



**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
September 24, 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. Discussion - Standard Operating Procedures (SOP)
 - B. 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

Standard Operating Procedure (SOP)

This SOP was developed by Dan and Larry after the Task Force Meeting on August 20, 2025

1. Purpose

This SOP establishes a clear process for reviewing sections of the Edgewater Home Rule Charter, ensuring orderly preparation, efficient meetings, and comprehensive consideration of all issues.

2. Section Review Process

- At each meeting, the chair will announce which sections of the Charter will be reviewed at the next meeting.
- Whether those sections are completed in one or multiple meetings is flexible.

3. Submission of Comments and Questions

- Timeline: Task Force members will send comments, questions, and discussion items to the City Manager no later than two weeks prior to the scheduled meeting (the 4th Wednesday of the month).
- Format: The City Manager will insert comments into the line-numbered version of the Charter for that meeting, using margin comments.

4. Agenda Setting

- The Chair and City Manager will meet on the Monday before the agenda is published to finalize agenda items.
- The agenda will be distributed on Wednesday, one week before the meeting. If Task Force Members want a hard copy, contact Dan.

5. Meeting Discussion

- The meeting discussion will be guided by the submitted comments and questions inserted into the Charter draft.
- If no comments or questions are submitted on a section, that section may be passed over unless the Chair or members identify overlooked issues of importance.
- The intent is efficiency, but without neglecting substantive or “mundane” provisions that may carry long-term significance.

6. Running List of Report Topics

- The City Manager will maintain a running list of potential recommendations to Council.
- At this stage, items will be recorded in conceptual form only (no wordsmithing).
- The Task Force will later revisit, wordsmith and prioritize these items for inclusion in the final report (due May 2026).

7. Legal Questions / Discussions

- Legal questions that arise during meetings will be forwarded by the City Manager to the City Attorney.
- The City Attorney will provide written responses to Task Force members by email within 7 days of the meeting in which the question was raised.
- City Manager will also keep a list of legal discussion topics as they arise. City Attorney will periodically attend meetings and discuss these topics from the list.

8. Periodic City Council Updates

- Task Force members will periodically attend City Council meetings to give updates.

9. Final Report Preparation

- In spring 2026, the Task Force will review the running list of ideas, prioritize them, and refine recommendations.
- The final report will be submitted to the City Council in May 2026.

1 **EDGEWATER HOME RULE CHARTER**

2 **TABLE OF CONTENTS**

3
4
5 **CHARTER**

6
7 **PREFATORY SYNOPSIS**

8 The members of the Charter Commission of the City of Edgewater, Colorado, hereby submit to the City
9 Council and to the voters a proposed new home rule Charter which has been framed in conformity with Article XX
10 of the Colorado Constitution and the Municipal Home Rule Act of 1971, as amended.

11 The Commission has sought to prepare a new Charter that meets the current and future needs of the City.
12 The Commission recognizes that the Charter is a document of limitation on the home rule powers available to the
13 City and its citizens. Therefore, the Commission has sought to include in the Charter important protections for the
14 citizens. One of those protections is a limitation on the City's ability to exercise the power of eminent domain to
15 acquire private property.

16 The form of government provided by the new Charter is the Council-Mayor-Manager form. The new Charter
17 provides for a City Manager to perform the administrative functions of the City. However, the Mayor, as a member
18 of the City Council, continues to have significant responsibilities, such as the appointment of the members of most
19 boards and commissions, voting when necessary to break a tie vote of the Council, and exercising the veto power
20 over ordinances and resolutions.

21 In drafting this Charter, the Charter Commissioners referred to the charters of many other Colorado cities
22 and towns; consulted with the state's experts in municipal government; and solicited and secured the opinions of
23 Edgewater's citizens, employees and elected officials. It is with great appreciation that we thank each of you for
24 your contributions to this process.

25 For ease of reference, words and phrases that are defined in Article XXI are italicized throughout the Charter.

26 The following summarizes some of the key provisions of the Charter as proposed by the Home Rule Charter
27 Commission on March 18, 2008; future amendments may not be reflected in this summary.

28 **Article I, General Provisions**, contains a summary statement of the Charter's purposes, describes generally
29 the home rule powers of the City, and provides for a Council-Mayor-Manager form of government. It also provides
30 the procedure for amendments to the Charter; under that procedure, amendments may be initiated by ordinance
31 or by petition, but must all be approved by the electors.

