



**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
March 26, 2026
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 and possible action on scope and timing
 - B. Review current pins for recommendations
 - C. Review and prioritize all recommendations
 - D. Discussion on drafting process and timeline
- 6. Discussion of Upcoming Agendas**
- 7. Adjournment**

Charter Review Task Force

Recommendation List

Charter Number	Line Number	Recommendation	Date
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
8.2	625-26	Remove local residency preference of Judge.	11/19/25
8.2	627-28	Clean up 2 nd sentence to align with Mayoral term and give space for contracting. (March)	11/19/25
8.4	647	Remove local residency preference of Attorney.	11/19/25
8.5	652	Add sentence about Charter Violation being brought against Council, City Attorney, board or commission member or staff, require 3 rd party counsel to prosecute.	11/19/25

9.1	675	Remove "The City Manager shall be chosen...".	11/19/25
9.1	679	Remove line	11/19/25
9.2	701	Add "and serve as the Department Head during times of vacancy."	11/19/25
9.2	702-03	Remove (5)	11/19/25
10.4	752-760	Remove	12/18/25
10.5	761-769	Remove	12/18/25
10.6	770-779	Remove	12/18/25
10.7	780-793	Write to make more flexible. Note to Carmen- Would like this controlled by CM with approval of CC.	12/18/25
4.4	374	Change "shall" to "may"	12/18/25
4.4	375-376	Remove term	12/18/25
5.1	411-412	Pin- Carmen: How does 10% and 90 days fit with other agencies or State law?	12/18/25
11.1	819-820	Remove "and shall not take effect until reviewed and approved by the City council."	12/18/25
11.2	839-846	Combine 11.5 into 11.2 as one board.	12/18/25
11.6	876-880	Charter Review Commission shall be formed every six years, 7 members no City Council members. Commission will review Charter and provide recommendation report to City council.	01/22/26
12.7	977, 893, 1010	Change "Ordinance" to "Resolution"	01/22/26
12.13	1020	Change "Ordinance" to "Resolution"	01/22/26
13.5	1086- 1087	Remove "The auditor's compensation shall be fixed by ordinance."	01/22/26
18.2	1325- 1326	Remove (2)- Low priority	01/22/26
15.1	Add	"Local Improvement District Defined. Local Improvement District means a district created pursuant tot his article and applicable state laws."	02/24/26
15.2	1161- 1165	"The Council may, in accordance with the Colorado Constitution, levy a general ad	02/24/26

		valorem property tax on all taxable property within the City at an annual rate not to exceed two (2) mills for all such districts, to be used for the following purposes with such priority as determined by the Council.”	
15.3	1177-1178	Change (1) to: When all outstanding securities of a local improvement district have been paid, Council may prescribe by ordinance where remainder monies are directed.	02/24/26
15.5	1151-1165	Delete section.	02/24/26
16.7		Delete section	02/24/26
17.2		(2) Strike all after “Ordinance”	02/24/26
17.4		Delete section	02/24/26
19.1		Strike “or amounts”	02/24/26
19.5		Delete (4)	02/24/26
19.7		Delete “Ordinance”	02/24/26
20.1		Delete section	02/24/26

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/residents. Therefore, the Commission has sought to include in the Charter important
14 protections for the citizens. One of those protections is a limitation on the City's ability to exercise the power of
15 eminent domain to 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.

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)

82

83

ARTICLE I General Provisions

84 **1.1. Name and boundaries.**

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

88

89 **1.2. Purpose of Charter.**

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

93

94 **1.3. Form of government.**

95 The municipal government provided by this Charter shall be the Council-Mayor-Manager form of
96 government. Pursuant to the provisions of this Charter and subject only to limitations imposed by the State
97 Constitution, all powers of the City shall be vested in an elective *Mayor*¹¹ and *Council*.

98

99 **1.4. Powers, rights, and liabilities.**

- 100 (1) The City shall have all the power of local self-government and home rule and all power possible for the City
101 under the State Constitution. All such powers shall be exercised in a manner consistent with the United
102 States Constitution, the State Constitution, and this Charter.
- 103 (2) Except as otherwise provided in this Charter, the City shall also have all powers granted to cities, towns, and
104 municipalities by the *State statutes*.
- 105 (3) The enumeration of specific powers in this Charter shall not be considered as limiting or excluding any other
106 power under Article XX of the State Constitution. All powers shall be exercised in the manner set forth in this
107 Charter or, if not provided for in this Charter, in such manner as shall be provided by *ordinance*.

108

109 **1.5. Amendments to the Charter.**

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

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

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

113 (2) An ordinance, approved by at least five (5) Council members, submitting the proposed amendment to a
114 vote of the registered electors of the City.
115

116 **ARTICLE II The Mayor**

117

118 **2.1. Election of Mayor.**

119 The Mayor shall be nominated and elected at large to a ~~two~~four-year term at each regular municipal
120 election. The Mayor's term of office shall begin ~~at the first regular City Council meeting January 1~~ following
121 certification of election results.
122

123

123 **2.2. Qualifications.**

Commented [DM1]: Pin #1

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

126 (a) is a citizen of the United States at the time of nomination or appointment;

127 ~~(b) is at least 23 years of age at the time of nomination or appointment;~~

128 (c) is a registered elector at the time of nomination or appointment; and

129 (d) has been, for one year immediately preceding such election or appointment, a resident of the City. Any
130 person who is a resident of the City or any area annexed to or consolidated with the City for the
131 required length of time, as herein provided, shall be deemed to meet the resident requirements of this
132 paragraph.

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

135 (3) A person who holds a position as a board or commission member, or as an officer or employee of the City,
136 shall be deemed to have resigned such position upon taking office as Mayor.
137

138

138 **2.3. Powers of the Mayor.**

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

141 (1) The Mayor shall preside at the meetings of the Council and shall exercise such powers and perform
142 such duties as are or may be conferred upon ~~him or her~~they or them by this Charter or by the
143 ordinances of the City, so long as not inconsistent with this Charter.

144 (2) The Mayor shall have all of the power, rights, and privileges of a Council member, except that the
145 Mayor shall be a nonvoting member of Council. The Mayor's presence shall not count toward a quorum
146 of the Council, the Mayor shall vote only in order to break a tie, and the Mayor shall possess the veto
147 power.

148 (3) The Mayor shall be recognized as the head of the City government for all ceremonial purposes, by the
149 courts for serving civil process, and by the government for purposes of military law.

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(Supp. No. 21)

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

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

156 (Ord. No. 15-14 § 1, 9-4-2014)

157

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

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

160

161 **2.5 Compensation.**

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

166

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

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

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

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

177

178 **2.7. Vacancies.**

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

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

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

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

184 ~~(d) is judicially declared mentally incompetent.~~

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

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

192

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

194 In order to broaden the opportunities for public service, no individual shall serve more than ~~four-two (42)~~
195 consecutive terms in the office of *Mayor*, whether that limit is reached by election to ~~two~~four-year terms, by
196 appointment to fill vacancies, or by a combination thereof. For the purposes of this Section 2.8, a "term" shall
197 mean serving more than one (1) year in the office of *Mayor*. Terms in the office of *Mayor* shall be considered
198 consecutive unless they occur more than one *regular municipal election* cycle apart.

199

200

ARTICLE III The Council

201

202 **3.1. The Council.**

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

206

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

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

213 (2) The terms of office of *Council members* shall commence ~~at the first regular City Council meeting January 1~~
214 following certification of election results.

215 (Ord. No. 15-14 § 1, 9-4-2014)

216

217 **3.3. Compensation.**

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

Commented [DM4]: Pin #4

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

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-public~~ a reasonable opportunity to be heard during *Council*
243 meetings. Where a question not addressed in such rules arises in the conduct of a *Council* meeting, the
244 question shall be resolved, to the extent practicable, by Robert's Rules of Order, newly revised, as from time
245 to time 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

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

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

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

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

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

330 (Ord. 2018-13 §1, 2018)

331

332 **3.7. Powers.**

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

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

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

344 (Ord. 15-14 §1, 2014)

345

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

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

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

353

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

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

358

359 **ARTICLE IV Elections**

360

361 **4.1. Election law.**

362 The provisions of the Municipal Election Laws, as set forth in the *State statutes*, shall apply to all elections
363 held in the City, except as otherwise set forth in this Charter and in *ordinances* not inconsistent with this Charter.

364

365 **4.2. Election date.**

366 A *regular election* shall be held on the first Tuesday in November of each odd-numbered year. This biennial
367 election shall be known as the City's "*regular election*," and the roughly two years that pass between each *regular*
368 *election* shall be known as the "*regular municipal election cycle*."

369

370 **4.3. Nonpartisan elections.**

371 All City elections shall be nonpartisan in nature.

372

373 **4.4. Election Commission.**

374 (1) An Election Commission is hereby established which ~~shall~~may consist of three members. The members shall
375 consist of the City Clerk, who shall be Chair of the Commission, and two Commissioners, who shall be
376 appointed by *City Council* ~~for overlapping terms of four years each~~. Each of the appointed Commissioners
377 shall be a *registered elector* of the City. No Election Commissioner shall become a candidate for the office of
378 *Mayor* or *Council member*, without first resigning as Election Commissioner, nor shall the *Mayor* or a *Council*
379 *member* be appointed or serve as a member of the Election Commission.

380 (2) The Election Commission shall have charge of all activities and duties required of it by this Charter, and by
381 *ordinances* relating to the conduct of City elections. In any case, where election procedure is in doubt, the
382 Election Commission shall prescribe the procedure to be followed.

383 (3) The Election Commission shall have the power to adopt reasonable rules and regulations. Such rules and
384 regulations shall not be inconsistent with the State Constitution, this Charter, the Colorado Municipal
385 Election Code, and the *ordinances* of the City.

386 **4.5. Canvass of returns.**

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

389
390 **4.6. Nomination of Candidates.**

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

397
398 **4.7. Special Elections.**

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

402
403 **ARTICLE V Initiative, Referendum and Recall**

404
405 **5.1. Initiative.**

406 (1) The initiative power, reserved by Article V, Section 1(9) of the State Constitution, is hereby extended to the
407 City's *registered electors* as to that City legislation which is subject to the initiative power reserved in the
408 State Constitution. Any initiated measure shall be in the form of an *ordinance*. The measure shall be initiated
409 pursuant to the *State statutes* which establish procedures for a municipal initiative, except as otherwise
410 provided in this Charter, and in *ordinances* not inconsistent with this Charter.

