



**EDGEWATER CHARTER REVIEW
TASK FORCE AGENDA
1800 HARLAN STREET
EDGEWATER, CO 80214
Or Virtually through the GoTo Meeting App
<https://meet.goto.com/366388925>
[+1 \(872\) 240-3212](tel:+18722403212)
Access Code: 366-388-925
August 20, 2025
6:00 PM**

****Requests for ADA accommodations (including American Sign Language interpretation or CART) can be made by emailing cityclerk@edgewaterco.com****

3 or more other City Board or Commission members may attend this meeting

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Public Comment (Non-Agenda Items)**
- 5. General Business**
 - A. Charter Review Task Force Member Introductions
 - B. Charter History- Chris Mendez
 - C. Approval of Rules of Procedure
 - D. Section Review: Articles I, II, III, and VI (General Provisions, The Mayor, The Council, and Ordinances, Resolutions, and Motions)
- 6. Discussion of Upcoming Agendas**
- 7. Adjournment**

Charter Review Task Force - Working Guidelines Proposal

The Task Force was established by City Council (Resolution 2025-06) to review the Edgewater Home Rule Charter and recommend possible amendments. Our focus is on the Charter's structure, clarity, legality, and long-term effectiveness.

1. Guiding Principles for Recommendations

When considering amendments, we aim to ensure that our suggestions are:

- Relevant - Clearly connected to the Charter's purpose and the mandate from Council.
- Clear - Written in plain language.
- Legally Sound - Consistent with state and federal law.
- Durable - Able to function well under different styles of representation from the Council and Mayor as well as political climates.
- Neutral - Free of language that promotes a specific political, social, or ideological stance.

2. Helpful Questions for Discussion

- Is this section or proposal clear and understandable?
- Does it comply with legal requirements?
- Will it help the city government operate effectively and transparently?
- Could it be applied fairly regardless of political or social views?
- Is this a structural change for the Charter, or is it more suited to city policy or ordinances?

3. What Typically Belongs in a Charter

- Structural provisions (roles, powers, processes)
- Rules for elections, governance, and administration
- Basic ethical and procedural standards

4. Where Should We be Cautious?

- Policy details (like specific programs or issue-based statements) are generally better placed in ordinances or resolutions, which can be updated more easily.

Our role is to help keep the Charter clear, functional, and fair-so it can serve the community well for years to come. The Charter is not crafted for a single political moment but to withstand all movements. Our task is to refine it, not redefine.



EDGEWATER CHARTER REVIEW TASK FORCE

RULES OF PROCEDURE

Article I-Name

The Edgewater Charter Review Task Force ("Task Force") was established by the Edgewater City Council by Resolution 2025-06.

Article II-Purpose; Powers and Duties

The Task Force was formed "for the sole purpose of evaluating the Charter and making recommendations concerning possible amendments thereto to the City Council."

The City Council, acting as the Charter Review Commission, must conduct a review of the Charter every six (6) years for possible amendment. The next scheduled review year is 2026. Accordingly, the City Council formed the Task Force to delegate to it the initial review and evaluation processes.

The Task Force is a temporary community committee that is limited in duration to either after completion of its duties or September 30, 2026, whichever is first to occur. This duration may be amended by Resolution of the City Council.

Article III-Members

1. The Task Force consists of up to seven (7) members who must be at least twenty-three (23) years old, registered electors of the City and residents of the City for at least one (1) year immediately preceding the date of their appointment.
2. No Task Force member shall simultaneously serve on another City board, commission or committee.
3. Task Force members serve without compensation.
4. Because the Task Force is temporary and limited in duration, there is no defined term for any member. Each member shall serve until the Task Force has concluded its work and is dissolved or the member resigns before such conclusion.
5. As set forth in C.R.S. §31-23-203(3) and §11.1(5) of the City Charter, members may be removed, after public hearing, by the Mayor, for inefficiency, neglect of duty, or malfeasance in office.
6. Any vacancy on the board will be filled by the Mayor following a posting and application period.
7. Any member wishing to resign shall provide written notice to the Mayor and office of the City Clerk. The City Clerk shall notify the Mayor and remaining presiding officer as soon as practical.

