



WESTMINSTER

Staff Report

TO: The Mayor and Members of the City Council

DATE: October 10, 2007

SUBJECT: Study Session Agenda for October 15, 2007

PREPARED BY: J. Brent McFall, City Manager

Please Note: Study Sessions and Post City Council meetings are open to the public, and individuals are welcome to attend and observe. However, these meetings are not intended to be interactive with the audience, as this time is set aside for City Council to receive information, make inquiries, and provide Staff with policy direction.

Looking ahead to next Monday night's Study Session, the following schedule has been prepared:

A light dinner will be served in the Council Family Room 6:00 P.M.

CITY COUNCIL REPORTS

1. Report from Mayor (5 minutes)
2. Reports from City Councillors (10 minutes)

PRESENTATIONS

1. Personnel Management Ordinance Modifications (Attachment)

6:30 P.M.

EXECUTIVE SESSION

None at this time.

INFORMATION ONLY ITEMS – Does not require action by City Council

1. Summary of 2007 Bond and Certificate of Participation Refunding Issues
2. Monthly Residential Development Report (Attachment)

Additional items may come up between now and Monday night. City Council will be apprised of any changes to the Study Session meeting schedule.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER

Staff Report

City Council Study Session Meeting
October 15, 2007



SUBJECT: Personnel Management Ordinance Modifications

PREPARED BY: Debbie Mitchell, Human Resources Manager
Matt Lutkus, Deputy City Manager

Recommended City Council Action

Direct City Staff to schedule formal City Council action on an ordinance amending the Westminster Municipal Code, Chapter 24 of Title 1, concerning Personnel Management to include several deletions of sections that need not be in the Code.

Summary Statement

Staff is proposing a number of changes to the Personnel Management chapter in the Westminster Municipal Code. These changes will reduce the City Code directives regarding personnel management to those required in the City Charter. The sections being removed from the code will continue to be included in the Personnel Policies and Rules promulgated by the City Manager. This change will streamline the process for making personnel policy changes, allowing for most changes to be made administratively by the City Manager. The current chapter of the Municipal Code contains less than 50% of the personnel policies reflected in the Personnel Policies and Rules document used to guide day to day personnel management.

The following changes are being proposed in the Westminster Municipal Code:

- Removal of the definitions that will no longer apply to this document if the other recommended changes are approved.
- Reorganization of the chapter by moving several sections.
- Removal of the Compensation and Benefits section.
- Removal of the Employee Conduct and Discipline section.
- Removal of the substance abuse policy.
- Addition of two paragraph headings.
- Addition of a paragraph currently in the Personnel Policies and Rules urging cooperative resolution of personnel issues if possible.
- Addition of a sentence requiring maintenance of a grievance record.

Expenditure Required: \$0.00

Source of Funds: N/A

Policy Issue (s)

Does Council wish to remove certain sections of the Personnel Management section of the Westminster Code so that only those sections that are required by City Charter to be approved by Ordinance are included in the Code?

Alternative (s)

- Consider modifications to this chapter of the Code to include changes being made to the Personnel Policies and Rules without eliminating any sections in the code.
- Adopt the entire Personnel Policies and Rules modifying the current personnel management chapter in the Code.

Background Information

In August of 1994, the City reviewed the Personnel Management section of the Municipal Code and decided to take a large portion of the chapter out of the Code, leaving these provisions in the Personnel Policies and Rules. Up to that time, Chapter 24 of the Municipal Code contained the same information reflected in the Personnel Policies and Rules. The intent was to include only the sections required by the City Charter in the Municipal Code. The City Manager has the authority in the Charter to place rules in place with regard to employment so there was not a need to have this information also established and authorized by City Council.

A recent review of the Personnel Management Chapter of the Municipal Code by the City Attorney's Office determined that some sections of the Personnel Policies and Rules included were required by the Charter and while other sections did not need to be included. The current Personnel Management Chapter reflects only a small portion of the adopted Personnel Policies and Rules. Staff recommends a streamlining of Chapter 24 of the City Municipal Code to reflect only the sections required and established by the City Charter. If Council concurs with Staff's recommendation to eliminate sections of this chapter of the Code, the rules covered in these sections will continue to be addressed in the Personnel Policies and Rules document approved administratively by the City Manager.

In addition to the recommended deletions, Staff is recommending changes to sections of the Personnel Management Chapter that will continue to be in the Code. These changes are:

- Addition of two paragraph headings.
- Addition of a paragraph currently in the Personnel Policies and Rules urging cooperative resolution of personnel issues if possible.
- Addition of a sentence requiring maintenance of a grievance record.

Staff Report – Personnel Management Ordinance Modifications

October 15, 2007

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The recommended modifications to the Municipal Code are attached for your review and consideration.

Staff will be in attendance at Monday's Study Session to review the proposed modifications with City Council.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. _____

COUNCILLOR'S BILL NO. _____

SERIES OF 2007

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING CHAPTER 24 OF TITLE I, WESTMINSTER MUNICIPAL CODE, CONCERNING PERSONNEL MANAGEMENT

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The index for Chapter 24 of Title I, W.M.C., is hereby AMENDED to read as follows:

CHAPTER 24

PERSONNEL MANAGEMENT

- 1-24-1: DEFINITIONS**
- 1-24-2: GENERAL PROVISIONS-PRINCIPLES AND IMPLEMENTATION**
- ~~**1-24-3: ADMINISTRATION**~~
- ~~**1-24-4: COMPENSATION AND BENEFITS**~~
- ~~**1-24-5: EMPLOYEE CONDUCT AND DISCIPLINE**~~
- 1-24-6 3: GRIEVANCES AND APPEALS**
- ~~**1-24-7: SUBSTANCE ABUSE POLICY**~~

Section 2. Section 1-24-1, W.M.C., is hereby AMENDED to read as follows:

1-24-1: DEFINITIONS: For the purposes of this chapter, the following words and terms, unless the context clearly states otherwise, shall have the meaning indicated below. (2248 2603 2922 3317)

ADMINISTRATIVE OFFICER: THE ADMINISTRATIVE OFFICERS OF THE CITY SHALL BE THE CITY MANAGER, CITY ATTORNEY, CITY CLERK AND FINANCE DIRECTOR, AND SUCH ADDITIONAL ADMINISTRATIVE OFFICERS AS MAY BE CREATED BY CITY COUNCIL. THE ADDITIONAL ADMINISTRATIVE OFFICERS SHALL BE THOSE EMPLOYEES SERVING IN CLASSIFICATIONS LISTED AS “ADMINISTRATIVE OFFICERS” IN THE PAY AND CLASSIFICATION PLAN APPROVED BY CITY COUNCIL RESOLUTION.

Appeal: The action taken by an employee in order to have the employee's suspension, demotion or dismissal reviewed by the Personnel Board and the City Manager.

~~Appointing Authority: A Division Manager or higher level position who has the authority to make original appointments or recommend such appointments.~~

Board: The Personnel Board.

~~Charter: The home rule charter of the City of Westminster.~~

~~City Code: The City of Westminster Municipal Code.~~

Class: A position or group of positions, which are sufficiently similar with respect to skill, effort and responsibility, that they may be properly designated by the same title, and equitably compensated from the same range of pay under substantially the same employment conditions.

~~Compensatory Time: Leave hours earned for hours worked beyond the scheduled work day, scheduled work period or beyond the work period designated for Fair Labor Standards Act compliance.~~

~~Continuous Municipal Service: Uninterrupted length of service in a position or positions designated as receiving general leave, medical and dental insurance and other fringe benefits.~~

~~Corrective Action: The verbal counseling or verbal reprimand of an employee for the purpose of communicating deficiencies in the employee's conduct or performance.~~

~~Council: The City Council of Westminster, Colorado.~~

~~Demotion: The movement of an employee from a position in one class to a position in another class, having a lower maximum salary rate than the original class, or the movement of an employee to a lower salary in the same class.~~

Department Head: An individual who is regularly responsible for directing and managing the overall operations of a City department as authorized by the Charter or City Code, and who has been designated as a department head by the City Manager. The City Manager, ASSISTANT CITY MANAGER, DEPUTY CITY MANAGER and the City Attorney shall assume duties assigned to department heads in this Chapter for carrying out those actions involving positions, which report directly to them.

