



**EDGEWATER CHARTER REVIEW  
TASK FORCE AGENDA  
1800 HARLAN STREET  
EDGEWATER, CO 80214  
Or Virtually through the GoTo Meeting App  
<https://meet.goto.com/130754301>  
[+1 \(646\) 749-3122](tel:+16467493122)  
Access Code: 130-754-301  
November 19, 2025  
6:00 PM**

**\*\*Requests for ADA accommodations (including American Sign Language interpretation or CART) can be made by emailing [cityclerk@edgewaterco.com](mailto: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 of Fisher- Edgewater Charter Input (15 Min.)
  - b) Section Review: Article VII, VIII, IX, and X
- 6. Discussion of Upcoming Agendas**
- 7. Adjournment**

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## ARTICLE VII Code of Ethics

557

558

### 559 7.1. Purpose and intent.

- 560 (1) Whereas high standards of ethical conduct for those participating in local government is a matter of local  
561 concern, the City hereby declares that, as a home rule municipality, and by operation of Section 7 of Article  
562 XXIX of the Colorado Constitution, it may adopt standards of ethical conduct that apply to its *elected officials,*  
563 *officers, employees* and *board and commission* members to the exclusion of statutory provisions regulating  
564 the conduct of those individuals.
- 565 (2) It is the City's express intent to set high standards of ethical conduct that at all times honor the public's trust  
566 and avoid even the appearance of impropriety, and it is the City's express intent that this Article VII be  
567 interpreted and applied broadly in order to encourage responsible conduct at all levels of service to the City.
- 568 (3) The City hereby promulgates its own code of ethics that shall supersede the substantive requirements of  
569 Article XXIX of the Colorado Constitution.
- 570 (4) The City's code of ethics, which shall apply as follows, may be enhanced by ordinance in any way that does  
571 not conflict with this Charter, in any way that is more restrictive than the requirements of this Article, or in  
572 any way that extends the requirements of this Article to other persons or classes of persons.

**Commented [DM1]:** Larry- This means that our code of ethics supersedes the code of ethics in the Colorado Constitution. I'd like to see Section 7 of Article XXIX of the Colo Const.

**Commented [DM2]:** Larry- Has the City passed any ordinances of this kind? If so, I'd like to see them.

**Commented [DM3]:** Larry- Has this happened? I'm guessing that it means that the code of ethics applies to this task force?

### 573 7.2. Duty to declare a conflict.

574 Each of the following persons shall declare each *conflict of interest* when his or her awareness of the conflict  
575 arises or reasonably should have arisen and prior to discussion or comment on a topic as follows:

- 576 (1) The *members of Council* and the City Manager shall make the declaration to the *Council* in an open  
577 meeting.
- 578 (2) Each *board or commission member* shall make the declaration to the *board or commission* of which he  
579 or she is a member.
- 580 (3) Each *officer* and *employee* of the City shall make the declaration to the City Manager.
- 581 (4) Each member of *any entity established by the City* shall make the declaration to the board of the entity.  
582

### 583 7.3. Failure to make declaration.

- 584 (1) In the event there is an allegation of a failure to make the declaration of a conflict as required by  
585 Section 7.2, the City Council shall hear and determine whether a *conflict of interest* exists.
- 586 (2) Failure to make a declaration of a *conflict of interest* when required is a violation of this Code of Ethics  
587 and this Charter, and the failure may be heard and penalized according to Section 19.8 of this Charter.

**Commented [DM4]:** Larry- Has this happened and if so what are the circumstances?

588 (Ord. No. 15-14 § 1, 9-4-2014)

589

### 590 7.4. No action permitted.

- 591 (1) In addition to any other applicable requirements imposed by this Charter or by ordinance, no *elected official,*  
592 appointed official, *officer, employee, or board or commission member* serving or employed by the City or

593 serving or employed by *any entity established by the City* shall vote on, participate in discussion of, or  
594 otherwise take any official action or position on any matter concerning his or her own conduct or on any  
595 matter as to which he or she has declared a *conflict of interest*, or as to any matter in which it has been  
596 determined that he or she has a *conflict of interest*.

597 (2) A *member of Council* or a *board or commission member* who has declared a *conflict of interest* or for whom a  
598 *conflict of interest* has been determined shall not participate in discussion of any topic related to the conflict  
599 and shall physically step down from the dais during discussion of the topic.

600 (3) In addition to any other applicable requirements imposed by this Charter or by *ordinance, elected officials,*  
601 *appointed officials, officers, employees, or board or commission member* shall not use for personal or private  
602 purposes any information that is not available to the public that has been obtained by reason of his or her  
603 position and shall not disclose any such information except as required by law.

604 (4) Action taken by an *elected official, appointed official, officer, employee, or board or commission member*  
605 serving or employed by the City or serving or employed by *any entity established by the City* when action is  
606 prohibited by this Section 7.5 is a violation of this Code of Ethics and this Charter, and the action may be  
607 heard and penalized according to Section 19.8 of this Charter.

608 (Ord. No. 15-14 § 1, 9-4-2014)

609

## 610 7.5. Reserved.

611 Editor's note(s)—Ord. No. 15-14, § 1, adopted September 4, 2014, and passed at the election of November 4,  
612 2014, repealed § 7.5 in its entirety. Former § 7.5 pertained to "Review of Charter Review and Compliance  
613 Commission," and was derived from Original Charter.

