

BALLOT QUESTION 2A

“Shall Section 4.3 of the Thornton City Charter be amended to provide that a partial term of office served by a Councilmember or Mayor for less than two years does not constitute a ‘term in office’ for purposes of term limits provided in Article XVIII, Section 11 of the Colorado Constitution?”

[Words double underlined will be added]

4.3. Terms.

- (a) The terms of office of the Councilmembers hereafter to be elected in accordance with the provisions of this Charter shall be for four (4) years commencing on the first Council meeting, regular or special, following their election and shall continue during the term for which they shall have been elected until their successors shall have been elected and qualified. Every two (2) years at the regular municipal election one Councilmember shall be elected from each ward for a four (4) year term.
- (b) A Mayor shall be elected at-large for a term of four (4) years, the term of the Mayor commencing at the same time as herein provided for Councilmembers.
- (c) A partial term of office served by a Councilmember or Mayor for less than two (2) years does not constitute a “term in office” for purposes of term limits provided in Article XVIII, Section 11 of the Colorado Constitution. Nothing in this subsection shall be construed as allowing a Councilmember or Mayor to serve a partial term of office for less than two (2) years within four (4) years after serving two (2) consecutive terms in office.

BALLOT QUESTION 2B

“Shall Section 4.5(a) of the Thornton City Charter be amended to provide that when a vacancy in the office of Mayor occurs, if more than one year is remaining in the term of office, such vacancy shall be filled by special election to be held within 120 days of the vacancy, provided that should the vacancy occur within 90 days of a regular municipal election, the vacancy shall be filled at the regular municipal election?”

[Words double underlined will be added and words stricken will be deleted]

4.5. Vacancy.

- (a) If a vacancy occurs in the office of Mayor, the Mayor Pro- Tem shall become the Acting Mayor immediately. If there is one year or less of the vacated Mayoral term, the Mayor Pro Tem shall serve as Acting Mayor through the remainder of the vacated Mayoral term. If the vacancy occurs more than one year from the expiration of the term, the Acting Mayor shall serve until the ~~next regular~~ election and then of a Mayor by special election to be held within 120 days of the vacancy, but not within 90 days of a regular municipal election. Should the vacancy in the office of Mayor occur within 90 days of a regular municipal election, the vacancy shall be filled at the regular election. Upon the election of a Mayor at a special election, the Acting Mayor shall ~~resume~~ continue the duties as ~~Councilmember for the remainder of that Councilmember's unexpired term of office~~ Mayor Pro Tem until the next regular election. Upon the election of a Mayor at a regular election, the Acting Mayor shall ~~resume~~ continue the duties as Councilmember for the remainder of that Councilmember's unexpired term of office. The term of office for a Mayor ~~at a regular election following~~ elected to fill a vacancy in that office shall be for ~~four years~~ the remainder of the vacated Mayoral term.

BALLOT QUESTION 2C

“Shall Sections 8.13(a) and 8.16(a) of the Thornton City Charter be amended to increase the time period to collect the requisite number of signatures, which is not less than 10% of the registered electors of the City as of the date of the last regular city election, on an initiative petition from 21 days to 120 days, and on a referendum petition from 21 days to 30 days, before the date of filing the petition with the City Clerk?”

[Words double underlined will be added and words stricken will be deleted]

8.13. Initiative or referendum petition.

- (a) An initiative or referendum petition shall be signed by registered electors of the City numbering not less than ten (10) percent of the number of persons who were registered electors of the City, as of the date of the last regular City election, ~~and~~ All signatures on ~~said an initiative~~ petition shall be obtained within ~~twenty-one (21)~~ one hundred twenty (120) days, ~~and all signatures on a referendum petition shall be obtained within thirty (30) days.~~ before the date of filing the petition with the City Clerk. Any such petition shall be addressed to the Council and may be aggregate of two or more petition papers identical as to content and simultaneously filed by one person. An initiative petition shall set forth in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one ordinance. A referendum petition shall identify the ordinance or part thereof, or code section it proposes to have repealed. A referendum petition shall be void unless filed with the City Clerk within thirty (30) days from the effective date of the ordinances to which such petition refers.

