulations where they can be updated and revised on a more regular basis to remain in compliance with applicable law and more quickly respond to the needs of the City’s employees;

WHEREAS, approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Repeal and Replace Title 4 with the following provisions:

TITLE 4 – PERSONNEL MERIT SYSTEM POLICIES

Chapter 4.01 GENERAL PROVISIONS

4.01.000 Requirements of Section 4.7 of the Lakewood Municipal Charter.

Section 4.7 of the Lakewood Municipal Charter (Charter §4.7) establishes the personnel merit system for the employment, promotion, and evaluation of employees of the City. The personnel merit system shall be based upon principles of merit. The personnel merit system, as set forth within this code, shall include but not be limited to provisions regarding the following:

- (1) Procedures for employment and promotion based on merit;
- (2) Procedures for reasonable probationary periods for employment and promotions;
- (3) Procedures for the resolution of grievances of employees;
- (4) Procedures for administrative appeal of disciplinary action, including discharge, taken against a non-probationary employee, which shall include notice, hearing, and the right to be represented; and
- (5) A requirement that any disciplinary action taken against a non-probationary employee (excluding managerial, executive and confidential employees), including but not limited to suspension or discharge from employment, shall be for cause.

4.01.010 Applications and authority.

The Personnel Merit System Policies (“policies” or “personnel polices”) set forth in this Code, in accordance with Charter §4.7, shall be applicable to all employees of the City of Lakewood except as otherwise provided by City Charter, State statute, Federal law, judicial decision, ordinance or these policies. The Director of Human Resources (Director) shall serve as an advisor to the Municipal Court and City Attorney's office in matters involving the personnel merit system. Any policy giving decision-making authority to the City Manager, Presiding Judge, City Attorney, department director, division manager, or other supervisor allows for a designee to act on that individual's behalf.

Unless otherwise noted this Code does not apply to: City Manager, City Attorney, all judges of the Municipal Court or non-employees of the City such as elected officials and members of boards and commissions.

4.01.020 Rules subordinate to applicable law, relevant judicial decisions and rules of court.

These Policies are subordinate to those federal laws, state statutes, or other laws that supersede Charter §4.7, including any relevant judicial decisions and officially adopted rules of court.

4.01.030 Prerogatives reserved.

In accordance with Charter §3.3, the City Manager of the City of Lakewood shall exercise supervision over all administrative departments and employees of the City of Lakewood, in conformance with the City's applicable Charter, Municipal Code, City Administrative Regulations and other relevant laws. This includes authority over the following:

A. Disciplinary Action

B. Employment Status

Includes: Recruitment, Transfers, Promotions, Demotions, Vacancies, Employee Separations, Reduction in Force and Layoffs, and Retirement

Hire, monitor probationary periods, promote, demote, transfer, assign, separate, retire, separate through a reduction in force, and recall employees to work

C. Employee Development

Includes: Education and Training, Performance Evaluations, Recruitment, and Examinations

Judge the skill, ability, efficiency, and qualifications of all employees, and otherwise evaluate employee performance

D. Hours of Work.

Includes: Holiday Pay, On-Call, Call-in, Call-Back and Unscheduled Split Shift, Overtime and Compensatory Time, Shift Differential Pay, Sick Leave Policy, Unexcused Absence, Teleworking, Training and Travel Time, and Personal Leaves of Absence

Determine and change any conditions of employment, including, but not limited to, the starting and ending times, the number of hours on the shift to be worked, days off to be taken, and the number of hours in the employees' work week

E. Compensation

Includes: Pay Plan, Variable Pay Plan, Bonus Program, Attraction and Retention Bonus Pay, Car Allowance, New Employee Hiring Incentives

F. Use of City Equipment

Includes: Vehicles and Equipment, Mobile Device Use, Acceptable Technology Use

G. Workforce Planning

Reduce or expand the operation of the City of Lakewood or its departments

Determine the number, size, location, and operation of facilities and departments, groups, or divisions

Determine work assignments and the size and composition of the workforce

H. Independent Contractors

Determine City of Lakewood services and subcontract for them as required

I. Acceptable Technology Use, Information Technology Procurement, Mobile Device Use

Introduce technological changes and new, improved, or modified services, methods, techniques, and equipment

J. Administrative Regulations

Shall include regulations pertaining to:

Make, change, and enforce rules, policies, guidelines, practices and quality standards

Direct and supervise the workforce

Manage operations

Revise, eliminate, combine, or establish new jobs, benefit plans, and classifications

4.01.040 Amendments to policies; Codification.

The City Manager may from time to time propose amendments to these policies to the City Council. Amendments shall become effective when adopted by the City Council or on an effective date designated by the City Council.

These policies shall be codified in the Lakewood Municipal Code.

4.01.050 Administrative regulations.

Administrative regulations promulgated by the City Manager shall set forth the procedures, rules, and regulations pertaining to the administration of these Policies and also for carrying out the duties and responsibilities of employment with the City. The City Manager shall have the authority to amend such regulations as needed. Additionally, each department may also adopt departmental operating policies/procedures/regulations specific to the needs of and services provided by the department provided such administrative regulations do not conflict with this Code.

4.01.060 Definitions.

As used in these Personnel Merit System Policies, the following terms shall have the following meanings:

Administrative leave. Time off with or without pay, granted at the discretion of a supervisor in consultation with the Department of Human Resources.

Administrative regulations. Regulations setting forth the procedures, rules, and regulations pertaining to the administration of these Personnel Merit System Policies and the general administration of personnel. The City Manager has the authority to amend them as needed.

Appeal. The employee's formal challenge to a disciplinary action.

Appointment. Placing of a person in a regular full-time, regular part-time, provisional full-time, provisional part-time, variable, or seasonal position.

At-will employment. An employee serving at the will of the City of Lakewood may separate employment at any time or be separated at any time, for any or no reason. At-will employees at the City of Lakewood generally include division managers and higher level employees, as well as provisional and variable and seasonal employees. All new employees serving an initial probationary period also serve at-will.

City Manager. The chief administrative officer of the City, appointed by the City Council and invested with those powers and authorities as set forth with the City's Charter, Code, State law and all other applicable laws and regulations. Whenever the term City Manager is used within these policies it shall include the City Manager's Designee.

Classification. Determination of the occupational group, pay level, and exemption status of a position based on the duties performed, authority, responsibilities exercised, and the pay level of comparable positions.

Compensation. Pay, wage, allowance, and all other forms of valuable consideration an employee earns for services to the City of Lakewood.

Demotion. An employee moving from one pay level to a lower pay level. This can be a temporary, involuntary, or voluntary assignment.

Department Director. The head of a distinct department. Department Directors report directly to the City Manager.

Disciplinary action. Action taken by the Disciplinary Authority against an employee for cause, which may include reprimand, suspension, demotion, or termination.

Disciplinary authority. The City Manager, a department director, a division manager, or a supervisor may exercise disciplinary authority as set forth in these policies.

Employee. Someone hired into a paid position. Per the Fair Labor Standards Act elected officials, City Council members, appointees to boards or commissions, and volunteers are not employees of the City.

Employee development. Instruction designed to maintain or increase the proficiency, qualifications, knowledge, skills, and abilities of City of Lakewood employees.

Exempt. An employee who is exempt from certain provisions of the Fair Labor Standards Act (FLSA) as further clarified by the Colorado Department of Labor and Employment COMPS Order, 7 CCR 1103-1. Exempt employees do not receive overtime pay for hours worked more than 40 in one week.

Family and Medical Leave which includes Military Family Leave Entitlement. Job protected leave of absence available to eligible employees that complies with and affords employees the protections of the Family and Medical Leave Act (FMLA).

Grievance. A formal complaint initiated by eligible employees about the work environment.

Job posting. A notice available to City of Lakewood employees outlining the essential functions, requirements, compensation and details of an open position in conformance with State law.

Market data. Wage and pay data obtained from a variety of relevant markets, including the public and private sector.

Medical separation. A separation from employment based upon the determination that, owing to illness or injury, an employee cannot perform the essential functions of such employee's job with or without reasonable accommodation. A medical separation is not disciplinary in nature, so appeal rights do not apply.

Non-exempt. An employee who is paid for hours worked is subject to the overtime provisions of the Fair Labor Standards Act (FLSA).

Pay level. The establishment of a pay range for positions with comparable market data, competency, and authority. For designated positions the pay level is a series of pay steps.

Performance Review. A method for documenting, evaluating, and managing employee performance.

Personnel merit system policies. Title 4 of the Lakewood Municipal Code. May also be referred to herein as Personnel Merit System Policies or these policies.

Position. A specific job in the City of Lakewood within a classification, occupational group, and pay level.

Positional training period. Any regular employee who receives a promotion, demotion, or lateral transfer shall serve a period of positional training during which such employee will be evaluated as to such employee's ability to carry out the duties of the new position but shall otherwise remain entitled to the procedures outlined here for regular employees.

Probationary employee. An employee newly hired, serving a probationary period. An initial probationary employee is at will. Includes employees moving from variable or seasonal to regular or provisional.

Probationary period. The designated period of initial employment which is generally between six to twelve months of time actually worked for the City during which an employee's skills, abilities, performance, and other job-related criteria are evaluated to determine such employee's suitability for their employment. Police agents serve a two-year probationary period. Each employee will be notified of the term of probation associated with such employment at the start of such employment. Certain types of federal or State protected leave will toll the probationary period.

Promotion. The movement of an employee from one pay level to a level with higher pay and increased responsibility. This can be a temporary, permanent, voluntary, or involuntary assignment.

Promotional list. A list of candidates eligible for a promotion. This list expires after a certain period of time, depending on department standards and is carried out in conformance with the Equal Pay for Equal Work Act (Title 8, Article 5, Part 2 (C.R.S. §§

8-5-201 to 8-5-203) (2021) ("Transparency in Pay and Opportunities for Promotion and Advancement"))).

Provisional employee. A full or part-time employee hired for a period of less than two years who receives benefits, but is not entitled to all rights and privileges afforded a regular employee. Provisional employees serve at-will.

Reclassification. A newly assigned classification of a position based on a study of various criteria pertaining to the position. A position classified from full-time to part-time or vice versa is considered a reclassification.

Reduction in force. Non-disciplinary termination of an employee from a position because of a reorganization; completion or alterations of required programs, projects, or services; changes in methodology by which the service is provided; reductions in service levels; budgetary or related economic restraints, restrictions, or decisions; or other situations that alters the need for a position. Also known as RIF.

Regular employee. An employee who has been assigned to a full- or part-time position in the City of Lakewood, receives benefits (including pension contributions), and is afforded the rights and privileges described in the Personnel Merit System Policies.

Resignation. A voluntary separation from employment. An impending resignation should occur in writing when practical. If an employee voices the intent to resign, the supervisor may accept this declaration with a third party as a witness.

Seasonal employee. A full- or part-time hourly employee hired for a designated period, generally less than nine months. Seasonal employees serve at will and are entitled to limited benefits and privileges.

Separation. General term for any employee departure from City of Lakewood employment.

Performance Improvement Plan. A specialized performance review which occurs within a set time period after an employee's overall performance is rated "unsatisfactory." This is a tool to improve or develop an employee's performance. If performance does not improve and remain consistent or is not sustained, the employee may be subject to disciplinary action, up to and including termination.

Step or pay step. The pay allocation within the positions' pay level.

Suspension. A period during which an employee is prohibited from reporting to work. A suspension may be imposed with or without pay as appropriate under the circumstances, and may be imposed during a pending criminal prosecution. The City of Lakewood may delay disciplinary action through the suspension period.

Temporary assignment. A period during which an employee takes on different or additional responsibilities. Compensation may increase temporarily, but position and title remain the same.

Variable employee. An employee who has not been assigned to a regular or provisional position and whose work schedule is generally part-time. Variable employees serve at-will and are entitled to limited benefits and privileges.

Termination. Involuntary separation from employment.

Transfer. The movement of any City of Lakewood employee from one position to another with the same or similar pay level and degree of responsibility, or from one department/division to another department/division. This can be a temporary, permanent, voluntary, or involuntary assignment. Such a transfer will not result in a change in compensation.

Work environment. Any work area on or off City of Lakewood property where City of Lakewood business is conducted.

Chapter 4.02 PAY PLAN

4.02.010 Pay concepts and philosophies.

The City Council has authority over the City of Lakewood's broad compensation concepts and philosophies. The City of Lakewood embraces a market-driven, performance-based pay system that recognizes budgetary influences and constraints, in accordance with all applicable State and Federal law.

At least annually, the Department of Human Resources shall study the factors affecting the level of pay for all positions and make corresponding pay recommendations to the City Manager. The City Manager shall annually review the pay ranges. The pay plan and base pay compensation levels for regular full-time and regular part-time, as well as for provisional and variable/seasonal positions, shall be set forth in Administrative Regulations "Pay Plan" and "Variable/Seasonal Pay Plans." All employees shall be assigned a pay range and paid bi-weekly.

4.02.020 Establishment of classifications.

The City Manager will implement and maintain a classification system, paying positions the appropriate base pay as established by Chapter 4.02. The City Manager shall authorize the classification titles and corresponding occupational category levels.

4.02.030 Maintenance of plan.

The City Manager shall periodically order a study of the duties, responsibilities, and associated factors of all positions within the City of Lakewood. The study shall address the appropriate pay rates and classifications for each position based upon market data, nature of work, duties, responsibilities, and authority within that position. The City Manager shall make amendments to the classification plan whenever data indicates the necessity for a change.

4.02.040 Placement of positions within pay levels.

Positions in the City of Lakewood shall fall within the pay levels prescribed by the City Manager. Final determination of the placement of positions in pay levels and classifications shall be approved by the City Manager after considering the recommendation of the Department of Human Resources.

4.02.050 New positions.

Any position added to the city pay plan shall be assigned an appropriate classification. Managers should develop a job description and consult with Department of Human Resources before submitting the position for approval to the City Manager. New positions should be requisitioned through the annual budget process.

4.02.060 Reclassification.

A reclassification of a position may be considered when a study has shown that the duties and level of responsibilities (especially decision making) of a current position have significantly changed. Additionally, a reclassification may be applicable if the job evolves into a position that currently exists in the pay plan, or when sustained market data indicate the need for a reclassification. (This may include a position that goes from regular part-time to regular full-time or from regular full-time to regular part-time.) A position may move to a higher level, a lower level, or remain at the same level. Requests for reclassification, along with an accurate job description, shall be submitted in writing as directed by the Administrative Regulation "Workforce Planning." This regulation requires a supervisor to list reasons for a reclassification study. The Department of Human Resources may reclassify positions with good and sufficient reason. Reclassifications shall not be proposed solely for the purpose of effecting pay adjustments or individual promotions/demotions.

Reclassifications should be requisitioned through the annual budget process.

4.02.070 Pay.

Employees shall be assigned a base pay rate in conformance with the pay plan. The City Manager shall establish by written order to the Director of Human Resources the base pay rate of each City of Lakewood employee. Relevant factors in establishing or changing base pay rates include competence, diligence, and efficiency. In addition, the City Manager may, at the Manager's discretion, grant pay increases at any time to any employee as long as doing so does not exceed the budget and is in conformance with all applicable laws. The City Manager is authorized to make an exception to the assignment of an employee's pay in the pay plan.

4.02.080 Use of pay ranges/pay steps.

The department director shall, in consultation with the Department of Human Resources, authorize appointments or reinstatements at a rate within the pay range for the position's classification. In addition, appointments or reinstatements for police agents shall be authorized at the appropriate step rate.

4.02.090 Step system.

A movement of established position pay through a determined set of increases scheduled in the pay plan. In addition, appointments or reinstatement of positions shall be authorized at the appropriate step rate.

4.02.100 Pay advancement.

Pay advancement shall be in conjunction with pay plans and dependent upon the budget and employee performance. The City Manager has final authority over recommended pay adjustments.

4.02.110 Bonus plan.

The City Manager may establish a bonus plan to specify criteria for bonus awards. The City Manager has final authority over awards relating to the bonus plan, and shall not grant any bonus award that would compromise the total compensation budget for the fiscal year.

Chapter 4.03 RECRUITMENT

4.03.010 Eligibility for employment.

Applicants may be eligible for employment consideration with the City of Lakewood if they possess the minimum qualifications of the job, meet established selection criteria, and are able to perform the essential functions of the position with or without reasonable accommodation. For emergency personnel only, an eligibility list established in conformance with applicable pay promotion and advancement law may be used in lieu of individual position advertisement.

4.03.020 Announcement of vacancies.

The Department of Human Resources shall prepare and post recruiting notices in venues designed to attract the most qualified candidates. All recruiting notices and other vacancy publicity shall explicitly state that the City of Lakewood is an Equal Opportunity Employer.

Applications for all positions must be submitted through the HRIS (Human Resources Information System) on or before the stated deadline. Jobs are posted to City of Lakewood employees outlining the essential functions, requirements, compensation, and details of an open position in conformance with State Law.

Chapter 4.04 MISCELLANEOUS RULES

4.04.010 Transitional status and medical separations.

A medical separation decision is final and cannot be appealed.

4.04.020 Violation of policies.

Violation of any policy shall be grounds for disciplinary action, including but not limited to reprimand, suspension, demotion, or termination. An employee who has been terminated or suspended for more than two days and believes that no cause for discipline existed may appeal in accordance with Chapter 4.20.

4.04.030 Employee administrative meetings.

Administrative meetings at the City of Lakewood take place with the employee and City of Lakewood personnel only. No representatives, such as family members, friends, or attorneys are allowed.

Chapter 4.05 EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

4.05.010 Policy.

The City of Lakewood provides equal employment opportunities to all persons without regard to an individual's race, color, creed, national origin, religion, ancestry, sex, sexual orientation (including transgender status), age, military service, veteran status, marital status, genetic information, pregnancy or disability, or any other applicable status protected by state or federal law. The City of Lakewood does not tolerate discrimination, harassment, or retaliation and promotes equal pay for equal work.

The City of Lakewood promotes an atmosphere of respect and acceptance in all interactions both internally and externally. The City of Lakewood recognizes that its citizens and employees have varied backgrounds, experiences, and differences; therefore, the City of Lakewood works hard to create a culture of inclusion. The City of Lakewood strives to reflect its community while fostering the development and advancement of qualified individuals.

Any employee who believes such employee has been the subject of a violation of the EEOC are strongly encouraged to refer to applicable administrative regulations to address such violation. Employees may also file claims with the Equal Employment Opportunity Commission or the Colorado Civil Rights Division.

Chapter 4.06 DISCIPLINARY APPEAL PROCEDURE

4.06.010 Appeal of disciplinary action.

Persons terminated, demoted, or suspended for more than two working days, shall be entitled to appeal. An appeal may be initiated only by filing written notification with the Director of Human Resources within ten calendar days of delivery to the employee of written notification of the disciplinary action.

- A. The Director of Human Resources shall maintain a list of impartial and qualified hearing officers. Upon receipt of any notice of appeal of disciplinary action, the Director of Human Resources shall provide the employee with this list, and the employee shall select a hearing officer based on availability. If the employee does not select a hearing officer from this list within ten calendar days after receiving the list, the City of Lakewood will choose a hearing officer.
- B. It is the responsibility of the Department of Human Resources to schedule a hearing within 90 days of the appeal. If the appellant or the appellant's attorney has failed to cooperate in the scheduling of the hearing, the appeal is dismissed. If the hearing is

not set to occur within 90 days of choosing a hearing officer, due to the appellant or the appellant's attorney, the appeal is dismissed.

- C. The hearing officer shall conduct a hearing according to the Administrative Regulation "Conduct of Appeals of Disciplinary Actions," which provides for notice, procedures to be employed during the hearing, and the right of the appellant to be represented by a layperson or attorney.
- D. The hearing officer may issue subpoenas for witnesses, books, records, documents, and other evidence, and shall have the power to administer oaths. The hearing officer shall be responsible for the conduct of the hearing. No subpoena shall be issued for records pertaining to the discipline or the investigation of any other City of Lakewood employee. No parties shall be entitled to subpoena any evidence not admissible at the hearing. Either party may apply to the hearing officer for the issuance of a subpoena. Subpoenas so issued shall be served and, upon application to the District Court of Jefferson County by a party or the hearing officer, enforced in a manner provided by law for the service and enforcement of subpoenas in civil actions. After a party or the hearing officer submits an application to the District Court of Jefferson County, subpoenas shall be served and enforced according to the civil action statutes. No party shall be entitled to subpoena any inadmissible evidence. The hearing officer has no authority to order the taking of depositions, responses to interrogatories, responses to requests for production of documents, or physical or mental examination of any persons.
- E. The City of Lakewood may be represented by anyone of its choice, including the City Attorney. The Director of Human Resources may attend.
- F. The hearing shall be held at a location designated by the City of Lakewood. The hearing officer shall decide the outcome within 30 calendar days after the hearing is completed, unless good cause exists for additional time. The hearing officer's sole purpose is to determine whether or not "cause" for disciplinary action existed; the hearing officer has no authority to modify disciplinary action. Hearings are closed to the public. After considering the evidence, the hearing officer shall make findings of fact and conclusions of law in writing, stating whether "cause" for discipline existed specifically addressing any causes for disciplinary action set forth within the written disciplinary action subject to the appeal.
- G. The findings of the hearing officer shall be sent to the City Manager, the appellant or the appellant's representative, the representative of the City of Lakewood, and the Director of Human Resources.

4.06.020 Administrative determination of appeal.

Within ten (10) days of receiving the findings of fact and conclusions of law the City Manager, or a designee, shall determine whether to uphold the disciplinary action, overturn the disciplinary action, modify the level of discipline imposed by the disciplinary action, or require an additional hearing or limited supplemental hearing to clarify any

information. The City Manager shall notify the appellant, the department director, and the Director of Human Resources of their decision and shall order whatever action, if any, is necessary to implement their decision. Failure to provide this notification within ten (10) days shall be deemed a decision to uphold the disciplinary action.

The City Manager may modify any disciplinary action taken in any instance where "cause" is found for disciplinary action. See Administrative Regulation "Modification of Disciplinary Action by City Manager." Additionally, after the hearing officer's findings and conclusions are distributed, but before the City Manager's final decision is promulgated, the appellant may request a modification of the disciplinary action in writing. This request should include reasons for modification, including discipline imposed upon others; his/her own work and discipline record; and any other mitigating circumstances. This request must be submitted directly to the City Manager within ten calendar days of notification of the hearing officer's findings. This request should be focused on the original cause(s) for disciplinary action as stated within the notice of disciplinary action.

If the findings of fact and conclusions of law fail to address each of the causes for disciplinary action or otherwise fails to address a matter that the City Manager finds necessary to make a final determination, the City Manager may conduct an additional hearing or a limited supplemental hearing. Administrative Regulation "Modification of Disciplinary Action by City Manager" shall provide for notice, procedures to be employed during any hearing, and the right of an employee to representation, with such notice provided within ten (10) days following the City Manager's receipt of the findings and conclusions. The hearing may be heard either by a hearing officer for the City of Lakewood or the City Manager or designee. The City of Lakewood and the appellant may be represented by counsel, or anyone of their choosing, or the hearing officer may review the transcript of the previous hearing and any evidence submitted. Upon receiving the findings of fact and conclusions of law from the additional or supplementary hearing, the City Manager shall conduct the review and render a decision within ten (10) days. The City Manager shall notify the appellant, the department director, and the Director of Human Resources of their decision and shall order whatever action, if any, is necessary to implement their decision.

4.06.030 Time limits.

If the appellant or his/her representative fail to meet the deadlines stated in Chapter 4.20, the disciplinary action and appeal process will be invalidated and the disciplinary action decision will be upheld. City of Lakewood failure to meet any of these time limits shall not invalidate the process or disciplinary action taken.

Chapter 4.07 GRIEVANCE PROCEDURES

4.07.010 Statement of policy.

The City of Lakewood is committed to good employee relations practices and sound human resources management. Circumstances may arise that cause employee dissatisfaction.

An employee shall first identify whether the behavior falls into the harassment and related inappropriate conduct as set for in Chapter 4.15. If not, the employee should consider communicating directly with the other party. After the two parties have, in good faith, attempted to resolve their issue together, they may then ask a supervisor for help. Department of Human Resources is also available to offer informal advice to individuals or parties in conflict.

Employees may not file grievances about reasonable departmental administrative practices, such as flexible scheduling or dress codes. Grievances will not be accepted regarding any disciplinary action; general City of Lakewood policy or procedure; performance review; or classification, pay, and benefits. However, eligible employees may file a grievance without fear of reprisal regarding an aspect of his/her work environment that s/he believes is adversely affecting his/her work. The employee may file a grievance using the following process:

- A. An employee must present the appropriate supervisor with verbal or written information describing his/her grievance, stating the facts and the desired action.
- B. The department director will immediately notify the Department of Human Resources. All grievances must be maintained as a record.
- C. The supervisor should work with the employee as soon as possible to rectify the matter. If the matter remains unresolved, the supervisor must explain to the employee, in writing, the supervisor's position.
- D. If the employee is dissatisfied with the supervisor's explanation, the employee has five working days to submit a written appeal to the department director. The appeal must indicate the employee's reasons for differing with his/her supervisor's decision.
- E. The department director will meet with the employee and the supervisor to discuss the grievance. If discussion does not settle the grievance, the department director will write a decision, which shall be final. The department director may contact the Department of Human Resources for assistance in the resolution.
- F. The department director will notify the Department of Human Resources about the action taken.
- G. This grievance procedure is an internal process and does not allow any outside representation, including friends, family members or attorneys. Grievances do not become part of an employee's personnel file.

- H. If it is determined that the grievance is harassment, then the procedures found in the Administrative Regulations "Harassment" or "Equal Employment Opportunity" will supersede these grievance procedures.

Chapter 4.08 EXECUTIVE PERSONNEL

4.08.010 At-will employment for executive personnel.

Executive personnel (employees who occupy positions in the Executive Occupational Group) are employed at the will of the City of Lakewood and may be terminated, demoted, placed on administrative leave, or suspended without pay for any reason or no reason, with or without notice, or may leave at any point. Neither the City of Lakewood Municipal Code, the City Administrative Regulations, Pay Plan, nor the Benefits Book should be construed by any Executive employee as an express or implied contract guaranteeing the rights of any employee permanently. The City Manager is authorized to terminate Executive personnel.

4.08.020 Severance agreements.

The City Manager may offer a severance agreement to a department director. The City Manager, City Attorney, Presiding Judge or a department director may offer a severance agreement to a division manager. The City Manager will set forth severance agreement policies or procedures. Severance agreements will not exceed three months without approval of the City Manager.

POLICIES APPLICABLE TO ELECTED CITY COUNCIL OFFICIALS

Chapter 4.09 ELECTED OFFICIALS

4.09.010 Benefits.

The City of Lakewood recognizes that Elected Officials are not employees of the City. However, during any elected official's term of office the City may pay limited benefits, such as medical insurance, workers' compensation, travel insurance, and other related benefits.

4.09.020 Pay of elected officials.

- A. Commencing with the new term of office from the November 5, 2019 election, each City Council member shall receive an annual compensation as set by ordinance in compliance with the City's Charter.
- B. Commencing with the new term of office resulting from the November 1, 2011 election, the Mayor shall receive an annual compensation as set by ordinance in compliance with the City's Charter.
- C. The compensation shall be divided into equal payments and paid in accordance with the current payroll procedure for other positions.

- D. During the November prior to each mayoral election, the City Council shall review the mayor's and City Council members' compensation. Any adjustment shall be established by ordinance and take effect according to the Lakewood Home Rule Charter.

4.09.030 Pay of elected officials.

The City Council shall adopt a policy within that body's Policies and Procedures Manual to prevent unlawful harassment in City governance, operations, City-sponsored activities, and related interactions, and to provide a mechanism to accept, investigate, and resolve complaints of unlawful harassment against members of the Lakewood City Council and Appointed Officials

SECTION 2. This ordinance shall take effect thirty (30) days after final publication.

SECTION 3. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that within and foregoing Ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 24th day of February, 2025; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 27th day of February, 2025; set for public hearing to be held on the 24th day of March, 2025; read, finally passed and adopted by the City Council on the 24th day of March, 2025; and signed by the Mayor on the ____ day of March, 2025.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

TITLE 4 PERSONNEL POLICIES

GENERAL POLICIES¹

Chapter 4.01 GENERAL PROVISIONS

4.01.010 Applications and authority.

The Personnel Policies set forth in this chapter shall be applicable to all employees of the City of Lakewood except as otherwise provided by statute, judicial decision, City Charter, ordinance or the policies set forth in this chapter. In accordance with Section 5.10 of the City Charter, all employees of the Municipal Court, except as otherwise provided in the city's Charter, shall be subject to the personnel merit system. The Presiding Judge shall have the power and authority to appoint, promote, suspend, transfer, and remove employees of the Municipal Court subject to the provisions of the Charter and the personnel merit system. Notwithstanding this limitation, the Presiding Judge of the Municipal Court shall have the power and authority to promulgate such rules and orders as may be necessary and proper provided that such rules and orders do not conflict with the requirements of the personnel merit system or Colorado Supreme Court Rules. The City Attorney shall have the power and authority to appoint, promote, suspend, transfer, and remove City of Lakewood employees of the City Attorney's office in accordance with the provisions of the personnel merit system. The Director of Human Resources shall serve as an advisor to the Municipal Court and City Attorney's office in matters involving the personnel merit system.

Any policy giving decision-making authority to the City Manager, Presiding Judge, City Attorney, department director, division manager, or other supervisor allows for a designee to act on that person's behalf in his/her absence. "Administrative Regulations" and the "Employee Benefits Book," which contain further information about policies in this manual, are updated regularly on COLOR, the City of Lakewood's employee intranet.

(Ord. O-2019-24 §§ 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

4.01.020 Rules subordinate to relevant judicial decisions and rules of court.

The Personnel Policies are subordinate to relevant judicial decisions and officially adopted rules of court, which shall take precedence in the event of a conflict or inconsistency with the Personnel Policies.

(Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

¹Editor's note(s)—General policies apply to all employees except temporary/seasonal employees or as otherwise specified within each section.

Note(s)—These policies do not apply to: Temporary/seasonal employees. Any others specified within.

4.01.030 Prerogatives reserved.

The administration of the City of Lakewood may manage the City of Lakewood's business using its judgment and following applicable statutes, ordinances, and regulations, to:

- A. Discipline employees as appropriate for cause pursuant to the Personnel Merit System;
- B. Hire, promote, demote, transfer, assign, separate, retire, separate through a reduction in force, and recall employees to work;
- C. Judge the skill, ability, efficiency, and qualifications of all employees, and otherwise evaluate employee performance;
- D. Determine and change any conditions of employment, including, but not limited to, the starting and ending times, the number of hours on the shift to be worked, days off to be taken, and the number of hours in the employee's work week;
- E. Revise, eliminate, combine, or establish new jobs, benefit plans, and classifications;
- F. Establish compensation plans and programs;
- G. Maintain control and regulate the use of City of Lakewood property and equipment;
- H. Reduce or expand the operation of the City of Lakewood or its departments;
- I. Determine the number, size, location, and operation of facilities and departments, groups, or divisions;
- J. Determine City of Lakewood services and subcontract for them as required;
- K. Determine work assignments and the size and composition of the work force;
- L. Make, change, and enforce rules, policies, guidelines and practices;
- M. Establish quality standards;
- N. Introduce technological changes and new, improved, or modified services, methods, techniques, and equipment;
- O. Direct and supervise the work force; and
- P. Manage operations.

(Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

4.01.040 Amendments to policies.

The City Manager may from time to time propose Personnel Policy amendments to the City Council. Amendments shall become effective when adopted by the City Council or on an effective date designated by the City Council. Current policies and administrative regulations shall be maintained in each department, on the City of Lakewood's intranet, and in the Department of Human Resources. The Personnel Policies shall be public records available for inspection by the public during normal business hours.

(Ord. O-2019-24 § 3, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

4.01.050 Administrative regulations.

The City Manager may change written administrative procedures, rules, or regulations, provided they do not conflict with these policies. Administrative regulations specify detailed procedures for administration of broad policy guidelines. These can also be viewed on the City of Lakewood's Intranet or website.

(Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

4.01.060 Definitions.

As used in these Personnel Policies, the following terms shall have the following meanings:

Administrative leave. Time off with or without pay, granted at the discretion of a supervisor in consultation with the Department of Human Resources.

Administrative regulations. These set forth the procedures, rules, and regulations pertaining to the administration of the Personnel Policies. The City Manager has the authority to amend them.

Alternative duty. In some circumstances, a temporary adjustment to an employee's job duties incorporating physician-ordered medical restrictions may be possible. Such assignments are available at the supervisor's discretion. Alternative duty may include temporary assignment, a different position, temporary limitations on the number of hours worked, or some combination of all alternatives.

Appeal. The employee's formal challenge to a disciplinary action.

Applicant. A person who has filed an application for employment, submitted a résumé, or filed a promotional consideration form for an open job.

Appointment. The placing of a person in a regular full-time, regular part-time, provisional full-time, provisional part-time, temporary, or seasonal position.

At-will employment. An employee serving at the will of the City of Lakewood may separate employment at any time or be separated at any time, for any or no reason. At-will employees at the City of Lakewood generally include division managers and higher, and provisional and temporary/seasonal employees. New employees serving an initial probationary period also serve at-will.

Career ladder. A path for advancement within a profession with expectations and qualifications defined for each level. Each department retains the right to determine, in consultation with the Department of Human Resources, expectations, movement, and distribution on the ladder.

Classification. Determination of the occupational group, pay level, and exemption status of a position based on the duties performed, authority, responsibilities exercised, and the pay level of comparable positions.

Compensation. Pay, wage, allowance, and all other forms of valuable consideration an employee earns for services to the City of Lakewood.

Compensatory time. Time off accrued by an eligible non-exempt employee as compensation in lieu of paid overtime. Also known as "comp time," compensatory time is accrued at a rate of time and one-half of the overtime hours worked. Use of accrued comp time is not required within the pay period in which the time was earned. Time is recorded according to a 40-hour week (or 80 hours in a two-week pay period for police agents, police sergeants, and court marshals).

Contractor or independent contractor. An individual who performs work for the City of Lakewood, but is not a City of Lakewood employee. Contractors must meet classification criteria governed by federal agencies, including the Internal Revenue Service, the federal and state Departments of Labor, and the division of Workers'

Compensation and Unemployment. An independent contractor must also meet the criteria as set forth in Section 4.03.060.

Demotion. An employee moving from one pay level to a lower pay level. This can be a temporary, involuntary, or voluntary assignment.

Department director. The head of a distinct department. Department Directors report directly to the City Manager.

Disciplinary action. Action taken by the Disciplinary Authority against an employee for cause, which may include reprimand, suspension, demotion, or termination.

Disciplinary authority. The City Manager, a department director, a division manager, or a supervisor may exercise disciplinary authority as set forth in these policies.

Employee. Someone hired into a paid position.

Employee development. Instruction designed to maintain or increase the proficiency, qualifications, knowledge, skills, and abilities of City of Lakewood employees.

Employment seniority. The total number of consecutive months of service to the City of Lakewood as of the most recent date of hire to a regular or provisional position, regardless of department or classification. Employment seniority will be represented by the date reflected in the "date started" field in the Human Resources Information System (HRIS).

Exempt. An employee who is exempt from certain provisions of the Fair Labor Standards Act (FLSA). Exempt employees do not receive overtime pay for hours worked more than 40 in one week.

Family and Medical Leave which includes Military Family Leave Entitlement. An unpaid leave of absence available to eligible employees that complies with and affords employees the protections of the Family and Medical Leave Act (FMLA).

Full-time employee. A regular employee who works a minimum of 37 average hours per work week through a one-year period.

Grievance. A formal complaint initiated by eligible employees about the work environment.

Hostile work environment. Unwelcome, unreasonably offensive, severe, or pervasive attacks on an employee's protected status occurring in any place business activities are conducted. It is not a hostile work environment for a supervisor to create legal, ethical expectations or position changes.

Job posting. A minimum five-day notice available to City of Lakewood employees outlining the essential functions, requirements, and details of an open position.

Journey step. The maximum pay step of the Police Agents' pay level.

Market data. Wage and pay data obtained from a variety of relevant markets, including the public and private sector.

Maximum Medical Improvement (MMI). A point at which a physical or mental impairment has stabilized and no further treatment is reasonably expected to improve the condition. The requirement for future medical maintenance, which will not significantly improve the condition or the possibility of improvement or deterioration over time, shall not affect a finding of MMI.

Medical separation. A separation from employment based upon the determination that, owing to illness or injury, an employee cannot perform the essential functions of his/her job with or without reasonable accommodation. A medical separation is not disciplinary in nature, so appeal rights do not apply.

Non-exempt. An employee who is subject to the overtime provisions of the Fair Labor Standards Act (FLSA).

Overtime. Authorized recorded time of non-exempt employees in excess of 40 hours per week (or 80 hours in a two-week pay period for police agents, police sergeants, and court marshals). City of Lakewood administrative regulations and the Fair Labor Standards Act (FLSA) offer certain exceptions to overtime.

Part-time employee. A regular employee who normally works an average of 30—36 hours per week through a one-year period.

Pay level. The establishment of a pay range for positions with comparable market data, competency, and authority. For police agents, the pay level is a series of pay steps.

Performance Review and Development System (PRD). A method for documenting, evaluating, and managing employee performance.

Personal leave of absence. A period from 30 days to one year in which an employee is temporarily away from his/her job for authorized personal reasons. This requires using accrued leave (other than sick leave).

Personnel policies. Title 4 of the Lakewood Municipal Code.

Position. A specific job in the City of Lakewood within a classification, occupational group, and pay level. These positions can be regular or provisional (authorized in the budget), or temporary/seasonal.

Positional seniority. The total number of months of service since the last date of appointment to the employee's current regular position. With the authorization of the Director of Human Resources, seniority may be reinstated to an earlier date. Positional seniority will be represented by the date reflected in the "date in current job" field in the Human Resources Information System (HRIS).

Position change. A movement from one specific job in the City of Lakewood to another.

Positional probation. Any regular employee who receives a promotion, demotion, or lateral transfer shall serve a period of positional probation and remains otherwise entitled to the procedures outlined here for regular employees.

Probationary employee. An employee newly hired, serving a probationary period. An initial probationary employee is at will.

Probationary period. The six- to 12-month time during which an employee's skills, abilities, performance, and other job-related criteria are evaluated to determine his/her suitability for appointment to a regular position. Police agents serve a two-year probationary period.

Promotion. The movement of an employee from one pay level to a level with higher pay and increased responsibility. This can be a temporary, permanent, voluntary, or involuntary assignment.

Promotional list. A list of candidates eligible for a promotion. This list expires after a certain period of time, depending on department standards.

Provisional employee. A full- or part-time employee hired for a period of less than two years who receives benefits (except pension contributions), but is not entitled to all rights and privileges afforded a regular employee. Provisional employees serve at will.

Reclassification. A newly assigned classification of a position based on a study of various criteria pertaining to the position. A position classified from full time to part time or vice versa is considered a reclassification.

Reduction in force. Non-disciplinary termination of an employee from a position because of a reorganization; completion or alterations of required programs, projects, or services; changes in methodology by which the service is provided; reductions in service levels; budgetary or related economic restraints, restrictions, or decisions; or other situations that alters the need for a position. Also known as RIF.

Regular employee. An employee who has been assigned to a full- or part-time position in the City of Lakewood, receives benefits (including pension contributions), and is afforded the rights and privileges described in the Personnel Policies.

Resignation. A voluntary separation from employment. An impending resignation should occur in writing when practical. If an employee voices the intent to resign, the supervisor may accept this declaration with a third party as a witness.

Retirement. Separation from the City of Lakewood by an employee who meets specific criteria outlined in the "Employee Benefits Book." A retirement must occur in writing.

Seasonal employee. A full- or part-time hourly employee hired for a designated period, generally less than nine months. Seasonal employees serve at will and are entitled to limited benefits and privileges.

Separation. General term for any employee departure from City of Lakewood employment.

Special review. A set time period after an employee's overall performance is rated "needs improvement" or "unacceptable." This is a tool to improve or develop an employee's performance. If performance does not improve and remain consistent or is not sustained, the employee may be subject to disciplinary action, up to and including termination.

Step or pay step. The pay allocation within the police agents' pay level.

Suspension. A period during which an employee is prohibited from reporting to work. A suspension may be imposed with or without pay as appropriate under the circumstances, and may be imposed during a pending criminal prosecution. The City of Lakewood may delay disciplinary action through the suspension period.

Temporary assignment. A period during which an employee takes on different or additional responsibilities. Compensation may increase temporarily, but position and title remain the same.

Temporary employee. An employee who has not been assigned to a regular or provisional position and whose work schedule is generally part-time. Temporary employees serve at will and are entitled to limited benefits and privileges.

Termination. Involuntary separation from employment.

Transfer. The movement of any City of Lakewood employee from one position to another with the same or similar pay level and degree of responsibility, or from one department/division to another department/division. This can be a temporary, permanent, voluntary, or involuntary assignment. Such a transfer will not result in a change in compensation.

Transitional status. The temporary employment status assigned to an employee after an injury or illness that causes the employee to be unable to perform one or more of the essential functions of the position, with or without reasonable accommodation. An employee may receive FML or need to work an alternative or reduced-hour schedule. Such employee placed on transitional status may be offered alternative duty. Transitional status may be used for up to one year with a possible four-month extension for good cause. The length of transitional status will take into account the number of employees in the unit and is determined by the supervisor or manager of that unit in consultation with Department of Human Resources. The transitional status process is administered in accordance with Section 4.07.030.

Vacancy notice. A five-day minimum posting to City of Lakewood employees outlining the essential functions, requirements, and details of a vacant position. This is also known as a "job posting."

Work environment. Any work area on or off City of Lakewood property where City of Lakewood business is conducted.

(Ord. O-2019-24 §§ 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

Chapter 4.02 PAY PLAN²

4.02.010 Pay concepts and philosophies.

The City Council has authority over the City of Lakewood's broad compensation concepts and philosophies. At this time, the City of Lakewood embraces a market-driven, performance-based pay system that recognizes budgetary influences and constraints.

At least annually, the Department of Human Resources shall study the factors affecting the level of pay for all positions and make corresponding pay recommendations to the City Manager. The City Manager shall annually review the pay ranges. The pay plan and base pay compensation levels for regular full-time and regular part-time, as well as for provisional and temporary/seasonal positions, shall be set forth in Administrative Regulations "Pay Plan" and "Temporary/Seasonal Pay Plans." All employees shall be assigned a pay range and paid biweekly.

(Ord. O-2019-24 §§ 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

4.02.020 Establishment of classifications.

The City Manager is authorized to implement and maintain a classification system, paying positions the appropriate base pay as established by Chapter 4.02. The City Manager shall authorize the classification titles and corresponding occupational category levels.

(Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

4.02.030 Maintenance of plan.

The City Manager shall periodically order a study of the duties, responsibilities, and associated factors of all positions within the City of Lakewood. The study shall address the appropriate pay rates and classifications for each position based upon market data, nature of work, duties, responsibilities, and authority within that position. The City Manager shall make amendments to the classification plan whenever data indicates the necessity for a change.

(Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

4.02.040 Placement of positions within pay levels.

Positions in the City of Lakewood shall fall within the pay levels prescribed by the City Manager. Final determination of the placement of positions in pay levels and classifications shall be approved by the City Manager after considering the recommendation of the Department of Human Resources.

²Note(s)—This chapter applies to: Regular full- and part-time employees, Temporary/seasonal employees, Provisional employees. This chapter does not apply to: City Manager, Presiding Judges, City Council, Mayor.

(Ord. O-2019-24 §§ 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

4.02.050 New positions.

Any position added to the city pay plan shall be assigned an appropriate classification. Managers should develop a job description and consult with Department of Human Resources before submitting the position for approval to the City Manager. New positions should be requisitioned through the annual budget process.

(Ord. O-2019-24 § 3, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

4.02.060 Reclassification.

A reclassification of a position may be considered when a study has shown that the duties and level of responsibilities (especially decision making) of a current position have significantly changed. Additionally, a reclassification may be applicable if the job evolves into a position that currently exists in the pay plan, or when sustained market data indicate the need for a reclassification. (This may include a position that goes from regular part-time to regular full-time or from regular full-time to regular part-time.) A position may move to a higher level, a lower level, or remain at the same level. Requests for reclassification, along with an accurate job description, shall be submitted in writing as directed by the Administrative Regulation "Reclassification/Classification Requests." This regulation requires a supervisor to list reasons for a reclassification study. The Department of Human Resources may reclassify positions with good and sufficient reason. Reclassifications shall not be proposed solely for the purpose of effecting pay adjustments or individual promotions/demotions.

Reclassifications should be requisitioned through the annual budget process.

(Ord. O-2019-24 § 3, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

4.02.070 Pay.

Employees shall be assigned a base pay rate in conformance with the pay plan. The City Manager shall establish by written order to the Director of Human Resources the base pay rate of each City of Lakewood employee. Relevant factors in establishing or changing base pay rates include competence, diligence, and efficiency. In addition, the City Manager may, at his/her discretion, grant pay increases at any time to any of the employees as long as doing so does not exceed the budget. The City Manager is authorized to make an exception to the assignment of an employee's pay in the pay plan.

(Ord. O-2019-24 §§ 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

4.02.080 Use of pay ranges/pay steps.

The department director shall, in consultation with the Department of Human Resources, authorize appointments or reinstatements at a rate within the pay range for the position's classification. In addition, appointments or reinstatements for police agents shall be authorized at the appropriate step rate.

(Ord. O-2019-24 § 3, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

4.02.090 Police step system.

A movement of Police agents' pay through a determined set of increases scheduled in the pay plan. In addition, appointments or reinstatement for Police agents shall be authorized at the appropriate step rate.

(Ord. O-2014-9 § 1, 2014)

4.02.100 Pay advancement.

Pay advancement shall be in conjunction with pay plans and dependent upon the budget and employee performance. The City Manager has final authority over recommended pay adjustments.

(Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

4.02.110 Bonus plan.

The City Manager may establish a bonus plan to specify criteria for bonus awards. The City Manager has final authority over awards relating to the bonus plan, and shall not grant any bonus award that would compromise the total compensation budget for the fiscal year.

(Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

4.02.120 Additional regulations.

~~In special circumstances and to the extent allowed by law, the City Manager may issue administrative regulations for the proper implementation of the pay plan.~~

~~(Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).~~

Chapter 4.03 RECRUITMENT³

4.03.010 Eligibility for employment.

Applicants may be eligible for employment consideration with the City of Lakewood if they possess the minimum qualifications of the job, meet established selection criteria, and are able to perform the essential functions of the position with or without reasonable accommodation. If an eligibility list has been established, the position does not need to be re-advertised.

(Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2019-24 § 4, 2019; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

³Note(s)—This chapter applies to: Job applicants, regular full- and part-time employees, temporary/seasonal employees, provisional employees. This chapter does not apply to: City Manager, Presiding Judges, City Council, Mayor.

4.03.020 Area for consideration.

~~When appropriate, individuals shall be recruited from a broad geographical area to ensure well-qualified and diverse candidates.~~

~~(Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).~~

4.03.030 Announcement of vacancies.

The Department of Human Resources shall prepare and post recruiting notices in venues designed to attract the most qualified candidates. All recruiting notices and other vacancy publicity shall explicitly state that the City of Lakewood is an Equal Opportunity Employer.

(Ord. O-2019-24 §§ 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

4.03.040 Application forms and résumés.

~~The City of Lakewood requires each candidate for employment to submit an online application. An applicant may also submit an electronic résumé with the completed application.~~

~~(Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).~~

4.03.050 Disqualification of applicants.

~~Applicants may be disqualified for employment consideration for reasons including, but not limited to, the following:~~

- ~~A. — They do not possess the minimum qualifications for the job.~~
- ~~B. — They are unable to perform the essential functions of the position with or without reasonable accommodation.~~
- ~~C. — They present an unsatisfactory employment or personal record. Those could include, but are not limited to, reference checks, criminal history, credit history, motor vehicle record, or any City of Lakewood record. See Administrative Regulation "Background Checks."~~
- ~~D. — They have given false or incomplete information on the application or other pertinent documents or have engaged in deception during the selection process. See Administrative Regulation "Background Checks."~~
- ~~E. — They are not in the City of Lakewood's determination, the best fit candidates or their qualifications and abilities do not closely meet the City of Lakewood's current organizational needs.~~
- ~~F. — They are on probation as current employees. Exceptions to this provision may be made by the employee's current department director and the Director of Human Resources.~~
- ~~G. — They are under special review. Exceptions to this provision may be made by the employee's current department director and the Director of Human Resources.~~
- ~~H. — The applicant is on a no-rehire status determined by the Department of Human Resources in consultation with the appropriate department director.~~

~~(Ord. O-2019-24 §§ 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).~~

4.03.060 Independent contractors.

From time to time, departments may require the services of an independent contractor. The Department of Labor and the Internal Revenue Service oversee many of the laws that govern independent contractors. Because the City of Lakewood may face liability as a result of a misclassification, it is important for department directors to follow the guidelines below and current employment law when employing contractors. Supervisors may consult with the Department of Human Resources to determine if an individual is an independent contractor. See Administrative Regulation "Independent Contractors." The factors tending to show true independent contractor status include, but are not limited to:

- A. ~~Significant opportunity for loss or profit;~~
- B. ~~Substantial investment by the independent contractor in facilities, equipment, tools, materials and vehicles;~~
- C. ~~Low degree of control exercised by the City of Lakewood; e.g., the contractor may perform work on his/her own premises, and the City of Lakewood may have the right to control or direct only the result of the work and not the means or method of accomplishing the result;~~
- D. ~~Relative impermanency of the relationship with the City of Lakewood;~~
- E. ~~Services that are not an integral part of the City of Lakewood's business.~~
- F. ~~The contractor earns a living by providing similar or identical service to other entities.~~

~~(Ord. O-2019-24 §§ 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007).~~

Chapter 4.04 EXAMINATIONS⁴

4.04.010 Nature and type.

Pre-employment examinations may be administered to measure job-related qualifications. Examples of tests include typing, writing, performance, or physical agility. Pre-employment exams may test only functions necessary to the position in question. The Department of Human Resources, in conjunction with the hiring department, shall be responsible for developing, implementing and maintaining examinations, in accordance with applicable laws and regulations.