614

## 615 **ARTICLE VIII Municipal Court-City Attorney**

616

### 617 8.1. Municipal Court.

618 There shall be a Municipal Court that shall have jurisdiction to hear and determine all cases arising under this  
619 Charter or the *ordinances* of the City; subject to appeal in the manner provided by law. The Municipal Court shall  
620 be a court of record.

621

### 622 8.2. Municipal Judge.

623 (1) The Presiding Judge of the court shall be an attorney at law admitted to practice in Colorado, or shall have  
624 had not less than ten (10) years experience on the bench.

625 (2) The *Council* shall appoint the Presiding Judge and any Deputy Judges. Preference of consideration shall be  
626 given to persons residing in the City or having a law office in the City.

627 (3) Each judge shall be appointed for a term of two (2) years. The term shall expire ninety (90) days after the  
628 commencement of the *Mayor's* term of office as provided in Section 2.1 or upon confirmation of a qualified  
629 successor.

**Commented [DM5]:** Larry- I remember a City Councilor not only stepped down but also left the room. Does it make sense to require not only stepping down but also leaving the room? Could it be left up to the discretion of the Body?

**Commented [DM6]:** CC- Amend or remove the mandated preference given to City residents to hold the offices of Municipal Judge and City Attorney.

**Commented [DM7R6]:** Larry- I like having the preference statement. It's nonbinding but clearly says we'd like someone local. Presumably this is because the framers thought having a local would enhance public trust and accountability.

**Commented [DM8]:** Tyler- Will we want to amend this to four, given the mayoral term recommendation?

**Commented [DM9]:** Larry- This needs to be analyzed because we are recommending a 4 year mayoral term. What was the framers' thinking when they coupled the mayoral term with the judge's term? We could 1. keep the two year term but remove the mayoral link. 2. Change the judge's term of service to 4 years. 3. Keep the two year term but uncouple from Mayoral term. Which ever way, we should keep in mind this linkage when we report to Council in the spring.

630 (4) Each judge shall receive a salary or compensation to be fixed by ordinance and not to be dependent upon the  
631 outcome of the matters to be decided by the judge.

632 (5) Each judge may be removed from office during his or her term by a vote of at least four (4) Council members  
633 finding, by a preponderance of the evidence, that cause for the judge's removal exists as is specified in the  
634 State statutes applicable to the removal of municipal judges and for any other conduct that would constitute  
635 a violation of the Colorado Code of Judicial Conduct, as from time to time amended, if committed by a judge  
636 subject to such code.

637

638 **8.3. Place of court, supplies, and court sessions.**

639 (1) The City shall provide a suitable place and all supplies and things necessary for the proper functioning of the  
640 court.

641 (2) Court sessions shall be held at least once each month and more often as needed.

642

643 **8.4. City Attorney.**

644 (1) The Council shall appoint a City Attorney. The City Attorney shall be the legal representative of the City and  
645 shall advise the Mayor, the Council, the City Manager, boards and commissions established pursuant to  
646 Article XI of this Charter, and other officers of the City in matters relating to their official powers and duties.

647 (2) The City Attorney shall be an attorney at law admitted to practice in Colorado. Preference of consideration  
648 shall be given to persons residing in the City or having a law office in the City.

649 (3) The City Attorney may be removed at any time by a vote of at least four (4) Council members.

650

651 **8.5. Duties.**

652 (1) The City Attorney shall prosecute Charter violations and ordinance violations, shall conduct for the City cases  
653 in court and before other legally constituted tribunals, and shall file with the City Clerk copies of such records  
654 and files relating thereto as the Mayor and the Council may direct.

655 (2) When requested, the City Attorney shall prepare or review the ordinances, contracts, bonds, and other  
656 written instruments of the City submitted by the Mayor or the Council and when requested, shall provide a  
657 legal opinion concerning the same.

658 (3) The City Attorney shall call to the attention of the Mayor and the Council all matters of law and changes or  
659 developments therein affecting the City.

660 (4) The City Attorney shall perform such other duties as may be prescribed by this Charter or by the  
661 Mayor, Council, or City Manager.

662

663 **8.6. Compensation.**

664 (1) The compensation of the City Attorney shall be set by written agreement.

665 (2) No compensation shall be paid to special legal counsel except in accordance with a written agreement that  
666 shall specify the amount or rate of such compensation. Such agreement shall be executed before any service  
667 is rendered by such counsel.

**Commented [DM10]:** Tyler- To our interest in shortening the charter to include only what is necessary, do we believe we need this section?

**Commented [DM11]:** CC- Amend or remove the mandated preference given to City residents to hold the offices of Municipal Judge and City Attorney.

**Commented [DM12R11]:** Larry- I like having the preference statement. It's nonbinding but clearly says we'd like someone local. Presumably this is because the framers thought having a local would enhance public trust and accountability.

**Commented [DM13]:** Tyler- This invites questions about a conflict of interest in both having a duty to represent the city and a duty to prosecute violations to the charter. What's more, the ability of council to remove the city attorney may create a conflict in the attorney not wanting to prosecute a council member for violation of the charter.

**Commented [DM14]:** Tyler- To our interest in shortening the charter to include only what is necessary, do we believe we need this section?

668

669

## ARTICLE IX City Manager

670

### 9.1. City Manager.

672 (1) The City Manager shall be the chief administrative officer of the City. As such, he or she shall possess, have,  
673 and exercise all the administrative powers vested in the City. The City Manager shall serve at the pleasure of  
674 the *Council* for an indefinite period, and shall be removable by the *Council* at its pleasure. The City Manager  
675 shall be chosen by the *City Council* solely on the basis of his or her administrative qualifications.