~~Disciplinary Action: A written reprimand, suspension, demotion, dismissal, or any other documented action taken in a disciplinary manner involving an employee, but not including a corrective action.~~

Division Manager: An individual appointed by the department head to manage a work group designated as a division within the department. For purposes of this Chapter, the City Manager, ASSISTANT CITY MANAGER, DEPUTY CITY MANAGER, department head or the City Attorney shall assume the responsibilities assigned to division manager when the employee in question reports to a department head, the City Attorney, DEPUTY CITY MANAGER, ASSISTANT CITY MANAGER, or the City Manager.

Employee: A person who receives monetary compensation from the City in return for present services or work performed on a non-contractual basis, or who is on a leave of absence without pay which has been approved by the Human Resources Manager. This definition shall include all full-time and part-time regular, administrative officers, temporary, provisional, seasonal, substitute, HOURLY, instructor, indexed, intern, special project, short term disability and emergency employees. This definition shall exclude elected municipal officials, volunteer firefighters, all other volunteer personnel, and retirees from the City.

~~Employee – Administrative Officer: A full-time or part-time employee holding a position that is specifically designated as a department head or division manager in the City’s administrative officer pay plan. Employees in this category are at-will employees.~~

~~Employee - eExempt: An employee who is eExempt from the overtime provisions of the fFair lLabor sStandards aAct. Reference to eExempt employees WHEN CAPITALIZED refers to those employees whose positions are listed in the eExempt employee pay schedule in the eCity pPay pPlan. All employees in the exempt employee pay schedule are exempt from overtime provisions of the Fair Labor Standards Act with the exception of the classification of administrative secretary and legal secretary. These two classifications are eligible for overtime after they have utilized the administrative leave they receive as part of the exempt employee benefit package.~~

~~Employee – Hourly Non-benefited: An employee appointed to provide services on an hourly basis in specifically designated areas and work an intermittent schedule with no defined number of hours or benefit eligibility.~~

~~Employee – Indexed: An employee appointed to serve for a limited period of time indexed to a particular workload level below which the employee position shall be terminated.~~

~~Employee – Instructor: An employee who has received an appointment for specific instructional activities conducted on behalf of the City. Instructor’s work is part-time, scheduled work and there is no time limit to the amount of time an employee may hold a position in this capacity.~~

~~Employee – Intern: An employee appointed to a position in an intern capacity for a period of up to two years.~~

Employee – Non-exempt: An employee who is entitled to overtime pay or compensatory leave time under circumstances specified by the Fair Labor Standards Act. Reference to non-exempt employees refers to those employees whose positions are listed in the non-exempt employee pay schedule in the City pay plan.

Employee - Part-Time Regular: An employee who has been appointed to a part-time authorized nNon-exempt or eExempt position to work less than forty (40) hours during a seven-day period on a regular basis, and who has successfully completed the initial probationary period.

~~Employee – Probationary: An individual who has been appointed to an authorized position in the municipal service, but who has not yet completed the probationary period.~~

Employee - Regular: An employee who has been appointed to a full-time authorized nNon-exempt or eExempt position in the municipal service, and who has successfully completed the initial probationary period.

~~Employee – Seasonal: An employee who has received an appointment for a specified period of time, normally on a seasonal basis or for a specific activity for a designated season.~~

~~Employee – Short Term Disability: An employee who is appointed to this category is receiving short term disability pay and has an authorized medical professional certification that they are unable to return to work.~~

~~Employee – Special Projects: An employee who has received a temporary appointment for a specified project, period of time not to exceed one year.~~

~~Employee – Substitute: An employee who has received an appointment to a position part time, occasional work on a “substitute” as needed, or on call basis, to fill in for absences and staffing shortages. There is no limit to the length of time an employee may hold a position in this capacity.~~

~~Employee – Temporary: An employee who has received an appointment for a period of time not to exceed one year who is not serving in a temporary benefited position.~~

~~Employee – Temporary – Benefited – Indexed: An employee appointed to serve for a temporary period of time indexed to a particular workload level, funding source or other criteria established by City Council.~~

~~Employee – Temporary – Benefited:
An employee who has received an appointment for a period of time not to exceed one year, who is serving in a temporary benefited position.~~

~~Employee – Temporary – Intern:
An employee who has received an appointment to a temporary position in an Intern capacity for a period of up to three years.~~

~~Employee – Temporary – Special Project:
An employee who has received an appointment to a temporary position for a specified project.~~

~~Employee – Emergency:
An employee who has received an appointment to a position during an emergency situation, to prevent undue delay or serious interferences with the provision of necessary public services.~~

~~Employee – Provisional:
An employee who has received a temporary appointment to a position, due to a vacancy or extended absence of the incumbent.~~

~~Examination: A written, oral, physical, or skill test, or a combination of these tests specifically used to assist in evaluating an applicant's qualifications for a particular position, including a promotional examination in which admission to the examination is limited to employees who meet the qualifications set forth in the job specifications.~~

~~Fringe Benefit: Any form of compensation in addition to the base salary as adopted by Council. General leave, health and life insurance, uniforms, cleaning allowance, educational reimbursement, safety shoes, and other benefits shall be considered as fringe benefits.~~

~~Grievance: A disagreement regarding the meaning, interpretation, application, or alleged violation of this Chapter, THESE policies and rules adopted hereunder, departmental policies, and~~

rules or any other administrative policies of the City, WHICH HAS BEEN FORMALLY PRESENTED FOR REVIEW PURSUANT TO SECTION 1-24-3 OF THIS CHAPTER.

Holiday: ~~The period between 12:01 a.m. and the following midnight of the date on which a designated holiday falls.~~

Job Description: The written description of a class, including the title, a statement of the nature of the work, examples of duties and responsibilities, and the requirements that are ~~necessary~~ ESSENTIAL and/or desirable for the satisfactory performance of the duties of the class.

Job Title: The title assigned to any particular class, and used for reference to that class.

Lateral Transfer: ~~The movement of an employee from one position to another for which the employee is qualified.~~

Layoff: ~~The separation of an employee from the municipal service, which has been made necessary by lack of work or funds or other reasons not related to fault, delinquency, or misconduct on the part of the employee. This term shall include those separations initially expected to be temporary as well as those resulting from the elimination of a position.~~

Original Appointment: ~~The appointment of a person to a position in the municipal service.~~

Position: A group of current duties and responsibilities requiring the full-time, temporary, or part-time services of one employee.

Probationary Period: ~~A working test period following an original appointment, a promotion, a lateral transfer or a demotion during which a regular employee is required to demonstrate the ability to satisfactorily perform and learn in the assigned position.~~

Promotion: ~~The movement of an employee from a position of one class to a position of another class having greater or increased responsibilities and pay.~~

Reclassification: ~~The official determination by the City Manager that a position be assigned to a class different from the one to which it was previously assigned.~~

Reemployment List: ~~A list of persons who have been regular employees in a particular class, and who are entitled to have their names certified for appointment to a position in that class.~~

Relative: ~~The employee's spouse, child, stepchild, grandchild, parent, grandparent, sibling, half sibling, or any of these relationships arising through adoption.~~

Separation: ~~The voluntary or involuntary severing of an employee's employment with the City.~~

Supervisor: Any individual having authority, in the interest of the City, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or having responsibility to direct them, or to adjust their grievances, or effectively having the authority to recommend such action, if the exercise of such authority is not merely routine or clerical in nature, but requires the use of independent judgment.

Suspension: The temporary separation of an employee from performing his or her regularly assigned duties with or without pay for disciplinary reasons, or pending the outcome of an investigation involving the employee.

Vacation Leave: ~~General leave that is taken from normal working hours for vacation or leisure purposes.~~

Section 3. Section 1-24-2, W.M.C., is hereby AMENDED to read as follows:

1-24-2: GENERAL PROVISIONS PRINCIPLES AND IMPLEMENTATION: (2248 2922)

(A) Intent of Chapter: IN ENACTING THIS CHAPTER, It is the intent of the City Council ~~that this Chapter shall~~ TO provide for a professional and impartial personnel management system in accordance with the provisions of the City Charter. This Chapter supersedes any previously distributed ordinances, resolutions, rules, policies and employee handbooks. The language of this Chapter is not intended to create, nor is it to be construed to constitute, a contract between the City of Westminster and any one or all of its employees. ~~Employees have the right to terminate employment at any time for any reason and the City retains the right to terminate employment at any time for the reasons specified in this Chapter.~~

(B) Persons Covered by Chapter: This Chapter applies to all positions and employees in the ~~civil service system as instituted by the City Charter~~ CITY. In addition, unless specifically noted otherwise, it shall also apply to ~~Administration~~ ADMINISTRATIVE Officers and other categories of municipal employment where not inconsistent with provisions of the Charter or other ordinances.