8.16. Miscellaneous provisions on initiative and referendum.

- (a) The presentation to the Council by the Clerk of a valid and sufficient referendum petition containing a number of signatures of registered electors of the City equal to ten (10) percent of the number of persons who were registered electors of the City as of the date of the last regular Municipal election, which signatures have been obtained within ~~twenty-one (21)~~ thirty (30) days before the date of filing the petition with the Clerk, shall automatically suspend the operation of the ordinance in question pending repeal by the Council or final determination by the electors.

BALLOT QUESTION 2D

“Shall certain provisions of the Thornton City Charter be amended to eliminate superfluous, obsolete, outdated and ambiguous language, clarify applicability of anti-nepotism provisions and authority related to intergovernmental agreements and revocable permits, correct grammar and citations, conform to changes in the law, and make other non-substantive revisions?”

[Words double underlined will be added and words stricken will be deleted]

4.3. Terms.

- (a) The terms of office of the Councilmembers hereafter to be elected in accordance with the provisions of this Charter shall be for four (4) years commencing on the first Council meeting, regular or special, following certification of their election and shall continue during the term for which they shall have been elected until their successors shall have been elected and qualified. Every two (2) years at the regular municipal election one Councilmember shall be elected from each ward for a four (4) year term.

4.4. Qualifications.

No person shall be eligible to be elected or appointed to the office of Mayor or Councilmember unless the person is a citizen of the United States, at least twenty-five (25) years of age, shall have been for one (1) year immediately preceding such election or appointment a resident of the City of Thornton, Colorado, and is a registered elector. In addition to these requirements no person shall be eligible for the office of Councilmember unless the person is and has been a resident of the ward for the time period required by the Colorado Municipal Election Code. Any person who is a resident of the City or of any area annexed to or consolidated with the City for the required length of time, as herein provided, shall be deemed to meet the resident requirements of this Section. A person who has been convicted of a felony described in Article XII, Section 4 of the Colorado Constitution shall not be eligible to become a candidate for City office. No person shall serve as Mayor or Councilmember while also holding another elected position in government.

4.5. Vacancy.

- (a) A vacancy shall exist when an elective officer fails to qualify, dies, resigns, is removed from office, moves from the City, moves from the ward from which elected or appointed, is incapacitated or is absent continuously therefrom for more than three (3) months, is convicted of a felony described Article XII, Section 4 of the Colorado Constitution, or is judicially declared mentally incompetent. That such cause of vacancy exists shall be established by competent evidence thereof and placed on record in the Council minutes. The Council shall determine the validity of the evidence and, based on its determination, decide when a vacancy exists.

4.8. Mayor.

- (b) The Mayor shall be a conservator of the peace, and in emergencies may exercise within the City the powers conferred by the Governor of the State of Colorado for purposes of military law, and shall have authority to command the assistance of all able-bodied ~~citizens-residents~~ to aid in the enforcement of the ordinances of the City and to suppress riot and disorder. Except as may be required by statute, the Mayor shall exercise only such power as specifically conferred by this Charter or the Council. For the purposes of this Section 4.8, "emergencies" means existing conditions actually arising from unforeseen contingencies which immediately endanger public property, health, peace, or safety.

4.13. Meetings to be public.

All regular and special meetings of the Council shall be open to the public and ~~citizens-residents~~ shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe. The Council may hold executive sessions as the Council may determine and may exclude from said meetings the public; ~~and citizens,~~ provided, however, no formal and legally binding action by the Council for the City shall be taken at any such executive sessions.

