

ORDINANCE NO. 2426  
INTRODUCED BY: Padilla

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING SECTIONS OF ARTICLE 3-8 OF THE BRIGHTON MUNICIPAL CODE REGARDING CONTRACTS AND PURCHASES, ENACTING ARTICLE 3-9 REGARDING DISPOSITION OF CITY-OWNED PERSONAL PROPERTY, AMENDING SECTIONS OF ARTICLE 3-28 REGARDING SALES TAX AND LICENSING, AND AMENDING SECTIONS OF ARTICLE 2-16 REGARDING ASSIGNMENT OF COSTS AND FEES LEVIED BY THE MUNICIPAL COURT

WHEREAS, in accordance with Section 17.7 of the *Charter of the City of Brighton*, the City Council previously enacted Article 3-8 of the *Brighton Municipal Code* to address contracts and purchases; and

WHEREAS, the City staff recommends updates to Article 3-8 to clarify the procedures and add definitions to said Article; and

WHEREAS, the City Council desires to enact ordinances regarding procedures for the disposition of City-owned personal property; and

WHEREAS, in connection therewith, the City Council desires to adopt procedures regarding the assignment and collection of fees, costs, charges, fines, and other obligations levied by the Municipal Court; and

WHEREAS, the Colorado General Assembly enacted Colo. Rev. Stat. § 39-26-802.9 and declared that the licensing of retailers that are subject to the payment of sales and use tax in one or more local taxing jurisdictions but either do not have a physical presence in or have only incidental physical presence in those local taxing jurisdictions is a matter of statewide concern; and

WHEREAS, by no later than July 1, 2023, a retailer that has a state standard retail license and either does not have physical presence within the City of Brighton or has only incidental physical presence within the City of Brighton can make retail sales within the City of Brighton without having to apply separately for a general business license from the City of Brighton;

WHEREAS, City Council desires to remove tax licensing requirements for certain retailers in accordance with Colo. Rev. Stat. § 39-26-802.9; and

WHEREAS, the City Council finds it is in the best interests of the City of Brighton and its residents to make the following updates to the *Brighton Municipal Code* to meet the evolving demands of the City, the pressures of the economy, and the requirements of the Colorado General Assembly.

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

Section 1. Section 2-16-60 is hereby amended with the addition of subsection (h) as follows:

(h) The Municipal Court Administrator is authorized to assign for collection to any agency or agencies authorized to do business in the State of Colorado, as determined by the Municipal Court Clerk, all fees, costs, charges, fines, and other obligations which have been levied, assessed, and/or imposed by an order of the Municipal Court, which are unpaid to the City or the Court and are delinquent.

- (1) The agency or agencies authorized pursuant to an assignment by the Municipal Court Administrator in accordance with this Section to collect on behalf of the City said fees, costs, charges, and other obligations is directed to add to the amounts assigned for collection and any and all amounts charged to the City for services rendered in collecting such delinquent fees, costs, charges, fines, and other obligations, not to exceed twenty-five percent (25%) of the amount assigned for collection.
- (2) The amounts charged to the City for services rendered in collecting such delinquent fees, costs, charges, fines, and other obligations and added to the amounts assigned for collection pursuant to subsection 2-16-60(h)(1), above, shall be the actually commercially reasonable costs incurred by the authorized agency or agencies for such services, subject to review by the Municipal Court Administrator.

Section 2. Section 13-4-120 is hereby amended with the addition of subsection (i) as follows:

(i) The Director of Finance is authorized to assign for collection to any agency or agencies authorized to do business in the State of Colorado, as determined by the Director of Finance, all fees, costs, charges, fines, and other obligations which have been levied, assessed, and/or imposed in accordance with the ordinances, rules, and regulations of the City which are unpaid to the City and are delinquent.

- (1) The agency or agencies authorized pursuant to an assignment by the Director of Finance in accordance with this Section to collect on behalf of the City said fees, costs, charges, and other obligations is directed to add to the amounts assigned for collection and any and all amounts charged to the City for services rendered in collecting such delinquent fees, costs, charges, fines, and other obligations, not to exceed twenty-five percent (25%) of the amount assigned for collection.
- (2) The amounts charged to the City for services rendered in collecting such delinquent fees, costs, charges, fines, and other obligations and added to the amounts assigned for collection pursuant to subsection 13-4-120(i)(1), above, shall be the actually commercially reasonable costs incurred by the authorized agency or agencies for such services, subject to review by the Director of Finance.

Section 3. Section 3-8-10 is hereby amended by the addition (in alphabetical order) of the following definitions:

Sec. 3-8-10. Definitions

*Capital equipment item* means any article of nonexpendable, tangible property with a useful life of more than one year, and an acquisition cost of five thousand dollars (\$5,000.00) or more per unit.