(C) Administrative Regulations: The City Manager shall have the authority to establish such policies and rules deemed necessary for the efficient and orderly administration of the personnel management system. Such authority may be delegated to department heads, division managers and supervisors as deemed appropriate by the City Manager. All such policies and rules must be in writing and be consistent and compatible with this Chapter and the Charter., AND, AT A MINIMUM, INCLUDE THE FOLLOWING:

1. CLASSIFICATION PLAN: A CLASSIFICATION PLAN RESULTING FROM AN ANALYSIS AND EVALUATION OF ALL POSITIONS IN THE MUNICIPAL SERVICE SHALL BE DEVELOPED BY THE CITY MANAGER, OR HIS/HER DESIGNEE, AND MAINTAINED BY THE HUMAN RESOURCES MANAGER. IT SHALL CONSIST OF A LISTING WHICH GROUPS ALL POSITIONS IN CLASSES, BASED ON THE SKILL, EFFORT, RESPONSIBILITY, AND QUALIFICATIONS THAT ARE NECESSARY OR DESIRABLE FOR THE SATISFACTORY PERFORMANCE OF THE DUTIES OF THE CLASS. THE CLASSIFICATION PLAN SHALL INCLUDE TITLES AND WRITTEN JOB DESCRIPTIONS FOR ALL THE VARIOUS CLASSES OF POSITIONS. EACH CLASS SHALL INCLUDE ALL POSITIONS IN THE MUNICIPAL SERVICE, WHICH ARE SUFFICIENTLY SIMILAR WITH RESPECT TO DUTIES, RESPONSIBILITIES, AND AUTHORITY, SO THAT THE SAME DESCRIPTIVE TITLE MAY BE USED TO DESIGNATE EACH POSITION ALLOCATED TO THE CLASS. COUNCIL APPROVAL OF THE JOB TITLES AND PAY RANGES IN

THE PAY PLAN SHALL CONSTITUTE APPROVAL OF THE CLASSIFICATION PLAN.

2. PREPARATION, ADOPTION AND AMENDMENT OF PAY PLAN: A CITYWIDE COMPENSATION PLAN, WHICH SHALL CONSIST OF MINIMUM AND MAXIMUM RATES OF PAY FOR EACH CLASS OR POSITION SHALL BE DEVELOPED AND MAINTAINED BY THE HUMAN RESOURCES MANAGER, AS THE REPRESENTATIVE OF THE CITY MANAGER. SALARY RANGES SHALL BE RELATED DIRECTLY TO THE POSITION CLASSIFICATION PLAN, AND SHALL BE DETERMINED WITH DUE REGARD TO RANGE OF PAY FOR OTHER CLASSES, REQUISITE QUALIFICATIONS, PREVAILING RATE OF PAY FOR LIKE WORK IN OTHER PUBLIC AND PRIVATE ORGANIZATIONS, RECRUITING EXPERIENCE, WORKING CONDITIONS, SUGGESTIONS OF DEPARTMENT HEADS, MAINTENANCE OF OTHER BENEFITS RECEIVED BY EMPLOYEES, THE FINANCIAL POLICY OF THE CITY, AND OTHER ECONOMIC CONSIDERATIONS. IN ADDITION, THE HUMAN RESOURCES MANAGER SHALL DEVELOP, MAINTAIN AND UPDATE A SET OF SALARY COMPLEMENTS WHICH SHALL BE DESIGNED TO ASSIST IN ATTRACTING AND RETAINING QUALIFIED EMPLOYEES. THE PAY PLAN SHALL BE SUBMITTED TO COUNCIL BY THE CITY MANAGER FOR ADOPTION ON AN ANNUAL BASIS IN ORDER TO MAINTAIN THE COMPETITIVE NATURE OF THE CITY'S PERSONNEL PROGRAM.

3. EMPLOYEE POLITICAL ACTIVITY: ACTIVE PARTICIPATION BY EMPLOYEES IN THE MUNICIPAL POLITICS OF THE CITY OF WESTMINSTER SHALL BE RESTRICTED. IT SHALL BE THE POLICY OF THE CITY, HOWEVER, NOT TO DENY TO EMPLOYEES AND OFFICIALS THE RIGHTS TO ENGAGE IN THEIR NORMAL RIGHTS AND RESPONSIBILITIES AS CITIZENS.

(D) 4. Nondiscrimination: No action affecting the employment status of any employee or applicant for a position in the municipal service, including examination, appointment, promotion, demotion, suspension, or removal shall be taken or withheld by reason of race, color, sex, national origin, political, or religious affiliation, age, disability or ~~Vietnam~~-MILITARY veteran status.

Section 4. Sections 1-24-3, 1-24-4, and 1-24-5, W.M.C., are hereby DELETED IN THEIR ENTIRETY.

Section 5. Section 1-24-6, W.M.C., is hereby AMENDED to read as follows:

1-24-6 1-24-3: GRIEVANCES AND APPEALS: (2248 2603 2648 2922)

(A) General: Supervisory and administrative personnel shall strive to anticipate, and thereby eliminate, the cause of most misunderstandings, problems, complaints, or grievances. To the extent that they occur, the employee is encouraged to promptly seek the employee's immediate supervisor's assistance. Supervisory personnel shall not interfere with or discriminate against or make reprisals against any employee who files a grievance. The City strongly encourages the use

of non-adversarial dispute resolution techniques to resolve grievances in a manner that is satisfactory to all affected parties. SUPERVISORY AND ADMINISTRATIVE PERSONNEL ARE STRONGLY ADVISED TO SEEK THE ADVICE AND SUPPORT OF THE HUMAN RESOURCES DIVISION AND CITY ATTORNEY'S OFFICE AT THE EARLIEST POSSIBLE TIME AFTER LEARNING OF A PROBLEM TO DEVELOP A MEANS TO COOPERATIVELY RESOLVE THE ISSUES. DEVELOPING THE LEAST ADVERSARIAL PATH TO RESOLUTION, BEFORE CONFLICT ESCALATES FURTHER, IS THE GOAL. WHILE ALTERNATIVE MEANS TO RESOLVE PERSONNEL ISSUES MAY BE DEVELOPED EITHER PRIOR TO THE FILING OF A FORMAL GRIEVANCE OR DURING THE INVESTIGATION AND FORMAL PROCESSING OF A GRIEVANCE, THE EARLIER THE BETTER. EMPLOYEES, TOO, ARE ENCOURAGED TO SUGGEST ALTERNATIVE MEANS OF RESOLVING DISPUTES WITHOUT COMPROMISING THEIR RIGHTS TO THE FORMAL PROCESS.

(B) GRIEVANCE: A GRIEVANCE IS A DISAGREEMENT REGARDING THE MEANING, INTERPRETATION, APPLICATION, OR ALLEGED VIOLATION OF THE PERSONNEL POLICIES AND RULES, DEPARTMENTAL POLICIES AND RULES, OR ANY OTHER ADMINISTRATIVE POLICIES OF THE CITY. WHEN DISPUTED, THE HUMAN RESOURCES MANAGER WILL DETERMINE WHETHER THE ACTION OR ALLEGED ACTION IS GRIEVABLE.

~~(B)~~(C) Filing a Grievance: Any employee with a grievance must file a written complaint with the employee's division manager (or the party who took the action being grieved if that party is of higher rank) with a copy to the Human Resources Manager within fourteen (14) calendar days following the grieved action. The division or department manager shall try to resolve the matter within ten (10) calendar days from the receipt of the written grievance. If the employee is not satisfied that the difference has been resolved after action by the division manager, the employee may within ten (10) calendar days of receipt of the grievance response file the grievance with the department head (if not already reviewed by the department head). The department head shall try to resolve the matter within ten (10) calendar days of receipt of the grievance. The deadlines in this paragraph (b) may be extended with the mutual consent of the parties.

If the employee is not satisfied that the difference has been resolved after action by the department head, the employee may pursue the following procedure:

1. Actions other than suspension, demotion or dismissal. Within ten (10) calendar days after receipt of the department head's response, the employee may ask the Human Resources Manager in writing to investigate the grievance. If the department head has taken no action within ten (10) calendar days after receipt of the written grievance, the employee may request in writing that the Human Resources Manager investigate the grieved action. The Human Resources Manager shall, within twenty-one calendar days, investigate the grievance and consult with the employee and then make recommendations to the City Manager or the City Manager's designee who shall decide on the grievance within ten (10) calendar days. The City Manager's or the City Manager's designee's decision shall be final in all instances. The deadlines in this paragraph (1) may be extended with the mutual consent of the parties or because of an inability to do a complete investigation in the time allowed.