411 (2) An initiative petition shall be signed by *registered electors* of the City equal in number to at least 10 percent
412 of the total number of electors of the City registered to vote at the *regular election* immediately preceding
413 the filing of the petition. No signature on an initiative petition shall be valid if signed on a date more than 90
414 days prior to the date the signed petition is filed with the City. An initiative petition shall name two people
415 who shall represent the petition for all purposes, and an initiative petition may be withdrawn any time prior
416 to thirty days before the election by written request signed by both petition representatives.

Commented [DM5]: Pin #5
Carmen- How does 10% and 90 days align with state and
other agencies?

417
418 **5.2. Referendum.**

419 (1) The referendum power, reserved by Article V, Section 1(9) of the State Constitution, is hereby extended to
420 the City's *registered electors* as to those *ordinances* which are subject to the referendum power reserved in
421 the State Constitution. Such *ordinances* shall be referred pursuant to the *State statutes* which establish
422 procedures for a municipal referendum, except as otherwise provided in this Charter and in *ordinances* not
423 inconsistent with this Charter.

424 (2) The referendum power shall not apply to an *emergency ordinance*, nor shall it apply to any *appropriation*
425 adopted by *ordinance* for the support and maintenance of the City government.

426 (3) A referendum petition shall be signed by *registered electors* of the City equal in number to at least 10
427 percent of the total number of electors of the City registered to vote at the *regular election* immediately
428 preceding the filing of the petition. A referendum petition shall name two people who shall represent the
429 petition for all purposes, and a referendum petition may be withdrawn any time prior to thirty days before
430 the election by written request signed by both petition representatives.

431

432 **5.3. Recall.**

433 (1) Any *elected official*, including the *Mayor* and any *Council member*, may be recalled at any time after six
434 months in office, pursuant to the *State statutes* which establish municipal recall procedures, except as
435 otherwise provided in this Charter and in *ordinances* not inconsistent with this Charter.

436 (2) A recall petition shall be signed by *registered electors* of the City. The signers shall number at least 25 percent
437 of the ballots cast at the last preceding election. For the purpose of this Section, the "last preceding election"
438 shall be the last preceding election at which the person sought to be recalled was elected to office, unless
439 the person sought to be recalled was appointed to fill a vacancy, in which event it shall be the last preceding
440 election at which the person who created the vacancy was elected to office.

441 (3) A recall petition shall designate a committee of not less than three (3) people but not more than (5) people
442 who shall represent the petition for all purposes, and a recall petition may be withdrawn any time prior to
443 thirty days before the election by written request signed by all petition representatives. Any signer of a recall
444 petition may request that his or her name be stricken from the recall petition at any time prior to the date
445 the petition is deemed sufficient by the City Clerk by filing a written request with the City Clerk and delivering
446 a copy of the request to a member of the recall petition committee.

447 (4) After one (1) recall petition and election, no further petition shall be filed against the same person during the
448 term for which such person was elected or appointed, unless the signers number at least 50 percent of the
449 ballots cast at the last preceding election.

450

451 **5.4. Council referendum.**

452 The *Council* shall have the power to submit to a vote of the *registered electors* at a *regular or special election*,
453 without receipt of any petition, any proposed or adopted *ordinance* or any question.

454

455 **5.5. Petition forms to be provided.**

456 The City Clerk shall provide, upon request, sample forms of initiative, referendum, or recall petitions which
457 conform to the requirements of this Charter.

458

459

ARTICLE VI Ordinances, Resolutions, and Motions

460

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*.

465

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.*

475

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*.

480

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.

485

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.

-
- 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*.
- 519

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.
- 527

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.

531

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*.

556

557 **ARTICLE VII Code of Ethics**

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.

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~~~~they~~ or ~~them~~ 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.

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~~~~they~~ or ~~them~~ has declared a *conflict of interest*, or as to any matter in which it
596 has been determined that ~~he or she~~~~they~~ or ~~them~~ 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-four (24)~~ years. The term shall expire ninety (90) days after
628 the commencement of the *Mayor's* term of office as provided in Section 2.1 or upon confirmation of a
629 qualified successor.

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 *Mayor*,
661 *Council*, or City Manager.

662 ~~(5) Any Charter Violation brought against Council, City Attorney, board or commission member or staff will be~~
663 ~~prosecuted by a third party counsel.~~

664

665 **8.6. Compensation.**

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

670

671 **ARTICLE IX City Manager**

672

673 **9.1. City Manager.**

- 674 (1) The City Manager shall be the chief administrative officer of the City. As such, ~~he or she~~ ~~they~~ ~~or them~~ shall
675 possess, have, and exercise all the administrative powers vested in the City. The City Manager shall serve at
676 the pleasure of the *Council* for an indefinite period, and shall be removable by the *Council* at its pleasure. ~~The~~
677 ~~City Manager shall be chosen by the City Council solely on the basis of his or her administrative qualifications.~~
- 678 (2) The *Council*, by a vote of at least four (4) *Council members*, shall appoint a City Manager at a salary fixed from
679 time to time by the *Council*. ~~City Manager shall be responsible to Council and shall perform such duties as~~
680 ~~provided by this Charter or by ordinance.~~
- 681 (3) The choice of City Manager need not be limited to the inhabitants of the City or State.
- 682 (4) No current or former *elected official* shall be considered for appointment to the office of City Manager unless
683 and until ~~he or she~~ ~~they~~ ~~or them~~ has been out of office for at least a period of two (2) years.

-
- 684 (5) The City Manager may appoint a *department head* to function in his or her capacity as the Acting City
685 Manager during temporary absences of the City Manager. In the case of a vacancy in the office of City
686 Manager, the *Council* may appoint, by a vote of at least four (4) *Council members*, a *department head* to
687 function as the Acting City Manager until the office of City Manager is filled.
- 688 (6) The *Council*, upon a vote of at least four (4) *Council members*, may remove the City Manager or any Acting
689 City Manager from office.
- 690 (7) The job performance of the City Manager shall be evaluated at least annually by the *Council*, and the *Council*
691 shall review such evaluation with the City Manager pursuant to the executive session provisions set forth in
692 Section 3.5(3) of this Charter.
- 693

694 **9.2. City Manager Powers and Duties.**

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

- 697 (1) To see that all laws and *ordinances* governing the City are implemented.
- 698 (2) To hire and terminate from employment, except as otherwise provided in this Charter, all *department*
699 *heads*. The *department heads* shall, in turn, hire and terminate from employment all of his or her
700 subordinate *employees*. *City Manager shall serve as the Department Head during times of vacancy if a*
701 *interim department head not identified.*
- 702 (3) To prepare and adopt from time to time or as needed rules, regulations, and policies regarding
703 personnel matters.
- 704 (4) To exercise control and supervision over all City departments.
- 705 (5) ~~To hear appeals and grievances from City employees working under the supervision and control of~~
706 ~~department heads.~~
- 707 (6) To make reports and attend meetings as required by *Council*.
- 708 (7) To recommend to the *Council* for adoption such measures as ~~he or she~~*they or them* may deem
709 necessary or expedient.
- 710 (8) To keep the *Council* fully advised as to the financial condition of the City.
- 711 (9) To see that all franchise rights and provisions are justly enforced.
- 712 (10) To prepare and submit to the *Council* an annual budget, which budget shall include a pay plan for all
713 City *employees* and a plan for capital expenses as required by Section 12.5 of this Charter, and which
714 budget shall be approved by *Council* according to the procedure set forth in Article XII of this Charter.
- 715 (11) To operate at all times within the City's approved budget.
- 716 (12) To provide administrative resources as may be required for the effective operation of all City *boards*
717 *and commissions* established pursuant to Article XI of this Charter, including but not limited to, naming
718 a *department head* who shall act as a liaison among the City staff, the *City Council*, and each City *board*
719 *or commission*.
- 720 (13) To accept or decline, on behalf of the City, bequests, gifts, and donations of all kinds of personal
721 property.
- 722 (14) To perform such other duties as may be prescribed by this Charter, or as may be required of ~~him or~~
723 ~~her~~*they or them* by *ordinance* or *resolution* of the *Council* not inconsistent with this Charter.

724 **ARTICLE X Administrative Departments**

725

726 **10.1. Office of the City Clerk.**

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

743

744 **10.2. Reserved.**

745

746 **10.3. Police Department.**

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

754

755 ~~10.4. Department of Public Works.~~

- 756 ~~(1) The Department of Public Works is hereby established, consisting of the Public Works Director as the~~
757 ~~*department head* and any personnel subordinate to the Public Works Director. The Public Works Director~~
758 ~~shall be hired by and may be terminated from employment by the City Manager.~~

759 ~~(2) The Public Works Director shall be responsible to the City Manager for the proper administration of the~~
760 ~~Department of Public Works and for the performance of such other functions and duties that may be~~
761 ~~required by law but are not inconsistent with this Charter, the ordinances and resolutions of the Council, and~~
762 ~~the directions of the City Manager.~~

763

764 **10.5. Department of Finance.**

765 ~~(1) The Department of Finance is hereby established, consisting of the Finance Director as the department head,~~
766 ~~and any personnel subordinate to the Finance Director. The Finance Director shall be hired by and may be~~
767 ~~terminated from employment by the City Manager.~~

768 ~~(2) The Finance Director shall be responsible to the City Manager for the proper administration of the~~
769 ~~Department of Finance and for the performance of such other functions and duties that may be required by~~
770 ~~law but are not inconsistent with this Charter, the ordinances and resolutions of the Council, and the~~
771 ~~directions of the City Manager.~~

772

773 **10.6. Department of Parks and Recreation.**

774 ~~(1) The Department of Parks and Recreation is hereby established, consisting of the Parks and Recreation~~
775 ~~Director as the department head and any personnel subordinate to the Parks and Recreation Director. The~~
776 ~~Parks and Recreation Director shall be hired by and may be terminated from employment by the City~~
777 ~~Manager.~~

778 ~~(2) The Parks and Recreation Director shall be responsible to the City Manager for the proper administration of~~
779 ~~the Department of Parks and Recreation and for the performance of such other functions and duties that~~
780 ~~may be required by law but are not inconsistent with this Charter, the ordinances and resolutions of the~~
781 ~~Council, and the directions of the City Manager.~~

782

783 **10.7. General; Other Departments.**

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

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

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

795 (Ord. 2020-16 §1, 2020)

796

Commented [DM6]: Write to make more flexible. Note to Camen- Would like this controlled by CM with approval of CC.