32 **Article II, The Mayor**, sets out provisions for the Mayor. The Mayor is a member of the City Council, but does
33 not vote except to break a tie. The Mayor has the power to veto ordinances and resolutions, and the power to
34 appoint the members of most City boards and commissions.

35 **Article III, The Council**, sets out provisions for the City Council. Procedures are specified for filling vacancies
36 on the Council and terms of office are generally set at four years. Regular and special meeting requirements are
37 established.

38 **Article IV, Elections**, sets out election procedures and requirements for regular and special municipal
39 elections.

Commented [1]: The term "citizens" appears throughout. In some cases, it may be necessary, but in general it seems like we are actually referring to "residents." Citizens may be construed to mean "legal citizens of the US."

40 **Article V, Initiative, Referendum and Recall**, reserves to the voters the power to initiate proposed
41 ordinances, the power to require adopted ordinances to be referred to a public vote, and the power to recall the
42 Mayor or any Council member.

43 **Article VI, Ordinances, Resolutions, and Motions**, sets out the procedures to be followed for the adoption of
44 ordinances, resolutions, and motions.

45 **Article VII, Code of Ethics**, establishes standards of ethical conduct for the Mayor and Council members, the
46 City Manager, board and commission members, and officers and employees.

47 **Article VIII, Municipal Court - City Attorney**, sets out provisions for the Municipal Court, Municipal Judge,
48 and City Attorney.

49 **Article IX, City Manager**, establishes the position of City Manager to perform the administrative functions of
50 the City.

51 **Article X, Administrative Departments**, provides for the office of the City Clerk, the Police Department, the
52 Department of Public Works, the Finance Department, and the Department of Parks and Recreation. Other
53 departments may be created by ordinance of the City Council.

54 **Article XI, Boards and Commissions**, provides for the City's boards and commissions. All existing boards and
55 commissions are continued in effect. In addition, a new commission, the Charter Review Commission, is
56 established. The City Council serves as the Charter Review Commission and the purpose of this Commission is to
57 review the Charter at least once every six years. Community Committees are recognized as a way for volunteers to
58 organize and participate in City activities.

59 **Article XII, Budget**, sets out the procedures for preparation and adoption of the annual budget. At least one
60 public hearing must be held on the proposed budget.

61 **Article XIII, Finance Administration**, makes provisions for the General Fund, a Capital Improvement Fund, a
62 Capital Equipment Fund, Utility Funds, and special funds. An annual financial audit is required.

63 **Article XIV, Municipal Borrowing**, addresses municipal debts, contracts, and agreements.

64 **Article XV, Improvement Districts**, provides for the creation of improvement districts and increases the
65 requirement for property owners petitioning for the creation of an improvement district to the property owners
66 who will be assessed two-thirds of the entire estimated cost of the project.

67 **Article XVI, Purchases and Sales**, establishes procedures and requirements for purchases and sales.

68 **Article XVII, Franchises and Permits**, establishes procedures for the granting of franchises for the use of City
69 rights-of-way, and for the granting of revocable permits or licenses.

70 **Article XVIII, Taxation**, establishes requirements for and limitations on the City's tax and revenue powers.

71 **Article XIX, Miscellaneous Legal Provisions**, covers miscellaneous legal issues. An important limitation on the
72 City's exercise of the power of eminent domain is established in order to transfer it to another non-governmental
73 owner.

74 **Article XX, Transitional Provisions**, provides for an orderly transition from the present City government to a
75 Council-Mayor-Manager form of government.

76 **Article XXI, Definitions**, defines certain words and phrases used throughout the Charter.

77 In conclusion, the Commission believes that this new Charter provides a structure for a responsible and
78 responsive government for the City of Edgewater, now and in the future, that will maintain and enhance the
79 quality of life of the citizens, assure fiscal responsibility and accountability, continue the forward progress of the
80 City, and continue to be responsive to the needs and concerns of the citizens.

81 (Ord. No. 15-14 § 1, 9-4-2014)

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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.

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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.

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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 *Mayor*¹¹ and *Council*.

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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*.

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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

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

Commented [2]: Larry- Colo Const limits to the current two methods for amendment according to Carmen.

Commented [3R2]: Tyler - I'd like us to investigate this further. I'm not sure that's right.

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.

