

RESOLUTION NO. 4-19

A RESOLUTION SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF THE CITY OF COLORADO SPRINGS, COLORADO AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 2, 2019, A BALLOT QUESTION ON AN INITIATED PROPOSAL FOR A CHARTER AMENDMENT AUTHORIZING COLLECTIVE BARGAINING FOR ALL UNIFORMED FIRE DEPARTMENT EMPLOYEES OF THE CITY EXCEPT FOR THE FIRE CHIEF AND THE CHIEF'S DIRECT REPORTS

WHEREAS, on August 23, 2018, a statement of intent to circulate a petition to amend the City of Colorado Springs City Charter was submitted to the City Clerk by David Noblitt, Kenneth Jones, Jesse Weddle, Robert Hicks and John M. Roy, designated as the Petition Committee;

WHEREAS, on September 4, 2018 the Initiative Review Committee (IRC), composed of James H. Mullen, Patricia Kelly, and Allen Ziegler Jr., submitted questions and comments to the Petition Committee for their review and comment;

WHEREAS, on September 6, 2018, the Initiative Review Committee met to provide comment on the original proposed Charter amendment and a first revision of the proposed Charter amendment. In response to the comments the Petition Committee submitted a second revision of the proposed Charter amendment;

WHEREAS, on September 12, 2018, the IRC provided comments and questions to the Petition Committee's second revised proposed Charter amendment;

WHEREAS, on September 14, 2018, the IRC met to provide comment on the second revision of the proposed Charter amendment and by majority voted to refer the matter to the Title Board;

WHEREAS, the Title Board of the City met on September 17, 2018, and again on September 26, 2018, and determined that, with respect to the Petition Committee's second revised proposed Charter amendment, the requirements of City Code § 5.1.407 appeared to be satisfied and it designated and fixed title for the petition for the proposed Charter amendment;

WHEREAS, the petition was thereafter circulated and submitted to the City Clerk, and on December 20, 2018, the City Clerk certified that a sufficient number of valid signatures had been submitted pursuant to § 31-2-210(3), Colorado Revised Statutes; and

WHEREAS, the City Council for the City of Colorado Springs is required by law to call an election and set a ballot title for the proposed amendment pursuant to § 31-2-210(3), C.R.S.

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

Section 1. There shall be submitted to the registered qualified electors of the City a ballot question concerning the proposed amendment of the City Charter, which appears in full in Section 2 of this resolution, at the general municipal election to be held on Tuesday, April 2, 2019.

Section 2. The ballot title for the proposed Charter amendment shall be submitted to the qualified electors of the City in the following form:

SHALL THE CHARTER OF THE CITY OF COLORADO SPRINGS BE AMENDED BY THE ADDITION OF A NEW ARTICLE XVI THERETO GRANTING COLLECTIVE BARGAINING RIGHTS TO ALL UNIFORMED CITY FIRE EMPLOYEES EXCEPT FOR THE FIRE CHIEF AND HIS DIRECT REPORTS, AND SPECIFICALLY: PROVIDING THAT SUCH EMPLOYEES SHALL HAVE THE RIGHT TO SELECT AND REMOVE AN EMPLOYEE ORGANIZATION TO SERVE AS THE SOLE AND EXCLUSIVE BARGAINING REPRESENTATIVE, TO BARGAIN ON BEHALF OF SUCH EMPLOYEES FOR A COLLECTIVE BARGAINING AGREEMENT WITH THE CITY AS EMPLOYER, CONCERNING ALL MATTERS RELATED TO SUCH EMPLOYEES' WAGES, SALARIES, MONETARY PAYMENTS, EMPLOYER-PAID HEALTH INSURANCE, EMPLOYER-PAID ACCIDENT, LIFE AND DISABILITY INSURANCE, EMPLOYER-PAID PENSION PROGRAMS INCLUDING THE AMOUNT OF PENSION AND CONTRIBUTIONS, EMPLOYER-OFFERED DEFERRED COMPENSATION, HEALTH INSURANCE FOR RETIRED FIRE EMPLOYEES, PAID TIME OFF, UNIFORM AND EQUIPMENT ALLOWANCES, EMPLOYER-PAID EXPENSE REIMBURSEMENT, HOURS OF WORK, SAFETY, AND ALL OTHER TERMS AND CONDITIONS OF EMPLOYMENT OF SUCH EMPLOYEES; PROVIDING FOR THE TERM OF COLLECTIVE BARGAINING AGREEMENTS OF NOT LESS THAN ONE (1) YEAR NOR LONGER THAN THREE (3) YEARS; PROVIDING THAT IN THE EVENT OF IMPASSE BETWEEN THE CITY AND THE EXCLUSIVE BARGAINING AGENT REGARDING ANY ISSUES, THE ISSUES ARE TO BE SUBMITTED TO A FACT-FINDER SELECTED FROM A LIST PROVIDED BY AN ARBITRATION ORGANIZATION UNLESS THE CITY AND EXCLUSIVE BARGAINING AGENT MUTUALLY AGREE TO USE SOMEONE NOT ON THE ARBITRATION ORGANIZATION LIST, WITH THE FACT-FINDER TO BE SELECTED BY AGREEMENT BETWEEN THE EXCLUSIVE BARGAINING REPRESENTATIVE AND THE CITY; PROVIDING AND LIMITING THE FACTORS THAT THE FACT-FINDER MUST CONSIDER IN HIS OR HER DECISION; PROVIDING THAT IF EITHER THE CITY OR THE COLLECTIVE BARGAINING REPRESENTATIVE DOES NOT ACCEPT THE DECISION OF THE FACT-FINDER ON ANY ISSUE, THAT ISSUE SHALL BE PRESENTED TO AND DECIDED BY THE VOTERS ONLY AT A SPECIAL MUNICIPAL ELECTION, WITH THE COST OF THE SPECIAL ELECTION TO BE PAID BY THE PARTY NOT ACCEPTING THE FACT-FINDER'S DECISION, UNLESS BOTH PARTIES REJECT THE FACT-FINDER'S DECISION, IN WHICH CASE THE COST OF ELECTION IS SHARED EQUALLY, AND WITH EACH ISSUE TO BE SUBMITTED AS A SEPARATE BALLOT QUESTION; AND PROVIDING THAT ANY ADOPTED APPROPRIATIONS ORDINANCE OF THE CITY SHALL BE AMENDED AS NECESSARY TO

COMPLY WITH AND PAY FOR THE COST TO THE CITY OF THE ACCEPTED RECOMMENDATIONS FROM THE FACT-FINDER OR THE ELECTION RESULTS ON EACH ISSUE ?

_____ YES

_____ NO

Section 3. The City Clerk and officers of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution and to place this ballot question on the April 2, 2019 election.

Section 4. All actions heretofore taken by the Council, IRC, Title Board, and officers of the City, not inconsistent with the provisions of this resolution and for the general municipal election herein authorized, be and the same are hereby ratified, approved and confirmed.

Section 5. This Resolution shall take effect immediately upon its passage.

Dated at Colorado Springs, Colorado this 8th day of January, 2019.

ATTEST:


Sarah B. Johnson, City Clerk





Council President