ORDINANCE NO. 9145

AN ORDINANCE AMENDING TITLE XIV OF THE PUEBLO MUNICIPAL CODE
BY THE ADDITION OF A NEW CHAPTER 13

BE IT ORDAINED BY THE PEOPLE OF THE CITY OF PUEBLO, that (brackets indicate matter being deleted; underscoring indicates new matter being added):

SECTION 1.

The Pueblo Municipal Code is hereby amended by the addition of a new Chapter 13 of Title XIV to read as follows:

CHAPTER 13

CITIZENS OF PUEBLO VIOLENCE AND CRIME PREVENTION ACT

Sec. 14-13-1. Intent.

The People of Pueblo hereby declare that on the effective date of this Ordinance, which may be cited as the “Citizens of Pueblo Violence and Crime Prevention Act,” that there shall be a one-quarter of one-cent ($0.0025) sales tax added to the rate in Section 14-4-85 solely for the purpose of raising revenue necessary to enhance, implement and retain programs and services to prevent violence and crime and to improve public safety in the City of Pueblo. Because the proceeds of the tax will be deposited in a special fund restricted for the services and programs specified herein, the tax is a special tax. The tax will not replace local funds already budgeted for public safety, nor shall it be offset by reductions in the budgeting of any position, operating expense or entity performing services for the City of Pueblo. The tax rates set forth herein may not be amended by action of the Council without the applicable voter approval.

Sec. 14-13-2. Objectives.

The revenues raised from this Ordinance may be used only to pay for any costs and expenses relating to or arising from efforts to achieve the following objectives and desired outcomes:

a. Provide a broad and integrated network of violence and crime prevention and intervention services, community-based programs and facilities, with an emphasis on outreach to populations in most need, especially at-risk youth and young adults.

b. Provide specialized community and neighborhood policing, training, crime suppression, investigations and initiatives with a focus on Pueblo’s highest risk populations and highest crime neighborhoods.

c. Reduce violence, homicides, robberies, burglaries, drug trafficking, drug houses, sex trading, human trafficking, illegal gang/group activities and overall crime.

Sec. 14-13-3. Allocations of proceeds.

To achieve the objectives stated herein, no less than forty five percent (45%) of the total funds collected shall be designated for the Safe Pueblo Programs component of this Ordinance, which provides for a network of community-based services, programs and strategies. No less than forty five percent (45%) of the total proceeds shall be
allocated for the police services component of this Ordinance, to include personnel, equipment, operations, training, and consulting expenses for a Community Policing Unit consisting of a minimum 16 new sworn police officers. Money raised shall not be used for wage or benefit increases of existing personnel. No more than 10 percent (10%) of the total funds collected shall be set aside for office expenses, staffing, consulting, assessments, plans, training and independent evaluations of the community and police services and programs provided herein. No less than $40,000 shall be allotted for education, training and seminars for Community Policing Unit officers during the first year this Ordinance goes into effect, with no less than $15,000 allotted per year, following.

Sec. 14-13-4. Use of Proceeds.

Adoption of this Ordinance shall establish the following:

a. Safe Pueblo Programs. A civilian Program Coordinator shall be responsible for strategically implementing the preventative programs component of this legislation, or Safe Pueblo Programs. In consultation with the Public Safety Advisory Panel, the Program Coordinator shall develop funding strategies that align with the services delineated in this Ordinance. The Program Coordinator shall be based out of a centrally located office (Safe Pueblo Programs Resource Center), outside of City administrative buildings, and shall be provided with the space, equipment, supplies and support staff to perform his or her job effectively. Safe Pueblo Programs shall build a broad and integrated network of best practice violence and crime prevention, intervention, and outreach services. The network shall be involved in an extensive collaboration between various program providers and inter-agencies including social services, the school district, health department, the district attorney’s office, the probation office, police, workforce agencies, criminal justice practitioners and other related entities. Funding shall be provided for training, seminars and educational opportunities for the Program Coordinator and his or her staff. The Program Coordinator and staff and/or subcontractors shall provide ongoing training and technical assistance to funded programs. The Panel shall recruit, hire and remove candidates for the Program Coordinator position. In the absence of a qualified candidate, the position may initially be filled by an outside consultant, appointed by members of the Panel, until a professional in permanently hired. The Program Coordinator shall receive a professional pay consistent with the responsibilities determined by the Panel.