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ARTICLE II The Mayor

2.1. Election of Mayor.

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

2.2. Qualifications.

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

2.3. Powers of the Mayor.

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

- (1) The Mayor shall preside at the meetings of the Council and shall exercise such powers and perform such duties as are or may be conferred upon him or her by this Charter or by the ordinances of the City, so long as not inconsistent with this Charter.
- (2) The Mayor shall have all of the power, rights, and privileges of a Council member, except that the Mayor shall be a nonvoting member of Council. The Mayor's presence shall not count toward a quorum of the Council, the Mayor shall vote only in order to break a tie, and the Mayor shall possess the veto power.
- (3) The Mayor shall be recognized as the head of the City government for all ceremonial purposes, by the courts for serving civil process, and by the government for purposes of military law.
- (4) The Mayor, at the first regular City Council meeting following certification of election results or following his or her appointment to office per Section 2.7(3) shall appoint a Mayor Pro Tempore, who shall assume all the duties of Mayor in the case of the Mayor's absence.

Commented [4]: This seems too short. What is customary?

Commented [5]: 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 [6R5]: Larry- TF recommended a change that Dan noted.

Commented [7]: Recommend changing this to something like, "The Mayor's term of office shall begin at the first regular City Council meeting in January or the first regular City Council meeting following the certification of election results, whichever occurs first."

Out of curiosity, I looked at the Denver Charter. Their elections are in May (runoffs in June) and they say, "The term of all elective offices shall commence on the third Monday of July following the election and the office-holders shall hold their respective office for a term of four (4) years or until their successors are duly qualified as in the Charter provided. "

Also, in the Denver Charter, they list the terms of City Council like, this, "...for a term of four (4) years or until their successors are duly qualified as in the Charter provided. " to account for the certification process and any potential issues.

Commented [8]: 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 [9]: Larry- Do 18-23 year olds have the real-life experience & practical wisdom needed for sound municipal policymaking, service on the Liquor Authority, and quasi-judicial duties during land use hearings? While they may be ready to vote, do they have the maturity, stability, and sustained focus required for complex tasks like evaluating the City budget and hiring/evaluating the City Manager, ... [1]

Commented [10]: This seems like an odd age but I'm not sure it's worth changing this time around. Denver is 25; Glendale is 21; Lakewood is 21.

Commented [11R10]: consider lowering to age of 18; consider an age limit (75-80)

Commented [12]: CC- Gender Neutral Pronoun

Commented [13]: Recommend changing all instances of "him or her" to "them".

Commented [14]: Larry- Is it worth changing to make consistent with municipal code?

Commented [15]: Recommend changing all instances to "him or her" to "their"

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.

Commented [16]: the mayor did appoint the current charter review commission; re-visit?

156 (Ord. No. 15-14 § 1, 9-4-2014)

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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*.

Commented [17]: Larry- Should Council (and Mayor) pay reflect civic duty as a privilege of service, or fair pay for the time and responsibility involved? Does low pay reinforce civic duty and volunteerism? Would higher pay shift motivation from service to income? Would increasing pay improve accountability and preparation? Currently Mayor pay = \$500/mo and council pay = \$300/mo.

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.

Commented [18R17]: This is a major topic we need to discuss. I think any adjustment should consider indexing future compensation increases to inflation/COLA (e.g., 2% increase per year + inflation) so that it doesn't become a recurring issue

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.

Commented [19]: My question around this is "what is customary?" What is customary for surrounding towns/cities? What is customary for a city the size of Edgewater?

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.

Commented [20]: judicial declarations of mental incompetency are problematic and raise ethical issues. to consider.

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.

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.

200 ARTICLE III The Council

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.

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)

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 [21]: Larry- A 4 year mayoral term allows for a longer horizon for planning/implementation, building relationships/networks, and provides leadership stability. As "the one head" elected representative of the City, a two year term can hamstring a mayor because they may or may not be around for the completion of a long term project negotiated over a long period of time. A two year term forces the mayor to perpetually run for office and takes the eyes off being the mayor. To serve 8 years, they have to go through 4 election cycles (vs. 2 if the term were 4 years). The mayor, while a non voting member of Council, serves as a leader who sees further into the future. The risk to increasing the term is that an activist Mayor bent on pushing a personal political agenda would have more time in office to affect the City.

Commented [22]: re-consider the word consecutive

Commented [23]: If we change the term duration above, this will also need to be updated.

Commented [24]: CC- Amend the term of Mayor from two years to four years (to match Council terms).

Commented [25]: 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 [26R25]: Larry- This has been dealt with.

Commented [27]: See my comment above on the start of the Mayor's term.

Commented [28]: CC- Amend City Council compensation (taking effect with future elected terms only).

Commented [29R28]: Larry- See comment above.