~~(Ord. O-2019-24 §§ 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).~~

⁴Note(s)—This chapter applies to: Regular full- and part-time employees, provisional employees, temporary/seasonal employees. This chapter does not apply to: City Manager, Presiding Judges, Mayor, City Council.

Chapter 4.05 VACANCIES⁵

4.05.010 Applications for vacancies.

A. — Applications for all positions must be submitted to the Department of Human Resources on or before the stated deadline. Promotional and eligibility lists may be used to fill the vacancy, but if no list exists, the following shall occur:

For Non-Exempt Vacancies. City of Lakewood Vacancy notices shall be posted on all official City of Lakewood bulletin boards, including COLOR, for a minimum of five working days. Job shares do not need to be posted if the status changes to a regular full-time position or two regular part-time positions. During this period, eligible non-probationary employees may apply by submitting an online application. Vacancies may also be advertised externally.

For Exempt Vacancies. City of Lakewood vacancy notices may be routed within the City of Lakewood and posted on official City of Lakewood bulletin boards, including COLOR, or advertised externally. A department director, working in conjunction with the Department of Human Resources, may appoint an individual to fill an exempt vacancy without seeking applications if the appointee meets the essential qualifications of the open position. Otherwise, the City of Lakewood follows the procedure explained above in subsection (A) under Non-Exempt Vacancies.

B. — The requirements of Paragraph 4.05.010(A) shall not apply in the event of a reduction in force requiring the transfer of a qualified employee to a vacant position.

C. — The requirements of Paragraph 4.05.010(A) shall not apply in the event of a reclassification. See Section 4.02.060, Reclassification.

(Ord. O 2019-24 § 3 and 4, 2019; Ord. O 2014-9 § 1, 2014; Ord. O 2009-43 § 1, 2009; Ord. O 2007-7 § 1, 2007; Ord. O 2004-39 § 1, 2004; Ord. O 2001-49 § 1, 2001; Ord. O 99-34 § 1, Ord. O 99-18 § 1 (part), 1999).

4.05.020 Eligibility list.

Whenever an adequate pool of qualified applicants exists, the Department of Human Resources may establish an eligibility list as a means of recommending qualified individuals to fill existing or future vacancies. Individuals on this list are not guaranteed placement in a position. The list shall remain active for up to 12 months from the date the related recruitment process closes. If an eligibility list will be established during recruitment, the vacancy notices advertising the position must state this intention.

(Ord. O 2019-24 § 3, 2019; Ord. O 2014-9 § 1, 2014; Ord. O 2009-43 § 1, 2009; Ord. O 2007-7 § 1, 2007; Ord. O 2004-39 § 1, 2004; Ord. O 2001-49 § 1, 2001; Ord. O 99-34 § 1, 1999; Ord. O 99-18 § 1, (part), 1999).

⁵Note(s)—This chapter applies to: Job applicants, full- or part-time employees, temporary/seasonal employees, provisional employees. This chapter does not apply to: City Manager, Presiding Judges, City Council, Mayor.

4.05.030 Promotional list.

Whenever a position has the potential to become vacant, a promotional list may be considered. If an adequate pool of qualified applicants exists, as determined jointly by the Department of Human Resources and the appropriate department director, a promotional list may be established to recommend qualified employees for promotion to fill existing or future vacancies. Individuals on this list are not guaranteed placement in a position. (Ord. O 2019 24 § 3, 2019; Ord. O 2014 9 § 1, 2014; Ord. O 2007 7 § 1, 2007; Ord. O 2004 39 § 1, 2004; Ord. O 2001 49 § 1, 2001; Ord. O 99 34 § 1, 1999; Ord. O 99 18 § 1, (part), 1999).

4.05.040 Appointment.

The City Manager retains final authority over job appointments. (Ord. O 2014 9 § 1, 2014; Ord. O 2009 43 § 1, 2009; Ord. O 2007 7 § 1, 2007; Ord. O 2004 39 § 1, 2004; Ord. O 2001 49 § 1, 2001; Ord. O 99 34 § 1, 1999; Ord. O 99 18 § 1, (part), 1999).

Chapter 4.06 ~~WORKING HOURS—PAY RATES—LEAVES~~⁶

4.06.010 ~~Work week.~~

All full time employees work a minimum of 37 average hours in a work week during the course of a year. Part time employees normally work an average work week of 30 to 36 hours in one year. The designated work week is Sunday at midnight to 11:59 p.m. the following Saturday. Individual departments may set a maximum amount of hours in a work week to include a maximum amount of hours worked in a 24 hour period.

(Ord. O 2014 9 § 1, 2014; Ord. O 2009 43 § 1, 2009; Ord. O 2007 7 § 1, 2007; Ord. O 2004 39 § 1, 2004; Ord. O 2001 49 § 1, 2001; Ord. O 99 34 § 1, 1999; Ord. O 99 18 § 1, (part), 1999).

4.06.020 ~~Days off.~~

Employees may have regular days off each week. In the event of an emergency, or when deemed necessary, an employee may be required to work on his/her days off.

(Ord. O 2019 24 § 4, 2019; Ord. O 2014 9 § 1, 2014; Ord. O 2009 43 § 1, 2009; Ord. O 2007 7 § 1, 2007; Ord. O 2004 39 § 1, 2004; Ord. O 2001 49 § 1, 2001; Ord. O 99 34 § 1, 1999; Ord. O 99 18 § 1, (part), 1999).

4.06.030 ~~Overtime, compensatory time, and flex hours.~~

A non-exempt employee who records and is paid for more than 40 hours in a work week (or 80 hours in a two week pay period for police agents, police sergeants, and court marshals) shall be paid time and one half based on his/her hourly rate (overtime), or shall receive compensatory time at a rate of time and one half. Overtime and comp time must be approved in advance by the supervisor, in writing when possible.

⁶Note(s)—This chapter applies to: Regular full- and part-time employees, provisional employees. This chapter does not apply to: City Council, Mayor, Presiding Judges, Temporary employees, except as otherwise noted in section 4.25.050.

Flex time is an hour for hour exchange of time within a work week that can be used when an employee (other than police agents, police sergeants, and court marshals) works 40 hours of regular time in a work week, but some of the time worked may be outside the normal eight hour day. For example, an employee may work a ten-hour day and take off two hours early on another day to avoid overtime for the week. Flex time cannot be banked and must be used in the same work week, or it will revert to overtime pay or comp time if the employee worked more than 40 hours that week. A work week begins on Sunday at 12:00 a.m. and ends on the following Saturday at 11:59 p.m. Police agents, sergeants, and court marshals may flex time in an 80-hour, two-week period. A supervisor must approve, in writing, any flex schedule. See Administrative Regulation "Overtime and Compensatory Time."

(Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

4.06.040 Shift differential.

For non-exempt, non-sworn, regular full-time personnel, a shift differential may be authorized via Administrative Regulation "Shift Differential." Shift differential may occur for regular part-time employees working eight-hour shifts.

(Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

4.06.050 Alternative scheduling.

The City of Lakewood has implemented an alternative scheduling program for employees who meet certain criteria. Alternative schedules may include stretch pay for teachers only, time off without pay, teleworking, flex scheduling, and job sharing. Refer to Administrative Regulations "Alternative Scheduling" and "Teleworking" for detailed information.

(Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004).

4.06.060 Attendance.

An employee shall be at his/her place of work as assigned. Prompt and reliable attendance is expected of all employees. Vacations should be requested in advance as much as possible. Outside of FML use, sick leave should be used only if an employee or their immediate family member has medical or dental appointments or is contagious or debilitated. Sick leave should be banked for catastrophic events. A reasonable amount of non-FML sick leave for regular full-time employees is seven days per year.

An employee who is unable to report to his/her place of work is required to notify his/her immediate supervisor prior to the start of a work shift or as designated by specific department directive.

(Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

4.06.070 Vacation.

All regular and provisional full-time and part-time employees may accrue vacation time based on employment seniority and position.

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- A. ~~*Accrual and usage.*~~ Vacation accrues monthly for active employees who receive paid time through the second pay date of the month. Accruals stop when an employee's total number of vacation hours reaches the maximum allowed. Accrued vacation may be used with supervisory approval. Employees cannot accrue more than the total number of vacation hours allowed pursuant to these policies.
 - B. ~~*Maximum accumulation.*~~ Maximum accumulation of vacation is based on hire date and position. Vacation hours in excess of maximum accumulations are not allowed except in rare circumstances, such as when the employee has been denied the opportunity to take vacation time by the City of Lakewood. This must be approved through the Department of Human Resources. Employees who have signed a stretch pay, for teachers only, or time off agreement may take unpaid time according to those agreements. However, all other employees who have no vacation accrued may not take unpaid leave time.
 - C. ~~*Records of leave.*~~ The finance department shall maintain vacation and overtime records. Each department director shall maintain vacation schedules for the department's employees.
 - D. ~~*Effect of holidays and vacations.*~~ When a holiday falls during an employee's scheduled vacation, the holiday will be recorded as holiday time and vacation will be recorded as vacation time.
 - E. ~~*Effect of sick leave.*~~ If an employee becomes ill while on vacation, the time off will be claimed as vacation. The department director may grant exceptions to this rule under extraordinary circumstances; for example, if an employee is hospitalized during a vacation.
 - F. ~~*Opportunity for leave and waiving of vacations.*~~ No employee may waive vacation in exchange for additional compensation. If City of Lakewood operations require an employee's presence on the job, the employee shall not lose or forfeit any accrued vacation hours.
 - G. ~~*Payment for vacation.*~~ Upon termination, an employee shall be paid for all accrued vacation hours. Vacation hours will be paid at the rate of the average of the last three years of employment. See the "Employee Benefits Book" for further information.

(Ord. O-2019-24 §§ 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

4.06.080 Sick leave.

Regular and provisional full and part time employees accrue sick leave hours based on hire date and position. Sick leave shall be used when an employee is ill or injured, or for medical or dental appointments. Generally, medical appointments last less than two hours; therefore, employees must notify their supervisors if an appointment will require more sick leave than expected. The supervisor may request a physician verification to grant additional sick leave. Sick leave may also be used when the employee is needed to care for ill or injured immediate family members.

Additionally, sick leave may be used for the death of an employee's immediate family member. Up to 40 hours of sick leave may be authorized, depending upon the circumstances.

Refer to Administrative Regulations "Sick Leave Usage" and "Family Medical Leave Act," which describe in further detail the usage of sick leave.

(Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

4.06.090 Workers' compensation (also applies to City Council).

Employees injured on the job are entitled to workers' compensation benefits as provided by the Workers' Compensation Act. This self insurance program offers medical bill payment and salary continuation when work is missed due to the injury. An injured employee must notify his/her supervisor of the injury in writing immediately. Pursuant to Colorado Law, written notice must be given to the Risk Management Division, Department of Human Resources, within four working days of the occurrence of the injury.

(Ord. O 2019 24 § 3, 2019; Ord. O 2014 9 § 1, 2014; Ord. O 2009 43 § 1, 2009; Ord. O 2007 7 § 1, 2007; Ord. O 2004 39 § 1, 2004; Ord. O 2001 49 § 1, 2001).

4.06.100 Military leave.

Military leave may be granted to employees in accordance with applicable state and federal laws. Regular and provisional full time and part time and seasonal employees are allowed 15 paid days off per year for military leave with advance written notice. Reviews and salary increases will not be affected by the amount of time taken. Refer to Administrative Regulation "Military Leaves of Absence."

(Ord. O 2014 9 § 1, 2014; Ord. O 2009 43 § 1, 2009; Ord. O 2007 7 § 1, 2007; Ord. O 2004 39 § 1, 2004; Ord. O 2001 49 § 1, 2001).

4.06.110 Personal leave of absence.

A department director, in conjunction with the Department of Human Resources, may grant a personal leave of absence to a regular or a provisional full or part time employee who has been employed by the City of Lakewood for at least 12 consecutive months. The employee must submit a written request describing the reason for the leave. A personal leave of absence may not exceed one year. The City Manager may grant a personal leave of absence to a department director. Reviews and salary increases may be extended by the amount of time taken. See the "Personal Leaves of Absence" Administrative Regulation.

(Ord. O 2019 24 §§ 3 and 4, 2019; Ord. O 2014 9 § 1, 2014; Ord. O 2009 43 § 1, 2009; Ord. O 2007 7 § 1, 2007; Ord. O 2004 39 § 1, 2004; Ord. O 2001 49 § 1, 2001).

4.06.120 Family and medical leave of absence.

The City of Lakewood complies with the federal Family and Medical Leave Act to allow employees time off for personal or family medical situations. The City of Lakewood will provide eligible employees up to 12 weeks of unpaid leave (military caregiver leave provides up to 26 weeks) during a 12-month period, under certain qualifying circumstances. Qualifying circumstances may include an employee's serious health condition, the birth, placement or adoption of a child, or an employee's need to care for the serious health condition of a qualifying immediate family member. The military family leave provision affords FMLA protections specific to the needs of military families. See the Administrative Regulation "Family and Medical Leave Act Part I and Part 2" for more specific information. The City of Lakewood complies with the Colorado Family Care Act, which allows employees time off to take care of a civil union or domestic partner with a serious health condition.

(Ord. O 2019 24 § 4, 2019; Ord. O 2014 9 § 1, 2014; Ord. O 2009 43 § 1, 2009; Ord. O 2007 7 § 1, 2007; Ord. O 2004 39 § 1, 2004; Ord. O 2001 49 § 1, 2001).

4.06.130 ~~Non-job-related jury or non-job-related court leave.~~

~~Regular and provisional full- and part-time employees shall be granted time off with pay when performing jury duty. Temporary and seasonal employees will be paid the first three days of jury service. Jury duty will be paid if the time served occurred during the employee's normal work hours, or, if by attending jury duty, the employee was unable to work his/her normal hours. Hours spent performing jury duty will count as hours worked. The employee may keep stipends paid for jury duty.~~

~~An employee subpoenaed to appear before a court, administrative agency, or other official entity as a witness in a non-job-related matter may use accumulated personal leave, except for sick leave.~~

~~Employees who are parties in any non-job-related legal proceeding may use personal leave, except sick leave, when required for court appearances and other absences. Former employees subpoenaed or required to act as a witness on behalf of the City of Lakewood shall not be entitled to any compensation from the City of Lakewood.~~

~~(Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).~~

4.06.140 Holidays.

~~The City Manager is authorized to designate City of Lakewood holidays for all employees.~~

~~Designated police department personnel and other City of Lakewood employees who are allowed or required to group holidays shall receive eight hours off with pay for each designated holiday.~~

~~Official City of Lakewood holidays that fall on Sunday shall normally be observed on the following Monday; those that fall on Saturday shall normally be observed on the preceding Friday. Refer to Administrative Regulation "Holiday Pay."~~

~~(Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).~~

4.06.150 Emergency response.

~~Employees may be required to work to support essential services during large-scale emergencies affecting the City of Lakewood. This would normally include employees in essential positions, such as sworn personnel and police communications and records personnel. Essential employees are defined according to the type of emergency and the human resources needed. The supervisor of the areas affected by the emergency shall have the authority for scheduling, deployment, and overtime. Any non-essential employee may also be required to work to support essential services during large-scale emergencies affecting the City of Lakewood, and will be paid at his/her normal rate. See applicable Administrative Regulations "City Closing Policy," "Overtime and Compensatory Time," and "On Call, Call Back and Unscheduled Split Shift Compensation."~~

~~(Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004).~~

4.06.160 Hours to vote.

~~An employee registered to vote in a general election may be excused from work to vote on Election Day for up to two hours during polling hours (typically 7:00 a.m. to 7:00 p.m.). The employee must request the time off to vote prior to the day of the election. The supervisor may specify the hours during which an eligible employee may~~

leave the workplace to vote, but if it is more practical for the employee to vote at the beginning or the end of the work shift, the employee may request that time. However, the supervisor may then specify whether the employee may leave at the beginning or end of his/her shift. A supervisor may request, but not mandate, that an employee flex hours on Election Day. An employee who chooses to vote via mail-in ballot is not excused from work on Election Day, and an employee who has at least three consecutive hours off already during polling hours must vote on his/her own time.

(Ord. O 2014-9 § 1, 2014; Ord. O 2009-43 § 1, 2009; Ord. O 2007-7 § 1, 2007; Ord. O 2004-39 § 1, 2004).

4.06.170 Domestic violence leave.

The City of Lakewood permits victims of domestic abuse who have been employed with the city for 12 months or more to take up to three working days of leave in any 12-month period to seek a civil protection order to prevent domestic abuse, obtain medical care or counseling for themselves or their children, make their homes secure, or seek legal assistance pertaining to these issues.

Employees will be required to use appropriate personal accrued leave time if it is available; otherwise, the time will be unpaid.

See the "Employee Benefits Book" for further information, and the Administrative Regulation "Leave for victims of Domestic Abuse."

(Ord. O 2019-24 § 4, 2019; Ord. O 2014-9 § 1, 2014; Ord. O 2009-43 § 1, 2009; Ord. O 2007-7 § 1, 2007; Ord. O 2004-39 § 1, 2004).

4.06.180 Pay deductions.

The City of Lakewood makes a good-faith commitment to comply with the Fair Labor Standards Act and avoid improper deductions of hours or pay. Any employee who believes there has been an improper deduction should notify the finance department. The appropriate department shall take prompt action to reimburse the employee if necessary, and to ensure further compliance.

(Ord. O 2019-24 § 4, 2019; Ord. O 2014-9 § 1, 2014; Ord. O 2009-43 § 1, 2009; Ord. O 2007-7 § 1, 2007; Ord. O 2004-39 § 1, 2004).

4.06.190 Recording hours worked.

All non-exempt employees are required to record and submit all hours worked in the actual pay period in which the hours are worked. All hours in excess of 40 in a work week (for police agents, sergeants and court marshals only, for all hours recorded over 80 in a two-week pay period) will be considered overtime and must be accurately recorded as overtime or compensatory time. An employee may be subject to discipline for failure to submit overtime during the week worked or for working overtime without prior approval.

(Ord. O 2014-9 § 1, 2014; Ord. O 2009-43 § 1, 2009; Ord. O 2007-7 § 1, 2007; Ord. O 2004-39 § 1, 2004).

4.06.200 Workplace Accommodation for Nursing Mothers Act.

To comply with the Colorado Nursing Mothers Accommodation Act and federal law, the City of Lakewood makes reasonable efforts to provide break times and private rooms in which nursing mothers may express breast milk for up to two years after the child's birth. Breaks will be unpaid if the employee has no available leave. An

employee wishing to express breast milk at work shall work with her supervisor to determine the location and break schedule. Refer to the Administrative Regulation, "Hours of Work."

(Ord. O 2014-9-5-1, 2014; Ord. O 2009-43-5-1, 2009).

4.06.210 Parental Involvement in K-12 Education Act.

To comply with the Parental Involvement in K-12 Education Act, the City of Lakewood entitles non-executive, non-supervisory full-time employees up to 18 hours of leave a year (and not to exceed six hours a month) to attend a child's school activities. Part-time employees take leave on a pro-rated basis. Eligible employees are required to use accrued vacation, holiday, or compensatory time. If no such accrued leave is available, the leave will be unpaid or the employee, with prior approval, may flex his/her time within the work week. Refer to Administrative Regulation, "Parental Involvement in K-12 Education."

(Ord. O 2019-24-5-4, 2019; Ord. O 2014-9-5-1, 2014; Ord. O 2009-43-5-1, 2009).

4.06.220 Communication during leaves of absence.

During a leave of absence addressed by these policies, including FML, employees are required to communicate with their supervisors regarding return-to-work plans and relevant updates. They must provide a working phone number or e-mail address so they can address supervisor concerns and questions, and respond to messages within a reasonable period of time.

(Ord. O 2014-9-5-1, 2014)

Chapter 4.07 EMPLOYEE SEPARATIONS⁷

4.07.010 Reduction in force.

A reduction in force may occur through the elimination of a specific position, program, funding source, or the need to reduce a number of employees. See Administrative Regulation "Reduction in Force," which outlines layoff circumstances and procedures.

(Ord. O 2019-24-5-4, 2019; Ord. O 2014-9-5-1, 2014; Ord. O 2009-43-5-1, 2009; Ord. O 2007-7-5-1, 2007; Ord. O 2004-39-5-1, 2004; Ord. O 2001-49-5-1, 2001; Ord. O 99-34-5-1, 1999; Ord. O 99-18-5-1, (part), 1999).

4.07.020 Resignation.

Written resignations should be submitted at least two weeks prior to the effective resignation date. Provided the supervisor receives two weeks' notice, an employee may request to use accrued compensatory time during any or all of this period. Two weeks of vacation or comp time may be added to the physical last day worked to extend the employment period. The department director, after consultation with the Department of Human Resources, may place an employee on paid administrative leave for any or all of the two-week period. Appropriate notification of the resignation shall be sent to the Department of Human Resources. An exit interview is available

⁷Note(s)—This chapter applies to: Regular full- and part-time employees, provisional employees. This chapter does not apply to: City Manager, Presiding Judges, City Council, Mayor, Temporary/seasonal employees, provisional employees.

through the Department of Human Resources for employee feedback. In most cases, a resignation should be given in writing. If an employee communicates to the supervisor his/her intent to resign, and a third party witnesses the communication, a resignation letter is not necessary.

(Ord. O 2019-24 § 3, 2019; Ord. O 2014-9 § 1, 2014; Ord. O 2009-43 § 1, 2009; Ord. O 2007-7 § 1, 2007; Ord. O 2004-39 § 1, 2004; Ord. O 2001-49 § 1, 2001; Ord. O 99-34 § 1, 1999; Ord. O 99-18 § 1, (part), 1999).

4.07.030 Transitional status and medical separations.

An employee who can no longer perform the essential functions of his/her job because of injury, illness, or other medical condition, with or without reasonable accommodation, will be considered for transitional status. Once placed on transitional status, the employee's prognosis, treatment plan, and progress toward Maximum Medical Improvement (MMI) or return to work status will be periodically monitored to determine if and when the employee may return to work and whether the employee requires assignment to Alternative Duty. As part of this process, the Department of Human Resources shall informally review the employee's transitional status every 90 days.

Transitional status may not exceed 12 months, except upon the approval of the Director of Human Resources and the City Manager. If an employee has been on transitional status multiple times over a period of time, including the span of several months for the same or differing injuries or illnesses, the number of months will be added together to determine the length of time the employee has been on transitional status. The time frame will be determined by the circumstances of the illness or injury. When the transitional status time frames reach a total of 12 months or 365 days, the employee will be considered for a medical separation. In some cases, the time frame for transitional status will be less than one year. Each department director chooses one of the following time frames for each work group, depending on the number of employees able to manage the absent employee's workload: the FML period itself, a total of six months or total of one year. FML, when applicable, must be exhausted prior to the medical separation.

An employee placed on transitional status who has exhausted applicable Family Medical Leave hours may be separated from employment at any point if s/he is not able to perform the essential functions of his or her job with or without reasonable accommodation. Transitional status is temporary. Reliability and being present are essential functions of every City of Lakewood job; therefore, teleworking cannot be a reasonable accommodation or an alternative duty. Once transitional status is exhausted, being present, fulfilling a work schedule and able to perform the essential functions of a position is necessary. The ability to perform the essential functions of the job may be determined by a Duty Fitness Examination, as set forth in section 4.08.010 and Administrative Regulation, "Duty Fitness Examinations." A separation under these circumstances will constitute a medical separation. Medical separations are not disciplinary and do not fall within the scope of the disciplinary procedure set forth in Section 4.20.040.

When the Department of Human Resources, in conjunction with a physician's opinion or the employee's department director, determines that a medical separation may be necessary, it shall provide the employee written notice stating the department's rationale and setting a meeting to review the employee's circumstances. This informal, pre-separation review shall be conducted solely for all parties to consider the reasons that have led the Department to initiate a medical separation. The employee shall cooperate with any necessary job related examination.

At this review, the employee may respond, orally or in writing, to the Department's reasons for considering a medical separation. Because this review is informal, the employee is not entitled to legal counsel or any other representation including friends or relatives at any administrative meeting. If, following this informal review, the Department of Human Resources, in conjunction with a designated physician and the employee's department director, determines that a medical separation is necessary, the employee will be notified in writing. This decision is final and cannot be appealed. If a person who was medically separated during a transitional status period is able

to return to his/her previous job before the transitional status period has expired, s/he will not need to apply for the position. Refer to Administrative Regulations "Transitional Status and Med Separation" and "Family Medical Leave Act."

(Ord. O-2019-24 §§ 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004).

4.07.040 Retirement.

Employees who meet certain age and service requirements are eligible for retirement from the City of Lakewood. Retirees are eligible for certain continued benefits, such as those outlined in the Benefits Book. Retirement terms are governed by applicable City of Lakewood policies, administrative regulations, and state and federal law. See the "Employee Benefits Book" for eligibility information as well as potential retiree benefits.

(Ord. O-2019-24 §§ 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

4.07.050 Termination.

Employees may be terminated during their probationary periods, during other at-will employment, without cause or resulting from disciplinary action for cause pursuant to Chapter 4.20.

(Ord. O-2014-9 § 1, 2014).

Chapter 4.08 DUTY FITNESS EXAMS⁸

4.08.010 General.

The City of Lakewood has an obligation to provide a reasonably safe work environment. When the City of Lakewood reasonably believes that an employee may lack the ability to perform the essential functions of his/her job safely or reliably, the City of Lakewood may, at its expense, require the employee be examined by a physician or other licensed health care provider selected by the City of Lakewood. Non-routine evaluations may be required when:

- A. — A physical or mental condition appears to be adversely affecting an employee's ability to perform the essential functions of the job.
- B. — The employee's physical or mental condition may be adversely affected by the requirements of his/her position.
- C. — A safety or liability concern is identified that could be caused by the employee's physical or mental condition.
- D. — Employee involvement in a critical work-related incident could require a Duty for Fitness Exam (either psychological or physical). A critical work-related incident is determined by the department director to include such events as catastrophes resulting in deaths, loss of limbs, belongings or graphic violence and child abuse etc.

⁸Note(s)—This chapter applies to: Regular full- and part-time employees, temporary/seasonal employees, provisional employees. This chapter does not apply to: Presiding Judges, City Council, Mayor.

Refer to Administrative Regulation "Duty Fitness Examination."

(Ord. O 2019-24 § 4, 2019; Ord. O 2014-9 § 1, 2014; Ord. O 2009-43 § 1, 2009; Ord. O 2007-7 § 1, 2007; Ord. O 2004-39 § 1, 2004; Ord. O 2001-49 § 1, 2001; Ord. O 99-34 § 1, 1999; Ord. O 99-18 § 1, (part), 1999).

Chapter 4.09 EMPLOYEE DEVELOPMENT⁹

4.09.010 Policy.

The Department of Human Resources, in consultation with employees and supervisors, determines city-wide training needs. Under the direction of the City Manager, the Department of Human Resources will organize, coordinate, and administer intra-City of Lakewood training programs; advise and assist departments in developing, administering, and evaluating departmental training programs; and evaluate the effectiveness of training efforts. Each department is allotted a training budget for specialized or technical training needs.

(Ord. O 2019-24 §§ 3 and 4, 2019; Ord. O 2014-9 § 1, 2014; Ord. O 2009-43 § 1, 2009; Ord. O 2007-7 § 1, 2007; Ord. O 2004-39 § 1, 2004; Ord. O 2001-49 § 1, 2001; Ord. O 99-34 § 1, 1999; Ord. O 99-18 § 1, (part), 1999).

4.09.020 Tuition assistance for employee development of regular employees.

Department of human resources will administer a tuition assistance program, if feasible. See Administrative Regulation "Tuition Assistance." This program is for regular full-time and regular part-time employees only.

(Ord. O 2019-24 § 3, 2019; Ord. O 2014-9 § 1, 2014; Ord. O 2009-43 § 1, 2009; Ord. O 2007-7 § 1, 2007; Ord. O 2004-39 § 1, 2004; Ord. O 2001-49 § 1, 2001; Ord. O 99-34 § 1, 1999; Ord. O 99-18 § 1, (part), 1999).

4.09.030 Meeting/training reimbursement.

The City of Lakewood may pay or reimburse the full cost of attendance at business and professional meetings or training sessions as approved by the department director. See Administrative Regulation "Training/Meeting Reimbursement."

(Ord. O 2019-24 § 4, 2019; Ord. O 2014-9 § 1, 2014; Ord. O 2009-43 § 1, 2009; Ord. O 2007-7 § 1, 2007; Ord. O 2004-39 § 1, 2004; Ord. O 2001-49 § 1, 2001; Ord. O 99-34 § 1, 1999; Ord. O 99-18 § 1, (part), 1999).

Chapter 4.10 PERFORMANCE EVALUATIONS¹⁰

4.10.010 General.

Each employee's performance shall be formally reviewed and evaluated at least annually in a format approved by the Department of Human Resources. Performance reviews are not subject to appeal or grievance.

⁹Note(s)—This chapter applies to: Regular full- and part-time employees, provisional employees, City Council, Presiding Judges, Mayor, temporary/seasonal employees.

¹⁰Note(s)—This chapter applies to: All regular part-time and full-time employees, provisional employees, temporary/seasonal employees. This chapter does not apply to City Manager, Presiding Judges, Mayor, City Council.

Reviews and salary changes may be extended in cases of personal leaves of absence. Those out on military leave or FML will receive reviews and increases on schedule. See the "Supervisor's Manual for Performance Review and Development."

(Ord. O 2019-24 §§ 3 and 4, 2019; Ord. O 2014-9 § 1, 2014; Ord. O 2009-43 § 1, 2009; Ord. O 2007-7 § 1, 2007; Ord. O 2004-39 § 1, 2004; Ord. O 2001-49 § 1, 2001; Ord. O 99-34 § 1, 1999; Ord. O 99-18 § 1, (part), 1999).

Chapter 4.11 EMPLOYEE TRANSPORTATION¹¹

4.11.010 Use of City of Lakewood designated vehicles.

City of Lakewood designated vehicles are to be used for authorized City of Lakewood business only, and shall carry passengers only in connection with official business. An employee authorized to drive a City of Lakewood vehicle must have a current and valid operator's license with appropriate vehicle class designation and a good driving record. Employees are required to observe all traffic laws and City of Lakewood and departmental regulations. All occupants are required to wear seatbelts and must not use tobacco in City of Lakewood vehicles. Drivers must avoid distracting themselves with activities such as using cell phones or eating while driving. Should an employee be considered a risk, lose his/her license, or fail drug or alcohol testing, the employee may be prohibited from using City of Lakewood vehicles and may be terminated. See the Administrative Regulation "Safe Use of Cell Phone While Driving."

(Ord. O 2019-24 § 4, 2019; Ord. O 2014-9 § 1, 2014; Ord. O 2009-43 § 1, 2009; Ord. O 2007-7 § 1, 2007; Ord. O 2004-39 § 1, 2004; Ord. O 2001-49 § 1, 2001; Ord. O 99-34 § 1, 1999; Ord. O 99-18 § 1, (part), 1999).

4.11.020 Accidents while operating City of Lakewood designated vehicles.

If an employee is involved in an accident resulting in injury or damage to any property while operating a City of Lakewood designated vehicle, the employee shall:

- A. — Notify the local law enforcement agency immediately;
- B. — Make reasonable efforts, while staying safe, to protect the scene until the local law enforcement agency arrives and releases the vehicles. When possible, vehicles should not be moved until released by proper authorities;
- C. — Prepare a vehicle accident report regardless of the degree of fault or damage in a collision, and forward it through his/her supervisor to Risk Management, Department of Human Resources;
- D. — Refrain from discussing the accident with anyone outside the City of Lakewood, other than the investigating police agency. All inquiries shall be directed to Risk Management, Department of Human Resources;
- E. — Report the accident to his/her supervisor no later than the next day. Refer to Administrative Regulation "Report of Accidents with City Vehicles;"
- F. — Be tested for drugs/alcohol as required by city policy or the Department of Transportation.

(Ord. O 2019-24 §§ 3 and 4, 2019; Ord. O 2014-9 § 1, 2014; Ord. O 2009-43 § 1, 2009; Ord. O 2007-7 § 1, 2007; Ord. O 2004-39 § 1, 2004; Ord. O 2001-49 § 1, 2001; Ord. O 99-34 § 1, 1999; Ord. O 99-18 § 1, (part), 1999).

¹¹Note(s)—This chapter applies to: All employees.

4.11.030 Use of private vehicles.

- A. ~~If an employee is required to use his/her personal car in the performance of his/her duties, the City of Lakewood will either reimburse the employee in accordance with Internal Revenue Service guidelines for the mileage driven or provide a car allowance at the rates specified by the City Manager.~~
- B. ~~Each employee required to use his/her personal car shall maintain automobile insurance as required by state law.~~
- C. ~~If the employee is involved in an accident while using a private vehicle on City of Lakewood business, the employee shall be responsible for damage or injury to others to the extent permitted by law. Risk Management must be notified within 48 hours. The employee is responsible for notifying his/her insurance agent and supervising the settlement of the claim through his/her agent.~~
- D. ~~The City of Lakewood shall not be responsible for the following occurrences to privately owned vehicles:~~
- ~~1. Vehicle theft,~~
 - ~~2. Theft of other private property,~~
 - ~~3. Vandalism, or~~
 - ~~4. Damage to the vehicle.~~
- E. ~~If City of Lakewood property is lost or damaged while under transport in a private vehicle despite the employee's care, the City of Lakewood may accept liability for the damage or loss.~~

~~Risk Management must be notified within 48 hours whenever such damage or loss has occurred. In the case of City of Lakewood property that is stolen or vandalized, a police report must be made with the local police jurisdiction. See Administrative Regulation "Car Allowances."~~

~~(Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).~~

4.11.040 Rental cars for business purposes.

Each employee required to use a rental car in the performance of his/her duties shall always elect loss damage waiver (LDW) coverage. For details, contact Risk Management, Department of Human Resources. Requirements may change depending on the state in which a rental car is being secured.

(Ord. O-2019-24 § 3, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004).

4.11.050 Overnight use of City of Lakewood designated vehicles.

~~The City Manager will determine which employees will be authorized to keep City of Lakewood vehicles overnight. City of Lakewood vehicles shall not be used for personal reasons while at the employee's home. Periodic reviews and criteria for justification may be evaluated.~~

~~(Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).~~

Chapter 4.12 EMPLOYEE POLITICAL ACTIVITIES¹²

~~4.12.010 Federal and state elections and campaigns.~~

An employee is free, on his/her own time and away from City of Lakewood offices, to participate in federal, state, county, and municipal campaigns and to openly express his/her views and support for candidates. An employee shall refrain, however, from any political activities which give the appearance that s/he represents the City of Lakewood or that interfere with the performance of his/her duties. Any employee whose position is federally funded shall be subject to the provisions of the Hatch Act, which prohibits such employees from running for public office in a partisan election, using official authority or influence to interfere with or affect the results of an election or nomination, and coercing contributions from subordinates in support of a political party or candidate.

~~(Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).~~

~~4.12.020 Local elections and campaigns.~~

- A. ~~An employee running for municipal office in the City of Lakewood shall not campaign or conduct political activities during working hours. Successful candidates shall resign from the employ of the City of Lakewood immediately upon election to municipal office.~~
- B. ~~Employees on City of Lakewood time shall not publicly support local candidates or ballot issues in the City of Lakewood, circulate nominating petitions, distribute any campaign literature or advertising, or display on City of Lakewood property any campaign literature or advertising on behalf of any candidate for municipal office in the City of Lakewood.~~

~~(Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).~~

~~4.12.030 Solicitation of contributions for political parties or candidates.~~

~~An employee shall not be required to make any contribution to a political party, issue committee, an elected official, or to a candidate. His/her refusal to do so shall not be used to penalize the employee in any way. An employee on City of Lakewood time or in the workplace shall not solicit any such contributions.~~

~~(Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).~~

Chapter 4.13 PERSONNEL RECORDS¹³

¹²Note(s)—This chapter applies to: All employees.

¹³Note(s)—This chapter applies to: All employees.

4.13.010 General.

The Department of Human Resources maintains information on each employee pertinent to his/her employment with the city. Every employee shall update his/her name, address, emergency contact information, and home telephone number in the HRIS system. A supervisor shall report any change in an employee's employment status to the Department of Human Resources.

(Ord. O-2019-24 § 3, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

4.13.020 Retention and destruction.

The Department of Human Resources shall retain all personnel records and the Finance Department shall maintain all payroll records of present and past City of Lakewood employees according to the direction of the state archivist.

(Ord. O-2019-24 §§ 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

4.13.030 Release of personnel information.

- A. During office hours, an employee, former employee, designated representative, or legally designated personal representative of a deceased employee may examine the employee's personnel file as permitted by law. The employee or former employee may designate a representative by filing a signed, notarized document with the Department of Human Resources.
- B. An employee's personnel file shall be available to: 1) supervisors or potential supervisors of that employee, and 2) any employees assigned to the Department of Human Resources.
- C. The Department of Human Resources may verify to any inquirer the dates of employment and the last position title the employee held. This is the only information that can be shared without a signed, notarized employee release form. Other employee information may be released to prospective employers, collection agencies, credit bureaus, loan officers, and other parties who need to know as long as the employee provides a signed, notarized release of information form.
- D. Personal information, such as address, phone number, birthdates, and social security number, will be released only with employee approval when necessary for employment-related business purposes.
- E. In the event of conflict between this paragraph concerning the disclosure of personnel information and the requirements of the Colorado Open Records Act, Chapter 24-72-201 et seq. C.R.S., the provisions of the Colorado Open Records Act shall prevail.
- F. The City of Lakewood will maintain employee medical information regarding each employee and his/her dependents or beneficiaries separate from other personnel records. It shall protect that information from unauthorized disclosure as required by state and federal law, including the Health Insurance Portability and Accountability Act (HIPAA). Refer to Administrative Regulation "Health Insurance Portability and Accountability Act (HIPAA), Privacy Regulation for Protected Health Information."

(Ord. O-2019-24 §§ 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

Chapter 4.14 EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT¹⁴

4.14.010 Policy.

The City of Lakewood provides equal employment opportunities to all persons without regard to an individual's race, color, creed, national origin, religion, ancestry, sex, sexual orientation (including transgender status), age, military service, veteran status, marital status, genetic information, pregnancy or disability, or any other applicable status protected by state or federal law. The City of Lakewood does not tolerate discrimination, harassment, or retaliation and promotes equal pay for equal work.

The City of Lakewood promotes an atmosphere of respect and acceptance in all interactions both internally and externally. The City of Lakewood recognizes that its citizens and employees have varied backgrounds, experiences, and differences; therefore, the City of Lakewood works hard to create a culture of inclusion. The City of Lakewood strives to reflect its community while fostering the development and advancement of qualified individuals.

Any employee who believes s/he has been the subject of discrimination for any protected status should immediately file a formal written complaint to report the alleged act to his/her supervisor or department director or to the Department of Human Resources. Supervisors who receive these complaints shall immediately contact the Department of Human Resources. Neither the City of Lakewood nor any of its employees will retaliate against any individual who files such a complaint. Any individual found to have retaliated against an individual for filing such a complaint may be subject to whatever action the City of Lakewood deems appropriate, up to and including termination. The City of Lakewood will act promptly to investigate reported discrimination. Based on its investigation, the City of Lakewood may take whatever action it deems appropriate, up to and including termination, to achieve an immediate remedy when an allegation is determined to be valid. Refer to Administrative Regulation "Equal Employment Opportunity." Employees may also file claims with the Equal Employment Opportunity Commission or the Colorado Civil Rights Division.

(Ord. O-2019-24 §§ 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § (part), 1999).

Chapter 4.15 ~~HARASSMENT AND RELATED INAPPROPRIATE CONDUCT~~¹⁵

4.15.010 Policy.

~~The City of Lakewood does not tolerate unlawful harassment of any kind. Any harassment or offensive, inappropriate conduct that violates federal, state, or local laws or City of Lakewood policy is a violation of this policy and is grounds for discipline, up to and including termination. Such harassment includes harassment related to an individual's race, color, creed, religion, national origin, ancestry, sex, sexual orientation or gender expression, transgender status, age, military service, veteran status, marital status, pregnancy, genetic information, disability, or any other applicable status protected by state or federal law. It is the responsibility of every employee to avoid~~

¹⁴Note(s)—This chapter applies to: All employees.

¹⁵Note(s)—This chapter applies to: All employees.

offensive or inappropriate conduct and to ensure that the work environment is free from harassment. Any employee who believes s/he has been the subject of harassment should immediately file a formal written complaint to report the alleged act to a supervisor, department director, or the Department of Human Resources. Supervisors who receive these complaints shall immediately contact the Department of Human Resources. Neither the City of Lakewood nor any of its employees will retaliate against any individual who files such a complaint. Any individual found to have retaliated against an individual for filing such a complaint may be subject to whatever action the City of Lakewood deems appropriate, up to and including termination.

The City of Lakewood will act promptly to investigate reported harassment. Based on its investigation, the City of Lakewood may take whatever action it deems appropriate, up to and including termination, to achieve an immediate remedy when an allegation is determined to be valid.

(Ord. O 2019 24 § 3 and 4, 2019; Ord. O 2014 9 § 1, 2014; Ord. O 2009 43 § 1, 2009; Ord. O 2007 7 § 1, 2007; Ord. O 2004 39 § 1, 2004; Ord. O 2001 49 § 1, 2001; Ord. O 99 34 § 1, 1999; Ord. O 99 18 § 1, (part), 1999).

4.15.020 Definitions of sexual harassment.

For the purposes of this policy, the term "sexual harassment" refers to any unwelcome sexual attention, sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature when:

- A. — Submission to such conduct is made either explicitly or implicitly a condition of an individual's employment, such as quid pro quo or an individual using power of his or her position. Also, using the power of one's position, such as a supervisor with a subordinate, to gain favors or to coerce someone, or when favoritism affects the effective functioning of a work group,
- B. — Submission to or rejection of such conduct is used as the basis for employment decisions,
- C. — Such conduct unreasonably interferes with an individual's work performance, or
- D. — Such conduct creates an intimidating, hostile, or offensive work environment.
- E. — Such conduct creates disruption or disharmony in the workplace.

All employees are expected to conduct themselves in a professional and businesslike manner at all times. Conduct at work or outside of work that may violate this policy includes, but is not limited to, sexually implicit or explicit communications whether in:

- A. — Written form, including but not limited to e-mail, letters, notes, cartoons, posters, or calendars;
- B. — Oral form, including but not limited to comments, jokes, foul or sexually obscene language, gossiping, questions about another's sex life, or repeated unwanted requests for dates;
- C. — Physical gestures and other nonverbal behavior, including but not limited to unwelcome touching, grabbing, fondling, kissing, massaging, and brushing up against another's body;
- D. — Messages of a sexual nature posted on any public forum, including e-mail, social media sites, blogs, and cell phone texts.

(Ord. O 2014 9 § 1, 2014; Ord. O 2009 43 § 1, 2009; Ord. O 2007 7 § 1, 2007; Ord. O 2004 39 § 1, 2004; Ord. O 2001 49 § 1, 2001; Ord. O 99 34 § 1, 1999; Ord. O 99 18 § 1, (part), 1999).

4.15.030 Harassment.

The City of Lakewood prohibits all types of harassment. This policy applies to applicants, employees, volunteers, supervisors, and others. Classes protected include race, color, creed, national origin, religion, ancestry, sex, sexual orientation (including transgender status), age, military service, veteran status, marital status, genetic

information, pregnancy, disability, or any other applicable status protected by state or federal law. The City of Lakewood does not tolerate retaliation and promotes equal pay for equal work. Unlawful harassment includes verbal or physical conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Actions based on an individual's age over 40, race, sex, color, religion, ancestry, national origin, disability, or any other applicable status protected by state or local law will not be tolerated. Harassment or bullying, regardless of the victim's protected or unprotected EEO status, will not be tolerated. Prohibited behavior includes not only physical force, but also verbal or abusive behavior, including, but not limited to the following:

- A. Negative cartoons, e-mails, posters, drawings, photographs, or other visual, written, or electronic communication;
- B. Verbal conduct such as derogatory comments, slurs, insults, comments threatening violence, demeaning or hostile remarks, or jokes;
- C. Physical conduct such as assault or aggressive physical contact, tickling, bullying, horseplay that results in physical or emotional harm, or threatening or similar behavior.

Harassing behavior includes intimidating, menacing, tampering, stalking, erratic, explosive, or raging behavior. It may also include acting on negative stereotypes, hostile acts, and demeaning or hostile pranks. See Administrative Regulation "Harassment."

(Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

4.15.040 Workplace violence.

All violent conduct is prohibited in the workplace. The City of Lakewood requires a work environment free of threats of violence, intimidation, and violent acts, and all employees and volunteers have the responsibility to report abusive or potentially dangerous conduct to management. In addition, employees must refrain from making bizarre or offensive comments regarding violent events or behavior. Employees should call 911 if they believe there is a serious or immediate threat to the safety and health of themselves or others.

City of Lakewood employees, volunteers or contractors may not openly carry firearms into any workplace that has been posted with notice that the open carrying of firearms is prohibited. Any employee, volunteer, or contractor who has a concealed handgun permit and who desires to carry a concealed firearm into a municipal building that is not protected by security personnel and electronic screening devices must first notify the Department of Human Resources. This restriction does not apply to those employees whose job description includes the carrying of firearms, such as sworn police personnel and court marshals.

In addition, no City of Lakewood employee—except for those whose job description includes the carrying of weapons—volunteer, or contractor shall bring any other deadly weapons into the workplace. See Administrative Regulation "Workplace Violence."

(Ord. O-2019-24 §§ 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004).

4.15.050 Reporting harassment, sexual harassment, and workplace violence.

The City of Lakewood will act promptly to investigate reported harassment, sexual harassment, bullying, and workplace violence. Based on its investigation, the City of Lakewood may take whatever action it deems appropriate, up to and including termination, upon completion of the disciplinary action process, and may effect an appropriate remedy when an allegation is determined to be valid.

Any employee who believes s/he has been the subject of unlawful harassment should file a formal complaint to report the alleged act immediately to his/her immediate supervisor or department director or to the Department of Human Resources. Supervisors receiving such complaints shall immediately inform the Department of Human Resources. Employees who witness and report wrongdoing shall be protected from retaliation. Refer to the Administrative Regulations "Workplace Violence" and "Harassment." Employees may also file claims with the Equal Employment Opportunity Commission or the Colorado Civil Rights Division.

(Ord. O-2019-24 §§ 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

Chapter 4.16 MISCELLANEOUS RULES¹⁶

4.16.010 Conflict of interest.

The City of Lakewood prohibits its employees from engaging in any activity, practice, or act which conflicts with or is perceived to conflict with the interest of the City of Lakewood or its citizens. This may include outside employment. Any situation that creates an actual conflict of interest or the appearance of such a conflict must be carefully avoided. An employee should notify his/her supervisor of any possible conflict of interest. Refer to Administrative Regulation "Conflict of Interest and Standards of Conduct."

(Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

4.16.020 Drug and alcohol impairment free workplace.

It is the City of Lakewood's intent to maintain a drug-free and alcohol free, healthy, safe, and secure work environment. The City of Lakewood enforces a zero tolerance policy for drug or alcohol use or impairment at work. Drug and alcohol impairment that negatively affects an employee's ability to work will lead to termination upon confirmed testing. If that is the case and the Department of Human Resources determines that a separation is necessary, it shall provide the employee with written notice. An employee who refuses to take a drug or alcohol test will be disciplined, up to and including termination.

Some positions, depending on job duties and exposure to privileged information, may require a pre-employment drug test. All employees who exhibit behavior indicative of being under the influence of drugs or alcohol may be subject to "reasonable suspicion" tests. Sworn and civilian police employees and court marshals are expected to follow all federal laws, including those regarding drug use. CDL drivers must follow all Federal Motor Carrier Regulations. Refer to Administrative Regulation "Drug and Alcohol Impairment Free Workplace."

(Ord. O-2019-24 §§ 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

4.16.030 Safe work practices.

The efficiency and effectiveness of the City of Lakewood is enhanced by safe work practices. All employees are expected to be aware of and follow safe work practices as part of the job. The City Manager shall require the

¹⁶Note(s)—This chapter applies to: All employees.

Department of Human Resources, Division of Risk Management, to coordinate safety matters with all City of Lakewood departments.

(Ord. O-2019-24 §§ 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

4.16.040 Life-threatening illnesses.

The City of Lakewood is committed to equal employment opportunities for all City of Lakewood employees and applicants. The City of Lakewood recognizes that employees and applicants with life-threatening conditions should be treated with compassion and understanding. Harassment or discriminatory practices directed at such employees or applicants will not be tolerated.