4.18. Contracts with other governmental bodies.

In addition to any authority granted by state statute or constitution, the Council by resolution may enter into contracts with other governmental bodies to furnish governmental services and make charges for such services, or enter into cooperative or joint activities with other governmental bodies. The Council may, by ordinance, delegate such power to officers or employees of the City subject to limits specified within the ordinance.

4.21. Elective officers not to be employed for two years.

No elective officer, under this Charter, may be appointed to any City office or be employed by the City during the term of office ~~for which elected~~ or for two (2) years thereafter, provided that after the expiration of that term of office, the officer may be appointed as a member of an independent board or commission or fill a vacancy in the position of Councilmember.

5.9. City Attorney.

- (b) The City Attorney shall act as legal advisor to, and be attorney and counsel for, the Council. and shall be responsible solely to the Council. The City Attorney shall advise any officer or department head of the City in matters relating to the officer's or department head's official duties; ~~when so requested.~~

6.1. Municipal Court.

There shall be a Municipal Court, which shall be a qualified municipal court of record, to hear and determine all cases arising under this Charter or the ordinances of the City, subject to appeal in the manner provided by law. The Court may punish contempt of Court within limitations established by ~~ordinance-law~~. The Court may enforce its orders and judgments as provided by general law; and may render final judgment on any forfeited bond or recognizance returnable to such Court subject to appeal as in other cases. Cash bonds may be provided for or taken in lieu of property, individual, or corporate surety bonds.

7.1. Career Service System.

- (c) The City Manager or ~~the Manager's~~ designee shall annually conduct and complete a wage survey for all employees in the Career Service System. In preparing the pay plan, in addition to considering the wage survey, the City Manager or designee shall consider any recommendations and pay surveys made and conducted by employees or organizations representing employees. The pay plan, including fringe benefits, shall be equal to general prevailing rates of employers (public and private sector) selected by the City Manager and approved by the City Council and shall provide like pay for like work. The City Council shall approve the pay plan.

7.2. Surety bonds.

Except as otherwise provided in this Charter, all officers of the City whose duties involve the custody of public property or the handling of public funds, either by way of receipt or disbursement or both, and all other officers and employees so required by the Council shall, before they enter upon the duties of their respective offices, file with the City an official bond, in such form and amount as the Council shall direct and approve. Such official bond of every officer and employee shall be conditioned that the officer or employee will on demand deliver over to any successor in office, or other proper officer or an agent of the City, all books, papers, monies, effects, and property belonging thereto, or appertaining to the office, which may be in custody as an officer or employee; and such bonds may be further conditioned as the Council shall prescribe. The official bond of every officer whose duty it may be to receive or pay out money, besides being conditioned as above required, shall be further conditioned that the officer will, on demand, pay over or account for to the City, or any proper officer or agent thereof, all monies received as such officer or employee. The requirements of this ~~paragraph-section~~ may be met by the purchase of one or more appropriate blanket surety bonds covering all, or a group of, City employees and officers. The requirements of this ~~paragraph-section~~ may also be met by the purchase of one or more blanket crime insurance policies covering all, or a group of, City employees and officers as determined by the City Manager. All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the City. The Clerk shall be custodian of all bonds of all officers or employees, except that the Treasurer shall be custodian of any bonds pertaining solely to the Clerk. In the event the offices of the

Clerk and Treasurer are held by the same person, then the City Manager shall be custodian of any bonds pertaining to the Clerk and Treasurer.

7.3. Delivery of office.

Any officer or employee who ceases to hold such office or employment for any reason whatsoever shall within five (5) days, or sooner on demand, deliver to a supervisor or successor in office all books, papers, monies, and effects in the custody of such officer or employee. Any officer violating this provision may be proceeded against in the same manner as public officers generally for a like offense under the statute. Any employee found guilty by a competent tribunal of violating this provision-section may be punished by fine or imprisonment, or both, as determined by the Court.

