

ORDINANCE NO: 2308

INTRODUCED BY: ALLEN-THOMAS, FRANK, GRIMES, GUARDIOLA, HURST,
HUSEMAN, MADERA, NOBLE, SMITH

AN ORDINANCE AMENDING SECTION 2-4201 OF THE COMMERCE CITY REVISED MUNICIPAL CODE RELATING TO THE AUTHORITY OF CITY PERSONNEL TO EXECUTE CONTRACTS

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

SECTION 1. Section 2-4201 of the Commerce City Revised Municipal Code is amended as set forth in Exhibit A.

SECTION 2. This ordinance shall be effective upon passage on second and final reading.

SECTION 3. Except as specifically modified herein, the provisions of the Commerce City Revised Municipal Code shall remain unchanged and in full force and effect.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE
ORDERED THIS 7TH DAY OF DECEMBER 2020.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THIS 4TH DAY OF JANUARY 2021.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk

Exhibit A to Ordinance 2308

Sec. 2-4201. - Contracts.

(a) *Real property, water, air and mineral rights.* In accordance with section 4.14 of the Charter, agreements involving the sale or transfer of any real property or any water, air or mineral rights owned by the city must be approved by the majority vote of the entire city council in office, signed by the mayor, approved as to form by the city attorney, and attested to by the city clerk. For purposes of this paragraph, a "transfer of a fee interest" shall include any lease of or grant of easement or license to use real property for a term of more than twelve (12) months or for an indefinite term where such license or easement is not revocable at will.

(b) *Intergovernmental agreements.* The city manager is authorized to execute agreements between the city and other governmental entities provided such agreements are approved as to form by the city attorney, attested to by the city clerk and:

- (1) Involve either no direct monetary payment or a direct, monetary payment of less than ~~ten~~twenty-five thousand dollars (~~\$1025,000.00~~) by the city and, in the judgment of the city manager, do not entail any significant policy considerations; or
- (2) Are in furtherance of a policy, work plan item, project, or agreement that has been specifically approved by the city council and involve a direct, monetary payment of less ~~then~~than one two hundred and fifty thousand dollars (~~\$100250,000.00~~) by the city.

All other intergovernmental agreements shall be approved by the city council, signed by the mayor, approved as to form by the city attorney and attested to by the city clerk. All intergovernmental agreements shall be subject to section 4.13 of the Charter.

(c) *All other agreements.* Agreements not subject to paragraphs (a) or (b) of this section and which have either been authorized by the city council or are consistent with policy established by the city council may be entered into in accordance with the following provisions, subject to any requirements of sections 4.12 and 14.9 of the Charter:

- (1) Agreements involving the acceptance or expenditures of less than two thousand five hundred dollars (\$2,500.00) that use a contract form approved by the city attorney may be executed with the signature of the manager of the division or the director of the department entering into the agreement or the city manager and shall be filed with the city clerk.
- (2) Agreements involving the acceptance or expenditures ~~between of~~ two thousand five hundred dollars (\$2,500.00) or more, and but less than fifteen ten thousand dollars (~~\$9,999.9910,000.0015,000.00~~), shall require approval as to form by the city attorney, the signature of the manager of the division or the director of the department entering into the agreement or the city manager and the attestation of the city clerk.

- (3) Agreements involving the acceptance or expenditures of of more than fifteen thousand dollars (\$~~10,5~~,000.00) or more, and but less than fifty-seventy-five thousand dollars (\$~~7550~~,000.00), shall require approval by the city attorney, the signature of the director of the department entering into the agreement or the city manager and attestation by the city clerk.
- (4) Agreements that involve the acceptance or expenditures of seventy-fivefifty thousand dollars (\$~~7550~~,000.00) or more shall require approval as to form by the city attorney, the signature of the city manager and attestation by the city clerk.
- (5) Agreements not involving the acceptance or direct expenditure of funds shall require approval as to form by the city attorney and the signature of the manager of the division or the director of the department entering into the agreement or the city manager and shall be filed with the city clerk.
- (5)(6) For purposes of sections 14.12 and 14.9 of the Charter, the phrase "long term" shall mean a term of more than twelve (12) months or an indefinite term that is not terminable at will by the city without penalty or charge.
- (d) *Emergency contracts.* When there exists an immediate need to protect the health, safety, comfort or welfare of the residents or employees of the city, the highest ranking available city employee is authorized to execute the agreements necessary to meet such need; provided, however that any such agreements shall be later ~~ratified~~ subject to ratification according to the requirements of this section ~~by the city manager~~.
- (e) *No delegation of authority.* The authority to execute agreements by or on behalf of the city shall be only as provided in this section unless otherwise authorized in writing by the city manager.

* * *

END.