8. Any member of the Task Force with three (3) absences from consecutive regular or special meetings, or four (4) absences from any regular or special meeting during twelve (12) consecutive months may be recommended for dismissal to the Mayor upon the majority vote of the Task Force. The Mayor shall receive such recommendation and advise the Task Force and member in writing of his or her determination and action.

Article IV-Officers

1. The Task Force shall select its own Chairperson and Vice-chairperson, who shall serve in those capacities until the conclusion of the Task Force or until the chosen member resigns from such office. In the event an office becomes vacant, the Task Force shall select another of its members to fill the vacancy.
2. The Chair shall preside at all Task Force meetings. If the Chair cannot attend, the Vice-Chair will lead the meeting. The Chair shall have the duties normally conferred by parliamentary rules on such officers, and shall have the privilege of participating in and discussing matters before the Task Force, including making motions and voting thereon. The Chair shall decide all points of procedure, subject to these Rules, unless otherwise directed by the majority of the Task Force members present.

Article V-Meetings

1. The Task Force shall meet at least once monthly. Regular meetings shall ordinarily be held at the Edgewater Civic Center, 1800 Harlan Street, but may also be held at other locations within the City upon notice that complies with applicable law. Meetings shall be held only after at least twenty-four (24) hours' notice to the public, via posting in compliance with the Colorado Sunshine Law, C.R.S. § 24-6-401 *et seq.*. Any meeting may be adjourned and reconvened at a time and place determined by a majority of the Task Force members present.
2. A quorum shall consist of at least fifty percent (50%) of the currently appointed Task Force members. A quorum is necessary for the transaction of business at all Task Force meetings, but in the absence of a quorum, a lesser number may convene a meeting to adjourn the same to a later time and date.
3. All meetings of the Task Force shall be open to the public.
- 3-4. Public Comment will be limited to three (3) minutes and can be listed as a agenda item or provided at the direction of the Chair on topics throughout meeting.
- 4-5. Voting may be by voice, by show of hands or by roll call. A record of the vote and the means of, shall be kept as part of the record. A simple majority vote of the members present and voting on a motion shall be required for a motion to pass. In the case of a tie vote, the motion fails and the Chair may reopen the discussion to solicit a second (different) motion.
- 5-6. The order of business for all meetings shall be the order as it appears in the agenda. The Chair may request or recommend (or recognize the request or recommendation of another Task Force member) an amendment to the agenda near the beginning of each meeting, to be approved

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by a majority of the Task Force members present. City staff shall provide an agenda for all meetings of the Task Force.

~~6.7.~~ No Task Force member shall participate in any discussion or vote on any matter before the Task Force in which the member believes he/she/they have a conflict of interest. In any matter in which a member believes they have a conflict of interest, the Task Force member shall declare said belief prior to any discussion on the matter and shall leave the meeting room (or virtual meeting space) to avoid exerting any influence on the discussion. Task Force members are authorized to seek legal counsel from the City Attorney's office on the question of conflicts with the prior approval of the City Manager.

~~7.8.~~ Task Force members are expected to attend meetings in person except when unanticipated, unusual or emergency circumstances render in person attendance impractical. In such event, the Task Force member may participate in a meeting by audio/visual means.

Article VI-Adoption and Amendment of Rules of Procedure

The adoption and amendment of these Rules are subject to approval by the City Council pursuant to Resolution 2025-06, § 5.

Article VII- Decorum

All Task Force meetings are open to the public, and public participation is welcomed at meetings, personally, during the time and in the manner set forth in these rules.

A. No Task Force member shall engage in conversation or commit any other act tending to distract the attention of the group from the business before it.