ARTICLE XI Boards and Commissions

797

798

799 **11.1. General; Boards and Commissions.**

- 800 (1) All boards and commissions existing as of the date of the adoption of this Charter, including any urban
801 renewal authority formed pursuant to Title 31, Article 25, of the Colorado Revised Statutes, shall continue as
802 established by *ordinance*, except as otherwise provided in this Charter.
- 803 (2) The *City Council* may establish, by *ordinance*, such other advisory boards and commissions as it determines
804 necessary or desirable, including any urban renewal authority formed pursuant to Title 31, Article 25, of the
805 Colorado Revised Statutes. The *ordinance* establishing any *board or commission* shall prescribe its powers
806 and duties; shall specify the *board or commission's* duty to report to the *City Council* or to the City Manager,
807 as appropriate; and shall identify the *department head* who will act as the *board or commission's* liaison
808 pursuant to Section 9.2(12). All such boards and commissions shall have powers and duties that are advisory
809 only, except as otherwise provided by law, and the *City Council* shall reserve in any such *ordinance* the power
810 and duty to make the final decision with respect to all such matters.
- 811 (3) Except as otherwise required by this Charter, all *board and commission* members shall be appointed by the
812 *Mayor*.
- 813 (4) Unless specifically provided for otherwise by *ordinance*, all *boards and commissions* shall be comprised solely
814 of residents of the City who are not *elected officials, officers, or employees* of the City.
- 815 (5) Except as otherwise provided in this Charter, the *Mayor* may remove for negligence of duty, malfeasance, or
816 inefficiency any appointee with the approval of *Council*. No such removal shall take place without a charge in
817 writing by the *Mayor* and the opportunity for a hearing before the *Council*.
- 818 (6) Each *board and commission* established by, or pursuant to, this Charter shall:
- 819 (a) choose its own Chairperson and Vice-Chairperson and may choose such other officers as it deems
820 appropriate;
- 821 (b) adopt and operate in accordance with its own rules of procedure. Such rules shall not conflict with this
822 Charter or the ordinances of the City, ~~and shall not take effect until reviewed and approved by the City~~
823 ~~Council~~.
- 824 (7) The *City Council* may, by *ordinance*, consolidate or abolish any *board or commission* established pursuant to
825 this Section 11.1 of the Charter, but shall not consolidate or abolish those *boards or commissions* expressly
826 set forth in Sections 11.2 through 11.6 below.
- 827 (8) The *Mayor* shall not make any appointment to any *board or commission* without *posting and publishing*
828 notice of vacancy thereon for at least fourteen (14) days prior to the appointment. The *Mayor* shall consider
829 the recommendations of the *board or commission* to which the appointment applies.
- 830 (9) No person who has been or who is convicted of embezzlement, bribery, solicitation of bribery, perjury,
831 subornation or perjury, or any offense involving fraud, shall be capable of holding a position on any *board or*
832 *commission*.
- 833 (10) Each *board and commission* shall meet at least once each year with the *City Council* to discuss matters of
834 mutual interest.
- 835 (11) Except as otherwise specifically provided in this Charter, the *City Council* shall establish by *ordinance*,
836 functions of and other matters concerning each *board and commission*.

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(Supp. No. 21)

837 (12) All *board or commission* meetings for the transaction of business shall be open to the public, except that the
838 *board or commission* may go into executive session for the purpose of considering matters permitted by the
839 state statute and according to the procedures set forth therefor in Title 24, Article 6, Part 4, of the Colorado
840 Revised Statutes as may be amended from time to time.

841

842 **11.2. Planning and Zoning Commission.**

843 (1) The Planning and Zoning Commission is hereby established, consisting of five (5) members to be appointed
844 by the *Mayor*. The members shall be appointed for five-year *overlapping terms*, and the commission's duties
845 to report to the *City Council* or the *City Manager* shall be set by *ordinance*.

846 (2) The members of the Planning and Zoning Commission shall be *registered electors*, and shall have been
847 residents of the City for at least one (1) year immediately preceding the date of their appointment. No
848 member shall be an *elected official, officer, or employee* of the City.

Commented [DM7]: Combine with 11.5

849

850 **11.3. Functions of the Planning and Zoning Commission.**

851 (1) The Planning and Zoning Commission shall prepare and adopt, and may amend from time to time, the
852 master plan for the physical development of the City. No such master plan or any amendment thereto, shall
853 become effective until approved by the *City Council*.

854 (2) The Planning and Zoning Commission shall hold the initial hearings relative to proposed subdivision plats,
855 proposed rezoning, and proposed changes in the zoning *ordinance*, and shall make recommendations
856 thereon to the *Council*.

857 (3) Except as otherwise provided by Charter, or by *ordinance*, the Planning and Zoning Commission shall have
858 the powers, perform the functions, and follow the procedures set forth in the applicable *State statutes*.

859

860 **11.4. Board of Adjustment and Appeals.**

861 (1) The Board of Adjustment and Appeals is hereby established, consisting of five (5) members to be appointed
862 by the *Mayor*. The members shall be appointed for three-year *overlapping terms*, and the commission's
863 duties to report to the *City Council* or the *City Manager* shall be set by *ordinance*.

864 (2) The members of the Board of Adjustment and Appeals shall be *registered electors* and shall have been
865 residents of the City for at least one (1) year immediately preceding the date of their appointment. No
866 member shall be an *elected official, officer, or employee* of the City.

Commented [DM8]: Combine with 11.2

867

868 **11.5. Functions of the Board of Adjustment and Appeals.**

869 (1) The Board of Adjustment and Appeals shall have the power to hear and determine appeals from refusals of
870 building permits, subject to such limitations and requirements as established by *ordinance*.

871 (2) The board shall have the power to make exceptions to the terms of the zoning regulations in harmony with
872 their general purpose and intent and to authorize variances from the strict application of the zoning
873 regulations in such situations, subject to such limitations as may be set by *ordinance*.

874 (3) A party aggrieved by the findings and decisions of the board may appeal the same to the *City Council*, subject
875 to the requirements and limitations set forth by *ordinance*.

876 (4) The board shall have such other functions and duties as set forth by ordinance.

877

878 **11.6. Charter Review Commission.**

879 (1) The Charter Review Commission ~~is hereby established~~ shall be formed every six (6) years by Council,
880 consisting of ~~the City Council~~ seven (7) members with no Council member on commission. Commission
881 will review charter and provide recommendation report to City Council. ~~Any other provision of this~~
882 ~~Charter notwithstanding, the Mayor shall act as the Chairperson of the Charter Review Commission,~~
883 ~~and shall be entitled to vote on matters coming before the Commission only as may be necessary to~~
884 ~~break a tie in votes amongst the remaining members present.~~

885 (Ord. No. 15-14 § 1, 9-4-2014)

886 Editor's note(s)—Ord. No. 15-14, § 1, adopted September 4, 2014, and passed at the election of November 4,
887 2014, amended § 11.6 to read as set out herein. Previously § 11.6 was titled "Charter Review and Compliance
888 Commission."

889

890 **11.7. Functions of Charter Review Commission.**

891 (1) At public meetings that are separate from the City Council's regular meetings, the commission shall review
892 the Charter at least once every six (6) years after adoption, for possible amendment.

893 (Ord. No. 15-14 § 1, 9-4-2014)

894 Editor's note(s)—Ord. No. 15-14 § 1, adopted September 4, 2014, and passed at the election of November 4, 2014,
895 amended § 11.7 to read as set out herein. Previously § 11.7 was titled "Functions of the Charter Review and
896 Compliance Commission."

897

898 **11.8. Committees as Distinct from Boards and Commissions.**

899 (1) *Community Committees.* By ordinance or resolution, the City Council may, for a defined purpose establish a
900 *community committee*, task force, panel, working group, or other body, by whatever name it may be called,
901 that is temporary in nature and that is comprised solely of volunteers who are not *elected officials, officers,*
902 *or employees* of the City.

903 (a) *Board or commission members may serve on community committees.*

904 (b) Any such *community committee*, by whatever name it is called, is separate and distinct from a City
905 *board or commission* formed under Article XI of this Charter in that it is temporary in nature and
906 limited in purpose.

907 (c) The ordinance or resolution establishing a *community committee* shall specify the qualifications, if any,
908 needed for becoming a member of the committee and the process, if any, by which membership may
909 occur and be recognized.

910 (2) *Council sub-committees.* Any *Council sub-committee* established by the City Council according to the process
911 set forth in Section 3.7(2) of this Charter shall be separate and distinct from *community committees*
912 authorized in Section 11.8(1) and City boards or commissions identified in this Article XI.

913

ARTICLE XII Budget

914

915

916 **12.1. Fiscal Year.**

917 The fiscal year of the City shall begin on January first and end at midnight on December thirty-first of each
918 year.

919

920 **12.2. Proposed annual budget.**

921 (1) The City Manager shall annually establish a schedule for submission to the City Manager, by each
922 department and agency, and each *board and commission* formed under Article XI of this Charter, of budget
923 information for the ensuing fiscal year.

924 (2) The City Manager shall annually prepare and submit to the *City Council* a proposed budget that shall present
925 a complete financial plan for the City for the ensuing fiscal year. The proposed budget shall be divided into
926 the following sections:

927 (a) an annual expense and revenue budget, as set forth in Section 12.3 of this Charter; and

928 (b) a budget message meeting the requirements outlined in Section 12.4 of this Charter; and

929 (c) a capital budget as provided in Section 12.5 of this Charter.

930 (3) Upon submission by the City Manager of the proposed budget to the *City Council*, the proposed budget shall
931 be a public record that is available to the public for inspection in the City Clerk's office.