**Commented [DM15]:** Larry- Add "and executive" to the qualifications. I appreciate HJ's and Dan's strategic leadership, decision making abilities, long-term planning and intergovernmental coordination.

676 (2) The *Council*, by a vote of at least four (4) *Council members*, shall appoint a City Manager at a salary fixed from  
677 time to time by the *Council*. City Manager shall be responsible to *Council* and shall perform such duties as  
678 provided by this Charter or by *ordinance*.

**Commented [DM16]:** Tyler- To our interest in shortening the charter to include only what is necessary, do we believe we need this line?

679 (3) The choice of City Manager need not be limited to the inhabitants of the City or State.

680 (4) No current or former *elected official* shall be considered for appointment to the office of City Manager unless  
681 and until he or she has been out of office for at least a period of two (2) years.

**Commented [DM17]:** Tyler- Is this any elected official, or just an elected official who has served as an Edgewater mayor or city council member?

682 (5) The City Manager may appoint a *department head* to function in his or her capacity as the Acting City  
683 Manager during temporary absences of the City Manager. In the case of a vacancy in the office of City  
684 Manager, the *Council* may appoint, by a vote of at least four (4) *Council members*, a *department head* to  
685 function as the Acting City Manager until the office of City Manager is filled.

686 (6) The *Council*, upon a vote of at least four (4) *Council members*, may remove the City Manager or any Acting  
687 City Manager from office.

688 (7) The job performance of the City Manager shall be evaluated at least annually by the *Council*, and the *Council*  
689 shall review such evaluation with the City Manager pursuant to the executive session provisions set forth in  
690 Section 3.5(3) of this Charter.

691

### 9.2. City Manager Powers and Duties.

**Commented [DM18]:** Larry- Should CM: 1. be allowed to sign contracts? 2. Have emergency management authority? 3. Participate in DRCOG? 4. Appoint acting department heads? 5. Evaluate department heads? 6. Be the City's PIO?

693 The City Manager shall have the following powers and duties and shall be directly responsible to the *Council*  
694 for the proper administration thereof.

695 (1) To see that all laws and *ordinances* governing the City are implemented.

696 (2) To hire and terminate from employment, except as otherwise provided in this Charter, all *department*  
697 *heads*. The *department heads* shall, in turn, hire and terminate from employment all of his or her  
698 subordinate *employees*.

**Commented [DM19]:** Need something about what happens with a vacant Department Head position. Ultimately would like CM to have total authority if needed.

699 (3) To prepare and adopt from time to time or as needed rules, regulations, and policies regarding  
700 personnel matters.

**Commented [DM20R19]:** Larry- Yes. In the case of a long term vacancy, the CM needs to have that authority.

701 (4) To exercise control and supervision over all City departments.

**Commented [DM21]:** Does not match with #2.

702 (5) To hear appeals and grievances from City *employees* working under the supervision and control of  
703 *department heads*.

**Commented [DM22R21]:** Larry- Yes. If 2 is changed as suggested, 4 then works.

704 (6) To make reports and attend meetings as required by *Council*.

**Commented [DM23]:** HR function.

**Commented [DM24R23]:** Larry- Yes. This should be moved to HR.

- 705 (7) To recommend to the *Council* for adoption such measures as he or she may deem necessary or  
706 expedient.
- 707 (8) To keep the *Council* fully advised as to the financial condition of the City.
- 708 (9) To see that all franchise rights and provisions are justly enforced.
- 709 (10) To prepare and submit to the *Council* an annual budget, which budget shall include a pay plan for all  
710 City *employees* and a plan for capital expenses as required by Section 12.5 of this Charter, and which  
711 budget shall be approved by *Council* according to the procedure set forth in Article XII of this Charter.
- 712 (11) To operate at all times within the City's approved budget.
- 713 (12) To provide administrative resources as may be required for the effective operation of all City *boards*  
714 *and commissions* established pursuant to Article XI of this Charter, including but not limited to, naming  
715 a *department head* who shall act as a liaison among the City staff, the *City Council*, and each City *board*  
716 *or commission*.
- 717 (13) To accept or decline, on behalf of the City, bequests, gifts, and donations of all kinds of personal  
718 property.
- 719 (14) To perform such other duties as may be prescribed by this Charter, or as may be required of him or her  
720 by *ordinance* or *resolution* of the *Council* not inconsistent with this Charter.

Commented [DM25]: CC- Gender Neutral Pronoun

## ARTICLE X Administrative Departments

Commented [DM26]: Larry- In the hiring of the CM the Council decides based on the candidate's "administrative qualifications." In the Charter specified Administrative Departments, there's no direction given as to what qualifications would be appropriate. Why?

### 722 723 10.1. Office of the City Clerk.

- 724 (1) The office of the City Clerk is hereby established, consisting of the City Clerk as the *department head* and any  
725 personnel subordinate to the City Clerk. The City Clerk shall be hired and may be terminated from  
726 employment by the City Manager.
- 727 (2) The City Clerk shall be responsible to the City Manager for the proper administration of the office of the City  
728 Clerk, and for performance of the following functions and duties:
- 729 (a) attendance at meetings of the *City Council* and maintenance of its minutes;
- 730 (b) maintenance of a public record of all proceedings of the *Council*, and authentication of the same;
- 731 (c) custody of all papers, documents, bonds, and records pertaining to the City; except as otherwise  
732 provided by law or Charter;
- 733 (d) custody of the City seal and affixation of the same to documents;
- 734 (e) administration of oaths, affirmations, and attestations;
- 735 (f) *publication* and of all notices, proceedings, and other matters required to be *published* or *posted* by  
736 this Charter or by *ordinance*;
- 737 (g) serving as the Chief Elections Officer of the City; and
- 738 (h) performance of such other functions and duties that may be required by law, but are not inconsistent  
739 with this Charter, the *ordinances* and *resolutions* of the *Council*, and the directions of the City Manager.
- 740