B. Task Force members and other speakers, when speaking or debating before the group, shall confine their remarks strictly to the question under discussion or debate, avoiding discussion directed to unrelated personal matters or issues.

C. No Task Force member or attendee at a meeting shall threaten or attempt to intimidate any other person, nor disrupt, disturb or otherwise impede the orderly conduct of the meeting, including failing to obey any lawful order of the presiding officer to be seated, to refrain from addressing group until an appropriate time, or to leave the meeting room.

D. All Task Force members and attendees shall silence their cell phones or any other electronic device so as to avoid disrupting the meeting.

E. For purposes of this Guideline D and F, "attendees" at a meeting of the Task Force shall mean and include both individuals attending in person, and those attending through virtual means.

F. ENFORCEMENT OF RULES OF DECORUM. The presiding officer is responsible for maintaining the order and decorum of meetings, but these rules are in addition to the authority held by any peace officer in attendance.

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1. If an attendee fails to follow any part of Article VII, the presiding officer may order the attendee out of the meeting room or virtual location.
2. The presiding officer may interrupt any speaker who is violating the rules of decorum or otherwise disrupting a meeting.
3. The presiding officer should attempt to provide a verbal warning to any attendee that is violating the rules of decorum, but the warning is not required as a condition of removing the meeting room or virtual location or if there is an imminent threat of danger.
4. If an attendee is removed from the meeting room or virtual location, the attendee may not attend any remaining portion of the meeting from which the attendee was removed without permission granted upon motion adopted by a majority vote of the Task Force members in attendance.
5. In addition to any other authority, the presiding officer may call a recess during which time members of the Task Force may be instructed by the presiding officer to leave the meeting room or virtual location.
6. If necessary for the safety of the Task Force and public, the presiding officer may order the meeting room cleared of all attendees, in which event the meeting may continue only if the proceedings are available to the public through virtual means.

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ARTICLE I General Provisions

1.1. Name and boundaries.

The municipal corporation heretofore existing as the City of Edgewater shall remain and continue as a body politic and corporate under this Charter, to be known as the City of Edgewater, with the same boundaries until changed in a manner authorized by law.

88

1.2. Purpose of Charter.

It is the purpose of this Charter to establish a basic governmental structure that will provide for the effective and efficient conduct of the business of the City. It is intended that the Charter shall provide for the fullest possible participation in the affairs of the City by every member of the community in the manner provided for herein.

93

1.3. Form of government.

The municipal government provided by this Charter shall be the Council-Mayor-Manager form of government. Pursuant to the provisions of this Charter and subject only to limitations imposed by the State Constitution, all powers of the City shall be vested in an elective Mayor¹¹ and Council.

98

1.4. Powers, rights, and liabilities.

(1) The City shall have all the power of local self-government and home rule and all power possible for the City under the State Constitution. All such powers shall be exercised in a manner consistent with the United States Constitution, the State Constitution, and this Charter.

(2) Except as otherwise provided in this Charter, the City shall also have all powers granted to cities, towns, and municipalities by the State statutes.

(3) The enumeration of specific powers in this Charter shall not be considered as limiting or excluding any other power under Article XX of the State Constitution. All powers shall be exercised in the manner set forth in this Charter or, if not provided for in this Charter, in such manner as shall be provided by ordinance.

108

1.5. Amendments to the Charter.

This Charter may be amended in the manner provided in the State Constitution and the State statutes pertaining to home rule charter amendments. Proceedings to amend the Charter may be initiated by:

(1) A petition meeting the requirements of the State statutes; or

112

¹¹ For ease of reference, terms that are given special meaning in Article XXI, "Definitions," are italicized in the body of this Charter each time they are used.

113 (2) An ordinance, approved by at least five (5) Council members, submitting the proposed amendment to a
114 vote of the registered electors of the City.

115

116

ARTICLE II The Mayor

117

2.1. Election of Mayor.

118 The Mayor shall be nominated and elected at large to a two-year term at each regular municipal election.
119 The Mayor's term of office shall begin at the first regular City Council meeting following certification of election
120 results.