The City of Lakewood recognizes that most life-threatening illnesses pose no risk of transmission to co-workers through ordinary workplace contact. Some examples of these conditions are HIV/AIDS, heart disease, and cancer.

The City of Lakewood also recognizes the need for education about life-threatening illnesses. Employees may learn about current practices through the Colorado Department of Public Health and Environment and local health departments. Refer to Administrative Regulation "Life-Threatening Illnesses."

(Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

4.16.050 Privacy in the workplace.

Any property belonging to the City of Lakewood, including but not limited to desks, lockers, files, computers, e-mail, voicemail, vehicles, and cell phones, are not private and can be searched without notice at any time. The City of Lakewood reserves the right to inspect any personal property an employee brings into a City of Lakewood building, any property an employee uses on the job, and any property an employee takes out of the workplace.

(Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004).

4.16.060 Liability for theft or damage of personal belongings.

The City of Lakewood is not responsible for theft or damage of personal belongings at work, on City of Lakewood property (such as parking garages), or during work-related travel.

(Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007).

4.16.070 Criminal arrests and background checks on current employees.

The City of Lakewood requires any employee to immediately notify his/her supervisor or the Department of Human Resources in the event s/he is arrested or charged with any criminal offense (excluding minor traffic violations such as speeding tickets). Failure to notify may result in disciplinary action. The supervisor, in consultation with the Department of Human Resources, will determine the relevance of the arrest to the employee's position. The Department of Human Resources may initiate a criminal background check on an employee when it is in the interest of the City of Lakewood, such as when there is reason to believe the employee has been arrested or convicted of a crime that could compromise his/her City of Lakewood position or coworkers, or if the crime constitutes cause for discipline.

An employee also must immediately notify his/her supervisor or the Department of Human Resources when s/he is the subject of a restraining order. Only pertinent information about the restraining order will be considered for an employment action. Many job functions will not be affected by a restraining order; this decision needs to be made in consultation with the Department of Human Resources.

An employee in a position of trust may have a background check performed periodically to ensure that the public's trust is being maintained. This includes an employee working in an enforcement position and those working with vulnerable populations. Refer to Administrative Regulation "Background Checks."

(Ord. O-2019-24 § 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007).

4.16.080 Employee administrative meetings.

Administrative meetings at the City of Lakewood take place with the employee and City of Lakewood personnel only. No representatives, such as family members, friends, or attorneys are allowed.

(Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014).

4.16.090 Use of city equipment.

The City of Lakewood prohibits the use of equipment, vehicles, materials or other assets owned by the City of Lakewood, and/or services provided to the City of Lakewood for the conduct of the City of Lakewood's business, for personal purposes or for the conduct of any activity intended to generate personal income, make a personal profit, or result in personal gain or benefit of any kind. See administrative regulation "use of city equipment and services."

(Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014).

PERSONNEL MERIT SYSTEM POLICIES¹⁷

Chapter 4.17 GENERAL PROVISIONS

4.17.010 Violation of policies.

Violation of any policy shall be grounds for disciplinary action, including but not limited to reprimand, suspension, demotion, or termination. An employee who has been terminated or suspended for more than two days and believes that no cause for discipline existed may appeal in accordance with Chapter 4.20.

(Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

¹⁷Editor's note(s)—Personnel merit system policies apply to all employees except the City Manager, Presiding Judges, department directors, division managers, City Council, provisional employees and all temporary/seasonal employees or as otherwise specified herein.

Note(s)—These chapters apply to: Regular full- and part-time employees. These chapters do not apply to: City Manager, Presiding Judges, City Council, Mayor, temporary/seasonal employees, provisional employees, Department Directors, Division Managers, any others specified herein.

Chapter 4.18 PROBATION

4.18.010 Probation.

Every employee who is newly appointed into a regular full-time or regular part-time position must serve a probationary period of at least six months. When the Department of Human Resources and the department director find that special circumstances exist, an employee may have the probationary period modified or waived. However, employees cannot be taken off an established probation early. During the probationary period, the supervisor shall develop goals for the employee's performance and shall periodically review them with the employee. Employees not meeting the standards or goals may be given an extended probationary period, transferred, demoted, or terminated.

During an initial probationary period, employees are at will. An employee serving positional (transfer or promotional) probationary periods will not be at will and will be subject to Disciplinary Action and Appeal Procedures. See Chapter 4.20. If, in rare instances, an employee is promoted during the initial probation period, s/he must fulfill the full probationary period of the new position.

During any probationary period, an employee may not apply for a transfer, promotion, or demotion. The Department of Human Resources and the employee's department director may jointly make exceptions to this provision if they find that the circumstances warrant an exception. Initial probationary periods will be noted and acknowledged by an employee signature.

(Ord. O 2019-24 § 3, 2019; Ord. O 2014-9 § 1, 2014; Ord. O 2009-43 § 1, 2009; Ord. O 2007-7 § 1, 2007; Ord. O 2004-39 § 1, 2004; Ord. O 2001-49 § 1, 2001; Ord. O 99-34 § 1, 1999; Ord. O 99-18 § 1, (part), 1999).

Chapter 4.19 TRANSFERS—PROMOTIONS—DEMOTIONS

4.19.010 Transfers, promotions, and demotions.

A department director, after consultation with the Department of Human Resources, may transfer, promote, or demote an employee. Except as provided in these policies, probationary employees may not apply for a transfer or promotion without the approval of the Department of Human Resources and the recommendation of the employee's current department director.

- A. — Qualified employees may transfer to another position at the same pay level, or to another assignment at a similar pay level in a different occupational group within the same or different department. A transferring employee will continue at his/her current pay rate. Transfers may be made involuntarily or when an employee applies for a vacant position. If the position is non-exempt, the position will be posted internally for five working days. In the case of reorganization, the provisions of chapter 4.05, "Vacancies," apply.
- B. — Occasionally, a position will move to a different department. In that case, the person holding that position will be transferred as well. The two relevant Department Directors may choose to transfer an employee to the same position from one department to another.
- C. — Promotions must involve a definite increase in duties and responsibilities, must conform to the performance-based pay principles, and must not be made merely to effect an increase in the

employee's compensation. Movement by an employee from one occupational group to another in a higher range may be considered a promotion. A representative of the Department of Human Resources shall determine whether a change in status is a promotion or transfer using current pay range information. As such, the employee shall receive compensation at an appropriate place in the pay range based upon the recommendation of the department director.

D. — Demotions may occur:

- — When an employee requests a demotion into a vacant position and successfully competes for it;
- — As a result of a reduction in force or reorganization; or
- — For cause as set forth in Section 4.20.020.

An employee may not be demoted into a position for which s/he is unqualified or unable to perform the essential functions. Demoted employees will be expected to serve a positional probationary period, which will typically last at least six months. If the employee previously performed the duties of the position to which s/he was demoted, the probationary period may be waived. Employees not meeting the standards or goals may be given additional probationary time, reassigned to a different classification, or sent through the disciplinary action process. An employee demoted due to a reduction in force may apply for transfers during his/her probationary period. An employee who receives or accepts a demotion will most likely experience a decrease in pay and will be paid within the range assigned to the employee's new position.

A regular employee who has been invited to the oral board (second) interview for another City of Lakewood job must notify his/her current supervisor about the upcoming interview. The employee does not need the supervisor's permission, just acknowledgment. At that time, the Department of Human Resources will make the employee's personnel file available to the hiring supervisor to review and encourage the hiring supervisor to ask the current supervisor for recommendations.

(Ord. O-2019-24 §§ 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

4.19.020 Temporary assignments or temporary promotions.

All temporary assignments and pay decisions are made by the department director, in consultation with the Department of Human Resources.

- A. — All employees may occasionally be asked to take on additional duties during another employee's absence or during a period of special need, with no change in pay, pay level, or job title.
- B. — Temporary assignment with pay increase: A temporary assignment occurs when an employee takes on a limited portion of the duties and responsibilities of a higher level position for at least three months, but will return to his/her original assignment within a reasonable period — typically no longer than a year. A temporarily assigned employee should receive a pay increase to reflect his/her increased duties, but may or may not be paid within the range assigned to a higher level position.
- C. — Temporary promotion: A temporary promotion occurs when an employee takes on 100 percent of the duties and responsibilities of a higher level position for at least three months but will be returning to his/her original assignment within a reasonable period of time, typically no longer than one year. During the temporary promotion, the employee will be paid within the range assigned to the higher level position.

(Ord. O-2019-24 § 3, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

Chapter 4.20 DISCIPLINARY ACTION AND APPEAL PROCEDURE

4.20.010 ~~Disciplinary action.~~

The City of Lakewood is committed to providing a productive, safe, and professional work environment. Unacceptable conduct is not tolerated. Disciplinary action may be taken for unacceptable performance or conduct. Discipline need not be progressive, and the City of Lakewood may take any steps appropriate for the circumstances. Each disciplinary action is unique to the situation and the individual employee. Disciplinary action should be consistent, but one action does not set a precedent for any other disciplinary action in any other situation. Medical separations are not considered disciplinary actions and are not subject to the disciplinary action procedure. See Section 4.07.030.

(Ord. O 2019 24 § 4, 2019; Ord. O 2014 9 § 1, 2014; Ord. O 2009 43 § 1, 2009; Ord. O 2007 7 § 1, 2007; Ord. O 2004 39 § 1, 2004; Ord. O 2001 49 § 1, 2001; Ord. O 99 34 § 1, 1999; Ord. O 99 18 § 1, (part), 1999).

4.20.020 Definitions.

- A. ~~Disciplinary authority~~ for the City of Lakewood shall be the City Manager, the department director, the division manager, and the appropriate supervisor. A department director shall have the authority to reprimand, demote, suspend without pay, or terminate. Division managers shall have the authority to reprimand or suspend without pay for up to two working days. Supervisors shall have the authority, in consultation with the Department of Human Resources, to reprimand or to effect temporary and immediate administrative leave with pay, to be potentially reviewed every 60 days. Administrative leave is non-disciplinary (see definition in Section 4.01.060).
- B. ~~Disciplinary action~~ refers to action taken by the disciplinary authority against an employee for cause, including reprimand, suspension, demotion, or termination. When a position is eliminated or reduction in force occurs, resulting demotions or terminations shall not be deemed disciplinary action, and therefore the employee is not entitled to any appeal rights under sections 4.20.050 and 4.20.060. See applicable Administrative Regulations "Conduct of Appeals of Disciplinary Actions" and "Modification of Disciplinary Action by City Manager."
- C. The following are causes for disciplinary action:
1. ~~Unsatisfactory work performance, including a failure to demonstrate a reasonable competence, failure to perform the duties of the position in a satisfactory manner, or failure to demonstrate acceptable work conduct and behaviors as determined by management.~~
 2. ~~Violation of work hours or department attendance policies, including job abandonment. Job abandonment results when an employee does not report for work as scheduled or does not give reasonable notice of absence before his/her scheduled work shift. See Administrative Regulation "Unexcused Absence."~~
 3. ~~Unprofessional behavior. This includes the failure or refusal to follow a supervisor's lawful instructions, also known as insubordination; and disrespectful behavior, including but not limited to, abusive language, and a pattern of destructive gossip.~~
 4. ~~Creation of a hostile work environment. Examples of such conduct include: bullying, harassment, physical or verbal abuse, intimidating, menacing, tampering, stalking, erratic or raging behavior, threats~~

of violence, horseplay that results in physical or emotional harm, sabotage, and threatening behavior. It may also include, but is not limited to insults; comments or actions based on negative stereotypes; hostile acts, pranks, or remarks; and the circulation of offensive or demeaning materials. See Administrative Regulations "Workplace Violence" and "Harassment."

5. Failure to immediately report an arrest or charge with a crime (excluding minor offenses and traffic offenses) to his/her supervisor as set forth in Section 4.16.070.
6. Entry of a plea of guilty or nolo contendere or entry into a deferred judgment and sentence or conviction for a felony.
7. Conviction of a crime that involves moral turpitude, the abuse of public office, or any breach of law consistent with the terms of Section 24-34-402.5, C.R.S.
8. Conduct outside the workplace that interferes with the employee's ability to properly perform his/her duties or that substantially prejudices the conduct of the City of Lakewood's business. This also pertains to inappropriate conduct outside the workplace that affects the public trust by an employee in a position of authority, including, but not limited to, law enforcement and child care related positions.
9. Violation of conflict of interest provision as set forth in Section 4.16.010. See Administrative Regulation "Conflict of Interest and Standards of Conduct."
10. Falsification or material omission in the employment application process or any City of Lakewood-related record, including time entry.
11. Any conduct demonstrating dishonesty in the workplace, including in verbal or written communication.
12. Any theft, willful or negligent damage, waste, or unauthorized or improper use of property or assets belonging to the City of Lakewood, an employee, or anyone else. Unauthorized or improper employee use of City of Lakewood services, software, Internet, phone mail, e-mail, or equipment. Refer to Administrative Regulations "E-mail Systems Usage Policy" and "Internet Access and Usage Policy."
13. Excessive absenteeism. This does not include appropriate FMLA use.
14. Disclosing sensitive or confidential information.
15. Possession or use of alcohol or drugs or being under the influence of alcohol or drugs while on duty or on call. Testing positive on a drug or alcohol test, regardless of when or how the alcohol or drugs were consumed. Employees are encouraged to notify their supervisors when taking any medications that could impair the performance of their job duties. See Administrative Regulation, "Drug and Alcohol Impairment Free Workplace."
16. Any action or condition that poses a direct threat to anyone's health or safety or to City of Lakewood property.
17. Failure to maintain specified department physical or mental fitness levels.
18. Conduct that violates any federal or state anti-discrimination law pertaining to employment, including all forms of harassment or discrimination.
19. Refusal or neglect to work overtime as directed, to work a designated shift or schedule, working overtime without authorization, or to answer cell phones.
20. Violation of state or federal law or City of Lakewood policies, procedures, ordinances, administrative regulations, or department rules.
21. Conduct that would compromise or harm the City of Lakewood's or the public's interest, such as damaging a reputation or sabotaging a negotiation.

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22. ~~Any other unsatisfactory performance, breach of confidentiality, or unacceptable conduct which, in the opinion of management, affects the employee's performance or the effective functioning of other employees, or undermines public trust in the integrity of the City of Lakewood.~~

~~D. — Administrative leave may be granted by a supervisor. As soon as practical, supervisors should notify and consult with the Department of Human Resources when there is need to remove the employee from the workplace promptly because of a possibility of violence, disruption of work, insubordination, damage to property or persons, and apparent use of intoxicants or drugs, or for any other reason that requires immediate removal. When the City of Lakewood needs to conduct an in-depth investigation, a supervisor may place the employee on administrative leave.~~

~~(Ord. O-2019-24 §§ 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).~~

4.20.030 Forms of disciplinary action.

~~A. — *Reprimand.* A disciplinary authority may reprimand an employee in writing.~~

~~B. — *Suspension.* A disciplinary authority may suspend an employee from employment without pay.~~

~~C. — *Demotion.* A disciplinary authority, upon consultation with the Department of Human Resources, may demote an employee.~~

~~D. — *Termination.* A disciplinary authority, upon consultation with the Department of Human Resources, may terminate an employee.~~

~~Medical separations are not considered disciplinary and do not fall within the scope of the disciplinary procedure set forth in Section 4.20.040. See Section 4.07.030, Transitional status and medical separations.~~

~~E. — *Suspension pending criminal prosecution.* An employee who is charged with a crime may be placed on leave with or without pay, suspended without pay, or terminated at the discretion of the City of Lakewood. While the employee awaits criminal prosecution, the City of Lakewood may keep the employee on administrative leave or suspension and delay the disciplinary process.~~

~~(Ord. O-2019-24 §§ 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).~~

4.20.040 Disciplinary procedure.

~~A. — *Reprimand.* A disciplinary authority may reprimand an employee in writing. A written reprimand shall become a permanent record in the employee's personnel file. The employee shall receive a copy of a written reprimand and may write a response, though no follow-up action is required by the City of Lakewood. A copy of any response submitted shall also be kept permanently in the employee's personnel file.~~

~~B. — *Suspension of up to two work days.* A division manager, department director may suspend an employee without pay for up to two work days. Before a final determination is made regarding the imposition of a suspension, the disciplinary authority shall meet with the employee to discuss the matter and proposed action. The employee shall have the opportunity to express his/her views of the matter. If a suspension is imposed, the employee shall receive a written suspension notice as a permanent record for his/her personnel file. The employee is also entitled to write a response, which shall also be permanently placed in the personnel file.~~

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- C. ~~*Suspension of more than two days, demotion and termination.*~~ When an employee, by behavior or performance, shows the supervisor or other disciplinary authority that these disciplinary actions may be required, the following procedures shall be employed:
1. ~~Within a reasonable time period after determining that a disciplinary action is warranted, the supervisor will prepare a "Recommendation of Disciplinary Action" memorandum containing a rationale and recommended action. The supervisor should submit the recommendation through the line of authority to the appropriate department director. This memorandum will not be available to the employee or made part of the employee's personnel file.~~
 2. ~~The department director shall, in consultation with the Department of Human Resources, conduct an appropriate review. If s/he decides that disciplinary action is appropriate, the department director shall notify the employee in writing why s/he is considering disciplinary action. This "Notice of Consideration of Disciplinary Action" outlines the Recommendation of Disciplinary Action memorandum, excluding the recommended action to be taken. It also sets a time and place for the employee to meet with the department director to respond to the notification. It offers the chance for the employee to submit a written or verbal response. This memo and any subsequent response shall be permanently placed in the employee's personnel file.~~
 3. ~~After the employee receives this memorandum, s/he will meet with the department director to review any response. The employee is not entitled to representation, including legal counsel, at this meeting. At the department director's discretion, the employee's supervisor may be present. The department director shall then determine what disciplinary action, if any, shall be taken. If disciplinary action is taken, the employee shall receive a memorandum explaining the discipline. This memo is titled "Notice of (the type of disciplinary action)." This memorandum shall include reasons and the effective dates of the action, and will be placed in the employee's personnel file as a permanent record. If the disciplinary action is termination, demotion, or suspension of more than two days, the notice shall advise the employee of his/her appeal rights. The disciplinary action takes effect as recommended in the memorandum regardless of any subsequent appeal.~~

~~(Ord. O 2019 24 §§ 3 and 4, 2019; Ord. O 2014 9 § 1, 2014; Ord. O 2009 43 § 1, 2009; Ord. O 2007 7 § 1, 2007; Ord. O 2004 39 § 1, 2004; Ord. O 2001 49 § 1, 2001; Ord. O 99 34 § 1, 1999; Ord. O 99 18 § 1, (part), 1999).~~

4.20.050 Appeal of disciplinary action.

Persons terminated, demoted, or suspended for more than two working days, shall be entitled to appeal. An appeal may be initiated only by filing written notification with the Director of Human Resources within ten calendar days of delivery to the employee of written notification of the disciplinary action.

- A. The Director of Human Resources shall maintain a list of impartial and qualified hearing officers. Upon receipt of any notice of appeal of disciplinary action, the Director of Human Resources shall provide the employee with this list, and the employee shall select a hearing officer based on availability. If the employee does not select a hearing officer from this list within ten calendar days after receiving the list, the City of Lakewood will choose a hearing officer. It is the Department of Human Resources responsibility to schedule a hearing within 90 days of the appeal. If the appellant or the appellant's attorney has failed to cooperate in the scheduling of the hearing, the appeal is dismissed. If the hearing is not set to occur within 90 days of choosing a hearing officer, due to the appellant or the appellant's attorney, the appeal is dismissed.
- B. The hearing officer shall conduct a hearing according to the Administrative Regulation "Conduct of Appeals of Disciplinary Actions," which provides for notice, procedures to be employed during the hearing, and the right of the appellant to be represented by a layperson or attorney.

The hearing officer may issue subpoenas for witnesses, books, records, documents, and other evidence, and shall have the power to administer oaths. The hearing officer shall be responsible for the conduct of the hearing. No subpoena shall be issued for records pertaining to the discipline or the investigation of any other City of Lakewood employee. No parties shall be entitled to subpoena any evidence not admissible at the hearing. Either party may apply to the hearing officer for the issuance of a subpoena. Subpoenas so issued shall be served and, upon application to the District Court of Jefferson County by a party or the hearing officer, enforced in a manner provided by law for the service and enforcement of subpoenas in civil actions. After a party or the hearing officer submits an application to the District Court of Jefferson County, subpoenas shall be served and enforced according to the civil action statutes. No party shall be entitled to subpoena any inadmissible evidence. The hearing officer has no authority to order the taking of depositions, responses to interrogatories, responses to requests for production of documents, or physical or mental examination of any persons.

The City of Lakewood may be represented by anyone of its choice, including the City Attorney. The Director of Human Resources may attend.

The hearing shall be held at a location designated by the City of Lakewood. The hearing officer shall decide the outcome within 30 calendar days after the hearing is completed, unless good cause exists for additional time. The hearing officer's sole purpose is to determine whether or not "cause" for disciplinary action existed; s/he has no authority to modify disciplinary action. Hearings are closed to the public. After considering the evidence, the hearing officer shall make findings of fact and conclusions in writing, stating whether "cause" for discipline existed. Those findings shall be sent to the City Manager, the appellant or his/her representative, the representative of the City of Lakewood, and the Director of Human Resources.

(Ord. O-2019-24 §§ 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

4.20.060 Modification of disciplinary action.

The City Manager may modify any disciplinary action taken in any instance where "cause" is found for disciplinary action. See Administrative Regulation "Modification of Disciplinary Action by City Manager." If the appellant requests a modification in writing, the City Manager may consider changing the level of discipline. This notification should include reasons for modification, including discipline imposed upon others; his/her own work and discipline record; and any other mitigating circumstances. This request must be submitted directly to the City Manager within ten calendar days of notification of the hearing officer's findings. This request should be focused on the original cause(s) for disciplinary action, but is not to further review whether there was cause for disciplinary action.

After reviewing the findings of fact and conclusions, the City Manager may accept or reject the decision of the hearing officer, or may modify the level of discipline imposed by the department director. In addition, the City Manager may conduct an additional hearing or a limited supplemental hearing. Administrative Regulation "Modification of Disciplinary Action by City Manager" shall provide for notice, procedures to be employed during any hearing, and the right of an employee to representation. The City of Lakewood may be represented by anyone of its choice, including the City Attorney. The City Manager shall conduct the review and render a decision. The City Manager shall notify the person appealing, the department director, and the Director of Human Resources of his/her decision and shall order whatever action, if any, is necessary to implement his/her decision.

(Ord. O-2019-24 §§ 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

4.20.070 Time limits.

If the appellant or his/her representative fail to meet the deadlines stated in Chapter 4.20, the disciplinary action and appeal process will be invalidated and the disciplinary action decision will be upheld. City of Lakewood failure to meet any of these time limits shall not invalidate the process or disciplinary action taken.

(Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

Chapter 4.21 GRIEVANCE PROCEDURES

4.21.010 Statement of policy.

The City of Lakewood is committed to good employee relations practices and sound human resources management. Circumstances may arise that cause employee dissatisfaction.

An employee shall first identify whether the behavior falls into the harassment and related inappropriate conduct as set for in Chapter 4.15. If not, the employee should consider communicating directly with the other party. After the two parties have, in good faith, attempted to resolve their issue together, they may then ask a supervisor for help. Department of Human Resources is also available to offer informal advice to individuals or parties in conflict.

Employees may not file grievances about reasonable departmental administrative practices, such as flexible scheduling or dress codes. Grievances will not be accepted regarding any disciplinary action; general City of Lakewood policy or procedure; performance review; or classification, pay, and benefits. However, eligible employees may file a grievance without fear of reprisal regarding an aspect of his/her work environment that s/he believes is adversely affecting his/her work. The employee may file a grievance using the following process:

1. Within five working days of the matter leading to the grievance, an employee must present the appropriate supervisor with a memorandum describing his/her grievance, stating the facts and the desired action.
2. The department director will immediately notify the Department of Human Resources.
3. The supervisor should work with the employee as soon as possible to rectify the matter. If the matter remains unresolved, the supervisor must explain to the employee, in writing, the supervisor's position.
4. If the employee is dissatisfied with the supervisor's explanation, the employee has five working days to submit a written appeal to the department director. The appeal must indicate the employee's reasons for differing with his/her supervisor's decision.
5. The department director will meet with the employee and the supervisor to discuss the grievance. If discussion does not settle the grievance, the department director will write a decision, which shall be final. The department director may contact the Department of Human Resources for assistance in the resolution.
6. The department director will notify the Department of Human Resources about the action taken.
7. This grievance procedure is an internal process and does not allow any outside representation, including friends, family members or attorneys. Grievances do not become part of an employee's personnel file.

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8. If it is determined that the grievance is harassment, then the procedures found in the Administrative Regulations "Harassment" or "Equal Employment Opportunity" will supersede these grievance procedures.

(Ord. O-2019-24 §§ 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

POLICIES APPLICABLE TO EXECUTIVES¹⁸

Chapter 4.22 GENERAL PROVISIONS

4.22.010 ~~Travel insurance.~~

~~The City of Lakewood may pay the life insurance policy premium for accidental death for Executive personnel traveling on City of Lakewood business. The City of Lakewood shall own the policy, but the executive covered shall designate beneficiary/ies. Other terms, as well as conditions and effective dates, must be approved by the City Manager.~~

~~(Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).~~

4.22.020 ~~Relocation benefits.~~

~~The City Manager is authorized to pay limited temporary housing benefits to any Executive personnel, Department Directors, and division managers relocating to the area. The amount, method, form, and reasons for temporary housing payments shall be set forth in a memorandum executed by the employee and the department director. The department director is authorized to reimburse an Executive employee for all or some of the actual expenses incurred in relocating personal and household belongings to the City of Lakewood.~~

~~(Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).~~

4.22.030 ~~Deferred compensation program.~~

~~The City of Lakewood may commence a deferred compensation program for Department Directors, provided that it not amend or abolish any other ordinance of the City of Lakewood relating to a separate deferred compensation plan for any City of Lakewood employee. The City Manager may approve a contribution plan for Department Directors, not to exceed the limits imposed by IRS regulations.~~

~~(Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).~~

¹⁸Note(s)—These policies apply to: City Manager, department directors, division managers. These policies do not apply to: Regular full- and part-time employees below the division manager level, temporary/seasonal employees, provisional employees, City Council, Mayor, Presiding Judges.

Chapter 4.23 REMOVAL OR SUSPENSION

4.23.010 At-will employment for executive personnel.

Executive personnel (employees who occupy positions in the Executive Occupational Group) are employed at the will of the City of Lakewood and may be terminated, demoted, placed on administrative leave, or suspended without pay for any reason or no reason, with or without notice, or may leave at any point. Neither the City of Lakewood Municipal Code, the City Administrative Regulations, Pay Plan, nor the Benefits Book should be construed by any Executive employee as an express or implied contract guaranteeing the rights of any employee permanently. The City Manager is authorized to terminate Executive personnel.

(Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

4.23.020 Severance agreements.

The City Manager may offer a severance agreement to a department director. A department director may offer a severance agreement to a division manager. The City Manager will set forth severance agreement policies or procedures. Severance agreements will not exceed three months without approval of the City Manager.

(Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

Chapter 4.24 ~~CITY MANAGER SALARY~~

4.24.010 ~~Annual salary of City Manager.~~

~~The City Manager's annual salary shall be established by contract between the City Council and the City Manager, and may be revised periodically by City Council resolution. The salary shall be paid according to the current payroll procedure for other positions.~~

~~(Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).~~

~~POLICIES APPLICABLE TO TEMPORARY/SEASONAL EMPLOYEES¹⁹~~

Chapter 4.25 ~~GENERAL PROVISIONS~~

¹⁹Note(s)—This chapter applies to: Temporary/seasonal employees. This chapter does not apply to: All other employees, City Council, Mayor.

4.25.010 At-will employment.

Seasonal, temporary, probationary, and provisional employees serve at the will of the City of Lakewood and can be terminated at any point without cause. The Disciplinary Action and Appeal Procedure (Chapter 4.20) does not apply to such employees.

(Ord. O 2019-24 § 4, 2019; Ord. O 2014-9 § 1, 2014)

4.25.020 Pay plan.

Subject to approval by the City Manager, any department may hire temporary or seasonal employees at prevailing rates of pay as set forth in the City of Lakewood pay plan. Refer to Administrative Regulation "Temporary/Seasonal Pay Plans."

(Ord. O 2014-9 § 1, 2014; Ord. O 2009-43 § 1, 2009; Ord. O 2007-7 § 1, 2007; Ord. O 2004-39 § 1, 2004; Ord. O 2001-49 § 1, 2001; Ord. O 99-34 § 1, 1999; Ord. O 99-18 § 1, (part), 1999).

4.25.030 Benefits.

Temporary/seasonal employees are not eligible for benefits, such as vacation, sick leave, injury leave, holidays, group life insurance, disability income insurance, or medical and dental insurance. They are, however, enrolled in a mandatory Social Security replacement pension plan.

(Ord. O 2014-9 § 1, 2014; Ord. O 2009-43 § 1, 2009; Ord. O 2007-7 § 1, 2007; Ord. O 2004-39 § 1, 2004; Ord. O 2001-49 § 1, 2001; Ord. O 99-34 § 1, 1999; Ord. O 99-18 § 1, (part), 1999).

4.25.040 Change of status.

If a temporary/seasonal employee is appointed to a regular or provisional position, the date of that appointment shall constitute the employee's "date started" in the Human Resources Information System (HRIS) for purposes of employment seniority.

(Ord. O 2014-9 § 1, 2014; Ord. O 2009-43 § 1, 2009; Ord. O 2007-7 § 1, 2007; Ord. O 2004-39 § 1, 2004; Ord. O 2001-49 § 1, 2001; Ord. O 99-34 § 1, 1999; Ord. O 99-18 § 1, (part), 1999).

4.25.050 Miscellaneous policies.

The following paragraphs contained in the general policies also apply to temporary/seasonal employees: ;B1; Attendance:

Equal employment opportunity policy statement.

Duty fitness.

Overtime.

Family and medical leave including the military leave entitlement as required by law.

Military leaves of absence.

Workers' compensation.

Pay deductions.

~~Emergency response.~~
~~Hours to vote.~~
~~Communication during leaves of absence.~~
~~Non-job-related jury or court leave.~~
~~Use of city-designated vehicles.~~
~~Accidents while operating city-designated vehicles.~~
~~Use of private vehicles.~~
~~Overnight use of city-designated vehicles.~~
~~Federal and state elections and campaigns.~~
~~Solicitation of contributions for political parties or candidates.~~
~~Personnel records (general).~~
~~Personnel records (retention and destruction).~~
~~Release of personnel information.~~
~~Harassment and related inappropriate conduct.~~
~~Workplace violence.~~
~~Life-threatening illnesses.~~
~~Conflict of interest.~~
~~Safe work practices.~~
~~Domestic violence leave.~~
~~Drug and alcohol impairment free workplace.~~
~~Workplace Accommodation for Nursing Mothers Act.~~
~~Such other programs and policies as are designated by applicable law or provision.~~
~~(Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).~~

POLICIES APPLICABLE TO ELECTED CITY COUNCIL OFFICIALS²⁰

Chapter 4.26 ELECTED OFFICIALS

4.26.010 Benefits.

The City of Lakewood may pay limited benefits, such as medical insurance, workers' compensation, travel insurance, and other related benefits to elected officials.

²⁰Note(s)—This chapter applies to: City Council, Mayor. This chapter does not apply to: All other employees.

(Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2004-39 § 1, 2004; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999)

4.26.020 Pay of elected officials.

- A. Commencing with the new term of office resulting from the November 5, 2019, election, each City Council member shall receive an annual compensation of \$15,456.00.
- B. Commencing with the new term of office resulting from the November 1, 2011 election, the Mayor shall receive an annual compensation of \$38,800.00.
- C. The compensation shall be divided into equal payments and paid in accordance with the current payroll procedure for other positions.
- D. During the November prior to each mayoral election, the City Council shall review the mayor's and City Council members' compensation. Any adjustment shall be established by ordinance and take effect according to the Lakewood Home Rule Charter.

(Ord. O-2019-37 § 1, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-14 §§ 1, 2, 2007; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999)

TITLE 4

PERSONNEL MERIT SYSTEM POLICIES

GENERAL POLICIES

Chapter 4.01 GENERAL PROVISIONS

4.01.000 Requirements of Section 4.7 of the Lakewood Municipal Charter.

Section 4.7 of the Lakewood Municipal Charter (Charter §4.7) establishes the personnel merit system for the employment, promotion, and evaluation of employees of the City. The personnel merit system shall be based upon principles of merit. The personnel merit system, as set forth within this code, shall include but not be limited to provisions regarding the following:

- (1) Procedures for employment and promotion based on merit;
- (2) Procedures for reasonable probationary periods for employment and promotions;
- (3) Procedures for the resolution of grievances of employees;
- (4) Procedures for administrative appeal of disciplinary action, including discharge, taken against a non-probationary employee, which shall include notice, hearing, and the right to be represented; and
- (5) A requirement that any disciplinary action taken against a non-probationary employee (excluding managerial, executive and confidential employees), including but not limited to suspension or discharge from employment, shall be for cause.

4.01.010 Applications and authority.

The Personnel Merit System Policies ("policies" or "personnel policies") set forth in this chapterCode, in accordance with Charter §4.7, shall be applicable to all employees of the City of Lakewood except as otherwise provided by City Charter, State statute, Federal law, judicial decision, City Charter, ordinance or the policies set forth in this chapter. In accordance with Section 5.10 of the City Charter, all employees of the Municipal Court, except as otherwise provided in the city's Charter, shall be subject to the personnel merit system. The Presiding Judge shall have the power and authority to appoint, promote, suspend, transfer, and remove employees of the Municipal Court subject to the provisions of the Charter and the personnel merit system. Notwithstanding this limitation, the Presiding Judge of the Municipal Court shall have the power and authority to promulgate such rules and orders as may be necessary and proper provided that such rules and orders do not conflict with the requirements of the personnel merit system or Colorado Supreme Court Rules. The City Attorney shall have the power and authority to appoint, promote, suspend, transfer, and remove City of Lakewood employees of the City Attorney's office in accordance with the provisions of the personnel merit system-these policies. The Director of Human Resources (Director) shall serve as an advisor to the Municipal Court and City Attorney's office in matters involving the personnel merit system.

Any policy giving decision-making authority to the City Manager, Presiding Judge, City Attorney, department director, division manager, or other supervisor allows for a designee to act on that person's behalf in his/her absence. "Administrative Regulations" and the "Employee Benefits Book," which contain further information about policies in this manual, are updated regularly on COLOR, the City of Lakewood's employee intranet.individual's behalf.

(Ord. O-2019-24 §§ 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

Unless otherwise noted this Code does not apply to: City Manager, City Attorney, all judges of the Municipal Court or non-employees of the City such as elected officials and members of boards and commissions.

4.01.020 Rules subordinate to applicable law, relevant judicial decisions and rules of court.

~~The Personnel~~These Policies are subordinate to those federal laws, state statutes, or other laws that supersede Charter §4.7, including any relevant judicial decisions and officially adopted rules of court,~~which shall take precedence in the event of a conflict or inconsistency with the Personnel Policies.~~

~~(Ord. O 2014 9 § 1, 2014; Ord. O 2009 43 § 1, 2009; Ord. O 2007 7 § 1, 2007; Ord. O 2004 39 § 1, 2004; Ord. O 2001 49 § 1, 2001; Ord. O 99 34 § 1, 1999; Ord. O 99 18 § 1, (part), 1999).~~

4.01.030 Prerogatives reserved.

~~The administration of the City of Lakewood may manage the City of Lakewood's business using its judgment and following applicable statutes, ordinances, and regulations, to:~~

~~A. — Discipline employees as appropriate for cause pursuant to the Personnel Merit System;~~

~~B. Hire~~In accordance with Charter §3.3, the City Manager of the City of Lakewood shall exercise supervision over all administrative departments and employees of the City of Lakewood, in conformance with the City's applicable Charter, Municipal Code, City Administrative Regulations and other relevant laws. This includes authority over the following:

A. Disciplinary Action

B. Employment Status

Includes: Recruitment, Transfers, Promotions, Demotions, Vacancies, Employee Separations, Reduction in Force and Layoffs, and Retirement

Hire, monitor probationary periods, promote, demote, transfer, assign, separate, retire, separate through a reduction in force, and recall employees to work;

C. Employee Development

Includes: Education and Training, Performance Evaluations, Recruitment, and Examinations

Judge the skill, ability, efficiency, and qualifications of all employees, and otherwise evaluate employee performance;

D. Hours of Work.

Incudes: Holiday Pay, On-Call, Call-in, Call-Back and Unscheduled Split Shift, Overtime and Compensatory Time, Shift Differential Pay, Sick Leave Policy, Unexcused Absence, Teleworking, Training and Travel Time, and Personal Leaves of Absence

Determine and change any conditions of employment, including, but not limited to, the starting and ending times, the number of hours on the shift to be worked, days off to be taken, and the number of hours in the ~~employee's~~employees' work week;

~~E. Revise, eliminate, combine, or establish new jobs, benefit plans,~~Compensation

Includes: Pay Plan, Variable Pay Plan, Bonus Program, Attraction and classifications;~~Retention Bonus Pay, Car Allowance, New Employee Hiring Incentives~~

~~F. Establish compensation plans and programs;~~Use of City Equipment

~~G. — Maintain control and regulate the use of City of Lakewood property and equipment;~~

~~H. —~~Includes: Vehicles and Equipment, Mobile Device Use, Acceptable Technology Use

G. Workforce Planning

Reduce or expand the operation of the City of Lakewood or its departments;

~~I. Determine the number, size, location, and operation of facilities and departments, groups, or divisions;~~

~~J. Determine work assignments and the size and composition of the workforce~~

H. Independent Contractors

Determine City of Lakewood services and subcontract for them as required;

~~K. Determine work assignments and the size and composition of the work force;~~

~~L. Make, change, and enforce rules, policies, guidelines and practices;~~

~~M. Establish quality standards;~~

~~N. I. Acceptable Technology Use, Information Technology Procurement, Mobile Device Use~~

Introduce technological changes and new, improved, or modified services, methods, techniques, and equipment;

~~O. J. Administrative Regulations~~

~~Shall include regulations pertaining to:~~

~~Make, change, and enforce rules, policies, guidelines, practices and quality standards~~

~~Direct and supervise the work force; and workforce~~

~~P. Manage operations-~~

~~(Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).~~

Revise, eliminate, combine, or establish new jobs, benefit plans, and classifications

4.01.040 Amendments to policies; Codification.

The City Manager may from time to time propose ~~Personnel Policy~~ amendments to these policies to the City Council. Amendments shall become effective when adopted by the City Council or on an effective date designated by the City Council. ~~Current policies and administrative regulations shall be maintained in each department, on the City of Lakewood's intranet, and in the Department of Human Resources. The Personnel Policies shall be public records available for inspection by the public during normal business hours.~~

~~(Ord. O-2019-24 § 3, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).~~

These policies shall be codified in the Lakewood Municipal Code.

4.01.050 Administrative regulations.

~~The City Manager may change written administrative procedures, rules, or regulations, provided they do not conflict with these policies. Administrative regulations specify detailed procedures for administration of broad policy guidelines. These can also be viewed on the City of Lakewood's Intranet or website.~~

~~(Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).~~

Administrative regulations promulgated by the City Manager shall set forth the procedures, rules, and regulations pertaining to the administration of these Policies and also for carrying out the duties and responsibilities of employment with the City. The City Manager shall have the authority to amend such regulations as needed. Additionally, each department may also adopt departmental operating policies/procedures/regulations specific to the needs of and services provided by the department provided such administrative regulations do not conflict with this Code.

4.01.060 Definitions.

As used in these Personnel Merit System Policies, the following terms shall have the following meanings:

Administrative leave. Time off with or without pay, granted at the discretion of a supervisor in consultation with the Department of Human Resources.

Administrative regulations. ~~These set~~Regulations setting forth the procedures, rules, and regulations pertaining to the administration of ~~the these~~ Personnel Merit System Policies ~~and the general administration of personnel.~~ The City Manager has the authority to amend them as needed.

~~Alternative duty. In some circumstances, a temporary adjustment to an employee's job duties incorporating physician ordered medical restrictions may be possible. Such assignments are available at the supervisor's discretion. Alternative duty may include temporary assignment, a different position, temporary limitations on the number of hours worked, or some combination of all alternatives.~~

Appeal. The employee's formal challenge to a disciplinary action.

~~Applicant. A person who has filed an application for employment, submitted a résumé, or filed a promotional consideration form for an open job.~~

Appointment. ~~The placing~~Placing of a person in a regular full-time, regular part-time, provisional full-time, provisional part-time, ~~temporary~~variable, or seasonal position.

At-will employment. An employee serving at the will of the City of Lakewood may separate employment at any time or be separated at any time, for any or no reason. At-will employees at the City of Lakewood generally include division managers and higher, ~~and level employees, as well as~~ provisional and ~~temporary~~variable and seasonal employees. ~~New~~All new employees serving an initial probationary period also serve at-will.

~~Career ladder. A path for advancement within a profession with expectations and qualifications defined for each level. Each department retains the right to determine, in consultation with the Department of Human Resources, expectations, movement, and distribution on the ladder.~~

City Manager. The chief administrative officer of the City, appointed by the City Council and invested with those powers and authorities as set forth with the City's Charter, Code, State law and all other applicable laws and regulations. Whenever the term City Manager is used within these policies it shall include the City Manager's Designee.

Classification. Determination of the occupational group, pay level, and exemption status of a position based on the duties performed, authority, responsibilities exercised, and the pay level of comparable positions.

Compensation. Pay, wage, allowance, and all other forms of valuable consideration an employee earns for services to the City of Lakewood.

~~Compensatory time. Time off accrued by an eligible non-exempt employee as compensation in lieu of paid overtime. Also known as "comp time," compensatory time is accrued at a rate of time and one-half of the overtime hours worked. Use of accrued comp time is not required within the pay period in which the time was earned. Time is recorded according to a 40-hour week (or 80 hours in a two-week pay period for police agents, police sergeants, and court marshals).~~

~~Contractor or independent contractor. An individual who performs work for the City of Lakewood, but is not a City of Lakewood employee. Contractors must meet classification criteria governed by federal agencies, including~~

~~the Internal Revenue Service, the federal and state Departments of Labor, and the division of Workers' Compensation and Unemployment. An independent contractor must also meet the criteria as set forth in Section 4.03.060.~~

Demotion. An employee moving from one pay level to a lower pay level. This can be a temporary, involuntary, or voluntary assignment.

Department director. The head of a distinct department. Department Directors report directly to the City Manager.

Disciplinary action. Action taken by the Disciplinary Authority against an employee for cause, which may include reprimand, suspension, demotion, or termination.

Disciplinary authority. The City Manager, a department director, a division manager, or a supervisor may exercise disciplinary authority as set forth in these policies.

Employee. Someone hired into a paid position. Per the Fair Labor Standards Act elected officials, City Council members, appointees to boards or commissions, and volunteers are not employees of the City.

Employee development. Instruction designed to maintain or increase the proficiency, qualifications, knowledge, skills, and abilities of City of Lakewood employees.

~~*Employment seniority.* The total number of consecutive months of service to the City of Lakewood as of the most recent date of hire to a regular or provisional position, regardless of department or classification. Employment seniority will be represented by the date reflected in the "date started" field in the Human Resources Information System (HRIS).~~

Exempt. An employee who is exempt from certain provisions of the Fair Labor Standards Act (FLSA) ~~as further clarified by the Colorado Department of Labor and Employment COMPS Order, 7 CCR 1103-1.~~ Exempt employees do not receive overtime pay for hours worked more than 40 in one week.

Family and Medical Leave which includes Military Family Leave Entitlement. ~~An unpaid~~ job protected leave of absence available to eligible employees that complies with and affords employees the protections of the Family and Medical Leave Act (FMLA).

~~*Full-time employee.* A regular employee who works a minimum of 37 average hours per work week through a one-year period.~~

Grievance. A formal complaint initiated by eligible employees about the work environment.

~~*Hostile work environment.* Unwelcome, unreasonably offensive, severe, or pervasive attacks on an employee's protected status occurring in any place business activities are conducted. It is not a hostile work environment for a supervisor to create legal, ethical expectations or position changes.~~

Job posting. ~~A minimum five-day~~ A notice available to City of Lakewood employees outlining the essential functions, requirements, compensation and details of an open position.

~~*Journey step.* The maximum pay step of the Police Agents' pay level in conformance with State law.~~

Market data. Wage and pay data obtained from a variety of relevant markets, including the public and private sector.

~~*Maximum Medical Improvement (MMI).* A point at which a physical or mental impairment has stabilized and no further treatment is reasonably expected to improve the condition. The requirement for future medical maintenance, which will not significantly improve the condition or the possibility of improvement or deterioration over time, shall not affect a finding of MMI.~~

Medical separation. A separation from employment based upon the determination that, owing to illness or injury, an employee cannot perform the essential functions of ~~his/hersuch~~ employee's job with or without reasonable accommodation. A medical separation is not disciplinary in nature, so appeal rights do not apply.

Non-exempt. An employee who is paid for hours worked is subject to the overtime provisions of the Fair Labor Standards Act (FLSA).

~~*Overtime.* Authorized recorded time of non-exempt employees in excess of 40 hours per week (or 80 hours in a two-week pay period for police agents, police sergeants, and court marshals). City of Lakewood administrative regulations and the Fair Labor Standards Act (FLSA) offer certain exceptions to overtime.~~

~~*Part time employee.* A regular employee who normally works an average of 30—36 hours per week through a one-year period.~~

Pay level. The establishment of a pay range for positions with comparable market data, competency, and authority. For ~~police agents, designated positions~~ the pay level is a series of pay steps.

Performance Review and Development System (PRD). A method for documenting, evaluating, and managing employee performance.

~~*Personal leave of absence.* A period from 30 days to one year in which an employee is temporarily away from his/her job for authorized personal reasons. This requires using accrued leave (other than sick leave).~~

Personnel merit system policies. Title 4 of the Lakewood Municipal Code. May also be referred to herein as Personnel Merit System Policies or these policies.

Position. A specific job in the City of Lakewood within a classification, occupational group, and pay level. ~~These positions can be regular or provisional (authorized in the budget), or temporary/seasonal.~~

~~*Positional seniority.* The total number of months of service since the last date of appointment to the employee's current regular position. With the authorization of the Director of Human Resources, seniority may be reinstated to an earlier date. Positional seniority will be represented by the date reflected in the "date in current job" field in the Human Resources Information System (HRIS).~~

~~*Position change.* A movement from one specific job in the City of Lakewood to another.~~

~~*Positional probation.*~~ *Positional training period.* Any regular employee who receives a promotion, demotion, or lateral transfer shall serve a period of positional probation and remains otherwise training during which such employee will be evaluated as to such employee's ability to carry out the duties of the new position but shall otherwise remain entitled to the procedures outlined here for regular employees.

Probationary employee. An employee newly hired, serving a probationary period. An initial probationary employee is at will. Includes employees moving from variable or seasonal to regular or provisional.

Probationary period. The designated period of initial employment which is generally between six- to 12-month ~~twelve months of time~~ actually worked for the City during which an ~~employee's~~ employee's skills, abilities, performance, and other job-related criteria are evaluated to determine ~~his/hersuch employee's~~ such employee's suitability for ~~appointment to a regular position~~ their employment. Police agents serve a two-year probationary period. Each employee will be notified of the term of probation associated with such employment at the start of such employment. Certain types of federal or State protected leave will toll the probationary period.

Promotion. The movement of an employee from one pay level to a level with higher pay and increased responsibility. This can be a temporary, permanent, voluntary, or involuntary assignment.

Promotional list. A list of candidates eligible for a promotion. This list expires after a certain period of time, depending on department standards. and is carried out in conformance with the Equal Pay for Equal Work Act (Title 8, Article 5, Part 2 (C.R.S. §§ 8-5-201 to 8-5-203) (2021) ("Transparency in Pay and Opportunities for Promotion and Advancement")).

Provisional employee. A full- or part-time employee hired for a period of less than two years who receives benefits ~~(except pension contributions),~~ but is not entitled to all rights and privileges afforded a regular employee. Provisional employees serve at will.

Reclassification. A newly assigned classification of a position based on a study of various criteria pertaining to the position. A position classified from full-time to part-time or vice versa is considered a reclassification.

Reduction in force. Non-disciplinary termination of an employee from a position because of a reorganization; completion or alterations of required programs, projects, or services; changes in methodology by which the service is provided; reductions in service levels; budgetary or related economic restraints, restrictions, or decisions; or other situations that alters the need for a position. Also known as RIF.

Regular employee. An employee who has been assigned to a full- or part-time position in the City of Lakewood, receives benefits (including pension contributions), and is afforded the rights and privileges described in the Personnel Merit System Policies.

Resignation. A voluntary separation from employment. An impending resignation should occur in writing when practical. If an employee voices the intent to resign, the supervisor may accept this declaration with a third party as a witness.

~~*Retirement.* Separation from the City of Lakewood by an employee who meets specific criteria outlined in the "Employee Benefits Book." A retirement must occur in writing.~~

Seasonal employee. A full- or part-time hourly employee hired for a designated period, generally less than nine months. Seasonal employees serve at will and are entitled to limited benefits and privileges.

Separation. General term for any employee departure from City of Lakewood employment.