2. Suspension, demotion or dismissal. Within fourteen (14) calendar days after receipt of the department head's response, the employee may file an appeal to the Personnel Board or, if the

department head has taken no action within ten (10) calendar days of receipt of the written grievance, the employee may file a written appeal to the Personnel Board within twenty-one calendar days after the department head's receipt of the written grievance.

3. FAILURE TO FILE. An employee loses any right to file a grievance or appeal with the Human Resources Manager or to file an appeal to the Board if the employee fails to file a written grievance within the time lines defined above. No organization or individual has the right to file a grievance on the employee's behalf and legal representatives shall not be permitted to attend any meeting with the grieved employee held for the purpose of investigating the grievance prior to the time an appeal has been filed pursuant to subsection (D) of this section.

4. Grievances Related to Disabilities. If an employee has, in the employee's view, suffered discrimination in violation of state or federal law based on a past or current disability, whether real or perceived, or association with an individual with a disability, the employee may file a grievance pursuant to this subsection ~~(B)~~ (C). A RECORD OF THE GRIEVANCE AND THE ACTION TAKEN TO RESOLVE IT SHALL BE MAINTAINED. This procedure is not a prerequisite to the pursuit of other legal remedies authorized by federal law. A disability-related grievance alleging a violation of federal laws protecting individuals with disabilities may be filed at any time.

~~(C)~~(D) Appeal: Only suspensions, demotions, or dismissals for disciplinary reasons can be appealed to the Personnel Board and only after all administrative remedies through the grievance procedure have been exhausted. Only regular ~~full~~-FULL-time employees and regular part-time benefited employees in authorized positions are eligible to appeal to the Board. Administrative officers have no appeal rights beyond the grievance process to the City Manager.

~~(D)~~(E) Filing an Appeal: The employee must file an appeal and request a hearing, in writing, setting forth the reasons for appeal in detail with the Human Resources Manager as set forth in subsection ~~(B)~~(C) of this section. The appeal must specify the grounds for appeal and shall contain a detailed statement of facts in support of the appeal. ANYONE CONSIDERING FILING AN APPEAL MAY CONTACT HUMAN RESOURCES FOR A COMPLETE COPY OF THE PERSONNEL BOARD RULES.

(F) FORWARDING AN APPEAL: The Human Resources Manager shall immediately forward copies of the written appeal to each member of the Board. The Human Resources Manager has the authority to return to the employee for correction any appeal that fails to conform to this provision regarding specifying grounds for appeal and containing detailed statement of facts in support of the appeal.

~~(E)~~(G) Appeal Procedure: Upon receipt of the appeal from the Human Resources Manager, the Board shall schedule a hearing on the appeal. Once the Board meets to hear the appeal, it may take the time necessary to obtain all the information deemed appropriate and in so doing the Board is not restricted to any particular time frame to conclude the hearing.

~~(F)~~(H) Subpoenas: The chairperson of the Board may issue a subpoena stating the title of the proceeding before the Board and commanding each person to whom it is directed to attend and give testimony at a hearing on an appeal before the Board at the time and place specified therein.

~~(G)~~(I) Findings and Decision: It is the interpretation of the City Council that the Charter of the City of Westminster establishes a personnel grievance process in which the Personnel Board has the responsibility of determining the facts of an appeal and determining when disciplinary action should be reconsidered and in such cases, the City Manager has the responsibility of reconsidering the disciplinary action and making the final disciplinary decision based on the facts determined by the Board. At the conclusion of the hearing, the Board shall send a written decision to the City Manager, which concludes that:

1. The action appealed was without justification and should be reconsidered. The Board may recommend that the appellant be restored to previous status and receive compensation for the period of the suspension, termination, or reduction in grade; ~~or~~
2. The action appealed was justified and should be confirmed; or
3. The action appealed was partially justified and should be reconsidered. The Board may recommend that the discipline be reduced under the conditions the Board deems proper.

The Board's decision shall contain findings of evidentiary fact on all material issues of fact and conclusions regarding the issues of law or discretion presented by the appeal.

~~(H)~~(J) Notice of Findings and Decision; Transcript: The Board shall report its findings and decision to the City Manager, the parties and their attorneys within thirty (30) days after the conclusion of the hearing. Notice shall be sent in the manner specified in subsection ~~(H)~~ (I) of this Section. The City shall make a record of the testimony and proceedings at an appeal hearing. Either the City or the employee may request a transcription of the testimony and proceedings at an appeal hearing. If the employee requests a hearing transcription, it shall be prepared at the employee's expense.

~~(I)~~(K) Decision of the City Manager:

1. When the Board has concluded that the discipline was justified, the City Manager shall confirm the decision of the Board;-
2. When the Board has concluded that the action appealed was without justification or was partially justified, the City Manager shall reconsider the suspension, demotion or discharge and either reinstate the employee, impose a lesser penalty, or confirm the original suspension, demotion or discharge; OR
3. When reconsidering a suspension, demotion or discharge, the City Manager shall be bound by the Board's findings of evidentiary fact. The City Manager may accept or reject the Board's findings of ultimate fact or conclusions and may accept or reject the Board's recommendation regarding discipline.

~~(J)~~(L) Administrative Procedure Jurisdictional: No employee may bring an appeal before the Board until the employee has received the written notice of the final action taken or contemplated by the department head. The filing of an appeal under any of the procedures described in this section shall not constitute grounds for delaying the administrative action against which the appeal is made.

~~(K)~~(M) Appeal from Decision of City Manager: The employee may appeal any action of the City Manager resulting in suspension, demotion or dismissal to the District Court.

~~(L)~~(N) Right to Legal Counsel: The employee may only be represented by a person who is licensed to practice law in the State of Colorado. ~~If the employee chooses to not be represented by legal counsel, the appointing authority shall not be represented by legal counsel. If the employee retains legal counsel, appointing authority shall be represented by the City Attorney.~~

~~(M)~~(O) Rules of Procedure: The Board may adopt additional rules of procedure to supplement the procedures outlined in this section.

Section 6. Section 1-24-7, W.M.C., is hereby DELETED IN ITS ENTIRETY.

Section 7. This ordinance shall take effect upon its passage after second reading.

Section 8. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this ____ day of _____, 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ____ day of _____, 2007.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office

BY AUTHORITY

ORDINANCE NO. _____

COUNCILLOR'S BILL NO. _____

SERIES OF 2007

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING CHAPTER 24 OF TITLE I, WESTMINSTER MUNICIPAL CODE, CONCERNING PERSONNEL MANAGEMENT

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The index for Chapter 24 of Title I, W.M.C., is hereby AMENDED to read as follows:

CHAPTER 24

PERSONNEL MANAGEMENT

- 1-24-1: DEFINITIONS**
- 1-24-2: GENERAL PROVISIONS-PRINCIPLES AND IMPLEMENTATION**
- ~~**1-24-3: ADMINISTRATION**~~
- ~~**1-24-4: COMPENSATION AND BENEFITS**~~
- ~~**1-24-5: EMPLOYEE CONDUCT AND DISCIPLINE**~~
- 1-24-6 3: GRIEVANCES AND APPEALS**
- ~~**1-24-7: SUBSTANCE ABUSE POLICY**~~

Section 2. Section 1-24-1, W.M.C., is hereby AMENDED to read as follows:

1-24-1: DEFINITIONS: For the purposes of this chapter, the following words and terms, unless the context clearly states otherwise, shall have the meaning indicated below. (2248 2603 2922 3317)

ADMINISTRATIVE OFFICER: THE ADMINISTRATIVE OFFICERS OF THE CITY SHALL BE THE CITY MANAGER, CITY ATTORNEY, CITY CLERK AND FINANCE DIRECTOR, AND SUCH ADDITIONAL ADMINISTRATIVE OFFICERS AS MAY BE CREATED BY CITY COUNCIL. THE ADDITIONAL ADMINISTRATIVE OFFICERS SHALL BE THOSE EMPLOYEES SERVING IN CLASSIFICATIONS LISTED AS “ADMINISTRATIVE OFFICERS” IN THE PAY AND CLASSIFICATION PLAN APPROVED BY CITY COUNCIL RESOLUTION.

Appeal: The action taken by an employee in order to have the employee's suspension, demotion or dismissal reviewed by the Personnel Board and the City Manager.

~~Appointing Authority: A Division Manager or higher level position who has the authority to make original appointments or recommend such appointments.~~

Board: The Personnel Board.

