



**TO ALL REGISTERED VOTERS:
CITY OF EDGEWATER, COLORADO
NOTICE OF ELECTION ON CHARTER AMENDMENTS**

Election Date: November 4, 2014

Local Election Office Address and Telephone Number:

Edgewater City Hall, 2401 Sheridan Blvd., Edgewater, CO 80214.

Telephone: (720) 763-3002

Designated Election Official: Beth A. Hedberg, MMC, City Clerk

Pursuant to the provisions of Article XX, Section 9 of the Constitution of the State of Colorado and Section 31-2-210(1)(b) of the Colorado Revised Statutes, at a regular municipal election of the City of Edgewater, to be held on Tuesday, November 4, 2014, there shall be submitted to the vote of the registered electors of the City of Edgewater the questions of whether the following amendments to the Charter for the City of Edgewater shall be adopted, with each such amendment showing stricken language with a line-strike, and added language with a double underline, and with the ballot title that pertains to such amendments set forth immediately following such amendments:

DIVISION 1 – AMENDMENTS CONCERNING THE CHARTER REVIEW AND COMPLIANCE COMMISSION:

CHARTER PREFATORY SYNOPSIS

Article XI, Boards and Commissions, provides for the City's boards and commissions. All existing boards and commissions are continued in effect. In addition, a new commission, the Charter Review ~~and Compliance~~ Commission, is established. ~~The City Council serves as the Charter Review Commission and~~ The purpose of this Commission is to ~~hear complaints alleging noncompliance with the Charter. The Commission is also charged with~~ reviewing the Charter at least once every six years. Community Committees are recognized as a way for volunteers to organize and participate in City activities.

2.3 Powers of the Mayor.

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

3.7(3) Powers.

(3) The *Council* shall have the power to appoint and remove the Municipal Judge(s) and the City Attorney pursuant to Article VIII of this Charter; appoint and remove the City Manager pursuant to Section 9.1 of this Charter; ~~appoint and remove members of the City's Charter Review and Compliance Commission established in Section 11.6 of this Charter;~~ and appoint and remove members of the City's Election Commission established in Section 4.4 of this Charter.

7.3 Failure to make declaration.

- (1) In the event there is an allegation of a failure to make the declaration of a conflict as required by Section 7.2, the ~~Charter Review and Compliance Commission established in Section 11.6 of this Charter~~ City Council shall hear and determine whether a *conflict of interest* exists.
- (2) Failure to make a declaration of a *conflict of interest* when required is a violation of this Code of Ethics and this Charter, and the failure may be ~~investigated~~ heard and penalized according to Sections ~~11.6, 11.7, and~~ 19.8 of this Charter.

7.4 No action permitted.

(4) Action taken by an *elected official*, appointed official, *officer, employee, or board or commission member* serving or employed by the City or serving or employed by *any entity established by the City* when action is prohibited by this Section 7.5 is a violation of this Code of Ethics and this Charter, and the action may be heard and penalized according to Sections ~~11.6, 11.7, and~~ 19.8 of this Charter.

~~7.5 Review of Charter Review and Compliance Commission.~~

- ~~(1) Any allegation of ethical misconduct brought against members of the City's Charter Review and Compliance Commission established in Section 11.6 of this Charter, as a whole or against individuals serving thereon, shall not be heard by the Charter Review and Compliance Commission.~~
- ~~(2) Matters involving allegations of ethical misconduct brought against the City's Charter Review and Compliance Commission established in Section 11.6 of this Charter, as a whole or individuals serving thereon, shall be heard by the City Council at a special meeting. The Council shall, in all respects, act to hear the complaint in a manner consistent with the requirements of Section 11.7 of this Charter and by following the same process as shall be set forth by ordinance for proceedings before the Charter Review and Compliance Commission.~~