~~*Special Performance Improvement Plan.* A specialized performance review. A which occurs within a set time period after an employee's overall performance is rated "needs improvement" or "unacceptableunsatisfactory." This is a tool to improve or develop an employee's performance. If performance does not improve and remain consistent or is not sustained, the employee may be subject to disciplinary action, up to and including termination.~~

Step or pay step. The pay allocation within the police agents' positions' pay level.

Suspension. A period during which an employee is prohibited from reporting to work. A suspension may be imposed with or without pay as appropriate under the circumstances, and may be imposed during a pending criminal prosecution. The City of Lakewood may delay disciplinary action through the suspension period.

Temporary assignment. A period during which an employee takes on different or additional responsibilities. Compensation may increase temporarily, but position and title remain the same.

~~*TemporaryVariable employee.* An employee who has not been assigned to a regular or provisional position and whose work schedule is generally part-time. TemporaryVariable employees serve at-will and are entitled to limited benefits and privileges.~~

Termination. Involuntary separation from employment.

Transfer. The movement of any City of Lakewood employee from one position to another with the same or similar pay level and degree of responsibility, or from one department/division to another department/division. This can be a temporary, permanent, voluntary, or involuntary assignment. Such a transfer will not result in a change in compensation.

~~*Transitional status.* The temporary employment status assigned to an employee after an injury or illness that causes the employee to be unable to perform one or more of the essential functions of the position, with or without reasonable accommodation. An employee may receive FML or need to work an alternative or reduced-hour schedule. Such employee placed on transitional status may be offered alternative duty. Transitional status may be used for up to one year with a possible four-month extension for good cause. The length of transitional status will take into account the number of employees in the unit and is determined by the supervisor or manager of that unit in consultation with Department of Human Resources. The transitional status process is administered in accordance with Section 4.07.030.~~

~~Vacancy notice. A five day minimum posting to City of Lakewood employees outlining the essential functions, requirements, and details of a vacant position. This is also known as a "job posting."~~

Work environment. Any work area on or off City of Lakewood property where City of Lakewood business is conducted.

~~{Ord. O 2019 24 § 3 and 4, 2019; Ord. O 2014 9 § 1, 2014; Ord. O 2009 43 § 1, 2009; Ord. O 2007 7 § 1, 2007; Ord. O 2004 39 § 1, 2004; Ord. O 2001 49 § 1, 2001; Ord. O 99 34 § 1, 1999; Ord. O 99 18 § 1, (part), 1999}.~~

Chapter 4.02 PAY PLAN

4.02.010 Pay concepts and philosophies.

The City Council has authority over the City of Lakewood's broad compensation concepts and philosophies. ~~At this time, the~~The City of Lakewood embraces a market-driven, performance-based pay system that recognizes budgetary influences and constraints, in accordance with all applicable State and Federal law.

At least annually, the Department of Human Resources shall study the factors affecting the level of pay for all positions and make corresponding pay recommendations to the City Manager. The City Manager shall annually review the pay ranges. The pay plan and base pay compensation levels for regular full-time and regular part-time, as well as for provisional and ~~temporary~~variable/seasonal positions, shall be set forth in Administrative Regulations "Pay Plan" and "~~Temporary~~Variable/Seasonal Pay Plans." All employees shall be assigned a pay range and paid ~~biweekly.~~

~~{Ord. O 2019 24 § 3 and 4, 2019; Ord. O 2014 9 § 1, 2014; Ord. O 2009 43 § 1, 2009; Ord. O 2007 7 § 1, 2007; Ord. O 2004 39 § 1, 2004; Ord. O 2001 49 § 1, 2001; Ord. O 99 34 § 1, 1999; Ord. O 99 18 § 1, (part), 1999}.~~

bi-weekly.

4.02.020 Establishment of classifications.

The City Manager ~~is authorized to~~will implement and maintain a classification system, paying positions the appropriate base pay as established by Chapter 4.02. The City Manager shall authorize the classification titles and corresponding occupational category levels.

~~{Ord. O 2014 9 § 1, 2014; Ord. O 2009 43 § 1, 2009; Ord. O 2007 7 § 1, 2007; Ord. O 2004 39 § 1, 2004; Ord. O 2001 49 § 1, 2001; Ord. O 99 34 § 1, 1999; Ord. O 99 18 § 1, (part), 1999}.~~

4.02.030 Maintenance of plan.

The City Manager shall periodically order a study of the duties, responsibilities, and associated factors of all positions within the City of Lakewood. The study shall address the appropriate pay rates and classifications for each position based upon market data, nature of work, duties, responsibilities, and authority within that position. The City Manager shall make amendments to the classification plan whenever data indicates the necessity for a change.

~~{Ord. O 2019 24 § 4, 2019; Ord. O 2014 9 § 1, 2014; Ord. O 2009 43 § 1, 2009; Ord. O 2007 7 § 1, 2007; Ord. O 2004 39 § 1, 2004; Ord. O 2001 49 § 1, 2001; Ord. O 99 34 § 1, 1999; Ord. O 99 18 § 1, (part), 1999}.~~

4.02.040 Placement of positions within pay levels.

Positions in the City of Lakewood shall fall within the pay levels prescribed by the City Manager. Final determination of the placement of positions in pay levels and classifications shall be approved by the City Manager after considering the recommendation of the Department of Human Resources.

~~{Ord. O 2019-24 § 3 and 4, 2019; Ord. O 2014-9 § 1, 2014; Ord. O 2009-43 § 1, 2009; Ord. O 2007-7 § 1, 2007; Ord. O 2004-39 § 1, 2004; Ord. O 2001-49 § 1, 2001; Ord. O 99-34 § 1, 1999; Ord. O 99-18 § 1, (part), 1999}.~~

4.02.050 New positions.

Any position added to the city pay plan shall be assigned an appropriate classification. Managers should develop a job description and consult with Department of Human Resources before submitting the position for approval to the City Manager. New positions should be requisitioned through the annual budget process.

4.02.060 Reclassification.

A reclassification of a position may be considered when a study has shown that the duties and level of responsibilities (especially decision making) of a current position have significantly changed. Additionally, a reclassification may be applicable if the job evolves into a position that currently exists in the pay plan, or when sustained market data indicate the need for a reclassification. (This may include a position that goes from regular part-time to regular full-time or from regular full-time to regular part-time.) A position may move to a higher level, a lower level, or remain at the same level. Requests for reclassification, along with an accurate job description, shall be submitted in writing as directed by the Administrative Regulation "~~Reclassification/Classification Requests~~Workforce Planning." This regulation requires a supervisor to list reasons for a reclassification study. The Department of Human Resources may reclassify positions with good and sufficient reason. Reclassifications shall not be proposed solely for the purpose of effecting pay adjustments or individual promotions/demotions.

Reclassifications should be requisitioned through the annual budget process.

~~{Ord. O 2019-24 § 3, 2019; Ord. O 2014-9 § 1, 2014; Ord. O 2009-43 § 1, 2009; Ord. O 2007-7 § 1, 2007; Ord. O 2004-39 § 1, 2004; Ord. O 2001-49 § 1, 2001}.~~

4.02.070 Pay.

Employees shall be assigned a base pay rate in conformance with the pay plan. The City Manager shall establish by written order to the Director of Human Resources the base pay rate of each City of Lakewood employee. Relevant factors in establishing or changing base pay rates include competence, diligence, and efficiency. In addition, the City Manager may, at ~~his/her~~the Manager's discretion, grant pay increases at any time to any ~~of the employees~~employee as long as doing so does not exceed the budget and is in conformance with all applicable laws. The City Manager is authorized to make an exception to the assignment of an employee's pay in the pay plan.

~~{Ord. O 2019-24 § 3 and 4, 2019; Ord. O 2014-9 § 1, 2014; Ord. O 2009-43 § 1, 2009; Ord. O 2007-7 § 1, 2007; Ord. O 2004-39 § 1, 2004; Ord. O 2001-49 § 1, 2001}.~~

4.02.080 Use of pay ranges/pay steps.

The department director shall, in consultation with the Department of Human Resources, authorize appointments or reinstatements at a rate within the pay range for the position's classification. In addition, appointments or reinstatements for police agents shall be authorized at the appropriate step rate.

~~{Ord. O 2019-24 § 3, 2019; Ord. O 2014-9 § 1, 2014; Ord. O 2009-43 § 1, 2009; (Ord. O 2007-7 § 1, 2007; Ord. O 2004-39 § 1, 2004; Ord. O 2001-49 § 1, 2001)}.~~

4.02.090 ~~Police-step~~ Step system.

A movement of ~~Police agents'~~established position pay through a determined set of increases scheduled in the pay plan. In addition, appointments or reinstatement ~~for Police agents of positions~~ shall be authorized at the appropriate step rate.

~~{Ord. O-2014-9 § 1, 2014}~~

4.02.100 Pay advancement.

Pay advancement shall be in conjunction with pay plans and dependent upon the budget and employee performance. The City Manager has final authority over recommended pay adjustments.

~~{Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001}.~~

4.02.110 Bonus plan.

The City Manager may establish a bonus plan to specify criteria for bonus awards. The City Manager has final authority over awards relating to the bonus plan, and shall not grant any bonus award that would compromise the total compensation budget for the fiscal year.

~~{Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001}.~~

Chapter 4.03 RECRUITMENT

4.03.010 Eligibility for employment.

Applicants may be eligible for employment consideration with the City of Lakewood if they possess the minimum qualifications of the job, meet established selection criteria, and are able to perform the essential functions of the position with or without reasonable accommodation. ~~#~~For emergency personnel only, an eligibility list has been established, the in conformance with applicable pay promotion and advancement law may be used in lieu of individual position does not need to be re-advertised advertisement.

~~{Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; {Ord. O-2019-24 § 4, 2019; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999}.~~

4.03.~~030020~~ Announcement of vacancies.

The Department of Human Resources shall prepare and post recruiting notices in venues designed to attract the most qualified candidates. All recruiting notices and other vacancy publicity shall explicitly state that the City of Lakewood is an Equal Opportunity Employer.

~~{Ord. O-2019-24 §§ 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999}.~~

Applications for all positions must be submitted through the HRIS (Human Resources Information System) on or before the stated deadline. Jobs are posted to City of Lakewood employees outlining the essential functions, requirements, compensation, and details of an open position in conformance with State Law.

Chapter 4.04 MISCELLANEOUS RULE

4.07.03004.010 Transitional status and medical separations.

~~An employee who can no longer perform the essential functions of his/her job because of injury, illness, or other medical condition, with or without reasonable accommodation, will be considered for transitional status. Once placed on transitional status, the employee's prognosis, treatment plan, and progress toward Maximum Medical Improvement (MMI) or return to work status will be periodically monitored to determine if and when the employee may return to work and whether the employee requires assignment to Alternative Duty. As part of this process, the Department of Human Resources shall informally review the employee's transitional status every 90 days.~~

~~Transitional status may not exceed 12 months, except upon the approval of the Director of Human Resources and the City Manager. If an employee has been on transitional status multiple times over a period of time, including the span of several months for the same or differing injuries or illnesses, the number of months will be added together to determine the length of time the employee has been on transitional status. The time frame will be determined by the circumstances of the illness or injury. When the transitional status time frames reach a total of 12 months or 365 days, the employee will be considered for a medical separation. In some cases, the time frame for transitional status will be less than one year. Each department director chooses one of the following time frames for each work group, depending on the number of employees able to manage the absent employee's workload: the FML period itself, a total of six months or total of one year. FML, when applicable, must be exhausted prior to the medical separation.~~

~~An employee placed on transitional status who has exhausted applicable Family Medical Leave hours may be separated from employment at any point if s/he is not able to perform the essential functions of his or her job with or without reasonable accommodation. Transitional status is temporary. Reliability and being present are essential functions of every City of Lakewood job; therefore, teleworking cannot be a reasonable accommodation or an alternative duty. Once transitional status is exhausted, being present, fulfilling a work schedule and able to perform the essential functions of a position is necessary. The ability to perform the essential functions of the job may be determined by a Duty Fitness Examination, as set forth in section 4.08.010 and Administrative Regulation, "Duty Fitness Examinations." A separation under these circumstances will constitute a medical separation. Medical separations are not disciplinary and do not fall within the scope of the disciplinary procedure set forth in Section 4.20.040.~~

~~When the Department of Human Resources, in conjunction with a physician's opinion or the employee's department director, determines that a medical separation may be necessary, it shall provide the employee written notice stating the department's rationale and setting a meeting to review the employee's circumstances. This informal, pre-separation review shall be conducted solely for all parties to consider the reasons that have led the Department to initiate a medical separation. The employee shall cooperate with any necessary job-related examination.~~

~~At this review, the employee may respond, orally or in writing, to the Department's reasons for considering a medical separation. Because this review is informal, the employee is not entitled to legal counsel or any other representation including friends or relatives at any administrative meeting. If, following this informal review, the Department of Human Resources, in conjunction with a designated physician and the employee's department director, determines that a medical separation is necessary, the employee will be notified in writing. This decision is final and cannot be appealed. If a person who was medically separated during a transitional status period is able to return to his/her previous job before the transitional status period has expired, s/he will not need to apply for the position. Refer to Administrative Regulations "Transitional Status and Med Separation" and "Family Medical Leave Act."~~

~~(Ord. O-2019-24 §§ 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004).~~

~~4.17.010A medical separation decision is final and cannot be appealed.~~

4.04.020 Violation of policies.

Violation of any policy shall be grounds for disciplinary action, including but not limited to reprimand, suspension, demotion, or termination. An employee who has been terminated or suspended for more than two days- and believes that no cause for discipline existed may appeal in accordance with Chapter 4.20.

~~(Ord. O 2014-9 § 1, 2014; Ord. O 2009-43 § 1, 2009; Ord. O 2007-7 § 1, 2007; Ord. O 2004-39 § 1, 2004; Ord. O 2001-49 § 1, 2001; Ord. O 99-34 § 1, 1999; Ord. O 99-18 § 1, (part), 1999).~~

4.16.08004.030 Employee administrative meetings.

Administrative meetings at the City of Lakewood take place with the employee and City of Lakewood personnel only. No representatives, such as family members, friends, or attorneys are allowed.

~~(Ord. O 2019-24 § 4, 2019; Ord. O 2014-9 § 1, 2014).~~

Chapter 4.05 EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

4.1405.010 Policy.

The City of Lakewood provides equal employment opportunities to all persons without regard to an individual's race, color, creed, national origin, religion, ancestry, sex, sexual orientation (including transgender status), age, military service, veteran status, marital status, genetic information, pregnancy or disability, or any other applicable status protected by state or federal law. The City of Lakewood does not tolerate discrimination, harassment, or retaliation and promotes equal pay for equal work.

The City of Lakewood promotes an atmosphere of respect and acceptance in all interactions both internally and externally. The City of Lakewood recognizes that its citizens and employees have varied backgrounds, experiences, and differences; therefore, the City of Lakewood works hard to create a culture of inclusion. The City of Lakewood strives to reflect its community while fostering the development and advancement of qualified individuals.

Any employee who believes ~~s/he~~such employee has been the subject of discrimination for any protected status should immediately file a formal written complaint to report the alleged act to ~~his/her~~such employee's supervisor or department director or to the Department of Human Resources. Supervisors who receive these complaints shall immediately contact the Department of Human Resources. Neither the City of Lakewood nor any of its employees will retaliate against any individual who files such a complaint. ~~Any individual found to have retaliated against an individual for filing such a complaint may be subject to whatever action the City of Lakewood deems appropriate, up to and including termination.~~ The City of Lakewood will act promptly to investigate reported discrimination. Based on its investigation, the City of Lakewood may take ~~whatever action it deems appropriate~~ disciplinary action, up to and including termination, to achieve an immediate remedy when an allegation is determined to be valid. Refer to Administrative Regulation "Equal Employment Opportunity."

Employees may also file claims with the Equal Employment Opportunity Commission or the Colorado Civil Rights Division.

~~(Ord. O 2019-24 §§ 3 and 4, 2019; Ord. O 2014-9 § 1, 2014; Ord. O 2009-43 § 1, 2009; Ord. O 2007-7 § 2007; Ord. O 2004-39 § 1, 2004; Ord. O 2001-49 § 1, 2001; Ord. O 99-34 § 1, 1999; Ord. O 99-18 § (part), 1999).~~

Chapter 4.06 DISCIPLINARY ACTION AND APPEAL PROCEDURE

4.20.05006.010 Appeal of disciplinary action.

Persons terminated, demoted, or suspended for more than two working days, shall be entitled to appeal. An appeal may be initiated only by filing written notification with the Director of Human Resources within ten calendar days of delivery to the employee of written notification of the disciplinary action.

- ~~A.~~ A. The Director of Human Resources shall maintain a list of impartial and qualified hearing officers. Upon receipt of any notice of appeal of disciplinary action, the Director of Human Resources shall provide the employee with this list, and the employee shall select a hearing officer based on availability. If the employee does not select a hearing officer from this list within ten calendar days after receiving the list, the City of Lakewood will choose a hearing officer.
- B. It is the responsibility of the Department of Human Resources ~~responsibility~~ to schedule a hearing within 90 days of the appeal. If the appellant or the appellant's attorney has failed to cooperate in the scheduling of the hearing, the appeal is dismissed. If the hearing is not set to occur within 90 days of choosing a hearing officer, due to the appellant or the appellant's attorney, the appeal is dismissed.
- ~~BC.~~ The hearing officer shall conduct a hearing according to the Administrative Regulation "Conduct of Appeals of Disciplinary Actions," which provides for notice, procedures to be employed during the hearing, and the right of the appellant to be represented by a layperson or attorney.
- D. The hearing officer may issue subpoenas for witnesses, books, records, documents, and other evidence, and shall have the power to administer oaths. The hearing officer shall be responsible for the conduct of the hearing. No subpoena shall be issued for records pertaining to the discipline or the investigation of any other City of Lakewood employee. No parties shall be entitled to subpoena any evidence not admissible at the hearing. Either party may apply to the hearing officer for the issuance of a subpoena. Subpoenas so issued shall be served and, upon application to the District Court of Jefferson County by a party or the hearing officer, enforced in a manner provided by law for the service and enforcement of subpoenas in civil actions. After a party or the hearing officer submits an application to the District Court of Jefferson County, subpoenas shall be served and enforced according to the civil action statutes. No party shall be entitled to subpoena any inadmissible evidence. The hearing officer has no authority to order the taking of depositions, responses to interrogatories, responses to requests for production of documents, or physical or mental examination of any persons.
- E. The City of Lakewood may be represented by anyone of its choice, including the City Attorney. The Director of Human Resources may attend.
- F. The hearing shall be held at a location designated by the City of Lakewood. The hearing officer shall decide the outcome within 30 calendar days after the hearing is completed, unless good cause exists for additional time. The hearing officer's sole purpose is to determine whether or not "cause" for disciplinary action existed; ~~s/he~~ the hearing officer has no authority to modify disciplinary action. Hearings are closed to the public. After considering the evidence, the hearing officer shall make findings of fact and conclusions of law in writing, stating whether "cause" for discipline existed. ~~Those findings shall be sent specifically addressing any causes for disciplinary action set forth within the written disciplinary action subject to the City Manager, the appellant or his/her representative, the representative of the City of Lakewood, and the Director of Human Resources appeal.~~

(Ord. O-2019-24 § 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

4.20.060 Modification of disciplinary action.

G. The findings of the hearing officer shall be sent to the City Manager, the appellant or the appellant's representative, the representative of the City of Lakewood, and the Director of Human Resources.

4.06.020 Administrative determination of appeal.

Within ten (10) days of receiving the findings of fact and conclusions of law the City Manager, or a designee, shall determine whether to uphold the disciplinary action, overturn the disciplinary action, modify the level of discipline imposed by the disciplinary action, or require an additional hearing or limited supplemental hearing to clarify any information. The City Manager shall notify the appellant, the department director, and the Director of Human Resources of their decision and shall order whatever action, if any, is necessary to implement their decision. Failure to provide this notification within ten (10) days shall be deemed a decision to uphold the disciplinary action.

The City Manager may modify any disciplinary action taken in any instance where "cause" is found for disciplinary action. See Administrative Regulation "Modification of Disciplinary Action by City Manager."
If Additionally, after the hearing officer's findings and conclusions are distributed, but before the City Manager's final decision is promulgated, the appellant requests may request a modification of the disciplinary action in writing, the City Manager may consider changing the level of discipline. This notification request should include reasons for modification, including discipline imposed upon others; his/her own work and discipline record; and any other mitigating circumstances. This request must be submitted directly to the City Manager within ten calendar days of notification of the hearing officer's findings. This request should be focused on the original cause(s) for disciplinary action, but is not to further review whether there was cause for as stated within the notice of disciplinary action.

After reviewing If the findings of fact and conclusions, of law fail to address each of the causes for disciplinary action or otherwise fails to address a matter that the City Manager may accept or reject the decision of the hearing officer, or may modify the level of discipline imposed by the department director. In addition finds necessary to make a final determination, the City Manager may conduct an additional hearing or a limited supplemental hearing. Administrative Regulation "Modification of Disciplinary Action by City Manager" shall provide for notice, procedures to be employed during any hearing, and the right of an employee to representation, with such notice provided within ten (10) days following the City Manager's receipt of the findings and conclusions. The City of hearing may be heard either by a hearing officer for the City of Lakewood or the City Manager or designee. The City of Lakewood and the appellant may be represented by counsel, or anyone of its choice, including the City Attorney. The their choosing, or the hearing officer may review the transcript of the previous hearing and any evidence submitted. Upon receiving the findings of fact and conclusions of law from the additional or supplementary hearing, the City Manager shall conduct the review and render a decision, within ten (10) days. The City Manager shall notify the person appealing appellant, the department director, and the Director of Human Resources of his/her their decision and shall order whatever action, if any, is necessary to implement his/her their decision.

(Ord. O-2019-24 § 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

4.20.070

4.06.030 Time limits.

If the appellant or his/her representative fail to meet the deadlines stated in Chapter 4.20, the disciplinary action and appeal process will be invalidated and the disciplinary action decision will be upheld. City of Lakewood failure to meet any of these time limits shall not invalidate the process or disciplinary action taken.

(Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

Chapter 4.07 GRIEVANCE PROCEDURES

4.2107.010 Statement of policy.

The City of Lakewood is committed to good employee relations practices and sound human resources management. Circumstances may arise that cause employee dissatisfaction.

An employee shall first identify whether the behavior falls into the harassment and related inappropriate conduct as set for in Chapter 4.15. If not, the employee should consider communicating directly with the other party. After the two parties have, in good faith, attempted to resolve their issue together, they may then ask a supervisor for help. Department of Human Resources is also available to offer informal advice to individuals or parties in conflict.

Employees may not file grievances about reasonable departmental administrative practices, such as flexible scheduling or dress codes. Grievances will not be accepted regarding any disciplinary action; general City of Lakewood policy or procedure; performance review; or classification, pay, and benefits. However, eligible employees may file a grievance without fear of reprisal regarding an aspect of his/her work environment that s/he believes is adversely affecting his/her work. The employee may file a grievance using the following process:

1. ~~Within five working days of the matter leading to the grievance, an~~ An employee must present the appropriate supervisor with ~~a memorandum~~ verbal or written information describing his/her grievance, stating the facts and the desired action.
2. The department director will immediately notify the Department of Human Resources. All grievances must be maintained as a record.
3. The supervisor should work with the employee as soon as possible to rectify the matter. If the matter remains unresolved, the supervisor must explain to the employee, in writing, the supervisor's position.
4. If the employee is dissatisfied with the supervisor's explanation, the employee has five working days to submit a written appeal to the department director. The appeal must indicate the employee's reasons for differing with his/her supervisor's decision.
5. The department director will meet with the employee and the supervisor to discuss the grievance. If discussion does not settle the grievance, the department director will write a decision, which shall be final. The department director may contact the Department of Human Resources for assistance in the resolution.
6. The department director will notify the Department of Human Resources about the action taken.
7. This grievance procedure is an internal process and does not allow any outside representation, including friends, family members or attorneys. Grievances do not become part of an employee's personnel file.
8. If it is determined that the grievance is harassment, then the procedures found in the Administrative Regulations "Harassment" or "Equal Employment Opportunity" will supersede these grievance procedures.

~~(Ord. O-2019-24 §§ 3 and 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).~~

Chapter 4.08 EXECUTIVE PERSONNEL

4.2308.010 At-will employment for executive personnel.

Executive personnel (employees who occupy positions in the Executive Occupational Group) are employed at the will of the City of Lakewood and may be terminated, demoted, placed on administrative leave, or suspended without pay for any reason or no reason, with or without notice, or may leave at any point. Neither the City of Lakewood Municipal Code, the City Administrative Regulations, Pay Plan, nor the Benefits Book should be construed by any Executive employee as an express or implied contract guaranteeing the rights of any employee permanently. The City Manager is authorized to terminate Executive personnel.

~~(Ord. O 2019-24 § 4, 2019; Ord. O 2014-9 § 1, 2014; Ord. O 2009-43 § 1, 2009; Ord. O 2007-7 § 1, 2007; Ord. O 2004-39 § 1, 2004; Ord. O 2001-49 § 1, 2001; Ord. O 99-34 § 1, 1999; Ord. O 99-18 § 1, (part), 1999).~~

4.23

4.08.020 Severance agreements.

The City Manager may offer a severance agreement to a department director. ~~A~~The City Manager, City Attorney, Presiding Judge or a department director may offer a severance agreement to a division manager. The City Manager will set forth severance agreement policies or procedures. Severance agreements will not exceed three months without approval of the City Manager.

~~(Ord. O 2014-9 § 1, 2014; Ord. O 2009-43 § 1, 2009; Ord. O 2007-7 § 1, 2007; Ord. O 2004-39 § 1, 2004; Ord. O 2001-49 § 1, 2001; Ord. O 99-34 § 1, 1999; Ord. O 99-18 § 1, (part), 1999).~~

POLICIES APPLICABLE TO ELECTED CITY COUNCIL OFFICIALS

Chapter 4.09 ELECTED OFFICIALS

4.~~2609~~.010 Benefits.

~~The City of Lakewood~~The City of Lakewood recognizes that Elected Officials are not employees of the City. However, during any elected official's term of office the City may pay limited benefits, such as medical insurance, workers' compensation, travel insurance, and other related benefits ~~to elected officials~~.

~~(Ord. O-2019-24 §~~

~~4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2004-39 § 1, 2004; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).~~

4.~~26~~.09.020 Pay of elected officials.

- A. Commencing with the new term of office ~~resulting~~ from the November 5, 2019, election, each City Council member shall receive an annual compensation ~~of \$15,456.00, as set by ordinance in compliance with the City's Charter.~~
- B. Commencing with the new term of office resulting from the November 1, 2011 election, the Mayor shall receive an annual compensation ~~of \$38,800.00, as set by ordinance in compliance with the City's Charter.~~
- C. The compensation shall be divided into equal payments and paid in accordance with the current payroll procedure for other positions.
- D. During the November prior to each mayoral election, the City Council shall review the mayor's and City Council members' compensation. Any adjustment shall be established by ordinance and take effect according to the Lakewood Home Rule Charter.

~~(Ord. O-2019-37 § 1, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-14 §§ 1, 2, 2007; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).~~

4.09.030 Harassment Policy.

The City Council shall adopt a policy within that body's Policies and Procedures Manual to prevent unlawful harassment in City governance, operations, City-sponsored activities, and related interactions, and to provide a mechanism to accept, investigate, and resolve complaints of unlawful harassment against members of the Lakewood City Council and Appointed Officials

0-99-34

AMENDED AS OF
SEPTEMBER 13, 1999

A BILL FOR AN

ORDINANCE REPEALING ORDINANCE 0-99-18, AND REENACTING TITLE 4 OF THE
LAKEWOOD MUNICIPAL CODE PERTAINING TO THE CITY'S PERSONNEL POLICIES

WHEREAS, due to a word processing error, the Personnel Policies approved on June 14, 1999 by Ordinance 0-99-18 were an earlier draft of those policies and did not reflect all the intended revisions; and

WHEREAS, the ordinance repealing and reenacting Title 4 of the Lakewood Municipal Code contains revisions primarily regarding form as opposed to content; and

WHEREAS, the substantive revisions to Title 4 of the Lakewood Municipal Code are as discussed with the City Council at the May 17, 1999 Study Session; and

WHEREAS, it is necessary to repeal Ordinance 0-99-18 and reenact the correct and final version of the City's Personnel Policies.

Now, Therefore, Be It Ordained by the City Council of the City of Lakewood, Colorado, that.

SECTION 1. Title 4 of the Lakewood Municipal Code is hereby repealed and reenacted as follows:

TITLE 4

PERSONNEL POLICIES

GENERAL POLICIES*

Chapters:

- 4.01 General Provisions**
- 4.02 Classification Plan****
- 4.03 Pay Plan****
- 4.04 Fringe Benefits*****
- 4.05 Recruitment******
- 4.06 Examinations******
- 4.07 Vacancies******
- 4.08 Working Hours – Pay Rates – Leaves*****
- 4.09 Terminations****
- 4.10 Medical Examinations*******
- 4.11 Employee Development**
- 4.12 Performance Evaluations******
- 4.13 Employee Transportation**
- 4.14 Employee Political Activities**
- 4.15 Personnel Records**
- 4.16 Miscellaneous Rules**

PERSONNEL MERIT SYSTEM POLICIES*****

Chapters:

- 4.17 General Provisions**
- 4.18 Probation**
- 4.19 Transfers – Promotions - Demotions**
- 4.20 Disciplinary Action And Appeal Procedures**
- 4.21 Grievance Procedures**

POLICIES APPLICABLE TO EXECUTIVES

Chapters:

- 4.22 Removal Or Suspension**
- 4.23 General Provisions**
- 4.24 Salaries**

**POLICIES APPLICABLE TO TEMPORARY/
SEASONAL EMPLOYEES**

Chapters:

4.25 General Provisions

OTHER

Chapters:

4.26 Police Retirement

- * (General Policies apply to all employees except Temporary/Seasonal employees or as otherwise specified herein.)
- ** (This Chapter does not apply to the City Manager, City Treasurer, Municipal Judges, City Council or Provisional Employees.)
- *** (This Chapter does not apply to the City Treasurer or City Council except as otherwise noted.)
- **** (This Chapter does not apply to the City Manager, City Treasurer, Municipal Judges or City Council.)
- ***** (This Chapter does not apply to Municipal Judges or City Council.)
- ***** (Personnel Merit System Policies apply to all employees except the City Manager, City Treasurer, Court Administrator, Municipal Judges, Department Directors, Division Managers, City Council, Provisional employees and all Temporary/Seasonal employees or as otherwise specified herein.)

GENERAL POLICIES

**(GENERAL POLICIES DO NOT APPLY TO TEMPORARY/SEASONAL EMPLOYEES
OR AS OTHERWISE SPECIFIED HEREIN)**

CHAPTER 4.01

GENERAL PROVISIONS

Sections:

- 4.01.010 Principles.**
- 4.01.020 Applications – Authority.**
- 4.01.030 Employees Included.**
- 4.01.040 Rules Subordinate To State Law And Rules Of Court.**
- 4.01.050 Policies On Equal Employment Opportunity.**
- 4.01.060 Prerogatives Reserved.**
- 4.01.070 Amendments To Policies.**
- 4.01.080 Administrative Procedures.**
- 4.01.090 Definitions.**

4.01.010 Principles.

The City of Lakewood subscribes to the following principles:

- A. Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;
- B. Providing compensation in accordance with an employee's job duties, qualifications, and performance;
- C. Training employees, as needed, to maintain and increase quality of performance;
- D. Retaining employees on the basis of the adequacy of their performance, attempting to correct inadequate performance, and terminating employees whose performance is inadequate;
- E. Assuring non-discriminatory treatment of applicants and employees in all aspects of personnel administration without regard to race, color, creed, national origin, religion, sex, sexual orientation, age, or disability; and
- F. Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

4.01.020 Applications - Authority.

The Personnel Policies set forth in this Chapter shall be applicable to all employees of the City to the extent of and according to the provisions hereinafter set forth, except as otherwise noted herein or provided by ordinance or statute or the City Charter. Unless provided otherwise, the authority and responsibility vested in the City Manager by the terms of the City Charter are vested in the Presiding Municipal Judge with respect to the Municipal Court. The Director of Employee Relations shall serve as an advisor to the Municipal Court in matters involving the Personnel Merit System. The Presiding Judge of the Municipal Court shall continue to have the power and authority to promulgate such court rules and orders as may be necessary and proper, providing, however, that such rules and orders do not conflict with the requirements of the Personnel Merit System or Colorado Supreme Court Rules.

4.01.030 Employees Included.

The General Policies set forth herein apply to all employees except temporary/seasonal employees; or as otherwise specified herein.

4.01.040 Rules Subordinate To Rules Of Court.

Notwithstanding any other provisions of this Chapter, the Personnel Policies will be subject to and subordinate to controlling judicial decisions.

4.01.050 Policies On Equal Employment Opportunities.

A. All City personnel practices shall be conducted without regard to race, color, creed, national origin, religion, sex, sexual orientation, age, or disability.

B. The City Manager shall have published the City's Equal Employment Opportunity Policy. The City's Equal Employment Opportunity Policy shall apply to all employees and departments of the City. An administrative regulation may be promulgated regarding such administrative procedures as are necessary.

4.01.060 Prerogatives Reserved.

The City of Lakewood has and retains all rights to manage its business whether heretofore or hereafter exercised and regardless of the frequency or infrequency of its exercise, including but not limited to the exclusive right in accordance with its judgment and subject to applicable statutes, ordinances, and regulations, to:

- A. Discipline Personnel Merit System employees for cause;
- B. Hire, promote, retire, demote, transfer, assign, lay off, and recall employees to work;
- C. Judge the employee's skill, ability, efficiency, qualifications, and otherwise evaluate performance;
- D. Determine and change the starting and quitting times, the number of hours on the shift to be worked, days off to be taken, and the number of hours in the employee's workweek;
- E. Revise, eliminate, combine, or establish new jobs and classifications;
- F. Establish compensation plans and programs;
- G. Maintain the efficiency of employees, control and regulate the use of equipment and other property of the City;
- H. Reduce or expand the operation of the City or any department thereof;
- I. Determine the number, size, location, and operation of facilities and departments, groups, or divisions thereof;
- J. Subcontract and determine the services to be rendered, bought, or sold;
- K. Determine the assignment of work and the size and composition of the work force;
- L. Make, change, and enforce rules, policies, and practices not in conflict with the provisions of these policies;
- M. Establish quality standards; and
- N. Introduce technological changes, new, improved, or modified services, methods, techniques, and equipment, and otherwise generally manage the operation and direct and supervise the work force.

4.01.070 Amendments To Policies.

Amendments to these Personnel Policies may be proposed by the City Manager to the City Council as required. All amendments shall become effective upon adoption by the City Council or on such date as the City Council shall designate.

4.01.080 Administrative Procedures.

The City Manager, at any time deemed necessary or proper for the purpose of enforcement or implementation of these policies, may adopt, amend, or rescind written administrative procedures, rules, or regulations consistent with these policies. Such procedures, rules, or regulations shall be effective on the dates specified by the City Manager, provided that such procedures, rules, or regulations shall be circulated to all Department Directors prior to the effective date thereof. Copies of such procedures, rules, or regulations shall be located with each division within the City and placed on record in the Employee Relations Department of the City, together with these Policies, the same to be open to public inspection during normal office hours.

4.01.090 Definitions.

The following terms wherever used in this Chapter shall have the following meaning:

- A. "Advancement" means a pay step increase within the range of the Police Agents' pay level.
- B. "Appeal" means the employee's challenge to a disciplinary action in accordance with prescribed procedures as outlined in the Personnel Policies.
- C. "Applicant" means a person who has filed a completed application for employment, submitted a resume, or filed a promotional consideration form for a specific job for which the City is currently receiving applications within established Personnel Policies.
- D. "Appointing power" means the official whom possesses the final authority to make an appointment to a position.
- E. "Appointment" means the placing of a person in a position on a regular full-time, regular part-time, provisional full-time, provisional part-time, temporary, or seasonal basis.
- F. "Classification" means determination of the occupational group and pay level of a position based on the duties performed, authority, and responsibilities exercised, and the pay level of comparable positions.
- G. "Compensation" means pay, wage, allowance, and all other forms of valuable consideration, earned by or paid to any employee for service in any position.
- H. "Compensatory time" means the accrual of time by an eligible non-exempt employee as compensation in lieu of paid overtime. Said compensatory time is accrued at a rate of time and one-half of the overtime hours worked.
- I. "Demotion" means the change of an employee from one pay level to a lower pay level.
- J. "Department Directors" means heads of distinct departments (such as police department and public works department). Department Directors report directly to the City Manager and, for all purposes herein, include the Deputy City Manager and Director of Citizen Relations.
- K. "Discharge" means involuntary separation from employment with the City of any person subject to these policies.
- L. "Disciplinary action" means action taken by the disciplinary authority against an employee for cause, which may include reprimand, suspension, demotion, or discharge.
- M. "Disciplinary authority" means the City Manager or his or her designee, Department Directors, Division Managers, and Supervisors, within limits of authority.
- N. "Employee development" means any form of instruction designed to maintain or increase the proficiency, qualifications, knowledge, skills, and abilities of City employees.
- O. "Exempt" means an employee who is exempt from the overtime provisions of the Fair Labor Standards Act.

P. "Family and Medical Leave" means a period of time in which an employee is temporarily away from his/her job due to a serious health condition for the employee; for the employee's spouse, child or parent; or for the birth, adoption, or foster care placement of the employee's child.

Q. "Full-time employee" means an employee who works a 40 hour workweek.

R. "Grievance" means a complaint initiated by an employee concerning working conditions.

S. "Immediate family" means spouse, parents, brothers and sisters, grandparents, children, grandchildren, stepchildren, stepparents, step-grandparents, mothers-in-law, fathers-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law of an employee.

T. "Journey step" means the maximum pay step of the Police Agents' pay level.

U. "Layoff" means non-disciplinary termination of an employee from a position because of reorganization; lack of work; budgetary or related economic restraints, restrictions or decisions; abolishment of a position; or reductions or modifications of programs, projects, or services.

V. "Non-exempt" means an employee who is subject to the overtime provisions of the Fair Labor Standards Act.

W. "Overtime" means authorized recorded time in excess of 40 hours per week subject to certain exceptions as promulgated by administrative regulation and the Fair Labor Standards Act.

X. "Part-time employee" means an employee who is paid on an hourly basis and whose average workweek is less than 40 hours. 'Regular part-time employees' must work at least 20 hours per week on a continuous year-round basis.

Y. "Pay level" means the establishment of a pay range for positions with comparable market rates, competency and authority. For Police Agents, the pay level is a series of pay steps.

Z. "Personal Leave of Absence" means a period of time from 30 days to one year in which an employee is temporarily away from his/her job for personal reasons.

AA. "Position" means a specific job in the City, within a classification authorized by appropriate City ordinance and assigned the appropriate occupational group and pay level.

BB. "Probationary employee" means an employee hired, promoted, transferred or removed from a position and placed in a different position, serving a probationary period.

CC. "Probationary period" means the length of time, minimally 6 months, during which an employee's skills, abilities, performance and other job-related criteria are evaluated to determine his/her suitability for appointment to a regular position.

DD. "Promotion" means the movement of an employee from one pay level to a higher pay level.

EE. "Provisional employee" means an employee, either full-time or part-time, hired for a period of time not to exceed two (2) years who receives benefits (except pension contributions) but who is not entitled to the same rights and privileges afforded a regular employee.

FF. "Reclassification" means a newly assigned classification of a position based on a study of various criteria pertaining to the position.

GG. "Regular employee" means an employee who has been assigned to a position in the City, either full-time or part-time, that has a total benefit package (including pension contributions) and is afforded the rights and privileges described herein.

HH. "Seasonal employee" means an employee hired for a designated period of time generally not to exceed nine (9) months who is paid on an hourly basis and whose work schedule may be part-time or full-time. These employees have no benefits nor the same rights and privileges afforded a regular employee.

II. "Seniority" means the total number of months of service since the last date of appointment to a given regular position. With the authorization of the Director of Employee Relations, seniority may be reinstated to a date earlier than that of the last date of appointment to the given regular position. Seniority will be represented by the anniversary date.

JJ. "Step" or "Pay step" means the pay allocation within the Police Agents' pay level.

KK. "Suspension" means the temporary separation of a City employee for disciplinary purposes. This excludes exempt employees except as provided by applicable law.

LL. "Temporary employee" means an employee who has not been assigned to a regular or provisional position in the City, and whose work schedule is generally part-time. These employees have no benefits nor the same rights and privileges afforded a regular employee.

MM. "Tenure" means the total number of consecutive months of service to the City as of the most recent date of hire to a regular position, regardless of department or classification. Tenure will be represented by the hire date or adjusted hire date, if applicable.

NN. "Termination" means separation of an employee from City employment.

OO. "Transfer" means the movement of any City employee from one position to another position having the same or similar pay level, and/or from one department/division to another department/division.

PP. "Working conditions" means those factors, which comprise an employee's work environment.

CHAPTER 4.02

CLASSIFICATION PLAN (THIS CHAPTER DOES NOT APPLY TO THE CITY MANAGER, CITY TREASURER, MUNICIPAL JUDGES, CITY COUNCIL OR PROVISIONAL EMPLOYEES)

Sections:

4.02.010 Establishment Of Classifications.

4.02.020 Maintenance Of Plan.

4.02.030 Placement Within Positions.

4.02.040 New Positions.

4.02.050 Reclassification.

4.02.010 Establishment Of Classifications.

In conjunction with the compensation levels set forth in this Chapter, the City Manager is directed and authorized to implement and maintain a classification system, paying positions the appropriate biweekly base salary as established by this Chapter. The City Manager shall issue the classification titles and corresponding occupational category levels.

4.02.020 Maintenance Of Plan.

The City Manager shall periodically direct the initiation of a study of the duties and responsibilities and associated factors of all positions within the City. The study shall address itself to the principle of appropriate pay rates and classifications for each position based upon market data, nature of work, duties, responsibilities, and authority within that position. The City Manager shall make amendments to the classification plan whenever factual data indicates the necessity for a change in the plan.

4.02.030 Placement Within Positions.

Positions in the City shall fall within the pay levels prescribed by the City Council. Final determination with respect to the placement of employees in pay levels and classifications shall be recommended by the Department of Employee Relations with approval by the City Manager.

4.02.040 New Positions.

A. Any new position added to the City shall be assigned an appropriate classification upon recommendation by the Department of Employee Relations and approval by the City Manager or designee.

B. Any individual employed by the City shall be assigned an appropriate classification upon recommendation by the Department of Employee Relations and approval by the City Manager or designee.

4.02.050 Reclassification.

When a study has shown that the duties and responsibilities of a position have changed, a reclassification of the position shall be considered. Requests for reclassification shall be submitted in writing according to procedures as set forth in administrative regulation. The City Manager may reclassify positions where good and sufficient reason warrants such reclassification. Reclassifications may also be initiated by the Department of Employee Relations. No reclassification shall be proposed solely for the purpose of effecting demotions or promotions.

CHAPTER 4.03

PAY PLAN

(THIS CHAPTER DOES NOT APPLY TO THE CITY MANAGER, CITY TREASURER, MUNICIPAL JUDGES, CITY COUNCIL, OR PROVISIONAL EMPLOYEES.)

Sections:

- 4.03.010 Basis of Pay Plan.**
- 4.03.020 Proposals For Changes To The Pay Plan.**
- 4.03.030 Establishment of Pay Levels.**
- 4.03.040 Salaries.**
- 4.03.050 Use Of Pay Ranges.**
- 4.03.060 Salary Advancement.**
- 4.03.070 Bonus Plan.**
- 4.03.080 Additional Regulations.**

4.03.010 Basis Of Pay Plan.

The pay plans for regular full-time and regular part-time positions shall be adopted and amended by City resolution. Pay plans for provisional and temporary/seasonal positions may be set forth in administrative regulation as promulgated by the City Manager.

4.03.020 Proposals For Changes To The Pay Plan.

The Department of Employee Relations shall at least annually make a comparative study of the factors affecting the level of pay prescribed for positions within the City and make recommendations to the City Manager for changes thereto. All regular employees shall be assigned a salary range. The City Manager shall annually review the salary ranges. The City Manager may propose to the City Council recommended changes in the pay plan whenever such changes are deemed necessary. The base salary compensation levels shall be effective as determined by the City Council.

4.03.030 Establishment of Pay Levels.

There are established the following annual Pay Levels for the City which shall be retroactive to March 21, 1999:

OCCUPATIONAL GROUP EXECUTIVES

X10 - \$63,700 - 110,900	X09 - \$57,766 - 86,649	X08 - \$52,753 - 79,132
X07 - \$48,178 - 72,264	X06 - \$43,998 - 65,996	X05 - \$40,181 - 60,269

OCCUPATIONAL GROUP MANAGEMENT/SUPERVISORY

M09 - \$48,648 - 72,972	M08 - \$44,427 - 66,641	M07 - \$40,572 - 60,857
M06 - \$37,052 - 55,577	M05 - \$33,837 - 50,756	M04 - \$32,685 - 45,758
M03 - \$29,848 - 41,789	M02 - \$27,260 - 38,163	M01 - \$24,894 - 34,852

OCCUPATIONAL GROUP ADMINISTRATIVE/PROFESSIONAL/TECHNICAL

A10 - \$48,684 - 68,158	A09 - \$44,257 - 61,960	A08 - \$40,233 - 56,328
A07 - \$36,575 - 51,207	A06 - \$33,250 - 46,553	A05 - \$30,228 - 42,320
A04 - \$27,482 - 38,471	A03 - \$24,982 - 34,976	A02 - \$22,710 - 31,795
A01 - \$20,645 - 28,905	A00 - \$10,712 - 20,645	

OCCUPATIONAL GROUP OFFICE/SECRETARIAL

005 - \$25,885 - 34,943	004 - \$22,905 - 30,922	003 - \$20,271 - 27,366
002 - \$18,282 - 24,684	001 - \$15,874 - 21,430	000 - \$10,712 - 15,874

OCCUPATIONAL GROUP LABOR/TRADES

L07 - \$35,433 - 47,835	L06 - \$31,637 - 42,709	L05 - \$28,247 - 38,133
L04 - \$25,222 - 34,049	L03 - \$22,519 - 30,399	L02 - \$20,105 - 27,143
L01 - \$17,951 - 24,234	L00 - \$10,712 - 17,951	

OCCUPATIONAL GROUP CHILDREN SERVICES

C08 - \$27,775 - 38,918	C07 - \$25,250 - 35,380	C06 - \$22,960 - 32,160
C05 - \$20,880 - 29,240	C04 - \$18,970 - 26,540	C03 - \$17,240 - 24,150
C02 - \$15,680 - 21,960	C01 - \$14,250 - 19,950	C00 - \$10,712 - 14,250

OCCUPATIONAL GROUP ENFORCEMENT

E07 - \$67,439 - 77,121	E06 - \$53,362 - 66,771	E05A - \$34,590	E05B - \$36,411
E05C - \$37,359	E05D - \$38,257	E05E - \$40,304	E05F - \$442,350
E05G - \$44,671	E05H - \$46,618	E05I - \$48,789	E05J - \$49,612
E05K - \$50,411	E05L - \$51,186	E05M - \$51,984	E05N - \$52,833

Police Agents paid in accordance with these biweekly pay levels are required to have attained a 4-year bachelor's degree in any discipline from an accredited college, or a course of study from an institution of higher learning that would be accepted by an accredited institution/college of the City of Lakewood's choice as meeting the requirements for conveying a bachelor's degree from that college/institution in order to be eligible for pay at the pay steps above pay step I. (An accredited institution shall be one that is listed in the "Accredited Institution of Post Secondary Education," published for the Council for Higher Education (CHEA)).

4.03.040 Salaries.

No employee shall be assigned a base pay rate not in conformance with the pay plan resolution. The City Manager is authorized and directed to establish by written order to the Director of Employee Relations, the annual salary of each of the City employees. The City Manager shall take into consideration factors relating to the competence, diligence and efficiency in the

performance of duty, together with other relevant factors, in establishing, changing and fixing such salaries, and may in his/her discretion grant pay increases at any time during any budget year to any of the employees provided, however, that the City Manager shall not grant any increase in an amount which would cause the total budget for such fiscal year to be exceeded.

Salaries shall be paid on a biweekly basis in accordance with administrative regulation as promulgated by the City Manager.

4.03.050 Use Of Pay Ranges.

The City Manager may authorize appointments or reinstatements at a rate within the pay range for the position's classification.

4.03.060 Salary Advancement.

Salary advancement of employees shall be in conjunction with appropriate pay plans and dependent upon performance. The City Manager shall have final authority with respect to the approval or disapproval of all recommended salary movements.

4.03.070 Bonus Plan.

The City Manager may establish a bonus plan, which shall specify criteria for bonus awards. The City Manager or his/her designee shall have final authority with respect to the approval or disapproval of all awards relating to the bonus plan. The City Manager shall not grant any bonus award, which would cause the total compensation budget for the fiscal year to be exceeded.

4.03.080 Additional Regulations.

The City Manager is authorized to issue such administrative regulations for the proper implementation of the pay plan set out in this Chapter as may be necessary or proper, and within the spirit and intent of and not contrary to the provisions of this Chapter or any other ordinance of this City or state law.

CHAPTER 4.04

FRINGE BENEFITS

(THIS CHAPTER DOES NOT APPLY TO THE CITY TREASURER OR CITY COUNCIL, EXCEPT AS OTHERWISE NOTED.)