7.4. Pecuniary interest prohibited.

(b) Without limiting the generality of Paragraph-subsection (a) of this Section, an officer shall be deemed to have a pecuniary interest in a contract if the officer or any member of the officer's family is an employee, partner, officer, director or sales representative of the person, firm or corporation with which such contract is made. Ownership, individually or in fiduciary capacity, by an officer or member of the officer's family of securities, or of any beneficial interest in securities, of any corporation with which a contract is made, or which is a sales representative of any person, firm or corporation with which such contract is made, shall not be deemed to create a pecuniary interest in such contract unless the aggregate amount of such securities, or interest in such securities, so owned by such officer or the members of the officer's family shall amount to ten (10) percent of any class of the securities of such corporation then outstanding.

7.6. Anti-nepotism.

The spouse of any elective official or the City Manager and the following relatives and their spouses ~~(a)~~ of any elective official or spouse, or ~~(b)~~ of the City Manager or spouse, are disqualified from holding any ~~appointive~~ office that is appointed by the City Council or City Manager during the term for which said elective official was elected or during the tenure of office of the City Manager; child, grandchild, parent, grandparent, brother, sister, half brother and half sister. All relationships shall include those arising from adoption. This Section shall in no way disqualify such spouses or relatives or their spouses who are bona fide appointive officers ~~or employees~~ of the City at the time of the election of said elective official or the appointment of said City Manager. 8.4. Procedure for passage of ordinances.

8.4. Procedure for passage of ordinances.

(a) An ordinance may be introduced at any regular or special meeting and shall be read in full at the time it is introduced or, in cases where copies of the ordinance are available to the Council and to those persons in attendance at said Council meeting,

said ordinance may be read by title only. It may be passed on first reading by the affirmative vote of not less than a majority of the members ~~elected to of~~ the Council, ~~at the meeting at which it is introduced.~~

- (b) No ordinance may be passed on second and final reading earlier than ten (10) days after the first reading, provided this ~~provision~~ subsection shall not apply to emergency ordinances.
- (c) An ordinance may be read by title only for its second reading at any regular or special meeting. It may be passed on second and final reading by a majority of the members of the Council present, provided a quorum exists. An ordinance may be amended after on first reading and passage ~~and before or~~ second reading and final passage, provided ~~said amendment or amendments do it does~~ not change the stated purpose of the ordinance. The text of any such amendment or amendments shall be read in full unless copies of the amendment or amendments are available to the Council and to those persons in attendance at the Council meeting.
- (d) The effective date of all ordinances shall be on the date of final passage unless another date is prescribed herein therein or as otherwise provided in this Charter.

8.9. ~~Penalties for Enforcement of~~ violation of ordinances.

The Council may, by ordinance, provide for the enforcement of its ordinances by fine, civil assessment or penalty, or imprisonment, or ~~both combination thereof~~.

8.17. Single subject requirement—initiated and referred measures.

- (a) No measure proposing an amendment to or repeal of the ordinances of the City by means of a petition for initiative or referendum shall be submitted to the registered electors of the City if the measure contains more than one subject.

9.2. Budget procedures.

The City Manager shall prepare and submit to the Council, as required by ordinance, a recommended budget covering a period including at least the next fiscal year, which ~~shall include the Utilities Budget, and~~ shall include therein at least the following information:

- (a) Detailed estimates of all proposed expenditures for each department, office, and agency of the City; ~~and for the Court,~~ showing the expenditures for corresponding items for the last preceding fiscal year in full; and for the current fiscal year.
- (b) Statements of the bonded and other indebtedness of the City, showing the debt redemption and interest requirements, the debt authorized and outstanding, and the condition of sinking funds, if any.

- (c) Detailed estimates of all anticipated revenues of the City from sources other than taxes with a comparative statement of the amounts received by the City from each of the same similar sources for the last preceding fiscal year in full, and for the current fiscal year.
- (d) A statement of the estimated balance or deficit for the end of the current fiscal year.
- (e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with any available unappropriated surplus and any revenues from other sources, will be necessary to meet the proposed expenditures.
- (f) Such other information as the Council may request or require.
- (g) ~~If required by Council by resolution or ordinance,~~ A schedule showing all recommended capital outlay expenditures during the following five (5) fiscal years, including recommended capital outlay expenditures for all City operations.