~~Charter: The home rule charter of the City of Westminster.~~

~~City Code: The City of Westminster Municipal Code.~~

Class: A position or group of positions, which are sufficiently similar with respect to skill, effort and responsibility, that they may be properly designated by the same title, and equitably compensated from the same range of pay under substantially the same employment conditions.

~~Compensatory Time: Leave hours earned for hours worked beyond the scheduled work day, scheduled work period or beyond the work period designated for Fair Labor Standards Act compliance.~~

~~Continuous Municipal Service: Uninterrupted length of service in a position or positions designated as receiving general leave, medical and dental insurance and other fringe benefits.~~

~~Corrective Action: The verbal counseling or verbal reprimand of an employee for the purpose of communicating deficiencies in the employee's conduct or performance.~~

~~Council: The City Council of Westminster, Colorado.~~

~~Demotion: The movement of an employee from a position in one class to a position in another class, having a lower maximum salary rate than the original class, or the movement of an employee to a lower salary in the same class.~~

Department Head: An individual who is regularly responsible for directing and managing the overall operations of a City department as authorized by the Charter or City Code, and who has been designated as a department head by the City Manager. The City Manager, ASSISTANT CITY MANAGER, DEPUTY CITY MANAGER and the City Attorney shall assume duties assigned to department heads in this Chapter for carrying out those actions involving positions, which report directly to them.

~~Disciplinary Action: A written reprimand, suspension, demotion, dismissal, or any other documented action taken in a disciplinary manner involving an employee, but not including a corrective action.~~

Division Manager: An individual appointed by the department head to manage a work group designated as a division within the department. For purposes of this Chapter, the City Manager, ASSISTANT CITY MANAGER, DEPUTY CITY MANAGER, department head or the City Attorney shall assume the responsibilities assigned to division manager when the employee in question reports to a department head, the City Attorney, DEPUTY CITY MANAGER, ASSISTANT CITY MANAGER, or the City Manager.

Employee: A person who receives monetary compensation from the City in return for present services or work performed on a non-contractual basis, or who is on a leave of absence without pay which has been approved by the Human Resources Manager. This definition shall include all full-time and part-time regular, administrative officers, temporary, provisional, seasonal, substitute, HOURLY, instructor, indexed, intern, special project, short term disability and emergency employees. This definition shall exclude elected municipal officials, volunteer firefighters, all other volunteer personnel, and retirees from the City.

~~Employee – Administrative Officer: A full-time or part-time employee holding a position that is specifically designated as a department head or division manager in the City’s administrative officer pay plan. Employees in this category are at-will employees.~~

~~Employee - eExempt: An employee who is eExempt from the overtime provisions of the fFair lLabor sStandards aAct. Reference to eExempt employees WHEN CAPITALIZED refers to those employees whose positions are listed in the eExempt employee pay schedule in the eCity pPay pPlan. All employees in the exempt employee pay schedule are exempt from overtime provisions of the Fair Labor Standards Act with the exception of the classification of administrative secretary and legal secretary. These two classifications are eligible for overtime after they have utilized the administrative leave they receive as part of the exempt employee benefit package.~~

~~Employee – Hourly Non-benefited: An employee appointed to provide services on an hourly basis in specifically designated areas and work an intermittent schedule with no defined number of hours or benefit eligibility.~~

~~Employee – Indexed: An employee appointed to serve for a limited period of time indexed to a particular workload level below which the employee position shall be terminated.~~

~~Employee – Instructor: An employee who has received an appointment for specific instructional activities conducted on behalf of the City. Instructor’s work is part-time, scheduled work and there is no time limit to the amount of time an employee may hold a position in this capacity.~~

~~Employee – Intern: An employee appointed to a position in an intern capacity for a period of up to two years.~~

Employee – Non-exempt: An employee who is entitled to overtime pay or compensatory leave time under circumstances specified by the Fair Labor Standards Act. Reference to non-exempt employees refers to those employees whose positions are listed in the non-exempt employee pay schedule in the City pay plan.

Employee - Part-Time Regular: An employee who has been appointed to a part-time authorized nNon-exempt or eExempt position to work less than forty (40) hours during a seven-day period on a regular basis, and who has successfully completed the initial probationary period.

~~Employee – Probationary: An individual who has been appointed to an authorized position in the municipal service, but who has not yet completed the probationary period.~~

Employee - Regular: An employee who has been appointed to a full-time authorized nNon-exempt or eExempt position in the municipal service, and who has successfully completed the initial probationary period.

~~Employee – Seasonal: An employee who has received an appointment for a specified period of time, normally on a seasonal basis or for a specific activity for a designated season.~~

~~Employee – Short Term Disability: An employee who is appointed to this category is receiving short term disability pay and has an authorized medical professional certification that they are unable to return to work.~~

~~Employee – Special Projects: An employee who has received a temporary appointment for a specified project, period of time not to exceed one year.~~

~~Employee – Substitute: An employee who has received an appointment to a position part time, occasional work on a “substitute” as needed, or on call basis, to fill in for absences and staffing shortages. There is no limit to the length of time an employee may hold a position in this capacity.~~

~~Employee – Temporary: An employee who has received an appointment for a period of time not to exceed one year who is not serving in a temporary benefited position.~~

~~Employee – Temporary – Benefited – Indexed: An employee appointed to serve for a temporary period of time indexed to a particular workload level, funding source or other criteria established by City Council.~~

~~Employee – Temporary – Benefited:
An employee who has received an appointment for a period of time not to exceed one year, who is serving in a temporary benefited position.~~

~~Employee – Temporary – Intern:
An employee who has received an appointment to a temporary position in an Intern capacity for a period of up to three years.~~

~~Employee – Temporary – Special Project:
An employee who has received an appointment to a temporary position for a specified project.~~

~~Employee – Emergency:
An employee who has received an appointment to a position during an emergency situation, to prevent undue delay or serious interferences with the provision of necessary public services.~~

~~Employee – Provisional:
An employee who has received a temporary appointment to a position, due to a vacancy or extended absence of the incumbent.~~

~~Examination: A written, oral, physical, or skill test, or a combination of these tests specifically used to assist in evaluating an applicant's qualifications for a particular position, including a promotional examination in which admission to the examination is limited to employees who meet the qualifications set forth in the job specifications.~~

~~Fringe Benefit: Any form of compensation in addition to the base salary as adopted by Council. General leave, health and life insurance, uniforms, cleaning allowance, educational reimbursement, safety shoes, and other benefits shall be considered as fringe benefits.~~

~~Grievance: A disagreement regarding the meaning, interpretation, application, or alleged violation of this Chapter, THESE policies and rules adopted hereunder, departmental policies, and~~

rules or any other administrative policies of the City, WHICH HAS BEEN FORMALLY PRESENTED FOR REVIEW PURSUANT TO SECTION 1-24-3 OF THIS CHAPTER.

Holiday: ~~The period between 12:01 a.m. and the following midnight of the date on which a designated holiday falls.~~

Job Description: The written description of a class, including the title, a statement of the nature of the work, examples of duties and responsibilities, and the requirements that are ~~necessary~~ ESSENTIAL and/or desirable for the satisfactory performance of the duties of the class.

Job Title: The title assigned to any particular class, and used for reference to that class.

Lateral Transfer: ~~The movement of an employee from one position to another for which the employee is qualified.~~

Layoff: ~~The separation of an employee from the municipal service, which has been made necessary by lack of work or funds or other reasons not related to fault, delinquency, or misconduct on the part of the employee. This term shall include those separations initially expected to be temporary as well as those resulting from the elimination of a position.~~

Original Appointment: ~~The appointment of a person to a position in the municipal service.~~

Position: A group of current duties and responsibilities requiring the full-time, temporary, or part-time services of one employee.

Probationary Period: ~~A working test period following an original appointment, a promotion, a lateral transfer or a demotion during which a regular employee is required to demonstrate the ability to satisfactorily perform and learn in the assigned position.~~

Promotion: ~~The movement of an employee from a position of one class to a position of another class having greater or increased responsibilities and pay.~~

Reclassification: ~~The official determination by the City Manager that a position be assigned to a class different from the one to which it was previously assigned.~~

Reemployment List: ~~A list of persons who have been regular employees in a particular class, and who are entitled to have their names certified for appointment to a position in that class.~~

Relative: ~~The employee's spouse, child, stepchild, grandchild, parent, grandparent, sibling, half sibling, or any of these relationships arising through adoption.~~

Separation: ~~The voluntary or involuntary severing of an employee's employment with the City.~~

Supervisor: Any individual having authority, in the interest of the City, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or having responsibility to direct them, or to adjust their grievances, or effectively having the authority to recommend such action, if the exercise of such authority is not merely routine or clerical in nature, but requires the use of independent judgment.