Sections:

4.04.010 Fringe Benefits.

4.04.020 Regular Part-Time Employees.

4.04.030 Provisional Employees.

4.04.010 Fringe Benefits.

The following fringe benefits are adopted and authorized to be paid to the employees of the City:

A. Pension. The City shall provide pension benefits by making employer contributions to the Lakewood Employees Money Purchase Pension Plan for all eligible employees who make contributions to the Plan, in accordance with the terms and provisions of such Plan, as may be amended. The City shall make contributions to the Police Money Purchase Pension Plan as provided in Chapter 4.26. Provisional employees shall be enrolled in the OBRA 457 pension program.

B. Group Life Insurance and Disability Income Insurance. The City shall pay the employee's cost of group life insurance, the amount of which being equal to one and one-half an employee's annual salary, rounded up to the nearest thousand. The City shall also pay the cost of disability income insurance. Both plans shall be in accordance with a plan adopted and approved by the City, through its City Manager, for each eligible City employee.

C. Medical Insurance (applies to City Treasurer and City Council also). The City shall pay a portion of the cost of medical insurance according to a plan adopted and approved by the City, through its City Manager, for each eligible City employee. Each employee obtaining such hospital and medical insurance may, at the employee's option and election, elect to carry family coverage. Those employees who elect to carry the family option for hospital and medical insurance under the plan adopted by the City may receive a monthly contribution from the City toward such family coverage.

D. Dental Insurance (applies to City Treasurer and City Council also). The City shall pay a portion of the cost of dental insurance according to a plan adopted and approved by the City, through the City Manager, for each eligible City employee. Each employee obtaining such dental insurance may elect to carry dependent coverage. Those employees who elect to carry the dependent option for dental insurance under the plan adopted by the City may receive a monthly contribution from the City.

E. Automobile Allowance. The City, in the discretion of the City Manager, may pay exempt personnel an automobile allowance for the use of personal automobiles on City business, in an amount to be fixed by the City Manager.

F. Business and Professional Organizations Membership (applies to City Treasurer and City Council also). The City may pay the full cost of membership in business and professional societies and associations, as recommended by the Department Director and approved by the City Manager.

G. Meetings/Training Attendance Reimbursement (applies to City Treasurer and City Council also). The City may pay or reimburse the full cost of attendance at business and professional meetings/training sessions, as recommended by the Department Director and approved by the City Manager or the Mayor, which payment or reimbursement shall be in accordance with rules and regulations promulgated by the City Manager.

4.04.020 Regular Part-Time Employees.

Regular part-time employees are those employees assigned to a position in the City that has a total benefit package (including pension contributions) and is afforded the rights and privileges described herein. Regular part-time employees must work less than 40 hours but at least 20 hours per week on a continuous year-round basis. The City Manager may promulgate an administrative regulation setting forth a fringe benefit schedule for regular part-time employees.

4.04.030 Provisional Employees.

Provisional employees may be eligible to participate in certain City benefit programs. In the event a provisional employee becomes a regular employee without a break in service, the hire date will revert to the initial date of the provisional appointment. The time in service shall also be allowed toward City tenure and seniority; however, not toward years of service for pension purposes.

CHAPTER 4.05

RECRUITMENT

**(THIS CHAPTER DOES NOT APPLY TO THE CITY MANAGER,
CITY TREASURER, MUNICIPAL JUDGES OR CITY COUNCIL.)**

Sections:

- 4.05.010 Eligibility For Employment.**
- 4.05.020 Area For Consideration.**
- 4.05.030 Announcement Of Vacancies.**
- 4.05.040 Application Forms And Resumes.**
- 4.05.050 Disqualification Of Applicants.**

4.05.010 Eligibility For Employment.

Applicants shall be eligible for employment with the City when they possess the minimum qualifications as contained in the appropriate job description and established selection criteria and are able to perform the essential functions of the position or, if a person with a disability, is able to perform the essential functions of the position with or without reasonable accommodation.

4.05.020 Area For Consideration.

Individuals shall be recruited from a geographical area sufficiently broad to assure obtaining well-qualified candidates for the position to be filled.

4.05.030 Announcement Of Vacancies.

The Department of Employee Relations shall prepare recruiting notices using such publicity as deemed appropriate to reach prospective applicants for the position to be filled. All recruiting notices and other publicity material concerning position vacancies shall explicitly state that the City is an Equal Opportunity Employer.

4.05.040 Application Forms And Resumes.

The City requires an application for employment from applicants prior to employment with the City. An applicant may also submit a resume.

4.05.050 Disqualification Of Applicants.

Applicants may be disqualified for consideration for employment for reasons including but not limited to the following factors:

- A. They do not possess the minimum qualifications for the job;
- B. They are not physically or mentally fit to perform the essential functions of the position or, if a person with a disability, is unable to perform the essential functions of the position with or without reasonable accommodation;
- C. They have demonstrated an unsatisfactory employment record or personal record as a result of a reference, background, or any other investigation;
- D. They have given false information in their application or practiced deception during the selection process;
- E. They are not the best candidate for the position; or
- F. They are an employee serving a probationary period. Exceptions to this may be made by the City Manager upon the recommendation of the Department Director and the Director of Employee Relations.

CHAPTER 4.06

EXAMINATIONS

(THIS CHAPTER DOES NOT APPLY TO THE CITY MANAGER, CITY TREASURER, MUNICIPAL JUDGES OR CITY COUNCIL.)

Sections:

4.06.010 Nature And Type.

4.06.020 Promotional Examination List.

4.06.010 Nature And Type.

In order to measure qualifications, performance, physical fitness, or any combination thereof, an examination for a position may be administered through written, oral, or other means. Examinations shall consist of material that test the capacity and fitness of an applicant to perform effectively the functions of the position for which the examination is given. The necessity for an examination and the type thereof shall be determined by the Department of Employee Relations in coordination with the Department Director. Development, implementation, and maintenance of examinations shall be the responsibility of the Department of Employee Relations, in accordance with applicable laws and regulations.

4.06.020 Promotional Examination List.

Whenever an adequate pool of qualified applicants is available, as determined jointly by the Department of Employee Relations and the appropriate Department Director, a promotional examination list may be established as a means of recommending qualified employees for promotion to fill existing or future vacancies. Such lists shall be maintained by the Department of Employee Relations.

CHAPTER 4.07

VACANCIES

(THIS CHAPTER DOES NOT APPLY TO THE CITY MANAGER, CITY TREASURER, MUNICIPAL JUDGES OR CITY COUNCIL.)

Sections:

- 4.07.010 Applications For Vacancies.**
- 4.07.020 Vacancy Selection List.**
- 4.07.030 Appointment.**

4.07.010 Applications For Vacancies.

A. Except as provided in Paragraph 4.070.010(B), whenever a job vacancy occurs in any existing job classification or as a result of the establishment of a new job classification, and approval for hiring is obtained, it shall be filled with the most qualified applicant available. Promotional lists and vacancy selection lists may be used to fill the vacancy. If no such list is maintained, the following shall occur:

For Non-Exempt Vacancies

* A notice of such vacancy shall be posted on all official bulletin boards for five working days. During such period, employees currently in the employment of the City who wish to do so may apply for the position. The applications shall be submitted to the Department of Employee Relations on or before the deadline date.

* Vacancies may also be advertised externally and a person not presently employed by the City may apply for the position by submitting an application or resume to the Department of Employee Relations on or before the deadline date.

For Exempt Vacancies

* A notice of such vacancy may be, but is not required to be, posted on official bulletin boards. It may be alternatively or additionally advertised externally. All applicants, internal and external, must apply to the Department of Employee Relations on or before the deadline date.

Qualified employees now in the employment of the City shall be given appropriate consideration. In the event two or more applicants who are currently City employees are the best candidates and have equal qualifications, the employee with the longest tenure, or in the case of temporary/seasonal employees, the longest service, shall be selected to fill the vacancy or new position.

B. In the event of a reorganization, reclassification, or reduction in force requiring the transfer of an employee to a position at or below such employee's current classification, the requirements of Paragraph 4.070.010(A) shall not apply.

4.07.020 Vacancy Selection List.

Whenever an adequate pool of qualified external applicants is available, or a combination of internal and external applicants as determined jointly by the Department of Employee Relations and the appropriate Department Director, a vacancy selection list may be established, prior to the recruitment process, as a means of recommending qualified individuals to fill existing or future vacancies. Such list shall be maintained by the Department of Employee Relations, and will expire six months from the date of determination.

4.07.030 Appointment.

Notwithstanding other provisions of this Chapter, the City Manager shall be the final appointing authority for all employees within the City.

CHAPTER 4.08

WORKING HOURS – PAY RATES – LEAVES (THIS CHAPTER DOES NOT APPLY TO THE CITY TREASURER OR CITY COUNCIL EXCEPT AS OTHERWISE NOTED.)

Sections:

- 4.08.010 Workweek.**
- 4.08.020 Days Off.**
- 4.08.030 Overtime.**
- 4.08.040 Out-of-Class Pay.**
- 4.08.050 Compensatory Time.**
- 4.08.060 Shift Differential.**
- 4.08.070 Police Pay Step Eligibility.**
- 4.08.080 Attendance.**
- 4.08.090 Vacation.**
- 4.08.100 Sick Leave.**
- 4.08.110 Workers' Compensation.**
- 4.08.120 Injury Leave.**
- 4.08.130 Military Leave.**
- 4.08.140 Personal Leave Of Absence.**
- 4.08.150 Family and Medical Leave of Absence.**
- 4.08.160 Non-Job-Related Jury Or Court Leave.**
- 4.08.170 Holidays.**

4.08.010 Workweek.

All full-time employees shall work at least a 40-hour workweek. Part-time employees shall normally work less than a 40-hour workweek.

4.08.020 Days Off.

Employees shall have specified regular days off each week in conjunction with work schedules. In the event of an emergency, or when deemed necessary, an employee may be required to work on the days such employee is normally off.

4.08.030 Overtime.

An employee who is not exempt from overtime pay and who reports in excess of 40 hours in a workweek (or 80 hours in a two-week pay period for Police Agents, Police Sergeants, and Court Marshals), shall be paid time and one-half based on such employee's hourly rate or receive compensatory time at a rate of time and one-half of the overtime hours worked, subject to certain limitations as promulgated by administrative regulation. Overtime shall be approved in advance by the Department Director or his/her designee. The plan for administration of overtime may be promulgated by administrative regulation.

4.08.040 Out-Of-Class Pay.

A non-exempt employee required to perform duties substantially above those of his/her current level, for other than training purposes, may be eligible for out-of-class pay. The City Manager may promulgate an administrative regulation regarding out-of-class pay.

4.08.050 Compensatory Time.

The City Manager may promulgate by administrative regulation, a plan or plans for the administration and use of compensatory time for those full-time, non-exempt employees subject to the provisions of this Chapter and in accordance with the Fair Labor Standards Act.

4.08.060 Shift Differential.

For non-exempt, non-sworn personnel, a shift differential may be authorized for specific positions via administrative regulation promulgated by the City Manager.

4.08.070 Police Pay Step Eligibility.

Police agents paid in accordance with the biweekly salary base compensation levels contained in Section 4.03.030 are required to have attained a four year college degree from an accredited college or university in order to be eligible for pay at the pay steps above Enforcement Level V, pay step I.

4.08.080 Attendance.

A. Employees shall be at their place of work in accordance with the Personnel Policies regarding hours of work, holidays, leaves, and departmentally designated work schedules.

B. Employees who are unable to report to their place of work are required to notify their immediate supervisor prior to the start of a work shift or as designated by specific department directive.

4.08.090 Vacation.

Vacation is provided to enable employees to enjoy periodic respite from their regular duties. All regular and provisional full-time and part-time employees shall be afforded the opportunity to take vacation.

A. Amount. Employees with the following years of tenure shall accrue the following amount of vacation.

	<u>Full-Time</u> <u>(Except Department Directors)</u>	<u>Part-Time</u>
Up to 5 years:	8 hours/month	4 hours/month
5-10 years:	10 hours/month	5 hours/month
10-15 years:	11.3 hours/month	5.6 hours/month
15-20 years:	12 hours/month	6 hours/month
Over 20 years:	13.3 hours/month	6.7 hours/month

Department Directors accrue 12 hours of vacation per month. After 20 years of tenure, Department Directors accrue 13.3 hours of vacation per month.

B. Accrual and Usage. Vacation is accrued on a monthly basis and accorded to the employee who receives paid time through the last pay date of the month. Accrual will not occur when an employee's total number of hours is at the maximum allowed per Section 4.08.090(C) below. Vacation may be used once accrued and with supervisory approval.

C. Accumulation. Maximum accumulation of vacation for non-exempt employees is as follows:

	<u>Full-Time</u>	<u>Part-Time</u>
Up to 5 years:	160 hours	80 hours
5-10 years:	176 hours	88 hours
10-15 years:	192 hours	96 hours
15-20 years:	200 hours	100 hours
Over 20 years:	216 hours	108 hours

Exempt employees' (other than Department Directors) maximum accumulation is 240 hours. Department Directors' maximum accumulation is 360 hours.

Vacation accumulation in excess of the above shall be subject to forfeit except where the employee has been denied the opportunity to take vacation time or where special circumstances exist and approval to exceed the limits has been authorized by the City Manager.

D. Records of Leave. The Department of Employee Relations shall maintain records of vacation and its use. Each Department Director shall develop and maintain a vacation schedule for employees.

E. Effect of Holidays and Vacations. When a designated holiday falls during an employee's scheduled vacation, such holiday shall not be charged against vacation.

F. Effect of Sick Leave. In most cases, if any employee becomes ill while on vacation, the time off will be claimed as vacation. Exceptions to this rule may be granted by the City Manager under extraordinary circumstances, for example, in a situation wherein an employee is hospitalized during a planned vacation.

G. Opportunity for Leave and Waiving of Vacations. Every employee shall be afforded the opportunity to take vacation. No employee shall lose any vacation for which he/she is entitled when, at management discretion, City operations require his or her presence on the job. No employee shall be permitted to waive vacation for the purpose of receiving extra compensation.

H. Payment for Vacation. Upon termination of employment from the City, an employee shall be paid at the regular hourly rate for all vacation accumulated to the date of termination. If an employee's position is reclassified to a lower pay level, the employee is involuntarily demoted or otherwise has his or her pay reduced, not as a result of discipline, payment upon termination shall be based on the average of the three highest hourly base rates paid during his/her employment. The City Manager may promulgate administrative regulations regarding payment.

4.08.100 Sick Leave.

A. Accrual. Full-time employees, excluding Department Directors, hired prior to 1/1/92 shall accrue sick leave at the rate of 10 hours per month. Department Directors hired prior to 1/1/92 shall accrue sick leave at the rate of 12 hours per month. All full-time employees hired after 1/1/92 shall accrue sick leave at the rate of 8 hours per month. Part-time employees hired prior to 1/1/92 shall accrue sick leave at the rate of 5 hours per month. Part-time employees hired after 1/1/92 shall accrue sick leave at the rate of 4 hours per month.

B. Usage. Sick leave shall be used when an employee is ill or incapacitated for work, or for medical or dental appointments. Sick leave may also be used for an illness or injury within the employee's immediate family, when it is necessary for the welfare of the employee's family.

Additionally, sick leave may be used for the death of an immediate family member. Normally, up to 40 hours will be authorized for such purposes.

In the event of questions concerning sick leave usage, supervisors may require written documentation. Sick leave is a benefit provided to all regular and provisional employees. However, usage not related to FMLA or an approved absence, which affects an employee's performance or ability to be relied upon, whether or not in excess of the accumulation rate, may be a factor of consideration in potential transfers, promotions, pay increases, disciplinary action, or any personnel transactions.

C. Accumulation. Full-time employees, excluding Department Directors, hired prior to 1/1/92, may accumulate a maximum of 960 hours of sick leave. Department Directors hired prior to 1/1/92, may accumulate 2400 hours of sick leave. Employees, excluding Department Directors, hired after 1/1/92, may accumulate a maximum of 840 hours of sick leave. Department Directors hired after 1/1/92 may accumulate 1400 hours of sick leave. Part-time employees hired prior to 1/1/92 may accumulate 480 hours of sick leave. Part-time employees hired after 1/1/92 may accumulate 420 hours of sick leave.

D. Opportunity for Conversion of Sick Leave. After accrual of 480 hours of sick leave, an employee hired before 1/1/92 shall be allowed the option of converting sick leave to vacation on a two-for-one basis. The balance of 480 hours must be maintained in order to continue to exercise the conversion privilege. Employees hired after 1/1/92, must accrue 600 hours of sick leave before conversion of sick leave to vacation on a two-for-one basis. The balance of 600 hours must be maintained in order to continue to exercise the conversion privilege. Conversion of sick leave is authorized four times per year. A yearly schedule of conversion dates shall be provided.

E. Payment for Unused Sick Leave. Upon termination, any exempt employee hired prior to 1/1/92 shall be paid at his or her final hourly rate for one-half or one-third of his or her unused sick leave (depending on position). Upon termination, a Department Director or Division Manager hired after 1/1/92 shall be paid at his or her final hourly rate for one-third of his or her unused sick leave. Upon retirement only, all employees shall be paid at their final hourly rate for one-half of their unused sick leave. If an employee's position is reclassified to a lower pay level, the employee is involuntarily demoted or otherwise has his or her pay reduced, not as a result of discipline, payment upon retirement shall be based on the average of the three highest hourly base rates paid during his/her employment. The City Manager may promulgate administrative regulations regarding payment.

4.08.110 Workers' Compensation (applies to City Treasurer and City Council also).

Employees injured on the job are entitled to workers' compensation benefits provided by the Workers' Compensation Act.

4.08.120 Injury Leave.

Regular and provisional full-time employees shall receive their full salaries from the City for a period of 720 hours from the date of on-the-job injury/illness. Regular and provisional part-time employees shall receive their full salaries from the City for a period of 360 hours from the date of on-the-job injury/illnesses. Any Workers' Compensation payments received by the employee for said period shall be the property of the City. Time off due to on-the-job injuries/illness apply toward Family and Medical Leaves of Absence. Furthermore, guidelines, procedures and regulations (i.e., alternate duty) deemed necessary for the administration of this policy may be promulgated by the City Manager.

4.08.130 Military Leave.

Full-time public employees eligible for military leave are authorized 120 hours with pay by Section 28-3-601, Colorado Revised Statutes. Part-time employees are authorized paid military leave by Section 28-3-601, Colorado Revised Statutes, for a period of time as promulgated by administrative regulation.

4.08.140 Personal Leave Of Absence.

A. Department Directors, upon approval of the City Manager, may grant a personal leave of absence to a regular full-time or regular part-time employee for a period of at least 30 days but not to exceed one year. The City Manager may grant a personal leave of absence to Department Directors for a period of at least 30 days but not to exceed one year. Such leave may be granted upon written request by the employee. Such request shall set forth the reasons for the proposed absence.

B. During the employee's leave of absence, the vacant position may be filled by a new appointment, temporary promotion, or temporary reassignment. Upon expiration of the approved leave, the employee shall be reinstated to the position or to any other vacant position in the same pay level for which the employee is qualified.

C. Employees on a personal leave of absence may use accrued vacation, compensatory time, holiday leave or may take unpaid time off.

D. Vacation, sick, holiday leave, seniority and tenure shall not accrue during any unpaid portion of a leave of absence nor will the City make any contributions during any unpaid portion of the period for retirement or group insurance programs. However, the employee may participate in group insurance programs during the leave of absence, provided the proper premium amount is deposited by the employee with the City.

E. Service prior to the leave of absence shall be counted toward seniority and tenure.

F. The City Manager may promulgate administrative procedures regarding personal leaves of absence, as well as the effect of leaves of absence on performance reviews.

G. Provisional and temporary/seasonal employees shall not be eligible for a personal leave of absence.

4.08.150 Family And Medical Leave Of Absence.

A. All employees, including temporary employees, with at least one year of service and with 1250 hours of service in the previous twelve months shall, after meeting certain criteria, be eligible for Family Medical Leaves of Absence.

B. During the employee's leave of absence, the vacant position may be filled by a new appointment, temporary promotion, or temporary reassignment. Upon expiration of the approved leave, the employee shall be reinstated to the position vacated by the employee or to any other equivalent vacant position in the same pay level for which the employee is qualified.

C. Employees must use sick time, vacation, injury leave, or holiday time during the leave. If available, accrued compensatory time may also be used if desired by the employee. Short-term disability may be available in some cases of non-work-related personal illness or injury. Long-term disability may also be available. All other time will be unpaid.

D. Benefits and accruals of leave time will continue during the Family and Medical leave, and the City will continue to pay the City's portion of medical benefits and dental benefits. If applicable, the employee must pay the employee portion.

E. Employees will receive credit for continuing service for purposes of pension vesting, seniority, and tenure.

F. The City Manager has promulgated an administrative regulation regarding Family Medical Leaves incorporating the provisions of the Family and Medical Leave Act of 1993. The administrative regulation should be reviewed for more specific information.

G. Employees on short-term disability are subject to all provisions of FMLA. However, once FMLA has been exhausted, benefits may continue at the employee's total expense and accruals of leave time will discontinue.

4.08.160 Non-Job-Related Jury Or Court Leave.

All employees, including temporary employees, shall be granted time off with pay when performing jury duty or when subpoenaed as a witness before any court of law during the employee's normal work hours. It is intended that hours spent performing jury duty will count as hours worked. Any payments made by the court or otherwise paid as witness compensation to the employee for said leave shall become the property of the City. Any travel reimbursements may be kept by the employee providing that a City vehicle is not used. Parking reimbursements may be kept by the employee. This Paragraph does not apply to employees who are parties in any legal proceeding, except in the event the lawsuit arises out of actions within the person's scope of employment.

4.08.170 Holidays.

A. The following have been designated by the City Council as official City holidays for all employees, except those responsible for emergency operations.

New Year's Day	First Day of January
Martin Luther King Day	Third Monday of January
Presidents' Day	Third Monday of February
Memorial Day	Last Monday in May
Independence Day	Fourth Day of July
Labor Day	First Monday of September
Veterans Day	Eleventh Day of November
Thanksgiving Day	Fourth Thursday of November
Christmas Day	Twenty-fifth Day of December

B. In addition to the above-named holidays, the City Manager is authorized to designate two additional holidays per year, which may be called floating holidays.

C. Regular and provisional full-time and part-time employees receiving any pay on the normal working day immediately prior to and immediately after the holiday shall receive full pay for the holiday.

D. Designated Police Department personnel and other City employees who are allowed or required to group their holidays shall receive eight hours off with pay for each designated holiday. For purposes of usage, these hours may be grouped.

E. Official City holidays which fall on Sunday shall normally be observed on the following Monday; those which fall on Saturday shall normally be observed on the preceding Friday.

F. The City Manager may promulgate an administrative regulation to describe in further detail the usage of holidays and holiday pay.

CHAPTER 4.09

TERMINATIONS

(THIS CHAPTER DOES NOT APPLY TO THE CITY MANAGER, CITY TREASURER, MUNICIPAL JUDGES, CITY COUNCIL, OR PROVISIONAL EMPLOYEES.)

Sections:

4.09.010 Reduction In Force.

4.09.020 Resignation.

4.09.030 Retirement.

4.09.010 Reduction In Force.

A. The City Manager, after consulting with the Department Director and the Director of Employee Relations, may abolish any position in the City. If it becomes necessary to reduce the number of employees by the City at any time, the City Manager may lay off employees as required.

B. In the event of a reduction in force, the City Manager shall promulgate administrative procedures for such reduction in force that shall comply with applicable laws and regulations.

4.09.020 Resignation.

An employee resigning his or her position shall submit a written resignation to his or her Department Director at least two weeks prior to the effective date of such resignation. Provided two weeks' notice is given, an employee may request or be directed to use accrued compensatory time during any or all of this period, with approval of the supervisor, after consultation with the Department of Employee Relations. The Department Director, after consultation with the Department of Employee Relations, may place an employee on paid administrative leave for any or all of the two-week notice period. Appropriate notification of the resignation shall be sent to the Department of Employee Relations.

4.09.030 Retirement.

Retirement terms are governed by applicable City policies pension plans, state statute and federal law.

CHAPTER 4.10

MEDICAL EXAMINATIONS

(THIS CHAPTER DOES NOT APPLY TO MUNICIPAL JUDGES OR CITY COUNCIL.)

Sections:

4.10.010 Medical Examinations.

4.10.020 Evaluation Factors In Determining Fitness For Duty.

4.10.010 Medical Examinations.

A. Employees or candidates applying for any position within the City may be required to undergo periodic employment or post-offer physical/drug/psychological examinations.

B. In addition, when in the judgment of a Department Director or the City Manager, an employee's physical or mental condition is such that it appears to adversely affect safety considerations or the employee's ability to perform the duties of the employee's position, the City may require the employee to undergo examination by a physician or drug/alcohol testing in accordance with administrative procedure as promulgated by the City Manager.

C. In cases involving unfitness due to a physical or mental condition, the employee may be subject to an involuntary personnel action, including but not limited to alternative duty assignment, transfer, demotion, leave of absence or termination. In the event of demotion or termination the Personnel Merit System employee shall be entitled to invoke the procedures applicable for disciplinary action under Section 4.20.050.

4.10.020 Evaluation Factors In Determining Fitness For Duty.

Employees examined under the provisions of this article shall be considered unfit for duty if their disease, physical or mental condition, or disability, interferes with the performance of the essential function of their job with or without reasonable accommodation, or creates an undue health or safety risk to the employee or others, or creates an undue hardship to the City.

CHAPTER 4.11

EMPLOYEE DEVELOPMENT

Sections:

4.11.010 Policy.

4.11.020 Reimbursement For Employee Development.

4.11.010 Policy.

Consistent with the City policy, it shall be the responsibility of the Department of Employee Relations to determine Citywide training needs. Under the direction of the City Manager, the Department of Employee Relations will be responsible for organizing, coordinating and administering intra-city training programs; for advising and assisting departments in the development, administration, and evaluation of departmental training programs; for administering a tuition reimbursement program, if available; and for evaluating the effectiveness of training efforts.

4.11.020 Reimbursement For Employee Development.

Employees desiring to enroll in college courses for employee development may be reimbursed for the tuition costs provided all requirements are met as set forth through administrative regulation and federal law.

CHAPTER 4.12

PERFORMANCE EVALUATIONS

(THIS CHAPTER IS NOT APPLICABLE TO THE CITY MANAGER, CITY TREASURER, MUNICIPAL JUDGES OR CITY COUNCIL.)

Sections:

4.12.010 General.

4.12.010 General.

Each employee's performance shall be reviewed and evaluated on at least an annual basis. Such performance reviews are not subject to appeal or grievance.

CHAPTER 4.13

EMPLOYEE TRANSPORTATION

Sections:

4.13.010 Use Of City-Designated Vehicles.

4.13.020 Accidents With City Designated Vehicles.

4.13.030 Use of Private Vehicles.

4.13.040 Overnight Use Of City Designated Vehicles.

4.13.010 Use Of City-Designated Vehicles.

City-designated vehicles are to be used for authorized City business only, and shall carry no passenger other than on or in connection with official business. An employee authorized to drive a City vehicle must have a current and valid operator's license with appropriate vehicle class designation. Employees operating City vehicles are required to observe all traffic laws and City and departmental regulations to exercise due care. Should an employee be considered a risk, lose their license, or not pass drug/alcohol testing, the use of City vehicles may be denied and the employee may be disciplined.

4.13.020 Accidents With City-Designated Vehicles.

If, while operating a City-designated vehicle, an employee is involved in an accident resulting in any injury to others or damage to any property belonging to others, the employee shall:

A. Make every effort to protect the scene until the local law enforcement agency arrives and releases the vehicles. Wherever possible, vehicles should not be moved until released by proper authorities.

B. Notify the local police department.

C. Prepare a vehicle accident report regardless of the degree of fault or damage in a collision, and forward it through his/her supervisor to Risk Management.

D. Refrain from discussing the accident with anyone outside the City, other than the investigating police agency. All inquiries received by the employee for information shall be directed to Risk Management, Department of Employee Relations.

E. Report the accident to his or her Department Director no later than the next day.

F. Be tested for drugs/alcohol as required by City policy or the Department of Transportation.

4.13.030 Use Of Private Vehicles.

A. If an employee is required to use his/her personal car in the performance of his/her duties, he/she shall be reimbursed by the City for the mileage driven at the rates specified by the City Manager, in accordance with the Internal Revenue guidelines.

B. If, while using a privately owned vehicle on City business, the employee is involved in an accident, the responsibility for any damage or injury to others is with the employee. Risk Management must be notified within 48 hours of the accident. The employee is responsible for notifying his/her insurance agent and supervising the settlement of the claim through his/her agent.

C. The City shall not be responsible for the following occurrences to privately owned vehicles:

1. vehicle theft;
2. theft of other private property;
3. vandalism; and
4. any other damage to the vehicle.

D. If City property is lost or damaged while under transport in a private vehicle, and the employee has exercised due care in such transport, the City may accept liability for the damage or loss.

Risk Management must be notified within 48 hours whenever such damage or loss has occurred. In the case of City property that is stolen or vandalized, a police report must be made with the local police jurisdiction.

4.13.040 Overnight Use Of City-Designated Vehicles.

The City Manager or a designee will determine which City employees will be authorized to keep City vehicles in their possession overnight. Periodic reviews and criteria for justification may be established in administrative regulation as promulgated by the City Manager.

CHAPTER 4.14

EMPLOYEE POLITICAL ACTIVITIES

Sections:

4.14.010 Federal And State Elections And Campaigns.

4.14.020 Local Elections And Campaigns.

4.14.030 Solicitation Of Contributions For Political Parties Or Candidates.

4.14.010 Federal And State Elections And Campaigns.

Employees are free, on their own time and away from any office of the City, to participate in all federal, state, county, and municipal campaigns and to openly express their views and support for candidates. Employees shall refrain from any political activities which give the appearance that they are endorsed by the City or which interfere with the performance of their normal duties. Any employee whose position is funded by a federal program and/or monies shall be subject to the provisions of 5 United States Code, Section 1501, et seq., as amended, commonly known as the Hatch Act.

4.14.020 Local Elections And Campaigns.

A. Candidates for Office. Any employee desiring to be a candidate for municipal office in the City of Lakewood shall submit a request for a leave of absence commencing on the date of filing and ending the day following election day. Candidates who are elected to such office shall resign from the employ of the City.

B. Activities. Employees while on City time shall not publicly support or endorse any candidates for municipal office in the City of Lakewood, shall not circulate or cause to be circulated any nominating petitions for such office, shall not distribute any campaign literature nor display on City property or premises any campaign buttons or car stickers or placards on behalf of any candidate for municipal office in the City of Lakewood.

4.14.030 Solicitation Of Contributions For Political Parties Or Candidates.

Employees shall not be required to make any contribution to a political party, to an elected official or to a candidate, and their refusal to do so shall not be used to penalize them in any way. An employee, while on City time or in the workplace, shall not make any solicitation of any such contributions from any other person.

CHAPTER 4.15

PERSONNEL RECORDS

Sections:

4.15.010 General.

4.15.020 Retention And Destruction.

4.15.030 Release Of Personnel Information.

4.15.010 General.

The Employee Relations Department shall maintain information on each employee pertinent to his/her employment with the City.

An employee shall report all changes of name, address, and home telephone number to the Employee Relations Department. Department Directors or designees shall report any change, in an employee's employment status to the Employee Relations Department.

4.15.020 Retention And Destruction.

The Department of Employee Relations shall retain all personnel and payroll records of City employees according to the direction of the State Archivist. Records of former employees shall be retained as the State Archivist directs. Applications for employment, unless renewed, shall be considered active for a period of six months. Applications for employment may be destroyed, according to the direction of the State Archivist.

4.15.030 Release Of Personnel Information.

A. During office hours, an employee, former employee, or a designated representative thereof may examine the employee's personnel file as permitted by law. Designation of a representative shall be an original, in writing and notarized, signed by the employee or former employee, and filed with the Department of Employee Relations before the representative may examine the employee's file.

B. Personnel files shall be available to all officials who supervise or may supervise the work of the employee whose records they wish to review, and any employees assigned to the Department of Employee Relations.

C. The Department of Employee Relations may verify to a prospective employer of a present or former employee the dates of such individual's employment with the City and the latest or last position title held and such other information permitted by law to be released. Other information concerning an employee may be released to prospective employers, collection agencies, credit bureaus, etc., when the employee has designated them as his/her representatives in accordance with Section 4.15.030(A).

D. In the event of conflict between this Paragraph concerning the disclosure of personnel information and the requirements of the Colorado Open Records Act, Section 24-72-201, et seq., C.R.S. 1973, the provisions of the Colorado Open Records Act shall prevail.

CHAPTER 4.16

MISCELLANEOUS RULES

Sections:

- 4.16.010 Outside Employment.**
- 4.16.020 Conflict Of Interest.**
- 4.16.030 Safety Program.**
- 4.16.040 Drug Free Work Place.**
- 4.16.050 Employee Assistance Program.**
- 4.16.060 EEO Policy Statement.**
- 4.16.070 Sexual Harassment Policy.**

4.16.010 Outside Employment.

Employees shall file notice to their Department Director in writing prior to the commencement of any such additional employment in which he or she engages with a copy being placed in the employee's personnel file. The Department Director in consultation with the Director of Employee Relations, may prohibit such outside employment to avoid a conflict of interest or the appearance of a conflict of interest with any of the employee's responsibilities to the City.

4.16.020 Conflict Of Interest.

A. As a matter of policy, the City shall strive to assure that every effort is made to promote public confidence in government by assuring the impartiality, integrity and honesty of City employees. As such, all employees will ensure that their actions present neither a conflict of interest nor the appearance of a conflict with the public trust. Activities which could be construed as a conflict of interest, include but are not limited to:

1. Any employment, activity, or enterprise which involves the use for private gain of the City's time, facilities, equipment, supplies, prestige, influence, badge, uniform, or privileged or confidential information;
2. Receipt or acceptance by employees of any money or other consideration from anyone other than the City for performance of an act or function which employees would be required or expected to render in the regular course of City employment, or as part of their duties as City employees;
3. Performance of an act in other than one's capacity as a City employee which may later be subject, directly or indirectly, to control, inspection, review or audit by such employee or by the City;
4. Use or give permission to any other person to use any equipment, vehicle, materials or other asset owned by the City, and/or services provided to or by the City for the conduct of the City's business, for personal purposes of the employee or another person or for the conduct of any activity intended to generate income, make a profit, or for bartering purposes, except as detailed in administrative regulations.

B. Employees and members of their families shall not accept or solicit personal gifts offered because of the employee's duties, functions, or responsibilities as an employee of the City.

C. The City and employees shall comply with Colorado Civil and Criminal Statutes dealing directly with conflict of interest situations, including C.R.S. § 24-34-402.5.

D. Employees shall contact their Department Director before engaging in an activity which may be construed as a conflict of interest, before commencing outside employment as set forth in Section 4.16.010. The City Manager or a designee shall make the final decision regarding interpretation of conflict of interests.

E. An employee may be disciplined for engaging in activities during non-working hours, which create a conflict of interest or the appearance of a conflict of interest with any of the employee's responsibilities to the City.

F. The City Manager may promulgate administrative regulations dealing with guidelines, reporting, and other appropriate items regarding this Paragraph.

4.16.030 Safety Program.

The efficiency and effectiveness of the City organization is enhanced by a viable safety program. All employees are expected to be aware of and follow safety requirements as part of their jobs. The City Manager shall require the Department of Employee Relations to coordinate safety matters with all departments of the City.

4.16.040 Drug Free Work Place.

It is the City's intent to maintain a drug free, healthful, safe and secure work environment. The City Manager may promulgate administrative regulations regarding a drug free work place.

4.16.050 Employee Assistance Program.

Recognizing that an employee or a member of his or her family may have personal problems which adversely affect job performance, the City has contracted to make available to all employees and their families a free, completely confidential counseling and referral service. Usage of this service may be initiated through self-referral or by supervisor referral. While the City recognizes that resolution of personal problems is in the best interest of both the employee and the City, such problems remain the employee's responsibility. The employee's job evaluations are based upon performance in his or her position notwithstanding outside influences. Therefore, it is incumbent upon the employee to take advantage of the assistance offered and ensure that personal problems do not have a detrimental effect on job performance.

4.16.060 EEO Policy Statement.

It is the policy of the City of Lakewood to work continually to provide equal employment opportunities to all persons without regard to race, color, creed, national origin, religion, sex, sexual orientation, age, or disability. In compliance with state and federal statutes, the City hereby reaffirms its commitment.

In fair employment practices, the City will:

A. Recruit, hire, promote, and train individuals in all job classifications without regard to race, color, creed, national origin, religion, sex, sexual orientation, age, or disability.

B. Make employment decisions upon an individual's qualifications and job related requirements of the position, giving due consideration to the meaning of the phrase, "The City of Lakewood is an equal opportunity employer." This means that minority candidates who are equally qualified for positions are strongly considered for hire. The City shall seek out qualified minorities and females and people of varied backgrounds in order to encourage their application for vacant positions within the City.

C. Ensure that all personnel practices and actions will be administered without regard to race, color, creed, national origin, religion, sex, sexual orientation, age or disability.

D. Ensure that all individuals, receive equal opportunity for training and management development programs.

E. Communicate this policy of equal employment opportunity to all supervisors and employees. Ensure that all advertisements state the policy of the City.

The City Manager is responsible for initiating and promulgating procedures and practices to ensure equal employment opportunity for all applicants and employees. It is intended that all City employees support the City's commitment to promote this policy.

The City of Lakewood will act promptly to investigate alleged discrimination. Based on its investigation, the City may take whatever action it deems appropriate, up to and including discharge, and to effect immediate remedy when an allegation is determined to be valid.

Any employee who believes he or she has been the subject of discrimination should report the alleged act immediately to his/her immediate supervisor or Department Director; or the Department of Employee Relations.

4.16.070 Sexual Harassment Policy.

Sexual harassment is not condoned and will not be tolerated under any circumstances within any City of Lakewood work place. The City supports the proposition that sexual harassment generates a harmful atmosphere, so it is our position to affirmatively promote an atmosphere free of sexual harassment and intimidation.

Sexual harassment is a violation of State and Federal Law. It is a form of employee misconduct, which undermines the integrity of the employment relationship and negatively impacts upon the morale and productivity of our employees.

Sexual harassment can be expressed in various ways, such as sexual remarks, subtle or overt sexual demands and physical assault. As defined by the Equal Employment Opportunity Commission (EEOC), sexual harassment is any "unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature" when:

A. Submission is an explicit or implicit condition of employment.

B. Submission to or rejection of advances are the basis for an employment decision affecting such individual.

C. The conduct has the purpose or effect of substantially interfering with a worker's performance, creating an intimidating, hostile, or offensive working environment.

The City of Lakewood will act promptly to investigate alleged harassment. Based on its investigation, the City may take whatever action it deems appropriate, up to and including discharge, and to effect immediate remedy when an allegation is determined to be valid.

Any employee who believes he or she has been the subject of sexual harassment should report the alleged act immediately to his/her immediate supervisor or Department Director; or the Department of Employee Relations.

PERSONNEL MERIT SYSTEM POLICIES

(Personnel Merit System Policies Apply To All Employees Except The City Manager, City Treasurer, Court Administrator, Municipal Judges, Department Directors, Division Managers, City Council, Provisional Employees And All Temporary/Seasonal Employees Or As Otherwise Specified Herein.)

CHAPTER 4.17

GENERAL PROVISIONS

Sections:

4.17.010 Employees Included.

4.17.020 Violation Of Policies.

4.17.010 Employees Included.

The Personnel Merit System applies to all employees except the City Manager, City Treasurer, Court Administrator, Municipal Judges, Department Directors, Division Managers, City Council, Provisional Employees and all Temporary/Seasonal employees, or as otherwise specified herein.

4.17.020 Violation Of Policies.

Violation of any policy shall be grounds for disciplinary action, including, but not limited to, reprimand, suspension, demotion, or discharge for non-exempt employees. Exempt employees may be reprimanded, suspended in accordance with applicable law, demoted or discharged. An employee who believes that he or she has been unjustly disciplined may file an appeal in accordance with procedures established within these policies.

CHAPTER 4.18

PROBATION

Sections:

4.18.010 Probation.

4.18.010 Probation.

Every employee who is appointed into a regular full-time or regular part-time position must serve a probationary period. Employees who have occupied the position may have the probationary period modified or waived upon approval of the City Manager. The probationary period will last at least six months. During said probationary period, goals pertaining to the employee's performance and other job-related criteria should be presented to the probationary employee and periodic reviews should take place during the period. Employees not meeting the standards or goals established for the position may be given additional probationary time, transferred, demoted or discharged. A newly hired employee serving the initial probationary period with the City is employed at the will of the City and may be discharged or demoted for any reason or no reason, with or without notice, and without application of Chapter 4.20. An employee promoted, transferred, or demoted from a regular position to a new position occupies the new position at the will of the City and may be removed from the position and placed in a different position for any reason or no reason, with or without notice, during the probationary period without application of Chapter 4.20, but any discharge must be for cause. While serving a probationary period, an employee may not apply for a transfer, promotion or demotion. Exceptions to this may be made by the City Manager upon the recommendation of the Department Director and the Director of Employee Relations.

CHAPTER 4.19

TRANSFERS - PROMOTIONS - DEMOTIONS

Sections:

4.19.010 Transfers.

4.19.020 Promotions.

4.19.030 Temporary Transfers Or Promotions.

4.19.040 Demotions.

4.19.010 Transfers.

A. Department Directors, upon consultation with the Director of Employee Relations, may transfer an employee who possesses the necessary qualifications to another classification at the same pay level or to another assignment at a different pay level within the same or another department. The City Manager shall have final authority with respect to approval of all transfers.

B. An employee transferring to a position having different duties and responsibilities than the position being vacated is subject to serving a probationary period, which will last a minimum of six months. During said probationary period, goals pertaining to the employee's job and other job-related criteria should be presented to the probationary employee and periodic reviews should take place during this period. Employees not meeting the standards or goals may be given additional probationary time, reassigned to a different classification, or disciplined without application of Chapter 4.20. Discharge can only be for cause.

C. Employees currently serving a probationary period may not apply for a transfer. Exceptions to this may be made by the City Manager upon the recommendation of the Department Director and the Director of Employee Relations.

4.19.020 Promotions.

A. Promotions must involve a definite increase in duties and responsibilities, conform to the merit system principles, and shall not be made merely to effect an increase in the employee's compensation. The City Manager shall have final authority with respect to approval of all promotions.

B. An employee receiving a promotion within the same occupational group in which he or she is assigned at the time of promotion shall move to an appropriate place in the higher pay range, based upon the recommendation of the Department Director and the Director of Employee Relations.

C. Movement by an employee from one occupational group to another may be considered either a transfer or a promotion. As such, the employee shall receive compensation at an appropriate place in the pay range based upon the recommendation of the Department Director and the Director of Employee Relations.

D. For promotions, a probationary period will last for a minimum of 6 months. During said probationary period, goals pertaining to the employee's performance and other job-related criteria should be presented to the probationary employee and periodic reviews should take place during the period. Employees not meeting the standards or goals may be given additional probationary time, reassigned to a different classification or disciplined without application of Chapter 4.20. Discharge can only be for cause.

E. Employees currently serving a probationary period may not apply for promotion. This restriction does not apply to employees on promotion lists. Exceptions to this may be made by the City Manager upon the recommendation of the Department Director and the Director of Employee Relations.

4.19.030 Temporary Transfers Or Promotions.

If an employee is temporarily transferred or promoted to another classification, for reasons other than training purposes, the employee may move to an appropriate place in the pay range for that classification upon the recommendation of the Department Director and the Department of Employee Relations. The City Manager shall have final authority with respect to the approval of all recommended temporary transfers or promotions.

4.19.040 Demotions.

A Department Director, upon consultation with the Director of Employee Relations, may demote an employee:

- A. Who voluntarily requests a demotion;
- B. As a result of a reduction in force or reorganization; or
- C. For cause as set forth in Section 4.20.030.

An employee so demoted will serve at least a 6-month probationary period and will not be considered for promotion or transfer during this period, except where the demotion was a result of a reduction in force or reorganization. No City employee shall be demoted to any position for which he or she does not possess the necessary qualifications or for which he or she cannot perform the essential functions. Written notice of the demotion shall be given to the employee at least ten working days prior to the effective date of the demotion.

An employee receiving a demotion shall be moved to an appropriate place in the pay range of the classification to which the employee was demoted.

For demotions, a probationary period will last for a minimum of 6 months. During said probationary period, goals pertaining to the employee's performance and other job-related criteria should be presented to the probationary employee and periodic reviews should take place during the period. Employees not meeting the standards or goals may be given additional probationary time, reassigned to a different classification or disciplined without application of Chapter 4.20. Discharge can only be for cause.

CHAPTER 4.20

DISCIPLINARY ACTION AND APPEAL PROCEDURE

Sections:

- 4.20.010 Disciplinary Action.**
- 4.20.020 Definitions.**
- 4.20.030 Forms Of Disciplinary Action.**
- 4.20.040 Disciplinary Procedure.**
- 4.20.050 Appeal Of Disciplinary Action.**
- 4.20.060 Time Limits.**

4.20.010 Disciplinary Action.

Employees subject to these rules or any departmental regulation duly promulgated, may be disciplined for cause.

4.20.020 Definitions.

A. "Disciplinary authority" for the City of Lakewood shall be the City Manager or his or her designee, Department Directors, Division Managers, Section Heads, and Supervisors, within the limits of authority as herein set forth.

Department Directors shall have the authority to discharge, demote, suspend with or without pay, and reprimand. No suspension shall exceed sixty (60) working days. Division Managers shall have the authority to suspend, with or without pay, for up to two (2) working days and to reprimand. Certain section heads, upon approval by their Department Directors, may suspend, with or without pay, for one (1) day. Section heads and first line supervisors shall have the authority to reprimand and to effect temporary and immediate suspensions pursuant to Section 4.20.040(C)(1).

B. "Disciplinary action" refers to action taken by the disciplinary authority against an employee for cause, including reprimand, suspension, demotion, or discharge. Demotions or terminations necessary because of elimination of any position or reduction in force shall not be deemed a disciplinary action.

C. "Cause" for disciplinary action includes, but is not limited to:

1. Unsatisfactory work performance, including a failure to demonstrate a reasonable competence, or failure to perform the duties of the position in a satisfactory manner.

2. Violation of work hours or attendance policies of the department, including job abandonment.

3. Illness, physical or mental disability or condition which prohibits employee from performing the essential functions of the position with or without reasonable accommodation, or creates an undue health or safety risk to the employee or others, or creates an undue hardship to the City, or which prevents the person from being at the work place to the extent that it interferes with the duties of the position, consistent with the Family and Medical Leave Act whether the employee's absences are within sick leave available or in excess thereof or otherwise excused. The City shall comply with the Family and Medical Leave Act.

4. Insubordination, including, but not limited to, failure to follow instructions given by a supervisor.

5. Physical or verbal altercations and related misconduct in the work place, and/or during work time.

6. Entry of a plea of guilty or nolo contendere or entry into a deferred judgment and sentence or conviction for a felony, a crime of moral turpitude, or any other crime which involves the abuse of public office; or consistent with the terms of Section 24-34-402.5, C.R.S., any other conduct outside the work place which interferes with the employee's ability to properly perform his/her duties or which substantially prejudices the conduct of the City's business, including conflicts of interest.

7. Violation of conflict of interest provision as set forth in 4.16.020.

8. Falsification or material omission in the application process for employment, or falsification or material omission of any City-related record.

9. Any conduct demonstrating dishonesty in the work place.

10. Any theft or unauthorized use of property belonging to the City or to an employee of the City or other person.

11. Negligent or willful damage or waste of City property.

12. Possession of, or the use of, or being under the influence of alcohol or any illegal or illegally consumed drugs when reporting for duty or while on duty.

13. Failure to maintain specified departmental or other physical fitness levels.

14. Conduct which violates any federal or state anti-discrimination law pertaining to employment, including sexual harassment.

15. Improper use of City assets, property or services as set forth through administrative regulation.

16. Refusal to work overtime, or to work a designated shift or schedule.

17. Testing positive on a drug or alcohol test.

18. Violation of any of the provisions of the City policies, procedures, ordinances, administrative regulations or any department rules.

19. Conduct which would prejudice the City's or the public's interest.

4.20.030 Forms Of Disciplinary Action.

A. Reprimand. A disciplinary authority may reprimand an employee orally or in writing.

B. Suspension. A disciplinary authority may suspend an employee from employment, with or without pay. Exempt employees may not be suspended without pay except in accordance with applicable law and with approval of the Director of Employee Relations. No suspension shall exceed sixty (60) working days.

C. Demotion. A disciplinary authority, upon consultation with the Director of Employee Relations, may demote an employee.

D. Discharge. A disciplinary authority, upon consultation with the Director of Employee Relations, may discharge an employee.

4.20.040 Disciplinary Procedure.

A. Reprimand. A disciplinary authority may reprimand an employee orally or in writing. If such reprimand is in writing, a copy of the reprimand shall become a permanent record in the employee's personnel file. The employee shall be provided a copy of any written reprimand and shall be entitled to make a written response which shall be kept in the employee's personnel file.