932

933 **12.3. Annual expense and revenue budget.**

934 The annual expense and revenue budget shall contain the following items:

935 (a) an estimate of anticipated revenue from all sources, including receipts from the property tax levy for
936 the ensuing fiscal year;

937 (b) an estimate of the various *fund* surpluses at the end of the current fiscal year, or of the *fund* deficits to
938 be made up by *appropriation*;

939 (c) the estimated expenditures necessary for the operation of each of the several departments, offices,
940 and agencies of the City;

941 (d) debt service requirements for the ensuing fiscal year;

942 (e) an estimate of the sum required to be raised by the tax levy for the ensuing fiscal year, and the rate of
943 levy necessary to produce such sum; and

944 (f) a summary showing actual expenditures and revenues for the preceding fiscal year, and a balance
945 between the total estimated expenditure and total anticipated revenue from all sources, taking into
946 account the estimated *fund* surpluses or deficits at the end of the current fiscal year. All estimates shall
947 be in detail, showing revenues by sources and expenditures by organizational units, activities, agencies,
948 or objects.

949 **12.4. The budget message.**

950 The budget message shall contain:

- 951 (1) the recommendations of the City Manager concerning the fiscal policy of the City;
- 952 (2) a description of the important features of the budget plan;
- 953 (3) an explanation of all major increases or decreases in budget recommendations as compared to prior
- 954 years;
- 955 (4) an estimate of the surplus in each *fund* at the end of the current fiscal year, or of the deficit in each
- 956 *fund* to be made up by *appropriation*; and
- 957 (5) a statement showing that there is a balance between the total estimated expenditures and the total
- 958 anticipated revenue from all sources, taking into account the estimated surpluses or deficits in the
- 959 various *funds* so that at all times the City shall aspire to maintain a balanced budget.

960

961 **12.5. Capital budget.**

- 962 (1) As a part of the budget message, or as a separate report attached thereto, the City Manager shall present a
- 963 program of proposed capital projects for the ensuing fiscal year and for four (4) fiscal years thereafter.
- 964 (2) Estimates of the cost of each such project shall be stated in the same manner as estimates of other
- 965 budgetary requirements and recommendations. The City Manager shall recommend to the *Council* those
- 966 projects to be undertaken during the ensuing fiscal year and method of financing the same.

967

968 **12.6. Public hearing.**

- 969 (1) The *City Council* shall hold at least one (1) public hearing on the proposed budget, at which time all
- 970 interested persons shall have an opportunity to be heard.
- 971 (2) Notice of said hearing shall include a summary of the proposed budget, shall fix a time and place for the
- 972 hearing, and shall state that copies of the proposed budget may be obtained at the City Clerk's office. Said
- 973 notice shall be *published* and *posted* at least fourteen (14) days before the date of the hearing.

974

975 **12.7. Adoption and changes by the Council.**

- 976 (1) At the conclusion of the public hearing, the *City Council* shall make such changes and alterations in the
- 977 budget as it deems proper.
- 978 (2) As soon as practicable after the conclusion of such public hearing, but in any case prior to the date
- 979 established by the *State statutes* for certification of the mill levy, the *Council* shall, by *resolution*, adopt the
- 980 budget. Following adoption, a copy of the *resolution* shall be *published* and *posted*.
- 981 (3) Following adoption of the budget, no additional *appropriations* shall be made without a public hearing, a
- 982 duly passed *ordinanceresolution*, and the adoption by *ordinance-resolution* of a revised quarterly budget, as
- 983 is required by the process set forth in Section 12.12. herein.
- 984 (4) If at any time during the fiscal year it appears probable to the City Manager or his or her designee that the
- 985 revenues available will be insufficient to meet the amount appropriated, *he-or-shethey or them* shall provide
- 986 a report to the *Council* without delay indicating the estimated amount of deficit and recommending any

987 steps to be taken. The *Council* shall then take such further action as it deems necessary to prevent or
988 minimize any deficit, and for that purpose it may by *ordinance* reduce one (1) or more *appropriations*.

989

990 **12.8. Certification of tax levy.**

991 On or before the date required by the *State statutes*, the *Council* shall set a tax levy and certify the same to
992 the county assessor. If the *Council* should fail in any year to make such levy as above provided, the rate last fixed
993 shall be the rate for the ensuing fiscal year, which rate shall be levied as provided by the *State statutes*.

994

995 **12.9. Appropriation resolution.**

996 On or before the last day of the fiscal year, the *Council* shall, by *resolution*, appropriate the money needed
997 for all municipal purposes during the next fiscal year. The *appropriations* shall be based upon the budget as
998 adopted. Following adoption, a copy of the *resolution* shall be *published* and *posted*.

999

1000 **12.10. Appropriation to lapse.**

1001 Except as otherwise provided by law, by this Charter, or by *ordinances* not inconsistent with this Charter, any
1002 annual *appropriations*, or any portion thereof remaining unexpended and unencumbered at the close of the
1003 budget year, shall lapse and revert to the General Fund, or to such special *fund* as the *Council* may by *resolution*
1004 direct.

1005

1006 **12.11. Transfer of funds.**

- 1007 (1) The *Council* may, at any time, authorize by *resolution* the transfer of any unencumbered *appropriation*
1008 balance, or any portion thereof, from one classification of expenditures to another within the same
1009 department, office, or agency.
- 1010 (2) For purposes of this section, an unencumbered *appropriation* shall be understood to mean an *appropriation*
1011 the object of which has ceased to exist.

1012

1013 **12.12. Additional appropriations.**

- 1014 (1) Unless an *emergency appropriation* is necessary, as permitted by Section 12.13 below, all *appropriations* in
1015 addition to those contained in the budget may be made by *ordinance-resolution* of the *Council* only after a
1016 public hearing is held thereon and only so long as there are sufficient surplus or unencumbered monies
1017 available to meet such *appropriation*.
- 1018 (2) In each quarter in which additional *appropriations* are made, including any *emergency appropriations*, the
1019 *Council* shall adopt at least once per quarter, by *ordinanceresolution*, a revised quarterly budget that reflects
1020 such changes.

1021

1022 **12.13. Emergency Appropriation.**

1023 To relieve an *emergency* endangering the public peace, health, safety or property, and provided that the
1024 *Council* makes specific findings of such *emergency* on the record, the *Council* may make *emergency appropriations*
1025 by *emergency ordinance* ~~resolution~~.

1026

1027 **12.14. Investment of City funds.**

- 1028 (1) Subject to the provisions of this Charter, monies in any *fund* that are available for investment may be
1029 invested in one or more of the securities permitted by the *State statutes* for the investment of municipal
1030 monies, or in securities payable out of the revenues of any service or facility furnished by the City, or in
1031 general obligation securities of the City.
- 1032 (2) Interest on such investments shall be credited to the *fund* to which the invested money belongs, if such can
1033 be determined, otherwise to the General Fund of the City.

1034

1035 **ARTICLE XIII Finance Administration**

1036

1037 **13.1. General fund.**

1038 There is hereby established a General Fund. The General Fund shall comprise all revenues of the City not
1039 specifically belonging to any other *fund*. All general functions of the City shall be financed from this *fund*.

1040

1041 **13.2. Capital Improvement Fund and Capital Equipment Fund.**

- 1042 (1) There are hereby established a "Capital Improvement Fund" and a "Capital Equipment Fund."
- 1043 (2) The money in the Capital Improvement Fund shall be used only in payment, in whole or in part, of the cost of
1044 *capital improvements*.
- 1045 (3) The money in the Capital Equipment Fund shall be used only in payment, in whole or in part, for the cost of
1046 *capital equipment*.
- 1047 (4) The *Council* shall have the power, in the manner provided in Article XII, to transfer to the Capital
1048 Improvement Fund or to the Capital Equipment Fund, from time to time, any portion of the General Fund
1049 surplus not otherwise appropriated.
- 1050 (5) The money accumulating in the Capital Improvement Fund, and the Capital Equipment Fund, shall remain in
1051 said *funds* and shall be held in separate special accounts, subject to investment as authorized by the *Council*.
- 1052 (6) *Appropriations* from the Capital Improvement Fund, for construction of permanent improvements, shall not
1053 lapse until the purpose for which the *appropriation* was made shall have been accomplished or abandoned.
1054 Upon lapse, all *appropriations* from the Capital Improvement Fund shall revert to that *fund*, and all
1055 *appropriations* from the Capital Equipment Fund shall revert to that *fund*.

1056 **13.3. Utility funds.**

- 1057 (1) There are hereby established three separate City utility *funds*, which shall be maintained as separate and
1058 distinct *funds* within the City's budget:
- 1059 (a) the Water Utility Fund; and
1060 (b) the Sewer Utility Fund; and
1061 (c) the Trash Utility Fund.
- 1062 (2) The *Council* may, by *ordinance*, establish such other utility *funds* for other utilities as may hereafter be
1063 provided by the City and may delete, by *ordinance*, any of the utility *funds* named in Section 13.3(1) above in
1064 the event the City ceases to provide such utility service so long as each utility service provided by the City
1065 does maintain its own separate and distinct *fund*.
- 1066 (3) The *Council* shall, by *ordinance* fix the rates at which the City utilities shall be furnished. Such *ordinance* shall
1067 be amended as necessary to reflect the amount of any increase imposed on the City by any governmental
1068 entity involved in providing utility service to the City and its customers.
- 1069 (4) City utility rates shall, in the judgment of the *Council*, be sufficient in amount to provide adequate service to
1070 customers, to pay any bonded indebtedness, to pay any legally required refunds, and to cover the actual cost
1071 of operation, additions, extensions, betterments, improvements, and a reasonable return on the City's
1072 investment in utility properties and capital investments, together with reimbursement to the General Fund
1073 for administrative services and overhead provided and incurred by the City for such utilities.
- 1074 (5) All receipts from City utility services, subject to reimbursement as provided in Subsection (3) of this section,
1075 shall be paid into the respective utility *fund*.
- 1076 (6) The *Council* shall have power, in the manner provided in Article XII, to transfer to any utility *fund*, from time
1077 to time, any portion of the General Fund surplus not otherwise appropriated.
- 1078 (7) The money accumulating in any utility *fund* shall remain in said *fund* and shall be held in separate special
1079 accounts, subject to investment as authorized by the *Council*.

1080

1081 **13.4. Special funds.**

- 1082 (1) Additional *funds*, which shall be known as "special *funds*," may be created by *ordinance*.
- 1083 (2) The *ordinance* creating a special *fund* shall specify and provide for its source of income and the purpose for
1084 which expenditures from the special *fund* shall be made.
- 1085 (3) Special *funds* created by *ordinance* may be abolished by *ordinance*, subject to existing obligations, and the
1086 remaining assets of any special *fund*, whose purpose shall have been accomplished or which shall have been
1087 abolished as above provided, shall be transferred to the General Fund.

