



City Council Communication

AGENDA DATE: March 23, 2026

LEGISTAR ITEM #: Pres 26-254

PRESENTER: Dylan A. Gibson
Office

DEPARTMENT: City Manager's

<input type="checkbox"/> Administrative Business	<input type="checkbox"/> Noticed Council Business
<input checked="" type="checkbox"/> Informational Presentation	<input type="checkbox"/> Consensus-Building Presentation

BACKGROUND/REQUEST

On February 4, 1991, the Commerce City City Council approved a motion to direct the City Attorney to prepare the necessary documents to form the Commerce City Cultural Council (“Cultural Council”). On March 22, 1991, the Cultural Council approved their Articles of Incorporation, with a registered address of 5291 E 60th Avenue, which was the Commerce City City Hall at the time. The purpose of the Cultural Council was to, in part, support the advancement and preservation of art, music, theater, and dance in the City.

In 2003, the Cultural Council’s Articles of Incorporation were updated to revise the registered address to 6060 E Parkway Drive, which is another City facility, Eagle Pointe Recreation Center. After the Civic Center opened in 2007, Cultural Council updated their registered address to the Civic Center’s address.

The Cultural Council was structured as non-profit corporations under Title 7 of the Colorado Revised Statutes which makes them separate and distinct legal entity apart from the City. However, the City has played an active role in the creation, support, and operations of the Cultural Council, which has caused the Cultural Council to appear more intertwined with the City than may be appropriate. Since the creation of the Cultural Council, the City has allocated staff time and city resources to support their functions and operations.

In October 2025, Cultural Council members requested to receive information about their founding and purpose. In February 2026, city staff

CITY COUNCIL COMMUNICATION CONTINUED

presented to the Cultural Council and also discussed areas of concern listed below.

Areas of Concern:

- The use of city facilities as their place of business.
- The use of city staff and other resources to support their operations.
- The Cultural Council receives funding, approximately \$5,000, from the City annually in addition to the in-kind contributions of facility and staff use. The Cultural Council maintain separate bank accounts from the City. The City's Procurement Manual requires that any procurement up to \$5,000 requires division manager or department director approval. If the City Council ever appropriates additional funding on top of the \$5,000 annual contribution, City staff will be required to follow the Procurement Manual and solicit at least three quotes for comparable services.
- The City's public art program is administered by the Cultural Council and the City's Public Art Master Plan, adopted by City Council, was also created and is maintained by the Cultural Council. While these functions have been historically taken on by the Cultural Council, no formal contract between the City and the Cultural Council for these services exists.
- The City has recently established a Grants division within the Finance Department and has one full-time staff member dedicated to grant writing, application, and administration for the City. Since the implementation of our Grants division, the City has been unable to receive grants for the City's side of Music in the Park due to the Cultural Council already receiving grant money for the same function.
- The relationship between the City and the Cultural Council presents several areas where the use of public resources (staff, facilities, funding) by a non-profit and is not a practice that is recommended to continue. However, the Cultural Council, from their founding, were designed to be a close partner with the City and the City has allocated resources to support the Cultural Council operations and functions, despite being created as separate and distinct from the City.

CITY COUNCIL COMMUNICATION CONTINUED

On March 3, 2026, Cultural Council voted to start the dissolution process following the Music in the Parks series. This will allow the Cultural Council to receive SCFD grant funding for Music in the Parks and pay out any remaining contracts prior to dissolution. Cultural Council request the City Council partner with them to create an official City commission and retain the current membership to maintain projects and service levels related to public arts and cultural programming in the city.

The City Council is authorized under the City Charter (Sec. 11.1) to create boards and commissions and assign them roles and responsibilities as they desire. The City has numerous boards and commissions that allow volunteer residents and community members to advise Council on policy and programs in areas from public safety to senior and youth issues. It is entirely reasonable and within the authority of the City Council to establish a board or commission to function in similar ways as the Cultural Council without the concerns outlined above.

Staff is presenting on the founding, purpose, areas of concern, and how and when the Cultural Council may become an official City board or commission.

PROJECT TIMELINE

Estimated Start Date	Estimated End Date
October 1, 2025	November 1, 2026

JUSTIFICATION

<input checked="" type="checkbox"/> Council Goal	<input type="checkbox"/> Strategic Plan	<input type="checkbox"/> Work Plan	<input checked="" type="checkbox"/> Legal
Citation	Charter Sec. 11.1 Strategic Plan Objective “Expand and bolster Public Art program to celebrate City heritage and culture”		

STAFF RECOMMENDATION

Staff recommends City Council create a new board or commission to bring the Cultural Council mission in-house.