121

2.2. Qualifications.

122
123 (1) No person shall be eligible to be elected to, or to be appointed to, fill a vacancy in the office of Mayor unless
124 the person:

- 125 (a) is a citizen of the United States at the time of nomination or appointment;
- 126 (b) is at least 23 years of age at the time of nomination or appointment;
- 127 (c) is a registered elector at the time of nomination or appointment; and
- 128 (d) has been, for one year immediately preceding such election or appointment, a resident of the City. Any
129 person who is a resident of the City or any area annexed to or consolidated with the City for the
130 required length of time, as herein provided, shall be deemed to meet the resident requirements of this
131 paragraph.

132
133 (2) No person who has been, or who is, convicted of embezzlement, bribery, solicitation of bribery, perjury,
134 subornation of perjury, or any offense involving fraud, shall be capable of holding the office of Mayor.

135 (3) A person who holds a position as a board or commission member, or as an officer or employee of the City,
136 shall be deemed to have resigned such position upon taking office as Mayor.

137

2.3. Powers of the Mayor.

138 The Mayor shall be a member of the City Council, as set forth in Section 3.1, and shall also have all power and
139 authority necessary for the efficient performance of the Mayor's duties.

- 140 (1) The Mayor shall preside at the meetings of the Council and shall exercise such powers and perform
141 such duties as are or may be conferred upon him or her by this Charter or by the ordinances of the City,
142 so long as not inconsistent with this Charter.
- 143 (2) The Mayor shall have all of the power, rights, and privileges of a Council member, except that the
144 Mayor shall be a nonvoting member of Council. The Mayor's presence shall not count toward a quorum
145 of the Council, the Mayor shall vote only in order to break a tie, and the Mayor shall possess the veto
146 power.
- 147 (3) The Mayor shall be recognized as the head of the City government for all ceremonial purposes, by the
148 courts for serving civil process, and by the government for purposes of military law.

149

Commented [DM1]: CC- Change the date of commencement of new terms of office for Mayor and Council (currently the first regular City Council meeting following certification of election results; this date is always unknown and in the middle of budget season).

Commented [DM2]: CC- Amend the minimum age of qualification to hold the office of City Council (currently 23 years old – note: keep in mind that the Council also serves as the Liquor Licensing Authority).

Commented [DM3]: CC- Gender Neutral Pronoun

150 (4) The *Mayor*, at the first regular *City Council* meeting following certification of election results or
151 following his or her appointment to office per Section 2.7(3) shall appoint a *Mayor Pro Tempore*, who
152 shall assume all the duties of *Mayor* in the case of the *Mayor's* absence.

153 (5) The *Mayor* shall have the exclusive authority to appoint all members of the *City's boards and*
154 *commissions* that exist pursuant to Article XI of this Charter, except that the membership of the *City's*
155 *Charter Review Commission* shall be as established in Section 11.6 of this Charter.

156 (Ord. No. 15-14 § 1, 9-4-2014)

157

158 **2.4. The Mayor and Administrative Service.**

159 The *Mayor* shall deal with the administrative service of the *City* solely as a *member of Council*.

160

161 **2.5 Compensation.**

162 The compensation of the *Mayor* shall be set by *ordinance* and may be changed from time to time in
163 accordance with Article XII, Section 11, of the Constitution of the State of Colorado. Any increase in compensation
164 shall take effect only in accordance with Article XII, Section 11, of the Constitution of the State of Colorado and
165 following voter approval at a *regular election*.

166

167 **2.6. Veto power of the Mayor.**

168 (1) Every *ordinance* or *resolution* passed by the *Council* shall be presented to the *Mayor* within two (2) *business*
169 *days* after passage.