b. Pueblo Safety Advisory Panel and Grant Committee. The Pueblo Safety Advisory Panel shall oversee the proper administration of the revenue collection and spending, and the implementation of programs and services funded through this Ordinance. The Panel shall help the Safe Pueblo Program Coordinator create policies for Safe Pueblo Programs and will review budgets, annual financial audits and evaluations. Members of the Citizens for a Safe Pueblo Committee, who drafted this ordinance, will appoint the initial members of the Panel and shall be charged with creating procedures, protocols, and by-laws, including a system by which members will be elected and appointed after the initial members terms expire. The Panel shall also provide oversight for the Community Policing component of the legislation, reviewing financials, reports and evaluations, and making policy recommendations. The Panel shall be comprised of nine (9) members with experience in criminal justice, public health, social services, education, research, evaluation, finance, audits and/or public policy. At least two (2) members shall have experience working with the most at-risk target populations. The Panel may increase its membership by majority vote and may stipulate that any member be non-voting, advisory member to ensure that the Panel is least political in nature. To prevent conflicts of interest, the Panel shall appoint a Grant Manager and an at least (5) member Grant Committee to oversee the allocation of Safe Pueblo Programs grant funding. The committee shall work in consultation with an outside consultant, appointed
by the Panel, to establish committee by-laws and rules of operation for grants. The Grant Manager and committee will draft request for proposals for a competitive bidding process from grants awarded with revenue from this program, and will monitor the compliance of the grantees under the guidance set forth by the Panel. All grantees will be audited by an outside source.

c. Violence and Crime Prevention Programs. Safe Pueblo Programs shall collaborate with an outside consultant, appointed by the Panel, and other interested parties to co-produce a Community Needs Assessment. The assessment shall address the deep-rooted social and cultural issues that contribute to violence and crime in Pueblo. A consultant will also help produce a Pueblo Violence and Crime Prevention Strategy and Work Plan within the first year, and every two years to follow, to include short and long term goals, objectives and strategies, with measurable statistical benchmarks. Recommendations shall be provided for specific enhanced and new programs and services that further the objectives set forth in this Ordinance, such as the following:

1. School-based education and training programs to teach students and families how to resist violence, gangs, bullying, drugs, and other issues.

2. Research-based services, campaigns and initiative for substance abuse prevention, treatment and recovery, with a strategy to combine criminal justice sanctions with substance abuse treatment to decrease drug abuse and related crime.

3. Re-entry programs to assist ex-offenders with short-term housing, job readiness, life skills training, mentorships and other services.

4. Activities, events, mentoring, outreach programs and summer campaigns to target at-risk youth, young adults and neighborhoods with populations in most need.

5. Recreational centers and facilities with programs for at-risk youth, young adults and families in targeted neighborhoods where crime, gangs and violence are most prevalent.

6. Self-sufficiency programs to include job readiness training, education, internships and employment opportunities, with a special emphasis on at-risk youth, young adults and ex-offenders.

7. Life coaching/intensive case management programs to re-direct highest risk individuals towards healthy participation in their families and communities through coaching, mentoring, advocacy and connection to local resources.

8. Street-based education and outreach programs to build relationships between outreach workers and youth, individuals and families to encourage healthy, productive and crime-free lives.

9. Neighborhood-based community policing programs to improve relations between citizens and law enforcement, with initiatives to target the small percentage of resident who are most violent and criminal.

11. Other enhanced and new community-based nonprofit or agency programs with innovative and best practice approaches to violence and crime prevention and intervention.

d. Geographic and Community Policing. The new PPD Community Policing Unit, provided by this Ordinance, shall consist of a minimum of eleven (11) new Problem Solving Officers (PSOs), including a supervisor or captain Team Leader, and at least five (5) Violence and Crime Reduction Task Force officers. The at least sixteen (16) police officers funded by this Ordinance shall be provided with extensive training in best practice community policing techniques for a more proactive, collaborative problem solving approach to Pueblo’s violence and crime issues. PSOs shall focus on specific neighborhoods, building interactive partnerships with citizens, leaders, organizations, nonprofits and other agencies. PSOs will respond to calls for service in specific neighborhoods, will provide traditional, foot and bike patrols (providing business cards with each encounter with PSOs name and Safe Pueblo Program resources), will attend geographic and demographic meetings, will recruit volunteers, will help produce newsletters and marketing materials, and will assist with programs, especially for at-risk youth and young adults. PSOs shall produce annual strategic Neighborhood Crime Prevention Strategy and Work Plans for each of at least ten geographic areas, reporting crime statistics and achievements quarterly. PSOs will be based out of the PPD’s East, West, South and any other Substations implemented hereafter. The PSO’s Team Leader may be headquartered at the main police department, preferably with a visible office at the entrance level of the building, to help improve the quality of interactions with the public.