Commented [DM27]: Tyler- I would suggest that we keep a public record of any proceedings of any body or commission, not just council

741 **10.2. Reserved.**

742

743 **10.3. Police Department.**

- 744 (1) The Police Department is hereby established consisting of the Police Chief as the *department head* and any
- 745 personnel subordinate to the Police Chief. The Police Chief shall be hired by and may be terminated from
- 746 employment by the City Manager.
- 747 (2) The Police Chief shall be responsible to the City Manager for the proper administration of the Police
- 748 Department and for the performance of such other functions and duties that may be required by law but are
- 749 not inconsistent with this Charter, the *ordinances* and *resolutions* of the *Council*, and the directions of the
- 750 City Manager.

751

752 **10.4. Department of Public Works.**

- 753 (1) The Department of Public Works is hereby established, consisting of the Public Works Director as the
- 754 *department head* and any personnel subordinate to the Public Works Director. The Public Works Director
- 755 shall be hired by and may be terminated from employment by the City Manager.
- 756 (2) The Public Works Director shall be responsible to the City Manager for the proper administration of the
- 757 Department of Public Works and for the performance of such other functions and duties that may be
- 758 required by law but are not inconsistent with this Charter, the *ordinances* and *resolutions* of the *Council*, and
- 759 the directions of the City Manager.

760

761 **10.5. Department of Finance.**

- 762 (1) The Department of Finance is hereby established, consisting of the Finance Director as the *department head*,
- 763 and any personnel subordinate to the Finance Director. The Finance Director shall be hired by and may be
- 764 terminated from employment by the City Manager.
- 765 (2) The Finance Director shall be responsible to the City Manager for the proper administration of the
- 766 Department of Finance and for the performance of such other functions and duties that may be required by
- 767 law but are not inconsistent with this Charter, the *ordinances* and *resolutions* of the *Council*, and the
- 768 directions of the City Manager.

769

770 **10.6. Department of Parks and Recreation.**

- 771 (1) The Department of Parks and Recreation is hereby established, consisting of the Parks and Recreation
- 772 Director as the *department head* and any personnel subordinate to the Parks and Recreation Director. The
- 773 Parks and Recreation Director shall be hired by and may be terminated from employment by the City
- 774 Manager.
- 775 (2) The Parks and Recreation Director shall be responsible to the City Manager for the proper administration of
- 776 the Department of Parks and Recreation and for the performance of such other functions and duties that
- 777 may be required by law but are not inconsistent with this Charter, the *ordinances* and *resolutions* of the
- 778 *Council*, and the directions of the City Manager.

779

**Commented [DM28]:** Tyler- Should we just consider striking all of 10.4, 10.5 and 10.6? To Chris' point, section 10.7 gives council the authority to create departments if they would like.

**Commented [DM29]:** Org structure makes this a little difficult.

**Commented [DM30R29]:** Larry- What would make this better?

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780 **10.7. General; Other Departments.**

781 (1) The *City Council* may establish by *ordinance*, such other departments as it determines necessary for the  
782 proper administration of the City. Any such department shall consist of a *department head*, who shall be  
783 hired by and may be terminated from employment by the City Manager, and any personnel subordinate to  
784 the *department head*, who shall be hired by and may be terminated by the relevant *department head*.

785 (2) The *department head* of any department established pursuant to Subsection 1 of this Section shall be  
786 responsible to the City Manager for the proper administration of the department and for the performance of  
787 such other functions and duties as may be required by law but are not inconsistent with this Charter, the  
788 *ordinances* and *resolutions* of the *Council*, and the directions of the City Manager.

789 (3) The *City Council* may, by *ordinance*, consolidate or abolish any department established pursuant to this  
790 Section 10.7 and may consolidate, by *ordinance* but shall not abolish those departments expressly  
791 established by Sections 10.1 through 10.6 herein.

792 (Ord. 2020-16 §1, 2020)

793

**Commented [DM31]:** Would like ability to have City Manager Department not associated with formal departments.

**Commented [DM32R31]:** Larry- I don't follow what you are saying here Dan.

## ***ARTICLE 8 Code of Ethics***

### **Sec. 2-8-10. Intent and purpose.**

The purpose of this Article is to ensure that the Mayor and all elected and appointed officials and employees of the City adhere to high ethical conduct so that the public will have confidence that the City's government operates in a fair, ethical and accountable manner. All officials and employees of the City shall adhere to the letter and spirit of the Code of Ethics and strive to avoid situations which create any appearance of impropriety. By adopting this Code of Ethics, it is the City Council's intent to supersede the provisions of Article XXIX of the Colorado Constitution in its entirety.

### **Sec. 2-8-20. Definitions.**

For purposes of this Article, the following terms shall have the following meanings:

*Appointed official* means any person appointed to any City board or commission by the City Council or the Mayor, the City Attorney and Municipal Judges.

*Confidential information* means matters required by state or federal law or regulation to be kept confidential, as well as attorney-client privileged communications, personnel matters and other matters that may be discussed in executive session.

*Elected official* means the Mayor and members of the City Council.

*Employee* means any person in the employ of the City or of any of its agencies or departments, excluding independent contractors; provided that, solely for the purposes of this Article, volunteer firefighters shall be considered "employees."