170 (2) To approve the *ordinance* or *resolution*, the *Mayor* shall sign it within three (3) *business days* after receiving
171 it. If the *Mayor* does not return the *ordinance* or *resolution* to the *Council* within three (3) *business days*, it
172 shall take effect as if the *Mayor* had approved it.

173 (3) To disapprove an *ordinance* or *resolution*, the *Mayor* shall veto the same and return it to the *City Council*
174 within three (3) *business days* after receiving it, with the *Mayor's* objections in writing. The *Council* may
175 override the *Mayor's* veto if at least five (5) members of the *City Council* vote to pass the same over the
176 *Mayor's* objections.

177

178 **2.7. Vacancies.**

179 (1) A vacancy shall exist when the *Mayor*:

180 (a) fails to qualify, dies, resigns, is recalled from office, or moves from the *City*;

181 (b) is incapacitated, or is absent continuously from *City* meetings for more than three (3) months;

182 (c) is convicted of embezzlement, bribery, solicitation of bribery, perjury, subornation of perjury, or any
183 offense involving fraud; or

184 (d) is judicially declared mentally incompetent.

185 (2) That such cause of vacancy exists shall be established by competent evidence thereof and placed on record
186 in the *Council* minutes. The *Council* shall determine the validity of the evidence and, based on its
187 determination, decide when a vacancy exists.

188 (3) A vacancy in the office of *Mayor* shall be filled by the *Mayor Pro Tempore*, and the vacancy caused in *Council*
189 by the *Mayor Pro Tempore*'s accession to the seat of *Mayor* shall be filled according to the procedure set
190 forth in Section 3.6 of this Charter. If the *Mayor Pro Tempore* should decline to accede to the seat of *Mayor*,
191 the *Council* shall elect a new *Mayor* from within its current membership by a majority vote.

192

193 **2.8 Term limits for the office of Mayor.**

194 In order to broaden the opportunities for public service, no individual shall serve more than four (4)
195 consecutive terms in the office of *Mayor*, whether that limit is reached by election to two-year terms, by
196 appointment to fill vacancies, or by a combination thereof. For the purposes of this Section 2.8, a "term" shall
197 mean serving more than one (1) year in the office of *Mayor*. Terms in the office of *Mayor* shall be considered
198 consecutive unless they occur more than one *regular municipal election* cycle apart.

199

200

ARTICLE III The Council

201

202 **3.1. The Council.**

203 The legislative affairs of the City shall be vested in a *City Council* consisting of seven (7) *Council members*, plus
204 the *Mayor*, who shall be a *member of Council* and whose voting power shall be limited as set forth in Section 2.3(2)
205 of this Charter. All *members of Council* shall be nominated and elected at large.

206

207 **3.2. Terms of Council members.**

208 (1) All *Council members* shall be elected to serve four (4) year terms unless a shorter term is required to
209 restore the staggered expiration of terms to the *Council* following an appointment made necessary by a
210 vacancy, as described in Section 3.6(5)(c) of this Charter. Two year terms are otherwise permitted only
211 to restore the staggered expiration of terms to the *Council*. If two year terms are required in an
212 election, the four (4) year term(s) shall go to the *candidate(s)* with the next highest number of votes.

213 (2) The terms of office of *Council members* shall commence at the first regular *City Council* meeting following
214 certification of election results.

215 (Ord. No. 15-14 § 1, 9-4-2014)

216

217 **3.3. Compensation.**

218 The compensation of the *Council members* shall be set by ordinance and may be changed from time to time
219 in accordance with Article XII, Section 11, of the Constitution of the State of Colorado. Any increase in
220 compensation shall take effect only in accordance with Article XII, Section 11, of the Constitution of the State of
221 Colorado and following voter approval of the increase at a *regular election*.

Commented [DM4]: CC- Amend the term of Mayor from two years to four years (to match Council terms).

Commented [DM5]: CC- Change the date of commencement of new terms of office for Mayor and Council (currently the first regular City Council meeting following certification of election results; this date is always unknown and in the middle of budget season).