B. **Suspensions of Two Work Days or Less.** A Division Manager or Department Director may suspend a non-exempt employee for two (2) work days or less. Certain section heads, upon approval by their Department Directors, may suspend a non-exempt employee for one (1) work day. Prior to imposing the suspension, the disciplinary authority shall meet with the employee to discuss the matter and any proposed action. If the decision to suspend is made by the Division Manager or the section head, the employee may request a review of the action by the Department Director. The decision of the Department Director shall be final.

C. **Suspension, Demotion and Discharge.**

1. A temporary and immediate suspension may be effected by a disciplinary authority when there is need to remove the employee from the work place promptly because of a possibility of violence, disruption of work, insubordination, damage to property or persons or if any employee is under the apparent influence of intoxicants or drugs or for any other reason which requires prompt removal. A suspension may also be effected in order to conduct a thorough investigation. A temporary and immediate suspension may be imposed by the City Manager, Department Director, Division Manager, section head or a first line supervisor. A temporary and immediate suspension shall be with pay until such time as there is compliance with procedures established herein.

2. When an employee, by behavior or performance, evidences to the supervisor or other disciplinary authority that disciplinary action other than a reprimand or suspension of two days or less may be required, the following procedures shall be employed:

a. Within ten (10) calendar days of the event or of learning of the event, the Supervisor will prepare a written recommendation that disciplinary action be considered, which recommendation shall include a statement of the reasons therefor and may include a recommended action and submit the recommendation up through the line of authority to the appropriate Department Director. Recommendations for disciplinary action shall not be made a part of the employee's personnel file and shall not be available to the employee.

b. Within five (5) working days of receipt of the recommendation, or upon his/her own initiative, the Department Director shall conduct whatever review he/she considers necessary and appropriate. In the event he/she determines that disciplinary action may be appropriate, the Department Director shall notify the employee in writing that he/she is considering disciplinary action and state the reasons therefor. The written notification shall also advise the employee of a time and place to meet with the Department Director in order to respond to the written notification and that the employee may submit any written response as well.

c. Within five (5) working days of the employee's receipt of the written notification, the Department Director shall meet with the employee and review any written response submitted by the employee, and shall give consideration to the oral and/or written responses. The employee is not entitled to any representation, including legal counsel, at this meeting. At the Department Director's discretion, Supervisors will be present. Thereafter, and within five (5) working days, the Department Director shall determine what disciplinary action, if any, shall be taken. Within this five (5) day period, in the event disciplinary action is taken, the employee shall be notified in writing, including a statement of reasons therefor and the effective date of the action. If a temporary and immediate suspension was previously imposed, the Department Director may convert it to a suspension without pay for non-exempt employees as part or all of the disciplinary action. If the disciplinary action is discharge, demotion or suspension of more than two days, the notice of disciplinary action shall advise the employee of his/her appeal rights. The disciplinary action shall be effective as of the stated effective date in the notice of disciplinary action without regard to any subsequent appeal.

4.20.050 Appeal Of Disciplinary Action.

Persons discharged, demoted or suspended for more than two work days shall be entitled to appeal. An appeal may only be initiated by filing written notification with the Director of Employee Relations within ten (10) calendar days of receiving written notification of the disciplinary action.

A. The Director of Employee Relations shall maintain a list of impartial and qualified hearing officers. Upon receipt of any notice of appeal of disciplinary action, the Director of Employee Relations shall provide the employee with this list and the employee shall select a hearing officer, based on availability. If the employee does not select a hearing officer from this list within seven (7) calendar days after receiving the list, the City Manager shall appoint a hearing officer from the list, on a rotating basis, subject to the availability of the hearing officer. If the hearing officer selected is not available, the selection process shall be repeated until a hearing officer is selected and is available.

B. The hearing officer shall conduct a hearing. There shall be administrative regulations promulgated which provide for notice, procedures to be employed during the hearing and the right of the appellant to be represented by any person of his/her choice willing to serve, including an attorney at law. The City may be represented by any person of its choice, including the City Attorney or his/her designee. The City shall also have present the Director of Employee Relations and/or his/her designee. The hearing officer shall be responsible for the conduct of the hearing, including application of procedure as established by ordinance and administrative regulation.

The hearing officer shall conduct a hearing within ninety (90) calendar days after the written notice of appeal is received by the Director of Employee Relations, unless good cause is shown that additional time is necessary. The hearing officer's role is to conduct a hearing. The hearing officer may issue or cause to be issued subpoenas for the attendance of witnesses and for the production of books, records, documents and other evidence and shall have the power to administer oaths. Subpoenas so issued shall be served and upon application to the District Court of Jefferson County by a party or the hearing officer, enforced in a manner provided by law for the service and enforcement of subpoenas in civil actions. No party shall be entitled to subpoena any evidence not admissible at the hearing. The hearing officer has no authority to order the taking of any depositions, responses to interrogatories, responses to requests for production of documents or the physical or mental examination of any persons. The hearing officer shall endeavor to render his/her decision within thirty (30) calendar days after the hearing is completed. The hearing officer's sole purpose is to determine whether or not cause for any disciplinary action existed. The hearing officer has no authority to modify any disciplinary action taken. Hearings conducted under the provisions of these policies are not open to the public.

The hearing officer shall consider the evidence and shall make findings of fact and conclusions in writing, stating whether there was or was not cause. The findings of fact and conclusions shall be transmitted to the City Manager, the appellant or his/her representative, the representative of the City, and the Director of Employee Relations.

C. The City Manager, which includes his/her designee, may accept, reject or modify the findings of fact and conclusions. Prior to any decision, the City Manager shall review the findings of fact and conclusions and may make such other review of the record as necessary. In addition, the City Manager, in his/her discretion, may conduct a hearing de novo or may conduct a hearing supplemental to that conducted by the hearing officer limited to such matters

as he/she deems necessary. There shall be administrative regulations promulgated, which provide for notice, procedures to be employed during any hearing and the right of any employee to be represented by any person of his/her choice, including an attorney at law. The City may be represented by any person of its choice, including the City Attorney. The City Manager shall conduct the review and any hearing and render a decision within forty-five (45) calendar days after receipt of the hearing officer's findings of fact and conclusions unless good cause is shown that additional time is necessary. The City Manager may modify the disciplinary action taken in any instance where cause is found. For the sole purpose of determining whether to modify the disciplinary action taken, the City Manager may consider any information from any source, including appellant, and need not conduct any hearing. If requested, the City Manager shall meet with the appellant and permit appellant to state his/her reasons for any modification of the disciplinary action. There shall be administrative regulations, which establish the conditions of the meeting. The City Manager shall render a decision in writing accepting, rejecting or modifying the findings of fact and conclusions of the hearing officer and stating any modification of the disciplinary action. He/she shall order whatever action is necessary, if any, to implement his/her decision and shall notify the appellant, the Department Director and the Director of Employee Relations accordingly.

4.20.060 Time Limits.

With the exception of the requirement that an appeal of disciplinary action shall be filed within ten (10) calendar days of receipt of written notification, the failure to meet any of the time limits contained in the disciplinary procedures in Chapter 4.20 shall not invalidate the process or any action taken.

CHAPTER 4.21

GRIEVANCE PROCEDURES

Sections:

4.21.010 Statement Of Policy.

4.21.020 Time Limits.

4.21.010 Statement Of Policy.

The City of Lakewood is interested in the establishment of good employee relations practices and the promotion of sound personnel management. Circumstances may arise, apart from disciplinary actions, which cause employee dissatisfaction. Therefore, the following grievance procedures are established whereby employees are entitled to present their complaints without fear of reprisal. All non-exempt regular full-time and regular part-time employees may utilize the grievance procedures.

A. Whenever an employee believes that a working condition, other than a disciplinary action, general City policy or procedure, performance review, or the establishment of classification, pay and fringe benefits, has developed which is adversely affecting his/her working conditions, the employee has a right to file a grievance. Any grievance shall be processed in the following manner:

1. The Department Director will immediately notify the Director of Employee Relations concerning the filing of a grievance.
2. Within five (5) work days of the matter causing the dissatisfaction, an employee must present the appropriate supervisor with a memorandum describing his/her grievance, stating the facts and the desired action.
3. If the matter is not resolved within ten (10) calendar days, the supervisor must respond to the employee in writing by the tenth (10th) calendar work day explaining the position taken by the supervisor.
4. If the employee is dissatisfied with the supervisor's explanation, the employee within five (5) work days of receipt of the supervisor's written response may appeal the decision to the Department Director. The appeal must be in writing and indicate the employee's reasons for differing with his/her supervisor's decision.
5. The Department Director will meet with the employee and the employee's supervisor to discuss the grievance. If the grievance is not settled through discussion, the Department Director's written reply must be made within five (5) work days of receipt of the employee's grievance. The decision of the Department Director is final.
6. The Department Director will notify the Director of Employee Relations concerning the action taken.
7. This grievance procedure is an internal process and does not involve or allow any outside representation, including attorneys.

4.21.020 Time Limits.

With the exception of the requirement that a grievance shall be filed within five (5) work days of the matter advising the dissatisfaction, the failure to meet any of the time limits contained in the grievance procedures in Chapter 4.21 shall not invalidate the process or any action taken.

POLICIES APPLICABLE TO EXECUTIVES

CHAPTER 4.22

REMOVAL OR SUSPENSION

Sections:

4.22.010 At-Will Employment.

4.22.020 Severance Agreements.

4.22.030 Suspension Without Pay of Department Directors/Executive Personnel.

4.22.010 At-Will Employment.

Executive Personnel (employees who occupy positions in the Executive Occupational Group) are employed at the will of the City and may be discharged, demoted, or suspended with pay for any reason or no reason, with or without notice. Removal of Executive Personnel is vested in the City Manager.

4.22.020 Severance Agreements.

As a matter of policy, the City Manager may provide a severance agreement to Department Directors. A Department Director may provide a severance agreement to a Division Manager. Such policies or procedures as are necessary for the utilization of severance agreements will be promulgated by the City Manager. Severance agreements will not exceed three (3) months in length without approval of the City Manager.

4.22.030 Suspension Without Pay of Department Directors/Executive Personnel.

Suspension of Department Directors of the City is vested in the City Manager and may be only in accordance with applicable law. Other exempt executive employees may be suspended without pay only in accordance with applicable law.

CHAPTER 4.23

GENERAL PROVISIONS

Sections:

4.23.010 Physical Examinations.

4.23.020 Physical Fitness Programs.

4.23.030 Travel Insurance.

4.23.040 Relocation Benefits.

4.23.050 Deferred Compensation Annuity Program.

4.23.010 Physical Examinations.

Department Directors may have an approved annual physical examination, the cost and expense thereof to be borne by the City.

4.23.020 Physical Fitness Programs.

The City may establish and provide a physical fitness program and pay the cost of the participation of Department Directors in such program, for the purpose of maintenance of executive health.

4.23.030 Travel Insurance.

The City shall pay the premium cost of a life insurance policy for accidental death when such death occurs while management personnel may be engaged in travel. The City shall be the owner of such policy and those covered shall designate the beneficiary or beneficiaries under such policy. Notwithstanding the provisions of this Paragraph, the terms, conditions, and effective date of such insurance policy shall be subject to approval by the City Manager.

4.23.040 Relocation Benefits.

The City Manager is authorized to pay temporary relocation benefits to any executive employee relocating to the City of Lakewood subject to the requirements hereinafter set forth. Such benefits shall be limited to reimbursement for temporary relocation expenses for housing. The amount, the method, the form and the reasons for such payments shall be set forth in a memorandum executed by the employee and the City Manager. The City Manager is authorized to reimburse any executive employee for all or any portion of the actual expenses incurred in relocating personal and household belongings to the city.

4.23.050 Deferred Compensation Annuity Program.

The City may commence a deferred compensation annuity program for Department Directors; provided, however, that nothing in this Paragraph shall amend or abrogate any other ordinance of the City relating to a separate deferred compensation plan for any City employee. The City Manager may approve a program to contribute to the plan for Department Directors, not to exceed three percent of the employee's base salary and contingent upon an equivalent employee contribution.

CHAPTER 4.24

SALARIES

Sections:

4.24.010 Annual Salary Of City Manager.

4.24.020 Salary Of Elected Officials.

4.24.010 Annual Salary Of City Manager.

The annual salary of the City Manager shall be established by contract between the City Council and the City Manager, which may be revised from time to time by City Council resolution. The salary shall be paid on either a monthly, semimonthly, or biweekly basis in accordance with the current payroll procedure for other positions.

4.24.020 Salary Of Elected Officials.

A. Commencing with the new term of office resulting from the regular election held on November 4, 1997, the compensation for the City Councilmembers shall be an annual compensation of Nine Thousand One Hundred Twenty-six and No/100 Dollars (\$9,126.00).

B. Commencing with the new term of office resulting from the regular election held on November 3, 1999, the compensation for the Mayor shall be an annual compensation of Twenty-four Thousand and No/100 Dollars (\$24,000.00).

C. The compensation shall be divided into as equal as possible payments and paid monthly.

D. During the month of November in the year preceding the year in which each mayoral election is conducted, the City Council shall review the compensation provided for the Mayor and City Council to determine whether said compensation should be adjusted. Any such adjustment shall be established by ordinance and take effect pursuant to the Lakewood Home Rule Charter.

**POLICIES APPLICABLE TO TEMPORARY/
SEASONAL EMPLOYEES**

CHAPTER 4.25

GENERAL PROVISIONS

Sections:

- 4.25.010 Pay Plan.**
- 4.25.020 Fringe Benefits.**
- 4.25.030 Change Of Status.**
- 4.25.040 Miscellaneous Policies.**

4.25.010 Pay Plan.

Subject to approval by the City Manager, persons may be employed by the City in any department on a temporary/seasonal basis, at prevailing rates of pay to be agreed upon between the City and such employee, which may be below rates of pay to regular or provisional personnel performing the same or comparable services.

4.25.020 Fringe Benefits.

A. Notwithstanding other provisions of this Chapter, temporary/seasonal employees shall not be eligible to receive any fringe benefits, such as vacation, sick leave, military leave with pay, holidays, group life insurance, disability income insurance, and hospital and medical insurance.

B. Temporary/seasonal employees shall be eligible to receive 180 hours injury leave for on-the-job injuries/illnesses.

4.25.030 Change Of Status.

In the event any temporary/seasonal employee shall be appointed to a regular or provisional position, the date of such appointment shall constitute the employee's date of hire for purposes of tenure and seniority.

4.25.040 Miscellaneous Policies.

The following paragraphs contained in the General Policies also apply to temporary/seasonal employees: Principles, Policies On Equal Employment Opportunities, Overtime, Attendance, Family and Medical Leave as required by law, Workers' Compensation and limited injury leave, Non-Job-Related Jury Or Court Leave, Use Of City-Designated Vehicles, Accidents With City-Designated Vehicles, Use Of Private Vehicles, Overnight Use Of City-Designated Vehicles, Federal And State Elections And Campaigns, Solicitation Of Contributions For Political Parties Or Candidates, General (Personnel Records), Retention And Destruction, Release Of Personnel Information, Conflict Of Interest, Safety Program, Drug Free Work Place, EEO Policy Statement, Sexual Harassment Policy and such other programs and policies as are designated by applicable law or provision.

OTHER

CHAPTER 4.26

POLICE RETIREMENT

Sections:

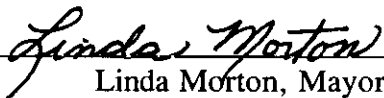
4.26.010 Police Retirement and Disability Benefits.

4.26.010 Police Retirement and Disability Benefits.

The City shall provide, for the sworn police officers, agents and recruits of the City of Lakewood, both pension benefits and disability benefits by sponsoring and making employer contributions to the City of Lakewood Police Pension Plan and by sponsoring the Police Duty, Death and Disability Trust, in accordance with the terms and provisions of such plans, as were in effect under this code on December 31, 1992, and as may be subsequently adopted, amended or restated pursuant to the terms of the plans.

SECTION 2. This ordinance shall take effect thirty (30) days after final publication.

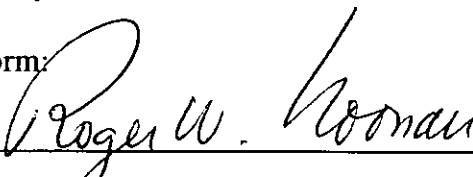
I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a regular meeting of the Lakewood City Council on the 23rd day of August, 1999; published in full in the Lakewood Sentinel on the 26th day of August, 1999; set for public hearing on the 13th day of September, 1999; read, finally passed and adopted by the City Council on the 13th Day of September, 1999; and signed and approved by the Mayor on the 14th Day of September, 1999.


Linda Morton, Mayor

ATTESTED AND CERTIFIED:


Karen Goldman, City Clerk

Approved as to form:

City Attorney  Date September 7, 1999

Approved as to content:

City Clerk _____ Date _____
Finance _____ Date _____
City Manager _____ Date _____
Police Dept. _____ Date _____
Comm. Resources _____ Date _____
Public Works _____ Date _____
Employee Relations _____ Date _____
Community Planning
& Development _____ Date _____

AN ORDINANCE

AMENDING CHAPTER 2.08 OF THE LAKEWOOD MUNICIPAL CODE TO CHANGE THE NAME OF THE DEPARTMENT OF EMPLOYEE RELATIONS TO "DEPARTMENT OF HUMAN RESOURCES," MAKING CORRESPONDING CHANGES TO ANY REFERENCES TO THE DEPARTMENT OF EMPLOYEE RELATIONS IN THE LAKEWOOD MUNICIPAL CODE, AND AUTHORIZING CITY STAFF TO MAKE FURTHER REVISIONS TO THE LAKEWOOD MUNICIPAL CODE AS NECESSARY TO CORRECTLY IDENTIFY ALL CITY DEPARTMENTS IN A UNIFORM MANNER

WHEREAS, the City Council of the City of Lakewood, a home rule city of the state of Colorado, has full authority pursuant to Section 4.4 of the Lakewood home rule charter and Section 2.04 of the Lakewood Municipal Code to establish, alter and abolish the City's operating departments;

WHEREAS, the City Council had previously adopted Section 2.08.220 establishing the Department of Employee Relations (the "Department"), which is responsible for the administration of all personnel and employment services of the City and for the maintenance of all City personnel records;

WHEREAS, in recent years, the trend in the corporate world has been to use the term "Human Resources" when referring to a company's personnel function, and that term has become the generally recognized standard in the industry;

WHEREAS, the Department would like to be known by the more familiar "Human Resources," and the City Council agrees;

WHEREAS, while preparing for implementation of this Ordinance, the City Clerk's Office reviewed the Lakewood Municipal Code (the "Code") for references to "Employee Relations" and has identified those locations where the new name would replace the existing name;

WHEREAS, in reviewing the Code, staff further noticed that for other prior department name changes not all references to the new department name or staff positions had been updated, and the Code now contains numerous references to departments that no longer exist or have different names;

WHEREAS, because divisions within departments are occasionally created or abolished, and because responsibility for certain functions might shift from one division or department to another, staff seeks authorization to further revise the Code by replacing all references to divisions with references to the departments in which the divisions are currently located, with the goal being a consistent and uniform system of references to departments, divisions and staff positions; and

WHEREAS, the City Council desires to authorize the City Clerk, with assistance as needed from the Lakewood City Attorney's Office, to make the aforementioned changes.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. The recitals set forth above are incorporated herein.

SECTION 2. Title 2 of the Lakewood Municipal Code is hereby amended by the repeal and reenactment of Part VI to read in full as follows:

VI. Department of Human Resources

2.08.220 Establishing Department of Human Resources and position of Director of Human Resources

There is established a Department of Human Resources and the position of Director of Human Resources, who shall be and is designated as the Personnel Officer of the city, and who shall have charge of the Department of Human Resources.

2.08.230 Duties of Department of Human Resources

The Department of Human Resources and the Director of Human Resources shall be responsible for the administration of all personnel and employment services of the city and for the maintenance of all city personnel records and shall perform such other duties as may be assigned from time to time by the City Manager.

SECTION 3. The City Clerk, with assistance as needed from the City Attorney's Office, is hereby authorized to locate and change all references to the "Department of Employee Relations" currently in the Lakewood Municipal Code to read "Department of Human Resources," without the need for further approval by the City Council.

SECTION 4. The City Clerk is hereby further authorized to locate and change any and all references in the Lakewood Municipal Code to departments, department heads, divisions, division managers and other positions and titles where such references are now inaccurate, incomplete or out of date as a result of prior amendments to the Code, changes in department or division responsibilities, or the creation of new departments or divisions.

SECTION 5. This Ordinance shall take effect thirty (30) days after final public

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a regular meeting of the Lakewood City Council on the 10th day of June, 2019; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 13th day of June, 2019; set for public hearing on the 24th day of June, 2019; read, finally passed and adopted by the City Council on the 24th day of June, 2019; and signed and approved by the Mayor on the 25th day of June, 2019.



ATTEST:

Adam Paul, Mayor

Margy Green, City Clerk

APPROVED AS TO FORM:

Timothy P. Cox, City Attorney

STAFF MEMO

DATE OF MEETING: FEBRUARY 24, 2025 / AGENDA ITEM NO. 9

To: Mayor and City Council
From: Max Kirschbaum, Director of Public Works
Subject: **North Dry Gulch Internal Loan from General Fund to the Stormwater Enterprise Fund**

SUMMARY STATEMENT: This ordinance authorizes an internal loan agreement in the form of a transfer from the General Fund to the Stormwater Enterprise Fund in the amount of \$19,682,727 for fiscal year 2025. These funds will support major drainageway improvements in the North Dry Gulch area of Lakewood. The ordinance sets forth the terms of the loan, including a 2% fixed interest rate over 20 years, with the first annual payment of \$1,203,731 due on December 31, 2026, and each year thereafter until the final payment due on December 31, 2045.

BACKGROUND INFORMATION: The North Dry Gulch 100-year floodplain is generally within one block of Colfax Avenue from Dover Street to Newland Street. The area includes approximately 150 properties, 130 buildings, and 36 residences. The primary goal of this project is to mitigate flooding, improve storm sewer infrastructure, and remove properties and structures from the 100-year floodplain.

The North Dry Gulch Project is divided into four major phases:

- **Phase 1:** Located along West 14th Avenue from Wadsworth Boulevard to Lamar Street. Completed in Fall 2024.
- **Phase 2:** Located along Colfax Avenue from the detention pond at Newland Street west to Pierce Street. Construction is underway and is anticipated to be completed by the end of 2025.
- **Phase 3:** Located north of Colfax Avenue along Pierce Street to Lakewood Place, then west through private properties south of 16th Avenue to Teller Street. Construction is expected to begin at the end of 2025.
- **Phase 4:** Located along 16th Avenue from Wadsworth Boulevard to Dover Street. Construction is anticipated in 2026.

The total projected funding for the project is **\$60,041,763**, while the total project cost estimate is **\$59,550,361**. Funding sources include:

- **\$28,680,273 from Stormwater Enterprise Funds** (\$20,617,273 already transferred to MHFD through 2024 and an additional \$8,063,000 anticipated by 2027).
- **\$10,325,000 contribution from MHFD** (\$8,000,000 already contributed through 2024 and an additional \$2,325,000 anticipated by 2027).
- **\$19,682,727 loan transfer from the Lakewood General Fund in 2025** (pending City Council approval of this ordinance).
- **\$1,353,743 accrued in MHFD's project account through 2024.**

BUDGETARY IMPACTS: This transfer was anticipated in the 2025 Budget. Adequate funds are available to complete this transfer. The Stormwater Enterprise Fund has adequate revenue to fund loan repayment, current operations and capital improvement programs.

STAFF RECOMMENDATIONS: Approval of the ordinance.

ALTERNATIVES: If this Ordinance is not approved, the North Dry Gulch Project will continue until available funds are expended. The City and the Mile High Flood District will continue to partner according to the existing IGA. City Staff will continue to review and pursue funding alternatives for the North Dry Gulch project. Without these storm sewer improvements, flooding will continue to be a problem and properties and structures will remain in the 100-year floodplain.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: If this ordinance is approved, the funds will be transferred from the General Fund to the Stormwater Enterprise Fund and the Stormwater Enterprise will begin repayment in 2026.

ATTACHMENTS:

1. Ordinance O-2025-10
2. Internal Loan Agreement

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

AN ORDINANCE

AUTHORIZING AN INTERNAL LOAN AGREEMENT IN THE FORM OF A TRANSFER OF GENERAL FUNDS IN THE AMOUNT OF \$19,682,727 TO THE STORMWATER ENTERPRISE FUND AND AUTHORIZING THE EXPENDITURE OF SUCH FUNDS BY THE DIVISION OF PUBLIC WORKS IN CONJUNCTION WITH THE MILE HIGH FLOOD DISTRICT FOR MAJOR DRAINAGEWAY IMPROVEMENTS IN THE NORTH DRY GULCH AREA OF LAKEWOOD

WHEREAS, Section 7.1 of the City Charter allows City Council to authorize the borrowing of money by ordinance;

WHEREAS, on October 21, 2024, City Council approved the City's revised budget, which included the internal loan in the form of a transfer from the General Fund to the Stormwater Fund of \$9,682,727 in 2024 and \$10,000,000 in 2025 for major drainageway improvements in the North Dry Gulch area of Lakewood;

WHEREAS, due to the timing of the projects in the North Dry Gulch area of Lakewood, the transfer of the internal loan was unnecessary in 2024, and the complete transfer of all approved funds will occur in 2025;

WHEREAS, the terms of the loan agreement is a 2% fixed interest rate over a 20-year period with an annual repayment by the Stormwater Enterprise Fund of \$1,203,731, which includes principal and interest;

WHEREAS, the Stormwater Enterprise Fund shall make its first annual repayment to the General Fund on December 31st, 2026, and its final repayment on December 31st, 2045;

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects, or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

Section 1. Appropriation and Expenditure. The City Council hereby appropriates and authorizes the internal loan agreement in the form of a transfer in the amount of nineteen million six hundred and eighty-two thousand seven hundred and twenty-seven dollars (\$19,682,727) from the City's General Fund to the City's Stormwater Enterprise Fund for fiscal year 2025 for the purpose of major drainageway improvements in the North Dry Gulch area of Lakewood.

Section 2. This Ordinance shall become effective thirty (30) days after final publication.

Section 3. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that within and foregoing Ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 24th day of February, 2025; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 27th day of February, 2025; set for public hearing to be held on the 24th day of March, 2025; read, finally passed and adopted by the City Council on the 24th day of March, 2025; and signed by the Mayor on the ____ day of March, 2025.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

Approved as to form:

Alison McKenney Brown, City Attorney



LOAN AGREEMENT AND PROMISSORY NOTE

THIS LOAN AGREEMENT AND PROMISSORY NOTE (“the Note”), is made this ____ day of January, 2025, by and between the City of Lakewood, Colorado (“Lender”) and City of Lakewood Stormwater Fund (“Borrower”) for purposes of funding a portion of the North Dry Gulch Floodplain Project in the City of Lakewood, Colorado. BORROWER and LENDER shall be known herein as “the Parties”.

PROMISSORY NOTE

FOR VALUE RECEIVED, BORROWER promises to repay to the of LENDER, the sum of nineteen million six hundred eighty-two thousand seven hundred seven dollars (\$19,682,727) with interest thereon at a rate of two (2) percent per annum.

ADDITIONAL LOAN TERMS

The BORROWER and LENDER hereby agree to be legally bound and set forth the rights and obligations to one another under this Loan Agreement, as follows:

1. PRINCIPAL LOAN AMOUNT \$19,682,727

In return for any loans that have been received, Stormwater Fund (“Borrower”) promises to pay the aggregate unpaid principal amount from time to time outstanding under this Agreement to the order of the General Fund of the City of Lakewood (“Lender”).

2. INTEREST

Interest will be charged on unpaid principal until the full amount of principal has been paid. Borrower will pay interest at the annual rate specified on Schedule I, which is attached to this document and incorporated as if fully set forth herein.

3. PAYMENTS

Borrower will make payments as set forth on Schedule II, which is attached to this document and incorporated as if fully set forth herein.

4. RIGHT TO PREPAY

Borrower has the right to make payments of principal at any time before they are due. A payment of principal only is known as a "prepayment." When making a prepayment, Borrower will give advance notice to Lender of its intent to prepay.

Borrower may make a full prepayment or partial prepayments without penalty. The Lender may require that any partial prepayments be made on the date monthly payments are due under this Agreement.

The Lender shall use all principal prepayments to reduce the amount of principal that Borrower owes under this Agreement. If Borrower makes a partial prepayment, there will be no changes in the due date or in the amount of the monthly payment unless agreed to by the Lender.

5. FAILURE TO PAY AS REQUIRED

(A) Late Charge for Overdue Payments.

If the Borrower is transferring payment to the Lender for the payment of principal and interest and if the Lender has not received the full amount of any monthly payment by the end of fifteen (15) calendar days after the date it is due, Lender may assess a penalty to the Borrower. The amount of such penalty will be 1% of any overdue payment of principal and interest. Borrower shall promptly transfer sufficient payment to cover the outstanding payment due plus any penalty assessed.

(B) Acceleration of Loan.

If the Borrower does not pay the full amount of each monthly payment on the date it is due, the Lender may notify the Borrower that if the overdue amount is not paid by a certain date, the Lender may require Borrower to pay immediately the full amount of principal which has not been paid and all the interest that Borrower owes on that amount.

6. RIGHT OF SET-OFF

In the event the Borrower fails to pay on the loan as required under the agreement, the Lender may withhold monies due to the Borrower from the Lender under any other agreement with the City of Lakewood and apply such monies to the amounts due to the Lender under this loan.

7. REQUEST FOR DOCUMENTS

The Lender may request from time to time, and the Borrower shall furnish, certain documents that are required for the Lender to either satisfy compliance requirements or assess the on-going conditions of the loan.

8. ACCEPTANCE OF LOAN TERMS

By executing this Agreement the Borrower is agreeing to the loan terms as specified in Schedule I, Schedule II, and Exhibit 1.

9. INTEGRATION

This Agreement, including the attachments mentioned in the body as incorporated by reference, sets forth the entire agreement between the Parties with regard to the subject matter hereof. All prior agreements, representations and warranties, express or implied, oral or written, with respect to the subject matter hereof, are superseded by this agreement. This is an integrated agreement.

10. SEVERABILITY

In the event any provision of this Agreement is deemed to be void, invalid, or unenforceable, that provision shall be severed from the remainder of this Agreement so as not to cause the invalidity or unenforceability of the remainder of this Agreement. All remaining provisions of this Agreement shall then continue in full force and effect. If any provision shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope and breadth permitted by law.

11. MODIFICATION

Except as otherwise provided in this document, this agreement may be modified, superseded, or voided only upon the written and signed agreement of the Parties and as authorized by the Lakewood City Council.

12. CHOICE OF LAW

This Agreement shall be interpreted under, and governed by, the laws of the State of Colorado and the City of Lakewood, Colorado.

Accepted and Agreed to:

Borrower

Name: _____
Title: _____
Date: _____

Lender

Name: _____
Title: Chief Financial Officer
Date: _____

Name: _____
Title: _____
Date: _____

Internal Bank – Internal Borrowing Program

Loan Term Sheet

Loan Information	
Project Title	North Dry Gulch
Borrower	Stormwater Fund, City of Lakewood

Loan Terms	
Loan Type	20 Year, Fixed Rate Loan
Interest Rate	2%
Loan Start Date	January 1st, 2026
First Payment Date	December 31st, 2026
Loan Maturity Date	December 31st, 2045
Payment Frequency	Annually
Capitalization of Interest	
Loan Amount Requested	\$19,682,727
Cost of Issuance	\$0
Total Loan Amount	\$19,682,727

Loan Conditions	
Collateral Requirements	N/A
Other Conditions	N/A



Internal Borrowing Program Loan

Repayment Schedule

Debt Schedule @ 2% For 20 Years					
Period Ending	Principal	Interest	Coupon	Total	Remaining Principal Balance
12/31/2025			2.00%		19,682,727
12/31/2026	810,076	393,655	2.00%	1,203,731	18,872,651
12/31/2027	826,278	377,453	2.00%	1,203,731	18,046,373
12/31/2028	842,804	360,927	2.00%	1,203,731	17,203,569
12/31/2029	859,660	344,071	2.00%	1,203,731	16,343,909
12/31/2030	876,853	326,878	2.00%	1,203,731	15,467,057
12/31/2031	894,390	309,341	2.00%	1,203,731	14,572,667
12/31/2032	912,278	291,453	2.00%	1,203,731	13,660,389
12/31/2033	930,523	273,208	2.00%	1,203,731	12,729,866
12/31/2034	949,134	254,597	2.00%	1,203,731	11,780,732
12/31/2035	968,116	235,615	2.00%	1,203,731	10,812,616
12/31/2036	987,479	216,252	2.00%	1,203,731	9,825,137
12/31/2037	1,007,228	196,503	2.00%	1,203,731	8,817,909
12/31/2038	1,027,373	176,358	2.00%	1,203,731	7,790,536
12/31/2039	1,047,920	155,811	2.00%	1,203,731	6,742,616
12/31/2040	1,068,879	134,852	2.00%	1,203,731	5,673,737
12/31/2041	1,090,256	113,475	2.00%	1,203,731	4,583,481
12/31/2042	1,112,061	91,670	2.00%	1,203,731	3,471,420
12/31/2043	1,134,303	69,428	2.00%	1,203,731	2,337,117
12/31/2044	1,156,989	46,742	2.00%	1,203,731	1,180,128
12/31/2045	1,180,128	23,603	2.00%	1,203,731	-

Internal Borrowing Program Loan Application

Supporting Information Required with Loan Application:

- I. Project Initiation Form
- II. Project Business Plan/Draw Schedule
- III. Schedule of Cash Flows for Debt Service Payments
- IV. Source and Schedule for Collateral (if Required)

General Information	
Project Title	North Dry Gulch
Borrower	Stormwater Fund, City of Lakewood
Project Description (including use and benefit derived by the University)	
Contact (name, phone, email)	
Submitted by	

Loan Information	
Loan Amount Requested	\$19,682,727
Loan Term Requested	20 Years
Estimated Loan Start Date	1/1/2026
Other Desired Terms Regarding the Treatment of Principal, Interest, or Term	
GL Account string for Principal	
GL Account string for Interest	
Contingency Account for loan deficits	

Supporting Information	
If any of the supporting information requested above is not being provided, please explain why and provide similar info to the extent possible.	

STAFF MEMO

DATE OF MEETING: FEBRUARY 24, 2025 / AGENDA ITEM NO. 10

To: Mayor and City Council
From: Phillip Smith, Chief of Police
Subject: **Amendments to Chapter 10 of the Lakewood Municipal Code to Comply with Recent State Legislation**

SUMMARY STATEMENT: Recent legislation amending state law has created discrepancies between the Colorado Revised Statutes and the Lakewood Municipal Code. The proposed amendments to the Lakewood Municipal Code contemplated in this ordinance will ensure municipal laws more closely align with state law.

BACKGROUND INFORMATION: This ordinance contemplates revisions and/or amendments to three sections of the Lakewood Municipal Code – 10.60.240, 10.60.210, 10.60.190 – which respectively address: (1) misuse of a mobile electronic device, (2) use of earphones while driving and (3) required child restraint systems. Recent legislation adopted amendments to the laws governing the use of mobile electronic devices while driving and to the age and weight restrictions regarding child restraint systems; there have not been recent changes to state law regulating the use of earphones while driving, but the mobile electronic device statute references and incorporates the earphone statute which is less restrictive than the Lakewood Municipal code counterpart.

The following state laws were adopted with the described updates:

SB2024-065: Mobile electronic devices and motor vehicle driving

- Extends the prohibition on persons under 18 using wireless telephones to *all* persons over 18 also; updates the term "wireless telephone" to "mobile electronic device." To cite an individual for a violation, a law enforcement officer must see the individual use a mobile electronic device in a manner that caused the individual to drive in a careless and imprudent manner.
- The following uses of mobile electronic devices are exempted:
 - By an individual contacting a public safety entity;
 - By an individual during an emergency;
 - By an employee or contractor of a utility when responding to a utility emergency;
 - By an employee or city/county contractor acting within the scope of duties as a code enforcement/animal protection officer; or
 - By a first responder.
 - When motor vehicles are at rest on the shoulder or lawfully parked.
 - Does not apply to an individual with a commercial motor vehicle ("CDL") operating a commercial vehicle.
- Establishes schedule of penalties/fines
- Provides that a violation will be dismissed if the individual produces proof of purchase of a hands-free accessory and affirms, under penalty of perjury, that they have not previously claimed this option to dismiss.
- This state law became effective August 7, 2024; January 1, 2025, for offenses occurring on or after this date.

HB24-1055: Child passenger safety and education

- Changes to existing law on child restraint requirements:
 - Increases required age for child restraint system from under 8yrs to under 9yrs.
 - Increases the age from under 1yr to under 2yrs, and the weight, from under 20lbs to under 40lbs, of children who must be restrained in a rear-facing child restraint system in a rear seat of the vehicle.
 - Requires that children who are under 2yrs but over 40lbs be restrained in a rear-facing or forward-facing restraint system.
 - Increases the age from 1yr+ to 2yrs+ (but less than 4yrs), of children who must be restrained in a rear/forward facing child restraint system, depending on child's weight, in a rear seat of the vehicle, if a rear seat is available.
 - Adds the requirement that children who are at least 4yrs but under 9yrs and who weigh at least 40lbs use a child restraint system or booster seat, which must be in a rear seat of the vehicle, if a rear seat is available.
 - Increases the age at which children must be restrained in a safety belt or child restraint system from under 16yrs to under 18yrs.
- Effective January 1, 2025

The proposed revisions in this ordinance amend the existing Lakewood Municipal Code on these issues to align with the state law as described above. Regarding the use of earphones while driving, both the state law on electronic mobile devices and the existing Lakewood Municipal Code regulating wireless phones incorporate laws governing the use of earphones. Under current state law, an individual may use earphones that cover only one or part of one ear; Lakewood Municipal Code is more restrictive and does not permit the use of earphones while driving. The proposed change would amend Lakewood Municipal Code to mirror that of the Colorado Revised Statutes.

BUDGETARY IMPACTS: Adopting this ordinance is not expected to impact the budget.

STAFF RECOMMENDATIONS: Staff recommends that the City of Lakewood adopt the proposed ordinance.

ALTERNATIVES: If the City Council chooses not to approve the revisions to Chapter 10 of the Lakewood Municipal Code, the provisions governing the use of wireless phones, use of earphones while driving and the requirements for the use of child restraint systems would remain as currently written and would conflict with state law.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: If adopted by the Council, staff will implement the enforcement of these code revisions, once the ordinance take effect thirty days after final publication.

ATTACHMENTS:

1. Ordinance O-2025-11
2. Ordinance O-2025-11_Redline

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

AN ORDINANCE

AMENDING TITLE 10 OF THE MUNICIPAL CODE TO ALIGN WITH RECENT STATE LEGISLATION ON USE OF ELECTRONIC MOBILE DEVICES AND CHILD RESTRAINT SYSTEMS

WHEREAS, the City of Lakewood ("Lakewood" or "City") is a home rule municipality organized and existing under Article XX, Section 6 of the Colorado Constitution;

WHEREAS, pursuant to Article XX, Section 6 of the Colorado Constitution, the right to enact, administer and enforce criminal laws through a municipal court is clearly within the Constitutional grant of power to the City and is necessary and proper for the government and administration of local and municipal matters relating to the City;

WHEREAS, pursuant to such authority, the City has created a municipal court and adopted and enacted criminal codes whose enforcement is administered through the municipal court;

WHEREAS, the City prosecutes traffic offenses;

WHEREAS, the State of Colorado has enacted legislation amending the laws related to use of electronic mobile devices while driving and requirements for child restraint systems;

WHEREAS, the City desires to amend its Code to conform with recently passed State laws and those laws referenced therein;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Amending Section 10.60 of the Lakewood Municipal Code.
10.60.240 of the Lakewood Municipal Code shall be amended as follows:

~~10.60.240 - Misuse of a wireless telephone.~~ Misuse of a mobile electronic device.

- A. ~~A person under 18 years of age shall not use a wireless telephone.~~ No person shall use a mobile electronic device while operating a motor vehicle. This subsection does not apply to acts specified in subsection (B) of this section.
- B. ~~A person shall not use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission while operating a motor vehicle.~~ Subsection (A) shall not apply to a person who is using a mobile electronic device:

1. To contact a public safety entity;
 2. During an emergency;
 3. When an employee or contractor of a utility is acting within the scope of the employee's or contractor's duties when responding to a utility emergency;
 4. When an employee or contractor of a city or county is acting within the scope of the employee's or contractor's duties as a code enforcement officer or animal protection officer; or
 5. During the performance of a first responder's official duties.
- C. ~~Subsection (A) or (B) shall not apply to a person who is using a wireless telephone: (1) to contact a public safety entity; or (2) during an emergency.~~ Except as provided in subsection (E) of this section, a person who violates this section commits a class 3 traffic offense, and the court shall assess a penalty as follows:
1. A fine of seventy-five dollars and a surcharge of ten dollars for the first offense within the immediately preceding twenty-four months;
 2. A fine of one hundred fifty dollars and a surcharge of ten dollars for the second offense within the immediately preceding twenty-four months;
 3. A fine of two hundred fifty dollars and a surcharge of ten dollars for the third or subsequent offense within the immediately preceding twenty-four months.
- D. ~~A person who operates a motor vehicle in violation of subsection (A) commits a Class 3 traffic offense. A person who operates a motor vehicle in violation of subsection (B) of this section commits a Class 2 traffic offense.~~ For purposes of this section:
1. "Emergency" is defined as a situation in which a person:
 - a. Has reason to fear for such person's life or safety or believes that a criminal act may be perpetrated against such person or another person requiring the use of a mobile electronic device while driving a motor vehicle; or
 - b. Reports a fire, a traffic accident in which one or more injuries are apparent, a serious road hazard, a medical or hazardous materials emergency, or a person who is driving in a reckless, careless, or unsafe manner.

2. "Hands-free accessory" means an accessory with a feature or function that enables a person to use a mobile electronic device without using either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.
3. "Mobile electronic device" means a handheld or portable electronic device capable of providing voice communication between two or more persons, amusement, or the wireless transfer of data, but does not include:
 - a. A radio, citizens band radio, or citizens band radio hybrid;
 - b. A commercial two-way radio communication device or its functional equivalent;
 - c. A subscription-based emergency communication device;
 - d. A prescribed medical device;
 - e. An amateur or ham radio device; or
 - f. Systems that are designed for and installed within the vehicle's electronics, such as an in-vehicle security, navigation, communications, or remote diagnostics system.
4. "Operating a motor vehicle" means driving a motor vehicle on a public highway or street. "Operating a motor vehicle" shall not mean maintaining the instruments of control of a motor vehicle while the motor vehicle is at rest in a shoulder lane or lawfully parked.
5. "Use" or "using" means:
 - a. Physically holding a mobile electronic device in the driver's hand or pinning a mobile electronic device to a driver's ear to conduct voice-based communication; except that a person may use a speaker or other listening device that is built into protective headgear or a device or portion of a device that only covers all or a portion of one ear and that is connected to a wireless, handheld telephone as provided in section 10.60.210;
 - b. Watching a video or movie on a mobile electronic device, other than watching data related to the navigation of the motor vehicle; or
 - c. Writing, sending, or reading text-based communication, including a text message, instant message, e-mail, or internet data, on a mobile electronic device; except that text-based communication does not include:
 - i. A voice-based communication that is automatically converted by the mobile electronic device to be sent as a message in written form; or
 - ii. Communication concerning the navigation of a motor vehicle.

E. For purposes of this section:

1. ~~"Emergency" is defined as a situation in which a person:~~
 - a. ~~Has reason to fear for such person's life or safety or believes that a criminal act may be perpetrated against such person or another person requiring the use of a wireless telephone while the car is moving; or~~
 - b. ~~Reports a fire, a traffic accident in which one or more injuries are apparent, a serious road hazard, a medical or hazardous materials emergency, or a person who is driving in a reckless, careless, or otherwise unsafe manner.~~
 2. ~~"Operating a motor vehicle" means driving a motor vehicle on a public highway, but "operating a motor vehicle" shall not mean maintain the instruments of control while the motor vehicle is at rest in a shoulder lane or lawfully parked.~~
 3. ~~"Use" means talking on or listening to a wireless telephone or engaging the wireless telephone for text messaging or other similar forms of manual data entry or transmission.~~
 4. ~~"Wireless telephone" means a telephone that operates without a physical, wireline connection to the provider's equipment. The term includes, without limitation, cellular and mobile telephones. An operator of a motor vehicle shall not be cited for a violation of subsection (A) of this section unless a law enforcement officer saw the operator use, as defined in paragraph (5) of subsection (D) of this section, a mobile electronic device in a manner that caused the operator to drive in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, as prohibited by section 10.18.020.~~
- F.
1. ~~An operator of a motor vehicle shall not be cited for a violation of subsection (A) of this section unless the operator was under 18 years of age and a law enforcement officer saw the operator use, as defined in paragraph (3) of subsection (E) of this section, a wireless telephone.~~
 2. ~~An operator of a motor vehicle shall not be cited for a violation of subsection (B) of this section unless a law enforcement officer saw the operator use a wireless telephone for the purpose or engaging in text messaging or other forms of manual data entry or transmission, in a manner that caused the operator to drive in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, as prohibited by Section 10.18.020. The provisions of this section do not authorize the seizure and forfeiture of a mobile electronic device, unless otherwise provided by law.~~
- G. The provisions of this section shall not be construed to authorize the seizure and forfeiture of a wireless telephone, unless otherwise provided by law. do not apply to a person with a commercial driver's license who is operating a commercial vehicle.

- H. ~~This section does not restrict operation of an amateur radio station by a person who holds a valid amateur radio operator license issued by the federal communications commission.~~

10.60.210 of the Lakewood Municipal Code shall be amended as follows:

10.60.210 - Use of earphones while driving.

- A. No person shall operate a motor vehicle while wearing earphones.
- B. For purposes of subsection (A), "earphones" includes any headset, radio, tape player, or other similar device, which provides the listener with radio programs, music, or other recorded information through a device attached to the head and which covers all of or a portion of the ears. "Earphones" does not include speakers or other listening devices which are built into protective headgear or a device or portion of a device that only covers all or a portion of one ear and that is connected to a wireless, handheld telephone.
- C. Any person who violates this section commits a Class 4 traffic offense.

10.60.190 of the Lakewood Municipal Code shall be amended as follows:

10.60.190 - Child restraint system required.

- A. As used in this section, unless the context otherwise requires:

1. "Child care center" means a facility required to be licensed under the ~~"Child Care Licensing Act," Article 6 of Title 26, C.R.S~~ "Foster Care, Residential, Day Treatment, and Agency Licensing Act," part 9 of article 6 of title 26, or the "Child Care Licensing Act," part 3 of article 5 of title 26.5.
2. "Child restraint system" means a specially designed seating system that is designed to protect, hold, or restrain a child in a motor vehicle in such a way as to prevent or minimize injury to the child in the event of a motor vehicle accident that is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system, and that meets the federal motor vehicle safety standards set forth in Section 49 CFR 571.213, as amended.
3. "Motor vehicle" means a passenger car; a pickup truck; or a van, minivan, or sport utility vehicle with a gross vehicle weight rating of less than 10,000 pounds. "Motor vehicle" does not include motorcycles that are not autocycles low-power scooters, ~~motorscooters, motorbicycles, motorized bicycles,~~ and farm tractors and implements of husbandry deigned primarily or exclusively for use in agricultural operations.

4. "Safety belt" means a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, except any such belt which is physically a part of a child restraint system. "Safety belt" includes the anchorages, the buckles and all other equipment directly related to the operation of safety belts. Proper use of a safety belt means the shoulder belt, if present, crosses the shoulder and chest and the lap belt crosses the hips, touching the thighs.
5. "Seating position" means any motor vehicle interior space intended by the motor vehicle manufacturer to provide seating accommodations while the motor vehicle is in motion.

B.

1. Unless exempted pursuant to subsection (C) of this section, and except as otherwise provided in subparagraphs ~~(a) and (b)~~ (a), (b), and (c) of this paragraph, every child, who is under ~~eight~~ nine years of age and who is being transported in this city in a motor vehicle or in a vehicle operated by a child care center, shall be properly restrained in a child restraint system, according to the manufacturer's instructions.
 - a. If the child is ~~less than one year of age and weighs less than 20 pounds, the child shall be properly restrained in a rear-facing child restraint system in a rear seat of the vehicle.~~ under two years of age, the child shall be properly restrained in a rear seat of the vehicle, if a rear seat is available, and:
 - i. In a rear-facing child restraint system if the child weighs under forty pounds; or
 - ii. In a rear-facing or forward-facing child restraint system if the child weighs forty pounds or more.
 - b. If the child is ~~one year of age or older, but less than four years of age, and weighs less than 40 pounds, but at least 20 pounds, the child shall be properly restrained in a rear-facing or forward-facing child restraint system.~~ two years of age or older, but under four years of age, and weighs at least twenty pounds, the child shall be properly restrained:
 - i. In a rear-facing or forward-facing child restraint system; and
 - ii. In the rear seat of a vehicle, if a rear seat is available.
 - c. If the child is four years of age or older, but under nine years of age, and weighs at least forty pounds, the child shall be properly restrained:
 - i. In a child restraint system or booster seat; and
 - ii. In the rear seat of a vehicle, if a rear seat is available.