*Immediate family member* means spouse child, parent, sibling, stepchild, stepparent, stepsibling, grandparent or grandchild. "Spouse" means and includes a person who is married pursuant to the Uniform Marriage Act, Part 1 of Article 2, Title 14, C.R.S., and a person who has entered into a civil union in accordance with the requirements of Article 15, Title 14, C.R.S.

*Official* means any elected or appointed official of the City.

*Official action* means any action that involves:

- a. Negotiating, approving, disapproving, administering, enforcing or recommending for or against a contract, purchase order, lease, concession, franchise, grant or other similar instrument in which the City is a party;
- b. Enforcing laws or regulations or issuing, enforcing or regulating permits;
- c. Selecting or recommending the selection of vendors, concessionaires or other types of entities to do business with the City;
- d. Appointing and terminating employees, temporary workers or independent contractors;
- e. Doing research for, representing or scheduling appointments for an official or employee; provided that these activities are provided in connection with that official or employee's performance of the actions specified in Subparagraphs (a) through (d) hereof.

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## Sec. 2-8-30. Gift ban.

- (a) It is a violation of this Article for any official, employee or any immediate family member of an official or employee to solicit or to accept any of the following items if the official or employee is in the position to take an official action with regard to the donor or if the City has an existing, ongoing or pending contract, business or regulatory relationship with the donor:
- (1) A gift that would tend to improperly influence the official or employee to depart from the faithful and impartial discharge of their public duties; or
  - (2) A gift that is solicited or given for the primary purpose of rewarding the official or employee for an official action they has taken.
- (b) Officials, employees and members of their immediate family may accept the following even if the official or employee is in a position to take official action with regard to the donor or if the official or employee has an existing, ongoing or pending contract, business or regulatory relationship with the donor:
- (1) Gifts from other officials or employees and their immediate family members;
  - (2) Campaign contributions as permitted by law;
  - (3) Nonpecuniary awards that are publicly presented by an organization in recognition of public service if the award is not extraordinary when viewed in light of the position held by the recipient;
  - (4) Educational scholarships and grants available to members of the general public who are similarly situated;
  - (5) Grants and services for medical, respite or hospice care or other social welfare needs available to members of the general public similarly situated;
  - (6) An occasional, unsolicited gift having a fair market value of fifty dollars (\$50.00) or less;
  - (7) Unsolicited informational material, publications or subscriptions related to the official's or employee's performance of their official duties;
  - (8) Items of perishable or nonpermanent value, including, but not limited to, meals, lodging or tickets to sporting, recreational, educational or cultural events, provided, however, that the acceptance of any such gift having a value in excess of one hundred dollars (\$100.00) shall be publicly disclosed at the next regular City Council meeting by its recipient;
  - (9) An unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento or other similar item;
  - (10) Payment of actual and necessary expenditures for registration, travel, lodging and meals for attendance at a convention, training seminar or other meeting at which the official or employee is scheduled to participate as a representative of the City or to attend as part of their official duties;
  - (11) An occasional unsolicited opportunity to participate in a business meeting or social function where a meal is served or entertainment is provided if the official or employee's attendance would not be considered extraordinary when viewed in light of the position held by the official or employee;
  - (12) Gifts received by an official or employee, or one (1) of their immediate family members, that are unrelated to the official's or employee's official duties; and
  - (13) Charitable or recreational scholarships received by an official or employee or one (1) of their immediate family members.

(Prior code 2-602; Ord. 01-07 §1, 2007; Ord. 18-11 §38, 2011; Ord. 2025-02 §1, 2025)

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**Sec. 2-8-40. Confidential information.**

All confidential information shall be kept confidential. No disclosure any confidential information shall be made to anyone other than members of the City Council, the City Attorney or the Mayor.

**Sec. 2-8-50. Enforcement and penalties.**

- (a) The City Council is authorized to adjudicate and enforce violations of this Article by City Council members and the Mayor, any appointed official appointed by the City Council and any volunteer worker overseen by the City Council.
- (b) The Mayor is authorized to adjudicate and enforce violations of this Article by City employees, any appointed official appointed by the Mayor, and volunteer workers overseen by the Mayor.
- (c) All complaints hereunder shall be filed with the Mayor or City Council, as appropriate, within sixty (60) days after the date of discovery of the alleged violation. All complaints shall be made in writing and signed by the complainant; anonymous complaints shall not be accepted.
- (d) Upon receipt of a complaint pursuant to subsection (c) above, a hearing shall be conducted during which the alleged violator shall be given the opportunity to be heard. The hearing may be conducted by the Mayor or the City Council, as appropriate, or by an independent hearing officer chosen by the Mayor or City Council.
- (e) When a violation is found to have occurred, and subject to the remainder of this section, the Mayor or City Council, as appropriate, shall take such action and impose such penalties thereon, if any, as deemed proper. When the violator is a City employee, the Mayor shall forward their recommended penalty, which may include any level of discipline up to and including termination, to the employee's Department head, or to the City Manager when the employee is a Department head, who shall make the final decision on the penalty.
- (f) Final imposition of the penalty by the Mayor or City Council, Department Head or City Manager, as appropriate, shall be deemed final action by the City on the matter.