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 [30]: 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 [31R30]: Larry- See comment above on same topic as it relates to Mayor.

Commented [32]: Same as the mayor above, this number seems odd. I do believe this needs to be the same age as the mayor. I also believe this doesn't need to be prioritized at this time. The minimum ages for Denver, Glendale, and Lakewood are the same as above for Mayor.

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 [33]: I'm not sure of current practice, but we definitely need to leave room for the Council to move their meetings to remote or hybrid if needed. The term "at the City hall" is what I'm questioning.

Commented [34]: 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.

Commented [35R34]: Larry- How about saying remote and hybrid meetings ONLY possible during a declared emergency? The quality of deliberation suffers tremendously when councilmembers are remote. With "online" meetings, dynamic debate is non-existent, the remote members speak less often and if the camera is off, we have no idea of their attention.

Commented [36]: would like to discuss, including to see if the charter could have more standards/minimums

related to a broader question I have that may not be specific to any one section of this charter around citizen voices and participation (including to consider citizen assemblies or formal annual town halls)

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

Commented [37]: same comment as for mayor

Commented [38]: Recommend changing all instances of "he or she" to "they"

Commented [39]: re-consider vacancy appointments, consider a vacancy election no matter what (even if this would have an appropriation cost, I think the tradeoff is worth discussion)

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.

Commented [40]: what does this mean?

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,

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(Supp. No. 21)

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.

Commented [41]: discuss this with the context of Joel's situation as an example

458

459

460

ARTICLE VI Ordinances, Resolutions, and Motions

461 **6.1. Ordinances, resolutions, motions.**

- 462 (1) All legislative enactments shall be in the form of *ordinances*.
463 (2) Each *ordinance* shall be confined to one subject, except in the case of a repealing *ordinance* or an annexation
464 *ordinance*.

466 **6.2. Voting.**

- 467 (1) The ayes and nays, or the equivalent as may be determined by *Council*, shall be taken upon the passage of all
468 *ordinances, resolutions, and motions, and entered upon the minutes.*
469 (2) Except as otherwise provided in this Charter, every *ordinance* shall require the affirmative vote of a majority
470 of the *members of Council* present for passage on first reading and the affirmative vote of four (4) *members*
471 of *Council* for passage on final reading.
472 (3) *Resolutions* and motions shall require the affirmative vote of a majority of the *members of Council* present.
473 (4) Every member when present shall vote on each *ordinance, resolution, and motion, except when prohibited*
474 *pursuant to this Charter.*

Commented [45]: to consider whether we want to keep two readings.

476 **6.3. Required Acts.**

477 In addition to such acts of the *Council* as are required by this Charter to be by *ordinance*, every act of the
478 *Council* imposing a fee of any kind, or authorizing any rule or regulation for the violation of which a penalty is
479 imposed, shall be by *ordinance*.

481 **6.4. Form of ordinance.**

482 Every *ordinance* shall be introduced in typewritten form. The enacting clause of all *ordinances* shall be, "BE IT
483 ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWATER, COLORADO." Except as otherwise provided in this
484 Charter; all *ordinances* shall take effect no sooner than five (5) days after *publication* following final passage.

Commented [46]: Legal question.

Commented [47R46]: Larry- The plain meaning doctrine applies (IMHO). Typewritten means printed in a legible, machine produced format. If we want we could replace "typewritten" with "printed or written in electronic form".

486 **6.5. Procedure for passage.**

487 The course that an *ordinance* shall take for passage shall be:

- 488 (1) Introduction at any regular or special meeting by any *member of Council*, or by petition of the people
489 as provided by this Charter.
490 (2) Reading may be done by title only unless any single *member of Council* objects, in which case, reading
491 shall be done in full. If the *ordinance* is read by title only, a general summary of the *ordinance* shall also
492 be read and at least one (1) copy of the *ordinance* shall be available for review by the public during the
493 meeting at which the *ordinance* is considered.
494 (3) Passage or rejection on first reading by vote of the *Council*.
495 (4) If passed on first reading, the *ordinance* shall be *posted and published* in full, except as otherwise
496 provided in this Charter.