1088

1089 **13.5. Audit.**

- 1090 (1) The *Council* shall hire an auditor who shall be a certified public accountant, for such functions and duties as
1091 required by this Charter or as may be deemed necessary by the *Council*. ~~The auditor's compensation shall be~~
1092 ~~fixed by ordinance.~~
- 1093 (2) At least once every three (3) years, the *Council* shall conduct competitive bidding for the auditor's position,
1094 subject to such conditions, rules, and procedures as the *Council* may determine from time to time. No
1095 certified public accountant or accounting firm shall perform the independent general audit required by this
1096 section for more than six (6) consecutive years.
- 1097 (3) The *City Council* shall, in accordance with *State statutes*, provide for an independent general audit by the
1098 auditor of all books and accounts of the City, and shall cause a summary and notice of the availability
1099 summary thereof to be *posted* before the date of the next regular *Council* meeting to occur after the City's
1100 receipt of the final report of the auditor. Copies of such audit shall be available at the office of the City Clerk
1101 for public inspection.

1102

1103

ARTICLE XIV Municipal Borrowing

1104

1105 **14.1. General obligation securities.**

- 1106 (1) The City may borrow money and issue securities, or enter into other obligations to evidence such borrowing
1107 in any form, and in any manner determined by the *Council* to be advantageous to the City, and not in conflict
1108 with the provisions of this Charter. Such securities may be issued, and such obligations may be incurred, for
1109 any public purpose.
- 1110 (2) Except as otherwise provided in this Charter, no securities that mature after the close of the fiscal year in
1111 which they are issued, and that are payable in whole or in part from the proceeds of ad valorem property
1112 taxes, shall be issued except by *ordinance*, nor until the question of their issuance has been submitted to a
1113 vote of the *registered electors* at a *regular or special election* and approved by a majority of those voting on
1114 the question.
- 1115 (3) The election requirement of Subsection (2) of this Section shall not apply to securities issued for acquiring
1116 water and rights thereto, or acquiring, improving, or extending a municipal water or sewer system.

1117

1118 **14.2. Revenue securities.**

1119 The City may, by *ordinance* and subject to the requirements of the Colorado Constitution, issue revenue
1120 securities for any public purpose payable in whole or in part from any source of revenues other than ad valorem
1121 property taxes, or from any combination of sources of revenues other than ad valorem property taxes.

1122

- HOME RULE CHARTER AND CODE OF THE CITY OF EDGEWATER, COLORADO
- EDGEWATER HOME RULE CHARTER
ARTICLE XV Improvement Districts

1123 **14.3. Refunding securities.**

- 1124 (1) The *Council* may, by *ordinance* and without an election, issue securities for the purpose of refunding
1125 outstanding securities to accomplish any refunding purpose determined by the *Council* to be advantageous
1126 and favorable to the City.
- 1127 (2) Refunding securities may be issued in such principal amount and otherwise, on such terms as the *Council*
1128 may determine to be necessary or appropriate to accomplish the refunding purpose.

1129

1130 **14.4. Securities, interest, sale.**

1131 The maximum interest rate and all other terms of securities shall be fixed by, or pursuant to, an *ordinance*,
1132 and such securities shall be sold to the best advantage of the City as determined by the *Council*. All securities may
1133 contain provisions for calling the same prior to the final due date.

1134

1135 **14.5. Other contracts and agreements.**

- 1136 (1) The *Council* may, without an election, enter, on a long-term or short-term basis, into lease-purchase and
1137 installment purchase agreements, construction contracts, contracts for the purchase, installation, or
1138 acquisition of any real or personal property for public purposes, and any executory contracts or agreements,
1139 and may, without an election, commit to pay such obligations in whole or in part from the proceeds of ad
1140 valorem property taxes.
- 1141 (2) Property acquired or occupied by the City pursuant to this Charter shall be exempt from taxation so long as
1142 used for any authorized public purpose of the City.

1143

1144 **14.6. Other contracts and agreements.**

- 1145 (1) No action of whatsoever nature, against any act, proceeding, or election of the City done or had pursuant to
1146 this Article XIV shall be maintained unless commenced within thirty (30) days after the election or
1147 performance of the act or proceeding or effective date of any *ordinance* or *resolution* complained of to:
- 1148 (a) question the validity or enforceability of or enjoin the performance of any act;
- 1149 (b) question the validity or enforceability of or enjoin the issuance or payment of any securities;
- 1150 (c) question the validity or enforceability of or enjoin the incurring of any other payment obligation;
- 1151 (d) question the validity or enforceability of or enjoin the imposition or collection of any taxes,
1152 assessment, fees, or charges; or
- 1153 (e) obtain any other review of or relief against any act, proceeding, or election of the City pursuant to this
1154 Article XIV.

1155

1156

ARTICLE XV Improvement Districts

1157 **15.0 Local Improvement District Defined**

1158 ~~Local Improvement District means a district created pursuant to this article and applicable state laws.~~

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1159 **15.1. Power to create local improvement districts.**

1160 The *Council* shall have the power to create local improvement districts and to assess the cost of the
1161 construction, acquisition, or installation of local improvements of every character against property determined by
1162 the *Council* to be benefited within such districts, in the following manner.

- 1163 (1) by order of the *Council*; or
- 1164 (2) on a petition by the owners of property to be assessed for more than two-thirds of the entire costs
- 1165 estimated by the *City Council* to be assessed.

1167 **15.2. Procedure.**

- 1168 (1) ~~In consideration of general benefits conferred on the City at large from the construction, acquisition, or~~
1169 ~~installation of improvements made in connection with a local improvement district, the *Council* may, in~~
1170 ~~accordance with the requirements of the Colorado Constitution, levy a general ad valorem property tax on all~~
1171 ~~taxable property within the City, at an annual rate not to exceed a total of two (2) mills for all such districts,~~
1172 ~~to be disbursed among the following purposes with such priority as may be determined by the *Council*:~~
 - 1173 (a) ~~paying any assessment levied against the City, whether or not imposed on City-owned property, in~~
1174 ~~connection with securities issued for any local improvement district; or~~
 - 1175 (b) ~~advancing money for the payment of principal, interest, or both, or for establishing reserves for, or~~
1176 ~~otherwise securing the payment of, securities issued for any local improvement district in the manner~~
1177 ~~provided for in the authorizing ordinance.~~
- 1178 (2) ~~In lieu of the tax levy provided in Subsection 1 of this section, the *Council* may, in its discretion, apply any~~
1179 ~~available money of the City for the purposes listed in Subsection 1 of this section, but in no event shall the~~
1180 ~~amount so applied in any one year exceed the amount which would have resulted in such year from a tax~~
1181 ~~levied pursuant to Subsection 1 of this section. The *Council* may, in accordance with the Colorado~~
1182 ~~Constitution, levy a general ad valorem property tax on all taxable property within the City at an annual rate~~
1183 ~~not to exceed two (2) mills for all such districts, to be used for the following purposes with such priority as~~
1184 ~~determined by the *Council*.~~

1186 **15.3. Deficiency.**

- 1187 (1) ~~When all outstanding securities of a local improvement district have been paid, and any monies remain in~~
1188 ~~the credit of the district, the *Council* may transfer such monies to a special surplus and deficiency fund.~~
1189 ~~*Council* may prescribe by ordinance where remainder monies are directed.~~
- 1190 (2) The *Council* may prescribe by ordinance the manner in which the monies deposited in the surplus and
1191 deficiency fund may be applied.

1192

1193 **15.4. Additional commitment to pay improvement district securities.**

1194 The *Council* may, without any election, covenant in connection with the issuance of improvement district
1195 securities that, if at least three-fourths of the improvement district securities issued have been paid, and if for any
1196 reason the remaining assessments are not paid in time to pay the remaining securities of the district and the
1197 interest due thereon, the City shall pay said securities and the interest due thereon when due and reimburse itself
1198 by collecting the unpaid assessments due the district.

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ARTICLE XVI Purchases and Sales

1199 **15.5. Improvement district securities – General benefit.**

- 1200 ~~(1) In consideration of general benefits conferred on the City at large from the construction, acquisition, or~~
1201 ~~installation of improvements made in connection with a local improvement district, the Council may, in~~
1202 ~~accordance with the requirements of the Colorado Constitution, levy a general ad valorem property tax on all~~
1203 ~~taxable property within the City, at an annual rate not to exceed a total of two (2) mills for all such districts,~~
1204 ~~to be disbursed among the following purposes with such priority as may be determined by the Council:~~
- 1205 ~~(a) paying any assessment levied against the City, whether or not imposed on City-owned property, in~~
1206 ~~connection with securities issued for any local improvement district; or~~
- 1207 ~~(b) advancing money for the payment of principal, interest, or both, or for establishing reserves for, or~~
1208 ~~otherwise securing the payment of, securities issued for any local improvement district in the manner~~
1209 ~~provided for in the authorizing ordinance.~~
- 1210 ~~(2) In lieu of the tax levy provided in Subsection 1 of this section, the Council may, in its discretion, apply any~~
1211 ~~available money of the City for the purposes listed in Subsection 1 of this section, but in no event shall the~~
1212 ~~amount so applied in any one year exceed the amount which would have resulted in such year from a tax~~
1213 ~~levied pursuant to Subsection 1 of this section.~~

1214

1215 **15.6. Limitation of actions.**

- 1216 (1) No action of whatsoever nature against any act, proceeding, or election of the City done or had pursuant to
1217 this Article XV shall be maintained unless commenced within thirty (30) days after the election or
1218 performance of the act or proceeding or effective date of any ordinance or resolution complained of to:
- 1219 (a) question the validity or enforceability of or enjoin the performance of any act;
- 1220 (b) question the validity or enforceability of or enjoin the issuance or payment of any securities;
- 1221 (c) question the validity or enforceability of or enjoin the incurring of any other payment obligation;
- 1222 (d) question the validity or enforceability of or enjoin the imposition or collection or any taxes,
1223 assessment, fee, or charges; or
- 1224 (e) obtain any other review of or relief against any act, proceeding, or election of the city pursuant to this
1225 Article XV.
- 1226 (2) Any action not commenced within the time limits provided in Subsection 1 of this section shall be thereafter
1227 perpetually barred.
- 1228 (3) The limitations of this section shall be in addition to any limitations or restrictions provided by ordinance.
1229

1230

ARTICLE XVI Purchases and Sales

1231 **16.1. Purchases.**

1232 The City Manager shall be responsible, subject to procedures established by *ordinance*, for contracting for
1233 and purchasing all supplies, materials, equipment, and contractual services required by any department, office,
1234 entity, or agency of the City. The *purchasing officer* shall be the City Clerk.