(Prior code 2-604; Ord. 01-07 §1, 2007; Ord. 2025-05 §38, 2025)

# **Colorado Constitution**

## **Article XXIX, Ethics in Government**

### **Section 1. PURPOSES AND FINDINGS**

- (1) The people of the state of Colorado hereby find and declare that:
  - (a) The conduct of public officers, members of the general assembly, local government officials, and government employees must hold the respect and confidence of the people;
  - (b) They shall carry out their duties for the benefit of the people of the state;
  - (c) They shall, therefore, avoid conduct that is in violation of their public trust or that creates a justifiable impression among members of the public that such trust is being violated;
  - (d) Any effort to realize personal financial gain through public office other than compensation provided by law is a violation of that trust; and
  - (e) To ensure propriety and to preserve public confidence, they must have the benefit of specific standards to guide their conduct, and of a penalty mechanism to enforce those standards.
- (2) The people of the state of Colorado also find and declare that there are certain costs associated with holding public office and that to ensure the integrity of the office, such costs of a reasonable and necessary nature should be born by the state or local government.

### **Section 2. DEFINITIONS**

As used in this article, unless the context otherwise requires:

- (1) “Government employee” means any employee, including independent contractors, of the state executive branch, the state legislative branch, a state agency, a public institution of higher education, or any local government, except a member of the general assembly or a public officer.
- (2) “Local government” means county or municipality.
- (3) “Local government official” means an elected or appointed official of a local government but does not include an employee of a local government.

- (4) “Person” means any individual, corporation, business trust, estate, trust, limited liability company, partnership, labor organization, association, political party, committee, or other legal entity.
- (5) “Professional lobbyist” means any individual who engages himself or herself or is engaged by any other person for pay or for any consideration for lobbying. “Professional lobbyist” does not include any volunteer lobbyist, any state official or employee acting in his or her official capacity, except those designated as lobbyists as provided by law, any elected public official acting in his or her official capacity, or any individual who appears as counsel or advisor in an adjudicatory proceeding.
- (6) “Public officer” means any elected officer, including all statewide elected officeholders, the head of any department of the executive branch, and elected and appointed members of state boards and commissions. “Public officer” does not include a member of the general assembly, a member of the judiciary, any local government official, or any member of a board, commission, council or committee who receives no compensation other than a per diem allowance or necessary and reasonable expenses.

### **Section 3. GIFT BAN**

- (1) No public officer, member of the general assembly, local government official, or government employee shall accept or receive any money, forbearance, or forgiveness of indebtedness from any person, without such person receiving lawful consideration of equal or greater value in return from the public officer, member of the general assembly, local government official, or government employee who accepted or received the money, forbearance or forgiveness of indebtedness.
- (2) No public officer, member of the general assembly, local government official, or government employee, either directly or indirectly as the beneficiary of a gift or thing of value given to such person’s spouse or dependent child, shall solicit, accept or receive any gift or other thing of value having either a fair market value or aggregate actual cost greater than fifty dollars (\$50) in any calendar year, including but not limited to, gifts, loans, rewards, promises or negotiations of future employment, favors or services, honoraria, travel, entertainment, or special discounts, from a person, without the person receiving lawful consideration of equal or greater value in return from the public officer, member of the general assembly, local government official, or government employee who solicited, accepted or received the gift or other thing of value.
- (3) The prohibitions in subsections (1) and (2) of this section do not apply if the gift or thing of value is:

- (a) A campaign contribution as defined by law;
  - (b) An unsolicited item of trivial value less than fifty dollars (\$50), such as a pen, calendar, plant, book, note pad or other similar item;
  - (c) An unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
  - (d) Unsolicited informational material, publications, or subscriptions related to the recipient's performance of official duties;
  - (e) Admission to, and the cost of food or beverages consumed at, a reception, meal or meeting by an organization before whom the recipient appears to speak or to answer questions as part of a scheduled program;
  - (f) Reasonable expenses paid by a nonprofit organization or other state or local government for attendance at a convention, fact-finding mission or trip, or other meeting if the person is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the state or local government, provided that the non-profit organization receives less than five percent (5%) of its funding from for-profit organizations or entities;
  - (g) Given by an individual who is a relative or personal friend of the recipient on a special occasion.
  - (h) A component of the compensation paid or other incentive given to the recipient in the normal course of employment.
- (4) Notwithstanding any provisions of this section to the contrary, and excepting campaign contributions as defined by law, no professional lobbyist, personally or on behalf of any other person or entity, shall knowingly offer, give, or arrange to give, to any public officer, member of the general assembly, local government official, or government employee, or to a member of such person's immediate family, any gift or thing of value, of any kind or nature, nor knowingly pay for any meal, beverage, or other item to be consumed by such public officer, member of the general assembly, local government official or government employee, whether or not such gift or meal, beverage or other item to be consumed is offered, given or paid for in the course of such lobbyist's business or in connection with a personal or social event; provided, however, that a professional lobbyist shall not be prohibited from offering or giving to a public officer, member of the general assembly, local government official or government employee who is a member of his or her immediate family any such gift, thing of value, meal, beverage or other item.

- (5) The general assembly shall make any conforming amendments to the reporting and disclosure requirements for public officers, members of the general assembly and professional lobbyists, as provided by law, to comply with the requirements set forth in this section.
- (6) The fifty-dollar (\$50) limit set forth in subsection (2) of this section shall be adjusted by an amount based upon the percentage change over a four-year period in the United States bureau of labor statistics consumer price index for Denver- Boulder-Greeley, all items, all consumers, or its successor index, rounded to the nearest lowest dollar. The first adjustment shall be done in the first quarter of 2011 and then every four years thereafter.