Suspension: The temporary separation of an employee from performing his or her regularly assigned duties with or without pay for disciplinary reasons, or pending the outcome of an investigation involving the employee.

Vacation Leave: ~~General leave that is taken from normal working hours for vacation or leisure purposes.~~

Section 3. Section 1-24-2, W.M.C., is hereby AMENDED to read as follows:

1-24-2: GENERAL PROVISIONS PRINCIPLES AND IMPLEMENTATION: (2248 2922)

(A) Intent of Chapter: IN ENACTING THIS CHAPTER, It is the intent of the City Council ~~that this Chapter shall~~ TO provide for a professional and impartial personnel management system in accordance with the provisions of the City Charter. This Chapter supersedes any previously distributed ordinances, resolutions, rules, policies and employee handbooks. The language of this Chapter is not intended to create, nor is it to be construed to constitute, a contract between the City of Westminster and any one or all of its employees. ~~Employees have the right to terminate employment at any time for any reason and the City retains the right to terminate employment at any time for the reasons specified in this Chapter.~~

(B) Persons Covered by Chapter: This Chapter applies to all positions and employees in the ~~civil service system as instituted by the City Charter~~ CITY. In addition, unless specifically noted otherwise, it shall also apply to ~~Administration~~ ADMINISTRATIVE Officers and other categories of municipal employment where not inconsistent with provisions of the Charter or other ordinances.

(C) Administrative Regulations: The City Manager shall have the authority to establish such policies and rules deemed necessary for the efficient and orderly administration of the personnel management system. Such authority may be delegated to department heads, division managers and supervisors as deemed appropriate by the City Manager. All such policies and rules must be in writing and be consistent and compatible with this Chapter and the Charter., AND, AT A MINIMUM, INCLUDE THE FOLLOWING:

1. CLASSIFICATION PLAN: A CLASSIFICATION PLAN RESULTING FROM AN ANALYSIS AND EVALUATION OF ALL POSITIONS IN THE MUNICIPAL SERVICE SHALL BE DEVELOPED BY THE CITY MANAGER, OR HIS/HER DESIGNEE, AND MAINTAINED BY THE HUMAN RESOURCES MANAGER. IT SHALL CONSIST OF A LISTING WHICH GROUPS ALL POSITIONS IN CLASSES, BASED ON THE SKILL, EFFORT, RESPONSIBILITY, AND QUALIFICATIONS THAT ARE NECESSARY OR DESIRABLE FOR THE SATISFACTORY PERFORMANCE OF THE DUTIES OF THE CLASS. THE CLASSIFICATION PLAN SHALL INCLUDE TITLES AND WRITTEN JOB DESCRIPTIONS FOR ALL THE VARIOUS CLASSES OF POSITIONS. EACH CLASS SHALL INCLUDE ALL POSITIONS IN THE MUNICIPAL SERVICE, WHICH ARE SUFFICIENTLY SIMILAR WITH RESPECT TO DUTIES, RESPONSIBILITIES, AND AUTHORITY, SO THAT THE SAME DESCRIPTIVE TITLE MAY BE USED TO DESIGNATE EACH POSITION ALLOCATED TO THE CLASS. COUNCIL APPROVAL OF THE JOB TITLES AND PAY RANGES IN

THE PAY PLAN SHALL CONSTITUTE APPROVAL OF THE CLASSIFICATION PLAN.

2. PREPARATION, ADOPTION AND AMENDMENT OF PAY PLAN: A CITYWIDE COMPENSATION PLAN, WHICH SHALL CONSIST OF MINIMUM AND MAXIMUM RATES OF PAY FOR EACH CLASS OR POSITION SHALL BE DEVELOPED AND MAINTAINED BY THE HUMAN RESOURCES MANAGER, AS THE REPRESENTATIVE OF THE CITY MANAGER. SALARY RANGES SHALL BE RELATED DIRECTLY TO THE POSITION CLASSIFICATION PLAN, AND SHALL BE DETERMINED WITH DUE REGARD TO RANGE OF PAY FOR OTHER CLASSES, REQUISITE QUALIFICATIONS, PREVAILING RATE OF PAY FOR LIKE WORK IN OTHER PUBLIC AND PRIVATE ORGANIZATIONS, RECRUITING EXPERIENCE, WORKING CONDITIONS, SUGGESTIONS OF DEPARTMENT HEADS, MAINTENANCE OF OTHER BENEFITS RECEIVED BY EMPLOYEES, THE FINANCIAL POLICY OF THE CITY, AND OTHER ECONOMIC CONSIDERATIONS. IN ADDITION, THE HUMAN RESOURCES MANAGER SHALL DEVELOP, MAINTAIN AND UPDATE A SET OF SALARY COMPLEMENTS WHICH SHALL BE DESIGNED TO ASSIST IN ATTRACTING AND RETAINING QUALIFIED EMPLOYEES. THE PAY PLAN SHALL BE SUBMITTED TO COUNCIL BY THE CITY MANAGER FOR ADOPTION ON AN ANNUAL BASIS IN ORDER TO MAINTAIN THE COMPETITIVE NATURE OF THE CITY'S PERSONNEL PROGRAM.

3. EMPLOYEE POLITICAL ACTIVITY: ACTIVE PARTICIPATION BY EMPLOYEES IN THE MUNICIPAL POLITICS OF THE CITY OF WESTMINSTER SHALL BE RESTRICTED. IT SHALL BE THE POLICY OF THE CITY, HOWEVER, NOT TO DENY TO EMPLOYEES AND OFFICIALS THE RIGHTS TO ENGAGE IN THEIR NORMAL RIGHTS AND RESPONSIBILITIES AS CITIZENS.

(D) 4. Nondiscrimination: No action affecting the employment status of any employee or applicant for a position in the municipal service, including examination, appointment, promotion, demotion, suspension, or removal shall be taken or withheld by reason of race, color, sex, national origin, political, or religious affiliation, age, disability or ~~Vietnam~~-MILITARY veteran status.

Section 4. Sections 1-24-3, 1-24-4, and 1-24-5, W.M.C., are hereby DELETED IN THEIR ENTIRETY.

Section 5. Section 1-24-6, W.M.C., is hereby AMENDED to read as follows:

1-24-6 1-24-3: GRIEVANCES AND APPEALS: (2248 2603 2648 2922)

(A) General: Supervisory and administrative personnel shall strive to anticipate, and thereby eliminate, the cause of most misunderstandings, problems, complaints, or grievances. To the extent that they occur, the employee is encouraged to promptly seek the employee's immediate supervisor's assistance. Supervisory personnel shall not interfere with or discriminate against or make reprisals against any employee who files a grievance. The City strongly encourages the use

of non-adversarial dispute resolution techniques to resolve grievances in a manner that is satisfactory to all affected parties. SUPERVISORY AND ADMINISTRATIVE PERSONNEL ARE STRONGLY ADVISED TO SEEK THE ADVICE AND SUPPORT OF THE HUMAN RESOURCES DIVISION AND CITY ATTORNEY'S OFFICE AT THE EARLIEST POSSIBLE TIME AFTER LEARNING OF A PROBLEM TO DEVELOP A MEANS TO COOPERATIVELY RESOLVE THE ISSUES. DEVELOPING THE LEAST ADVERSARIAL PATH TO RESOLUTION, BEFORE CONFLICT ESCALATES FURTHER, IS THE GOAL. WHILE ALTERNATIVE MEANS TO RESOLVE PERSONNEL ISSUES MAY BE DEVELOPED EITHER PRIOR TO THE FILING OF A FORMAL GRIEVANCE OR DURING THE INVESTIGATION AND FORMAL PROCESSING OF A GRIEVANCE, THE EARLIER THE BETTER. EMPLOYEES, TOO, ARE ENCOURAGED TO SUGGEST ALTERNATIVE MEANS OF RESOLVING DISPUTES WITHOUT COMPROMISING THEIR RIGHTS TO THE FORMAL PROCESS.