Commented [DM6]: CC- Amend City Council compensation (taking effect with future elected terms only).

222 **3.4. Qualifications of Council members.**

- 223 (1) No person shall be eligible to be elected to, or to be appointed to, fill a vacancy in the office of *Council*
224 *member* unless the person:
- 225 (a) is a citizen of the United States at the time of nomination or appointment;
 - 226 (b) is at least 23 years of age at the time of nomination or appointment;
 - 227 (c) is a *registered elector* at the time of nomination or appointment; and
 - 228 (d) has been, for one year immediately preceding such election or appointment, a resident of the city. Any
229 person who is a resident of the City, or of any area annexed to, or consolidated with the City for the
230 required length of time, as herein provided, shall be deemed to meet the resident requirements of this
231 paragraph.
- 232 (2) No person who has been, or who is convicted of, embezzlement, bribery, solicitation of bribery, perjury,
233 subornation of perjury, or any offense involving fraud, shall be capable of holding the office of *Council*
234 *member*.
- 235 (3) A person who holds a position as a *board or commission member*, or is an *officer or employee* of the City,
236 shall be deemed to have resigned such position upon taking office as *Council member*.
- 237

Commented [DM7]: CC- Amend the minimum age of qualification to hold the office of City Council (currently 23 years old – note: keep in mind that the Council also serves as the Liquor Licensing Authority).

238 **3.5. Council Meetings.**

- 239 (1) The *Council* shall meet regularly at the City hall, at least once each month, at a day and hour to be fixed from
240 time to time by *Council*.
- 241 (2) The *Council* shall adopt, and may change from time to time, rules of procedure for the conduct of *Council*
242 meetings. Such rules shall provide citizens a reasonable opportunity to be heard during *Council* meetings.
243 Where a question not addressed in such rules arises in the conduct of a *Council* meeting, the question shall
244 be resolved, to the extent practicable, by Robert's Rules of Order, newly revised, as from time to time
245 amended.
- 246 (3) All meetings for the transaction of business shall be open to the public, except that the *Council* may go into
247 executive session for the purpose of considering matters permitted by the state statute and according to the
248 procedures set forth therefor in Title 24, Article 6, Part 4, of the Colorado Revised Statutes as may be
249 amended from time to time.
- 250 (4) Four (4) *Council members* shall constitute a quorum for the transaction of business. The presence of the
251 *Mayor* shall not count toward the quorum requirement.
- 252 (5) Special meetings of the *Council* shall be called by the City Clerk on the written request of the *Mayor* or of any
253 four (4) *Council members*. At least forty-eight (48) hours written notice of the special meeting shall be served
254 personally or left at each member's usual place of residence, and shall be posted. A special meeting may be
255 held on shorter notice if all members of the *Council* are present or have waived notice thereof in writing.
256 These requirements shall not apply in case of *emergency*.
- 257

Commented [DM8]: CC- Amend Charter requirement mandating a physical meeting "at the City hall, at least once each month," in recognition of remote and hybrid meeting possibilities.

258 **3.6. Vacancy.**

- 259 (1) A vacancy shall exist when a *Council member*:
- 260 (a) fails to qualify, dies, resigns, is recalled from office, or moves from the City;

