

CITY OF EDGEWATER

**ORDINANCE NO. 2016 - 01
SERIES OF 2016**

AN ORDINANCE AMENDING CHAPTER 2 OF THE EDGEWATER MUNICIPAL CODE, CONCERNING ADMINISTRATION, BY AMENDING SECTION 2-14-20, CONCERNING MEMBERSHIP OF THE EDGEWATER REDEVELOPMENT AUTHORITY, TO AUTHORIZE THE APPOINTMENT OF A MEMBER OF THE CITY COUNCIL TO SERVE AS A COMMISSIONER OF THE AUTHORITY.

WHEREAS, pursuant to Section 11.1(4) of the City of Edgewater Home Rule Charter (“Charter”), unless specifically provided for otherwise by ordinance, all boards and commissions of the City shall be comprised solely of residents of the City who are not elected officials, officers, or employees of the City; and

WHEREAS, by Resolution 8-82, as amended, which Resolution was adopted by the City Council on October 21, 1982, the City Council established the Edgewater Redevelopment Authority (“Authority”); and

WHEREAS, pursuant to section 31-25-104(2)(a)(I), C.R.S., not more than one of the commissioners of the Authority may be an official of the City of Edgewater; and

WHEREAS, the Council finds that authorizing the appointment of a member of the Edgewater City Council to serve as a commissioner of the Authority is in the City’s best interests because is likely to enhance communication and cooperation between the City Council and the Authority.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWATER, COLORADO THAT:

Section 1. Section 2-14-20 of the Edgewater Municipal Code, concerning membership of the Edgewater Redevelopment Authority, is hereby amended to read in its entirety as follows:

Sec. 2-14-20. Membership.

Not more than one (1) commissioner of the Edgewater Redevelopment Authority may be a member of the City Council of Edgewater. In the event that a member of the City Council is appointed as a commissioner of the Authority, acceptance or retention of such appointment is not deemed a forfeiture of his or her office, or incompatible therewith, and does not affect his or her tenure or compensation in any way. The term of office of a commissioner of the Authority who is a member of the City Council is not affected or curtailed by the expiration of his or her term of office as a member of the City Council. Any provision of Resolution 8-82 of the City Council notwithstanding, not more than two (2) commissioners of the Edgewater Redevelopment Authority may,

without regard to their status as residents of the City of Edgewater, serve as commissioners of the Authority so long as each such individual is, and remains during all times that the individual serves as a commissioner of the authority: (i) an owner of real property in the City; (ii) an owner or manager of a business within the City; or (iii) a duly authorized representative of such property or business owner. For purposes of this Section, an individual shall be deemed to be an “owner of real property” or an “owner of a business” if the individual holds a majority ownership interest in a real property or business within the City, or has control of a corporate or other business entity that holds a majority ownership interest in the real property or business within the City. For purposes of this Section, a “duly authorized representative” is an individual who has been and remains authorized in writing by an owner of real property or owner of a business to represent that owner as a commissioner of the Edgewater Redevelopment Authority.

Section 2. Severability. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. Repeal. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 4. Safety Clause. The City Council hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety, and welfare of the public, that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare, and that this ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 5. Effective Date. This ordinance shall become effective five (5) days after final publication.

INTRODUCED, READ, PASSED ON FIRST READING AND ORDERED PUBLISHED this 7th day of January, 2016.

/s/ Kris Teegardin, Mayor

ATTEST:

/s/ Elizabeth A. Hedberg, MMC
City Clerk

PASSED AND ADOPTED ON SECOND READING AND ORDERED PUBLISHED
this 21st day of January, 2016.

/s/ Kris Teegardin, Mayor

ATTEST:

/s/ Elizabeth A. Hedberg, MMC
City Clerk

APPROVED AS TO FORM:

/s/ Thad Renaud, City Attorney

CERTIFICATE OF PUBLICATION

STATE OF COLORADO)
)
CITY OF EDGEWATER) SS:
)
COUNTY OF JEFFERSON)

I, Beth A. Hedberg, City Clerk, in and for said City of Edgewater, in the County of Jefferson, in the State of Colorado, do hereby certify that Ordinance 2016-01 was published in full on the City website in accordance with Section 1-3-50 of the Edgewater Municipal Code on January 8, 2016. In witness whereof, I have hereunto set my hand and the seal of the City of Edgewater, this 8th day of January, 2016.

/s/ Beth A. Hedberg, MMC
Edgewater City Clerk

CERTIFICATE OF PUBLICATION

STATE OF COLORADO)
)
CITY OF EDGEWATER) SS:
)
COUNTY OF JEFFERSON)

I, Beth A. Hedberg, City Clerk, in and for said City of Edgewater, in the County of Jefferson, in the State of Colorado, do hereby certify that Ordinance 2016-01 was published in full on the City website in accordance with Section 1-3-50 of the Edgewater Municipal Code on January 22, 2016. In witness whereof, I have hereunto set my hand and the seal of the City of Edgewater, this 22nd day of January, 2016.

/s/ Beth A. Hedberg, MMC
Edgewater City Clerk

SUMMARIZED HISTORY FOR ORDINANCE NO. 2016-01

Action	Date
Workshopped	December 5, 2015
First Reading	January 7, 2016
Posted	January 8, 2016
Publication	January 8, 2016
Second Reading	January 21, 2016
Sent to Codifier	January 22, 2016
Posted	January 22, 2016
Publication	January 22, 2016
Enacted	January 26, 2016