1235

1236 **16.2. Powers and duties.**

1237 It shall be the duty of the *purchasing officer* to certify that purchasing procedures are followed, to issue
1238 purchase orders, and to keep an inventory.

1239

1240 **16.3. Competitive bidding.**

1241 The *Council* shall establish, by *ordinances* not inconsistent with this Charter, the procedure for entering into
1242 contracts for purchases and contracts for construction of public works.

1243

1244 **16.4. Contracts for City improvements.**

1245 All City improvements, except those performed by the City using city *employees*, shall be made by contract
1246 awarded to the most competitive responsible bidder, unless the *City Council* determines that the public interest
1247 will be better served otherwise in any given situation.

1248

1249 **16.5. Local purchases.**

1250 Subject to the other provisions of this Charter, whenever a product or service is available within the City that
1251 meets requirements established pursuant to the City's purchasing and contracting procedures as to quality and
1252 quantity, and the price is comparable with outside sources, the City may give preference to the supplier of such
1253 product or service that is located in the City.

1254

1255 **16.6. Emergency purchases.**

1256 In case of an *emergency*, the *Council* may waive all provisions for competitive bidding and permit the
1257 purchase of necessary products or services in the open market at more than prevailing commercial prices.

1258

1259 ~~16.7. Capital improvements.~~

1260 ~~Capital improvements costing in excess of a maximum amount, which shall be established by ordinance, except~~
1261 ~~when performed by the City using City employees, shall be by contract and subject to the following requirements:~~

1262 ~~(1) The purchasing officer shall, on the basis of specifications properly submitted and approved, advertise~~
1263 ~~for and receive sealed bids for the work contemplated, and on closing of the bidding, shall open the~~
1264 ~~bids, tabulate same, and present the results, with recommendations to the City Manager.~~

- 1265 ~~(2) The City Council shall have final approval of the bid determined by it to be the most advantageous to~~
1266 ~~the City, and all bids may be rejected if determined by the Council to be in the best interests of the City.~~
- 1267 ~~(3) When no satisfactory bids are received, or for other reasons deemed expedient to the Council,~~
1268 ~~contracts for public works or improvements may be negotiated, provided that contracts for which no~~
1269 ~~competitive bids have been requested shall be invalid unless accepted by ordinance that shall declare~~
1270 ~~the reason for the exception to the competitive bidding requirement.~~
- 1271 ~~(4) The Council shall have the power to waive the above requirements on expenditures costing less than a~~
1272 ~~minimum amount, which shall be established by ordinance, if it determines that the best interests of~~
1273 ~~the City may be served thereby.~~

1274

1275 **16.8. Sales.**

1276 The *purchasing officer* shall dispose of any surplus materials, items deemed undesirable, or articles of value
1277 that are no longer of use to the City by bid or by auction. If the bids or offers are disadvantageous to the City, the
1278 *purchasing officer* may reject any or all of them. If no bids or offers are received for said articles, the *purchasing*
1279 *officer* may then dispose of such materials to the best advantage of the City.

1280

1281 **ARTICLE XVII Franchises and Permits**

1282

1283 **17.1. Franchise defined.**

1284 Franchise means a privilege granted by the City permitting a specified use of public property for a specified
1285 length of time.

1286

1287 **17.2 Granting of franchises.**

- 1288 (1) No franchise shall be granted or renewed for a longer period than twenty (20) years.
- 1289 (2) No franchise shall be granted, renewed, or amended by the *Council* except by *ordinance*. ~~Any ordinance~~
1290 ~~granting, renewing, or amending a franchise shall be subject to a timely referendum if one is filed in~~
1291 ~~accordance with the procedures and requirements set forth in this Charter.~~
- 1292 (3) Notwithstanding any other provision of this Charter, such a referendum petition shall be signed by *registered*
1293 *electors* of the City equal in number to at least five percent of the total number of *electors* of the City
1294 registered to vote at the *regular election* immediately preceding the filing of the petition.
- 1295 (4) If such an election is ordered, the grantee of such franchise shall deposit the cost of the election with the City
1296 Clerk in an amount determined by the City Clerk.
- 1297 (5) Each franchise granted pursuant to this Charter shall include a provision for a periodic review of the franchise
1298 by the *Council*.
- 1299 (6) The *Council* shall establish, by *ordinance* not inconsistent with this Charter, the terms, fees, compensation,
1300 conditions, record keeping, and other matters relating to franchises.
- 1301 (7) The franchisee shall promptly file, in writing, its acceptance of each grant, renewal, or amendment of a
1302 franchise following final adoption of the *ordinance* making such grant, renewal, or amendment. The failure to

1303 file such an acceptance within forty-five (45) days of said final adoption shall be deemed an acceptance of
1304 such grant, renewal, or amendment.

1305

1306 **17.3. Revocable permits or licenses.**

1307 Any permit or license granted for the temporary use or occupation of any street, alley, other public way, or
1308 City-owned place, shall be revocable by the City at any time and without cause, whether or not such right to
1309 revoke is expressly reserved in the permit or license.

1310

1311 ~~17.4. Tracks and crossings.~~

1312 ~~The Council may require by ordinance and by fair apportionment of the cost, any railroad or other~~
1313 ~~transportation system to elevate or lower any of its rights-of-way or tracks running over, under, along, or across~~
1314 ~~any public thoroughfare, and to construct and maintain all street crossings, bridges, viaducts, or other~~
1315 ~~conveniences in good condition with proper approaches and safety devices.~~

1316

1317 **17.5. Existing Franchises.**

1318 All franchise *ordinances* of the City in effect at the time that this Charter is adopted shall remain in full force
1319 and effect according to their provisions and terms until the expiration date provided in such *ordinance* or until
1320 modified by another franchise.

1321

1322 **ARTICLE XVIII Taxation**

1323

1324

1324 **18.1. City taxes.**

1325 The *Council* may adopt by *ordinance* municipal taxes as long as those taxes comply with the following
1326 conditions:

- 1327 (1) Such taxes are subject to any applicable limitations in the Colorado Constitution, including any
1328 requirements for voter approval; and
- 1329 (2) Such taxes are not prohibited for home rule municipalities by the Colorado Constitution.

1330

1331 **18.2. Retained revenues.**

1332 (1) The City shall be authorized to collect, retain and expend all of the sales and use tax revenues and all
1333 revenues generated by the City, subject only to those limitations previously approved by the voters,
1334 notwithstanding any limitation contained in Article X, Section 20, of the Colorado Constitution or any other
1335 law.

1336 ~~(2) The City may, in order to serve the best interests of the City, opt out of the provisions imposed by Article X,~~
1337 ~~Section 3, of the Colorado Constitution, regarding valuations for assessment on real and personal property.~~
1338 ~~Any such decision to opt out shall be set forth in the ordinance or resolution that sets the ballot question for~~
1339 ~~the election.~~

1340 **18.3. Enterprise funds.**

- 1341 (1) The *Council* may, subject to *ordinance* requirements and limitations, adopt *ordinances* providing for the
1342 establishment and operation of any enterprise deemed to be in the best interest of the City.
- 1343 (2) Within this Article, enterprise refers to a government-owned business authorized to issue its own revenue
1344 bonds and receiving under ten percent (10%) of its annual revenue in grants from all Colorado state and local
1345 governments combined.

1346

1347 **ARTICLE XIX Miscellaneous Legal Provisions**

1348

1349 **19.1. Contracts and conveyances.**

1350 All conveyances of an interest in land by the City shall be accepted by action of *Council*, signed by the *Mayor*
1351 and attested by the City Clerk under the seal of the City. The *Council* shall establish, by *ordinance*, a dollar amount
1352 ~~of amounts~~ for contracts in writing binding the City that may be approved by the City Manager, signed by the
1353 *Mayor* and attested by the City Clerk under seal of the City; provided, however, that any written agreement
1354 authorized for approval by the City Manager shall only be for such goods, services or construction an appropriation
1355 for which has been previously made by the *Council*.

1356

1357 **19.2. Sale of real property.**

1358 Real property of the City shall be sold only by *ordinance* after the completion of a process that shall also be
1359 outlined by *ordinance* and that shall require the City to obtain at least one appraisal of the property from an
1360 appropriate state licensed appraiser, the selection of whom shall be done publicly and by *resolution of Council*. In
1361 addition, lands owned or acquired by the City and used by the City for park purposes shall not be conveyed except
1362 upon the approval of the *registered electors* voting thereon at a *regular or special election*.

1363

1364 **19.3. Oath of Office.**

1365 Before entering upon his or her duties, every *elected official* and every *board or commission* member shall
1366 take, subscribe before, and file with the City Clerk, an oath or affirmation to support the Constitution of the United
1367 States, the Constitution of the State of Colorado, this Charter, and the *ordinances* of the City, and faithfully
1368 perform his or her duties.

1369

1370 **19.4. Bonding.**

1371 Before permitting any *elected official, officer, employee* or any other person to perform any function or duty
1372 involving the handling of City monies, the *Council* shall obtain a fidelity bond or insurance coverage, in sufficient
1373 amount to be fixed by the *Council*.