9.5. Budget control.

- (c) The Council may by ordinance, amend the appropriations ordinance during the fiscal year but any ~~supplemental~~ appropriations shall not exceed ~~the amount by which actual and anticipated revenues of the year are exceeding the~~ revenues as estimated in the budget or other available fund balance, unless the appropriations are necessary to relieve an emergency endangering the public health, peace or safety. The Council may, by ordinance, reduce appropriations, except amounts required for debt and interest charges, to such a degree as necessary to keep expenditures within the revenues and for other purposes.

12.2. Improvement district securities—General benefit.

- (b) In lieu of such tax levies, the Council may, in its sole discretion, apply any available money of the City for the purposes listed above in ~~Paragraph subsection~~ (a) of this section, but in no event shall the amount so applied (together with any such taxes so collected) in any one year exceed the amount which would result from a tax levied in such year as herein limited. In the event of such application, the City may reimburse itself from taxes levied (not exceeding three (3) mills), or from the collection of assessments, to replace moneys so applied. The Council may direct by ordinance the disposition of such taxes or of such available moneys, or of any surplus assessments, including without limitation the deposit of such moneys to the surplus and deficiency fund provided for in Section 12.3 of this Charter.

13.1. Comprehensive Plan.

The Master Plan for the City shall also be known as the Comprehensive Plan. The Council shall approve the Comprehensive Plan and any amendments after considering

any recommendations by boards or commissions. The Council shall periodically update the Comprehensive Plan and subsidiary land use, functional, or infrastructure plans, and may receive recommendations from boards or commissions on such updates as designated by resolution. The Council shall adopt and amend plans for clearing and rebuilding ~~of~~-blighted areas and plan for redevelopment in the City, and may receive recommendations from boards or commissions on such plans as designated by resolution.

13.2. Land development and growth management.

The City may establish and collect from development projects payments, charges or impact fees for public improvements and facilities, dedications of property and fees in lieu thereof, and requirements to recover costs for public facilities provided to serve future land development in order for new development, not current ~~citizens-residents~~, to bear its proportionate share of the costs of public improvements and facilities reasonably necessitated by growth. Further, the City may regulate the rate of growth or adopt other measures to promote quality and coordinated development.

14.1. General provisions.

- (b) All regular and special meetings of such boards and commissions shall be open to the public, except that any such board or commission may hold executive sessions if and to the extent permitted by ordinance or its bylaws, but no formal or legally binding action shall be taken at any such executive session. Copies of all minutes of such meetings shall be kept and placed in the office of the City Clerk for public inspection. Public records of such boards and commissions shall be open for inspection as and to the extent provided by the State public records statutes.

15.4. Revocable permits.

The Council or designee may grant a permit at any time for the temporary use or occupation of any public right-of-way, street, alley, or public place, provided such permit shall be revocable by the Council or designee at its pleasure whether such right to revoke be expressly reserved in such permit or not.

16.2. Interpretations.

Except as otherwise specifically provided or indicated by the context:

- (d) The word "officer" shall include the Mayor and other members of the Council, the administrative officers, and members of City boards and commissions created by or pursuant to this Charter.

18.2. Definitions.

As used in this Chapter and its subparts, the following terms shall, unless the context requires a different interpretation, have the following meanings:

- (d) The term "corporate authorities" or "City" shall mean the proper officials, including but not limited to, the Chief of the Fire Department, Chief of the Police Department, ~~Department of City Personnel or Director of the Division of~~ Human Resources, the City Manager, and the City Council, whose duty it is to establish the wages, salaries, rates of pay, hours, working conditions, or other terms and conditions of employment of fire fighters and police officers.