#### **Section 4. RESTRICTIONS ON REPRESENTATION AFTER LEAVING OFFICE**

No statewide elected officeholder or member of the general assembly shall personally represent another person or entity for compensation before any other statewide elected officeholder or member of the general assembly, for a period of two years following vacation of office. Further restrictions on public officers or members of the general assembly and similar restrictions on other public officers, local government officials or government employees may be established by law.

#### **Section 5. INDEPENDENT ETHICS COMMISSION**

- (1) There is hereby created an independent ethics commission to be composed of five members. The purpose of the independent ethics commission shall be to hear complaints, issue findings, and assess penalties, and also to issue advisory opinions, on ethics issues arising under this article and under any other standards of conduct and reporting requirements as provided by law. The independent ethics commission shall have authority to adopt such reasonable rules as may be necessary for the purpose of administering and enforcing the provisions of this article and any other standards of conduct and reporting requirements as provided by law. The general assembly shall appropriate reasonable and necessary funds to cover staff and administrative expenses to allow the independent ethics commission to carry out its duties pursuant to this article. Members of the commission shall receive no compensation for their services on the commission.
- (2)
  - (a) Members of the independent ethics commission shall be appointed in the following manner and order:
    - (I) One member shall be appointed by the Colorado senate;

- (II) One member shall be appointed by the Colorado house of representatives;
  - (III) One member shall be appointed by the governor of the state of Colorado;
  - (IV) One member shall be appointed by the chief justice of the Colorado supreme court; and
  - (V) One member shall be either a local government official or a local government employee appointed by the affirmative vote of at least three of the four members appointed pursuant to subparagraphs (I) to (IV) of this paragraph (a).
- (b) No more than two members shall be affiliated with the same political party.
  - (c) Each of the five members shall be registered Colorado voters and shall have been continuously registered with the same political party, or continuously unaffiliated with any political party, for at least two years prior to appointment to the commission.
  - (d) Members of the independent ethics commission shall be appointed to terms of four years; except that, the first member appointed by the Colorado senate and the first member appointed by the governor of the state of Colorado shall initially serve two year terms to achieve staggered ending dates.
  - (e) If a member is appointed to fill an unexpired term, that member's term shall end at the same time as the term of the person being replaced.
  - (f) Each member shall continue to serve until a successor has been appointed, except that if a member is unable or unwilling to continue to serve until a successor has been appointed, the original appointing authority as described in this subsection shall fill the vacancy promptly.
- (3)
- (a) Any person may file a written complaint with the independent ethics commission asking whether a public officer, member of the general assembly, local government official, or government employee has failed to comply with this article or any other standards of conduct or reporting requirements as provided by law within the preceding twelve months.

- (b) The commission may dismiss frivolous complaints without conducting a public hearing. Complaints dismissed as frivolous shall be maintained confidential by the commission.
  - (c) The commission shall conduct an investigation, hold a public hearing, and render findings on each non-frivolous complaint pursuant to written rules adopted by the commission.
  - (d) The commission may assess penalties for violations as prescribed by this article and provided by law.
  - (e) There is hereby established a presumption that the findings shall be based on a preponderance of evidence unless the commission determines that the circumstances warrant a heightened standard.
- (4) Members of the independent ethics commission shall have the power to subpoena documents and to subpoena witnesses to make statements and produce documents.
- (5) Any public officer, member of the general assembly, local government official, or government employee may submit a written request to the independent ethics commission for an advisory opinion on whether any conduct by that person would constitute a violation of this article, or any other standards of conduct or reporting requirements as provided by law. The commission shall render an advisory opinion pursuant to written rules adopted by the commission.

## **Section 6. PENALTY**

Any public officer, member of the general assembly, local government official or government employee who breaches the public trust for private gain and any person or entity inducing such breach shall be liable to the state or local jurisdiction for double the amount of the financial equivalent of any benefits obtained by such actions. The manner of recovery and additional penalties may be provided by law.

## **Section 7. COUNTIES AND MUNICIPALITIES**

Any county or municipality may adopt ordinances or charter provisions with respect to ethics matters that are more stringent than any of the provisions contained in this article. The requirements of this article shall not apply to home rule counties or home rule municipalities that have adopted charters, ordinances, or resolutions that address the matters covered by this article.

### **Section 8. CONFLICTING PROVISIONS DECLARED INAPPLICABLE**

Any provisions in the statutes of this state in conflict or inconsistent with this article are hereby declared to be preempted by this article and inapplicable to the matters covered by and provided for in this article.

### **Section 9. LEGISLATION TO FACILITATE ARTICLE**

Legislation may be enacted to facilitate the operation of this article, but in no way shall such legislation limit or restrict the provisions of this article or the powers herein granted.