1374 **19.5. Eminent domain.**

- 1375 (1) The City shall have the full powers of eminent domain as provided by the Constitution of the State of
1376 Colorado. No entity established by the City which has the power of eminent domain shall exercise that
1377 power except upon the terms and conditions established by the *City Council* by ordinance.
- 1378 (2) The preferred interpretation of this Section 19.5 shall be to provide a disincentive to the City against using its
1379 power of eminent domain to take private property from one owner in order to transfer it to another non-
1380 governmental owner, including any entity created by a governmental entity for the purpose of participating
1381 in a lease-purchase agreement with a private entity. This Section 19.5 shall not be interpreted to limit the
1382 City's power of eminent domain, to alter the definition of "just compensation" as established by statutory
1383 and common aw, or to alter the definition of "public use" as established by statutory and common law.
- 1384 (3) In the event that title to land or improvements that was obtained by the City or any entity of the City using
1385 its power of eminent domain is transferred to a non-governmental owner at anytime within ten (10) years of
1386 the original taking, the City shall pay the former property owner the actual value of the property as reported
1387 by the County assessor's records as of the date of the original taking by the City in addition to the amount of
1388 just compensation paid to the property owner at the time of the taking.
- 1389 ~~(4) Additional compensation due a property owner pursuant to Section 19.5(3) above shall be reduced by any~~
1390 ~~amount paid pursuant to the Uniform Relocation Assistance Act of 1970, 42 U.S.C. § 4601, et seq., as may be~~
1391 ~~amended from time to time, and by any other amount paid by the City over and above the just~~
1392 ~~compensation amount paid at the time of the taking.~~
- 1393 (5) The City shall not attempt to circumvent the intent of this Section 19.5 by the use of leases or other financing
1394 mechanisms. The City shall make the payment specified in Section 19.5(3) if a lease or other financing
1395 mechanism is granted to any non-governmental entity that permits the possession or use of the taken
1396 property, with the exception of leases that permit the minor and incidental use of the property.
- 1397 (6) Easements for public utilities and common carriers are specifically excluded from the requirements of
1398 Section 19.5(3).
- 1399 (7) Nothing shall prohibit an owner of land or improvements from releasing the City from the obligations
1400 imposed on it by Section 19.5(3) by written agreement.

1401

1402 **19.6. Bequests, gifts and donations.**

- 1403 (1) Personal property. Except as otherwise provided in this Charter, the City Manager, may on behalf of the City
1404 and as set forth in Section 9.2(13), accept or decline bequests, gifts, and donations of all kinds of personal
1405 property. Upon approval of *Council*, the City may manage, sell, lease, or otherwise dispose or provide for the
1406 disposition of the same.
- 1407 (2) Real property. Upon approval of *Council* after evaluating the costs and benefits of accepting title to such real
1408 property, the procedure for which evaluation may be established by ordinance, the City may accept or decline
1409 bequests, gifts, and donations of real property. Upon approval of *Council*, the City may manage, sell, lease, or
1410 otherwise dispose or provide for the disposition of the same; provided, however, that any sale or disposition
1411 of real property shall be accomplished in accordance with the requirements of section 19.2 of this Charter.

1412 **19.7. Saturday, Sundays, and holidays.**

1413 Whenever the date fixed by this Charter ~~or by ordinance~~ for the doing or completion of any act or the
1414 happening of any event falls on a Saturday, Sunday, or legal holiday, such act shall be done or completed, or the
1415 event shall occur on the next succeeding day which is not a Saturday, Sunday, or legal holiday.

1416

1417 **19.8. Penalty for willful violation of Charter.**

1418 Any willful violation of a provision of this Charter shall be deemed a misdemeanor and may be prosecuted in
1419 the Municipal Court. The penalty for any such violation may be imprisonment for a term not to exceed the
1420 maximum term of imprisonment that the Municipal Court is authorized to impose, fine in an amount not to exceed
1421 the maximum fine that the Municipal Court is authorized to impose, or both such fine and imprisonment.
1422 Immediately following the adoption of this Charter, *Council* shall by *ordinance* define what constitutes a willful
1423 violation of this Charter and shall set appropriate penalties not inconsistent with this Charter.

1424 (Ord. No. 15-14 § 1, 9-4-2014)

1425

1426 **19.9. Intergovernmental agreements.**

1427 The *Council* may, by *resolution*, enter into contracts with other governmental bodies for the provision of such
1428 functions, services, or facilities as authorized by the Colorado Constitution and *State statutes*.

1429

1430 **19.10. Construction of words.**

1431 Whenever such construction is applicable, words used in this Charter importing singular or plural number
1432 may be construed so that one number includes both; and the word "person" may include persons, firms,
1433 corporations, associations, and other entities.

1434

1435 **19.11. Captions and headings.**

1436 The headings and captions of the several articles and sections of this Charter are for convenience only and
1437 shall not be considered as part of this Charter.

1438

1439 **19.12. Severability.**

1440 If any article, section, clause, or provision, or other portion of this Charter, or the application thereof, is
1441 found to be invalid by a court, such invalidity shall not affect any remaining portion or application which can be
1442 given effect without the invalid portion of application, and to this end, this Charter is declared to be severable.

1443

1444 **ARTICLE XX Transitional Provisions**

1445 **20.1 Purpose of Transitional Provisions.**

1446 ~~The purpose of this Article is to provide for an orderly transition from the present City government to a~~
1447 ~~Council-Mayor-Manager form of government under provisions of this Charter. The provisions of this Article shall~~
1448 ~~constitute a part of this Charter only to the extent necessary to accomplish that purpose.~~

1449

1450 **20.2. Effective Date of Charter.**

1451 This Charter shall become effective immediately upon voter approval at the *special election* that shall be held
1452 for the purpose of considering this Charter, except that the existence and effective date of the City Manager
1453 position, and the impact that the existence of the City Manager position will have on the powers and duties of the
1454 Mayor and City Council, as those powers exist today, shall be as follows:

- 1455 (1) By November 1, 2008, the *City Council* shall prepare and present to the public in the form of a
1456 *resolution* a plan for the recruitment and hiring of a City Manager and a plan for the transition of
1457 powers currently possessed by the *Mayor* and *Council* to those established in this Charter to be held by
1458 the City Manager. The plan shall include, at a minimum, the development of a City Manager job
1459 description, *appropriation* of monies for a national recruitment effort, setting of a reasonable salary
1460 range, and a timeline for the transition of powers from the *Mayor* and *Council* to the City Manager,
1461 including provisions for the transfer of the Council President's powers to the *Mayor* and provisions for
1462 phasing out and eventually abolishing the City's Personnel Board as the City Manager takes over those
1463 personnel duties.
- 1464 (2) No later than with the budget for the 2009 fiscal year, the City shall appropriate monies to pay the
1465 salary of a City Manager.
- 1466 (3) Subject to the details of the hiring process, the City may employ a City Manager beginning on January
1467 1, 2009, or as soon thereafter as the position may be filled. On July 1, 2009, if no City Manager has
1468 begun employment with the City, *Council* shall act to name within the next thirty (30) days, or by
1469 August 1, 2009, a *department head* to serve as the Acting City Manager pursuant to Section 9.1(5) of
1470 this Charter.
- 1471 (4) Upon the hiring of a City Manager or appointment of an Acting City Manager, the timeline for the
1472 transition of power from the *Mayor* and *Council* to the City Manager that was prepared by *Council*
1473 pursuant to Section 20.2(1) above, shall be implemented so that the City Manager or Acting City
1474 Manager shall have and exercise all authority and power vested in the office of City Manager by this
1475 Charter on or before the City's next regular municipal election in November of 2009.
- 1476 (5) As with the transfer of power to the City Manager, the transfer of power from the Council President to
1477 the *Mayor* shall be complete, in a manner determined by *Council*, no later than the City's next regular
1478 municipal election in November of 2009.

1479

1480 **20.3. Continuation of Present Elected Officials.**

1481 The present *City Council* and the *Mayor* in office at the time of the adoption of this Charter shall remain the
1482 *City Council* and the *Mayor* and shall continue to serve out their terms of office. The *Mayor* and the *Council* shall
1483 carry out the functions, powers and duties of their positions, as modified by this Charter, until their successors
1484 assume such duties after the regular municipal elections held in November of 2009 and November of 2011.

1485 **20.4. Conversion of Council Terms to Four (4) Years.**

1486 Upon the expiration of the existing two-year *Council* terms, four-year terms shall be implemented so that,
1487 beginning with the November 2009 election, the election of every new *Councilmember* to any new *Council* seat
1488 shall be for a four-year term unless a shorter term is required pursuant to Section 3.2 to restore the staggered
1489 expiration of terms.

1490

1491 **20.5. Continuation of city officers and employees.**

1492 (1) All *City officers and employees* at the time this Charter is adopted shall continue in the office or employment
1493 that corresponds to the City office or employment that ~~he or she~~they or them held prior to the effective date
1494 of this Charter.

1495 (2) All *City officers and employees* shall, in all respects, be subject to the provisions of this Charter as though
1496 they had been appointed or employed in the manner provided in this Charter, except that any *officer* or
1497 *employee* who holds a position that this Charter provides to be held at the pleasure of *Council* shall hold such
1498 position only at such pleasure regardless of the term for which ~~he or she~~they or them was originally
1499 appointed or hired.

1500

1501 **20.6. Continuation of Board and Commission Members.**

1502 (1) All *City board and commission* members shall, in all respects, continue to serve out their full appointed terms
1503 but shall be subject to the provisions of this Charter as though they had been appointed in the manner
1504 provided in this Charter. However, the City's Personnel Board members may be relieved of their duties prior
1505 to the expiration of their full appointed terms because the Personnel Board shall be abolished by *ordinance*
1506 when a *City Manager* has assumed his or her duties.

1507 (2) Notwithstanding the other provisions of this Charter, the length of the terms of office of board and
1508 commission members appointed after the effective date of this Charter may be shortened as specified by the
1509 Mayor if the Mayor determines that such shortening is necessary to achieve the overlapping terms of office
1510 required by this Charter.

1511

1512 **20.7. Continuation of Prior Charter.**

1513 (1) The provisions of this Charter, insofar as they are the same as those of the Charter of the City dated March 4,
1514 1992, as amended, shall be considered as a continuation thereof and not as new enactments.

1515

1516 **20.8. Continuation of Prior City Legislation.**

1517 All *ordinances, resolutions, contracts, rules and regulations* of the City in force at the time this Charter
1518 becomes effective shall continue in full force except insofar as they conflict with the provisions of this Charter or
1519 are subsequently amended or repealed by *ordinance* enacted under the authority of this Charter.

1520

1521 **20.9. Savings Clause.**

1522 This Charter shall not affect any suit pending in any court or any document heretofore executed in
1523 connection therewith. Nothing in this Charter shall invalidate any existing contracts between the City and
1524 individuals, corporations or public agencies.

1525

1526 **ARTICLE XXI Definitions**

1527

1528 **21.1. Generally.**

1529 As used in this Charter, the following terms shall have the following meanings, except where the context
1530 clearly indicates otherwise.