-
- 261 (b) is incapacitated, is absent continuously from the City for more than three (3) months, or is derelict in
262 the duties of *Council member*;
- 263 (c) is convicted of embezzlement, bribery, solicitation of bribery, perjury, subornation of perjury, or any
264 offense involving fraud; or
- 265 (d) is judicially declared mentally incompetent.
- 266 (2) For purposes of this section 3.6, a *Council member* shall be deemed to be derelict in his or her duties if he or
267 she fails to attend thirty percent (30%) or more [of] the regularly scheduled meetings of *Council* held in any
268 twelve month period; provided, however, that no *Council member* shall be deemed derelict pursuant to this
269 subsection (2) unless, promptly after such time as the *Council member* has failed to attend twenty percent
270 (20%) of the regularly scheduled meetings of *Council* held in any twelve month period, the *Council member*
271 has been provided with written notice of the number of absences and the percentage of regularly scheduled
272 meetings missed during the previous twelve-month period. The *Council* shall provide, by ordinance, a
273 procedure for the provision of notice to *Council member* pursuant to this subsection (2).
- 274 (3) That such cause of vacancy exists shall be established by competent evidence thereof and placed on record
275 in the *Council* minutes. By the affirmative vote of a majority of the remaining currently seated *Council*
276 *members*, the *Council* shall determine the validity of the evidence and, based on its determination, decide
277 when a vacancy exists.
- 278 (4) **Vacancies occurring within the first one hundred eighty (180) days following an election.** If a vacancy
279 occurs in the office of *Council member* within the first one hundred eighty (180) days following an election,
280 *Council* shall act to fill the vacant seat by appointment. Appointments shall be made as follows, and the term
281 of such appointment shall last only until the next regular municipal election:
- 282 (a) At the next regular *Council* meeting following the declaration of a vacancy, or as soon as practicable
283 thereafter, *Council* shall act to appoint to the vacant seat the *candidate* who received the highest
284 number of votes but who did not qualify to earn a *Councilmember* seat at the last election.
- 285 (b) If the *candidate* who received the highest number of votes but who did not qualify to earn a
286 *Councilmember* seat refuses appointment, the appointment process set forth in Section 3.6(5) below
287 shall control.
- 288 (5) **Vacancies occurring more than one hundred eighty (180) days following an election.** If a vacancy occurs in
289 the office of *Council member* more than one hundred eighty (180) days following the last regular municipal
290 election, *Council* shall act to fill the vacant seat by appointment or by the calling of a *special election* for the
291 purpose of election of a person to fill the vacant seat until the next *regular election*. Appointments shall be
292 made as follows, and the term of such appointment shall, in all cases, last only until the next regular
293 municipal election:
- 294 (a) *Council* shall cause to be *posted* and *published* notice of the vacancy for at least fourteen (14) but no
295 more than thirty (30) days prior to making the appointment. After thirty (30) days, if there are no
296 applications, the application period shall be held open for successive additional thirty (30) day periods
297 thereafter until application is made. During this application period, those interested and qualified to fill
298 the vacancy may submit an application therefor to the City Clerk. The names of those persons who will
299 be considered for appointment shall be *posted* and *published* as part of the agenda for the meeting at
300 which the *Council* will consider and make the appointment.
- 301 (b) At the next regular *Council* meeting following the close of the application period, or as soon as
302 practicable thereafter, *Council* may act by a majority vote to appoint a member from the applications
303 submitted; provided, however, and notwithstanding the provisions of section 4.7 of this Charter, if the
304 *Council* does not act by a majority vote to appoint a member from the applications submitted within
305 ninety (90) days after the close of the application period and there is no *regular election* scheduled
306 within one hundred twenty (120) days and not less than ninety (90) days thereafter, then the City Clerk

307 shall call and conduct a *special election* for the purpose of the election of a person to fill the vacant
308 seat until the next *regular election*.

309 (c) In order to preserve the existing stagger in the expiration of *Councilmember* seats, the term of the
310 appointment shall last only until the next *regular election*, and the length of the term to be filled at the
311 next *regular election* may be two (2) years rather than four (4) years, if the shorter term is necessary to
312 ensure that no more than four (4) four-year *Councilmember* terms are decided at any one *regular*
313 *election*.