~~11.6 Charter Review and Compliance Commission.~~

- ~~(1) The Charter Review and Compliance Commission is hereby established, consisting of five (5) members and one (1) alternate to be appointed by the City Council. Any other provision of this Charter notwithstanding, the Mayor shall act as the Chairperson of the Charter Review Commission, and shall be entitled to vote on matters coming before the Commission only as may be necessary to break a tie in votes amongst the remaining members present. The members shall be appointed for three year overlapping terms, and the commission's duties to report to the City Council or the City Manager shall be set by ordinance.~~
- ~~(2) The members of the Charter Review and Compliance Commission shall be registered electors and shall have been residents of the City for at least one (1) year immediately preceding the date of their appointment. No member shall be an elected official, officer, or employee, board or commission member, or member of the Fire Department.~~

~~11.7 Functions of Charter Review and Compliance Commission.~~

- ~~(1) The commission shall have the power to hear all complaints alleging noncompliance with this Charter, including allegations of willful Charter violations, subject to limitations and requirements as shall be subsequently established by ordinance. Any complaints involving the commission or members thereof shall be heard by the City Council in the manner provided in Section 7.5(2) of this Charter.~~
- ~~(2) The commission shall forward any findings of willful Charter violations to the City Attorney for possible prosecution in the City's Municipal Court pursuant to Section 19.8 of the Charter.~~
- ~~(3) The commission shall review the Charter at least once every six (6) years after adoption, and at least once every (6) years thereafter, for possible amendment. In addition, in the form of advisory resolutions, the commission shall present its findings to the Council regarding complaints of Charter noncompliance. Therein the commission may provide suggestions for possible clarification or revision of the Charter to address ambiguities or inconsistencies that it has identified.~~

~~19.8 Penalty for willful violation of Charter.~~

~~By referral from the Charter Review and Compliance Commission established pursuant to Section 11.6 of this Charter or by any other applicable procedure, any willful violation of a provision of this Charter shall be deemed a misdemeanor and may be prosecuted in the Municipal Court. The penalty for any such violation may be imprisonment for a term not to exceed the maximum term of imprisonment that the Municipal Court is authorized to impose, fine in an amount not to exceed the maximum fine that the Municipal Court is authorized to impose, or both such fine and imprisonment. Immediately following the adoption of this Charter, Council shall by ordinance define what constitutes a willful violation of this Charter and shall set appropriate penalties not inconsistent with this Charter.~~

BALLOT QUESTION NO. 1

As more particularly set forth in Ordinance No. 15-14 of the City of Edgewater, shall the 2008 City of Edgewater Home Rule Charter be amended:

- (1) In the Prefatory Synopsis, to remove the reference to the compliance function of the Charter Review and Compliance Commission;
- (2) At Subsections 2.3(5), 3.7(3), 7.3(1), 7.3(2) and 7.4(4), to remove references to the Charter Review and Compliance Commission and the compliance function of the Commission;
- (3) At Section 11.6, to remove reference to the compliance function of the Charter Review and Compliance Commission and to establish that the City Council shall act as the Charter Review Commission;
- (4) At Section 11.7, to remove the charter compliance function of the Charter Review and Compliance Commission; and
- (5) At Section 19.8, to remove reference to the Charter Review and Compliance Commission?

DIVISION 2 – AMENDMENTS CONCERNING CORRECTION OF ERRORS.

3.2 Terms of Council members.

- (1) All *Council members* shall be elected to serve four (4) year terms unless a shorter term is required to restore the staggered expiration of terms to the *Council* following an appointment made necessary by a vacancy, as described in Section 3.6(45)(c) of this Charter. Two year terms are otherwise permitted only to restore the staggered expiration of terms to the *Council*. If two year terms are required in an election, the four (4) year term(s) shall go to the *candidate(s)* with the next highest number of votes.

BALLOT QUESTION NO. 2

As more particularly set forth in Ordinance no. 15-14 of the City of Edgewater, shall the 2008 City of Edgewater Home Rule Charter be amended:

- (1) At Subsection 3.2(1), to correct an erroneous cross-reference to another provision of the Charter?

CITY OF EDGEWATER

By: /s/ Beth A. Hedberg, MMC
City Clerk

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