1531

1532 **21.2. [Any entity established by the City.]**

1533 *Any entity established by the City* means any organization, committee, commission, board or body, including
1534 *boards and commissions* and *community committees*, by whatever name it is called, that is established by
1535 operation of this Charter or by operation of the municipal powers conferred by state statute, or over which the
1536 *City Council, Mayor, or City Manager* has direct control or authority. *Any entity established by the City* does not
1537 mean any non-profit corporation with 501(c)(3) tax exempt status.

1538

1539 **21.3. [Appropriation.]**

1540 *Appropriation* means an authorization granted by the *Council* to make expenditures and to incur obligations
1541 for specific purposes.

1542

1543 **21.4. [Board or commission or board and commission.]**

1544 *Board or commission or board and commission* means the boards and commissions established by or pursuant
1545 to Article XI of this Charter, including any urban renewal authority established pursuant to Title 31, Article 25, of
1546 the Colorado Revised Statutes.

1547

1548 **21.5. [Board or commission members.]**

1549 *Board or commission members* means an appointed member of a *City board or commission* formed pursuant
1550 to Article XI of this Charter. Appointees to *boards or commissions* are not compensated for their time or service to
1551 the City and are referred to in this Charter as *board or commission members*.

1552

1553 **21.6. [Business days.]**

1554 *Business days* means calendar days, exclusive of Saturdays, Sundays, and legal holidays.

1555 **21.7. [Candidate.]**

1556 *Candidate* means a person seeking nomination, appointment, or election as an *elected official*.

1557

1558 **21.8. [Capital equipment.]**

1559 *Capital equipment* means a City-owned asset, the expenditure for which is capitalized and depreciated over
1560 the estimated useful life of the asset.

1561

1562 **21.9. [Capital improvement.]**

1563 *Capital improvement* means public improvements, including but not limited to streets, sidewalks, curbs,
1564 gutters, pedestrian malls, streetlights, drainage facilities, landscaping, decorative structures, statuaries, fountains,
1565 identification signs, traffic safety devices, bicycle paths, off-street parking facilities, benches, rest rooms,
1566 information booth, public meeting facilities, and all necessary, incidental and appurtenant structures and
1567 improvements. Capital improvements are assets, the expenditure for which is capitalized and depreciated over the
1568 estimated useful life of the asset.

1569

1570 **21.10. [Community committee.]**

1571 *Community committee* means a committee, task force, panel, working group, or other body, by whatever
1572 name it may be called, comprised of volunteers only that is created by *ordinance* or *resolution* and is established
1573 for a specific, short-term purpose, as required by Section 11.8(1).

1574

1575 **21.11. [Conflict of interest.]**

1576 *Conflict of interest* means a pecuniary, property, or commercial benefit of any person covered by this Article,
1577 or of any *relative* of the same, but does not include any matter involving the common public interest, or any
1578 matter in which a similar benefit is conferred, or is available to all persons or property similarly situated.

1579

1580 **21.12. [Council or City Council.]**

1581 *Council* or *City Council* means the body constituting the *City Council* of the City of Edgewater, Colorado,
1582 including the seven (7) *Council members* and the *Mayor*.

1583

1584 **21.13. [Council member.]**

1585 *Council member* means any one of the seven (7) members of the City Council but not the Mayor.

1586

1587 **21.14. [Council sub-committee.]**

1588 *Council subcommittee* means a working group within *Council* that is comprised solely of *members of Council*
1589 and that is established by *ordinance* for a specific, short-term purpose, as is required by Section 3.7(2) and Section
1590 11.8(2).

1591

1592 **21.15. [Department head.]**

1593 *Department head* means the City Clerk, the Police Chief, the Public Works Director, the Finance Director, the
1594 Parks and Recreation Director, and the head of any other City department later created by *ordinance* pursuant to
1595 Section 10.7 of this Charter.

1596

1597 **21.16. [Elected official.]**

1598 *Elected official* means the *Mayor* and each *Council member*.

1599

1600 **21.17. [Emergency.]**

1601 *Emergency* means an existing condition actually arising from unforeseen contingencies which immediately
1602 endangers public property, health, peace, or safety.

1603

1604 **21.18. [Emergency ordinance.]**

1605 *Emergency ordinance* means an *ordinance*, the immediate passage of which is, in the opinion of the *Council*,
1606 necessary for the preservation or protection of public property, health, peace, or safety.

1607

1608 **21.19. [Employee.]**

1609 *Employee* means any person compensated for his or her service to the City who is not an independent
1610 contractor by operation of a separate agreement.

1611

1612 **21.20. [Fund.]**

1613 *Fund* means a sum of money segregated for the purpose of carrying on specific activities or attaining certain
1614 objectives in accordance with special regulations, restrictions, or limitations.

1615

1616 **21.21. [Mayor.]**

1617 *Mayor* means the *Mayor* of the City of Edgewater, Colorado.

1618

1619 **21.22. [Member of Council or members of Council.]**

1620 *Member of Council or members of Council* means any of the seven (7) *Council members* or the *Mayor*.

1621

1622 **21.23. [Officer.]**

1623 *Officer* means the City Manager, the City Clerk, and the head of any City department now existing or later
1624 created by *ordinance*.

1625

1626 **21.24. [Ordinance.]**

1627 *Ordinance* means a written legislative enactment of the City Council adopted pursuant to the process set out
1628 in Section 6.5 of this Charter.

1629

1630 **21.25. [Overlapping terms.]**

1631 *Overlapping terms* means the terms of board and commission members, the expiration of which are
1632 staggered, as nearly as practicable, in such a manner that no two terms expire within 12 months of one another.

1633

1634 **21.26. [Posting or posted.]**

1635 *Posting or posted* means posting in at least three (3) conspicuous public locations, one (1) of which may be
1636 the City's website, and at least one (1) of which shall be a location that is open to the public at hours different from
1637 the hours during which the City Hall is open to the public.

1638

1639 **21.27. [Publication or publish.]**

1640 *Publication or publish* means publication in a manner set by *ordinance* for the official publication of City
1641 *ordinances* and announcements.

1642

1643 **21.28. [Purchasing officer.]**

1644 *Purchasing officer* means the City Clerk.

1645

1646 **21.29. [Registered elector.]**

1647 *Registered elector* means an elector who has registered to vote pursuant to the Municipal Election Laws
1648 adopted by the City in Section 4.1 of this Charter.

1649

1650 **21.30. [Regular election.]**

1651 *Regular election* means an election held pursuant to Section 4.2.

- HOME RULE CHARTER AND CODE OF THE CITY OF EDGEWATER, COLORADO
- EDGEWATER HOME RULE CHARTER
CERTIFICATE OF FINAL ADOPTION

1652 **21.31. [Regular municipal election cycle.]**

1653 *Regular municipal election cycle* means the roughly two years that pass between each regular municipal
1654 election held in November of odd numbered years, as set forth in Section 4.2 of this Charter.

1655

1656 **21.32. [Relative.]**

1657 *Relative* means one's parents, siblings, spouse, and children, and the spouse of one's parents, siblings, and
1658 children.

1659

1660 **21.33. [Resolution.]**

1661 *Resolution* means a written enactment of *Council* that is not legislative in nature, is effective immediately
1662 upon passage, and need not follow the process required for the adoption of *ordinances*.

1663

1664 **21.34. [Special election.]**

1665 *Special election* means an election held at a time other than a *regular election*.

1666

1667 **21.35. [Statutes or State statutes.]**

1668 *Statutes or State statutes* means the statutes of the State of Colorado, as from time to time amended.

1669

**THE CITY OF EDGEWATER
CHARTER COMMISSION**

1670

1671

1672

1673

CERTIFICATE OF FINAL ADOPTION

1674 We, the undersigned, representing the present members of the City of Edgewater Home Rule Charter
1675 Commission, duly elected by the people of Edgewater, Colorado, at a regular election held on November 8, 2007,
1676 under the authorization of Article XX of the Constitution of the State of Colorado, to frame a new Home Rule
1677 Charter for the City of Edgewater, do hereby certify that the foregoing is the Proposed Charter as finally approved
1678 and adopted by the members of the Charter Commission on the 18th day of March, 2008, for submission to the
1679 City of Edgewater City Council for referral to the people of Edgewater at a special election to be held for the
1680 purpose of approving this Proposed Charter.

1681 Done in triplicate at Edgewater, Colorado, the 18th day of March, 2008.

1682

/s/

Leanna Hale, Chairperson

/s/

Debbra Halbur

- HOME RULE CHARTER AND CODE OF THE CITY OF EDGEWATER, COLORADO
- EDGEWATER HOME RULE CHARTER
CERTIFICATE OF FINAL ADOPTION

/s/	John Moreno, Vice-Chairperson	/s/	Lee Scott Hastie
/s/	Cheryl Archuleta, Secretary	/s/	Karen Hing
/s/	Devon Barclay	/s/	Calene Johnson
/s/	John Fox	/s/	Joe McDonald
/s/	JB Freeman	/s/	Chris Mendez
/s/	Juanita Freeman	/s/	Pauline York
/s/	Nancy Gimberline	/s/	Hilary M. Graham,

Attorney for the Commission

1683

1684

1685

**CITY OF EDGEWATER
CERTIFICATE OF ELECTOR APPROVAL**

1686 I hereby certify that the foregoing is the new Home Rule Charter as approved by the registered electors of
1687 the City of Edgewater at a special election held on June 24, 2008.

1688

1689

CITY OF EDGEWATER
CHARTER COMMISSION

1690

1691

Chairman

By: Leanna Hale, Chairperson

1692

1693

**CITY OF EDGEWATER
CERTIFICATE OF FILING**

1694 I hereby certify that a true and correct copy of the new Home Rule Charter, certified as such, and as
1695 approved by the registered electors of the City of Edgewater at a special election held on June 24, 2008, was filed
1696 with the Secretary of State and with the City Clerk on this 24th day of June, 2008.

- HOME RULE CHARTER AND CODE OF THE CITY OF EDGEWATER, COLORADO
- EDGEWATER HOME RULE CHARTER
CERTIFICATE OF FINAL ADOPTION

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CITY OF EDGEWATER
CHARTER COMMISSION

By: Leanna Hale, Chairperson

Chairman

