

ORDINANCE NO. 2694

AN ORDINANCE AMENDING THE 2025 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO, BY APPROPRIATING UNENCUMBERED FUND BALANCE IN THE COMMERCE CITY BRIGHTON SCHOOL DISTRICT (CCBSD) USE TAX FUND IN THE AMOUNT OF \$2,571,320 FOR SPECIFIC JOINTLY USED RECREATION FACILITIES AND AUTHORIZATION OF THE EXPENDITURE THEREOF.

WHEREAS, the City of Commerce City ("City") collects use tax payments from school districts related to construction projects;

WHEREAS, in December 2002, the City entered into an Intergovernmental Agreement (IGA) with the Brighton School District (27J) regarding the payment of use tax and expenditure for jointly-used recreation facilities; and

WHEREAS, the IGA was amended in August 2012 to restrict the use of the Use Tax Funds to the payment of the cost of financing, design, land acquisition, site development and construction; including enlargement and enhancement of: recreational facilities, school/park sites, gymnasiums, and other improvements such as, but not limited to safety improvements mutually agreed to; and

WHEREAS, as required by the IGA the Commerce City – School District 27J Use Tax Committee considered and approved a total of \$2,571,320 for the following projects at Rocky Vista High School:

1. A multi-purpose field - \$195,121
2. A swing baseball/softball field - \$985,746
3. Six tennis courts - \$1,310,453; and
4. Reasonable contingency finding to ensure the successful completion of these and other eligible uses - \$80,000

WHEREAS, the City retains use tax payments made by 27J in the CCBSD Use Tax Fund, which is an interest-bearing fiduciary fund maintained by the City; and

WHEREAS, 27J has proposed to use CCBSD Use Tax Fund proceeds in the amount of \$2,571,320 for jointly used recreation facilities and existing CCBSD Use Tax Fund balances are sufficient to cover this request; and

WHEREAS, the Commerce City-School District Use Tax Committee has reviewed and recommends approving this proposal; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget appropriation to the 2025 City budget as authorized by Section 12-9(a) of the City Charter.

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 necessary for the preservation of the public health, safety, and welfare and in the public interest.

**SECTION 2. Expenditure Authorization.** Total appropriations equal \$2,571,320. The expenditure of the funds herein appropriated is hereby authorized in the CCBSD Use Tax Fund (140).

**SECTION 3. Effective Date.** This ordinance shall be effective immediately upon passage on second and final reading.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 15TH DAY OF SEPTEMBER, 2025.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 6TH DAY OF OCTOBER, 2025.

CITY OF COMMERCE CITY, COLORADO

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Steve J. Douglas, Mayor

ATTEST

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Kim Garland, Deputy City Clerk