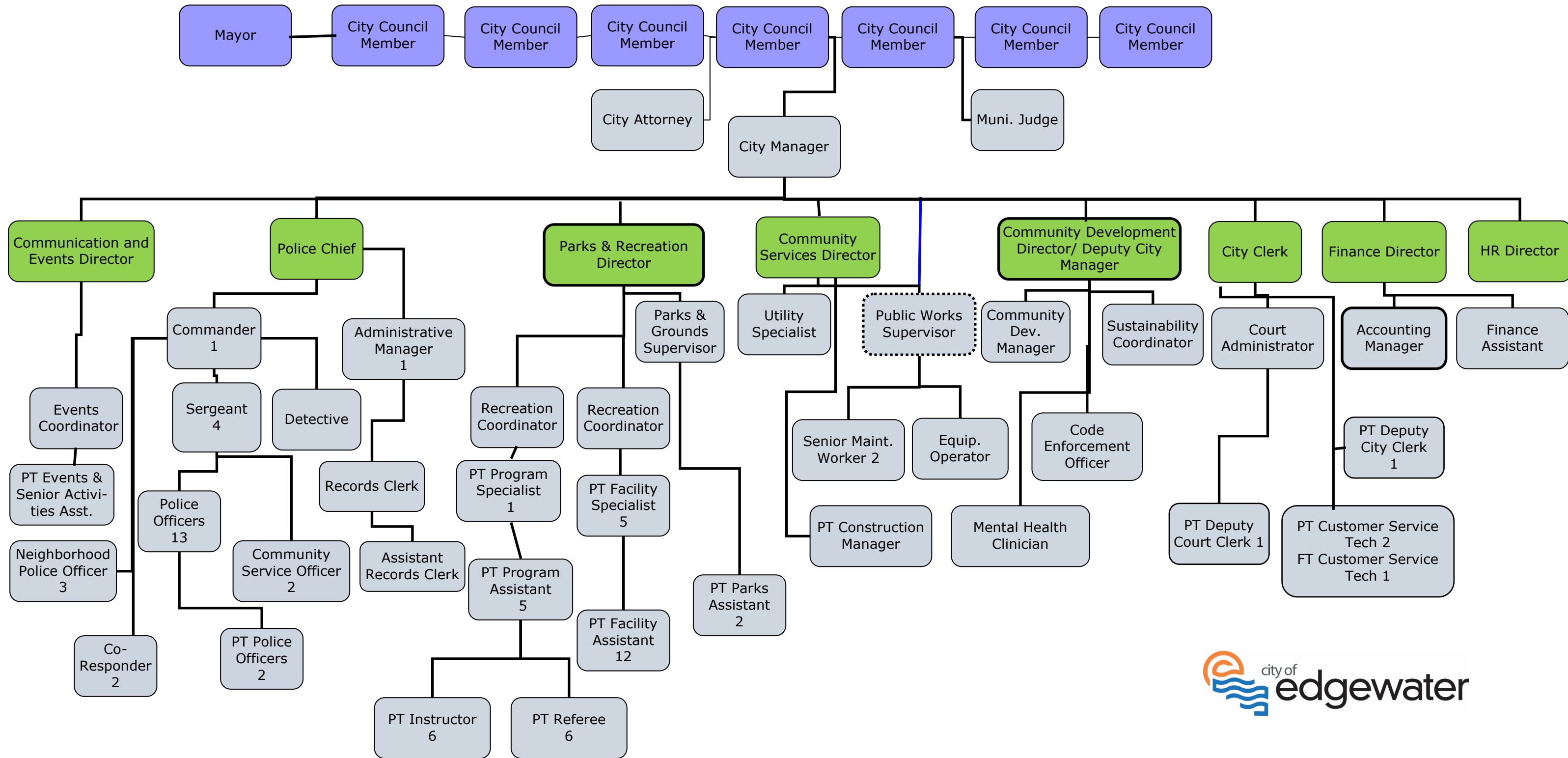
**Source: Initiated 2006:** Entire article added, effective upon proclamation of the Governor, **L. 2007**, P. 2960, December 31, 2006.

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### **19.8. Penalty for willful violation of Charter.**

Any willful violation of a provision of this Charter shall be deemed a misdemeanor and may be prosecuted in the Municipal Court. The penalty for any such violation may be imprisonment for a term not to exceed the maximum term of imprisonment that the Municipal Court is authorized to impose, fine in an amount not to exceed the maximum fine that the Municipal Court is authorized to impose, or both such fine and imprisonment. Immediately following the adoption of this Charter, *Council* shall by *ordinance* define what constitutes a willful violation of this Charter and shall set appropriate penalties not inconsistent with this Charter.

(Ord. No. 15-14 § 1, 9-4-2014)



Communication &  
Events Department

Police Department

Parks and Recreation  
Department

Community  
Services Department

Community  
Development  
Department

Finance Department

City Manager's  
Department

HR Department

City Clerk  
Department

Web Site Vendor  
Comm. Vendor

Victim Advocates  
Co-Responder

Parks Maint.  
Park Mater Plan

Traffic Engineer  
City Engineer  
Water Sewer Maint.  
Trash/ Recycle/  
Compost Hauler

Building Inspection  
Plan Consultants  
Homeless Navigator  
Housing Navigator

Audit Services  
Finance Consultant

HR Consultant

Translator Services  
Judge Services  
Defendant Services

# Charter Review Task Force

## *Recommendation List*

<b>Charter Number</b>	<b>Line Number</b>	<b>Recommendation</b>	<b>Date</b>
2.1	120	January start after certification	8/20/25
3.2	213	January start after certification	8/20/25
2.2	217	PIN Future Discussion	8/20/25
CW	CW	Gender Neutral Language	8/20/25
PS	13	“Citizen” to “Resident”	9/24/25
3.5	242	“citizens” to “public”	9/24/25
2.1	119	Change “two-year” to “Four-year”. Also change 2.8 to reflect four-year term and maximum two terms.	9/24/25
2.2	127	Remove line and let (c) govern age at 18.	9/24/25
2.3	154	PIN discussion after 11.6	9/24/25
2.5	162	PIN discussion after stats.	9/24/25
2.8	194	2-4 year terms consecutive.	10/22/25
3.2	213	January after certification.	10/22/25
3.3	218	PIN Return to discussion.	10/22/25
3.4	227	Take out line #226 and let #227 govern	10/22/25
3.5	265	Strike line 265	10/22/25
2.7	184	Strike line 184	10/22/25