

ORDINANCE NO. 2422  
INTRODUCED BY: Blackhurst

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ADDING SECTIONS TO CHAPTERS 2 AND 3 OF THE BRIGHTON MUNICIPAL CODE RELATING TO LEASES, REVOCABLE LICENSES AND PERMITS, INTERGOVERNMENTAL AGREEMENTS, AND NON-LAPSING CAPITAL IMPROVEMENT APPROPRIATIONS

WHEREAS, the City of Brighton (“City”) is a home rule municipality governed by its charter and desires to exercise its home rule authority; and

WHEREAS, currently the Brighton Municipal Code does not contain any guidance for approvals of leases, intergovernmental agreements, revocable licenses and permits and the City Council desires to provide guidance and clarity for how these may be approved and by whom; and

WHEREAS, the Brighton Municipal Charter authorizes the City to grant a revocable permit or license for temporary use or occupation of any street, alley, or City owned place and the ordinance adds the clarification that these permits or licenses may be issued by the City Manager or his or her designee; and

WHEREAS, capital construction projects usually take more than one fiscal year to be completed and currently these are estimated in the budget for the following year because the appropriation lapses at the end of the fiscal year, and the ordinance makes appropriations for construction or other capital improvement project non-lapsing so that they do not require re-appropriation or an estimated appropriation in the next year’s budget; and

WHEREAS, City Council finds these additions to the municipal code are an exercise of its home rule authority for the efficient administration of the City.

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

Section 1. Sections 2-8-80, 2-8-90 and 2-8-100 are hereby added to the Brighton Municipal Code as follows:

Section 2-8-80 Leases

- a) The City Manager is authorized to approve and execute leases in real property owned or leased by the City provided that the lease is for a term of no more than five years and the lease provides that the City shall receive a rental amount which reasonably represents, as of the date of the lease, the fair market rental value for the lease of the real property.

- b) In the event a lease is for less than the fair market value, the City Council may approve by resolution a lease for less than fair market rental value when it is in the best interests of the City and with a finding of public purpose.
- c) For any lease term greater than five years but less than 20 years, the City Council may approve the lease by resolution. For any proposed lease term exceeding twenty years, the City Council must approve the lease by ordinance.
- d) The term "lease," when used in this section, shall mean a contract by which the City grants to another the right to possess, use, and enjoy any real property owned or leased in the name of the City, for ten days or longer, in exchange for the payment of rent in an agreed amount.
- e) The authority granted by this section may also be exercised by the City Manager's duly authorized designees.

#### Section 2-8-90 Revocable Licenses and Permits

- a) The City Manager is authorized to grant a revocable license or revocable permit for the use or occupation of any real property owned in the name of the City.
- b) Any such license or permit may include such conditions and requirements as the City Manager deems necessary and appropriate to protect the City's interests and shall be revocable at the pleasure of the City Manager, whether or not such right to revoke is expressly reserved in such license or permit.
- c) The terms "revocable license" and "revocable permit," when used in this section, shall not mean:
  - 1. Those licenses and permits authorizing the temporary use or occupation of any real property owned in the name of the City that are authorized entirely through other administrative processes provided for in the City Charter or Code, including, without limitation, right-of-way work permits; or
  - 2. Franchises.
- d) The authority granted by this section may also be exercised by the City Manager's duly authorized designees.

#### Section 2-8-100 Intergovernmental Agreements

- a) The City Council shall approve an intergovernmental or cooperative agreement by resolution if the agreement:
  - 1. Provides for tax revenue sharing between the City and any other governmental entity;
  - 2. Contains any commitment to seek legislative action by the City Council or otherwise implicates the legislative authority of the Council;
  - 3. Requires the approval of the City Council pursuant to any other law;
  - 4. Requires the direct monetary payment of \$100,000 or more; or
  - 5. Is a new agreement creating a significant change in policy that City Council has not previously reviewed or approved.
- b) The City Manager, or his or her authorized designees, is authorized to execute intergovernmental or cooperative agreements in all other circumstances.

Section 2. Section 3-4-100 is hereby added to the Brighton Municipal Code as follows:

Section 3-4-100 Non-Lapsing Capital Improvement and Construction Appropriations

Appropriations for construction or other capital improvement projects or any grant funding appropriated for construction or capital improvement projects shall not lapse until the purpose for which the appropriation was made has been accomplished or abandoned. Any such project shall be deemed to have been abandoned if two fiscal years elapse without any expenditure of the appropriation therefor, and any unappropriated balance therefrom shall be returned to the applicable fund of origin. City Council shall be informed of any such projects with no expenditure for two fiscal years. All other appropriations unexpended at the end of the fiscal year shall lapse to the applicable fund of origin.

Section 3. As provided in City Charter Section 5.9(A), this Ordinance, either as presented or as amended, shall be published in full as it was adopted prior to taking final action. This Ordinance shall be in full force and effect five days after its final publication, as provided in City Charter Section 5.8, except as set forth herein.

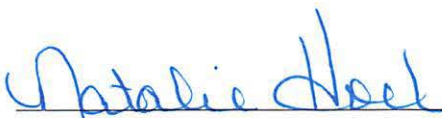
INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED THIS 2<sup>nd</sup> DAY OF MAY 2023.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 16<sup>th</sup> DAY OF MAY 2023.

CITY OF BRIGHTON, COLORADO

  
\_\_\_\_\_  
GREGORY MILLS, Mayor

ATTEST:

  
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NATALIE HOEL, City Clerk

Published in the *Brighton Standard Blade*  
First Publication: May 11, 2023  
Final Publication: May 25, 2023

APPROVED AS TO FORM:

  
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ALICIA CALDERÓN, City Attorney