2. Unless excepted pursuant to subsection (C) of this section, every child, who is at least ~~eight~~ nine years of age but ~~less than 16~~ under 18 years of age who is being transported in this city in a motor vehicle or in a vehicle operated by a child care center, shall be properly restrained in a safety belt or child restraint system according to the manufacturer's instructions.
 3. If a parent is in the motor vehicle, it is the responsibility of the parent to ensure that his or her child or children are provided with and that they properly use a child restraint system or safety belt system. If a parent is not in the motor vehicle, it is the responsibility of the driver transporting a child or children, subject to the requirements of this section, to ensure that such children are provided with and that they properly use a child restraint system or safety belt system.
- C. Except as provided in Section 42-2-105.5(4), C.R.S., subsection (B) of this section does not apply to a child who:
1. Is ~~less than eight~~ under nine years of age and is being transported in a motor vehicle as a result of a medical or other life-threatening emergency and a child restraint system is not available;
 2. Is being transported in a commercial motor vehicle as defined in Section 42-2-402(4)(a), C.R.S., that is operated by a child care center;
 3. Is the driver of a motor vehicle and is subject to the safety belt requirements provided in Section 42-4-237, C.R.S.; or
 4. Is being transported in a motor vehicle that is operated by the business of transporting persons for compensation or hire by or on behalf of a common carrier or a contract carrier as those terms are defined in Section 40-10.1-101, C.R.S., or an operator of a luxury limousine service as defined in Section 40-10.1-301, C.R.S.
- D. No person shall use a safety belt or child restraint system, whichever is applicable under the provisions of this section, for children under 16 years of age in a motor vehicle unless it conforms to all applicable federal motor vehicle safety standards.
- E. Any person who violates any provision of this section commits a Class 4 traffic offense.
- F. The fine may be waived if the defendant presents the court with satisfactory evidence of the acquisition, purchase, or rental of a child restraint system by the time of the court appearance.

SECTION 2. This ordinance shall take effect thirty (30) days after final publication.

SECTION 3. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that within and foregoing Ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 24th day of February, 2025; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 27th day of February, 2025; set for public hearing to be held on the 24th day of March, 2025; read, finally passed and adopted by the City Council on the 24th day of March, 2025; and signed by the Mayor on the ____ day of March, 2025.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

AN ORDINANCE

AMENDING TITLE 10 OF THE MUNICIPAL CODE TO ALIGN WITH RECENT STATE LEGISLATION ON USE OF ELECTRONIC MOBILE DEVICES AND CHILD RESTRAINT SYSTEMS

WHEREAS, the City of Lakewood (“Lakewood” or “City”) is a home rule municipality organized and existing under Article XX, Section 6 of the Colorado Constitution;

WHEREAS, pursuant to Article XX, Section 6 of the Colorado Constitution, the right to enact, administer and enforce criminal laws through a municipal court is clearly within the Constitutional grant of power to the City and is necessary and proper for the government and administration of local and municipal matters relating to the City;

WHEREAS, pursuant to such authority, the City has created a municipal court and adopted and enacted criminal codes whose enforcement is administered through the municipal court;

WHEREAS, the City prosecutes traffic offenses;

WHEREAS, the State of Colorado has enacted legislation amending the laws related to use of electronic mobile devices while driving and requirements for child restraint systems;

WHEREAS, the City desires to amend its Code to conform with recently passed State laws and those laws referenced therein;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Amending Section 10.60 of the Lakewood Municipal Code. 10.60.240 of the Lakewood Municipal Code shall be amended as follows:

10.60.240 - ~~Misuse of a wireless telephone.~~ Misuse of a mobile electronic device.

- A. ~~A person under 18 years of age shall not use a wireless telephone~~ **No person shall use a mobile electronic device** while operating a motor vehicle. This subsection does not apply to acts specified in subsection (B) of this section.
- B. ~~A person shall not use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission while operating a motor vehicle.~~ **Subsection (A) shall not apply to a person who is using a mobile electronic device:**

1. To contact a public safety entity;

2. During an emergency;

3. When an employee or contractor of a utility is acting within the scope of the employee's or contractor's duties when responding to a utility emergency;
 4. When an employee or contractor of a city or county is acting within the scope of the employee's or contractor's duties as a code enforcement officer or animal protection officer; or
 5. During the performance of a first responder's official duties.
- C. ~~Subsection (A) or (B) shall not apply to a person who is using a wireless telephone: (1) to contact a public safety entity; or (2) during an emergency.~~ Except as provided in subsection (E) of this section, a person who violates this section commits a class 3 traffic offense, and the court shall assess a penalty as follows:
1. A fine of seventy-five dollars and a surcharge of ten dollars for the first offense within the immediately preceding twenty-four months;
 2. A fine of one hundred fifty dollars and a surcharge of ten dollars for the second offense within the immediately preceding twenty-four months;
 3. A fine of two hundred fifty dollars and a surcharge of ten dollars for the third or subsequent offense within the immediately preceding twenty-four months.
- D. ~~A person who operates a motor vehicle in violation of subsection (A) commits a Class 3 traffic offense. A person who operates a motor vehicle in violation of subsection (B) of this section commits a Class 2 traffic offense.~~ For purposes of this section:
1. "Emergency" is defined as a situation in which a person:
 - a. Has reason to fear for such person's life or safety or believes that a criminal act may be perpetrated against such person or another person requiring the use of a mobile electronic device while driving a motor vehicle; or
 - b. Reports a fire, a traffic accident in which one or more injuries are apparent, a serious road hazard, a medical or hazardous materials emergency, or a person who is driving in a reckless, careless, or unsafe manner.
 2. "Hands-free accessory" means an accessory with a feature or function that enables a person to use a mobile electronic device without using either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.

3. "Mobile electronic device" means a handheld or portable electronic device capable of providing voice communication between two or more persons, amusement, or the wireless transfer of data, but does not include:
 - a. A radio, citizens band radio, or citizens band radio hybrid;
 - b. A commercial two-way radio communication device or its functional equivalent;
 - c. A subscription-based emergency communication device;
 - d. A prescribed medical device;
 - e. An amateur or ham radio device; or
 - f. Systems that are designed for and installed within the vehicle's electronics, such as an in-vehicle security, navigation, communications, or remote diagnostics system.
 4. "Operating a motor vehicle" means driving a motor vehicle on a public highway or street. "Operating a motor vehicle" shall not mean maintaining the instruments of control of a motor vehicle while the motor vehicle is at rest in a shoulder lane or lawfully parked.
 5. "Use" or "using" means:
 - a. Physically holding a mobile electronic device in the driver's hand or pinning a mobile electronic device to a driver's ear to conduct voice-based communication; except that a person may use a speaker or other listening device that is built into protective headgear or a device or portion of a device that only covers all or a portion of one ear and that is connected to a wireless, handheld telephone as provided in section 10.60.210;
 - b. Watching a video or movie on a mobile electronic device, other than watching data related to the navigation of the motor vehicle; or
 - c. Writing, sending, or reading text-based communication, including a text message, instant message, e-mail, or internet data, on a mobile electronic device; except that text-based communication does not include:
 - i. A voice-based communication that is automatically converted by the mobile electronic device to be sent as a message in written form; or
 - ii. Communication concerning the navigation of a motor vehicle.
- E. For purposes of this section:
1. ~~"Emergency" is defined as a situation in which a person:~~
 - a. ~~Has reason to fear for such person's life or safety or believes that a criminal act may be perpetrated against such person or another person requiring the use of a wireless telephone while the car is moving; or~~
 - b. ~~Reports a fire, a traffic accident in which one or more injuries are apparent, a serious road hazard, a medical or hazardous materials emergency, or a person who is driving in a reckless, careless, or otherwise unsafe manner.~~

2. ~~"Operating a motor vehicle" means driving a motor vehicle on a public highway, but "operating a motor vehicle" shall not mean maintain the instruments of control while the motor vehicle is at rest in a shoulder lane or lawfully parked.~~
3. ~~"Use" means talking on or listening to a wireless telephone or engaging the wireless telephone for text messaging or other similar forms of manual data entry or transmission.~~
4. ~~"Wireless telephone" means a telephone that operates without a physical, wireline connection to the provider's equipment. The term includes, without limitation, cellular and mobile telephones.~~ **An operator of a motor vehicle shall not be cited for a violation of subsection (A) of this section unless a law enforcement officer saw the operator use, as defined in paragraph (5) of subsection (D) of this section, a mobile electronic device in a manner that caused the operator to drive in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, as prohibited by section 10.18.020.**

F.

1. ~~An operator of a motor vehicle shall not be cited for a violation of subsection (A) of this section unless the operator was under 18 years of age and a law enforcement officer saw the operator use, as defined in paragraph (3) of subsection (E) of this section, a wireless telephone.~~
2. ~~An operator of a motor vehicle shall not be cited for a violation of subsection (B) of this section unless a law enforcement officer saw the operator use a wireless telephone for the purpose or engaging in text messaging or other forms of manual data entry or transmission, in a manner that caused the operator to drive in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, as prohibited by Section 10.18.020.~~ **The provisions of this section do not authorize the seizure and forfeiture of a mobile electronic device, unless otherwise provided by law.**

G. ~~The provisions of this section shall not be construed to authorize the seizure and forfeiture of a wireless telephone, unless otherwise provided by law.~~ **do not apply to a person with a commercial driver's license who is operating a commercial vehicle.**

H. ~~This section does not restrict operation of an amateur radio station by a person who holds a valid amateur radio operator license issued by the federal communications commission.~~

10.60.210 of the Lakewood Municipal Code shall be amended as follows:

10.60.210 - Use of earphones while driving.

- A. No person shall operate a motor vehicle while wearing earphones.
- B. For purposes of subsection (A), "earphones" includes any headset, radio, tape player, or other similar device, which provides the listener with radio programs, music, or other recorded information through a device attached to the head and which covers all of or a portion of the ears. "Earphones" does not include speakers or other listening devices which are built into protective headgear **or a device or portion of a device that only covers all or a portion of one ear and that is connected to a wireless, handheld telephone.**
- C. Any person who violates this section commits a Class 4 traffic offense.

10.60.190 of the Lakewood Municipal Code shall be amended as follows:

10.60.190 - Child restraint system required.

- A. As used in this section, unless the context otherwise requires:
 - 1. "Child care center" means a facility required to be licensed under the ~~"Child Care Licensing Act," Article 6 of Title 26, C.R.S.~~ **"Foster Care, Residential, Day Treatment, and Agency Licensing Act," part 9 of article 6 of title 26, or the "Child Care Licensing Act," part 3 of article 5 of title 26.5.**
 - 2. "Child restraint system" means a specially designed seating system that is designed to protect, hold, or restrain a child in a motor vehicle in such a way as to prevent or minimize injury to the child in the event of a motor vehicle accident that is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system, and that meets the federal motor vehicle safety standards set forth in Section 49 CFR 571.213, as amended.
 - 3. "Motor vehicle" means a passenger car; a pickup truck; or a van, minivan, or sport utility vehicle with a gross vehicle weight rating of less than 10,000 pounds. "Motor vehicle" does not include motorcycles that are not autocycles low-power scooters, ~~motorsecooters, motorbicycles, motorized bieceles,~~ and farm tractors and implements of husbandry deigned primarily or exclusively for use in agricultural operations.
 - 4. "Safety belt" means a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, except any such belt which is physically a part of a child restraint system. "Safety belt" includes the anchorages, the buckles and all other equipment directly related to the operation of safety belts. Proper use of a safety belt means the shoulder belt, if present, crosses the shoulder and chest and the lap belt crosses the hips, touching the thighs.

5. "Seating position" means any motor vehicle interior space intended by the motor vehicle manufacturer to provide seating accommodations while the motor vehicle is in motion.

B.

1. Unless exempted pursuant to subsection (C) of this section, and except as otherwise provided in subparagraphs (a) and (b) of this paragraph, every child, who is under ~~eight~~ **nine** years of age and who is being transported in this city in a motor vehicle or in a vehicle operated by a child care center, shall be properly restrained in a child restraint system, according to the manufacturer's instructions.
 - a. ~~If the child is less than one year of age and weighs less than 20 pounds, the child shall be properly restrained in a rear-facing child restraint system in a rear seat of the vehicle.~~ **under two years of age, the child shall be properly restrained in a rear seat of the vehicle, if a rear seat is available, and:**
 - i. **In a rear-facing child restraint system if the child weighs under forty pounds; or**
 - ii. **In a rear-facing or forward-facing child restraint system if the child weighs forty pounds or more.**
 - b. ~~If the child is one year of age or older, but less than four years of age, and weighs less than 40 pounds, but at least 20 pounds, the child shall be properly restrained in a rear-facing or forward-facing child restraint system.~~ **two years of age or older, but under four years of age, and weighs at least twenty pounds, the child shall be properly restrained:**
 - i. **In a rear-facing or forward-facing child restraint system; and**
 - ii. **In the rear seat of a vehicle, if a rear seat is available.**
 - c. **If the child is four years of age or older, but under nine years of age, and weighs at least forty pounds, the child shall be properly restrained:**
 - i. **In a child restraint system or booster seat; and**
 - ii. **In the rear seat of a vehicle, if a rear seat is available.**
2. Unless excepted pursuant to subsection (C) of this section, every child, who is at least ~~eight~~ **nine** years of age but ~~less than 16~~ **under 18** years of age who is being transported in this city in a motor vehicle or in a vehicle operated by a child care center, shall be properly restrained in a safety belt or child restraint system according to the manufacturer's instructions.
3. If a parent is in the motor vehicle, it is the responsibility of the parent to ensure that his or her child or children are provided with and that they properly use a child restraint system or safety belt system. If a parent is not in the motor vehicle, it is the responsibility of the driver transporting a child or children, subject to the requirements of this section, to ensure that such children are

provided with and that they properly use a child restraint system or safety belt system.

- C. Except as provided in Section 42-2-105.5(4), C.R.S., subsection (B) of this section does not apply to a child who:
1. Is ~~less than eight~~ **under nine** years of age and is being transported in a motor vehicle as a result of a medical or other life-threatening emergency and a child restraint system is not available;
 2. Is being transported in a commercial motor vehicle as defined in Section 42-2-402(4)(a), C.R.S., that is operated by a child care center;
 3. Is the driver of a motor vehicle and is subject to the safety belt requirements provided in Section 42-4-237, C.R.S.; or
 4. Is being transported in a motor vehicle that is operated by the business of transporting persons for compensation or hire by or on behalf of a common carrier or a contract carrier as those terms are defined in Section 40-10.1-101, C.R.S., or an operator of a luxury limousine service as defined in Section 40-10.1-301, C.R.S.
- D. No person shall use a safety belt or child restraint system, whichever is applicable under the provisions of this section, for children under 16 years of age in a motor vehicle unless it conforms to all applicable federal motor vehicle safety standards.
- E. Any person who violates any provision of this section commits a Class 4 traffic offense.
- F. The fine may be waived if the defendant presents the court with satisfactory evidence of the acquisition, purchase, or rental of a child restraint system by the time of the court appearance.

SECTION 2. This ordinance shall take effect thirty (30) days after final publication.

SECTION 3. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of

this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 24th day of February, 2025; published by title in the Denver Post and in full on the City of Lakewood's website at www.lakewood.org, on the ____ day of _____, 2025; read, finally passed and adopted by the City Council on the ____ day of _____, 205; and signed by the Mayor on the ____ day _____ of _____, 2025.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF LAKEWOOD**

7:00 PM

December 9, 2024

Minutes are not a verbatim transcription, but rather an attempt to capture the intent of the speaker by the City Clerk.

ITEM 1 – CALL TO ORDER

Mayor Strom called the HYBRID meeting to order at 7:09 p.m.

ITEM 2 – ROLL CALL

Councilors	Mayor Wendi Strom, Presiding
Present:	Councilor Rich Olver (Virtual)
	Councilor Sophia Mayott-Guerrero
	Councilor Rebekah Stewart
	Councilor Dave Rein
	Councilor Jeslin Shahrezaei
	Councilor Jacob LaBure
	Councilor Roger Low
	Councilor Isabel Cruz (Virtual)
	Councilor Paula Nystrom
	Councilor Glenda Sinks

Absent:	None
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Others in attendance:	Kathy Hodgson, City Manager
	Ben Goldstein, Deputy City Manager
	Alison McKenney Brown, City Attorney
	Jay Robb, City Clerk

Full and timely notice of this City Council meeting had been given, and a quorum was present.

ITEM 3 – PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited, and the audience remained standing for a moment of silent prayer.

ITEM 4 – STATEMENT OF CONFLICT OF INTEREST

Mayor Strom read the Statement of Conflict of Interest.

ITEM 5 – PROCLAMATION - COLORADO GIVES DAY

Mayor Strom read the proclamation and presented it to Tania Wright and her service dog George, who received it on behalf of Domino Service Dogs.

Ms. Wright spoke about the importance of Colorado Gives Day for public donations to help fund organizations like Domino Service Dogs.

ITEM 6 – STATE OF THE MUNICIPAL COURT

Judge Nicole Bozarth presented the state of the City's Municipal Court programs and responded to questions from the City Council.

ITEM 7 – INITIAL PUBLIC COMMENT

The following individuals spoke under Initial Public Comment:

Rick Creswell, spoke about community safety and requested that the Lakewood Police Department not cooperate with Federal ICE Agents.

Johnny Truant, Ward 4, spoke about community safety and requested that the Lakewood Police Department not cooperate with Federal ICE Agents.

Carol Napier, addressed Council regarding violence against Palestinian children.

Nick Skrobul, Ward 3, addressed Council regarding compassion for the unhoused and immigrants in the community.

Arnie Carter, Ward 3, spoke about community safety and requested that the Lakewood Police Department not cooperate with Federal ICE Agents.

Brad Bruce, Ward 2, spoke about the use of US tax dollars funding violence by Israel in the Middle East.

Sandie Weathers, Ward 3, asked the Council speak to communicate with Congressional Representative Petterson to support Palestine.

Joshua Comden, Ward 1, requested the Council's support for a ceasefire in Gaza and asked that the Lakewood Police Department not cooperate with Federal ICE Agents.

Eric Gross, Ward 3, requested the Council's support for a ceasefire in Gaza and asked that the Lakewood Police Department not cooperate with Federal ICE Agents.

**CONSENT AGENDA
ORDINANCES ON FIRST READING**

Councilor LaBure requested that Item 10 be removed from the Consent Agenda.

City Clerk Robb read the Consent Agenda, as amended, into the record.

ITEM 8 – RESOLUTION 2024-60 – SUPPORTING A GRANT APPLICATION TO THE COLORADO PARKS AND WILDLIFE NON-MOTORIZED TRAILS GRANT REQUESTING FUNDING TO DEVELOP A MASTER PLAN FOR WILLIAM FREDERICK HAYDEN PARK AND AUTHORIZING THE DIRECTOR OF COMMUNITY RESOURCES TO EXECUTE GRANT AGREEMENT IF APPROVED

ITEM 9 – RESOLUTION 2024-61 – TO SUPPORT THE JEFFCO AFFORDABLE HOUSING BLUEPRINT, A COLLABORATIVE PLAN TO INCREASE HOUSING OPTIONS THAT ARE AFFORDABLE IN JEFFERSON COUNTY, COLORADO AND TO FACILITATE PARTNERSHIPS ACROSS JURISDICTIONS AND AGENCIES WITHIN JEFFERSON COUNTY, COLORADO

ITEM 10 – RESOLUTION 2024-62 – TO ARTICULATE THE LAKEWOOD CITY COUNCIL’S INTENTIONS, VALUES AND TOP POLICY PRIORITIES BASED UPON CONSTITUENT FEEDBACK AMID THE COMPREHENSIVE PLAN UPDATE PROCESS AND IN ANTICIPATION OF THE UPDATE TO THE CITY’S ZONING CODE IN 2025
(Removed from the consent agenda)

City Clerk Robb read Item 10 into the record.

Public Comment received in person:

Kip Kolkmeier, Ward 1 and Chair of the Lakewood Planning Commission, spoke in support of Resolution 2024-62.

David Thormodsgard, Ward 1, spoke in support of Resolution 2024-62.

Jonathan Marcantoni, Ward 2, spoke in support of Resolution 2024-62.

Joshua Comden, Ward 1, spoke in support of Resolution 2024-62.

Amber Varwig, Ward 2, spoke about the importance of community safety and asked that the Lakewood Police Department not cooperate with Federal ICE Agents.

Brad Bruce, Ward 2, spoke in support of Resolution 2024-62.

Councilor Mayott-Guerrero, Chair of the Housing Policy Commission, spoke about the council's buy-in in drafting Resolution 2024-62 and spoke in favor of the policy goals in Resolution 2024-62 to increase housing and affordable housing throughout Colorado.

Councilor LaBure discussed the work that went into Resolution 2024-62, the policy goals in the Resolution, and why it is important for the community.

Councilor Low discussed the work that went into Resolution 2024-62 by the Council, the policy goals in the Resolution, and why it is important to create affordable and attainable housing in the community.

Mayor Pro Tem Shahrezaei made a motion to approve the consent agenda. The motion was seconded.

VOTE TO APPROVE RESOLUTION 2024-62

	AYES	NAYS		AYES	NAYS
STROM	X		LABURE	X	
OLVER		X	NYSTROM	X	
MAYOTT-GUERRERO	X		LOW	X	
STEWART	X		CRUZ	X	
REIN	X		SINKS	X	
SHAHREZAEI	X				
			TOTAL	10	1

Result: The motion passed.

ITEM 11 – RESOLUTION 2024-64 – APPOINTING MEMBERS TO THE LAKEWOOD ADVISORY COMMISSION

ITEM 12 – ORDINANCE O-2024-33 – CREATING CODE 14.29 OF THE CITY OF LAKEWOOD, COLORADO MUNICIPAL CODE REGULATING METROPOLITAN DISTRICTS

ITEM 13 – ORDINANCE O-2024-34 – AN ORDINANCE AMENDING TITLE 17, ARTICLE 4, SECTION 3, SUPPLEMENTAL STANDARDS FOR CAR WASHES AND FUELING STATIONS

ITEM 14 – APPROVING MINUTES OF THE CITY COUNCIL MEETINGS

- A. DRAFT CITY COUNCIL SPECIAL MEETING MINUTES 9-9-2024
- B. DRAFT CITY COUNCIL REGULAR MINUTES 9-9-2024
- C. DRAFT CITY COUNCIL REGULAR MINUTES 9-23-2024
- D. DRAFT CITY COUNCIL SPECIAL MEETING MINUTES 10-7-2024

END OF CONSENT AGENDA

City Clerk Robb read the Consent Agenda, as amended, into the record.

Public Comment received via Lakewood Speaks: 7 (see attached).

No public comment was received in person.

Mayor Pro Tem Shahrezaei spoke about the new members being considered for the Lakewood Advisory Commission.

Mayor Pro Tem Shahrezaei made a motion to approve the consent agenda, as amended. The motion was seconded.

VOTE TO APPROVE THE CONSENT AGENDA, AS AMENDED

	AYES	NAYS		AYES	NAYS
STROM	X		LABURE	X	
OLVER		X	NYSTROM	X	
MAYOTT-GUERRERO	X		LOW	X	
STEWART	X		CRUZ	X	
REIN	X		SINKS	X	
SHAHREZAEI	X				
			TOTAL	10	1

Result: The motion passed.

**ORDINANCES ON SECOND READING
AND PUBLIC HEARINGS**

ITEM 15 – ORDINANCE O-2024-31 – AMENDING TITLE 2, CHAPTER 2.54, OF THE LAKEWOOD MUNICIPAL CODE REGARDING THE CAMPAIGN AND POLITICAL FINANCE IN MUNICIPAL ELECTIONS CODE FOR THE CITY OF LAKEWOOD, COLORADO

City Clerk Robb read Ordinance O-2024-31 into the record.

Mayor Strom opened the public hearing at 9:03 p.m.

Comments received via Lakewood Speaks 4 (see attached).

The following individuals provided public comments:

Brad Bruce, Ward 2, spoke in support of Ordinance O-2024-31.

Mayor Strom closed the public hearing at 9:05 p.m.

Discussion ensued among the Council regarding the code changes under Ordinance O-2024-31.

Mayor Pro Tem Shahrezaei made a motion to adopt Ordinance O-2024-31. The motion was seconded.

VOTE TO ADOPT ORDINANCE O-2024-31

	AYES	NAYS		AYES	NAYS
STROM	X		LABURE	X	
OLVER		X	NYSTROM	X	
MAYOTT-GUERRERO	X		LOW	X	
STEWART	X		CRUZ	X	
REIN	X		SINKS	X	
SHAHREZAEI	X				
			TOTAL	10	1

Result: The motion passed.

ITEM 16 – ORDINANCE O-2024-32 – TO REZONE LAND LOCATED AT 8600 W. DAKOTA AVE., LAKEWOOD, COLORADO 80226 COUNTY OF JEFFERSON, STATE OF COLORADO

City Clerk Robb read Ordinance O-2024-32 into the record.

Mayor Strom opened the public hearing at 9:12 p.m.

Brea Pafford, Senior Planner of Sustainability and Community Development, provided the City's presentation for the rezoning of 8600 W. Dakota Ave.

The applicants, Robin Kerns of Metro West Housing Solutions and Eric Doner of RATIO Design, discussed the need for the rezoning to build a multi-housing development for senior housing.

Public comments received via Lakewood Speaks: 3 (attached).

There were no public comments received in person.

Mayor Strom closed the public hearing at 9:29 p.m.

Mayor Pro Tem Shahrezaei made a motion to adopt Ordinance O-2024-32. The motion was seconded.

Ms. Pafford responded to questions from the Council, and the Councilors spoke in support of the project.

VOTE TO ADOPT ORDINANCE O-2024-32

	AYES	NAYS		AYES	NAYS
STROM	X		LABURE	X	
OLVER	X		NYSTROM	X	
MAYOTT-GUERRERO	X		LOW	X	
STEWART	X		CRUZ	X	
REIN	X		SINKS	X	
SHAHREZAEI	X				
			TOTAL	11	0

Result: The motion passed.

ITEM 17 – ORDINANCE O-2024-29 – DECLARING THE INTENT OF THE CITY OF LAKEWOOD TO ACQUIRE INTEREST IN PROPERTY FOR PUBLIC PURPOSES FOR DRAINAGEWAY STABILIZATION IN LAKEWOOD GULCH DOWNSTREAM OF WELCH STREET, AND AUTHORIZING NEGOTIATIONS WITH PROPERTY OWNERS, ACCEPTANCE OF CONVEYANCE INSTRUMENTS AND CONDEMNATION OF REAL PROPERTY INTERESTS (SUBJECT TO FURTHER COUNCIL APPROVAL)

City Clerk Robb read Ordinance O-2024-29 into the record.

Mayor Strom opened the public hearing at 9:31 p.m.

Ray Hill, City Engineer of Capital Projects and Utilities, provided a presentation regarding Ordinance O-2024-29.

Public comments received via Lakewood Speaks: 16 (attached).

The following individuals provided public comments:

Diane Duffy, representing Applewood Neighborhood, addressed Council and acknowledged the project's need but explained that the neighbors along Lakewood Gulch are concerned about it.

Ashley Godwin pooled time and addressed Council regarding numerous concerns from her family and neighbors downstream of Welch Street.

Mayor Strom closed the public hearing at 10:11 p.m.

Mr. Hill responded to questions from the Council regarding the project.

Alison McKenny Brown, City Attorney, and Max Kirschbaum, Public Works Director, responded to questions regarding eminent domain and the need for easements for the project.

Discussion ensued between staff and the Council regarding various details about the project.

Councilor Olver left the meeting at 10:36 p.m.

Councilor Sinks made a motion to amend Ordinance O-2024-32 to add the following language:

"Throughout the process authorized herein, both before and after the easements are acquired, the City Manager, or designee, shall regularly communicate with the property owners to ensure they have timely, updated information regarding the improvements to the Lakewood Gulch. The City Manager or designee shall install the improvements in a manner that avoids unnecessary removal of shrubs and vegetation and preserves and protects the current ecosystem in the Lakewood Gulch."

The motion was seconded.

VOTE TO AMEND ORDINANCE O-2024-29 TO ADD "THROUGHOUT THE PROCESS AUTHORIZED HEREIN, BOTH BEFORE AND AFTER THE EASEMENTS ARE ACQUIRED, THE CITY MANAGER, OR DESIGNEE, SHALL REGULARLY COMMUNICATE WITH THE PROPERTY OWNERS TO ENSURE THEY HAVE TIMELY, UPDATED INFORMATION REGARDING THE IMPROVEMENTS TO THE LAKEWOOD GULCH. THE CITY MANAGER OR DESIGNEE SHALL INSTALL THE IMPROVEMENTS IN A MANNER THAT AVOIDS UNNECESSARY REMOVAL OF SHRUBS AND VEGETATION AND PRESERVES AND PROTECTS THE CURRENT ECOSYSTEM IN THE LAKEWOOD GULCH."

	AYES	NAYS		AYES	NAYS
STROM	X		LABURE	X	
OLVER		ABSENT	NYSTROM	X	
MAYOTT-GUERRERO	X		LOW	X	
STEWART	X		CRUZ	X	
REIN	X		SINKS	X	
SHAHREZAEI	X				
			TOTAL	10	0

Result: The motion passed.

Mayor Pro Tem Shahrezaei made a motion to adopt Ordinance O-2024-32, as amended. The motion was seconded.

VOTE TO ON ORDINANCE O-2024-29, AS AMENDED

	AYES	NAYS		AYES	NAYS
STROM	X		LABURE	X	
OLVER		ABSENT	NYSTROM	X	
MAYOTT-GUERRERO	X		LOW	X	
STEWART	X		CRUZ	X	
REIN	X		SINKS	X	
SHAHREZAEI	X				
			TOTAL	10	0

Result: The motion passed.

ITEM 18 – RESOLUTION 2024-63 – APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH URBAN DRAINAGE AND FLOOD CONTROL DISTRICT D/B/A MILE HIGH FLOOD DISTRICT REGARDING CONSTRUCTION AND MAINTENANCE OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR LAKEWOOD GULCH DOWNSTREAM OF WELCH STREET (PENDING THE ADOPTION OF ORDINANCE O-2024-29)

City Clerk Robb read Resolution 2024-63 into the record.

There were no public comments received via Lakewood Speaks.

There were no public comments received in person.

Mayor Pro Tem Shahrezaei made a motion to adopt Resolution 2024-63. The motion was seconded.

VOTE TO ADOPT RESOLUTION 2024-63

	AYES	NAYS		AYES	NAYS
STROM	X		LABURE	X	
OLVER		ABSENT	NYSTROM	X	
MAYOTT-GUERRERO	X		LOW	X	
STEWART	X		CRUZ	X	
REIN	X		SINKS	X	
SHAHREZAEI	X				
			TOTAL	10	0

Result: The motion passed.

ITEM 19 – GENERAL PUBLIC COMMENT

Public Comment received via Lakewood Speaks: 4 (see attached)

Celia Greenman, Ward 2, expressed frustration about how the City Council handled the process of Ordinance O-2024-28, which originated from a citizens' initiative.

ITEM 20 – GENERAL BUSINESS

Councilors Cruz and Rein presented their request to the Council.

The Council discussed their support for the request.

VOTE TO SEND THE COUNCIL REQUEST TO THE LAKEWOOD ADVISORY COMMISSION

	AYES	NAYS		AYES	NAYS
STROM	X		LABURE	X	
OLVER		ABSENT	NYSTROM	X	
MAYOTT-GUERRERO	X		LOW	X	
STEWART	X		CRUZ	X	
REIN	X		SINKS	X	
SHAHREZAEI	X				
			TOTAL	10	0

Result: The motion passed.

ITEM 21 – MAYOR AND CITY COUNCIL REPORTS

Mayor Strom and the Councilors provided updates regarding upcoming Ward meetings and other events in the community.

ITEM 22 – ADJOURNMENT

Seeing no further business, Mayor Strom adjourned the meeting at 11:27 p.m.

Respectfully submitted,

Jay Robb, City Clerk

Public Comments of December 9, 2024 meeting of the Lakewood City Council

Item 9 - Supporting the Jeffco Affordable Housing Blueprint

Michael Gower · Dec 9, 2024 · 6:59pm

I'm in favor of the Jeffco Affordable Housing Blueprint. The crisis of housing costs is a huge concern for so many in our community and I know that the people of Lakewood want their elected representatives to do whatever they can to help

Ana Perez Santos · Dec 9, 2024 · 4:42pm

I support the Jeffco Affordable Housing Blueprint as one solution to the housing crisis we're experiencing. I also consider the benefits this may lead to for families who are often dependent on one income due to various reasons.

Joshua Comden · Dec 6, 2024 · 9:24am

I support adopting this Affordable Housing Blueprint. For people who have a low- or middle-income stable job, there is a large financial obstacle to go from living in a car, motel room, or friend/relative's home to living in a home of your own at market rate. Being stuck in the former situation with very few alternative choices can result in a lower quality of life, both physically and mentally. It is important to take the position that just because someone does not have a high income, they are members of our community, and thus, they do not deserve to live in substandard conditions. The waiting list to get into affordable housing is 5+ years long which demonstrates the dire need for it. The blueprint aligns with the Strategic Housing Plan that was adopted almost a year ago, specifically, Strategy 2. It also aligns with the current Comprehensive Plan, specifically, Action Steps L-H1(c) and L-H1(e). Thank you!

Item 10 - Council Resolution-Comp Plan and Zoning Code Update

Neil Preister · Dec 9, 2024 · 4:37pm

As a comprehensive plan advisory committee member I wish to express my support for the rewrite process and the general proposals currently contained in it. The three committees: 1) Transportation, Green Infrastructure and Systems 2) Housing and Economy and 3) Community and Quality of Life are broad enough to capture the issues effectively without overburdening the process. There has been the necessary interaction between the different advisory groups to gain broad perspective where issues intersect. While it is not yet complete the staff and commissioners are considering appropriate measures to ensure it reflects relevant community values going forward and should result in a plan able to meet future challenges. There is still necessary work to be done but indications are that it will proceed effectively through completion. Equally important will be a complementary revision of the zoning code as a partner to implement strategies and meet goals. I look forward to the continuing development of the comprehensive plan and anticipate the revision of the zoning code, and that they will meet the expectations of the city council, city staff and the citizens of Lakewood.

Steven Buckley · Dec 9, 2024 · 10:24am

I support this resolution and urge the Council to support it for the reasons already stated by others, especially by my fellow Planning Commissioner Kip Kolkmeier. However, there is another very good reason to support this resolution that no one has touched upon yet. Over the course of the past year, three different Comprehensive Plan Advisory Plan groups consisting of over 60 Lakewood residents who volunteered for the task and who are broadly representative of the diversity of our community have met on four separate occasions each, to discuss the ongoing Comprehensive Plan and Lakewood's future in detail. I have had the privilege of participating in the Transportation and Green Infrastructure Advisory Group meetings, as well as in a 5-hour long joint meeting of all three Advisory Groups on a Saturday morning last month. These residents who have given freely of so many hours of their time in all these meetings deserve nothing but praise - not just for sacrificing their time, but for their level of passion, thoughtfulness, and willingness to consider many points of view that I have seen them exhibit throughout the discussions. This is a group of people that really cares about our city, and has thought deeply about how to navigate the path forward. Time and again, we have discussed the major themes that are important to this group, and the strategies and goals that should be included in the Comprehensive Plan. What are these major themes? Combatting climate change by becoming more energy efficient. Increasing resiliency in a world with a changed climate. Giving our residents more choices and more freedom with how to move around Lakewood in safe and healthy ways- by car, by foot, by bike, or by transit.. A City that is welcoming and has affordable places for people from all generations and all life stages and life styles to call home. A recognition that Lakewood is a great place to live, but that it could be so much better if we dare to dream and dare to challenge the status quo that has produced the very real problems that we do grapple with. In other words, the problems our city faces, and the visions and dreams and solutions that we've been talking about in the Advisory Groups for a year, very closely mirror the vision and ideas set forth in this resolution that is before the City Council. I truly believe that the members of these Advisory Groups, in all their diversity, and by taking the time to engage deeply in the issues and with one another, are producing a body of work to guide the development of the Comprehensive Plan in a way that is representative of what Lakewood residents want as a whole, and that is very well captured in the language of this resolution. Moreover, as part of the Comprehensive Plan project to date, we have conducted a number of outreach meetings where we've talked with residents, for example at Cider Days back in October where I and other Advisory Group members volunteered to speak to residents about the Comp Plan and hear their thoughts. In this forum too, countless residents attending a festival on a nice fall day immediately jumped to the same themes that came up so much in our Advisory Group meetings - let's make Lakewood more affordable, more sustainable, etc. - that really confirmed for me the validity and representative nature of the work done by the Advisory Committees. And that, in a nutshell, is really the most important reason why this resolution is worthy of your support - because it captures so well a vision for our future, and outlines specific actions that will achieve that vision, that is broadly shared and supported by Lakewood residents.

Katie McKenna · Dec 9, 2024 · 9:00am

Archway Communities is a Lakewood based nonprofit affordable housing developer, owner, operator and service provider. We've been providing affordable housing in Lakewood and beyond for the last 50 years. Our policy recommendations are grounded in our experiences working to finance and develop affordable housing and supporting residents who struggle to find and remain in affordable housing. Archway Communities would like to commend City Councilors for clearly articulating their values,

intentions and top policy priorities based on public feedback in advance of the update to the city's zoning code next year, and encourage the adoption of Resolution 2024-62. This resolution accurately identifies the connections between land use policy and affordable housing availability and recommends proven tactics municipalities are using throughout the country to increase affordable housing production. Eliminating minimum lot sizes, adopting an inclusionary housing policy, prioritizing strategies to shelter people and house them permanently in supportive housing are all strategies that support the stated goal of increasing the supply of housing affordable and attainable to people with incomes below 100% AMI. Further, prioritizing policies that make state funding resources through Proposition 123 available in Lakewood will provide some of the resources necessarily to ensure this type of housing is built in Lakewood. Thank you for your consideration of this important resolution.

Lenore Herskovitz · Dec 7, 2024 · 5:11pm

Resolution 2024-62 which addresses prioritization of goals for the updated Comprehensive Plan and revised Zoning Code raises some questions and concerns. Our governing body does not have the greatest track record on follow through regarding goals. For example, for 2 consecutive years at the Annual Planning retreat, Councilors wanted to establish an independent Sustainability Dept. This was also favored by the public. Yet somehow staff was able to convince our elected officials that a department name-change and hiring of more employees (although we did lose a very valuable one) was a better way to proceed. Most of the goals in the Comprehensive Plan are a carry over from previous years. We can build on past successes and avoid past missteps. Our Council members and staff are very proud of the extensive community outreach to get feedback on the constituents' vision for Lakewood. When filling out the numerous post-it notes after staff presentations how many respondents requested more high density market rate or luxury apartment complexes? Yet when you look around the city that's what is being built. So what does community engagement really mean? Looking at the new bike lanes that have been installed along Garrison, how much community involvement occurred prior to the grand opening? Was the public included in choosing the design for this project? Was more than one configuration considered? Were the homeowners directly affected by these decisions included in any informative discussions before construction began? Moving forward will you handle things differently? Under the Revised Zoning Code there is a statement about increasing flexibility in all zoning districts where appropriate to provide additional density. Another point suggests minimizing lot sizes while maintaining reasonable setbacks and other dimensional standards. Will the code include specific numerical calculations for setbacks, dimensional standards and areas appropriate for increased density or will these be discretionary ideas determined behind closed doors by an administrator without any public input? Previously, department heads used their "discretion" in decision making. That didn't bode well for the "fee-in-lieu" policy. There is no mention of accountability or oversight anywhere. No checks and balances. No one individual should be allowed to use "discretion" to reinterpret laws and codes. How many times have you heard commenters cite how the City is violating its own Comprehensive Plan? Are you going to acknowledge these problems and resolve them? On one hand there are statements made that support respecting the character of Lakewood's many unique neighborhoods and enhancing the quality of life in a community yet other suggestions clearly will alter the character of those neighborhoods and affect the quality of life for its residents. It is a wonderful idea to promote naturally occurring affordable and attainable housing, but how can that happen if you tear down these properties in favor of gentrification? Inclusionary zoning is another excellent way to create more affordable housing but if it not mandatory how effective will it be? ADUs and STRs are alternatives that seem to

help those already financially stable and securely housed more than those seeking affordable permanent residences. Oversight by Council for new larger developments should not be considered a barrier to growth but a means to ensure we are providing the community with the type of housing that we want and need. Many mistakes have been made in the past. Hopefully you will acknowledge and learn from them moving forward.

Glen Newell · Dec 6, 2024 · 9:46am

Like many of my neighbors, I wholeheartedly support this blueprint. I believe this plan is an important step towards the Lakewood we all want to live in. And while Inclusionary Zoning is not a perfect idea and needs to be carefully understood and applied, I think it's a great tool in the City's toolbox to meet the needs, and desires, of all of Lakewood's citizens. The Planning Commission and the Housing Policy Commission have done a very excellent and thoughtful job putting this together. Thank you !

Brian Holman · Dec 4, 2024 · 11:19pm

This is a solid plan, and I echo everything Kip has said. There are some very easy wins that can be made for Lakewood that will aid in accomplishing this plan and making Lakewood a better place for everyone that spends time here. I hope the city council members take the feedback and goals of the citizens of Lakewood into account when making their future policy decisions.

Kip Kolkmeier · Dec 3, 2024 · 6:45pm

This resolution should be supported for many reasons, but I would specifically note that it includes important recommendations from the Planning Commission. The Commission recommended eliminating minimum lot size requirements. A major contributor to the unaffordability of new housing is the high cost of land. Minimum lot size requirements artificially increase land cost and prevent construction of new smaller more affordable homes for purchase. Residents are desperate for new, smaller, more sustainable starter homes, and requiring larger minimum lot sizes blocks access to these homes. The Commission also recommended adding an inclusionary zoning requirement to the zoning ordinance. Inclusionary zoning obligates developers to share the cost of increasing the availability of affordable housing units. Whether affordable units are constructed on site or the City receives an affordable housing fee from the developer, both directly support more affordable housing. The resolution calls for stronger regulation to encourage sustainable development and decrease greenhouse gas emissions. This is crucial to the health of our city physically and economically. The Commission recommended new zoning requirements on gas stations and car washes. This resolution supports zoning regulation promoting cleaner air and water, as well as water conservation. This aligns perfectly with what the Commission recommended for gas stations and car washes. As Chair of the Lakewood Planning Commission, I urge adoption of this resolution because it advances recommendations unanimously approved by the Commission.

Item 15 - Amending Title 2, Chapter 2.54 of the LMC

Steven Buckley · Dec 9, 2024 · 2:36pm

I want to thank Cathy Kentner for bringing attention to an important issue with the proposed changes to the campaign finance code. In my opinion, the more transparency we can have with respect to disclosing the financing of elections, the better. Accordingly, groups that are collecting signatures for

ballot issues - like Ms. Kenter's "Save Open Space" committee did earlier this year - should be legally required to file financial disclosure reports in a timely manner, even before they have enough signatures to qualify for the ballot or before City Council has decided whether to refer a petition to the voters. Indeed, "Save Open Space" did file such disclosure reports this year, and I think that them doing so was both commendable and in the public interest, and I'd like to continue to see groups that collect signatures for petitions in the future do the same. I would humbly suggest two amendments to the campaign finance code that would accomplish this objective and ensure that the meaning of the code is clear and consistent with other existing city ordinances. 1) In section 2.54.040.A.1.i, retain the existing language as is, retaining all the words that are currently proposed to strike out, and omitting the new words that are proposed to be inserted. This will prevent the undesirable alteration of the filing schedule for initiatives that would allow for potentially year-plus-long periods with no reporting requirements, as Ms. Kentner discussed in her comments. 2) Change section 2.54.030.B.2.a.i, striking out the section in its entirety, and replacing it with, "For a citizen-initiated petition, the petition satisfies the prerequisites for circulation specified in Lakewood Municipal Code Section 2.52.050." This change will ensure that starting at the very moment when a group can circulate petitions for a ballot issue, that the group in question will have formed an Issue Committee and will be required to file financial disclosure reports.

Cathy Kentner · Dec 9, 2024 · 11:34am

Thank you to Mr. Newell for letting me know that my comment was not clear. There are two sections of changes to the proposed code on which I have questions. The first is 2.54.040 which takes out the quarterly reporting requirements in non-regular municipal election years for issue committees and instead ties the reporting dates to an election date. By taking out those dates, an issue committee could go without ever having to file a finance report. Is this the intention? It would be less transparent but it would "even the playing field" since opposition to an initiative does not need to file finance reports until after a ballot date is set. That is the conclusion of my comment on that section. Title setting is a separate section not related to finance reporting dates. My second comment is in relation to 2.54.030. I do not oppose changing title setting to after signature collection but I am asking that we better look at the comprehensive changes to code that would have to be made to effect that change. The changes proposed to setting title for ballot initiatives is in direct contradiction with LMC 2.52. Here is only one example: "2.52.050 Initiative petitions—Circulation prerequisites. A. No petition for any initiative measure shall be circulated, nor any signature thereto have any force or effect whatsoever, which has been signed before the title, submission clause, and summary have been fixed and determined as provided in Section 2.52.030. No petition shall be printed, published, or otherwise circulated unless the form and the first printer's proof of the petition have been approved by the City Clerk" Where are the related changes that need to be made so that we don't have conflicting codes? Is having conflicting codes the intention? How does moving title setting to after signature collection affect the dates required in our charter? While the concept of moving title setting to after signature collection may be a good thing, it seems this needs to be better vetted as there are a lot more pieces of code that need to be changed to make this a reality.

Glen Newell · Dec 9, 2024 · 9:45am

This is apparently one of those situations where a person needs to actually read the ordinance in order to understand the truth. As usual, City Staff did a fair job of summarizing, but there are (also as usual)

those who will attempt to obfuscate and confuse the issue for their own purposes: the requirements for issue committees and financial filings are pretty clearly found in this proposal by reading it. Setting a title for a ballot initiative has little to do with committee registration and reporting- which, again, are explained and well understood by reading. It's one thing to disagree, another to feel threatened and attempt to provoke ignorance and confusion-based outcry. Once again, I applaud the efforts of the Mayor and Council to clarify and make useful this process.

Cathy Kentner · Dec 8, 2024 · 10:55am

The changes to reporting dates for initiatives would mean that, for years, a committee could go without reporting or potentially never have to report. For example, the recent Save Open Space Lakewood initiative would never have had to file a finance report since no ballot date was set. Is this the intention? The changes proposed to setting title for ballot initiatives is in direct contradiction with LMC 2.52. Here is only one example: "2.52.050 Initiative petitions—Circulation prerequisites. A. No petition for any initiative measure shall be circulated, nor any signature thereto have any force or effect whatsoever, which has been signed before the title, submission clause, and summary have been fixed and determined as provided in Section 2.52.030. No petition shall be printed, published, or otherwise circulated unless the form and the first printer's proof of the petition have been approved by the City Clerk" Where are the related changes that need to be made so that we don't have conflicting codes? Is having conflicting codes the intention? How does moving title setting to after signature collection affect the dates required in our charter? While the concept of moving title setting to after signature collection may be a good thing, it seems this needs to be better vetted as there are a lot more pieces of code that need to be changed to make this a reality.

Item 16 - To Rezone Land Located at 8600 W. Dakota Ave.

Joshua Comden · Dec 6, 2024 · 9:21am

I believe that this rezoning makes sense considering the multi-family zoning surrounding the property, and its proximity to public transportation. Thanks!

Ross and Kim Livengood · Dec 6, 2024 · 8:43am

As a homeowner near 8600 W Dakota Ave, we have no issue with the rezoning request. Our one concern is that the development company needs to be strongly advised that adequate parking for the residents must be provided. There is already heavy use of street parking on W Dakota Ave. Even if affordable senior housing is the end result for 8600 W Dakota Ave, a MINIMUM OF 2 PARKING SPOTS PER UNIT should be included in the project design. Any additional load to street parking on W Dakota Ave will hinder access for first responders.

Item 17 - Property Interest-Lakewood Gulch at Welch Street

Ashley Godwin · Dec 10, 2024 · 9:46am

The Lakewood Gulch landowners would like to address some issues related to permanent easements and maintenance. The Public Works Department stated that they need a permanent easement in order to complete maintenance. As you can see from Holly Porter's video, they are not maintaining the current permanent easements. There is an easement in Holly Porter's section of the creek and, as you

can see, her husband was completing the maintenance. Other neighbors with easements have reported the same. Councilor Stewart further validated this in her statement about her constituents asking multiple times for maintenance in a creek in their neighborhood, eventually having to do the work themselves. Furthermore, the City Attorney McKenney Brown stated that the landowners would still be responsible for maintenance of their portion of the creek, including the trees. That the maintenance would only apply to the stabilization work that had been completed. Our main concern with a permanent easement is that we do not trust transparency of the long term plans for the creek AND we are definitely opposed to a permanent easement if we will still be completing all maintenance on our properties, as we previously have since we purchased our homes.

Lauren Preston · Dec 9, 2024 · 9:02pm

This causes devastation to the wildlife, ecosystem and trees, which play a pivotal role in the health of the earth and all living things (climate control, removing pollution from the air, carbon reduction, home for wildlife, insects). There are alternative engineering plans that can minimize the negative impact and they should be considered.

Benjamin Purificacion · Dec 9, 2024 · 7:22pm

The natural setting is sacred and needs to be preserved as much as possible. Disturbing the land for possible future issues does not keep our land the way it has been for years. Thank you for listening to our voices and votes.