314 (6) **Vacancies occurring less than ninety (90) days before an election.** Notwithstanding the provisions of
315 subsection (5) above, if a vacancy occurs in the office of *Council member* less than ninety (90) days before
316 the next *regular election*, or if at such time a previously vacant *Council member* seat remains vacant, the
317 *Council* shall not appoint a person to fill the vacant seat prior to the next *regular election*. If there are more
318 *candidates* for *Council member* at such *regular election* than there are non-vacant *Council member* seats to
319 be filled, then the *candidate* who receives the highest number of votes but who did not qualify to earn a non-
320 vacant *Council member* seat shall be deemed to have been elected to *Council* to fill the vacant seat for a term
321 to be determined in accordance with the provisions of Section 3.2 of this Charter. If there are not more
322 *candidates* for *Council member* at such *regular election* than there are non-vacant *Council member* seats to
323 be filled, then the *Council* shall, after the *regular election*, proceed in accordance with the appointment
324 process set forth in subsection (5) above.

325 (7) If three (3) *Council member* seats are vacant at the same time, *Council* shall call a *special election* to fill the
326 vacancies, unless a *regular election* will occur within sixty (60) days. If more than three (3) *Council member*
327 seats are vacant at the same time, the remaining *Council members*, acting by majority vote and irrespective
328 of the fact that a quorum of the entire *Council* does not exist, shall call a *special election* to fill the vacancies,
329 unless a *regular election* will occur within sixty (60) days.

330 (Ord. 2018-13 §1, 2018)

331

332 **3.7. Powers.**

333 (1) The *Council* shall have all municipal legislative powers as conferred by or pursuant to this Charter except
334 those which may be exercised by the people through direct legislation. The *Council* shall act only by
335 *ordinance, resolution, or motion*.

336 (2) The *Council* may establish by *ordinance* one or more *ad hoc Council sub-committees* for the purpose of
337 researching or evaluating specific topics or issues. Any such sub-committee shall be granted advisory powers
338 only, shall sunset when its defined purpose is accomplished, and shall be comprised solely of members of
339 *Council*.

340 (3) The *Council* shall have the power to appoint and remove the Municipal Judge(s) and the City Attorney
341 pursuant to Article VIII of this Charter; appoint and remove the City Manager pursuant to Section 9.1 of this
342 Charter; and appoint and remove members of the City's Election Commission established in Section 4.4 of
343 this Charter.

344 (Ord. 15-14 §1, 2014)

345

346 **3.8. Term limits for the office of Council member.**

347 In order to broaden the opportunities for public service, no *Council member* shall serve more than two
348 consecutive terms in the office of *Council member*, whether that limit is reached by election to four-year terms,

349 election to shorter terms, by appointments to fill vacancies, or by a combination thereof. For the purposes of this
350 Section 3.8, a "term" shall mean serving more than two (2) years in the office of *Council member*. Terms in the
351 office of *Council member* shall be considered consecutive unless they occur more than one *regular municipal*
352 *election cycle* apart.

353

354 **3.9. The Council and Administrative Service.**

355 *Members of the Council* shall deal with the administrative service of the City solely through the City Manager,
356 and neither the *Council* nor any *member of the Council* shall give orders to any subordinates of the City Manager
357 either publicly or privately.

459

ARTICLE VI Ordinances, Resolutions, and Motions

460

386 **4.5. Canvass of returns.**

387 The Election Commission shall meet within seven (7) days after every election and canvass the returns
388 thereof.

389

390 **4.6. Nomination of Candidates.**

391 *Candidates* for City office shall be nominated by petition on forms supplied by the City Clerk. Nomination
392 petitions may be circulated and signed beginning on the one hundred twentieth (120) day and ending on the
393 thirtieth (30) day prior to the day of the election. Each petition shall be circulated and signed in the manner
394 specified by state statute except as otherwise set forth herein. In elections coordinated with the County,
395 nomination petition deadlines shall be modified to accommodate the requirements set forth in the Uniform
396 Election Code of 1992, as may be amended from time to time.

397

398 **4.7. Special Elections.**

399 A *special election* is an election held on any date other than the City's *regular election date*. *Special elections*
400 shall be called by a *resolution* adopted at least thirty (30) days prior to the election date, which *resolution* shall set
401 forth the purpose of the *special election*.