(B) GRIEVANCE: A GRIEVANCE IS A DISAGREEMENT REGARDING THE MEANING, INTERPRETATION, APPLICATION, OR ALLEGED VIOLATION OF THE PERSONNEL POLICIES AND RULES, DEPARTMENTAL POLICIES AND RULES, OR ANY OTHER ADMINISTRATIVE POLICIES OF THE CITY. WHEN DISPUTED, THE HUMAN RESOURCES MANAGER WILL DETERMINE WHETHER THE ACTION OR ALLEGED ACTION IS GRIEVABLE.

~~(B)~~(C) Filing a Grievance: Any employee with a grievance must file a written complaint with the employee's division manager (or the party who took the action being grieved if that party is of higher rank) with a copy to the Human Resources Manager within fourteen (14) calendar days following the grieved action. The division or department manager shall try to resolve the matter within ten (10) calendar days from the receipt of the written grievance. If the employee is not satisfied that the difference has been resolved after action by the division manager, the employee may within ten (10) calendar days of receipt of the grievance response file the grievance with the department head (if not already reviewed by the department head). The department head shall try to resolve the matter within ten (10) calendar days of receipt of the grievance. The deadlines in this paragraph (b) may be extended with the mutual consent of the parties.

If the employee is not satisfied that the difference has been resolved after action by the department head, the employee may pursue the following procedure:

1. Actions other than suspension, demotion or dismissal. Within ten (10) calendar days after receipt of the department head's response, the employee may ask the Human Resources Manager in writing to investigate the grievance. If the department head has taken no action within ten (10) calendar days after receipt of the written grievance, the employee may request in writing that the Human Resources Manager investigate the grieved action. The Human Resources Manager shall, within twenty-one calendar days, investigate the grievance and consult with the employee and then make recommendations to the City Manager or the City Manager's designee who shall decide on the grievance within ten (10) calendar days. The City Manager's or the City Manager's designee's decision shall be final in all instances. The deadlines in this paragraph (1) may be extended with the mutual consent of the parties or because of an inability to do a complete investigation in the time allowed.

2. Suspension, demotion or dismissal. Within fourteen (14) calendar days after receipt of the department head's response, the employee may file an appeal to the Personnel Board or, if the

department head has taken no action within ten (10) calendar days of receipt of the written grievance, the employee may file a written appeal to the Personnel Board within twenty-one calendar days after the department head's receipt of the written grievance.

3. FAILURE TO FILE. An employee loses any right to file a grievance or appeal with the Human Resources Manager or to file an appeal to the Board if the employee fails to file a written grievance within the time lines defined above. No organization or individual has the right to file a grievance on the employee's behalf and legal representatives shall not be permitted to attend any meeting with the grieved employee held for the purpose of investigating the grievance prior to the time an appeal has been filed pursuant to subsection (D) of this section.

4. Grievances Related to Disabilities. If an employee has, in the employee's view, suffered discrimination in violation of state or federal law based on a past or current disability, whether real or perceived, or association with an individual with a disability, the employee may file a grievance pursuant to this subsection ~~(B)~~ (C). A RECORD OF THE GRIEVANCE AND THE ACTION TAKEN TO RESOLVE IT SHALL BE MAINTAINED. This procedure is not a prerequisite to the pursuit of other legal remedies authorized by federal law. A disability-related grievance alleging a violation of federal laws protecting individuals with disabilities may be filed at any time.

~~(C)~~(D) Appeal: Only suspensions, demotions, or dismissals for disciplinary reasons can be appealed to the Personnel Board and only after all administrative remedies through the grievance procedure have been exhausted. Only regular ~~full~~-FULL-time employees and regular part-time benefited employees in authorized positions are eligible to appeal to the Board. Administrative officers have no appeal rights beyond the grievance process to the City Manager.

~~(D)~~(E) Filing an Appeal: The employee must file an appeal and request a hearing, in writing, setting forth the reasons for appeal in detail with the Human Resources Manager as set forth in subsection ~~(B)~~(C) of this section. The appeal must specify the grounds for appeal and shall contain a detailed statement of facts in support of the appeal. ANYONE CONSIDERING FILING AN APPEAL MAY CONTACT HUMAN RESOURCES FOR A COMPLETE COPY OF THE PERSONNEL BOARD RULES.

(F) FORWARDING AN APPEAL: The Human Resources Manager shall immediately forward copies of the written appeal to each member of the Board. The Human Resources Manager has the authority to return to the employee for correction any appeal that fails to conform to this provision regarding specifying grounds for appeal and containing detailed statement of facts in support of the appeal.

~~(E)~~(G) Appeal Procedure: Upon receipt of the appeal from the Human Resources Manager, the Board shall schedule a hearing on the appeal. Once the Board meets to hear the appeal, it may take the time necessary to obtain all the information deemed appropriate and in so doing the Board is not restricted to any particular time frame to conclude the hearing.

~~(F)~~(H) Subpoenas: The chairperson of the Board may issue a subpoena stating the title of the proceeding before the Board and commanding each person to whom it is directed to attend and give testimony at a hearing on an appeal before the Board at the time and place specified therein.

~~(G)~~(I) Findings and Decision: It is the interpretation of the City Council that the Charter of the City of Westminster establishes a personnel grievance process in which the Personnel Board has the responsibility of determining the facts of an appeal and determining when disciplinary action should be reconsidered and in such cases, the City Manager has the responsibility of reconsidering the disciplinary action and making the final disciplinary decision based on the facts determined by the Board. At the conclusion of the hearing, the Board shall send a written decision to the City Manager, which concludes that:

1. The action appealed was without justification and should be reconsidered. The Board may recommend that the appellant be restored to previous status and receive compensation for the period of the suspension, termination, or reduction in grade; ~~or~~
2. The action appealed was justified and should be confirmed; or
3. The action appealed was partially justified and should be reconsidered. The Board may recommend that the discipline be reduced under the conditions the Board deems proper.

The Board's decision shall contain findings of evidentiary fact on all material issues of fact and conclusions regarding the issues of law or discretion presented by the appeal.

~~(H)~~(J) Notice of Findings and Decision; Transcript: The Board shall report its findings and decision to the City Manager, the parties and their attorneys within thirty (30) days after the conclusion of the hearing. Notice shall be sent in the manner specified in subsection ~~(H)~~ (I) of this Section. The City shall make a record of the testimony and proceedings at an appeal hearing. Either the City or the employee may request a transcription of the testimony and proceedings at an appeal hearing. If the employee requests a hearing transcription, it shall be prepared at the employee's expense.

~~(I)~~(K) Decision of the City Manager:

1. When the Board has concluded that the discipline was justified, the City Manager shall confirm the decision of the Board;:-
2. When the Board has concluded that the action appealed was without justification or was partially justified, the City Manager shall reconsider the suspension, demotion or discharge and either reinstate the employee, impose a lesser penalty, or confirm the original suspension, demotion or discharge; OR
3. When reconsidering a suspension, demotion or discharge, the City Manager shall be bound by the Board's findings of evidentiary fact. The City Manager may accept or reject the Board's findings of ultimate fact or conclusions and may accept or reject the Board's recommendation regarding discipline.

~~(J)~~(L) Administrative Procedure Jurisdictional: No employee may bring an appeal before the Board until the employee has received the written notice of the final action taken or contemplated by the department head. The filing of an appeal under any of the procedures described in this section shall not constitute grounds for delaying the administrative action against which the appeal is made.

~~(K)~~(M) Appeal from Decision of City Manager: The employee may appeal any action of the City Manager resulting in suspension, demotion or dismissal to the District Court.

~~(L)~~(N) Right to Legal Counsel: The employee may only be represented by a person who is licensed to practice law in the State of Colorado. ~~If the employee chooses to not be represented by legal counsel, the appointing authority shall not be represented by legal counsel. If the employee retains legal counsel, appointing authority shall be represented by the City Attorney.~~

~~(M)~~(O) Rules of Procedure: The Board may adopt additional rules of procedure to supplement the procedures outlined in this section.

Section 6. Section 1-24-7, W.M.C., is hereby DELETED IN ITS ENTIRETY.

Section 7. This ordinance shall take effect upon its passage after second reading.

Section 8. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this ____ day of _____, 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ____ day of _____, 2007.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office



WESTMINSTER

Staff Report

Information Only Staff Report
October 15, 2007



SUBJECT: Summary of 2007 Bond and Certificate of Participation Refunding Issues

PREPARED BY: Tammy Hitchens, Finance Director

Summary Statement:

This report is for City Council information only and requires no action by City Council. The City has been able to take advantage of low interest rates and positive market conditions to refund \$64,582,832 in outstanding debt. The result of these refunding issues is a net present value (NPV) savings to taxpayers of \$3,235,102. The City was able to obtain these savings with no extension of maturity dates. These actions support Council's goal of Financially Sustainable City.

Background Information

During 1997, the City issued Sales and Use Tax bonds for the purpose of refunding 1992 Sales and Use Tax bonds and the construction of streets (1997A issue). In addition, Sales and Use Tax Revenue Bonds (1997B issue) were issued for Parks, Open Space and Trails (POST). The last payment of the 1997A and 1997B bonds was scheduled for 2016. In 1998, Certificates of Participation (COP's) were issued to finance various capital facilities and set to mature in 2025. In 1999, 20 year COP's were issued to make infrastructure improvements around the Westminster Mall and construct what is now called Westminster Boulevard.

Low interest rates and favorable market conditions allowed Finance staff to work with the City's outside Finance team to refund these bond and COP issues. The result of the refunding issues, after all costs were paid, was a savings of \$3,235,102 for Westminster taxpayers. Further, the City has done so without extending the maturity date of any of the previous borrowings.

The details of each refunding are listed below. The NPV savings shown in the table below reflect interest savings over the life of the bond or COP. The 1998 COP original issue was structure such that additional refunding COP's had to be issued with the refinancing, in order to pay for interest that had accrued but not been paid, costs of issuance and an early payment premium. Despite issuing the additional COP's, there was still an NPV savings of \$1,502,336 as shown below.

Refunding Issues:			Refunded Issues:		NPV
Description	Principal	Final Maturity	Description	Amount	Savings
STX 2007A	\$ 10,715,000	2016	STX 1997A Partial	\$ 10,860,000	\$ 535,188
POST 2007B	\$ 13,860,000	2016	POST 1997B	\$ 13,865,000	\$ 576,382
STX 2007C	\$ 10,910,000	2016	STX 1997A Remaining	\$ 11,065,000	\$ 621,195
			1998 (Cap Facilities)	\$ 14,807,832	
			1999 (Westy Mall, Harlan St)	\$ 13,985,000	
COPs 2007	\$ 32,210,000	2025	Sub-total	\$ 28,792,832	\$ 1,502,336
Total:					\$ 3,235,102

Staff will continue to look for opportunities to enhance the City's financial sustainability.

Respectfully submitted,

J. Brent McFall
 City Manager



Staff Report

Information Only Staff Report
October 15, 2007



SUBJECT: Monthly Residential Development Report

PREPARED BY: Shannon Sweeney, Planning Coordinator

Summary Statement:

This report is for City Council information only and requires no action by City Council.

- The following report updates 2007 residential development activity per subdivision (please see attachment) and compares 2007 year-to-date totals with 2006 year-to-date figures through the month of September.
• The table below shows an overall decrease (-15.7%) in new residential construction for 2007 year-to-date compared to 2006 year-to-date totals.
• Residential development activity so far in 2007 reflects decreases in single-family detached (-8.0%) and single-family attached (-56.5%), an increase in senior housing (26 units in 2007 compared to no new units in 2006), and no change in multi-family development when compared to last year at this time.

NEW RESIDENTIAL UNITS (2006 AND 2007)

Table with 7 columns: UNIT TYPE, SEPTMBER (2006, 2007), % CHG., YEAR-TO-DATE (2006, 2007), % CHG. Rows include Single-Family Detached, Single-Family Attached, Multiple-Family, Senior Housing, and TOTAL.

Background Information

In September 2007, service commitments were issued for 23 new housing units within the subdivisions listed on the attached table. There were a total of 12 single-family detached, 11 single-family attached, and no multi-family or senior housing utility permits issued in September.

The column labeled “# Rem.” on the attached table shows the number of approved units remaining to be built in each subdivision.

Total numbers in this column increase as new residential projects (awarded service commitments in the new residential competitions), Legacy Ridge projects, build-out developments, etc. receive Official Development Plan (ODP) approval and are added to the list.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

ACTIVE RESIDENTIAL DEVELOPMENT

Single-Family Detached Projects:

	Aug-07	Sep-07	2006 YTD	2007 YTD	# Rem.*	2006 Total
Bradburn (120th & Tennyson)	1	0	13	18	84	31
CedarBridge (111th & Bryant)	0	0	0	1	5	0
Country Club Highlands (120th & Zuni)	7	0	0	17	101	0
Countryside Vista (105th & Simms)	0	0	0	0	9	0
Huntington Trails (144th & Huron)	3	5	15	30	154	26
Hyland Village (96th & Sheridan)	0	0	0	0	111	0
Legacy Ridge West (104th & Leg. Ridge Pky.)	0	0	9	0	7	15
Lexington (140th & Huron)	0	0	0	0	4	1
Meadow View (107th & Simms)	0	0	3	1	4	4
Park Place (95th & Westminster Blvd.)	2	7	21	23	55	21
Ranch Reserve (114th & Federal)	1	0	4	2	2	5
South Westminster (Shoenberg Farms)	0	0	0	11	53	0
Various Infill	0	0	7	1	7	8
Village at Harmony Park (128th & Zuni)	0	0	41	0	0	41
Winters Property (111th & Wads. Blvd.)	0	0	0	0	8	0
Winters Property South (110th & Wads. Blvd.)	0	0	0	0	10	0

SUBTOTAL

14	12	113	104	614	152
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Single-Family Attached Projects:

Alpine Vista (88th & Lowell)	0	0	0	0	84	0
Bradburn (120th & Tennyson)	0	1	31	3	2	38
CedarBridge (111th & Bryant)	0	0	2	0	0	2
Cottonwood Village (88th & Federal)	0	10	0	10	62	0
East Bradburn (120th & Lowell)	0	0	0	0	117	0
Highlands at Westbury (112th & Pecos)	0	0	18	11	36	24
Hollypark (96th & Federal)	0	0	0	0	20	0
Hyland Village (96th & Sheridan)	0	0	0	0	165	0
Legacy Village (113th & Sheridan)	0	0	16	8	62	24
South Westminster (Shoenberg Farms)	0	0	0	5	55	0
Summit Pointe (W. of Zuni at 82nd Pl.)	0	0	0	0	58	0
Sunstream (93rd & Lark Bunting)	0	0	4	0	18	4
Walnut Grove (104th & Wadsworth Pkwy.)	0	0	14	0	0	66

SUBTOTAL

0	11	85	37	679	158
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Multiple-Family Projects:

Bradburn (120th & Tennyson)	0	0	0	0	54	0
Hyland Village (96th & Sheridan)	0	0	0	0	150	0
Mountain Vista Village (87th & Yukon)	0	0	0	0	24	0
Prospector's Point (87th & Decatur)	0	0	0	0	29	0
South Westminster (East Bay)	0	0	0	0	64	0
South Westminster (Harris Park Sites I-IV)	0	0	0	0	12	0

SUBTOTAL

0	0	0	0	333	0
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Senior Housing Projects:

Covenant Retirement Village	0	0	0	26	0	0
Crystal Lakes (San Marino)	0	0	0	0	7	0
Legacy Ridge (112th & Federal)	0	0	0	0	168	0

SUBTOTAL

0	0	0	26	175	0
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TOTAL (all housing types)

14	23	198	167	1801	310
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* This column refers to the number of approved units remaining to be built in each subdivision.

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Meadow View (107th & Simms)	0	0	3	1	4	4
Park Place (95th & Westminster Blvd.)	2	7	21	23	55	21
Ranch Reserve (114th & Federal)	1	0	4	2	2	5
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Scribe Notes
October 15, 2007

Mayor McNally called the meeting to order at 6:32 PM. All council was in attendance except Scott Major.

Staff in attendance included City Manager Brent McFall, Budget and Special Projects Manager Barbara Opie, Management Intern II Phil Jones, Human Resources Manager Debbie Mitchell, Deputy City Manager Matt Lutkus, Senior Public Information Specialist Joe Reid

The guests in attendance were Rachel Ceccarelli with the Westminster Window, Jane Fancher

Personnel Management Ordinance Modifications :

Staff is proposing a number of changes to the Personnel Management chapter in the Westminster Municipal Code. These changes will reduce the City Code directives regarding personnel management to those required in the City Charter. The sections being removed from the code will continue to be included in the Personnel Policies and Rules promulgated by the City Manager. This change will streamline the process for making personnel policy changes, allowing for most changes to be made administratively by the City Manager. The current chapter of the Municipal Code contains less than 50% of the personnel policies reflected in the Personnel Policies and Rules document used to guide day to day personnel management.

Council directed staff to

Mayor McNally adjourned the City Council study session at 9:00 PM.