18.3. Right to organize and bargain collectively.

- (a) Fire fighters and police officers shall have the right to bargain collectively with the City and to be represented by an employee organization in such collective bargaining respecting wages, rates of pay, hours, grievance procedure, working conditions and all other terms and conditions of employment, except pensions and the public and management rights contained in Subsection (b) ~~herein~~ of this section.
- (b) Public and Management Rights. The following are the inherent and exclusive rights of the City and these shall not be the subjects of collective bargaining:
 - (i) To direct the work of its employees;
 - (ii) To hire, promote, demote, classify, evaluate and retain employees in positions with the City;
 - (iii) To demote, suspend and discharge or otherwise discipline employees for proper cause;
 - (iv) To transfer, assign and schedule employees, but nothing contained in this Paragraph (iv) shall prohibit bargaining over scheduling and the procedures for transfer and assignment;
 - (v) To determine whether to layoff employees because of lack of work, lack of funds, or for other legitimate reasons, provided that nothing contained in this Paragraph (v) shall prohibit bargaining over the process used to determine how any layoff will be accomplished;
 - (vi) To determine and implement the methods, equipment, facilities and other means and personnel by which municipal operations are to be conducted, and to take the steps it deems necessary to maintain the efficiency and safety of said operations and of the personnel engaged therein; and
 - (vii) To determine its budget, organization, and the merits, necessity and level of any activity or service provided by the City; ~~provided~~, however, that nothing contained in ~~Paragraphs~~ Paragraph (vi) and ~~(vii) this Paragraph~~ shall prohibit bargaining over minimum manning requirements.

~~(c) This~~ Subsection (b) of this section shall not be construed as limiting, diminishing or repealing in any way the Career Service System provisions appearing in Chapter VII of this Charter.

18.6. Unresolved issues submitted to advisory fact finding.

In the event that the fire fighter bargaining agent or police officer bargaining agent and the corporate authorities are unable, within thirty (30) days from and including the date of their first meeting, to reach an agreement on a contract, any and all unresolved issues shall be submitted to advisory fact finding. Submission of unresolved issues to advisory fact finding shall not cause the obligation of the parties to bargain in good faith to cease. Any or all issues which are unresolved between the bargaining agent and the corporate authorities within the time periods contained in this ~~paragraph-section~~ may be agreed to by the parties at any time prior to the second reading by the City Council of an ordinance to conduct a referendum vote of the people pursuant to Section 18.11. In the event the fire fighter bargaining agent or police officer bargaining agent and corporate authorities are able to reach agreement upon any or all issues prior to the receipt of the recommendations of the advisory fact finding board, then the board shall make no recommendations on such issue or issues. In the event that following receipt of the recommendation of the advisory fact finding board the fire fighter bargaining agent or police officer bargaining agent and the corporate authorities are able to reach an agreement upon any or all issues prior to a second reading by the City Council of an ordinance to conduct a referendum vote, then those agreed upon issues shall not be submitted to said referendum vote.

18.7. Fact finding board—Composition.

Within three (3) days from the expiration of the time period referred to in Section 18.6, ~~hereof~~, the fire fighter bargaining agent or police officer bargaining agent or the corporate authorities shall inform the American Arbitration Association, or its successor organization, that a fact finding board is required. Within ten (10) days thereafter, the appropriate arbitration association shall submit simultaneously to each party an identical list of seven (7) persons as proposed members of the board. It shall have been previously determined by the appropriate arbitration association that the proposed members of the board shall be available and will accept appointment as fact finders within the time period specified hereafter. Within seven (7) days from the mailing date of the list, each party shall cross off two (2) names from the list, and shall number the remaining names indicating the order of its preference and return the list to the appropriate arbitration association. If a party does not return the list within the time specified, all persons named therein shall be deemed acceptable. Within ten (10) days after the time the list must be returned to the appropriate association, the arbitration association shall do the following:

18.11. Election procedure for impasse resolution.

(b) (i) In the event the City or the fire fighter bargaining agent or police officer bargaining agent is unwilling to enter into a collective bargaining agreement

containing the recommendations of the fact finders, the corporate authorities shall cause the recommendations of the fact finders to be referred to a vote of the people not less than thirty (30) nor more than sixty (60) days from the date of the fact finders' recommendations. The final offer concerning those issues still in dispute of the party or parties rejecting the fact finders' recommendations shall also be placed on the ballot. The only issues that will be submitted to such an election will be economic issues or issues that change the rights of fire fighters contained in the fire fighter collective bargaining agreement or change the rights of police officers contained in the police officer collective bargaining agreement in effect at the time of the adoption of this Chapter or issues that the parties to the negotiations agree in the applicable fire fighter collective bargaining agreement or police officer collective bargaining agreement may be placed on the ballot.

- (ii) The ballot for any election conducted pursuant to ~~Subparagraph-paragraph~~ (i) of this ~~Section-subsection~~ shall list the recommendations of the fact finders first. The determination in an appropriate circumstance of whether the final offer of the fire fighter or police officer bargaining agent or the final offer of the corporate authorities shall be listed second shall be made by lot or by a flip of a coin.
- (iii) At any election conducted pursuant to ~~Subparagraph-paragraph~~ (i) of this ~~Section-subsection~~, voters shall be permitted to vote in favor of adopting either the recommendations of the fact finders, or the final offer of the corporate authorities, or the final offer of the fire fighter bargaining agent or police officer bargaining agent, whichever is on the ballot. The proposal receiving approval by a majority of those voting on the proposal(s) shall be deemed approved and be binding upon the parties. If no proposal receives a majority vote, the two proposals receiving the most votes will be placed on a run-off election ballot within forty (40) days. In no event shall any issue upon which the fire fighter bargaining agent or police officer bargaining agent and the corporate authorities have reached an agreement prior to the second reading by the City Council of an ordinance to call a referendum election pursuant to this Section be included in such referendum election.

18.16. Benefits not to be reduced.

Those benefits granted to fire fighters or police officers by this Charter, or by applicable ordinances, personnel policy or procedure, or by state statute shall remain in full force and effect until such time as the benefits provided by these provisions may be modified by the terms of a collective bargaining agreement or agreements entered into pursuant to the requirements and provisions of this Chapter, ~~of the Charter and the subdivisions hereof~~, provided however, that no person who is either receiving or has contributed monies toward a fire fighter's or police officer's pension shall cease in any manner to be eligible for the full pension which was contemplated on the date of the adoption of this Chapter unless they voluntarily withdraw from the same.

18.17. Prohibition.

- (a) No fire fighter, police officer, or person seeking admission as a fire fighter or police officer shall be appointed, promoted, reduced, removed or in any way favored or discriminated against because of disability, race, ~~of~~ creed, color, national origin, ancestry, citizenship, immigration status, sex, ~~of~~ sexual orientation, gender identity, gender expression, marital status, age, political or religious opinions or other affiliations or non-affiliations or in violation of Federal, State, or the City's anti-discrimination laws; provided that it shall be permissible and it shall not be in violation of this Charter for the City to enter into an agreement with the bargaining agent of the fire fighters or the bargaining agent of the police officers which requires the payment by fire fighters or police officers to said fire fighter or police officer bargaining agent of an amount not to exceed the normal dues and assessments required of members of said fire fighter bargaining agent or police officer bargaining agent if a majority of the fire fighters voting in an election of the fire fighter bargaining unit or police officers voting in an election of the police officer bargaining unit conducted by the Election Commission, approve including such a provision in any fire fighter or police officer collective bargaining agreement entered into between the City and said fire fighter or police officer bargaining agent.
- (b) Fire fighters and police officers shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on the matters of wages, benefits, and other terms or conditions of employment. Members of the fire fighter bargaining unit or police officer bargaining unit shall also have the right to refuse to join or participate in any activities of employee organizations and shall have the right to represent themselves individually and have individual grievances adjusted without resort to employee organizations; provided, however, that a representative of the fire fighter bargaining agent or police officer bargaining agent shall have the right to be present in any such adjustments which deal with the provisions of the fire fighter collective bargaining agreement or police officer collective bargaining agreement, and any resolution reached as a result of such individual representation or grievance must be in accord with the terms of any fire fighter or police officer collective bargaining agreement actually in effect and applicable to such fire fighter bargaining unit members or police officer bargaining unit members. Except as provided in Paragraph subsection (a) of this Section, neither the City, nor any member of the fire fighter bargaining unit or police officer bargaining unit, nor any employee organization, nor any officially recognized fire fighter bargaining agent or police officer bargaining agent shall interfere with, intimidate, restrain, coerce or discriminate against any employee because of the exercise of the foregoing rights.