*Construction contract* means any agreement for building, altering, repairing, improving, or demolishing any public land, building, structure, facility, road, highway, bridge, pipeline, or other public improvement suitable for and intended for use in the promotion of the public health, welfare, or safety and any maintenance programs for the upkeep of such projects.

Section 4. Section 3-8-50 is hereby amended as follows:

Sec. 3-8-50. Formal Solicitation; when required.

A formal solicitation is required for all procurement of fifty thousand dollars (\$50,000.00) or greater, with the exception of single-source procurement, sole-source procurement, or cooperative purchasing agreements which were formally solicited by the contracting agency, as provided herein. A formal solicitation shall be awarded to the lowest responsive and responsible bidder. Notwithstanding the foregoing, the Finance Department may require formal solicitation for procurement under fifty thousand dollars (\$50,000.00) at their discretion.

Section 5. Section 3-8-180 is hereby amended as follows:

Sec. 3-8-180. Master price agreements; extension and amendment.

Master price agreements with an annual not to exceed price of less than one hundred thousand dollars (\$100,000.00) may be approved by the City Manager. Master price agreements with an annual not to exceed price greater than one hundred thousand dollars (\$100,000.00) shall be approved by the City Council. After the City Council has approved a master price agreement, the City Manager may approve an annual extension and any amendment thereto, provided that the contractor has performed the work satisfactorily, all terms and conditions of the contract have been fulfilled, the funds for said extension and amendment have been appropriated, and so long as the dollar amount of said extension or amendment is within the authority of the City Manager to approve. The City Manager, as his or her discretion, may take a master price agreement and amendment thereto to the City Council for approval. All extensions and amendments to master prices agreements in excess of the authority of the City Manager to approve shall be approved by the City Council.

Section 6. Chapter 9 of Article 3 is hereby enacted as follows:

## ARTICLE 3-9 –Personal Property

### Sec. 3-9-10. – Definitions.

*Obsolete property* means property that becomes obsolete due to technological advances, project or program completion or cancellation or staff reductions. Obsolete property is considered to be surplus property and should be disposed of in accordance with the procedures set forth herein.

*Surplus property* means all personal property, vehicles, titled equipment, supplies and tangible personal property that is no longer required by the using department and is in excess of the City's needs or foreseeable needs.

### Sec. 3-9-20. – Procedures for Disposal of Personal Property.

(a) Obsolete, surplus, or other City personal property may be traded as part of the purchase of new property, sold to the public through solicitation or public auction, donated, or discarded at the discretion of the Finance Director according to the requirements of this Section and established administrative policies and procedures approved by the City Manager.

(b) Property obtained by grant shall be disposed of in accordance with the terms of the grant.

(c) Obsolete, surplus, or other City personal property may be donated upon a finding of public purpose.

#### Section 7. Section 3-28-200 is hereby amended as follows:

(a) No license shall be required for infrequent sales of tangible personal property at the residence of the owner of the property to be sold if the property was originally purchased for use by members of the household where the sale is conducted and no person other than such household members conducts all or any portion of the sales.

(b) No license shall be required under this article for a contractor who:

- (1) Has obtained a contractor license pursuant to Chapter 16 of Article 15 of this Code; and
- (2) Does not directly or indirectly, or by a subsidiary own, rent, or maintain a building, store, office, salesroom, warehouse, or other place of business within the City.

(c) No license shall be required for a retailer or vendor that either does not have physical presence within the City or has only incidental physical presence within the City, as defined in Colo. Rev. Stat. § 39-26-802.9.

(d) No license shall be required under this article for any person engaging in tree care as defined in Chapter 68 of Article 5 of this Code, provided such person:

- (1) Has obtained a license pursuant to Chapter 68 of Article 5 of this Code;
- (2) Does not directly or indirectly, or by a subsidiary, own, rent, or maintain a building, store, office, salesroom, warehouse, or other place of business within the City.

Section 8. All sections, subsections, and definitions of Chapter 2, 3, or 13 not expressly amended or modified herein remain in full force and effect.

Section 9. As provided by City Charter Section 5.9(A), this Ordinance, either as presented or as amended, shall be published full as it was adopted prior to taking final action. This Ordinance shall be in full force and effect five days after final publication, as provided in City Charter Section 5.8., except as set forth herein.


INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED THIS 6<sup>th</sup> DAY OF June 2023.

INTRODUCED, PASSED ON FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 20<sup>th</sup> DAY OF June 2023.

CITY OF BRIGHTON, COLORADO

  
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GREGORY MILLS, Mayor

ATTEST:

  
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NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:

  
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YASMINA GIBBONS, Deputy City Attorney