Commented [48]: I like the idea of changing this if possible so it's more easily understood

- 497 (5) Second reading at a meeting not held earlier than seven (7) days after *publication* for final passage or
 498 rejection by vote of the *Council*. Reading may be done by title only unless any single *member of Council*
 499 objects, in which case, reading shall be done in full. If the *ordinance* is read by title only, a general
 500 summary of the *ordinance* shall also be read and at least one (1) copy of the *ordinance* shall be
 501 available for review by the public during the meeting at which the *ordinance* is considered. An
 502 *ordinance* may be amended before final passage by a vote of the *Council*.
- 503 (6) Following second reading, the *ordinance* shall be *posted* and *published* either in full or by title, except
 504 that if the *ordinance* is amended prior to final passage, any amendment shall be *published* in full, and
 505 except that any penalty contained in the *ordinance* shall be *published* in full.
- 506 (7) An *emergency ordinance* necessary for the immediate preservation of public property, health, welfare,
 507 peace, or safety, or the financial well-being of the City shall require at least five (5) affirmative votes
 508 and may be finally adopted at the same meeting in which it is introduced. The facts showing the need
 509 for the *emergency ordinance* shall be specifically stated in the *ordinance*. The *Council's* determination
 510 as to the need for the *emergency ordinance* shall be final and conclusive on the question. An
 511 *emergency ordinance* shall, notwithstanding the provisions of section 2.6 of this Charter, be
 512 immediately signed by the *Mayor* and shall take effect upon signature by the *Mayor* following
 513 adoption.
- 514 (8) No *ordinance* granting, renewing, or amending any franchise, initially imposing a tax, selling real
 515 property of the city, or fixing rates charged by any municipal utility system, shall be adopted as an
 516 *emergency ordinance*.
- 517 (9) The unintentional failure to *publish* an *ordinance* shall not affect the validity or enforceability of the
 518 *ordinance*.

Commented [49]: Public hearing?

Commented [50R49]: Larry- Dan, I'm still not clear on the issue here. Does Carmen worry about this one? If so, I'd like to hear from her because it seems a bit legalistic.

520 **6.6. Disposition.**

- 521 (1) Every *ordinance* adopted by the *Council* shall be numbered and shall be placed in the *ordinance* book.
 522 Adoption and *publication* shall be authenticated by the signature of the *Mayor* and the City Clerk, and by
 523 affixing the seal of the city and a certificate of *publication*, if applicable.
- 524 (2) Every *ordinance* adopted by the *Council* shall be an effective act of the *Council* upon expiration of the three
 525 (3) *businessdays* in which the *Mayor* may return the *ordinance* or submit a veto unless the *Mayor* exercises
 526 those powers as set forth by Section 2.6 of this Charter.

528 **6.7. Codification.**

529 The *Council* shall cause *ordinances* of a general and permanent nature to be codified. Revisions to the
 530 codification may be adopted by reference as provided in Section 6.8.

532 **6.8. Adoption of codes by reference.**

- 533 (1) The *Council* may adopt, by *ordinance*, any code by reference. The procedure for adoption of a code by
 534 reference shall be as provided in the *State statutes* applicable to the adoption of codes by reference, or such
 535 other procedure as the *Council* may provide by *ordinance*.

536 (2) Every *ordinance* adopting a code by reference shall contain a notice that copies of the code are available at
537 the office of the City Clerk. Any penalty in such a code may be adopted only if set forth in full in the adopting
538 *ordinance* and *published* in full.

539

540 **6.9. Ordinance interpretation.**

541 (1) Unless an *ordinance* expressly provides to the contrary, if any portion of an *ordinance*, or the application
542 thereof to any person or circumstance, shall be found to be invalid by a court, such invalidity shall not affect
543 the remaining portions or applications of the *ordinance* which can be given effect, and to this end *ordinances*
544 are declared to be severable.

545

546 **6.10. Ordinance review.**

547 (1) The *Council* shall review *ordinances* of a general and permanent nature adopted on or after the effective
548 date of this Charter at least once every six (6) years after adoption, and at least once every six (6) years
549 thereafter, for possible amendment or repeal. Any amendment or repeal that the *Council* determines is
550 warranted as a result of such review shall be completed within six (6) months after the review. Nothing
551 herein shall preclude any subsequent amendment or repeal.

552 (2) The *Council* shall establish a schedule for reviewing all *ordinances* of a general and permanent nature which
553 were adopted prior to the effective date of this Charter.

554 (3) The failure to review any *ordinance* pursuant to this section shall not affect the validity or enforceability of
555 the *ordinance*.

<u>Charter Number</u>	<u>Line Number</u>	<u>Task Force Recommendation</u>
2.1	120	January start after certification
3.2	213	January start after certification
2.2	217	PIN Future Discussion
CW	CW	Gender Neutral Language