

ORDINANCE NO. 2797

AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 2 OF THE COMMERCE CITY
REVISED MUNICIPAL CODE REGARDING ADMINISTRATIVE OPERATIONS

WHEREAS, the City of Commerce City (the “City”) is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution;

WHEREAS, pursuant to its home rule authority and Colorado Revised Statutes § 31-23-101 (“C.R.S.”), the City, acting through its City Council (the “City Council”), is authorized to adopt ordinances for the protection of the public health, safety or welfare;

WHEREAS, in the exercise of this authority the City Council has previously adopted Section 2-4201 - Contracts in Chapter 2, Article IV of the Commerce City Revised Municipal Code (the “CCRMC”), providing for the general approval and signature authority for the City’s contracts; and

WHEREAS, it is in the best interest of the City to amend the CCRMC to clarify the signature and approval authority requirements in CCRMC Section 2-4201 and to align with the City’s updated Procurement Policy.

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

SECTION 1. Findings. The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is found to be supported and authorized by law and in the best interests of and necessary for the protection of the health, safety, and welfare of the public.

SECTION 2. Amendment. Chapter 2, Article IV, Section 2-4201 of the CCRMC is hereby amended as follows to clarify its approval and signature authority requirements and to align with the City’s updated Procurement Policy:

Sec. 2-4201. - Contracts.

(a) Real property, water, air and mineral rights.

(1) Sale. In accordance with section 4.14 of the Charter, agreements involving the sale or transfer of any real property or any water, any air or any 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 any real property" shall include any lease of or grant of easement or license to use city owned real property for a term of more than twelve (12) months or for an indefinite term where such lease, license, or easement is not revocable at will.

(2) Purchase. All agreements involving the purchase or acquisition of any real property, any water, any air, or any mineral rights shall be entered into in accordance with section 4.12 of the Charter.

(b) *Intergovernmental agreements.* **Agreements between the city and other governmental entities.**

(1) The city manager is authorized to execute agreements between the city and other governmental entities provided such agreements **involve a direct, monetary payment by the city of less than two hundred and fifty thousand dollars (\$250,000.00),** are approved as to form by the city attorney, **and are** attested to by the city clerk, ~~and:~~

~~(1) Involve either no direct monetary payment or a direct monetary payment of less than twenty-five thousand dollars (\$25,000.00) 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 than two hundred and fifty thousand dollars (\$250,000.00) by the city.~~

(2) All other intergovernmental agreements that involve a direct, monetary payment by the city of two hundred and fifty thousand dollars (\$250,000.00) or more 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 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 expenditure of less than ~~two thousand five hundred dollars (\$2,500.00)~~ **ten thousand dollars (\$10,000.00) for services or goods in any amount that use a purchase order** form approved by the city attorney may be executed with the signature of the **procurement officer or city manager** ~~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 expenditure of ~~two thousand five hundred dollars (\$2,500.00)~~ **ten thousand dollars (\$10,000.00)** or more, but less than ~~ten thousand dollars (\$10,000.00)~~ **fifteen thousand dollars (\$15,000.00)**, 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 expenditure of ~~ten thousand dollars (\$10,000.00)~~ **fifteen thousand dollars (\$15,000.00)** or more, but less than seventy-five thousand dollars (\$75,000.00), shall require approval **as to form** 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 expenditure of seventy-five thousand dollars (\$75,000.00) 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) **Notwithstanding the above, a** Agreements not involving the acceptance or direct expenditure of funds, **or that require an agreement instead of a purchase order,** 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 attestation by** ~~and shall be filed with the city clerk.~~

(6) For purposes of sections 4.12 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.* **For purposes of this section, an emergency is defined as a situation where the city has declared an emergency under Colorado law, or where a situation which, if it continues to exist, would endanger the health or safety of the public or employees and requires a remedy sooner than the supplies, materials, equipment, personal property or services would be delivered if normal procurement and contract approval procedures were followed, as determined by the city manager. Emergency contracts must be approved and executed by the city manager. If the emergency contract involves a direct, monetary payment by the city of two hundred and fifty thousand dollars (\$250,000.00) or more by the city, the city manager may approve but will submit to city council for ratification at the earliest possible city council meeting.** ~~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 subject to ratification according to the requirements of this section.~~

(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.

SECTION 3. The amended Section 2-4201 of CCRMC as set forth in Section 2 of this Ordinance is hereby enacted.

SECTION 4. Repealer. All ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof, are hereby repealed to the extent of such inconsistency.

SECTION 5. Effective Date. This ordinance shall be effective pursuant to Section 5.3 of the Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE
ORDERED THIS 3RD DAY OF AUGUST 2026.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE
ORDERED THIS 17TH DAY OF AUGUST 2026.

CITY OF COMMERCE CITY, COLORADO

Steve J. Douglas, Mayor

ATTEST

Stephen J. Ruger, City Clerk