18.18. Fire Chief and Police Chief.

- (a) The Fire Chief shall be in direct command of the Fire Department, ~~of Fire~~. The Fire Chief shall assign all members of the Fire Department to their respective posts, shifts, details, and duties; shall make rules and regulations with approval of the City

Manager and in conformity with the ordinances and resolutions of the City concerning the operation of the Fire Department and the conduct of all employees thereof; and shall be responsible for the efficiency, discipline, and good conduct of the Department and for the care and custody of all property used by the Department. The Fire Chief shall, subject to approval of the City Manager and Council, have further power to make regulations with force of law, implementing and giving effect to the laws and ordinances and resolutions relating to fire prevention and fire safety. The Fire Chief shall not either make or enforce any assignment, rule or regulation, or order, which is not in conformity with the provisions of any fire fighter collective bargaining agreement entered into pursuant to this Chapter ~~of the Charter~~ between the City and the bargaining agent of the fire fighters.

- (b) The Police Chief shall be in direct command of the Police Department. The Police chief shall assign all members of the Police Department to their respective posts, shifts, details, and duties; shall make rules and regulations with approval of the City Manager and in conformity with the ordinances and resolutions of the City concerning the operation of the Police Department and the conduct of all employees thereof; and shall be responsible for the efficiency, discipline, and good conduct of the Department and for the care and custody of all property used by the Department. The Police Chief shall, subject to approval of the City Manager and Council, have further power to make regulations with force of law, implementing and giving effect to the laws and ordinances and resolutions related to the Police Department and police public safety. The Police Chief shall not either make or enforce any assignment, rule or regulations, or order, which is not in conformity with the provisions of any police officer collective bargaining agreement entered into pursuant to this Chapter ~~of the Charter~~ between the City and the bargaining agent of the police officers.

18.19. Impact upon Career Service System.

This Chapter shall not in any way be construed to expand, modify, delete, circumscribe or alter the Career Service System established pursuant to Chapter VII of this Charter except as specifically stated herein, to wit, Sections 7.1.(c) and 7.1.(d) shall not apply to fire fighters or police officers upon the certification of a fire fighter or police officer bargaining agent pursuant to Section 18.4. ~~herein~~ and furthermore that all other provisions of Section 7.1 shall remain in effect for fire fighters and police officers only until modified by or included in a fire fighter or police officer collective bargaining agreement between the City and the fire fighter or police officer bargaining agent. No rule or regulation of the Career Service System either in effect at the time of the adoption of this Chapter or thereafter adopted shall be enforced or applied as to any fire fighter or police officer covered by a collective bargaining agreement arrived at pursuant to this Chapter ~~XVIII~~ where to do so would contravene the terms of such a collective bargaining agreement. In the event of any conflict between a rule or regulation of the Career Service System and a fire fighter or police officer collective bargaining agreement, the provision of the fire fighter or police officer collective bargaining agreement shall control and supersede said rule or regulation.

18.20. Severability.

~~If any clause, sentence, paragraph, or part of this Chapter or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Chapter or its application.~~