The at least five (5) police officers, hired as members of the new Violence and Crime Task Force through this Ordinance, will be provided with funding for extensive outside consulting and training to launch strategic violence and crime reduction initiatives, one of which may be cited as “Operation Ceasefire Pueblo,” replicated after a nationally renowned, data-driven approach, using tactics and strategies proven to reduce gun violence in U.S. cities. Industry experts shall provide ongoing consulting for local officers as they collaborate with other agencies to target Pueblo’s highest risk populations and highest crime neighborhoods, with investigations, patrols, raids and crack downs on violent gangs, street level drug markets, drug houses, sex trades and human trafficking. PSOs and Task Force members may provide training and seminars in the latest community-policing strategies for citizens, students, volunteers, officers, dispatch workers and other City personnel to help the PPD become a model for coordinated best practice community policing. The Public Safety Accountability Panel shall receive regular reports from the Community Policing Unit and may offer recommendations for training, education, initiatives and policies to members and management at the PPD and the City. A joint annual Public Safety Summit of community members, city council and agencies related to public safety shall be facilitated by a consultant, members of the Community Policing Unit and Safe Pueblo Programs to discuss programs and services provided by this Ordinance.

Sec.14-13-5. Auditing.

An independent data-based annual audit shall be performed to assure accountability and the proper disbursement of proceeds of this tax in accordance with the objectives stated herein. The auditor shall be appointed by the Public Safety Advisory Panel.

The intent of this augmented funding is to help maintain sufficient resources to allow for the implementation of comprehensive policing within the City’s resources and to begin the process of restoring the sworn staffing of the PPD to a number of crime reduction teams, problem solving officers and other sworn police personnel appropriate to meet the PPD’s stated mission to enhance the quality of life in Pueblo, to solve crime problems and to enforce the laws, preserve the peace, reduce fear and provide for a safe environment. To ensure the PPD’s progress towards this mission the following shall apply:

a. Funds allocated by this measure will support a minimum of 16 sworn police personnel positions above the 2017-2018 general purpose fund budgeted positions.

b. As early as practicable after the passage of this Ordinance, and at all times after July 1, 2019, the City shall maintain a budgeted level of no fewer than two hundred seven (207) sworn police officers (not including the officers funded by this Ordinance) at all times. By 2023, the City must meet the state and national average of 2.1 police officers per 1,000, estimated to be 231 sworn officers to continue to effectuate the police service component of this proposal.

c. City Council shall adopt an annual sworn police personnel hiring plan demonstrating how the City will achieve and maintain the strength of force required by this Ordinance, taking into account historic attrition rates, recruiting success, academy yield and other relevant factors affecting the growth or shrinkage of the department. Reports outlining the number of working sworn police officers shall be made public once a month at Council meetings.

d. The City shall be prohibited from collecting taxes for the police services component of this Ordinance at any time that it has failed to budget for a minimum of 207 sworn police personnel, by July 1, 2020 and 231 by 2023, and at any time that it has failed to hire and maintain such, with the following exceptions.

e. If the City fails to meet the maintenance number, the City will, within 90 days, provide a report to the Public Safety Advisory Panel and present at a public Council meeting justifications and a plan of action to return to the said level. The Panel shall review the City’s reasons for the sworn police personnel falling short and a proposal to restore levels, and shall decide if a new hiring plan is sufficient to prevent prohibition.

f. Prohibition will apply to the fiscal year following 90 days from the determination and Council must at a regular Council meeting adopt a resolution stating that the grant funding is no longer available. In such an event, taxes will continue to be collected for the programs component of this legislation.

g. Exceptions shall include severe and unanticipated financial or other events that so adversely impacts the general purpose fund to prevent the city from budgeting for and maintaining this mandated minimum number of sworn officers. In this case, the Council shall adopt a resolution that includes reasons for a reduction in sworn police personnel, approved by the Panel.

h. The City shall, reopen, maintain, and provide support staff for East, West and South Substations, as mandated previously by voters so that PSOs can base their community policing efforts out of these most at-risk neighborhoods.

i. If there is a legal dispute between the City and this program, funding from tax revenue shall pay for legal costs and in the event that the City loses such a legal dispute, the City shall refund this program.
SECTION 2.

If any part, sentence, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validy of the remaining portions of this Ordinance or of Chapter 13 Title XIV of the Pueblo Municipal Code. It is hereby declared to be the intention of the People of Pueblo, that the City would have adopted this Ordinance had such illegal or invalid provision, sentence, clause, section or part thereof not have been included herein.

SECTION 3.

The City Council, officers and staff of the City are authorized to perform any and all acts consistent with the intent of this Ordinance to effectuate the policies and procedures described herein.

SECTION 4.

This Ordinance shall become effective upon majority vote in favor thereof by the registered electors of the City voting thereon at the Regular Municipal Election to be held on Tuesday, November 7, 2017. The tax levies of this Chapter shall take effect beginning January 1, 2018. This tax shall expire in ten (10) years, December 31, 2027.

FOR THE ORDINANCE _________
AGAINST THE ORDINANCE _________