Debbie Copeland · Dec 9, 2024 · 6:24pm

I am in favor of an alternative design with hand-built measures, not a plan that goes in and destroys trees and property that are perfectly fine. Thank you

Debbie Copeland · Dec 9, 2024 · 6:19pm

I am in favor of an alternative design with hand-built measures, not one that will go in and destroy trees, or property that are perfectly fine. Thank-you

Emily Gandsey · Dec 9, 2024 · 6:16pm

I am against the plan to clear cut trees. In fact, I think it is a lazy way out of dealing with this erosion issue. Won't clear cutting trees, increase erosion? The trees have a root system that holds the Earth in place. Clear cutting would remove the roots, therefore immediately impacting the erosion and water source at hand. Not only does clear cutting the trees disrupt wildlife and the creek, it affects the residents along the creek and surrounding neighbors. The use of heavy machinery and storage of the machinery would be disruptive to daily life. Furthermore, the dialouge of a permanent easement would take away property value and appeal to owners and future residents. I do not agree with clear cutting the trees as well as a permanent easement. Please propose an alternative and more thoughtful ideas to keep the creek, wildlife, and residents sanity intact.

Nicholas Simonette · Dec 9, 2024 · 6:05pm

I understand the need to mitigate erosion but not at the cost of using eminent domain to take private property from citizens. I am against any form of permanent easement. Why are less intrusive methods of controlling erosion not discussed in the proposal? Having "equipment and materials" staged in

resident's backyards is not something any landowner wants to deal with. Instead of cutting down any trees, destroying plants and hurting local fauna, less destructive alternatives need to be explored before taking any land or moving forward with any destructive erosion control. I beg the city to not move forward with this proposal and explore less destructive and invasive methods. Killing local flora to put in rocks does represent the sustainability and progressiveness that Lakewood stands for.

Sandra K Ferguson · Dec 9, 2024 · 5:42pm

I am the property owner of 12370 Rabbit Drive, corner of Welch Street and Rabbit Drive. I do not currently live there, but my son does. This property has been in our family for 85+ years. As a child, the Gulch was a favorite play area, but had only a trickle of natural spring water, often dry by the end of summer. As development spread west and south the Gulch became wastewater, the original spring water buried by housing. The depth and the amount of water flow, and the erosion damage is severely different than 60 years ago. I understand something has to be done. My concerns: - The concept of permanent easements for homeowners on Viewpoint Drive seems excessive. They purchased these properties because that purchase included the Gulch and its original, natural, beautiful state. A permanent easement seems intrusive when it appears that a temporary easement for the construction stage could be sufficient. -Excessive removal of trees, the greater part of that original, natural state, upsets us as residents. Trees are valuable on so many levels, and new planting will take years to provide what current trees provide in shade and wildlife habitat. Please consider every effort to remove only dead or severely unhealthy trees. Could the plan be built around the trees, instead of the trees removed by the plan? - From my perspective, communication between the City and the homeowners has been sub standard. What I have learned about the project has come from my neighbors, not from any one at the City of Lakewood. - Please know that the homeowners on Viewpoint Drive have my full support and I agree with statements made in the document Ava Solmon posted here on Dec. 6. Thank you for your efforts to make this much needed project good for the City of Lakewood AND the property owners.
Sandra Ferguson

Danielle Alexander · Dec 9, 2024 · 3:41pm

The city's flood control plan needs to be reevaluated in a process that includes specialists in stream restoration and flood control. This priceless sliver of nature is home to the trees that provide not only habitat and shelter to various species of birds and animals, but also provide natural erosion control themselves. Less headline-making, but no less valid to all living beings in the surrounding area, is the benefit to the community that such a haven provides. Children and adults, animals and birds--they all benefit from Lakewood Gulch. Removing these old trees not only destroys a vital habitat for animal, bird and plant species, but it rips away a daily opportunity for the people who live in and around the area to find a moment of tranquility in a world that is rapidly losing these opportunities. Additionally, the City of Lakewood has a sustainability plan to achieve 30% tree canopy by 2025, yet they are not on target to meet that goal. Removing trees that are over 100 years old is not a prudent move toward achieving that goal. My friend specifically bought her land there for all the community and its surroundings offer, and as a supporter and registered voter, I ask that the planners and engineers explore alternatives that can benefit all interests. Thank you.

Rachael Neustadt · Dec 9, 2024 · 3:00pm

There is more than one way to bolster the embankment and prevent erosion than the plan currently proposed by Ordinance 2024-29. Damaging a well-established habitat has significant negative consequences to the wildlife and ecosystem of the Gulch. Damage to the Gulch today will in turn have negative consequences on the future of the Gulch and on local residents. The plan must be amended. I support exploring measures that would not destroy the creek ecosystem or its trees, which should be protected. Those who propose the Gulch's health should be sacrificed to achieve its own protection are clearly not thinking through this proposal rationally. Multiple goals can be served without anything being sacrificed, it just takes good will to want to achieve an approach that meets those needs in ways that area acceptable to all parties involved. It is crucial that the landowners adjacent to the Gulch be 100% on board with whatever proposal is adopted. Minimizing negative impact is achievable, but not with Ordinance 2024-29 as it is currently written.

Holly Porter · Dec 9, 2024 · 10:14am

I sent the incorrect video for the damage done to our property. Here is a Google video of that damage. Just cut and paste the video into your browser, since videos can't be directly attached in the comment session. <https://drive.google.com/file/d/1CUqmTOPAbOIzy2qH3xkuvlCEALD-tiKZ/view?usp=sharing>

Glen Newell · Dec 9, 2024 · 9:52am

This long-overdue project is an important step towards the greater good of preserving the long-term health of Lakewood's ecosystem and stability of the underlying and connected infrastructure in addition to preserving and maintaining the property of the City and it's citizens. It's really easy to overstate and exaggerate a relatively small impact in the name of impeding the thoughtful and necessary establishment and maintenance of this City.

Holly Porter · Dec 9, 2024 · 9:22am

My partner and I live downstream from the properties that would be more directly impacted by this ordinance. While I think every effort should be considered to preserve the wildlife habitat, I want to also make the Council aware of how our property was damaged in June of 2023 after a large storm surge. We lost several feet of our bank after two uprooted trees along with significant debris (including a futon frame and lawn chair) landed in our backyard during the storm surge and diverted powerful storm waters. Our request to the Council is that the rights of ALL property owners be consider in a BALANCED and FAIR way, while prioritizing and preserving as much of the ecological integrity of the gulch as possible. As neighbors affected by the 2023 storm surge, we ask that trees at risk of being uprooted be identified and mitigated in an EXPEDITIOUS manner (before next Spring), independent of any longer-term project so that our property doesn't experience further damage. We are providing an image of the storm surge and a video documenting the damage done to our property. We can resend both if they don't work and can provide more documentation, as needed. IMAGE OF STORM SURGE: <https://drive.google.com/file/d/1jxfbFo267uyQvWoIMPa8-N1bdSJd--qB/view?usp=sharing> VIDEO OF DAMAGE AND SCOPE OF WORK: <https://drive.google.com/file/d/1No8QHSUcC-opZuN1506w-iH1LpARmvWC/view?usp=sharing> I hope that a balanced and fair response to this complicated matter will be considered by the Council and the immediate threat to property be addressed in a timely manner.

Regina Hopkins · Dec 7, 2024 · 1:49am

This is beyond unacceptable—it's sheer recklessness. Mature trees are natural erosion control! They absorb water in ways that rocks and temporary machinery do not. What ill-conceived plan is this, and how on earth did this get approved? Why do so many pro-destructive people get to rule and ruin what used to be such a beautiful city? Killing trees for a short-sighted plan is an environmental disgrace. We need to rally together to demand smarter, alternative plans—ones that protect these irreplaceable mature trees and prioritize long-term environmental health over destructive, short-sighted temporary measures. This level of incompetence is inconceivable. Lakewood is being ruined every single day a little more. Will you all not stop until the whole place is concreted over? Seriously! STOP!!! ENOUGH is ENOUGH!! The degradation of our environment ALL OVER Lakewood is OUT OF CONTROL! Lakewood's obsession with "improvements" only take away all the practical and beautiful parts.

Ava Solman · Dec 6, 2024 · 3:30pm

Resubmitted as the attachment wasn't showing on the last comment: On behalf of the Lakewood Gulch landowners, please see the attached letter and exhibits, offering a brief background of the proposed easement and plan for work on Lakewood Gulch and also outlining our specific requests and needs. Thank you for your time!

[Attachment](#)

Ava Solman · Dec 6, 2024 · 2:17pm

On behalf of the Lakewood Gulch landowners, please see the attached letter and exhibits, offering a brief background of the proposed easement and plan for work on Lakewood Gulch and also outlining our specific requests and needs. Thank you for your time!

Travis Talley · Dec 5, 2024 · 5:36pm

This project needs further evaluation so that it is a fair deal for the residents and local wildlife. I understand the position of the city, but it is not right to simply take land from a property owner without proper compensation. I am also against cutting down the trees and disturbing wildlife in the area unless absolutely necessary. The addition of concrete will add heat absorbing elements to the landscapes, causing increased temperatures and a disruption to natural environments. I am not in support of this project as it currently stands.

Sevine Talley · Dec 3, 2024 · 5:56pm

We are absolutely against clear cutting trees as it affects wildlife and has a heat Island effect. We understand the concern but It is also not right to take land from people. This is absolutely unacceptable and we would like our comment to be noted. This project needs to be re-evaluated before such drastic actions are taken.

Item 19 - General Public Comment

Celia Greenman · Dec 10, 2024 · 7:41am

On November 4, city council adopted the Save Open Space Lakewood ordinance, although as Channel 4 and Channel 7 News reported, council did not want to and did not agree with. The SOS ordinance would require that developers donate a portion of land to open space instead of opting for a fee-in-lieu option.

I would like to focus not on the specifics of the ordinance but on the disrespect that councilors have shown their constituents during this process. One councilor stated on November 4 that the issue should be settled in court as soon as possible so that we could move on. That, to me, showed contempt for the many volunteers who worked on the project and also the people who signed the petition. Another councilor who I met a couple of times while canvassing told me how wrong-headed the petition was and that I could spend my time better elsewhere. Mayor Strom stated that it would be disingenuous to send the ordinance to the voters because of its flaws and because special election that would cost the city \$300,000. Yet the city has hired outside council, at what cost, to deal with the matter in court. The council is basically saying, YES SUE US. Is this disingenuous? Tom Dearth, a resident of Belmar Commons, has spoken in Council Chambers more than once on the necessity of trust in local government. Yet on November 4 another councilor turned the concept of trust 180 degrees, saying it would be a betrayal of trust to send a flawed document to the people for a vote. I, and many other residents, continue to ask, where is the trust that council is hearing us, is listening to our concerns. WHY WAS A PETITION EVEN NECESSARY? Council meetings in the fall of 2023 were filled with people outraged at the proposal for a multi-story apartment complex at the edge of Belmar Park. Council was obviously aware of the SOS petition effort throughout the spring and summer of this year. AT NO TIME was there an attempt to collaborate on what might be a better outcome for adding green space to developments. Instead, there is this adversarial position that the people are wrong. That is a betrayal of trust. We have been and are asking that you work with us on the issue of green space, that is very important to Lakewood residents, to visitors, and to the future vision of the city.

Michael Gower · Dec 9, 2024 · 7:05pm

I would like to second Valerie's comment above and ask that the City of Lakewood make a formal statement that the city will not assist the incoming presidential administration and ICE in any efforts to deport or otherwise harass any members of our community

Valerie Passerini · Dec 9, 2024 · 5:58pm

I am writing to ask that the Lakewood city council, in their position to influence the Lakewood Police Department, to make a formal policy that they are to follow Colorado state law HB19-1124 prohibiting a law enforcement officer from arresting or detaining an individual solely on the basis of a civil immigration detainer. This is not preventing ICE from doing their job but it is reserving Lakewood police time for local law enforcement, not federal law enforcement responsibilities.

Shaaden Salem · Dec 9, 2024 · 5:00pm

Please recognize the Palestinian genocide like Amnesty International did. And please create community oversight for police as well as enforced body cams for accountability

Joshua Comden · Dec 3, 2024 · 8:47am

I was happy to see that the severe weather shelter was open over the cold Thanksgiving holiday! Also, I recently interviewed two people to talk about their past experiences with the shelter to give some perspective. You can listen to it here <https://youtu.be/mK7H3vnM5xQ> (It is just under 6 minutes long.) Thanks!

STAFF MEMO

DATE OF MEETING: FEBRUARY 24, 2025 / AGENDA ITEM NO. 12

To: Mayor and City Council
From: Jay Robb, City Clerk
Subject: **Request for 2025 Special City Council Meetings**

SUMMARY STATEMENT: City staff has identified the need for five Special Meetings in 2025 for the City Council to conduct annual business.

Three meetings in Spring, 2025 are needed for the City Council to conduct the annual reviews of the City Manager and City Attorney. Two other Special Meetings are needed in the Fall of 2025 for City Council to review and approve the revised 2025 City Budgets and the 2026 City Budget.

Annual Reviews of the City Manager and City Attorney. Both the City Manager and City Attorney are hired and reviewed annually by the City Council. Specifically, Article III, Section 3.5 of the Lakewood Home Rule Charter requires that "The job performance of the City Manager shall be evaluated annually by the City Council. The City Council shall review such evaluation with the City Manager." Article IV, Section 4.6 of the Lakewood Municipal Code states, "The City Council shall appoint a City Attorney who, at the time of appointment, shall be licensed to practice law in Colorado. The City Attorney shall serve at the pleasure of the City Council and at a compensation fixed by the City Council."

Below is the schedule being recommended by City staff for the City Manager and City Attorney reviews:

March 24th – 6:00PM Special Council Meeting

Executive Session - First review of City Manager's annual performance evaluation

April 14th – 6:00PM Special Council Meeting

Executive Session - Second review and final approval of City Manager's annual performance evaluation

April 28th – 6:00PM Special Council Meeting

Executive Session - Review of the City Attorney's annual performance evaluation

Review and Adoption of Annual Budgets. City staff is also requesting two Special Meetings in October, 2025 for the City Council to conduct the two public hearings required for the City's 2025 Revised Budget and the 2026 City Budget.

Article XII, Section 12.5 of the Lakewood Home Rule Charter, requires that the City Council adopt a budget for the ensuing fiscal year on or before November 1st of each year. Scheduling budget hearings on the proposed Special Meeting dates will provide adequate time for the annual budget process.

Below are the two proposed Special Meetings recommended by City staff for the City's budgets:

October 6th – 7:00PM Special Council Meeting

1st Public Hearing - Review of the revised 2025 City Budget and proposed 2026 City Budget

October 20th – 6:00PM Special Council Meeting

2nd Public Hearing - Review and adoption of the revised 2025 City Budget and proposed 2026 City Budget

BACKGROUND INFORMATION: A "Special Meeting" of the City Council is a meeting held at other than the designated dates and times of a Regular Council meeting. Policy 05.5 of the Council Policies and Procedures Manual provides that: "a Special Meeting may be scheduled either by majority vote of the City Council at a Regular Meeting or by a "Notice of Special Meeting" signed by the Mayor and three Council members and delivered to all Council members at least 24 hours in advance of the Special Meeting.

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: Approval of the special meetings being requested.

ALTERNATIVES: Staff can route a request to the Council for any of the Special Meetings being requested. The request(s) must be signed by the Mayor and three Council Members to in order to be scheduled.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: If approved, staff will schedule the Special Meetings.

ATTACHMENTS: None

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: FEBRUARY 24, 2025 / AGENDA ITEM NO. 13

To: Mayor and City Council
From: Max Kirschbaum, Director of Public Works
Subject: **Property Deed Acceptance from Mile High Flood District**

SUMMARY STATEMENT: City Staff requests that City Council approve an ordinance authorizing City Staff to accept a deed for real property located at 7650 W 2nd Avenue. The acquisition of this property is important to the City because the land is in line with South Lakewood Gulch and it is identified as an area of future improvements in the Lakewood Gulch Master Drainage Plan (1978).

BACKGROUND INFORMATION: The property at 7650 W 2nd Avenue is a vacant lot located within the South Lakewood Gulch Floodplain. This property was identified in 2023 and placed on the MHFD Property Acquisition request list for purchase. This property was purchased by Mile High Flood District (MHFD) in 2024 through their Property Acquisition Reserve and their policy regarding the preservation of floodways and floodplains (see attached fact sheet). The vacant site at 7650 W 2nd Avenue is almost entirely covered in the floodplain which allowed MHFD to purchase the land with their Property Acquisition Reserves at no cost to the City. An environmental assessment was completed and approved by the City of Lakewood prior to deed acceptance from MHFD.

BUDGETARY IMPACTS: None. MHFD purchased the land in 2024 at no cost to the City.

STAFF RECOMMENDATIONS: Staff recommends approval of the ordinance to accept a deed for the property located at 7650 W 2nd Avenue.

ALTERNATIVES: If this ordinance is not approved, the property will remain in the possession of MHFD and need to be sold.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: If the ordinance is approved, City Staff would accept and record the deed for the land at 7650 W 2nd Ave.

ATTACHMENTS:

1. Ordinance O-2025-08
2. Property Location Map
3. Floodplain Preservation Fact Sheet

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

AN ORDINANCE

ACCEPTING A DEED FROM URBAN DRAINAGE AND FLOOD CONTROL DISTRICT D/B/A MILE HIGH FLOOD DISTRICT TO THE CITY OF LAKEWOOD FOR 7650 WEST 2ND AVENUE, CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO

WHEREAS, the City of Lakewood (the “City”) and Urban Drainage and Flood Control District d/b/a Mile High Flood District (“MHFD”) cooperated in preparation of the “South Lakewood Gulch Major Drainageway Planning Study,” dated August 1978, which identified certain flood-prone properties within the City;

WHEREAS, MHFD has a “Preservation Policy” that enables it to acquire certain flood-prone properties on behalf of local jurisdictions in order to preserve them in their natural state;

WHEREAS, the City and MHFD identified several flood-prone properties within the City, one of which is located at 7650 West 2nd Ave. (the “Property”);

WHEREAS, the City and MHFD negotiated a tentative acquisition price of three-hundred and ninety-five thousand dollars (\$395,000.00);

WHEREAS, MHFD agreed to acquire the Property on behalf of the City and then deed the Property to the City at no cost;

WHEREAS, MHFD’s Board of Directors approved Resolution No. 67, Series of 2024, a copy of which is attached hereto as Attachment A, on October 17, 2024 allowing MHFD to acquire the Property on behalf of the City;

WHEREAS, the purpose of acquiring this Property is to preserve and formalize the South Lakewood Gulch in and around the Property;

WHEREAS, MHFD wishes to convey, and the City wishes to acquire, the Property for this purpose; and

WHEREAS, approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies any particular proposal related to this proposal identified herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. The City Council hereby accepts the deed, a copy of which is attached hereto as Attachment B, which conveys property at 7650 W. 2nd Ave. from MHFD to the City

of Lakewood.

SECTION 2. The City is not required to contribute any funding to the acquisition of the Property.

SECTION 3. The City Manager or designee is hereby authorized to accept the deed and to execute all documents necessary related to the acquisition of the Property, including all necessary intergovernmental agreements.

SECTION 4. Approval of this Ordinance is contingent upon MHFD acquiring the Property for the anticipated amount; the City agreeing to regulate and control any defined floodplains on South Lakewood Gulch in accordance with the National Flood Insurance Program regulations; the City agreeing to maintain the Property in a manner acceptable to MHFD; the City granting MHFD access to the acquired Property at all times; and the City agreeing not to make any changes to the Property without MHFD's consent.

SECTION 5. This Ordinance shall take effect thirty (30) days after final publication.

I hereby attest and certify that within and foregoing Ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 10th day of February, 2025; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 13th day of February, 2025; set for public hearing to be held on the 24th day of February, 2025; read, finally passed and adopted by the City Council on the 24th day of February, 2025; and signed by the Mayor on the _____ day of February, 2025.

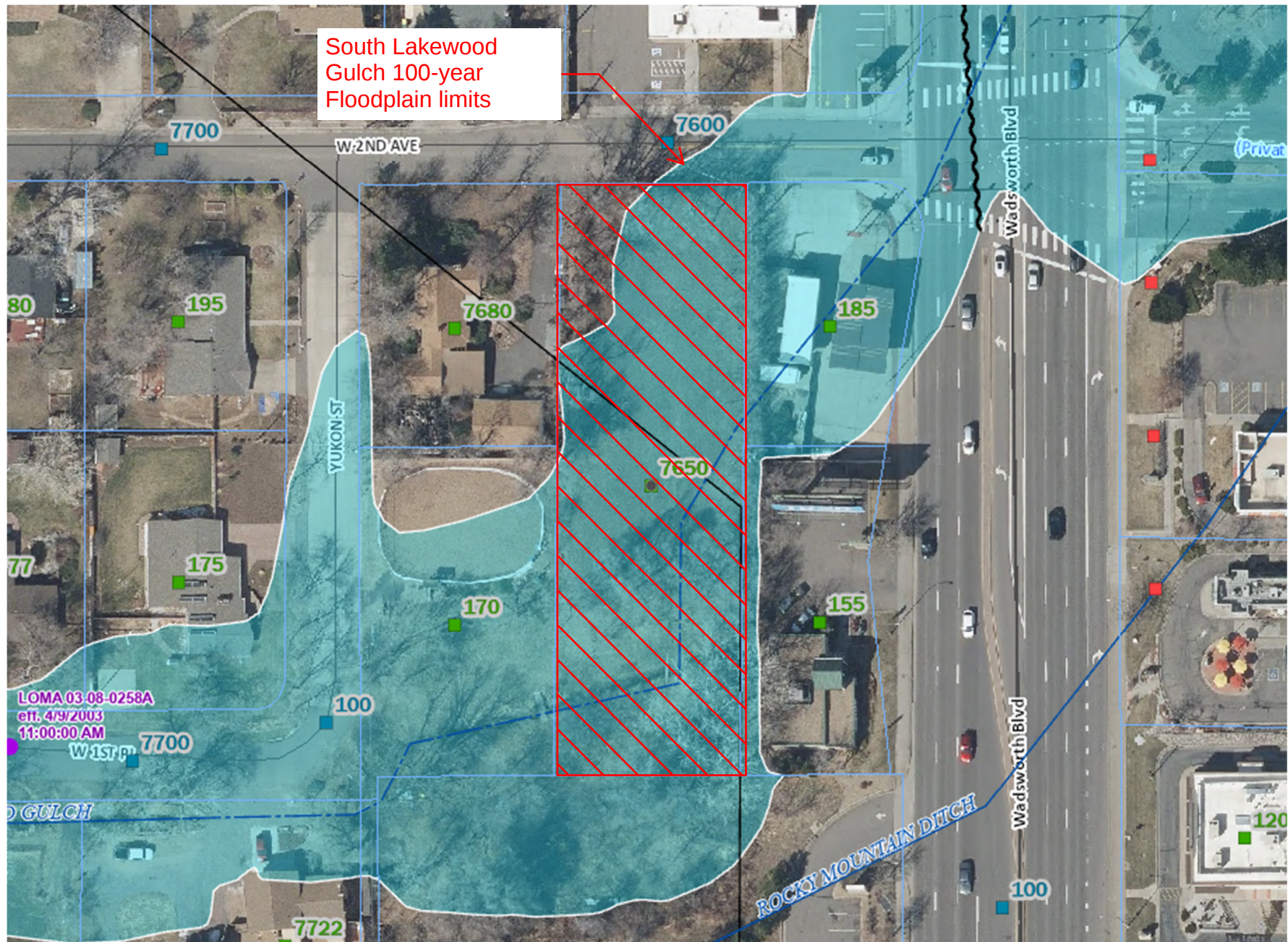
Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney



To: District Staff

From: David Bennetts
Engineering Services Manager

Date: February 10, 2020

Subject: Fact Sheet - Policy Regarding Preservation of Floodways and Floodplains, and the Purchase of the Land for Future Improvements

The purpose of this fact sheet is to provide some insight on the District's Policy regarding the preservation of floodways and floodplains through the District's Property Acquisition Reserve.

History

In 1979, the Colorado State Legislature assigned the District four-tenths of a mill to be used for "maintenance and preservation of floodways and floodplains." The District's Board of Directors initially adopted this policy in 1989, which stated that property acquisition is an important tool, for use in specific cases, to ensure the maintenance and preservation of floodplains and floodways. The intent was also to reserve land for future drainage and flood mitigation improvements. In 1989, an identified preservation account was created in the Maintenance Fund, and through the years, a number of properties have been acquired using this policy and these maintenance funds.

The Policy has been amended a number of times over the years, resulting in some conflicting language and implementation problems. In addition, the level of funding was not able to keep up with the rising cost of property, which did not allow for effective use of the policy. The Board addressed this by adopting Resolution No. 69, Series of 2019, which updated the language of the existing Policy, and providing a sufficient reserve moving forward. In order to use the funds in this reserve, the District's Board of Directors must approve each proposed property acquisition by resolution.

Funding

The Board has set the new funding limit for this Property Acquisition Reserve at 3% of the District's annual revenue moving forward. Beginning in 2020, the reserve shall be administered with the intent that each county's expenditures are pro rata to the District's revenue share from that county over the history of the Reserve. If it becomes apparent that certain counties are not benefitting from the Property Acquisition Reserve, increases may be made to those counties' maintenance budgets until pro rata equity is achieved, under the guidance of the Board of Directors.

Use of the Funds

The Property Acquisition Reserve may be used for the following purposes only when other existing methods of preserving the floodplain or floodway, such as floodplain regulations, subdivision regulations, public land dedication requirements, etc., have been exhausted:

- As a last resort to prevent unsafe development from occurring in floodplains and floodways
- To preserve right-of-way for future drainage and flood mitigation improvements, identified in masterplans, when the right-of-way is in danger of being developed
- To prevent unsafe development downstream of detention facilities
- To purchase severely damaged properties after flooding as a part of a planned recovery efforts
- To preserve channel and floodplain storage when called for in a master plan
- When available for purchase from a willing seller, to acquire property and remove structures from the floodplain or floodway when called for in a master plan or final design
- To obtain right-of-way necessary to perform maintenance of floodplains and floodways
- To preserve flood routing capabilities of inadvertent detention facilities, when agreement for such preservation has been made between the District and the affected local governments
- To purchase properties in imminent danger of flood or flood-related damage
- Other similar purposes where preservation is in the best interests of the goals and objectives of the District and the local government

When the Property Acquisition Reserve is used to preserve right-of-way for a future flood mitigation project listed in the District's current five-year Capital Improvement Plan (CIP), that project may be required to reimburse the Property Acquisition Reserve when the project commences, subject to a decision by the Board. This reimbursement rate will be subject to the percentages set in the IGA with the local government for the CIP project, typically 50% -50% split, requiring the local government to reimburse 50% of the acquisition cost.

The Property Acquisition Reserve may also be used to acquire undeveloped floodplains in order to preserve them in their natural state. For such acquisitions, the District may contribute funds in an amount up to the lesser cost of 100% of the delineated floodplain portion of the floodplain property, or 50% of the entire floodplain property. All property acquired for purposes other than future construction right-of-way shall be utilized in a manner beneficial to the public, and consistent with the flood hazard such as recreation and open space. The District will attempt to work with appropriate agencies, such as parks and recreation departments and districts to provide for beneficial utilization of the acquisitions.

Once a property is acquired, Property Acquisition Reserve can be used for removal of any structures that remain on the property, site cleanup and grading, revegetation, and any fencing that may be required to secure the property. Once this work is complete, it is the responsibility of the local government receiving the property to maintain the property moving forward.

Process

Once a property has been identified, the District will work with the local government to determine the market value of the property, provide an environmental assessment (as needed) of the property to ensure it is free from contaminants, and negotiate the conditions of the sale. The District will typically look to the local government to lead this process through their established procedures for property acquisition, and provide support as requested. In the case that the local government is not able to do this, the District will take the lead, working closely with the local government.

Once the acquisition is complete, the local government, of whom has jurisdiction, shall own the acquired property either in a fee or in a non-revocable easement, of which they shall be responsible for as well. For each property acquired under this Policy, District will enter into an agreement with the local government having jurisdiction to ensure that the property shall not be used for any purpose that will diminish or preclude its natural state as a preserved floodplain or its use for drainage and flood mitigation purposes. The agreement will also ensure that the local government having jurisdiction shall not dispose of or change the use of the property without approval of, and reimbursement to District.

STAFF MEMO

DATE OF MEETING: FEBRUARY 24, 2025 / AGENDA ITEM NO. 14

To: Mayor and City Council
From: Traci Wieland, Director of Community Resources
Subject: **Amending Chapter 14.16 LMC - Parkland Dedication**

SUMMARY STATEMENT: Ordinance 2025-7 as revised upon second reading is presented in redline format for further consideration at third reading.

BACKGROUND INFORMATION: On September 20, 2024, a citizen-initiative petition was filed with the City Clerk's Office to repeal and replace Lakewood Municipal Code Chapter 14.16 pertaining to Park and Open Space Dedication, and such initiative petition was signed by more than five percent (5%) of the total number of persons registered to vote in Lakewood on the date of the last regular municipal election.

Such citizen initiative was presented to the City Council on second reading as Ordinance 2024-28 at a special meeting held on November 4, 2024.

Pursuant to Lakewood Municipal Code 2.52.110(A), the City Council is required to either adopt as an ordinance any citizen initiative without alteration to the language contained in the initiative petition or, alternatively, to submit the initiated ordinance to a vote of the registered electors at a special election.

A majority of the members of the City Council stated on the record their support for continuing to expand the park and open space area within the City while also expressing reservations about a number of policy, financial and legal elements of the initiative ordinance as written.

Following lengthy debate and discussion a majority of the members of the City Council chose to adopt Ordinance 2024-28 rather than order a special election.

Subsequent to the effective date of Ordinance 2024-28, also known as Chapter 14.16 of the Lakewood Municipal Code, the members of the City Council have acknowledged certain negative consequences and unintended impacts of that Ordinance that they find it necessary to address.

At the January 13, 2025, regular meeting of the Lakewood City Council, the City Council voted unanimously to direct staff to place an ordinance on the agenda for first reading on January 27, 2025, to allow the City Council to review Ordinance 2024-28, also known as Chapter 14.16 of the Lakewood Municipal Code, regarding Park and Open Space Dedication, and make such changes as they see necessary to protect the property, health, welfare, peace or safety of the City of Lakewood.

At the January 27, 2025 regular meeting of the Lakewood City Council, the City Council approved a draft ordinance on first reading. The mayor stated on the record that she anticipated significant changes would be made to the draft ordinance at second reading and therefore was directing staff to plan on a third reading of the ordinance to allow members of the public to familiarize themselves with any amendments approved by the City Council at second reading.

At a workshop meeting held on February 3, 2025, the City Council announced their intent to repeal and replace O-24-28 in its entirety with a version of a Parkland Dedication code that the Community Resources staff had

been working on for a year. Thereafter, the City Council went through that version and indicated changes that they wanted City staff to make prior to second reading. The areas that they asked staff to address concerns arising out of:

- encouraging park development in areas of the City that are underserved;
- establishing the development of affordable housing as a higher priority than park development;
- modifying districts, suggesting that fewer planning districts would create more flexibility in park development;
- encourage the development of smaller neighborhood parks;
- establish an annual review of the fee in lieu by the City Council;
- recognize vested rights to provide a level of certainty for those wishing to develop residential property within Lakewood;
- review whether a strict rule for minimum park size was appropriate when smaller parks may fit the needs of a development;
- put up guardrails on staff discretion, at some level parkland dedication determinations need to be forwarded to the City Council for final determination.

At the February 10, 2025, regular meeting of the City Council, the City Council heard from thirty-five community members before beginning the arduous task of weaving together the information provided by the community, the City staff, and other critical stakeholders to create a parkland dedication code that both conformed with the legal parameters of exaction law and incorporated in Lakewood's unique needs. After five hours the City Council had reached consensus on nine amendments to the draft ordinance which they asked to be presented on a redline version attached to this agenda item.

Additionally, the City Council declared their intent to continue to consider additional amendments at the third reading of O-2025-7 to be held on February 24th. One topic anticipated for further discussion is the the specific role that the City Council will have in reviewing parkland dedication approvals for properties of a certain size, possibly measured in residential units, as set forth in the proposed draft at 14.16.080(C). To this end the City Council asked City staff to provide additional information on the definitions of Transit related areas as provided by recently adopted State law, including the impact of TOC maps being promulgated by DOLA. C.R.S. § 29-37-202 defines relevant terms or phrases as follows:

1. **Certified Transit-Oriented Community** means a transit-oriented community that has met the requirements of section 29-27-204(4).
2. **Optional Transit Area** means the total area, measured in acres, within a transit-oriented community that is within one-quarter mile of a public bus route or bus rapid transit corridor as identified in the criteria in subsection 29-37-207(4).
3. **Transit Area** means both a transit station area, as defined in subsection (12) of this section, or a transit corridor area, as defined in subsection (10) of this section.
4. **Transit Center** means an area that both meets the requirements of section 29-27-205 and is designated as a transit center by a transit-oriented community.
5. **Transit Corridor Area** means the total area, measured in acres, within a transit-oriented community that is within one-quarter mile of a public bus route as identified in the criteria in section 29-27-207(3).
6. **Transit-Oriented Community** means a local government that:
 - a. Is either entirely or partially within a metropolitan planning organization;
 - b. Has a population of four thousand or more according to the most recent data from the state demography office;
 - c. Contains at least seventy-five acres of transit area; and
 - d. If the local government is a county, contains either:

BUDGETARY IMPACTS: Potentially significant impacts.

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None presented by staff.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: Dependent upon action take by the City Council on this measure.

ATTACHMENTS: 1. Ordinance O-2025-07 Revised Following 2-10-25 Meeting

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

AN EMERGENCY ORDINANCE

REPEALING AND REENACTING IN ITS ENTIRETY CHAPTER 16 OF TITLE 14 OF THE LAKEWOOD MUNICIPAL CODE RELATING TO REQUIREMENTS FOR PARK AND OPEN SPACE DEDICATION AND FEES IN LIEU THEREOF

WHEREAS, the City of Lakewood hired Norris Design and Duncan and Associates in June 2023 to complete a detailed assessment (“Norris Assessment”) of the existing Park and Open Space Dedication Code (“Parkland Dedication Code”);

WHEREAS, City ~~S~~staff presented a project update and preliminary recommendations to the City Council at a study session on April 15, 2024, and updated City Council by staff memo on September 6, 2024;

WHEREAS, as part of the assessment process, Norris Design and Duncan and Associates met with residents, staff, Planning Commission and Lakewood Advisory Commission members, and the development community;

WHEREAS, the City of Lakewood believes it is important to the health, safety and welfare of all its residents to make available park and open land space in various sizes, including large regional spaces, moderately sized community spaces, and smaller neighborhood spaces;

WHEREAS, the City of Lakewood Comprehensive Plan entitled “Imagine Tomorrow! Arts, Parks and Recreation For All” and the Norris Assessment found that the City of Lakewood needs a means of requiring parkland to meet both neighborhood and community park requirements impacted by increasing residential development and redevelopment;

WHEREAS, to meet the parkland and open space needs arising from the increase in residents, the City needs to encourage the development of parkland and open space within the neighborhoods where new residents are locating as well as expanding community parks to meet this increased need, by mandating parkland and open space land dedication when the developer is able to provide the land to meet this need, accepting fee-in-lieu of dedications where appropriate to support the creation of community sized parks and open spaces, and build and maintain the infrastructure associated with more intensive use of these spaces;

WHEREAS, the Norris Assessment found that the current Parkland Dedication Code makes it difficult to encourage or allow innovation in parkland types that might serve to meet the neighborhood park and open space needs, including options such as plazas, play spaces, dog parks, community gardens, trail segments, and dedications to

~~connectivity for park and open spaces drainage area park improvements beyond the zoning requirements for storm water and open space;~~

WHEREAS, approving this Ordinance as an emergency ordinance is deemed necessary to address the City's current inability to issue building permits for any residential housing and to seek to address issues arising out of active litigation;

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood;

SECTION 1. Chapter 16 of Title 14 of the Lakewood Municipal Code is hereby repealed and replaced in its entirety with the following:

14.16.010. Purpose.

Recognizing that new residential development and redevelopment result in the addition of residents to the City that substantially increase usage of existing parks and require the establishment of both neighborhood and community sized parks, and that existing residents should not bear the entire burden of establishing the additional park and open space areas to meet the needs created by such increase in residential development, the City of Lakewood hereby adopts a Park and Open Space Dedication Code. Parkland dedication requirements, including fees in lieu and improvements in lieu of dedication, enable the City to require new developments to pay a proportionate share of the costs of accommodating park demand created by adding new residents to the City. This Parkland Dedication Code is not intended to limit innovation but rather to encourage the City, residential property developers and landowners to share the responsibility of innovatively meeting the park and open space needs of new residents without burdening existing residents with those costs or burdening the City with maintenance of many small sites.

14.16.020. Scope and application.

Each development containing residential land uses shall dedicate to the City real property to serve as park sites and open space areas in accordance with the provisions of this Code. Except as otherwise provided by this Code, at the discretion of the Director of Community Resources (Director) fees in lieu of parkland dedications or improvements in lieu of parkland dedications shall be levied as set forth herein. Improvements in lieu may

include, but shall not be limited to, plazas, play spaces, dog parks, community gardens, trail segments, ~~and dedications to connectivity for parks and open spaces and drainage area park improvements if such areas are more than that required for storm water.~~ The Director shall use current City planning documents including equity mapping tools, as a guide for determining park and recreation needs in association with the proposed development, and identify land either on the site of the development or in the area of the development that could appropriately meet neighborhood needs, and provide a means for the developer to participate in supplying the community sized parks that will be needed by the residents of the development. The park and open space requirements in this Code shall be interpreted to reasonably relate to the needs of the residents of the proposed development subject to this parkland dedication requirement.

14.16.030. Park standards.

For purposes of this Code, the City's park standards shall be a minimum of ten and five-tenths (10.5) acres of park area per one thousand calculated population. This standard of ten and five-tenths (10.5) acres per one thousand (1,000) population is composed of the following elements:

Five (5) acres per one thousand (1,000) population for regional parks;

Three (3) acres per one thousand (1,000) population for community parks;

Two and five-tenths (2.5) acres per one thousand (1,000) population for neighborhood parks.

14.16.040. Regional Parks standards met; Community and Neighborhood Park needs.

The City Council determines, as of the time of adoption of this Code, that the regional park needs of the residents of the City are satisfied by Bear Creek Lake Park, William Frederick Hayden Park, the Bear Creek Greenbelt, Jeffco Open Space Parks, and other regional parks to the west and south of the City. Therefore, a residential development shall not be obligated to dedicate land for regional park purposes in the City.

The operating standard for dedication of parkland to meet the needs of the City for community parks and neighborhood parks shall be a total of five and five-tenths (5.5) acres of parkland per one thousand (1,000) population, which can be met as provided within this Code.

14.16.050. Calculation of land dedication requirements for park and open space.

- A. Parkland Standard. All residential developers shall provide a minimum of five and five-tenths (5.5) acres of park area per one thousand (1,000) anticipated population of such development. All or part of that dedication may be met through

a fee in lieu and/or an improvement in lieu when such alternative dedications will more effectively meet the neighborhood or community parkland needs of the residents of the development as determined by the Director.

- B. Population Factor. To provide an estimated and equitable population standard among different housing types, a population factor (representing average number of persons within the unit type) shall be applied to the calculation as follows:

- | | |
|-----------------------------|------|
| 1. Single Family Detached = | 2.55 |
| 2. Multi-Family Attached = | 1.68 |
| 3. Senior Housing = | 1.20 |

- C. Example Calculation:

Proposed development size: 10 acres

Proposed density: 10 units/acre, multi-family attached

Park and open space acreage required for both neighborhood and community parks: 10 development acres x 10 units/acre x 1.68 population factor x 5.5 acres parkland/1000 people = .924 acres of total parkland required.

- D. Dwelling Unit Changes. If an area is replatted prior to construction of the development and the number of anticipated dwelling units increases or decreases by more than ten percent (10%), the developer ~~or owner~~ shall be required to adjust either the amount of parkland dedicated consistent with the aforementioned provisions and formula, or adjust the amount of park or improvement fee in lieu thereof to provide for the change in units.

- E. At the discretion of the Director, all or a portion of a park dedication to provide a neighborhood sized park or improvement in lieu may remain in private ownership, provided the privately owned parkland or improvement in lieu is open to public use. Land held by a public entity, including a metropolitan district, is not privately owned. The land area that may remain in private ownership shall:

1. Be subject to a parkland dedication agreement entered into by both the developer and the City, which shall run with the land, addressing maintenance, liability insurance, and other management concerns of the privately operated space and such agreement shall be filed with the Jefferson County, Colorado Clerk and Recorder prior to or at the time of completion of the plat or site plan;
2. Be privately maintained to meet reasonable health, safety and ~~accessibility~~accessibility standards; and
3. Be noted on development plans as a fulfillment of parkland dedication

requirements and/or be in a public access easement.

14.16.060. Criteria for land eligible for park and open space use.

The following criteria will apply in determining what type and nature of land will meet the requirement for dedication:

- A. Land that is accessible from one (1) location by standard maintenance vehicles.
- B. Land or water bodies contiguous to other acceptable parkland or existing parkland.
- C. Usable land within the one-hundred-year floodway fringe that would not be inundated in a five-year storm.
- D. Special areas of natural, historical or cultural significance.
- E. Public plazas, play spaces, dog parks, community gardens, trail segments, dedications to connectivity for parks and open spaces and other public spaces that are not required to fulfill other development regulations of the City.

14.16.070. Criteria for land not eligible for park and open space use.

The following criteria will apply in determining what type and nature of land will not meet the requirement for dedication:

- A. Land required by the City's Zoning Code for private open space.
- B. Land used to fulfill requirements of the City's storm drainage ordinances, such as detention ponds, retention ponds or drainageways.
- C. Rights-of-way and easements for irrigation ditches, laterals and aqueducts, power lines, pipelines or other public or private utilities without the written permission of the right-of-way owner.
- D. Hazardous geological land area or mineral extraction areas.

14.16.080. Procedure and fee determination.

- A. All requirements with respect to land dedication, fee in lieu, and/or improvement in lieu shall be satisfied in full prior to, or as part of, the approval of the final plat, final development plan, or site plan. No land dedication, fee, or improvement shall be determined at the time of building permit issuance. The amount of the fee to be paid in lieu of land dedication shall be the fee in effect at the time of formal project submittal. The Director may delay the collection of fees to the time of building permit issuance.
- B. The Director shall use current City planning documents including equity mapping tools, as a guide for determining park and recreation needs in association with the proposed development and identify land either on the site of the development or in

the area of the development that could appropriately meet this need. If the Director determines that a land dedication in accordance with this Code would not best serve the park and recreation needs in association with the proposed development or the purpose of this Code as set forth above, the Director may require payment of a fee and/or improvement in lieu to meet either the neighborhood parkland need, the community parkland need, or both.

- C. Any residential development or redevelopment project for which an initial calculation of parkland dedication meets or exceeds ten (10) acres shall be subject to review and approval by Resolution of the City Council. The Director shall provide a recommendation to the City Council for determining park and recreation needs in association with the proposed development, and how, in the Director's opinion, those needs might be most effectively met through either a parkland dedication, fee in lieu, improvement in lieu, or through a combination of those options.
- D. All improvements in lieu of land dedication shall be of equal or greater value to the fee in lieu that would have been assessed in lieu of parkland dedication.
- E. The City Council for the City of Lakewood shall establish by resolution the fee in lieu of land dedication for this Code on an annual basis that reflects market fluctuations using professional appraisals, market condition surveys, or other local property valuation tools. If substantial appraisal data is not available, the City Council may also rely upon the local Assessor's data, American Housing Data and other data metrics.
- F. Fees shall be payable to the City of Lakewood and shall be designated for the acquisition, development, and/or improvement of park, recreation, and open space land to meet the needs of new residents to carry out the purpose of this Code as set forth above. Fees shall generally not be used for routine maintenance of park, recreation, and open space land. Fees may be combined with other funding sources to establish neighborhood and community ~~sized~~ parks and open spaces.
- G. Accessory dwelling units are exempt from parkland dedication.
- H. Replatting. No revision or amendment to an approved development plan or final plat pursuant to which the required land dedication has been previously proffered and accepted by the City shall create a credit in favor of, or reduce the land dedication requirements applicable to a developer ~~or owner~~, nor shall any such revision or amendment require the City to re-convey any portion of a previously accepted dedication, notwithstanding a decrease in the planned density of the development or any portion thereof. Further, no credit or refund for fees in lieu previously dedicated or paid shall be granted in the event a replat results in a decrease of residential density.
- I. Non-residential properties converted to residential are required to meet the

requirements of this Code at the time of formal submittal of an application for the conversion.

14.16.090. Site development standards - General.

- A. Land that has been platted as public park and open space, or otherwise dedicated to the City, shall not be used in the development process of adjoining lands, except as stated in subsections (B), (C) and (D) of this section, or as reflected in an approved subdivision grading plan.
- B. The developer shall be responsible for the installation of public improvements adjacent to any park site or improvement in lieu established at the site of the residential development, including, but not limited to, curb and gutters, streets, storm drainage facilities, and bridges made necessary by the development. Such public improvements will normally be limited to two hundred ten (210) linear feet per acre of parkland. This requirement does not include park development or tap fees unless such improvements are part of an Improvement Agreement.
- C. All slopes shall be stabilized in accordance with acceptable engineering standards to prevent public endangerment, and for ease of maintenance. The maximum slope shall normally not exceed 4:1 or other slope treatment will be required.
- D. Dedicated park and open space lands shall be made easily accessible to City maintenance equipment.

14.16.100. Planning districts aligned by ward; Collection and expenditure of parkland fees.

Beginning on April 1, 2025, the planning districts for parkland fees in lieu associated with neighborhood parks shall be designated as the City Council Ward of the applicable development. All fees in lieu collected for both community and neighborhood parks which were paid prior to April 1, 2025, shall be expended within the planning district associated with the development from which those funds were collected as those planning districts were defined at that time.

Fees collected in lieu of land dedication pursuant to this Code shall be expended as follows to create a variety of park and open space areas to meet the needs of the residents of the development for which the fees were paid.

- A. Neighborhood Parks. Any fees collected for neighborhood parks in lieu of land dedication shall be expended within the ward of the development in order to benefit the residents of the development for which the fees were paid. There shall be a preference for land to be dedicated from the development site to meet the neighborhood park requirements if possible. In areas of the City that have been found to be underserved as to parkland and open space relative to the

rest of the City, the Director shall prioritize to the greatest possible extent expending fees on the acquisition of new parkland and open space in those neighborhoods.

- B. Community Parks. Any fees collected for community parks in lieu of land dedication may be expended anywhere within the City in order to create additional community ~~sized~~ parks to meet the additional parkland needs resulting from the increased population arising from the development for which the fees were paid, with an effort made may only be expended outside the ward in which they are collected if they are being spent to place new community parkland in those areas of the City underserved by community parks. These fees may also be combined with other parkland funding sources as needed to meet community parkland needs as established by this Code.

With respect to expending fees collected for both neighborhood and community parks, the Director shall prioritize, to the greatest extent feasible, the acquisition, protection and preservation of ecologically sensitive habitats, and the preservation of native plants and species. The Director shall establish a transparent, user-friendly process for the public to provide input on where and how they would like to see these funds expended and prioritized. The Director shall provide an annual detailed report to the City Council and the public regarding how and why these fees were expended, and said report shall be prominently posted for the public's review and feedback

14.16.110 Affordable/Income-Restricted Housing.

The ~~Director provisions of the Code~~ shall be waived ~~or modify the provisions of this Code~~ to support the development of affordable or income-restricted housing units, and shall seek alternative funding sources to provide the residents of such development equal access to neighborhood and community parks and open spaces. This subsection shall apply to any residential development that is considered affordable pursuant to the metrics outlined in Proposition 123 (C.R.S. § 29-32-101(2)) ~~-with at least ten percent (10%) of units at sixty percent (60%) area median income (AMI), or twenty percent (20%) of units at eighty percent (80%) AMI, or forty percent (40%) of units at ninety percent (90%) AMI,~~ with such income restrictions documented through recorded deed restriction for a minimum period of twenty (20) years.

SECTION 2. Emergency Declaration. The City Council of the City of Lakewood hereby finds, determines and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public property, health, welfare, peace or safety for the reasons enumerated in the recitals and body of this ordinance, which are incorporated into this Section 2 by reference. The City Council further determines that the

adoption of this ordinance as an emergency ordinance is in the best interest of the citizens of the City of Lakewood, but if this ordinance is not adopted by an affirmative vote of two-thirds of all members of the City Council it may still be passed as a regular ordinance in conformance with the provisions of Lakewood City Charter § 7.4, to become effective thirty (30) days after final publication, and its provisions shall apply only to land use applications submitted to the City after such effective date.

SECTION 3. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that within and foregoing Ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 27th day of January, 2025; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 30th day of January, 2025; set for public hearing to be held on the 10th day of February, 2025; read, finally passed and adopted by the City Council on the 24th day of February, 2025; and signed by the Mayor on the ___ day of February, 2025.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: FEBRUARY 24, 2025 / AGENDA ITEM NO. 15

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS:

STAFF RECOMMENDATIONS:

ALTERNATIVES:

PUBLIC OUTREACH:

NEXT STEPS:

ATTACHMENTS: None

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney