
1: Meeting Commencement

- 1A. Pledge of Allegiance
- 1B. Review and Approval of Agenda

2: Petitions and Communications

- 2A. Proclamation Declaring June 12, 2024 as Bal Swan Children's Center Day in Broomfield
- 2B. Advisory Committee on Environmental Sustainability (ACES) Presentation
Presenters - Sean McKenzie, ACES Chair, and Michael Weimann, ACES Vice-Chair
- 2C. Great American Picnic Presentation

3: Councilmember Reports

4: Public Comment

5: Reports

6: Consent Items

- 6A. Approval of Minutes
Approval of minutes from the May 28th meeting.
- 6B. CDOT IGA & Local Agency Match IGA for CO7 Priority 1A
CDOT IGA through 2020-2023 TIP & Local Agency Match IGA for CO7 environmental, pre-construction and ROW work
 - Resolution 2024-70 - Amendment to CDOT IGA through 2020-2023 TIP for CO7 Priority 1A
 - Resolution 2024-71 - Resolution 2024-71_Local Agency Match IGA for CO7 Priority 1A Funding
- 6C. Resolution 2024-54 - SCFD Funding Allocations for the 2024/2025 Funding Cycle
Approval of the Scientific and Cultural Facilities District (SCFD) Funding Allocations for the 2024/2025 Funding Cycle.
- 6D. Resolution 2024-85, Establishing Conduct and Decorum Rules for Public Meetings

7: Action Items

- 7A. Public Hearing - Drought Response Plan Third Reading
This will be the third reading for Proposed Ordinance 2219, which makes specific changes to the Code related to drought restrictions.
 - Ordinance No. 2219- An Ordinance Amending Certain Sections of Chapter 13-36 of the Broomfield Municipal Code Water Use and Drought Restrictions
- 7B. PH -Business Support Update & Project Agreements 2nd Reading
Ordinance No. 2237 would approve two Business Incentive Agreements for SiNAPTIC and La Belle French Bakery.
 - Ordinance No. 2237- Approve two Business Incentive Agreements for SiNAPTIC and La Belle French Bakery
- 7C. Proposed Ordinances 2238 and 2239 on Ballot Questions to Amend the Charter - First Reading
An ordinance with a proposed ballot question to approve a revised and amended Home Rule Charter to repeal and replace to current Charter, and an ordinance with a proposed ballot question to approve a change in Chapter III of the Charter regarding elections to change the applicable state law from Article 10, Title 31 (the Municipal Election Code) to Title 1 of Colorado Revised Statutes

8: Mayor and Councilmember Requests for Future Action

8A. Mayor Castriotta - Request for Future Action Regarding Broomfield City Council's Consideration of Adopting a Flag Policy

9: Adjournment

The City and County of Broomfield operates without regard to race, color, national origin, ethnicity, citizenship, immigration status, gender, age, sex, sexual orientation, gender identity, gender expression, marital status, source of income, military status, or disability in all programs and activities.

Individuals with disabilities requiring accommodation or persons needing a language interpreter must submit such a request to the City Clerk no later than noon on Thursday prior to the scheduled Council meeting to allow adequate time to make arrangements. Please call 303.438.6332 or TDD 303.465.5411 or write cityclerk@broomfield.org to make your request.

During the meeting, individuals can click the “CC” button on Live Council meeting video feeds to view closed captioning. Auxiliary hearing aid equipment can be requested on the night of the meeting with our AV team located at the back of the Council Chambers.



Date Posted: June 5, 2024



Proclamation Declaring June 12, 2024 as Bal Swan Children's Center Day in Broomfield

Meeting	Agenda Group
Tuesday, June 11, 2024, 6:00 PM	Petitions and Communications Item: 2A
Presented By	
Kelli Cole, Executive Office Manager	
Community Goals	
<input checked="" type="checkbox"/> Thriving, Diverse, Safe and Welcoming Community	

Overview

[View Correspondence](#)

The Bal Swan Children's Center is celebrating the 60th anniversary of the signing of its Articles of Incorporation on June 12, 1964.

To honor this milestone and to recognize the Center's commitment to providing authentic, individualized, inclusive education to the City and County of Broomfield, Mayor Castriotta will proclaim June 12, 2024 as Bal Swan Children's Center Day in Broomfield.

Attachments

[Memo for Bal Swan Children's Center Proclamation 2024.pdf](#)

[Proclamation Declaring June 12, 2024 as Bal Swan Children's Center Day in Broomfield.pdf](#)

Summary

[View Correspondence](#)

The Bal Swan Children's Center is celebrating the 60th anniversary of the signing of its Articles of Incorporation on June 12, 1964.

To honor this milestone and to recognize the Center's commitment to providing authentic, individualized, inclusive education to the City and County of Broomfield, Mayor Castriotta will proclaim June 12, 2024 as Bal Swan Children's Center Day in Broomfield.

Financial Considerations

N/A

Prior Council or Other Entity Actions

N/A

Boards and Commissions Prior Actions and Recommendations

N/A

Proposed Actions / Recommendations

N/A

Alternatives

N/A



Proclamation

PROCLAMATION DECLARING JUNE 12, 2024 AS BAL SWAN CHILDREN'S CENTER DAY IN BROOMFIELD

- WHEREAS, *Bal Swan Children's Center's grassroots initiative started in 1963 to create an educational space for children with disabilities. The center's Articles of Incorporation were signed on June 12, 1964, making June 12, 2024, its 60th anniversary; and*
- WHEREAS, *The Broomfield community responded to the need for the center by creating the business, emotional, and financial infrastructure to make the initiative a reality. Mr. Bal Swan, a Denver banker who took a particular interest in the development of Broomfield, gave the money to build the building and Mr. Fred Spallone gave the land; and*
- WHEREAS, *When the Children's Center opened, it was home to 15 students. Today, there are over 180 students. The teachers create an educational home where children can thrive in their learning and maximize their own individual strengths. Although Bal Swan Children's Center has evolved over time, the core values of inclusion and love have never changed; and*
- WHEREAS, *The Bal Swan Children's Center is currently planning to build a state-of-the-art center serving families and children from infancy through grade 5. Inclusion education will be at the core of the school offerings. Also community support groups such as an autism support group and Down Syndrome Support group will be able to meet at the school, providing a community space for learning and support around neurodiversity; and*
- WHEREAS, *This endeavor will secure the Center's mission to build a social-emotional foundation and nurture an inclusive learning community where children and families grow and belong, and help Broomfield lead the country in authentic, individualized, inclusive education.*

NOW, THEREFORE, I, Guyleen Castriotta, Mayor of the City and County of Broomfield, do hereby declare and proclaim June 12, 2024 as:

BAL SWAN CHILDREN'S CENTER DAY IN BROOMFIELD

In witness whereof, I hereunto set my hand and official seal on this the 11th day of June, 2024.

Guyleen Castriotta
Mayor



Great American Picnic Presentation

Meeting	Agenda Group
Tuesday, June 11, 2024, 6:00 PM	Petitions and Communications Item: 2C
Presented By	
Matthew Gulley	
Community Goals	
<input checked="" type="checkbox"/> Thriving, Diverse, Safe and Welcoming Community	

Overview

Great American Picnic festivities are scheduled to take place on Thursday, July 4, beginning at 5 pm, at Broomfield County Commons Park. The event will include food trucks, beer gardens, family activities, the Bike Parade and the Fireworks Display at 9:15pm.

Attachments

- [Memo for Great American Picnic Presentation.pdf](#)
- [Great American Picnic Site Map Fireworks Launch 2024.pdf](#)

Summary

[View Correspondence](#)

Great American Picnic festivities are scheduled to take place on Thursday, July 4, beginning at 5 p.m., at Broomfield County Commons Park. A map indicating the layout of the event is included with this memo.

Activities include inflatables, face painting, a bubble tower, a bike parade, food, and two live bands, The 17th Avenue All Stars and Thumpin'. Due to its popularity, there will be two beer gardens hosted by the Broomfield Chamber of Commerce. One in the Blue Pod just West of the Main Pavilion and the second one in the Red Pod East of the Main Pavilion. The beer gardens will be open from 5-9 p.m.

In addition to on-site parking, off-site parking is available in the West parking lot at Legacy High School. Beginning at 5 p.m. Three buses, one with wheelchair access, will run continuously picking up residents near the gazebo in the West parking area and shuttling them to County Commons Park. At 7 p.m. two more buses will arrive for a total of 5 buses shuttling residents throughout the rest of the event. Accessible parking is available in the West parking lot.

The fireworks display is scheduled to begin at 9:15 p.m., from the firing site located in the field in the southwest quadrant of County Commons, map included. In case of inclement weather, the fireworks display could be postponed for up to 30 minutes. If weather conditions remain unacceptable, the fireworks show will be canceled by 10:00 p.m. There is no rain date this year. If weather conditions impact the display, measures such as announcements over the public address system at the stage area, Twitter posts and staff contact are used to notify viewers of the status of the display. As in years past, staff also use an LED lighting system (green, yellow, and red) to indicate to the public the status of the fireworks display.

Publicity for the evening's events is being managed by the Community Engagement team.

Financial Considerations

As shown in the sources and uses of funds summary below, the project can be completed within the budgeted amount.

Sources and Uses of Funds	Amount
04-66440 2024 Operating Budget (Special Events) Project Code: GAPICNIC	\$179,321
Fireworks Display	-\$65,000
Recreation Department Staffing (FT, Part Time, Temp)	-\$66,571
Stages, Sound, Entertainment, Bussing, Portalets, Activities, etc	-\$47,750
Projected Balance	\$0

Prior Council or Other Entity Actions

N/A

Boards and Commissions Prior Actions and Recommendations

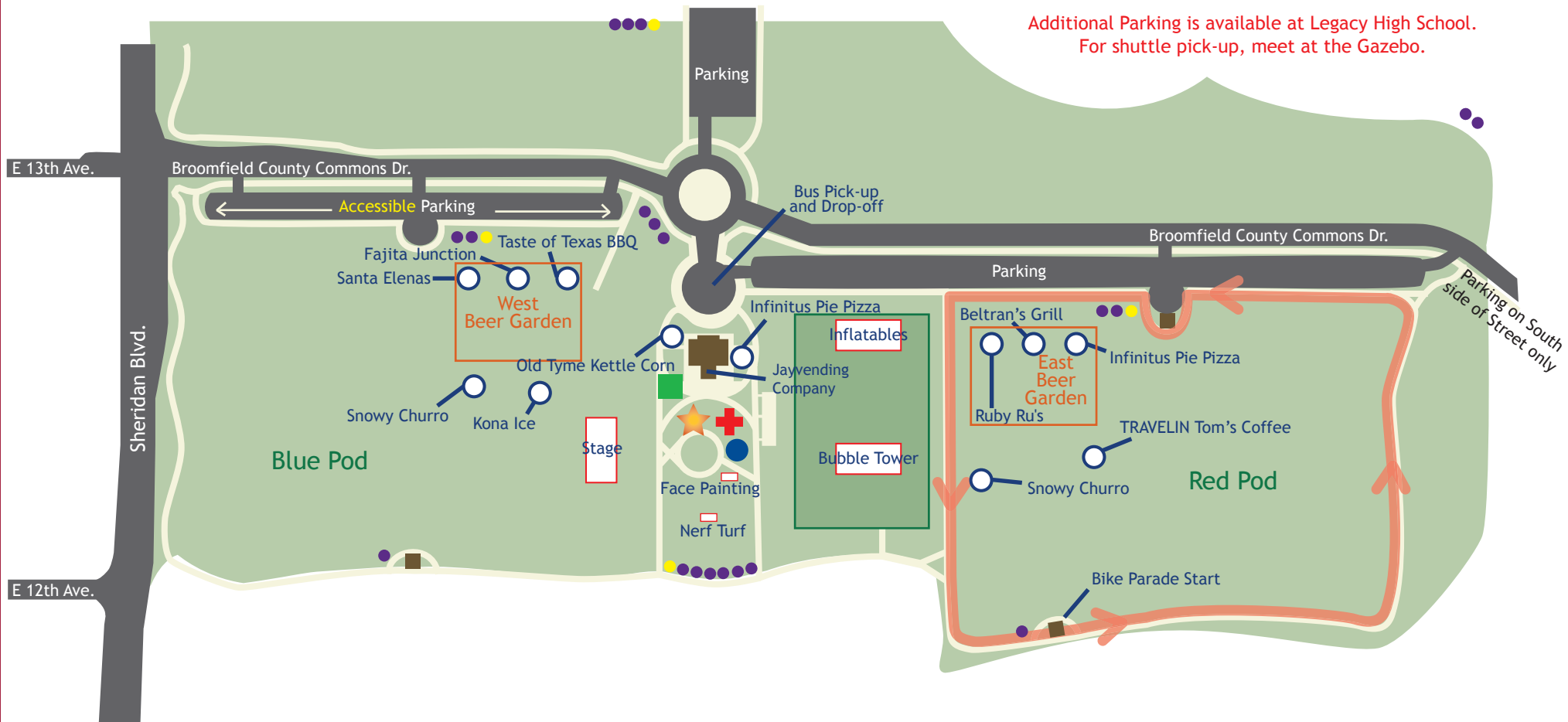
N/A

Proposed Actions / Recommendations

N/A

Alternatives

N/A



The Great American Picnic at the Broomfield County Commons



- Port-o-let or Bathroom / Sink
- Accessible Port-o-let
- Police
- First Aid
- Information, Lost Child, Lost and Found
- ATM
- Food Vendor
- Bike Parade Route





THE GREAT AMERICAN PICNIC



Legend

- PARKS EMPLOYEE
- SIGN
- LAUNCH SITE



City of Broomfield

City Council Regular Meeting

Approval of Minutes

Approval of minutes from the May 28th meeting.

Meeting	Agenda Group
Tuesday, June 11, 2024, 6:00 PM	Consent Items Item: 6A
Community Goals	

Overview

Approval of Minutes for Regular Council Meeting of May 28, 2024.

Attachments

[Minutes from May 28 Regular Council Meeting.pdf](#)

Minutes for the City Council Regular Meeting

One Descombes Dr, Broomfield, CO 80020

May 28, 2024, 6:04 PM - May 28, 2024, 7:34 PM

Roll Call: *(The following members were in attendance)*

- **Guyleen Castriotta**, Mayor
- **Laurie Anderson**, Ward 4
- **Todd Cohen**, Ward 5
- **Paloma Delgadillo**, Ward 2
- **Bruce Leslie**, Ward 4
- **Jean Lim**, Ward 3
- **James Marsh-Holschen**, Ward 1
- **Kenny Van Nguyen**, Ward 1
- **Deven Shaff**, Mayor Pro Tem, Ward 3
- **Austin Ward**, Ward 2

Not Present:

- **Heidi Henkel**, Ward 5 (Excused)

Also Present:

- **Jennifer Hoffman**, City and County Manager
- **Don Davis**, Deputy City and County Manager
- **Nancy Rodgers**, City and County Attorney
- **Crystal Clemens**, City and County Clerk
- Various Department Staff

1. Meeting Commencement

1A. Pledge of Allegiance- 6:04 PM

1B. Review and Approval of Agenda-

2. Petitions and Communications

2A. Proclamation Declaring June 2, 2024 as the 6th Annual Gun Violence Awareness Day- 6:04 PM

2B. Proclamation Pride Month - 6:09 PM**3. Councilmember Reports**

4. Public Comment

5. Reports

6. Consent Items

Motion to Approve the recommendations contained in the Staff Reports for Consent Items 6a-6k made by Councilmember Ward, seconded by Councilmember Delgadillo. Motion passes 9-0.

6A. Approval of Minutes- 6:25 PM**6B. Appointing BOE hearing officers and arbitrators- 6:25 PM****6C. Rezoning Process Changes and Inactive Applications Ordinance - 1st Reading- 6:25 PM****6D. Family Child Care Ordinance - 1st Reading- 6:25 PM****6E. Construction Agreements for US 287 Soundwall Replacement- 6:25 PM****6F. Annual Aggregate Spending with Oracle America, Inc. - 6:25 PM****6G. IGA with Central Colorado Water Conservancy District- 6:25 PM****6H. Agreement with Schnabel Engineering, LLC for the Great Western Dam Rehabilitation Project- 6:25 PM****6I. Approving License Agreement with RTD for the US 36 Bike Shelters- 6:25 PM****6J. 287-Nickel Traffic Signal Maintenance IGA- 6:25 PM****6K. Software Definition Update for Sales Tax (SaaS) - 1st Reading- 6:25 PM****7. Action Items**

7A. Public Hearing - Drought Response Plan - Second Reading

Public Hearing was opened at 6:55 PM and closed at 6:56 PM

Motion to Approve, Ordinance No. 2219- Amending certain Sections of Chapter 13-6 of the Broomfield Municipal Code Water Use and Drought Restriction, made by Mayor Pro-Tem Shaff, seconded by Councilmember Delgadillo.

Motion to Amend Ordinance No. 2219, to modify the penalty provision in both times of no declared drought and declared drought set and forth a detailed process in code based on the administrative policy in staff report, made by Councilmember Marsh-Holschen, seconded by Councilmember Nguyen. Amendment passes 9-0.

Motion to Amend Ordinance No. 2219, to retain the current monetary surcharges for enforcement when there is declared drought in Broomfield Municipal Code 13-36-060 and not accept the proposed increases, made by Councilmember Marsh-Holschen, seconded by Councilmember Nguyen. Amendment passes 9-0.

Motion to Amend Ordinance No. 2219, to modify Drought Condition III; mandatory water restrictions, made by Councilmember Anderson, seconded by Councilmember Leslie. Motion passes 9-0.

Motion to suspend the rules to pass Ordinance No. 2219 on Second Reading, made by Councilmember Marsh-Holschen, seconded by Councilmember Nguyen. Motion fails 3-6.

Motion to Approve, Ordinance No. 2219- Amending certain Sections of Chapter 13-6 of the Broomfield Municipal Code Water Use and Drought Restrictions, as Amended, made by Mayor Pro-Tem Shaff, seconded by Councilmember Delgadillo. Motion passes 9-0.

8. Mayor and Councilmember Requests for Future Action

9. Adjournment

7:34 PM



City of Broomfield

City Council Regular Meeting

CDOT IGA & Local Agency Match IGA for CO7 Priority 1A

CDOT IGA through 2020-2023 TIP & Local Agency Match IGA for CO7 environmental, pre-construction and ROW work

Meeting	Agenda Group	
Tuesday, June 11, 2024, 6:00 PM	Consent Items	Item: 6B
Presented By		
Katie Allen		
Community Goals		
<input checked="" type="checkbox"/> Mobility		

Overview

[View Correspondence](#)

This CO 7 Priority 1A Preconstruction 2022 – 2025 Transportation Improvement Program (TIP) Regional Share Funding project will continue the work that began with the CO 7 Preliminary and Environmental Engineering Project that was funded by the 2020 – 2023 TIP Regional Share Funding. This will be accomplished by increasing the Regional Share Funding 2020 – 2023 IGA between Colorado Department of Transportation (CDOT) and Broomfield. This Intergovernmental Agreement (IGA) will cover Environmental, Pre-Construction, and Right-of-Way work necessary to advance the CO 7 corridor project.

Attachments

[Memo for CDOT IGA & LA Match IGA for CO7 Priority 1A.pdf](#)

[Resolution 2024-70_Amendment to CDOT IGA through 2020-2023 TIP for CO7 Priority 1A.pdf](#)

[Resolution 2024-71_Local Agency Match IGA for CO7 Priority 1A.pdf](#)

[Amendment to CDOT IGA for CO7 Priority 1A_\(23157 25584\) 331001975.pdf](#)

[Intergovernmental Agreement for Local Share Funding of CO 7 Priority 1 A Preconstruction 2024-5-7 w Thornton sig.pdf](#)

Summary

[View Correspondence](#)

In 2019, Broomfield applied to the 2020-2023 DRCOG Transportation Improvement Program (TIP) and was awarded \$10M to begin preconstruction activities from Brighton to Boulder. CDOT and local agencies along the corridor shared the non-federal match for the \$10 million in funding. See resolutions 2020-45 and 2020-46. The TIP program funds federal transportation improvements and management actions to be completed by the Colorado Department of Transportation (CDOT), the Regional Transportation District (RTD), local governments, and other project sponsors over a four-year period. The Denver Regional Council of Governments (DRCOG) prepares and adopts the TIP and specifically identifies projects for state and federal funding. With the original funding in 2020, City Council approved an Intergovernmental Governmental Agreement (IGA) with the Colorado Department of Transportation, as well as an IGA with our local government partners allocating the non-federal local government matching funds.

Fast forward to 2022, Broomfield applied on behalf of multiple agencies for the 2022-2025 DRCOG TIP and was awarded an additional \$9,770,000 in regional TIP Funding for CO7 Priority 1A Preconstruction. The 2022 TIP Award supports several aspects of the entire project along the corridor; not all of the funding is being allocated to Broomfield's portion of the project. The details of the funding award are described in the [Funding Detail - Proportion Match by Project Scale 22-25 Call 1 TIP CO 7](#).

As a result of this additional TIP award, Broomfield needs to: 1) amend the existing IGA with CDOT for the TIP funding to reflect the inclusion of additional scope and funding, and 2) enter into an additional agreement with our funding partners to be reimbursed for the local agency funding match similar to what was done in 2020 with the original agreement.

Changes to the CDOT IGA. The scope of the project in the CDOT IGA amendment will support ongoing corridor-wide actions along CO7 from Brighton to Boulder and specifically address pre-construction activities at:

- 287/CO7 Superstation located between Arapahoe Road and Lucerne Drive (90% design)
- Lowell Boulevard Intersection (90% design)
- Sheridan Parkway Intersection (30% design)
- Holly Street Intersection (90% design)
- Quebec Street Intersection (30% design)

This IGA will also amend the previous IGA with CDOT to increase local funding share by \$515,000 for the overall CO 7 Corridor preconstruction from \$1,000,000 to \$1,515,000.

Proposed Resolution No. 2024-70 will approve an IGA amendment with CDOT through the 2022-2025 TIP for CO 7 Priority 1A Preconstruction.

Local Agency Funding Match IGA.

Proposed Resolution No. 2024-71 will approve a new IGA with Boulder County, Town of Erie, City of Lafayette, and City of Thornton for CO 7 Priority 1A Preconstruction 2022-2025 Transportation Improvement Program Local Share of Funding. This IGA is for \$515,000 to meet the additional required local match which is shared proportionately according to the estimated cost of each specific project element in the respective agency's jurisdiction as agreed upon. Broomfield will receive \$407,500 in revenues from agencies per the IGA and will supply \$107,500 in direct local match funding for the project.

Local agencies have scheduled this agreement for signatures as follows:

- May 28, 2024 - City of Thornton
- June 4, 2024- City of Lafayette
- June 11, 2024 - Town of Erie
- June 14, 2024 - Boulder County

Financial Considerations

As shown in the sources and uses of funds summary below, the project can be completed within the budgeted amount.

Sources and Uses of Funds		Amount
Broomfield Transportation Project - CO7 Priority 1A		
City & County of Broomfield CO7 Priority 1A	20-70090-55200 / 23S0035	\$107,500
Local funding revenue commitments		\$407,500
CO7 Priority 1A		\$ (515,000)
		\$ -
Projected Balance		\$0

Prior Council or Other Entity Actions

March 10, 2020 - [Resolution 2020-45](#) and [Resolution 2020-46](#) Approving the IGA with CDOT through the 2020-2023 Transportation Improvement Program for SH7 (CO7) Preliminary & Environmental Engineering and the IGA with local government agencies for the local share funding respectively.

Boards and Commissions Prior Actions and Recommendations

February 11, 2022 - Transportation Forum recommendation of approval of CO 7 Preconstruction Priority 1A projects to DRCOG Board.

Proposed Actions / Recommendations

If Council desires to proceed with the project, the appropriate motion is...
That Resolution 2024-70 and 2024-71 be adopted.

Alternatives

Decide not to enter into IGA with CDOT and corridor partners and forgo the environmental, pre-construction, and right-of-way work necessary to advance the CO7 corridor project.

RESOLUTION NO. 2024-70

A resolution approving an Amendment to Intergovernmental Agreement with the Colorado Department of Transportation through the 2020-2023 Transportation Improvement Program, for State Highway 7 Preliminary & Environmental Engineering

Section 1.

The amendment to the intergovernmental agreement by and between the City and County of Broomfield and the Colorado Department of Transportation through the 2020-2023 Transportation Improvement Program for State Highway 7 Preliminary & Environmental Engineering (OLA # 331001975; Routing Number: 20-HA1-XC-0012-M0001) is hereby approved.

Section 2.

The Mayor or Mayor Pro Tem is authorized to sign and the City and County Clerk to attest the amendment, in form approved by the City and County Attorney.

Section 3.

This resolution is effective upon its approval by the City Council.

Approved on June 11, 2024

The City and County of Broomfield, Colorado

Mayor

Attest:

Office of the City and County Clerk

Approved as to form:

KKH

City and County Attorney

RESOLUTION NO. 2024-71

A resolution approving an Intergovernmental Agreement for the CO Highway 7 Priority 1A
Preconstruction 2022-2025 Transportation Improvement Program Local Funding Share

Section 1.

The intergovernmental agreement by and between the City and County of Broomfield and Boulder County, City of Lafayette, City of Thornton, and the Town of Erie, regarding the local agency non-federal match contributions of each party for CO Highway 7 environmental, pre-construction, and right-of-way in the amount of \$515,000 (CCOB Share \$107,500) is hereby approved.

Section 2.

The Mayor or Mayor Pro Tem is authorized to sign and the City and County Clerk to attest the intergovernmental agreement, in form approved by the City and County Attorney.

Section 3.

This resolution is effective upon its approval by the City Council.

Approved on June 11, 2024

The City and County of Broomfield, Colorado

Mayor

Attest:

Office of the City and County Clerk

Approved as to form:

KKH

City and County Attorney

STATE OF COLORADO AMENDMENT

Amendment #: 1

Project #: STU 007A-039 (25584), STU 007A-028 (23157)

SIGNATURE AND COVER PAGE

State Agency Department of Transportation		Amendment Routing Number 20-HA1-XC-00012-M0001
Local Agency CITY & COUNTY OF BROOMFIELD		Original Agreement Routing Number 20-HA1-XC-00012
Agreement Maximum Amount	\$0.00	Agreement Beginning Date March 20, 2020
		Agreement Expiration Date June 30, 2029

THE PARTIES HERETO HAVE EXECUTED THIS AMENDMENT

Each person signing this Amendment represents and warrants that he or she is duly authorized to execute this Amendment and to bind the Party authorizing his or her signature.

STATE OF COLORADO Jared S. Polis, Governor Department of Transportation Shoshana M. Lew, Executive Director _____ Keith Stefanik, P.E., Chief Engineer Date: _____	
LOCAL AGENCY CITY & COUNTY OF BROOMFIELD _____ Signature _____ By: (Print Name and Title) Date: _____	LOCAL AGENCY (2 nd Signature if Necessary) _____ Signature _____ By: (Print Name and Title) Date: _____

In accordance with §24-30-202 C.R.S., this Amendment is not valid until signed and dated below by the State Controller or an authorized delegate.

STATE CONTROLLER Robert Jaros, CPA, MBA, JD By: _____ Department of Transportation Effective Date: _____
--

1) PARTIES

This Amendment (the “Amendment”) to the Original Agreement shown on the Signature and Cover Page for this Amendment (the “Agreement”) is entered into by and between the Local Agency and the State.

2) TERMINOLOGY

Except as specifically modified by this Amendment, all terms used in this Amendment that are defined in the Agreement shall be construed and interpreted in accordance with the Agreement.

3) EFFECTIVE DATE AND ENFORCEABILITY

A. Amendment Effective Date

This Amendment shall not be valid or enforceable until the Amendment Effective Date shown on the Signature and Cover Page for this Amendment. The State shall not be bound by any provision of this Amendment before that Amendment Effective Date, and shall have no obligation to pay the Local Agency for any Work performed or expense incurred under this Amendment either before or after the Amendment term shown in **§3.B** of this Amendment

B. Amendment Term

The Parties’ respective performances under this Amendment and the changes to the Agreement contained herein shall commence on the Amendment Effective Date shown on the Signature and Cover Page for this Amendment and shall terminate on the termination of the Agreement.

4) PURPOSE

The Parties entered into the Original Agreement to help fund the Department of Transportation project for State Highway 7: Preliminary & Environmental Engineering. The Parties now desire to combine project STU 007A-039 (25584) with STU 007A-028 (23157), update the Scope of Work (Exhibit A to Exhibit A-1), add a new Exhibit (Exhibit C - Local Agency Contract Administration Checklist), and increase funding from \$1,000,000.00 to \$1,515,000.00.

5) MODIFICATIONS

- a) The Local Agency contribution increases from \$1,000,000.00 to \$1,515,000.00;
- b) Replace **Exhibit A**, with **Exhibit A-1**, which is attached hereto;
- c) Attach **Exhibit C** (Local Agency Administration Checklist);
- d) Attach **Exhibit D** (Local Agency Resolution).

6) LIMITS OF EFFECT

This Amendment is incorporated by reference into the Agreement, and the Agreement and all prior amendments or other modifications to the Agreement, if any, remain in full force and effect except as specifically modified in this Amendment. Except for the Special Provisions contained in the Agreement, in the event of any conflict, inconsistency, variance, or contradiction between the provisions of this Amendment and any of the provisions of the Agreement or any prior modification to the Agreement, the provisions of this Amendment shall in all respects supersede, govern, and control. The provisions of this Amendment shall only supersede, govern, and control over the Special Provisions contained in the Agreement to the extent that this Amendment specifically modifies those Special Provisions.

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EXHIBIT A-1

SCOPE OF WORK

Name of Projects: CO 7 and US 287 Intersection Imp.
CO 7 – SH 7 PRELIM & ENV ENG – BLDR TO BRIGHTON

Project Numbers: STU 007A-039, STU 007A-028

SubAccount #: 25584, 23157

Colorado State Highway 7 (CO 7)

STU 007A-039 (25584) CO 7 and US 287 Intersection Imp.
STU 007A-028 (23157) CO 7 – SH 7 PRELIM & ENV ENG – BLDR TO BRIGHTON,
(Excluding the I-25 and CO 7 Mobility Hub)

This **CO 7 Priority 1A Preconstruction** 2022 – 2025 TIP Regional Share Funding project will continue and add to the CO 7 Preliminary and Environmental Engineering Project that was funded by the 2020 – 2023 TIP Regional Share Funding. This will be accomplished by amending and adding to Regional Share Funding 2020 – 2023 IGA between CDOT and the City and County of Broomfield. 2020 – 2023 TIP Regional Share Funding IGA language to follow.

This IGA between CDOT and the City and County of Broomfield will cover Environmental, Pre-Construction, and Right-of-Way work necessary to advance the CO 7 Corridor from the City of Boulder to the City of Brighton. Work will be executed per the table below.

Project	CO 7 Location
STU 007A-039 (25584)	CO 7 (Arapahoe Road) and US 287 Intersection to Lucerne Drive
STU 007A-028 (23157)	Boulder to Brighton (Excluding the I-25 and CO 7 Mobility Hub)

This **CO 7 Priority 1A Preconstruction** 2022 – 2025 TIP Regional Share Funding project will advance the design of the Colorado State Highway 7 (CO 7) intersections per the table below. This project continues design in-line with recommendations from the Corridor Development Plan generated in the Regional Share Funding 2020 – 2023 CO 7 Preliminary and Environmental Engineering Project. Design percentage planned per the table below:

<u>Priority 1A Action Executed within Project:</u>	<u>CO 7 Location</u>	<u>Planned Design Percentage</u>
STU 007A-039 (25584)	287/Arapahoe to Lucerne Drive and Superstation	90% Shelf Ready (Minimum)
STU 007A-028 (23157)	Lowell Boulevard Intersection	90% Shelf Ready (Minimum)

STU 007A-028 (23157)	Sheridan Parkway Intersection	30% Final Inspection Review (FIR) (Minimum)
STU 007A-028 (23157)	Holly Street Intersection	90% Shelf Ready (Minimum)
STU 007A-028 (23157)	Quebec Street Intersection	30% Final Inspection Review (FIR) (Minimum)
STU 007A-028 (23157)	Corridor-Wide Activities	

The CO 7 Corridor extends approximately 25 miles from Boulder to Brighton. This Project is planned to be performed and managed by a blended team of CDOT staff and CDOT hired consultant staff. This Project will advance design in roadway, pedestrian, transit, bicycle, traffic, safety, operations, ITS, environmental, right-of-way, survey, access, utilities, hydraulics, hydrology, water quality, structures, materials, geotechnical, and maintenance as appropriate per area.

Communities on the SH 7 corridor have been planning for safety and multimodal capacity improvements for a number of years, as documented in, but not limited to the following plans and studies:

- 2014 SH 7 Planning & Environmental Linkage Study (US 287 to US 85)
- 2018 SH 7 Planning & Environmental Linkage Study (75th Street to US 287)
- 2018 East Arapahoe Transportation Plan (Folsom Street to 75th Street)
- 2018 SH 7 Bus Rapid Transit Feasibility Study
- 2019 SH 7 Bus Rapid Transit Station Area Design
- 2021 Corridor Development Plan

This Project will take the recommendations from the previous studies to advance design and environmental approaches and plan packages as appropriate that will allow CDOT, municipalities, counties, agencies, and developers to continue design and facilitate further investment into the corridor to implement recommended multimodal improvements.

Other design and planning level items may be executed as necessary to support the project and corridor objectives.

As this Project advances, there may be opportunities to move further into design on the areas of CO 7 as identified above.

Scope of Work 2020 – 2023 TIP Regional Share Funding State Highway 7 Preliminary & Environmental Engineering Project

The State Highway 7 (SH 7) Preliminary & Environmental Engineering Project (Project) extends approximately 25 miles from Boulder to Brighton. The project will be performed and managed by a blended team of CDOT staff and CDOT hired consultant staff. The Project will advance design, environmental, right-of-way, access inventory and planning, utility inventory and coordination, and other needed items in order to inform future decision making to identify and prioritize future projects along the corridor. This will provide decision makers with enough information to prioritize the development of the corridor as funding becomes available.

Communities on the SH 7 corridor have been planning for safety and multimodal capacity improvements for a number of years, as documented in the following plans and studies:

- 2014 SH 7 Planning & Environmental Linkage Study (US 287 to US 85)
- 2018 SH 7 Planning & Environmental Linkage Study (75th Street to US 287)
- 2018 East Arapahoe Transportation Plan (Folsom Street to 75th Street)
- 2018 SH 7 Bus Rapid Transit Feasibility Study
- 2019 SH 7 Bus Rapid Transit Station Area Design

The 2014 & 2018 Planning Environmental Linkage (PEL) Studies and the 2018 East Arapahoe Transportation Plan (EATP) provide multimodal design recommendations for the extent of the corridor to meet the mobility needs for 2040 and beyond. This Project will take the recommendations from the previous studies and develop preliminary design and environmental approaches and plan packages, as appropriate that will allow municipalities, counties, agencies, and developers to rapidly invest into the corridor to implement the transportation recommendations. Specific Project elements will include, but not limited to the following:

- Develop preliminary engineering for the corridor based on recommendations from the applicable studies.
- A Corridor Development Plan (CDP). A work plan to document how to fulfill the project goals, refresh and confirm project expectations and desired outcomes, define project deliverables, milestones, and timelines for delivery, and insure overall accountability and fulfillment of the project's goals. The Corridor Development Plan will include:
 - A plan to optimize use of the funding in this State Highway 7 Preliminary & Environmental Engineering Project, including:
 - Develop preliminary engineering for the corridor based on recommendations from the applicable studies.
 - Seek to identify the appropriate level of design required in a given area.
 - Achieve a sufficient level of design required for efficient project prioritization, and implementation.
 - Help identify projects to advance to a higher level of design for accelerated investment.
 - Document a strategy for proportionality and equity amongst stakeholders.
 - Document needs/changes from completed studies.
 - A plan that will allow for optimization of future corridor delivery, including, but not limited to:
 - Development an approach and prioritization for corridor delivery as funding becomes available.
 - Identification of possible future funding sources and required criteria for those funding sources.
 - Create a strategy for proportionality and equity amongst stakeholders.
 - Generate a strategy to capture future needs/changes from completed studies.
 - Identify remaining items that will need to be addressed in order facilitate the delivery of future projects.
- The approach to Environmental Engineering will be assessed, and environmental clearances will begin as identified in the CDP.
- Right-of-way (ROW) needs will be identified for the extent of the corridor allowing the responsible municipalities, counties, developers, and agencies to acquire and/or preserve

the land necessary to build the corridor transportation improvements identified in the PELs and EATP. Some ROW may be acquired with funds as necessary.

- Utilities inventory will be completed as discussed in the CDP.
- Accesses will be evaluated, and inventoried, and Access Control Plans will be developed as identified in the CDP.
- Design will advance as is identified in the CDP.

The Project will set the stage for future projects along the corridor. As this Project advances, there may be opportunities to move further into design on certain areas of SH 7.

Anticipated Project Schedule

A number of the phases will overlap and run concurrently. The estimated timelines for each phase will take place over the following time periods:

- Environmental - July 2019 to June 2024
- Design - August 2019 to June 2024
- Other - August 2019 to June 2024
- ROW - July 2020 to June 2024

*The schedule shown here is from the original **Scope of Work 2020 – 2023 TIP Regional Share Funding State Highway 7 Preliminary & Environmental Engineering Project** IGA and does not represent an Amended IGA Schedule.*

Exhibit C-**Local Agency Contract Administration Checklist**

COLORADO DEPARTMENT OF TRANSPORTATION			
LOCAL AGENCY CONTRACT ADMINISTRATION CHECKLIST			
Project No. STU-007A-028, STU-007A-039	STIP No. TBD	Project Code 23157, 25584	Region 1
Project Location Colorado State Highway 7 (CO 7) - Boulder to Brighton			Date 4/11/2023
Project Description SH-7 Corridor Multimodal Improvements - Preconstruction			
Local Agency City and County of Broomfield	Local Agency Project Manager Sarah Grant		
CDOT Resident Engineer Gary Huber (Acting)	CDOT Project Manager Mekonnen Mulugeta		
<p>INSTRUCTIONS:</p> <p>This checklist shall be used to establish the contractual administrative responsibilities of the individual parties to this agreement. The checklist becomes an attachment to the Local Agency Agreement. Section numbers (NO.) correspond to the applicable chapters of the <i>CDOT Local Agency Desk Reference (Local Agency Manual)</i>. LAWR numbers correspond to the applicable flowchart in the Local Agency Web Resource.</p> <p>The checklist shall be prepared by placing an X under the responsible party, opposite each of the tasks. The X denotes the party responsible for initiating and executing the task. Only one responsible party should be selected. When neither CDOT nor the Local Agency is responsible for a task, not applicable (NA) shall be noted. In addition, # will denote that CDOT must concur or approve.</p> <p>Tasks that will be performed by Headquarters staff are indicated with an X in the CDOT column under Responsible Party. The Regions, in accordance with established policies and procedures, will determine who will perform all other tasks that are the responsibility of CDOT.</p> <p>The checklist shall be prepared by the CDOT Resident Engineer or the CDOT Project Manager, in cooperation with the Local Agency Project Manager, and submitted to the Region Program Engineer. If contract administration responsibilities change, the CDOT Resident Engineer, in cooperation with the Local Agency Project Manager, will prepare and distribute a revised checklist.</p> <p>Note: Failure to comply with applicable Federal and State requirements may result in the loss of Federal or State participation in funding.</p>			

LA WR	NO.	DESCRIPTION OF TASK	RESPONSIBLE PARTY	
			LA	CDOT
		TIP / STIP AND LONG-RANGE PLANS		
	2.1	Review Project to ensure it is consistent with Statewide Plan and amendments thereto		X
		FEDERAL FUNDING OBLIGATION AND AUTHORIZATION		
	4.1	Authorize funding by phases (Requires FHWA concurrence/involvement if Federal-aid Highway funded project.). <i>Please write in "NA", if Not Applicable.</i>		X
		PROJECT DEVELOPMENT		
1	5.1	Prepare Design Data - CDOT Form 463		X
	5.2	Determine Delivery Method		X
	5.3	Prepare Local Agency/CDOT Inter-Governmental Agreement (see also Chapter 3)		X
2	5.4	Conduct Consultant Selection/Execute Consultant Agreement <ul style="list-style-type: none"> Project Development Construction Contract Administration (including Fabrication Inspection Services) 		X X
3,3A	5.5	Conduct Design Scoping Review Meeting		X
3,6	5.6	Conduct Public Involvement		X

LA WR	NO.	DESCRIPTION OF TASK	RESPONSIBLE PARTY	
			LA	CDOT
3	5.7	Conduct Field Inspection Review (FIR)		x
4	5.8	Conduct Environmental Processes (may require FHWA concurrence/involvement)		x
5	5.9	Acquire Right-of-Way (may require FHWA concurrence/involvement)		x
3	5.10	Obtain Utility and Railroad Agreements		x
3	5.11	Conduct Final Office Review (FOR)		x
3A	5.12	Justify Force Account Work by the Local Agency	NA	NA
3B	5.13	Justify Proprietary, Sole Source, or Local Agency Furnished Items		x
3	5.14	Document Design Exceptions - CDOT Form 464		x
	5.15	Seek Permission for use of Guaranty and Warranty Clauses		x
3	5.18	Prepare Plans, Specifications, Construction Cost Estimates and Submittals		x
	5.19	Comply with Requirements for Off-and On-System Bridges & Other Structural Work		x
	5.20	Update Approvals on PS&E Package if Project Schedule Delayed		x
	5.21	Ensure Authorization of Funds for Construction		x
	5.22	Use Electronic Signatures		x
	5.23	File Project Development Records/Documentation in ProjectWise		x
PROJECT DEVELOPMENT CIVIL RIGHTS AND LABOR COMPLIANCE				
3	6.1	Set Disadvantaged Business Enterprise (DBE) Goals for Consultant and Construction Contracts (CDOT Region Civil Rights Office).		x
	6.2	Determine Applicability of Davis-Bacon Act This project <input type="checkbox"/> is <input checked="" type="checkbox"/> is not exempt from Davis-Bacon requirements as determined by the functional classification of the project location (Projects located on local roads and rural minor collectors may be exempt.) Abel Lucero 6/30/2023 CDOT Resident Engineer Date		x
	6.3	Set On-the-Job Training Goals (CDOT Region Civil Rights Office) "NA", if Not Applicable		x
	6.4	Enforce Prompt Payment Requirements		NA
	6.5	Use Electronic Tracking and Submission Systems – B2GNow <input checked="" type="checkbox"/> LCPtracker <input type="checkbox"/>		x
3	6.6	Prepare/submit Title VI Plan and Incorporate Title VI Assurances		x
6,7		Ensure the correct Federal Wage Decision, all required Disadvantaged Business Enterprise/On-the-Job Training special provisions and FHWA Form 1273 are included in the Contract (CDOT Resident Engineer)		x
ADVERTISE, BID AND AWARD of CONSTRUCTION PROJECTS				
Federal Project (use 7.1 series in Chapter 7) <input checked="" type="checkbox"/> Non-Federal Project (Use 7.2 series in Chapter 7) <input type="checkbox"/>				
6,7		Obtain Approval for Advertisement Period of Less Than Three Weeks;		NA
7		Advertise for Bids		NA
7		Concurrence to Advertise		NA
7		Distribute "Advertisement Set" of Plans and Specifications		NA
7		Review Worksite & Plan Details w/ Prospective Bidders While Project Is Under Ad		NA
7		Open Bids		NA
7		Process Bids for Compliance		
		Check CDOT Form 1415 – Commitment Confirmation when the low bidder meets DBE goals. (Please write in "NA", if Not Applicable)		x
		Evaluate CDOT Form 1416 - Good Faith Effort Report and determine if the Contractor has made a good faith effort when the low bidder does not meet DBE goals. "NA", if Not Applicable.		x
		Submit required documentation for CDOT award concurrence		NA
		Concurrence from CDOT to Award		x
		Approve Rejection of Low Bidder		x
7,8		Award Contract (federal)		x

LA WR	NO.	DESCRIPTION OF TASK	RESPONSIBLE PARTY	
			LA	CDOT
8		Provide "Award" and "Record" Sets of Plans and Specifications (federal)		NA
		CONSTRUCTION MANAGEMENT		
8	Intro	File Project Construction Records/Documentation in ProjectWise or as directed	x	NA
8	8.1	Issue Notice to Proceed to the Contractor		NA
8	8.2	Project Safety		NA
8	8.3	Conduct Conferences:		
		Pre-construction Conference (Appendix B) • Fabrication Inspection Notifications		NA
		Pre-survey • Construction staking • Monumentation		NA NA NA
		Partnering (Optional)		NA
		Structural Concrete Pre-Pour (Agenda is in <i>CDOT Construction Manual</i>)		NA
		Concrete Pavement Pre-Paving (Agenda is in <i>CDOT Construction Manual</i>)		NA
		HMA Pre-Paving (Agenda is in <i>CDOT Construction Manual</i>)		NA
8	8.4	Develop and distribute Public Notice of Planned Construction to media and local residents		NA
9	8.5	Supervise Construction		
		A Professional Engineer (PE) registered in Colorado, who will be "in responsible charge of construction supervision." _____ Phone number Local Agency Professional Engineer or CDOT Resident Engineer		NA
		Provide competent, experienced staff who will ensure the Contract work is constructed in accordance with the plans and specifications		NA
		Construction inspection and documentation (including projects with structures)		NA
		Fabrication Inspection and documentation		NA
9	8.6	Review and Approve Shop Drawings		NA
9	8.7	Perform Traffic Control Inspections		NA
9	8.8	Perform Construction Surveying		NA
9	8.9	Monument Right-of-Way		NA
9,9A	8.10	Prepare and Approve Interim and Final Contractor Pay Estimates. Collect and review CDOT Form 1418 (or equivalent) or use compliance software system. Provide the name and phone number of the person authorized for this task. _____ Phone number Local Agency Representative		NA
9	8.11	Prepare and Approve Interim and Final Utility and Railroad Billings		x
9B	8.12	Prepare and Authorize Change Orders	x	#
9B	8.13	Submit Change Order Package to CDOT	x	
9A	8.14	Prepare Local Agency Reimbursement Requests	x	
9	8.15	Monitor Project Financial Status		x
9	8.16	Prepare and Submit Monthly Progress Reports		x
9	8.17	Resolve Contractor Claims and Disputes		NA
	8.18	Conduct Routine and Random Project Reviews Provide the name and phone number of the person responsible for this task. Abel Lucero 303-398-6783 _____ Phone number CDOT Resident Engineer		x
9	8.19	Ongoing Oversight of DBE Participation	x	

LA WR	NO.	DESCRIPTION OF TASK	RESPONSIBLE PARTY LA CDOT
		MATERIALS	
9,9C	9.1	Discuss Materials at Pre-Construction Meeting <ul style="list-style-type: none"> Buy America documentation required prior to installation of steel 	NA
9,9C	9.2	Complete CDOT Form 250 - Materials Documentation Record <ul style="list-style-type: none"> Generate form, which includes determining the minimum number of required tests and applicable material submittals for all materials placed on the project Update the form as work progresses Complete and distribute form after work is completed 	NA NA NA NA
9C	9.3	Perform Project Acceptance Samples and Tests	NA
9C	9.4	Perform Laboratory Acceptance Tests	NA
9C	9.6	Accept Manufactured Products <p>Inspection of structural components:</p> <ul style="list-style-type: none"> Fabrication of structural steel and pre-stressed concrete structural components Bridge modular expansion devices (0" to 6" or greater) Fabrication of bearing devices 	NA NA
9C	9.6	Approve Sources of Materials	
9C	9.7	Independent Assurance Testing (IAT) <p>Local Agency Procedures <input type="checkbox"/> CDOT Procedures <input type="checkbox"/></p> <ul style="list-style-type: none"> Generate IAT schedule Schedule and provide notification Conduct IAT 	NA NA NA
9C	9.8	Approve mix designs <ul style="list-style-type: none"> Concrete Hot mix asphalt 	NA NA
9C	9.9	Check Final Materials Documentation	NA
9C	9.10	Complete and Distribute Final Materials Documentation	NA
		CONSTRUCTION CIVIL RIGHTS AND LABOR COMPLIANCE	
9	10.1	Fulfill Project Bulletin Board and Pre-Construction Packet Requirements	x
8,9	10.2	Process CDOT Form 205 - Sublet Permit Application and CDOT Form 1425 – Supplier Application Approval Request. Review & sign completed forms, or review/approve in compliance software system, as applicable, & submit to Region Civil Rights Office.	x
9	10.3	Conduct Equal Employment Opportunity and Labor Compliance Verification Employee Interviews. Complete CDOT Form 280	NA
9	10.4	Monitor Disadvantaged Business Enterprise Participation to Ensure Compliance with the "Commercially Useful Function" Requirements	x
9	10.5	Conduct Interviews When Project Utilizes On-the-Job Trainees. <ul style="list-style-type: none"> Complete CDOT Form 1337 – Contractor Commitment to Meet OJT Requirements. Complete CDOT Form 838 – OJT Trainee / Apprentice Record. Complete CDOT Form 200 - OJT Training Questionnaire 	NA NA NA
9	10.6	Check Certified Payrolls (Contact the Region Civil Rights Office for training reqmts.)	NA
9	10.7	Submit FHWA Form 1391 - Highway Construction Contractor's Annual EEO Report	NA
	10.8	Contract Compliance and Project Site Reviews	x
		FINALS	
	11.1	Conduct Final Project Inspection & Final Inspection of Structures, if applicable	x
10	11.2	Write Final Project Acceptance Letter	NA
10	11.3	Advertise for Final Settlement	NA
11	11.4	Prepare and Distribute Final As-Constructed Plans	NA
11	11.5	Prepare EEO Certification and Collect EEO Forms	NA
11	11.6	Check Final Quantities, Plans, and Pay Estimate; Check Project Documentation; and submit Final Certifications	NA

LA WK	NO.	DESCRIPTION OF TASK	RESPONSIBLE PARTY	
			LA	CDOT
11	11.7	Check Material Documentation and Accept Final Material Certification (See Chapter 9)		NA
	11.8	Review CDOT Form 1419		X
	11.9	Submit CDOT Professional Services Closeout Report Form		X
	11.10	Complete and Submit CDOT Form 1212 LA – Final Acceptance Report (by CDOT)		X
11	11.11	Process Final Payment		X
	11.12	Close out Local Project	X	
	11.13	Complete and Submit CDOT Form 950 - Project Closure		X
11	11.14	Retain Project Records		X
11	11.15	Retain Final Version of Local Agency Contract Administration Checklist	X	X

cc: CDOT Resident Engineer/Project Manager
CDOT Region Program Engineer
CDOT Region Civil Rights Office

CDOT Region Materials Engineer
CDOT Contracts and Market Analysis Branch
Local Agency Project Manager

EXHIBIT D
LOCAL AGENCY RESOLUTION (IF APPLICABLE)

INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT (the “Agreement”) , dated this ____ day of ____, 2024, is made by and between BOULDER COUNTY, a body politic and corporate of the State of Colorado (“Boulder County”); the CITY AND COUNTY OF BROOMFIELD, a municipal corporation and county (“Broomfield”), CITY OF LAFAYETTE (“Lafayette”) and CITY OF THORNTON (“Thornton”), the TOWN OF ERIE (“Erie”) each a Colorado home-rule municipal corporation. Each of the governmental entities shall be referred to herein, individually by name or as a “Party” and, collectively, as the “Parties.”

RECITALS

- A. The Parties are authorized by the provisions of Colo. Const. art. XIV, §(18)(2)(a) and C.R.S. §29-1-201 et seq., to enter into contracts with one another for the performance of functions that they are authorized by law to perform on their own; and
- B. The Parties are governmental entities, each with authority to build and maintain public roads and regulate traffic within their respective boundaries; and
- C. The Parties desire to set forth their understanding relating to the Colorado State Highway 7 Priority 1A Preconstruction Project (“Project”) which physically relates to proposed improvements to Colorado State Highway 7 from Brighton to Boulder; and
- D. Broomfield was the applicant for federal Transportation Improvement Program (“TIP”) funds through the Denver Regional Council of Governments (“DRCOG”) and the Colorado Department of Transportation (“CDOT”) will be the lead for the Project and, as such, Broomfield and CDOT have entered or will enter into an Intergovernmental Agreement regarding the Project; and
- E. Each of the Parties, has committed non-federal funds which this Agreement hereby is meant to memorialize in addition to outlining any other necessary obligations and responsibilities between the Parties; and
- F. The Parties desire to enter into this Agreement to share costs for the preliminary and environmental engineering and design of Colorado State Highway 7 and provide for funding for the same in accordance with the terms and conditions hereof.

AGREEMENT

In consideration of the foregoing recitals and the mutual covenants and promises herein contained, the Parties agree as follows:

- 1. TERM. The term of this Agreement shall commence upon execution of the last of the Parties and be effective through the completion of fiscal year 2025.
- 2. NON- FEDERAL FUNDING OBLIGATIONS. The Parties agree to provide non-federal funding in the amounts identified on the Funding Commitments chart identified as Exhibit A, attached hereto and incorporated by this reference, solely for the Project. Timing of funding obligations shall be as shown on Exhibit A. Each Party shall provide the designated funding to Broomfield within 30 days of

receipt of a request for the funded amount, email requests are sufficient for this purpose, and Broomfield shall use the funds solely for the Project.

3. NO WAIVER OF GOVERNMENTAL IMMUNITY. Nothing herein shall be construed as or is intended as a waiver of the rights and protections afforded any of the Parties under the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101 et seq., as the same may be amended from time to time. Further, the Parties agree that in the event any claim or suit is brought against any or some of the Parties, the Parties will cooperate with one another and with the insuring entities of the respective Parties in defending such claim or suit.
4. FINANCIAL OBLIGATIONS. All financial obligations of the Parties under this Agreement are subject to appropriation, budgeting, and availability of funds to discharge such obligations. Nothing in this Agreement shall be deemed to pledge any Parties credit or faith, directly or indirectly. Nothing in this Agreement shall constitute a multi-year fiscal obligation of any Party.
5. NO NON-PARTY BENEFICIARIES. This Agreement is intended to describe the rights and responsibilities only as to the Parties. This Agreement is not intended and shall not be deemed to confer any rights on any person or entity not named as a Party.
6. AUTHORIZED REPRESENTATIVES. Each Party will identify the Name, Title, telephone number and email address of an authorized representative who will be able to field questions or find the appropriate local government agent to assist with questions related to funding, right-of-way acquisitions, utilities and railroad crossings. This information shall be provided to and maintained by Sarah Grant, Transportation Manager for the City and County of Broomfield, 303-438-6385, sgrant@broomfield.org.
7. INTEGRATION AND AMENDMENT. This Agreement represents the entire agreement between the Parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by all Parties.
8. SEVERABILITY. If any provision of this Agreement as applied to any Party or to any circumstance shall be adjudged by a court to be void or unenforceable, the same shall in no way affect any other provision of this Agreement, the application of any such provision in any other circumstances, or the validity or enforceability of the Agreement as a whole.
9. ASSIGNMENT. This Agreement shall not be assigned by any Party without the prior written consent of the other Parties.
10. BINDING EFFECT. This Agreement shall inure to the benefit of and be binding upon the Parties and their respective legal representatives, successors, heirs, and assigns, provided that nothing in this paragraph shall be construed to permit the assignment of this Agreement except as otherwise expressly authorized herein.
11. WAIVER OF BREACH. A waiver by any Party of the breach of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach by any Party.
12. GOVERNING LAW. This Agreement shall be governed by the laws of the State of Colorado. Venue

for any legal action related to this Agreement shall lie in the District Court, Broomfield County, Colorado.

13. EXECUTION. This Agreement may be executed electronically and/or in counterparts, each of which shall be deemed an original and all of which shall constitute but one and the same instrument. This Agreement shall not be binding upon any Party unless and until all the Parties have executed this Agreement.

The Parties have caused this Agreement to be duly authorized and executed.

REMAINDER OF PAGE INTENTIONALLY BLANK.
SIGNATURE PAGES FOLLOW.

COUNTY OF BOULDER
BOARD OF COUNTY COMMISSIONERS

Ashley Stolzmann, Chair

Date: _____

ATTEST:

APPROVED AS TO FORM:

County Clerk

County Attorney

CITY AND COUNTY OF BROOMFIELD,
a Colorado municipal corporation and county

Guyleen Castriotta, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

City and County Clerk

City and County Attorney

CITY OF LAFAYETTE, COLORADO

Jaideep Mangat, Mayor

Date: _____


ATTEST:

Lynnette Beck, City Clerk


APPROVED AS TO FORM:

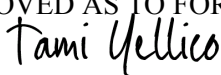
City Attorney

CITY OF THORNTON, COLORADO

DocuSigned by:

B79224F6FC56419
Brett E. Henry, Interim City Manager

Date: 5/29/2024

ATTEST: DocuSigned by:

D57962BD4ECE4A2
Kristen N. Rosenbaum, City Clerk

DocuSigned by:
APPROVED AS TO FORM:

68AB059BB4C24C8...
Tami Yellico, City Attorney

TOWN OF ERIE, COLORADO

Justin Brooks, Mayor

Date: _____

ATTEST:

Debbie Stamp, Town Clerk

EXHIBIT A

Local (non-federal) share of funding by year of commitment:

Participant	Total Commitment	2024	2025
City of Thornton	\$ 235,000	\$235,000	
Boulder County	\$ 57,500	\$29,000	28,500
City of Lafayette	\$ 28,750	\$28,750	
Town of Erie	\$ 86,250	\$86,250	
City & County of Broomfield	\$ 107,500	\$107,500	
Total	\$515,000	\$515,000	



City of Broomfield

City Council Regular Meeting

Resolution 2024-54 - SCFD Funding Allocations for the 2024/2025 Funding Cycle

Approval of the Scientific and Cultural Facilities District (SCFD) Funding Allocations for the 2024/2025 Funding Cycle.

Meeting	Agenda Group	
Tuesday, June 11, 2024, 6:00 PM	Consent Items	Item: 6C
Presented By		
Kathryn Lynip		
Community Goals		
<input checked="" type="checkbox"/> Thriving, Diverse, Safe and Welcoming Community		

Overview

[View Correspondence](#)

Staff seeks Council's approval of Resolution 2024-54, approving the Arts, History and Cultural Council's recommended funding plan for the distribution of the 2024/2025 Scientific and Cultural Facilities District (SCFD) funds.

Attachments

[Memo for 2024-2025 SCFD Funding Allocation.pdf](#)

[Resolution No. 2024-54 Approving the SCFD 2024_2025 Funding Allocation.pdf](#)

[Exhibit A Broomfield County Funding Plan 2024](#)

Summary

[View Correspondence](#)

Proposed [Resolution No. 2024-50](#) would approve the recommendations presented by the Arts, History and Cultural Council (AHCC) for distribution of the 2024/2025 Broomfield County Scientific and Cultural Facilities District (SCFD) funds. The list of proposed recipients is similar to that of prior program years. If approved by City Council, the funding plan will be forwarded to the SCFD Board of Directors for approval in September 2024.

The SCFD is a special, regional tax district that has physical boundaries contiguous with the borders of the seven metro counties, excluding the towns of Castle Rock and Larkspur. Its funding is based on a 0.1% sales and use tax collected in the seven metro Denver counties comprising the SCFD: Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas and Jefferson. This is equivalent to one penny on every \$10 in sales and use tax collected.

Broomfield has received a direct allocation of SCFD Tier III funds since becoming a city and county in 2001. The SCFD Tier III distribution share designated to each county is based on the previous year's proportionate collection of sales and use tax within each county and the SCFD board's budgeted revenue for the current year. Collections above the budgeted amount are rolled over to the following year and are a part of that year's allocation amount.

SCFD has experienced large revenue growth over the last several years, making the rollover amount quite significant. However, in 2023, the economy cooled, and SCFD did not see the same rate of growth which resulted in smaller rollover amount available for the 2024 funding. Therefore, all counties saw a decrease in funding.

The amount allocated to Broomfield for the 2024/2025 funding cycle is \$359,334.46 which is a decrease of 7.6% when compared to the 2023/2024 allocation of \$388,763.07. This funding cycle Broomfield received 2.5033% of the total SCFD proceeds distributed to the seven counties plus county-specific adjustments. This was a 0.0331% increase over the last year's percentage received.

By statute, the SCFD distributes funds annually to organizations that provide for the enlightenment and entertainment of the public through the production, preservation, exhibition, advancement or preservation of Performing Art, Visual Art, Cultural History, Natural History or Natural Sciences

Based on Broomfield Municipal Code, Section 2-64-030(A)(2)(a), 25% of SCFD funds are allocated to the City and County of Broomfield's Arts & History Division to fund programs. The remainder of the SCFD grant funds are recommended for distribution to other organizations serving Broomfield residents as detailed in [Exhibit A](#). In 2024, 40 organizations applied for grants: 10 for General Operating Support (GOS), which receive about 70-75% of SCFD funding, and 30 for Project grants, which receive the remaining 25-29%. SCFD distributes the checks to grant recipients each fall directly based on approved funding plans.

Financial Considerations

The following table lists amounts received and distributed to Broomfield City and County funded recipients by SCFD.

Fiscal Year	SCFD Funds Broomfield Allocation
2020/2021	\$212,303
2021/2022	\$275,058
2022/2023	\$312,031
2023/2024	\$388,763
2024/2025	\$359,334

Prior Council or Other Entity Actions

City Council approved Ordinance No. 1901 on December 16, 2008, amending Chapter 2-64 of the Broomfield Municipal Code regarding the distribution of Scientific and Cultural Facilities District Funds; and City Council most recently amended Chapter 2-64 with the approval of [Ordinance No. 2163](#) on October 12, 2021.

City Council has approved similar resolutions as proposed Resolution No. 2024-54 in each of the proceeding years since 2008.

Boards and Commissions Prior Actions and Recommendations

The Arts, History and Cultural Council has formulated its recommendations for the use of these funds. In summary, the recommendations by major category are:

Category	Recommended Allocation	% Total
General Operating Support (GOS)	\$ 253,334.46	70.5%
Special Projects Support	106,000.00	29.5%
Total SCFD Funds Allocated for Broomfield County	\$ 359,334.46	100%

In recommending the award of funds, the Arts, History and Cultural Council reviews grants submitted by Broomfield groups; regional groups that present in Broomfield; and regional attractions that provide activities for Broomfield residents. Funds can be used over a 15-month period, from October 2024 through December 2025, after checks are distributed.

Proposed Actions / Recommendations

If Council desires to allocate the funds, the appropriate motion is...
That [Resolution 2024-50](#) be adopted.

Alternatives

Council may suggest an alternative distribution.

RESOLUTION NO. 2024-54

A resolution authorizing and approving the Scientific and Cultural Facilities District (SCFD)
Funding Allocations for the 2024/2025 Funding Cycle

Be it resolved by the City Council of the City and County of Broomfield, Colorado:

Section 1.

The recommendations of the Arts, History and Cultural Council for allocation of the Tier III funds from the Scientific and Cultural Facilities District (SCFD), attached hereto as Exhibit A, are hereby approved.

Section 2.

The City and County Manager or a designee thereof is authorized to disperse the funds to the organizations in the amounts set forth in Exhibit A.

Section 3.

This resolution is effective upon its approval by the City Council.

Approved on June 11, 2024

The City and County of Broomfield, Colorado

Mayor

Attest:

Office of the City and County Clerk

Approved as to form:

NCR

City and County Attorney



SCFD 2024 Tier III Funding Plan - Broomfield County

From District Office	
2024 Funds Available	\$ 359,334.46
Uncommitted/Return Funds from	\$ -
Total Available from District Office	\$ 359,334.46

Organization	General Operating Support	Amount Requested	Amount Recommended
Art as Action	General Operating Support	\$ 14,800.00	\$ 11,000.00
Broomfield Civic Orchestra	General Operating Support	\$ 8,952.00	\$ 6,900.00
Broomfield Council on the Arts & Humanities	General Operating Support	\$ 50,000.00	\$ 39,450.84
Broomfield Dance	General Operating Support	\$ 25,000.00	\$ 16,600.00
Broomfield Veterans Memorial Museum	General Operating Support	\$ 30,000.00	\$ 22,550.00
City and County of Broomfield Arts and History Division	General Operating Support	\$ 101,250.00	\$ 89,833.62
Colorado Conservatory of Dance	General Operating Support	\$ 50,000.00	\$ 37,250.00
Colorado Fine Arts Association	General Operating Support	\$ 25,000.00	\$ 17,850.00
Colorado Repertory Singers	General Operating Support	\$ 12,000.00	\$ 8,550.00
Rocky Mountain Brassworks-A British Brass Band	General Operating Support	\$ 5,000.00	\$ 3,350.00

Organization	Project	Amount Requested	Amount Recommended
Baroque Chamber Orchestra of Colorado	Brandenburg Concertos Plus	\$ 7,500.00	\$ 5,150.00
Boulder Ballet	Educational Outreach	\$ 6,800.00	\$ 4,850.00
Boulder Ensemble Theatre Company	MAD LIBrarians: Improv Comedy for Kids and Families on TOUR!	\$ 6,080.00	\$ 4,150.00
Boulder Museum of Contemporary Art	BMoCA with Mamie Doud Eisenhower Public Library	\$ 7,500.00	\$ 5,700.00
Boulder Philharmonic Orchestra	Boulder Phil School Partnership Program	\$ 10,000.00	\$ 5,400.00
Centro Cultural Mexicano	Latin Beats: Sonidos de las Americas en las Escuelas	\$ 3,000.00	\$ 1,900.00
CMDance	School Dance and Music Programs	\$ 3,500.00	\$ 2,400.00
Colorado Celebration of African American Arts and Culture	Colorado Black Arts Festival	\$ 6,500.00	\$ 4,500.00
Colorado Dragon Boat	Cultural EduTainment	\$ 7,500.00	\$ 5,650.00
Control Group Productions	The Breathing Healing Bus	\$ 7,500.00	\$ 5,100.00
Danse Etoile Ballet	4 Story Ballet Performances	\$ 4,000.00	\$ 2,650.00
David Taylor's Zikr Dance Ensemble	Liturgies	\$ 7,500.00	\$ -
Denver Municipal Band	Public Concerts and Educational Workshops	\$ 1,600.00	\$ 1,100.00
Evergreen Jazz Festival	Evergreen Jazz Festivals Bands in Broomfield County Schools	\$ 1,200.00	\$ 800.00
Feel the Beat Corp	Feel the Beat and Lil' Friends Dance Together	\$ 7,500.00	\$ 5,300.00
Fiesta Colorado	Es Una Fiesta...Colorado!	\$ 2,000.00	\$ 1,300.00
Friends of Dinosaur Ridge	School/Organizational Guided Group Tours of Dinosaur Ridge	\$ 3,200.00	\$ 2,500.00
Historic Denver/Molly Brown House Museum	"Unsinkable" Education Programs	\$ 1,000.00	\$ 750.00

Mirror Image	Your Voice-Intervention	\$ 7,500.00	\$ 5,100.00
Museo de las Americas	Exhibits & Education Programs	\$ 7,500.00	\$ 5,300.00
New Voices of Colorado	Brahms Requiem - Alpine in Broomfield	\$ 7,500.00	\$ -
Ocean First Institute	Plastic Pollution Monitoring and Solutions Project	\$ 5,000.00	\$ 3,550.00
Pop Culture Classroom	Autism Colorful History	\$ 7,500.00	\$ 4,950.00
Rocky Mountain Arts Association	Can You Hear the People Sing?	\$ 5,500.00	\$ 4,150.00
Seriesfest	Mobile Cinema Lab	\$ 6,800.00	\$ 4,550.00
Sphere Ensemble	Sphere Ensemble Fall 2025 concert set	\$ 6,834.00	\$ 4,650.00
T2 Dance Company	T2 ChoreoFest	\$ 7,500.00	\$ 4,800.00
Tesoro Foundation	Indian Market & Intertribal Powwow	\$ 6,000.00	\$ -
Think 360 Arts for Learning	Arts for All: Schools, Communities, and Beyond	\$ 5,000.00	\$ 3,650.00
WOW Children's Museum World of Wonder	WOW! Children's Museum Play For All Broomfield	\$ 7,500.00	\$ 6,100.00

	Amount Requested	Amount Recommended
General Operating Support	\$ 322,002.00	\$ 253,334.46
Project	\$ 166,514.00	\$ 106,000.00
TOTAL	\$ 488,516.00	\$ 359,334.46



Resolution 2024-85, Establishing Conduct and Decorum Rules for Public Meetings

Meeting	Agenda Group
Tuesday, June 11, 2024, 6:00 PM	Consent Items Item: 6D
Presented By	
Nancy Rodgers, City and County Attorney	
Community Goals	

Overview

[View Correspondence](#)

A resolution approving amendments to Council Procedures and Rules of Order regarding rules of decorum for public meeting.

Attachments

[Memo Resolution 2024-85 Amendments to the Council Rules - Decorum.pdf](#)

[Resolution No. 2024-85 Amendments to the Council Rules - Decorum.pdf](#)

[Proposed TRACKED Edits to Council Rules - Decorum .pdf](#)

Summary

[View Correspondence](#)

Pursuant to [Section 5.1](#) of Broomfield's Charter, Council determines its own rules of procedure governing meetings. The current Council Rules can be found on the [Broomfield's website](#).

During the discussion of Council Rules on June 4, 2024, Council considered the possibility of adding conduct and decorum rules for public meetings similar to Rule 12 of [Denver's Rules of Procedure](#). Generally, Broomfield residents and guests are respectful during meetings. Council has relied on a few posted rules and the considerate approach of residents, guests, and presenters to help maintain order during meetings. For the most part, it has worked. Many local governments in Colorado and across the nation have experienced a public meeting with the near or total derailment of the meeting by a disruptive member of the public. Such disruptions can hamper the ability of staff and Council to focus on the work at hand and, in severe situations, can result in officials being unable to conduct the public's business.

Given the increased frequency of these events in the local government community, Council sought to create structure and consistency for all residents and attendees to Council meetings through a formal set and detailed rules of decorum. Further, these rules will be public and can be transparent to all about the conduct expected during our meetings.

Following Council's direction on June 4, 2024, staff prepared amendments to Section V of the Council Rules that are similar to Denver's decorum rules. Those amendments include:

- The speaker must introduce themselves and make all remarks to Council at the designated microphone and only after the Presiding Officer recognizes the speaker
- No disruption, disturbance or otherwise action to impede the orderly conduct of the meeting
- No threats or attempts to intimidate any other person present at the Council meeting.
- Remain seated, do not block doorways or aisles (People speaking at the podium, police officers in the performance of their duties, and staff members in the performance of their duties may stand, but should not block doors or aisles)
- Silence cell phones or any other electronic device so as to avoid disrupting the meeting.
- Animals are prohibited in Council chambers or meeting room (Service animals under the ADA are permitted; must be leashed)

The amendments include incorporating the rules currently posted on the doors leaning into the Chambers, including:

- No signs or posters are allowed in City Council Chambers.
- Speakers may comment on items not on the agenda during the public comment period.
- Speakers may comment on agenda items during the time for public comment on that agenda item.
- Disruptive behavior or threats will not be tolerated.

Broomfield values free speech and the ability of individuals to participate in the government process. The observation and participation of the public is important. These decorum rules are reasonable time, place and manner restrictions that would apply no matter the content of the person's speech.

Financial Considerations

N/A

Prior Council or Other Entity Actions

N/A

Boards and Commissions Prior Actions and Recommendations

N/A

Proposed Actions / Recommendations

If Council agrees with proposed changes to the Council Rules and Procedure, then the appropriate motion is:

That Resolution 2024-85 be approved.

Alternatives

Do not approve the changes and/or make changes as desired by Council.

RESOLUTION NO. 2024-85

A resolution approving amendments to Council Procedures and Rules of Order regarding rules of decorum

Be it resolved by the City Council of the City and County of Broomfield, Colorado:

Section 1.

The Council Procedures and Rules of Order as amended and attached are hereby approved.

Section 2.

The Mayor or Mayor Pro Tem is authorized to sign and the Office of the City and County Clerk to attest the Rules, in form approved by the City and County Attorney.

Section 3.

This resolution is effective upon its approval by the City Council.

Approved on June 11, 2024

The City and County of Broomfield, Colorado

Mayor

Attest:

Office of the City and County Clerk

Approved as to form:

NCR

City and County Attorney

COUNCIL PROCEDURES AND RULES OF ORDER

BROOMFIELD COUNCIL

CITY AND COUNTY OF BROOMFIELD, COLORADO

Effective as of ~~April 30, 2024~~ June 11, 2024

Adopted April 12, 1976
(Resolution 5-76)

Amended June 10, 2014
(Resolution 2014-85)

Amended April 13, 1982
(Article III, 3.11)

Amended December 11, 2018
(Resolution 2018-219)

Amended December 10, 1985
(Resolution 175-85)

Amended March 17, 2020
(Resolution 2020-108)

Amended April 11, 1989
(Resolution 17-89)

Amended May 5, 2020
(Resolution 2020-128)

Amended March 26, 1991
(Resolution 39-91)

Amended June 22, 2021
(Resolution 2021-92)

Amended June 29, 1993
(By Motion)

Amended August 10, 2021
(Resolution 2021-135)

Amended January 28, 1997
(Resolution 21-97)

Amended December 12, 2023
(Resolution 2023-88)

Amended October 28, 2008
(Resolution 2008-197)

Amended April 30, 2024
(Resolution 2024-60)

Amended June 11, 2024*
(Resolution 2024-85)

COUNCIL PROCEDURES

I. CHARTER

These Council Procedures are established in accordance with the Charter for the City and County of Broomfield (“Charter”).

These Procedures and Rules of Order apply to the current Council in working with the City and County administration. As a living document, the Procedures and Rules of Order will be brought forward for review at the beginning of each term of Council, when relevant legislation is amended, and at other times when appropriate to ensure that it remains current and continues to be a useful guide to the Mayor, members of Council, and the City and County administration.

II. COUNCIL MEETINGS

2.1 Presiding Officer

As provided in the Charter, the Mayor or the Mayor Pro-Tem shall be the presiding officer at Council meetings. If both the Mayor and Mayor Pro-Tem are absent from a meeting of Council, the City and County Clerk shall call the meeting to order and call roll. The majority of Councilmembers present shall then elect a Temporary Chair who shall be the presiding officer.

2.2 Regular Business Meetings

Regular business meetings are those meetings in which Council is expected to take formal action on a matter, either by ordinance, resolution, or motion. The Council shall hold regular business meetings on the second and fourth Tuesday of each month at 6:00 p.m. in the Council Chambers at the Municipal Building, unless the approved Council calendar establishes a different schedule. The Mayor and/or a Councilmember(s) may attend regular business meetings electronically as provided for in Section VII. The Council may reschedule regular business meetings, upon a majority vote of the entire Council. With the consent of a majority of the entire Council at a regular business meeting, study session, or by email, and with full and timely notice to the public, individual Council meetings may be scheduled for an early start to begin at 5:00 p.m. Business meetings shall be recorded and electronically broadcasted/live-streamed.

2.3 Special Meetings

Special meetings of the Council may be called in accordance with sections 5.2 and 5.3 of the Charter. The Mayor and/or a Councilmember(s) may attend special meetings electronically as provided for in Section VII.

2.4 Study Sessions Meetings

Study session meetings are those meetings in which Council will not be taking formal action on a matter, either by ordinance, resolution, or motion. Study session meetings can be held concurrently with a regular business meeting or special meeting so long as the agenda is clear on the subject matter and items for consideration.

Study sessions may be held on days established by the approved Council calendar and may be called by the Mayor at any time or by the majority vote of the Councilmembers present at any regular business meeting or Special meeting. Council declares that study sessions shall be held to allow Council to investigate and study issues and topics that may come before it and shall serve as a means by which Council may engage with staff and each other related to these particular topics. The City and County Manager may schedule study sessions upon notice to Council. The City and County Clerk shall use diligent effort to give advance notice to each Councilmember of the time and purpose of the meeting, provided that notice will not be necessary for a study session called at a regular business or special meeting at which a quorum is present. The Mayor and/or a Councilmember(s) may attend study session meetings electronically as provided for in Section VII. Study sessions shall be recorded and electronically broadcasted/live-streamed.

The parliamentary rules and other rules governing meetings of the Council shall be relaxed during Study Session, subject to the discretion of the Presiding Officer.

2.5 City and County Clerk - Minutes

(A) The City and County Clerk, or the Clerk's designee, shall attend and shall keep the minutes of each regular business or special meeting of the Council in accordance with the Charter.

(B) Before each regular meeting of the Council, the City and County Clerk shall cause to be delivered to each Councilmember a copy of the minutes of the preceding regular business and/or special meeting.

(C) Minutes will not be read if each Councilmember has been provided with a copy of the minutes in advance of the meeting at which they are to be approved.

(D) Minutes shall be signed by the Presiding Officer and by the Clerk of the meeting for which the minutes are approved.

2.6 Order of Business – Agenda – Regular Business Meetings

- (A) The order of business for regular business meetings of the Council will generally be:
- (1) Meeting Commencement, Petitions, and Communications, Mayor and Councilmember Reports
 - (2) Public Comment
 - (3) Reports

- (4) Consent Items
- (5) Action Items, which will include the Legislative Report as the last item
- (6) Councilmember and Mayor Requests for Future Action
- (7) Adjournment

(B) The Presiding Officer may vary from the order of business if the majority of Councilmembers present approve varying the order of business. This would be expected to be done upon the Review and Approval of Agenda.

(C) Preceding each regular business meeting of the Council, the Mayor, with the assistance of the Mayor Pro Tem and the City and County Manager, shall prepare a written Agenda showing the order of business. The City and County Clerk shall cause the Agenda to be delivered to the Mayor and to each Councilmember on or before 5:00 p.m. on the Wednesday prior to the meeting, and shall post the Agenda in accordance with the Colorado Open Meetings Act.

(D) The Mayor and Councilmembers are encouraged to prepare and submit questions for staff about a matter in advance of the meeting. Responses sent to Council by staff prior to the meeting shall be added to the correspondence folder on that matter, with the exception of questions and responses that are privileged and confidential.

(E) During Council's consideration of any matter, Councilmembers should refrain from speaking more than twice on a matter, and should not speak a second time until all Councilmembers have had an opportunity to speak once. The Presiding Officer may speak once and last on a matter.

(1) When possible, Councilmember comments/communications should be limited to five minutes per individual, per item.

(2) If Councilmembers are given an opportunity to speak for a second time on an item, they should limit their comments/communication to two minutes.

(F) With regard to requests from Councilmembers and the Mayor for future action, requests should be submitted to the Mayor, Councilmembers, and City and County Manager's office by noon the Wednesday before the meeting, so that appropriate public notice can be posted, as required by law. Members wanting to submit a request are encouraged to vet their idea and talk to staff and other members individually prior to bringing a request forward. A member or members making a request will have 5 minutes to present on their request. If a majority of Councilmembers support a motion to move the matter forward, then the matter will be either put on the next available study session or business meeting depending on the direction from Council.

2.7 Reasonable Accommodation

Upon request of the Mayor or a Councilmember, the City and County will provide reasonable accommodations for the Mayor or Councilmember to continue performing their official duties while they are disabled, as defined in the Americans with Disabilities Act and Colorado Civil

Rights Act, as amended, or when a situation arises that would qualify for accommodation under the federal Family Medical Leave Act, Colorado's Pregnant Workers Fairness Act, Colorado's Workplace Accommodations for Nursing Mothers Act, or other applicable laws, as amended, unless such accommodation would constitute an undue hardship or direct threat to the City and County. Such accommodations may include temporary modification of these Rules without the need for Council approval to allow for the continuation of the performance of duties, including participation in and voting in Business Meetings, Special Meetings, Study Sessions, and Executive Sessions.

III. PARLIAMENTARY PROCEDURE

3.1 Parliamentary Authority

Robert's Rules of Order, Revised shall be the parliamentary authority for all meetings of the Council and the rules contained therein shall govern the procedures utilized at such meetings where not inconsistent with the Charter or these Procedures.

3.2 Voting

Every Councilmember present, when a question is put, shall vote either "Yes," or "No," unless excused from voting in accordance with Section 5.5(c) or Section 6.3 of the Charter.

3.3 Amendments to Resolutions and Ordinances - Non-Quasi Judicial

(A) Councilmembers are strongly encouraged to distribute any proposed amendments or the concept of a proposed amendment to Council and staff as far in advance as possible.

(B) A Councilmember intending to introduce an amendment to a proposed non quasi-judicial resolution or ordinance must send a notification about the amendment by email to all members of Council, with a copy to the City and County Manager and the City and County Attorney, no later than 12:00 p.m. (noon) on the day prior to the day of any Council meeting where the resolution or ordinance is scheduled for a vote (including second reading and reconsiderations). Councilmembers are encouraged to distribute specific amendment language, but this is not required to meet the requirements of this section.

(C) Councilmembers are discouraged from making amendments to the terms and conditions of a contract presented to Council, via resolution, for approval. Instead, Councilmembers are encouraged to either reject the proposed resolution or postpone the matter, providing staff with sufficient direction to renew negotiations with the vendor, if appropriate, and/or gather more information.

(D) An amendment distributed by the deadline stated in this section requires a motion and a second for introduction. An amendment that is not distributed by the deadline stated in this section may only be introduced by a two-thirds vote of the Councilmembers present at the meeting. If an amendment is not introduced because it failed to get the two-thirds vote required

for introduction, the Councilmember is permitted to attempt to reintroduce the amendment at a future meeting, if applicable, in accordance with this section. All other matters related to amendment shall follow the procedures set forth in Robert's Rules of Order.

(E) On each motion to amend, the motion sponsor shall have no more than three minutes to present their motion. After which, the Mayor and Councilmembers shall have no more than one minute each to speak on the motion. The motion sponsor shall then be recognized for no more than one minute for final remarks on the motion.

(F) A non quasi-judicial ordinance that is amended in substance at the second reading shall not be ripe for final approval. The ordinance, as amended and approved on second reading, shall be published in full and the ordinance shall be introduced at Council a third time at a meeting with a public hearing no earlier than seven days after second reading for final approval, rejection, or other action taken by vote of the Council. The ordinance may not be further amended in substance during the third reading. What is a substantive amendment will be determined by the City and County Attorney.

(G) These advance notice deadlines do not apply to items on the agenda of a special meeting called with less than a week's notice to Council. This section does not apply to quasi-judicial items where conditions of approval for the action may arise from the hearing on the matter.

3.4 Reconsideration

After the decision on any question, any Councilmember who voted with the prevailing side may move for a reconsideration of any action at the same or at the next succeeding regular business meeting; provided, however, that an action of the Council authorizing or relating to any contract may be reconsidered at any time prior to the final execution thereof. A motion to reconsider may be seconded by any Councilmember and shall require a majority vote of the Councilmembers in office for adoption. After a motion to reconsider has been once voted on and lost, it shall not be introduced again except by unanimous consent of the Council.

3.5 Recess - During Meeting

The Presiding Officer may, at any point in the Agenda, declare a recess for a specified time.

3.6 Time of Adjournment

All Council meetings (including regular business meetings, special meetings, study sessions, and executive sessions) shall be adjourned by 11:00 p.m. and no new agenda item shall be introduced after 10:30 p.m. Any agenda items that haven't been addressed or that are still under discussion at 11:00 p.m. shall be continued to the next regularly scheduled meeting. Notwithstanding the above, prior to adjournment a majority of Councilmembers present may vote to extend the time for a current discussion or to address additional agenda items.

IV.
PUBLIC HEARING - PROCEDURES

4.1 Procedure

Public hearings will be conducted in accordance with the following procedures:

(A) The Presiding Officer will:

- (1) Declare the public hearing open;
- (2) Announce the public hearing procedures;
- (3) With the consent of Council, establish reasonable time limits for the hearing and reasonable time allocations therein;
- (4) Ask for an introductory presentation by the City Administration, if appropriate;
- (5) Ask for the petitioner's or applicant's presentation, if appropriate;
- (6) Ask for public comment on the item.

(B) For those matters that have an application or a petition, each side of an issue will be given an opportunity to be heard and to present their case.

(C) Any person speaking or presenting any information at the hearing may be questioned by the Council and by the administration.

(D) Following questions from Councilmembers, the Presiding Officer will declare the public hearing closed and the matter will be remanded to the Council for consideration.

V.
RULES OF DECORUM/ADDRESSING THE COUNCIL/PUBLIC COMMENT

5.1 COUNCIL'S INTENT FOR RULE OF DECORUM.

"Council meetings" means all business meetings, study sessions, focus sessions, and special meetings of Council. It can include legislative updates, committee meetings, and town halls that are noticed as a public meeting of the Council.

All Council meetings are open to the public. The public's participation is welcomed at Council meetings during the time and in the manner set forth in these rules. The intent of these rules is to:

(A) Provide a safe and secure setting for Council, the public, and staff to attend to Broomfield's business;

(B) Enable Council to conduct its deliberative process without interruption in a manner that can be heard and viewed by all in attendance and recorded for the simultaneous or later viewing by the public;

(C) Ensure that the public has a full opportunity to be heard during public hearings and public comment periods during Council meetings;

(D) Facilitate transparency in the conduct of Council meetings so that all persons have the opportunity to observe and hear all of the Council discussion and votes;

(E) Limit interruptions, unreasonable delay or duplication of comments, presentations or discussion;

(F) Develop an atmosphere of civility that is respectful of diverse opinions; and

(G) Balance the need for the Council to conduct effective meetings without the meetings extending late into the night or early morning with the need to give a full opportunity for the public to be heard.

5.2 PUBLIC COMMENT.

On all matters before Council during a regular business meeting, and special meeting, including those items subject to the Public Hearing provisions of these Procedures, members of the public may be allowed to speak, subject to reasonable time limits and sign up requirements imposed by the Presiding Officer. **At regular and special meetings, individuals may comment on general items not on the agenda during the public comment period and individuals may comment on agenda items during the time for public comment on that agenda item.** Individuals may be permitted to address Council during study session meetings with a public comment portion (eg: concept reviews). Each person addressing the Council may be asked to give their name and neighborhood or city/**county** of residence for the record, shall state the subject they wish to address, and shall limit the address to a reasonable time. The Presiding Officer, with the general consent of Council, may limit the time of any and all addresses.

5.3 DECORUM OF THE PUBLIC. During Council meetings, the following rules apply to the public:

(A) The speaker must introduce themselves and make all remarks to Council at the designated microphone and only after the Presiding Officer recognizes the speaker.

(B) An attendee at a Council meeting may not disrupt, disturb or otherwise impede the orderly conduct of the meeting, including failing to obey any lawful order of the Presiding Officer to be seated, to refrain from addressing Council or to leave the meeting room.

(C) An attendee at a Council meeting may not threaten or attempt to intimidate any other person present at the Council meeting.

(D) In accordance with the fire code occupancy limits and to allow for a safe exit, unless addressing the Council or entering or leaving the room, an attendee must remain seated in the seats provided for the audience or in wheelchairs or other assistive devices. Examples of safety or code violations include blocking, sitting, lying or standing in a manner that interferes with doors, aisles or ramps or entering the well of the Council Chambers without prior authorization. People speaking at the podium, police officers in the performance of their duties, and staff members in the performance of their duties may stand, but should not block doors or aisles.

(E) An attendee must silence their cell phone, pager, tablet, computer or any other electronic device so as to avoid disrupting the meeting.

(F) Animals are prohibited in Council chambers or meeting rooms. Service animals under the ADA are permitted. Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices.

(G) Signs and posters are not permitted during Council meetings.

5.4 ENFORCEMENT OF PUBLIC DECORUM. The Presiding Officer of Council is responsible for maintaining the order and decorum of meetings. These enforcement rules are in addition to the authority held by any other peace officer or fire marshal in attendance.

(A) If an attendee fails to follow the rules in this section, the Presiding Officer may announce that the attendee has failed to follow the decorum rules and order the attendee out of Council Chambers or the meeting room.

(B) The Presiding Officer may interrupt any speaker who is violating the rules of decorum or otherwise disrupting a meeting.

(C) The Presiding Officer should attempt to provide a verbal warning to any attendee that is violating the rules of decorum, but the verbal warning is not required as a condition of ordering the attendee from the Council Chambers or meeting room if there is imminent threat or danger.

(D) After leaving or being ordered to leave the Council Chambers or meeting room, the attendee may not attend any remaining portion of the meeting from which the attendee was ordered to leave without permission granted upon motion adopted by a majority vote of the Council members in attendance.

(E) In addition to any other authority of the Presiding Officer, the Presiding Officer may call a recess during which time the members of the Council may be instructed by the Presiding Officer to leave the Council Chambers or meeting room.

(F) If necessary for the safety of the Council and public, the Presiding Officer may order the Council Chambers or meeting room cleared of all attendees. The meeting may continue

only if the proceedings are televised or otherwise recorded so that they are available to the public.

(G) Nothing in these Rules limits, prohibits, or alters that authority of a police officer to enforce any applicable laws, including but not limited to disturbing the peace, trespassing, harassment, and interference with public employees and officials.

VI. ELECTIONS/ALTERNATES

6.1 Elections

Elections to fill vacancies on Council, to fill the position of Mayor Pro-Tem and to fill positions or vacancies with no available alternates on Boards and Commissions shall be by ballot. The City and County Clerk or designee will count the votes, and the Presiding Officer will announce the results. If none of the candidates receives the required number of votes to be elected on the first ballot, the candidate receiving the fewest votes will be dropped as a candidate unless the elimination of such name (or names in the cases of a tie vote) would leave only one candidate for the office. This process will continue until one candidate receives the required number of votes to be elected. If nominations are closed with no more candidates being nominated than there are positions to be filled, the candidates(s) so nominated shall thereby be appointed and no balloting shall be required. The City and County Clerk shall maintain a record of the vote for Boards and Commissions appointments.

6.2 Alternates

(A) When a regular resident member of a Board or Commission resigns or is removed prior to the end of their term, the alternate member, if any, shall automatically fill the vacancy for the remainder of the regular resident member's term. The alternate position shall remain vacant until such time as the Council elects to fill the vacancy.

(B) For those Boards and Commissions for which an alternate member has been appointed by the Council, the alternate member shall serve in the place of a regular resident member at a Board or Commission meeting when such regular resident member is absent from the meeting.

VII. ELECTRONIC PARTICIPATION RULES OF PROCEDURE FOR COUNCIL MEETINGS

7.1 Purpose

These rules specify the circumstances under which the Mayor and Councilmembers may participate in regular business, special meetings, study sessions, and executive sessions by telephone or other electronic means of participation, such as video-conferencing ("Electronic Participation"). The Mayor or any Councilmember may participate in a meeting of the Council electronically only in accordance with these rules.

7.2 Emergency Situations for Full Remote Meeting

(A) If a quorum is unable to meet at the day, hour, and place fixed by the rules and procedures of the Council because meeting in-person is not practical or prudent due to a health, weather, or other emergency affecting the City and County, meetings may be conducted by telephone, webinar, electronically, or by other means of communication so as to provide maximum practical notice. Meetings may be held electronically if all of the following conditions are met:

(1) The City and County Manager or the Mayor determines that meeting in person is not practical or prudent, because of a health, weather, or other emergency affecting the City and County;

(2) The Mayor and all Councilmembers can hear one another or otherwise communicate with one another and can hear or read all discussion and testimony in a manner designed to provide maximum notice and participation;

(3) If the regular meeting location is available, members of the public present at the regular meeting location can hear or read all discussion, testimony, and votes, unless not feasible due to the emergency;

(4) All votes are conducted by roll call or by a displayed vote;

(5) Minutes of the meeting are taken and promptly recorded, and such records are open to public inspection;

(6) To the extent possible, full and timely notice is given to the public setting forth the time of the meeting, the fact that the Mayor and Councilmembers may participate virtually, and the right of the public to monitor the meeting from another location; and

(7) Members of the public shall be allowed to submit written comments and may be allowed to be heard virtually if feasible, subject to reasonable limits imposed by the Presiding Officer.

7.3 Individual Electronic Participation by the Mayor or a Councilmember

(A) Electronic Participation by the Mayor and/or a Councilmember shall be allowed at a portion or the entirety of a regular meeting, special meeting, study session, and/or executive session. To arrange Electronic Participation, the Mayor or a Councilmember shall:

(1) Contact the Mayor (or, if the Mayor, the Mayor Pro Tem), City and County Manager, or City and County Clerk in advance of the meeting to determine if an arrangement for such participation via telephone conference or video conference is possible. The Mayor and Councilmembers shall endeavor to advise these individuals of

their intent to participate via Electronic Participation at the earliest possible time and not less than twenty-four (24) hours prior to the requested participation unless due to illness or personal emergency.

(2) Staff and the Mayor/Councilmember attending electronically shall initiate the Electronic Participation not more than ten (10) minutes prior to the scheduled time of the meeting. Upon disconnection during a meeting, the staff shall make one attempt to re-initiate the connection. If the connection fails, then the Mayor/Councilmember attending electronically will be listed as “absent” that portion of the meeting.

7.4 Conditions for Electronic Participation at Meetings

(A) The Mayor/Councilmember attending electronically is in a physical location with good connectivity (telephone or internet) that is free from distractions.

(B) Video conferencing should be utilized as the first tool for Electronic Participation, with a telephone connection as a back-up.

(C) When using video conferencing for Electronic Participation, the camera should be turned on, especially during Council comments and votes. Members should communicate with the Mayor and staff when they are having issues with their camera, either technological or otherwise.

(D) If the Mayor is participating in a meeting by electronic means and the Mayor Pro Tem is participating in person, the Mayor Pro Tem shall preside over the meeting. If both the Mayor and the Mayor Pro Tem are absent or participating by electronic means, then the Council will select a temporary chair to preside over the meeting pursuant to Section 2.1 of these Rules.

(E) The Mayor/Councilmember participating in an executive session electronically shall have a secure telephone or electronic connection, and certify that they are the only person in the room and that no other person has access to the executive session.

(F) If any member of Council is appearing at a meeting electronically, all votes are conducted by roll call or by a displayed vote.

7.5 Public, if feasible, to be heard virtually.

Members of the public who wish to comment virtually and who do not wish to present photos, maps or other materials shall be allowed to do so in the manner provided on the agenda published for the meeting.

7.6 Quasi-Judicial Hearings by Virtual Participation.

(A) If the City and County decides to allow for a full virtual hearing of a quasi-judicial matter pursuant to 7.2 above, the City and County Manager or designee will advise the applicant of such circumstances and present the applicant with two options for proceeding with the application. The applicant shall authorize the City and County, in writing, to proceed with one of the following options.

(1) Conduct the public hearing under this policy with accommodations made for virtual public participation and waive any legal challenge to the hearing being conducted virtually; or

(2) Suspend scheduling of the applicant's public hearings until such time as the Council has a meeting at which a quorum will be physically present and at which the hearing can be added to the agenda.

(B) The City and County shall hold a full virtual quasi-judicial hearings only if all parties presenting to the Council or involved in the proceeding are able to participate virtually and members of the public are able to be heard virtually. Written evidence and comments shall also be accepted and made part of the record.

(C) Virtual Participation at in-person quasi-judicial hearings by the Mayor or an individual Councilmember(s) is permitted, consistent with these Rules, and does not require the process set forth in (A) and (B) above.

7.7 Effect of Virtual Participation.

The Mayor/Councilmember who participates in a meeting electronically consistent with these Rules shall be considered "present" at the meeting for purposes of establishing a quorum and entitled to vote on matters coming before the Council.

VIII. RULES FOR THE CONDUCT OF COUNCIL

8.1 Be Prepared - Prepare for meetings. Ask questions before meetings to achieve clarity and if additional information is necessary, ask as early as possible to allow for questions to be addressed during the presentation.

8.2 Keep an Open Mind - Leave personal agendas out to achieve the best outcome for Broomfield and make non-partisan decisions. Do not intentionally surprise fellow Councilmembers or staff during meetings.

8.3 Deliberate on the Issues - Speak to the merits of the issue and refrain from attacking or questioning a person's motives.

8.4 Be Respectful - Treat fellow Councilmembers, staff and all persons appearing before the Council with respect.

8.5 Make Fair Council Decisions - Give unbiased consideration to all issues. Once a decision is made, support the work of the body. Do not undermine that decision.

8.6 Social and Traditional Media - When making public statements, it is appropriate for Councilmembers to use social media to explain their position. However, Councilmembers should refrain from using social media to undermine the body by criticizing other Councilmembers and staff for their position or votes on matters before Council.

8.7 Staff Direction - Except for the purpose of inquiry, the Council, its members, the Mayor and any Council committee shall deal with the administrative service solely through the City and County manager and neither the council, its members, the mayor, nor any council committee thereof shall give orders to any of the subordinates of the City and County manager.

IX. PROCEDURES FOR REVIEW OF STATE LEGISLATION

9.1 Prior to each year's State Legislative Session:

(A) The Council will meet to determine legislative principles and areas of focus (ex: Transportation, Oil & Gas, Taxation).

(B) Council and staff will work with regional lobbyist organizations to guide partner created legislation on areas of focus.

(C) Council and staff will continue to build partnerships with local state house delegation, regional lobbyist organizations and local governments.

9.2 During the State Legislative Session:

(A) Council will partner with regional lobbyist organizations to take positions on legislation.

(B) Staff or our lobbyist will create regular emails to Council which includes:

(1) Legislation to watch (within our focus areas).

(2) Upcoming Committee Meetings.

(C) Staff or our lobbyist will discuss legislation at Council meetings, informal in-depth meetings as necessary, and when Council requests to consider a position on specific legislation.

(D) Staff, Councilmember(s), or our lobbyist will lobby for or against any piece of legislation that is aligned with Council's priorities in partnership with our lobbyist organizations.

9.3 Council's Process for taking positions on legislation:

(A) During regular Council meetings, legislative items listed in the agenda can be discussed.

(B) Via email, the Mayor and/or any councilmember can request a piece of legislation or ballot initiatives be considered for Council's support or opposition.

(1) Requests should be submitted to the City and County Manager and include the Mayor and all Councilmembers by noon the Wednesday prior to the meeting, in order to meet the agenda schedule.

(2) At a meeting, a two thirds majority of the members of the entire Council may direct a position of support, or opposition.

(C) A position directs staff to:

(1) Contact the Broomfield State Delegation to alert them of position.

(2) Engage with the bill sponsor to discuss position and lobby to ensure the best outcome for Broomfield.

(3) Notify the public and media.

(4) Coordinate with Council to testify at committee meetings and craft talking points.

X.

10.1 The Council hereby declares that the annual budgets of the City and County of Broomfield are policy documents

10.2 Annual Budget

(A) A study session shall be held in the late spring/early summer each year at which a draft budget for the upcoming year shall be discussed. This study session shall be dedicated exclusively to the budget discussion and shall be scheduled at the discretion of the Mayor, with the assistance of the Mayor Pro Tem and the City and County Manager.

(B) A minimum of two study sessions shall be held each August/September, prior to formal Council action on the upcoming year's budget. They shall be scheduled at the discretion of the Mayor, with the assistance of the Mayor Pro Tem and the City and County Manager. These study sessions shall be dedicated exclusively to annual budget presentations and discussions.

(C) Council shall establish, by ordinance or resolution, such budget content guidelines, requirements, and specification as it deems appropriate, consistent with Charter.

XI. AMENDMENTS

These Rules of Procedure may be amended by a two-thirds vote of the Councilmembers in office.

Adopted the 11th day of April, 1989 and last amended on the 30th day of April, 2024.

ATTEST:

Mayor

Office of the City and County Clerk

APPROVED AS TO FORM:

NCR

City and County Attorney



Public Hearing - Drought Response Plan Third Reading

This will be the third reading for Proposed Ordinance 2219, which makes specific changes to the Code related to drought restrictions.

Meeting	Agenda Group
Tuesday, June 11, 2024, 6:00 PM	Action Items Item: 7A
Presented By	
Ken Rutt, Director of Public Works	
Community Goals	
<input checked="" type="checkbox"/> Financial Sustainability and Resilience	

Overview

[View Correspondence](#) and visit [BroomfieldVoice.com](https://broomfieldvoice.com)

During the February 20, 2024 Study Session, staff reintroduced the updated Drought Response Plan and requested Council's direction on proposed changes to the Broomfield Municipal Code (BMC) 13-36 related to enforcing future mandatory drought restrictions and improving overall drought preparedness. This will be the third reading for Proposed Ordinance 2219, which makes specific changes to the Code related to drought restrictions.

Staff is not recommending any changes to the overall approach for declaring drought stages. In other words, staff will continue to monitor conditions and make drought recommendations to the City Council. City Council will decide when to move into Drought Conditions I, II, or III per Chapter 13-36 of the BMC.

Attachments

[Memo for Public Hearing - Drought Response Plan Ordinance No. 2219 - Third Reading.pdf](#)
[Ordinance No. 2219_Amendend and Modified from Second Reading.pdf](#)

Summary

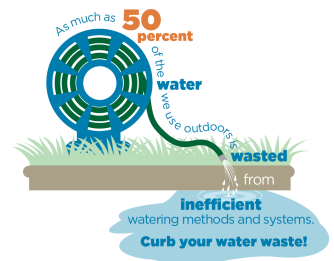
[View Correspondence](#)

On [May 28, 2024](#), staff presented Proposed Ordinance No. 2219 on second reading, which amends certain sections of Title 13 of the Broomfield Municipal Code regarding drought declarations, drought water use restrictions, and the enforcement of these mandatory water use restrictions. Proposed modifications to the drought water use restrictions defined under Municipal Code 13-36, as presented during second reading, are summarized in this [memo](#).

Staff is not recommending any changes to the overall approach for declaring drought stages. In other words, staff will continue to monitor conditions and make drought recommendations to the City Council. City Council will decide when to move into Drought Conditions I, II, or III per Chapter 13-36 of the BMC.

Updates to Chapter 13-36 include:

- (1) Title Update - "Water Use and Drought Water Use Restrictions" - the purpose is to encompass the broader intent to reduce the risk of additional water restrictions in the future;
- (2) The adoption of a standard (i.e. "normal year") watering schedule of 3 days per week between the hours of 6:00 p.m. and 10:00 a.m. based on even and odd street addresses;
 - Watering rules for the lawn are more important than ever as Colorado's population continues to increase and climate warms, putting more pressure on this limited resource.
 - Outdoor Water Use in Broomfield - 5 year average - 52% of the total potable (drinking water) annual consumption. In 2023, with the wet spring and early summer, the outdoor water use was 45% of the total consumption; accounting for approximately 1.56 billion gallons.
 - The watering rules incorporate best practices for efficient outdoor water use that will help keep your landscape healthy. It's a simple way for Broomfield to help protect our water supply now and in the future.
- (3) Added a provision stating "it is unlawful to waste water by allowing excess runoff from watering or other uses to flow down the gutters";
 - There is a fixed amount of water and the reality is our water resources are stressed. Increased population, drought conditions, changing climate and water contamination are affecting the available supply and cost to bring treated water to the customer.
- (4) Added enforcement provision consistent with other sections of the BMC;
 - Attachment 1 outlines the responsibilities, educational and administrative penalties. The overarching goal is to bring water awareness to the true value of water, promote sustainability, conservation and water efficiency practices.
- (5) Increases to the penalty ranges for non-compliance of mandatory water use restrictions during times of declared drought;
 - Drought is a normal climate pattern that has occurred in varying degrees of length, severity, and size throughout history. Droughts may last several years to even decades occur naturally in the southwestern U.S. Annual trends toward earlier spring melt and reduced snowpack are already affecting water resources in the western United States.
 - Mandatory Water Use Restrictions mean that our water supply is limited throughout the water system. Decreased storage water levels impact water quality, and increases cost of treatment.
 - The goal is to reduce usage by at least 50%. As stated above, over the past 5 years, outdoor water use accounts for 52% of potable water usage.
 - Drought conditions can increase wildfire intensity and severity, and fighting these fires can place significant stresses on the overall water supply.



(6) The ability to adopt an additional drought surcharge which could be applied to customers' monthly water usage fees during times of declared drought.

- Droughts can result in significant economic, social, environmental and water utility operational impacts, including: Loss of water supply; Poor source water quality that may affect treatment and the ability to meet drinking water standards. Stressed alternative and supplementary water sources due to high demand by other drought-affected users. Increased demand from customers. Increased costs and reduced revenues related to drought response.

Outdoor Irrigation Public Education Campaign

Staff is proposing a delayed implementation of Proposed Ordinance 2219 until January 1, 2025, to allow time for additional public education and outreach, particularly related to the new three day per week watering requirement. Watering deeply 2-3 times per week makes grass roots grow deeper and more tolerant to drought, whereas frequent, short watering encourages shallow roots and turf susceptible to drought, weeds, and disease. Watering schedule guidance will be provided to help customers understand how long to run their systems (based on the time of year and type of irrigation system), in addition to how many days per week is appropriate.

If this ordinance passes tonight, staff will start incorporating messaging to our residents. We are targeting the high point throughout the year of when this type of messaging is being sought by residents

- A postcard will be mailed providing the changes they can expect.
- Information about the ordinance will be wrapped into our existing communications on programs such as Slow the Flow
 - These messages will be communicated through our website, City County of Broomfield and specialized newsletters, social media channels and outreach at Broomfield Days.

We are already thinking about next year when the ordinance will be in effect.

- More specific messaging will be used.
- We'll use all of the communications methods and tactics above, but also include:
 - Signage (*around town, for example bus stops, message boards*)
 - Direct mailing
 - Flyers
 - Contacting the media
 - Partner with local community groups and HOAs.

Council Amendments

Following the staff presentation and public comment, Council approved the following amendments to Proposed Ordinance No. 2219 on second reading. Per Council Rules, and given that the amendments were substantive, Council ordered it published and called for a third reading on June 11, 2024.

- 13-36-017 sections (A) through (H) - Administrative Fines for Violations of this Chapter - This amendment places the administrative fine provision into the code.
- 13-36-050(J)(1)Washing of vehicles and boats. Upon the declaration of Drought Condition III by resolution of the city council, this amendment prohibits the washing of vehicles and boats during (J) Washing of vehicles and boats.
 - (1) ~~Personal vehicles may be washed no more often than once each week using a hose with a positive shutoff mechanism.~~ Washing of personal vehicles and boats is prohibited except as allowed per section 13-36-050(j)(3).

Financial Considerations

Staff is proposing modifications to sections of Broomfield Municipal Code pertaining to wasting water, drought surcharges and drought water use restrictions. The proposed amendments are consistent with BMC 1-12 and will increase the penalties imposed under Chapter 13-36-060 for any violation of the drought water use restrictions described in Chapter 13-36, and introduce a new drought surcharge on Broomfield water customers' monthly water service fees. The proposed surcharge is intended to recover lost revenue associated with any mandatory water use restrictions and further incentivize water conservation amongst customers during a drought.

Prior Council or Other Entity Actions

On July 23, 2002, City Council adopted Ordinance 1683 - BMC Chapter 13-36, Drought Watering Restrictions. On September 28, 2002, City Council adopted Ordinance 1693 amending Chapter 13-36

On May 27, 2003, City Council adopted Resolution 2003-98 - Declaring Stage 1 Drought response, removing mandatory water use restrictions and moving to voluntary conservation

On June 19, 2012, City Council held a Study Session, including an update on the 2012 Draft Drought Response Plan.

On [May 16, 2023](#), City Council held a study session which introduced the updated Drought Response Plan and request for Council's direction on the associated code changes.

On [July 11, 2023](#), staff presented Ordinance No. 2219 Amending Certain Sections of Title 13 of the Broomfield Municipal Code Regarding Drought Water Use Restrictions. The ordinance was not carried forward to second reading.

On [February 20, 2024](#), City Council held a study session reintroducing the updated Drought Response Plan and request for Council's direction on the associated code changes.

On [April 23, 2024](#), staff presented Ordinance No. 2219 Amending Certain Sections of Title 13 of the Broomfield Municipal Code Regarding Drought Water Use Restrictions.

On [May 28, 2024](#), staff presented Ordinance No. 2219 Amending Certain Section of Title 13 of the Broomfield Municipal Code Regarding Drought Water Use Restrictions-2nd Reading

Boards and Commissions Prior Actions and Recommendations

On May 8, 2023, staff presented the updated Drought Response Plan and associated code changes to the Advisory Committee on Environmental Sustainability (ACES). ACES supported staff's update to the Drought Response Plan and unanimously voted in favor of the revised code related to drought watering restrictions.

Proposed Actions / Recommendations

If Council desires to approve the proposed changes to the Broomfield Municipal Code, the appropriate motion is...

That Ordinance 2219, effective January 1, 2025, be adopted on third and final reading and ordered published.

Alternatives

Make no changes to Broomfield Municipal Code.

ORDINANCE NO. 2219

An Ordinance Amending Certain Sections of Chapter 13-36 of the Broomfield Municipal Code
Water Use and Drought Restrictions

Be it ordained by the City Council of the City and County of Broomfield, Colorado:

Section 1.

Chapter 13-36 of the Broomfield Municipal Code is amended as follows:

Chapter 13-36 - **Water Use and Drought Watering Use Restrictions**

13-36-010 Purpose

(A) In order to maximize the long-term reliability of Broomfield's potable and reclaimed water supplies, and to prevent wasteful landscape irrigation, all turf areas in Broomfield should be irrigated following efficient practices.

(B) Whenever the city council declares a drought condition ~~emergency~~ and the necessity for mandatory water ~~use restrictions~~ ~~conservation measures~~, the provisions of this chapter shall implement such mandatory water ~~use restrictions~~ ~~conservation measures~~ for the preservation of public property, health, peace, and safety of the public. ~~The provisions of this chapter apply to both potable water and reclaimed water uses.~~

13-36-015 - Irrigation Practices During Times with No Declared Drought Condition

(A) During times not declared a drought condition as set forth in this Chapter, the customer, owner, and occupant of the licensed premises shall adhere to the following standard irrigation practices:

(1) For turf areas irrigated by potable or reclaimed water, irrigation is limited to three days per week. A "house number" is defined by the last two digits of a street address. (Ex. - 02, 14, 22 are even numbers; 15, 19, 27 are odd numbers).

(a) Addresses ending in an even number may irrigate on Monday, Wednesday, and Friday of the week.

(b) Addresses ending in an odd number may irrigate on Sunday, Tuesday, and Thursday of the week.

(2) Turf irrigation shall be avoided between the hours of 10:00 a.m. and 6:00 p.m.

(a) For small parcels irrigation must occur on designated days. Small parcels are those with less than 100,000 square feet (or 2.3 acres) of irrigated turf.

(b) For large parcels where irrigation may span multiple days over a single evening (e.g. 6:00 p.m. to 10:00 a.m. on the following day), day of the week designations, as referenced throughout this Chapter, means the day in which irrigation must begin. Large parcels are those with more than 100,000 square feet (or 2.3 acres) of irrigated turf.

(3) Turf areas irrigated by reclaimed water shall not irrigate before April 1 or after November 30.

(B) System maintenance. An irrigation system may be operated at any time for the purpose of repair or regular maintenance, provided that misuse or waste of water does not occur in violation of section 13-24-010, B.M.C.

(C) Trees, shrubs, gardens. The irrigation of trees, shrubs, or gardens may occur at any time if watered by hand, a drip irrigation system, a bubbler system, or by a soaker hose. Hand watering means holding in the hand a hose with an attached positive shutoff nozzle, and does not include operating a hose with a sprinkler or manually operating an irrigation controller.

(D) It shall be unlawful to waste water by allowing excess runoff from watering or other uses to flow down the gutters.

13-36-017 - Administrative Fines for Violations of this Chapter

(A) When the City and County Manager's designee finds that someone has violated any provision of this Chapter for the first or second time in a calendar year, that user shall be issued a notice of violation with educational materials.

(B) When the City and County Manager's designee finds following an investigation and written notice, that a user has violated any provision of this chapter for a third or subsequent time up to the eighth time in a calendar year, the City and County Manager's designee may issue an administrative fine on such user in accordance with the following schedule:

Violation	Fine
Third.	\$50 and educational materials included
Fourth.	\$100 and educational materials included
Fifth.	\$250 and educational materials included
Sixth.	\$500 and educational materials included
Seventh.	\$750 and educational materials included
Eighth.	\$1,000 and educational materials included

(C) When the City and County Manager's designee finds, following an investigation, and written notice, that a user has either violated any provision of this subsection for a ninth or additional time in a calendar year or that a user has willfully and wantonly violated the restrictions in this Chapter, the City Manager's designee may issue administrative fines equal to an amount up to the monetary penalties set forth in Chapter 1-12 of the B.M.C., which, for reference, is currently capped at \$2,650, such fines shall be assessed on a per-violation basis.

(D) Each notice of a violation of any provision of this Chapter constitutes a separate violation.

(E) A fine issued pursuant to this section is due within thirty (30) days after the issuance date or, if appealed, within thirty (30) days after the appeal decision. If the fine is not paid by the deadline, the account shall be considered delinquent under 13-12-040, B.M.C.

(F) The user may appeal the administrative notice and fine issued under this section to the City and County Manager or designated hearing office in writing within 15 days of the date of the notice.

(G) The City and County Manager or designated hearing office may establish, adopt, amend, or rescind other administrative policies and procedures consistent with the applicable provisions of the Broomfield Municipal Code.

(H) Nothing in this section precludes Broomfield from taking any additional enforcement action appropriate under this Code, including actions related to property damage or personal injury.

13-36-020 Declaration of drought.

(A) The city council finds, determines, and declares a condition of severe drought, and said condition of drought has, and will continue to have, a deleterious effect upon the quantity and availability of potable **and/or reclaimed** water the city provides to its citizens and to others served by the city.

(B) The necessity of mandatory water **use restrictions** ~~conservation measures~~ applicable to city water delivery systems is deemed warranted and is duly declared.

(C) The city council determines that it is necessary to implement mandatory water **use restrictions** ~~conservation measures~~ for the preservation of public property, health, peace, and safety of the public.

(D) The city council may declare, by resolution, a Drought Condition for the potable **and/or reclaimed** water systems at any given time. City council may declare a drought condition for one system but not the other and there is no requirement that the declared drought conditions be the same for both systems.

13-36-030 Drought Condition I; mandatory ~~drought-watering~~ **use restrictions**.

Upon the declaration of a Drought Condition I ~~drought emergency~~ by resolution of the city council, all customers, owners, or occupants of any licensed premises, including all out-of-city water customers and members served by the Mile High Water Company, shall comply with the following water restrictions:

(A) ***Watering days on residential and small commercial parcels.*** Irrigation of turf grasses of any kind shall be limited to two days each week of the month as follows:

(1) Single-family dwellings and duplex dwellings with an address ending in an odd number may irrigate only on Wednesdays and Saturdays of the week.

(2) Single-family dwellings and duplex dwellings with an address ending in an even number may irrigate only on Sundays and Thursdays of the week.

(3) ~~Homeowners' associations; multiple family dwelling of three or more families; mobile home communities, including residents therein; and business, commercial or industrial uses may irrigate only on Tuesdays, and Fridays of the week.~~ **Other small parcels (those with less than 100,000 square feet or 2.3 acres of irrigated turf) may irrigate only on Tuesdays and Fridays. Other small parcels include those within homeowners' association common areas; multiple-family dwellings of three or more families; mobile home communities, including residents therein; and small business, commercial or industrial parcels.**

(4) There shall be no irrigation of turf grasses on Mondays except by permit.

(B) ~~Time restrictionlimit per day.~~ The irrigation of turf grasses permitted by subsection (A) ~~above be limited to two hours at any time before is prohibited between the hours of 10:00 a.m. and or after 6:00 p.m. on the authorized watering day. Residential turf grass areas that are greater than 12,000 square feet may be irrigated for an additional one hour on the authorized watering day at any time before the hours of 10:00 a.m. or after 6:00 p.m.~~

(C) **Alternative irrigation schedule.** Property owners may be allowed to follow an alternative irrigation schedule if they can demonstrate to city staff that they do not exceed the quantitative irrigation target of no more than 1.0 inch per week. Authorization for an alternative irrigation schedule, if approved by city staff at their discretion, will be issued by city staff in writing, which can include email.

~~(DC)~~ **Large irrigation areas.** Large business, commercial, or industrial irrigation turf areas are required to limit total irrigation of turf to no more than 1.0 inch per week. There shall be no irrigation of turf areas between the hours of 10:00 a.m. and 6:00 p.m. Large parcels are those with more than 100,000 square feet (or 2.3 acres) of irrigated turf. ~~in addition to the irrigation limitations prescribed in subsections (A) and (B) above, shall be subject to the following limitations:~~

~~(1) Pop-up irrigation zones shall be limited to fifteen minutes.~~

~~(2) Full rotor irrigation zones shall be limited to forty five minutes.~~

~~(3) — One half rotor irrigation zones shall be limited to thirty minutes.~~

Employees or agents of the city are hereby authorized and permitted without a warrant to enter upon the property of any business, commercial, or industrial irrigation turf area for the limited purpose of examining irrigation clocks or timing devices.

(EØ) Parks and athletic fields. Public parks and athletic fields and school athletic fields are required to limit total irrigation of turf to no more than 1.0 inch per week. There shall be no irrigation of turf areas between the hours of 10:00 a.m. and 6:00 p.m. ~~exempt from the turf irrigation water day and watering hour limitations prescribed above, provided that such irrigation occurs at any time before the hours of 10:00 a.m. or after 6:00 p.m., and further provided that a 30% reduction in irrigation use is established.~~

(FE) Golf courses. Golf courses are required to limit total irrigation of turf to no more than 1.0 inch per week. There shall be no irrigation of turf areas between the hours of 10:00 a.m. and 6:00 p.m. ~~exempt from the turf irrigation water day and watering hour limitations prescribed above, provided that a thirty percent reduction in irrigation use is established. Golf courses shall not water the roughs unless the golf course irrigation cannot separate fairway from rough watering.~~

(G F) New seed or sod. New sod, seed, or re-seed shall not be installed between June 1 and September 15 during Drought Condition I. Any newly sodded, seeded, or re-seeded turf areas in the city are exempt from the turf irrigation water day and watering hour limitations prescribed above, provided the newly sodded, seeded, or re-seeded turf area is registered with the department of public works. Once registered with the department of public works, newly sodded, seeded, or re-seeded turf areas are subject to the following limitations:

(1) Total irrigation is limited to 2.0 inches per week for up to two weeks from initial installation of sod or seed. There shall be no irrigation between ~~Newly sodded, seeded, or re-seeded turf areas may be irrigated twice each day for not more than two hours at any time before the hours of 10:00 a.m. or after 6:00 p.m. for a period of two weeks, provided that such newly sodded, seeded, or re-seeded turf areas are installed before June 16 or after September 1.~~

(2) ~~Any newly sodded, seeded, or re-seeded turf areas that cannot be irrigated within the two hour period, may be watered in accordance with the provisions prescribed for large irrigation areas in subsection (C) above.~~

After the first two weeks of establishment irrigation, newly sodded, seeded, or re-seeded turf areas are subject to the requirements under subsections A-D above.

(HG) System maintenance. An irrigation system may be operated at any time for the purpose of repair or regular maintenance, provided that misuse or waste of water does not occur in violation of section 13-24-010, B.M.C.

(IH) Trees, shrubs, gardens. The irrigation of trees, shrubs, or gardens may occur at any time if watered by hand, a drip irrigation system, a bubbler system, or by a soaker hose. Hand

watering means holding in the hand a hose with an attached positive shutoff nozzle, and does not include operating a hose with a sprinkler or manually operating an irrigation controller.

(J~~H~~) Swimming pools. The city shall not issue building permits for new swimming pools. Existing swimming pools may be filled once a year and the water level maintained in the swimming pool throughout the year.

(K~~J~~) Washing of vehicles.

(1) Personal vehicles may be washed no more often than once each week using a hose with a positive shutoff mechanism.

(2) Vehicles in government or commercial operations or fleets may be washed no more often than once a week.

(3) Vehicles may be washed at a commercial car wash at any time.

(L~~K~~) Impervious areas. Impervious surfaces, such as sidewalks, driveways, or patios, may not be washed by hoses, except when necessary for public health or safety reasons.

(M~~E~~) Building maintenance. Buildings may be washed by a pressure washer to clean the surface in preparation for maintenance, provided that misuse or waster of water does not occur in violation of section [13-24-010](#), B.M.C.

(N~~M~~) Permits. For good cause shown, the director or deputy director of public works may issue water variance permits in instances of personal hardship.

13-36-040 Drought Condition II; mandatory ~~drought~~ watering use restrictions.

Upon the declaration of a Drought Condition II ~~drought emergency~~ by resolution of the city council, all customers, owners, or occupants of any licensed premises, including all out-of-city water customers and members served by the Mile High Water Company, shall comply with the following water restrictions:

(A) Watering days **for residential and small commercial parcels**. Irrigation of turf grasses of any kind shall be limited to **one** ~~two~~ days each week **not to exceed 0.75 inches per week** ~~of the month~~ as follows:

(1) Single-family dwellings and duplex dwellings with an address ending in an odd number may irrigate only on Wednesdays ~~and Saturdays of the week~~.

(2) Single-family dwellings and duplex dwellings with an address ending in an even number may irrigate only on Sundays ~~and Thursdays of the week~~.

(3) **Other small parcels (those with less than 100,000 square feet or 2.3 acres of irrigated turf)** may irrigate only on Fridays. **Other small parcels including those within homeowners' association common areas; multiple-family dwellings of three or more families; mobile home communities, including residents therein; and small business, commercial or industrial parcels.**

(4) There shall be no irrigation of turf grasses on Mondays, Tuesdays, Thursdays, and Saturdays except by permit.

(B) ~~Time restrictions limit per day.~~ The irrigation of turf grasses permitted by subsection (A) above shall ~~be limited to two hours at any time before~~ **is prohibited between** the hours of 10:00 a.m. and ~~or after 6:00 p.m. on the authorized watering day. Residential turf grass areas that are greater than 12,000 square feet may be irrigated for an additional one hour on the authorized watering day at any time before the hours of 10:00 a.m. or after 6:00 p.m.~~

(C) Alternative irrigation schedule. Property owners may be allowed to follow an alternative irrigation schedule if they can demonstrate to city staff that they do not exceed the quantitative irrigation target of no more than 0.75 inches per week

(DE) Large irrigation areas. Large business, commercial, or industrial irrigation turf areas are required to limit total irrigation of turf to no more than 0.75 inches per week. There shall be no irrigation of turf areas between the hours of 10:00 a.m. and 6:00 p.m. Large parcels are those with more than 100,000 square feet (or 2.3 acres) of irrigated turf, ~~in addition to the irrigation limitations prescribed in subsections (A) and (B) above, shall be subject to the following limitations:~~

~~(1) Pop up irrigation zones shall be limited to fifteen minutes.~~

~~(2) Full rotor irrigation zones shall be limited to forty five minutes.~~

~~(3) One half rotor irrigation zones shall be limited to thirty minutes.~~

~~Employees or agents of the city are hereby authorized and permitted without a warrant to enter upon the property of any business, commercial, or industrial irrigation turf area for the limited purpose of examining irrigation clocks or timing devices.~~

(ED) Parks and athletic fields. Public parks and athletic fields and school athletic fields are required to limit total irrigation of turf to no more than 0.75 inches per week. There shall be no irrigation of turf areas between the hours of 10:00 a.m. and 6:00 p.m. ~~exempt from the turf irrigation water day and watering hour limitations prescribed above, provided that such irrigation occurs at any time before the hours of 10:00 a.m. or after 6:00 p.m., and further provided that a 30% reduction in irrigation use is established.~~

(FE) Golf courses. Golf courses are required to limit total irrigation of turf to no more than 0.75 inches per week. There shall be no irrigation of turf areas between the hours of 10:00 a.m. and 6:00 p.m. ~~exempt from the turf irrigation water day and watering hour limitations prescribed above, provided that a thirty percent reduction in irrigation use is established. Golf courses shall not water the roughs unless the golf course irrigation cannot separate fairway from rough watering.~~

(GF) New seed or sod. Installation of new sod or seed, or re-seeding existing turf is prohibited during Drought Condition II. Any newly sodded, seeded, or re-seeded turf areas in the city are subject to turf irrigation provisions set forth in subsections (A) through (C) above.

(HG) System maintenance. An irrigation system may be operated at any time for the purpose of repair or regular maintenance, provided that misuse or waste of water does not occur in violation of section 13-24-010, B.M.C.

(IH) Trees, shrubs, gardens. The irrigation of trees, shrubs, or gardens may occur at any time if watered by hand, a drip irrigation system, a bubbler system, or by a soaker hose. Hand watering means holding in the hand a hose with an attached positive shutoff nozzle, and does not include operating a hose with a sprinkler or manually operating an irrigation controller.

(Ji) Swimming pools. The city shall not issue building permits for new swimming pools. Existing swimming pools may be filled once a year and the water level maintained in the swimming pool throughout the year.

(Kj) Washing of vehicles.

(1) Personal vehicles may be washed no more often than once each week using a hose with a positive shutoff mechanism.

(2) Vehicles in government or commercial operations or fleets may be washed no more often than once a week.

(3) Vehicles may be washed at a commercial car wash at any time.

(LK) Impervious areas. Impervious surfaces, such as sidewalks, driveways, or patios, may not be washed by hoses, except when necessary for public health or safety reasons.

(ML) Building maintenance. Buildings may be washed by a pressure washer to clean the surface in preparation for maintenance, provided that misuse or waster of water does not occur in violation of section 13-24-010, B.M.C.

(NM) Water features. Operation of outside water features, such as fountains or outdoor misting systems, is prohibited, except if such features or systems are used to sustain aquatic life or maintain water quality.

(OM) Permits. For good cause shown, the director or deputy director of public works may issue water variance permits in instances of personal hardship.

13-36-050 Drought Condition III; mandatory ~~drought-watering~~ use restrictions.

Upon the declaration of a ~~Drought Condition III drought-emergency~~ by resolution of the city council, all customers, owners, or occupants of any licensed premises, including all out-of-city water customers and members served by the Mile High Water Company, shall comply with the following water restrictions:

(A) Watering days for residential and small commercial parcels. The irrigation of turf grasses of any kind is prohibited.

(B) Time restrictions ~~limit per day~~. The irrigation of turf grasses of any kind is prohibited.

(C) Large irrigation areas. The irrigation of turf grasses of any kind is prohibited.

(D) Parks and athletic fields. Turf irrigation is prohibited except for athletic fields. Actively used athletic fields may be irrigated no more than 0.75 inches of water per week. No turf irrigation is allowed between the hours of 10:00 a.m. and 6:00 p.m. on any day. The City and County Manager may further restrict irrigation of athletic fields if drought conditions persist or worsen. ~~Public parks and athletic fields and school athletic fields are exempt from the turf irrigation water day and watering hour limitations prescribed above, provided that such irrigation occurs at any time before the hours of 10:00 a.m. or after 6:00 p.m., and further provided that a 50% reduction in irrigation use is established.~~

(E) Golf courses. Only the tees and greens on golf courses may be irrigated. Limit turf irrigation of tees and greens to no more than 0.75 inches of water per week. No turf irrigation is allowed between the hours of 10 AM and 6 PM on any day. The City Manager may further restrict irrigation of golf courses if drought conditions persist or worsen.

(F) New seed or sod. Installation of new sod or seed, or re-seeding existing turf is prohibited during Drought Condition III, and ~~t~~The irrigation of turf grasses of any kind is prohibited.

(G) System maintenance. An irrigation system may be operated at any time for the purpose of repair or regular maintenance, provided that misuse or waste of water does not occur in violation of section [13-24-010](#), B.M.C.

(H) Trees, shrubs, gardens. The irrigation of trees, shrubs, or gardens may occur at any time if watered by hand, a drip irrigation system, a bubbler system, or by a soaker hose. Hand watering means holding in the hand a hose with an attached positive shutoff nozzle, and does not include operating a hose with a sprinkler or manually operating an irrigation controller.

(I) Swimming pools. The city shall not issue building permits for new swimming pools. Private swimming pools may not be filled. Public swimming pools, private club swimming pools, and homeowner's association swimming pools may be filled.

(J) Washing of vehicles and boats.

(1) ~~Personal vehicles may be washed no more often than once each week using a hose with a positive shutoff mechanism.~~ Washing of personal vehicles and boats is prohibited except as allowed per section 13-36-050(j)(3).

(2) Vehicles in government or commercial operations or fleets may be washed no more often than once a week.

(3) Commercial car washes shall have recycling capabilities in order to operate and are required to obtain a permit from the director or deputy director of public works as a condition of operation.

(K) Impervious areas. Impervious surfaces, such as sidewalks, driveways, or patios, may not be washed by hoses, except when necessary for public health or safety reasons.

(L) Building maintenance. Buildings may be washed by a pressure washer to clean the surface in preparation for maintenance, provided that misuse or waster of water does not occur in violation of section [13-24-010](#), B.M.C.

(M) Water features. Operation of outside water features, such as fountains or outdoor misting systems, is prohibited, except if such features or systems are used to sustain aquatic life or maintain water quality.

(N) Permits. Except as provided for commercial car washes, no permits shall be issued.

13-36-060 Enforcement of drought watering use restrictions.

The customer, owner, or occupant of the licensed premises shall be responsible for complying with the drought watering use restrictions imposed by this chapter. **City staff are authorized to monitor customer water consumption via direct observation, through use of billing data, or through any other lawful means to help enforce drought water use restrictions. City staff may place information fliers on licensed premises or approach property owners, occupants, or managers to review drought conditions and water use.**

In addition to the penalties imposed by ~~chapter 1-12~~ **13-36-017**, B.M.C., for any violation of this chapter, the following charges shall be added to the monthly water service charges of the ~~customer, owner of the relevant water service account(s) or occupant of the licensed premises:~~

(A) For the first violation of any drought watering use restriction, the ~~account customer, owner, or occupant~~ will be notified in writing served personally or **with the monthly water service invoice by certified mail.**

(B) For the second violation of any drought watering use restriction at the same premises, \$100.00 shall be added to the monthly water service charges of the account ~~customer, owner for, or occupant of~~ single-family dwellings and duplex dwellings and \$200.00 shall be added to the monthly water service charges of all other customer ~~types, owners, or occupants.~~

(C) For the third violation of any drought watering use restriction at the same premises, \$300.00 shall be added to the monthly service charges of the account ~~customer, owner of, or occupant of~~ single-family dwellings and duplex dwellings and \$600.00 shall be added to the monthly water service charges of all other customer ~~types, owners, or occupants.~~

(D) For the fourth violation of any drought watering use restriction at the same premises, \$500.00 shall be added to the monthly service charges of the account ~~customer, owner, or occupant of~~ single-family dwellings and duplex dwellings and \$1,000.00 shall be added to the monthly water service charges of all other customer ~~types, owners, or occupants.~~

(E) For the fifth and any subsequent violation of any drought watering use restriction at the same premises, \$1,000.00 shall be added to the monthly service charges of the account ~~customer, owner, or occupant of~~ single-family dwellings and duplex dwellings and \$2,000.00 shall be added to the monthly water service charges of all other customer ~~types, owners, or occupants.~~

13-36-070 Water service Drought Condition surcharges.

(A) In addition to the water use restrictions for declared Drought Conditions set forth in this Chapter. The City Council may, by resolution, implement surcharges that would be added to the monthly water service charges provided for in section 13-12-010, B.M.C. Surcharges may be implemented for potable or reuse water. Such surcharges are intended to recover additional costs associated with mandatory water use restrictions and are separate from and in addition to any penalty imposed, and shall be supported by an analysis of projected costs, revenue, and potential deficits in the water and/or reuse enterprise funds.

(B) The City Manager or designee may propose drought surcharges as part of or subsequent to any recommendation to the City Council to declare a Drought Condition I, II, or III.

(C) Any approved surcharges must meet these requirements:

(1) Surcharges will specify the percentage increase for each customer class and the resulting new water rates.

(2) Surcharges will be temporary and will be removed when the City Council lifts a drought condition I, II, or III declaration and returns to a normal drought status.

(3) The percentage increase for any individual water use rate shown in section 13-12-010, B.M.C., will be no more than 50%.

(4) There will be no surcharge on the lowest rate tier for residential water use.

(5) For non-residential potable water customers, there will be no surcharge for water use up to average winter water consumption (as defined in section 13-12-010, B.M.C.) in any one month.

(D) The surcharges authorized herein as a part of the water service charges set forth in section 13-12-010, B.M.C. Therefore, any failure to pay a surcharge will be subject to the same enforcement and penalty provisions applicable to water charges as provided for by Chapter 13-12.

Section 2.

This ordinance shall be effective January 1, 2025.

Introduced and approved after first reading on April 23, 2024, and ordered published in full.

Introduced a second time and approved, as amended on May 28, 2024, and further ordered published in full.

Introduced a third time and approved on June 11, 2024, and further ordered published.

The City And County Of Broomfield, Colorado

Mayor

Attest:

Office of the City and County Clerk

Approved As To Form:

NCR

City and County Attorney



City of Broomfield

City Council Regular Meeting

PH -Business Support Update & Project Agreements 2nd Reading

Ordinance No. 2237 would approve two Business Incentive Agreements for SiNAPTIC and La Belle French Bakery.

Meeting	Agenda Group
Tuesday, June 11, 2024, 6:00 PM	Action Items Item: 7B
Presented By	
Jeff Romine	
Community Goals	

Overview

[View Correspondence](#)

Broomfield has built and maintained a strong, balanced tax base (Community Goal 1: Financial Sustainability and Resilience, Indicator 1.D), through balancing residential and business development and growth. To support business success and growth, efforts range from supporting and growing a productive, talented workforce, supporting commercial development matching current demands and next-generation needs for workspace, and maintaining a focus on reasonable, reliable business costs in providing quality services and effective infrastructure. Ordinance No. 2237, heard tonight on second reading, would approve two Business Incentive Agreements for SiNAPTIC and La Belle French Bakery.

Attachments

[Ordinance No. 2237 Memo - Approving Two Business Incentive Agreements - Second Reading.pdf](#)

[Ordinance No. 2237 - Approving Two Business Incentive Agreements 2nd READING 6-11-2024 \(1\).pdf](#)

[Agreement with CCOB and La Belle French Bakery LLC.pdf.pdf](#)

[Agreement with CCOB and SiNAPTIC Tech.pdf.pdf](#)

Summary

Broomfield has built and maintained a strong, balanced tax base ([Community Goal 1: Financial Sustainability and Resilience, Indicator 1.D](#)), through balancing residential and business development and growth. To support business success and growth, efforts range from supporting and growing a productive, talented workforce, supporting commercial development matching current demands and next-generation needs for workspace, and maintaining a focus on reasonable, reliable business costs in providing quality services and effective infrastructure.

Businesses, like families and residents, are facing several challenges as they strive to meet customer demands, innovate new products and services, and support their employees and their families. Business decisions, on where and when to locate and grow, are increasingly being influenced by preferences and behavior choices of future employees. Broomfield programs and services align with these factors, including ensuring a range of housing choices (access, location, and costs), transportation mobility, workforce development, education programs, and opportunity. The staff works closely with commercial developers to encourage new and redeveloped workspaces to increase the amount and type of spaces. These work efforts include work with the owners and developers of Simms Technology Park, Baseline, and existing buildings and spaces around West Midway and Interlocken.

Balancing the cost of doing business with making investments in infrastructure and services (such as funding for maintenance and replacement or supporting workforce and education programs) continues to be a primary goal and outcome for Broomfield, area, and state leaders. Like other communities in the Denver metro, Broomfield occasionally provides business incentive agreements to specific businesses in targeted business sectors.

Broomfield has twelve business incentive agreements ([2024 Budget, Table 19M](#), page 92), with six expiring (four receiving final payment) this year. These previous agreements range from supporting Ball Aerospace's new Technology and Research facility and operations (approved in 2020, a total commitment of \$2.65M) to the Residence Inn/Fairfield Suites (approved in 2016, a total commitment of \$52,590).

Broomfield's approach to business incentive agreements has followed a consistent model, with the terms of the agreement requiring specific performance related to new investment, employment, and taxes generated, which is demonstrated through employment certification and tax payments. Upon receipt of the tax payment, a portion of the generated taxes are then remitted to the company. Both the specific application of taxes (sales and use, real (Ad Valorem) property, and business personal property) and the shares are prescribed in the agreement.

Broomfield has generally capped the share of the tax revenue (from any specific tax source) remitted in a direct business incentive agreement to less than fifty percent (50%) of the new taxes generated, and generally limits the agreements to a 10-year reimbursement period. As a note, development support agreements (such as the Baseline Managed Growth and Development Agreement (MGDA) and the Broomfield Town Square Redevelopment and Reimbursement Agreement (BTS RRA)) may have different approaches and terms.

Recommendations for Approval:

Ordinance 2237 would approve two business incentive agreements. The two businesses noted below will expand into and grow in Broomfield, bringing increased job opportunities, and investing in space and equipment resulting in a growth in the tax base, diversifying while developing the local economy, and thus, increasing annual tax revenues. Each of the two businesses, along with the recommended business incentive, are detailed in the following:

- I. **SiNAPTIC** - Broomfield location yet to be determined, currently located in Lafayette (too small a space with an expiring lease). The company is working to finalize a location in Interlocken for roughly 7,500 square feet of space, and is negotiating a lease. SiNAPTIC is a next-generation manufacturing firm, which makes high-quality, critical components at high volume utilizing 3D ceramic printing. These components are used in aerospace, bioscience, and construction products and equipment, which are part of several of Broomfield and Colorado's advanced business sectors. The business currently employs 10 persons in Broomfield and expects to add more than 20 employees as the company continues to scale and grow. The current value of the equipment and capital is \$4-5.0M but is expected to grow by \$20-30.0M over the next five years. The company has already completed a series A funding round and anticipates additional equity and capital investment.

The proposed business incentive agreement is limited to reimbursement to the business of a 50% share of any Use Tax paid as part of work and office space improvements and investments and up to 50% of the business Personal Property tax paid, for over a ten-year tax payment period (2025-2034). Reimbursement payments will be made based on the employment criteria, and the share of tax reimbursement (up to and not exceeding \$350,000) during the term of the agreement. The agreement is also contingent upon the company locating within Broomfield.

- II. **La Belle French Bakery** - located in the Miramonte Farms shopping center, just east of US Highway 287, La Belle has its 3rd location in the metro area (Thorton and Greenwood Village). The business is serving breakfast and sandwiches and is a full-service bakery. The business opened in December 2023, after a full remodel of the space (a former Starbucks location), and is currently employing 18 individuals at an average wage of \$15.00. The capital investment (not including lease terms) was more than \$400,000. The business was projected to generate over \$60,000 annually in sales tax; which the business is already exceeding.

The proposed business incentive agreement is limited to a reimbursement to the business of a 25% share of the sales tax generated over two years, running from April 1, 2024, to March 31, 2026.

Unlike other agreements, the City and County Attorney advises that these two agreements should be approved by ordinance. The pledge by Broomfield to reimburse a business all or a portion of the sales, use, and personal property taxes generated by the taxable activity of the business over multiple years creates an indebtedness requiring approval by ordinance.

Lastly, given that many great ideas come from the businesses themselves, in working with the owner of La Belle, and several other local restaurant owners, the Business Development team is currently working on developing a local restaurant business support program to encourage the establishment of new (or additional location) unique and/or first-in-market restaurants and food/beverage businesses in Broomfield. Staff will be returning with additional information in the coming months.

Financial Considerations

As shown in the sources and uses of funds summary below, the sources of funds are taxes owed to and paid to the City and County of Broomfield (does not include any taxes collected by the City and County of Broomfield Treasurer on behalf of and paid to other governmental organizations). The payments will be authorized and made, per the agreement, under the approval of the annual budgets.

Sources and Uses of Funds	Amount
SiNAPTIC Property and Use Tax Payments (estimated 2025-2029)	\$700,000
La Belle French Bakery Sales Tax (2024-2025)	\$120,000
SiNAPTIC Business Support Reimbursements (sharing agreement, maximum)	\$350,000
La Belle Business Support Reimbursements (sharing agreement, maximum)	\$30,000
Projected Balance	\$440,000.00

Prior Council or Other Entity Actions

N/A

Boards and Commissions Prior Actions and Recommendations

N/A

Proposed Actions / Recommendations

Ordinance 2237 was approved on first reading on June 4, 2024. If Council desires to proceed with the two business incentive agreements and provide business support through reimbursement of a share of added property and sales/use taxes derived from the location and expansion of the specific businesses, it is recommended...

That Ordinance 2237 be adopted on second reading and ordered published.

Alternatives

Do not approve Ordinance 2237, to provide business support through reimbursement of a share of added property and sales/use taxes derived from the location and expansion of the specific businesses.

ORDINANCE NO. 2237

An Ordinance Approving Two Business Incentive Agreements to Encourage Business Expansion and Job Growth in Broomfield

Recitals.

Whereas, Broomfield has built and maintained a strong, balanced tax base through balancing residential and business development and growth.

Whereas, in order to attract, grow and retain businesses within the community, Broomfield occasionally provides business incentives to specific businesses in targeted business sectors.

Whereas, the benefits of expanding and relocating businesses within Broomfield include an increase in employment and wage earning opportunities for residents and an increase to local tax revenue from real and personal property, lodgers and sales and use taxes.

Whereas, Broomfield is intentionally limited in its use of business incentives to support businesses. Business incentive agreements are performance based, with a reimbursement to the recipient company from collected revenues resulting from the business's taxable activity over a period of up to ten years.

Whereas, the revenues subject to reimbursement pursuant to a business incentive agreement may include sales taxes, use taxes and personal property taxes paid by the business to Broomfield. Business incentives do not include tax revenues collected by Broomfield on behalf of other governmental entities.

Whereas, the City has determined that supporting the growth of local businesses and the relocation or expansions of selected businesses to Broomfield is in the best interest of the City, serves the public interest, and benefits the public.

Whereas, pursuant to Section 6.4 of the Home Rule Charter, every act making an appropriation, creating an indebtedness, authorizing borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, or placing a burden upon or limiting the use of private property, shall be by ordinance.

Whereas, Chapter 3-40 of the Broomfield Municipal Code authorizes the City Council to enter into an agreement to provide all or a portion of Broomfield's retail sales and use tax revenue generated by taxable activity to be used to provide incentives to attract individual retail or commercial businesses to Broomfield.

Whereas, the pledge by Broomfield to reimburse a business all or a portion of sales, use and personal property taxes generated by the taxable activity of the business over multiple years creates an indebtedness requiring approval by ordinance.

Whereas, City Council has determined it appropriate to enter into business incentive agreements to La Belle French Bakery, LLC and SiNAPTIC Technologies, LLC; a form of which is on file with the City Clerk.

Now, therefore, be it ordained by the City Council of the City and County of Broomfield, Colorado:

Section 1.

The business incentive agreements, by and between the City and County of Broomfield and La Belle French Bakery, LLC and SiNAPTIC Technologies, LLC, in substantially the form presented to the City Council and on file with the City Clerk, are hereby approved.

Section 2.

The Mayor or Mayor Pro Tem is authorized to sign and the Office of the City and County Clerk to attest the business incentive agreements, in a form approved by the City and County Attorney.

Section 3.

This ordinance shall be effective seven days after public notice following final passage.

Introduced and approved after first reading on June 4, 2024, and ordered published in full.

Introduced a second time and approved on June 11, 2024, and further ordered published.

The City And County Of Broomfield, Colorado

Mayor

Attest:

Office of the City and County Clerk

Approved As To Form:

City and County Attorney

NCR

**INVESTMENT AGREEMENT BETWEEN THE CITY AND COUNTY OF BROOMFIELD
AND
LA BELLE FRENCH BAKERY, LLC**

1.0 PARTIES. The parties to this Agreement (hereinafter referred to as the "Agreement") are the City and County of Broomfield, a Colorado municipal corporation and county, (hereinafter referred to collectively as the "City") and La Belle French Bakery Broomfield LLC (hereinafter referred to as "La Belle") and provided that City and La Belle may be individually referred to herein as a "Party" and together may be referred to as the "Parties."

2.0 RECITALS.

2.1 La Belle is a unique, first-in-market French restaurant and bakery operating in Broomfield, Colorado. The business opened in December 2023, which is their third location in Colorado.

2.2 La Belle is located in the Miramonte Farms shopping center, just east of US Highway 287. 1170 HIGHWAY 287 UNIT 400, BROOMFIELD, CO 80020

2.3 La Belle desires to sustain and grow their operation, which will result in increased dining options for local residents and visitors.

2.4 La Belle has 18 employees, with plans to retain and expand employment opportunities as part of their operations within Broomfield. The business has made a substantial investment in the space, including a remodel of the interior space. The total investment has exceeded \$400,000.

2.5 It is the policy of the City to support its local businesses, increase unique, local dining options for residents and visitors, and to encourage the creation and retention of local jobs.

2.6 The City finds and determines that retaining and supporting La Belle is in the best interest of the City, serves the public interest, and benefits the public.

3.0 THE OBLIGATIONS OF LA BELLE. In consideration of the mutual covenants and promises of the Parties contained herein, and other valuable consideration, the receipt and adequacy of which are hereby acknowledged, La Belle agrees as follows:

3.1 La Belle shall maintain their dining and bakery restaurant by occupying no less than 1,500 square feet of space in the City. This space may be company-owned or company-leased. Evidence of meeting this requirement will be:

3.1.1 By an existing lease, future lease, and/or building ownership, and

3.1.2 Property tax records, *Ad Valorem* Property and Business Personal

Property, showing the location, tax liability, and payment by La Belle as an entity within the City and with taxes owed to the City.

3.2 La Belle may operate in other work spaces, including dining, bakery, and food preparation space. If this space is located within the City, then it will be included in any calculations for business support.

3.3 In exchange for the receipt of any tax rebates from the City, La Belle shall employ no less than 7 full time and up to 5 part time filling employees in the Broomfield location through December 31, 2025.

4.0 THE OBLIGATIONS OF THE CITY. In consideration of the mutual covenants and promises of the Parties contained herein, and other valuable consideration, the receipt and adequacy of which are hereby acknowledged, the City agrees as follows:

4.1 Sales/Use Tax Rebate. The City agrees to rebate and pay to La Belle an amount equal to twenty-five percent (25%) of the City's 3.50% sales/use tax, which percentage excludes 0.25% presently allocated for open space and 0.40% presently allocated for the county functions, levied and collected on retail food and beverage sales (hereinafter referred to as the "Sales Tax Rebate"). Said rebate shall be paid by the City for a period of eight quarters, beginning July 1, 2024, for sales/use tax collected and paid by La Belle for the preceding three month (or quarter) period. La Belle shall request quarterly payment of the rebate, for the preceding three (3) month period, by submitting an invoice for payment to the City in writing on or before the 25th of the month following the close of the quarter. The invoice shall include the detail of the sales/use tax collected and paid for the city and county sales/use tax portion, including sales volume, sales/use tax remitted and paid, and the average employment for each month in the invoiced period. Payment of the rebate shall be remitted to La Belle within forty-five (45) days of the City's receipt of the invoice from La Belle. The City estimates the maximum amount of the Use Tax Rebate to be a total of \$30,000.

5.0 Repayment Conditions. During the term of the agreement, if in any quarter during the two year period La Belle fails to maintain the required employment minimums pursuant to Section 3.3 above, no rebate for that year shall be made to La Belle.

6.0 Miscellaneous.

6.1 The City shall calculate and pay La Belle any rebate authorized by the Agreement based upon the actual taxes levied and collected and not the amounts of tax estimated herein.

6.2 The City's obligations pursuant to this Agreement terminate if La Belle does not maintain a physical presence in the City following the commencement of this agreement. The City agrees to use its best efforts, including but not limited to, assigning a senior level staff person to assist La Belle with the process necessary for obtaining the permits and approvals required for the development and operation of the facility..

7.0 ASSIGNMENT. This Agreement shall not be assigned by the other Party without the prior written consent of the City, provided, however, that La Belle shall have the right to assign this Agreement to any wholly owned affiliate of La Belle without prior written consent of the City, but with prior written notice to the City.

8.0 NOTICES. Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if personally served or if sent by certified mail or registered mail, postage and fees prepaid, addressed to the Party to whom such notice is to be given at the address set forth on the signature page below, or at such other address as has been previously furnished in writing, to the other Party or Parties. Such notice shall be deemed to have been given when deposited in the mail of the United States Postal Service.

9.0 EXHIBITS. All exhibits referred to in this Agreement, if any, are by reference incorporated herein for all purposes.

10.0 DELAYS. Any delays in or failure of performance by any Party of its obligations under this Agreement shall be excused if such delays or failure are a result of acts of God, fires, floods, strikes, labor disputes, accidents, acts of terrorism, regulations or order by civil or military authorities, shortages of labor or materials, or other causes, similar or dissimilar, which are beyond the control of such Party.

11.0 DEFAULT. Time is of the essence. If any payment or any other material condition, obligation, or duty is not timely made, tendered, or performed by either Party within ten (10) business days following receipt of notice to the non-performing Party, then this Agreement, at the option of the Party who is not in default, may be terminated by the non-defaulting Party, in which case, the non-defaulting Party may recover such damages as may be proper. If the non-defaulting Party elects to treat this Agreement as being in full force and effect, the non-defaulting Party shall have the right to an action for damages that is limited to the amount of use and personal property taxes rebated under this Agreement.

12.0 PARAGRAPH CAPTIONS. The captions of the paragraphs are set forth only for the convenience and reference of the Parties and are not intended in any way to define, limit, or describe the scope or intent of this Agreement.

13.0 ADDITIONAL DOCUMENTS OR ACTION. The Parties agree to execute any additional documents or take any additional action that is necessary to carry out this Agreement.

14.0 INTEGRATION AND AMENDMENT. This Agreement represents the entire agreement between the Parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the Parties. If any other provision of this Agreement is held invalid or unenforceable, no other provision shall be affected by such holding, and all of the

remaining provisions of this Agreement shall continue in full force and effect.

15.0 WAIVER OF BREACH. A waiver by any Party to this Agreement of the breach of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach by either Party.

16.0 GOVERNING LAW. This Agreement shall be governed by the laws of the State of Colorado.

17.0 BINDING EFFECT. This Agreement shall inure to the benefit of and be binding upon the Parties and their respective legal representatives, successors, heirs, and assigns, provided that nothing in this paragraph shall be construed to permit the assignment of this Agreement except as otherwise expressly authorized herein.

18.0 EXECUTION IN COUNTERPARTS. This Agreement may be executed in several counterparts, each of which shall be deemed an original and all of which shall constitute but one and the same instrument.

19.0 NO THIRD-PARTY BENEFICIARIES. This Agreement is intended to describe the rights and responsibilities only as to the Parties hereto. This Agreement is not intended and shall not be deemed to confer any rights on any person or entity not named as a Party hereto.

20.0 FINANCIAL OBLIGATIONS OF THE CITY. All financial obligations of the City under this Agreement are subject to appropriation, budgeting, and availability of funds to discharge such obligations. In the event the City fails to appropriate funds for this Agreement beyond the current fiscal year, the City shall have no obligations for rebates for future fiscal years. Nothing in this Agreement shall be deemed to pledge the City's credit or faith, directly or indirectly, to the other Party.

21.0 NO PRESUMPTION. The Parties to this Agreement and their attorneys have had a full opportunity to review and participate in the drafting of the final form of this Agreement. Accordingly, this Agreement shall be construed without regard to any presumption or other rule of construction against the Party causing the Agreement to be drafted.

22.0 SEVERABILITY. If any provision of this Agreement as applied to either Party or to any circumstance shall be adjudged by a court to be void or unenforceable, the same shall in no way affect any other provision of this Agreement, the application of any such provision in any other circumstances or the validity, or enforceability of the Agreement as a whole.

23.0 EXECUTION REQUIRED. This Agreement shall not be binding upon any Party hereto unless and until the Parties have executed this Agreement.

24.0 MINOR CHANGES. The Parties executing this Agreement are authorized to make non-substantive corrections to this Agreement and attached exhibits, if any, as the Parties mutually consider necessary; provided, however, that a copy of any correction made to this Agreement and attached exhibits, if any, by a Party shall immediately be provided to the other Party and, further, no such correction shall be effective unless the other Party has indicated its agreement with such correction

25.0 DAYS. If the day for any performance or event provided for herein is a Saturday, Sunday, or a day on which national banks are not open for the regular transactions of business, or a legal holiday pursuant to section 24-11-101(1), C.R.S., such day shall be extended until the next day on which such banks and state offices are open for the transaction of business.

26.0 GOOD FAITH OF PARTIES. In the performance of this Agreement or in considering any requested approval, acceptance, extension of time, or appropriation, budgeting, or payment action, the Parties agree that each will act in good faith and will not act unreasonably, arbitrarily, capriciously, or unreasonably withhold, condition, or delay any approval, acceptance, or extension of time required or requested pursuant to this Agreement.

27.0 PARTIES NOT PARTNERS. Notwithstanding any language in this Agreement or any other agreement, representation, or warranty to the contrary, the Parties shall not be deemed to be partners or joint venturers, and neither Party shall be deemed to be partners or joint venturers, and neither Party shall be responsible for any debt or liability of the other Party.

28.0 PRIOR AGREEMENTS. By entering into this Agreement, the Parties terminate any prior existing agreements entered into between the Parties.

[Remainder of Page Intentionally Blank]

IN WITNESS WHEREOF, this Agreement is executed by the Parties hereto in their respective names as of _____, 2024.

THE CITY AND COUNTY OF BROOMFIELD, a Colorado municipal corporation and county

Mayor

ATTEST:

Clerk & Recorder

APPROVED AS TO FORM:

City & County Attorney

La Belle French Bakery, LLC.

By:
As:

State of Colorado)
) ss.
County of Broomfield)

The foregoing instrument was acknowledged before me this _____ day of
_____, 2024 by _____ as
_____ of La Belle French Bakery, LLC.

Notary Public

My Commission expires: _____

**INVESTMENT AGREEMENT BETWEEN THE CITY AND COUNTY OF BROOMFIELD
AND
SiNAPTIC TECHNOLOGIES LLC**

1.0 PARTIES. The parties to this Agreement (hereinafter referred to as the "Agreement") are the City and County of Broomfield, a Colorado municipal corporation and county, (hereinafter referred to collectively as the "City") and SiNAPTIC Technologies LLC (hereinafter referred to as "Sinaptic") and provided that City and Sinaptic may be individually referred to herein as a "Party" and together may be referred to as the "Parties."

2.0 RECITALS.

2.1 Sinaptic is an innovative manufacturing business which will be located and headquartered in the Interlocken campus within Broomfield, Colorado.

2.2 Currently, Sinaptic is located in a smaller facility, and is experiencing market opportunities resulting in the need for expanded workspace, additional investment in equipment, and increased employment. This level of business expansion requires a combined office and work space of 7,500 square feet.

2.3 Sinaptic desires to grow and invest in a facility located in Broomfield, and has options to triple the work space through future expansion.

2.4 Sinaptic will relocate production and research equipment, and will continue to invest in their operations in the City. The capital investment is expected to be more than \$30.0 million, for equipment and other investments in one or more facilities locally. The projected job growth from the facility is 20 full time jobs over the next 5 years, with an average annual salary above \$90,000.

2.5 It is the policy of the City to support its local businesses and to encourage the creation and retention of local jobs.

2.6 The City finds and determines that the development proposed by Sinaptic is in the best interest of the City, serves the public interest, and benefits the public.

3.0 THE OBLIGATIONS OF SINAPTIC. In consideration of the mutual covenants and promises of the Parties contained herein, and other valuable consideration, the receipt and adequacy of which are hereby acknowledged, Sinaptic agrees as follows:

3.1 Sinaptic shall maintain their headquarters and a production facility by occupying no less than 7,500 square feet of office and production space in the City. This space may be company-owned or company-leased. Evidence of meeting this requirement will be:

3.1.1 By an existing lease, future lease, and/or building ownership, and

3.1.2 Property tax records, *Ad Valorem* Property and Business Personal

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Property, showing the location, tax liability, and payment by Sinaptic as an entity within the City and with taxes owed to the City.

3.2 Sinaptic may operate in other work spaces, including but not limited for the purpose of research, engineering and design, and manufacturing. If this space is located within the City, then it will be included in any calculations for business support.

3.3 In exchange for the receipt of any tax rebates from the City, Sinaptic shall employ no less than 10 full time employees in the Broomfield location through December 31, 2026 and no less than 20 full time employees at its Broomfield location beginning January 1, 2027 through December 31, 2034.

4.0 THE OBLIGATIONS OF THE CITY. In consideration of the mutual covenants and promises of the Parties contained herein, and other valuable consideration, the receipt and adequacy of which are hereby acknowledged, the City agrees as follows:

4.1 Use Tax Rebate. The City agrees to rebate and pay to Sinaptic an amount equal to fifty percent (50%) of the City's 3.50% use tax, which percentage excludes 0.25% presently allocated for open space and 0.40% presently allocated for the county functions, levied and collected on building construction materials used in the initial construction of the proposed development (hereinafter referred to as the "Use Tax Rebate"). The City estimates the maximum amount of the Use Tax Rebate to be a total of \$50,000.

4.2 Personal Property Tax Rebate. The City agrees to rebate and pay to Sinaptic an amount equal to fifty percent (50%) of the city and county personal property taxes paid by Sinaptic and retained by the City, after any pre-existing development support agreements, for taxable personal property located within all Sinaptic occupied and operating facilities in the City beginning on January 1st of the tax year (such as 2024, paid in 2025) following the establishment of the Sinaptic facility within the City, and for the duration of this agreement as long as the facility remains located and operating in the City. Said rebate will be paid by the City for a period of ten years. No rebate will be paid for any year in which Sinaptic fails to maintain the required full time employment minimums pursuant to Section 3.3 above. Sinaptic shall certify to the City in writing on or before July 15th of each year that it has maintained the necessary number of employees for the previous 365 days. Payment of the rebate shall be submitted to Sinaptic by the City within forty-five (45) days of the City's receipt from Sinaptic of its certification. The City estimates the maximum amount of the personal property tax to be rebated to be a total of \$300,000 over a ten year period.

5.0 Repayment Conditions. During the term of the agreement, year one to year ten, if in any year Sinaptic fails to maintain the required full time employment minimums pursuant to Section 3.3 above, no rebate for that year shall be made to Sinaptic.

6.0 Miscellaneous.

6.1 The City shall calculate and pay Sinaptic any rebate authorized by the Agreement

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based upon the actual taxes levied and collected and not the amounts of tax estimated herein.

6.2 The City's obligations pursuant to this Agreement terminate if Sinaptic does not maintain a physical presence (including a production facility) in the City following the commencement of this agreement. The City agrees to use its best efforts, including but not limited to, assigning a senior level staff person to assist Sinaptic with the process necessary for obtaining the permits and approvals required for the development and operation of the facility..

7.0 ASSIGNMENT. This Agreement shall not be assigned by the other Party without the prior written consent of the City, provided, however, that Sinaptic shall have the right to assign this Agreement to any wholly owned affiliate of Sinaptic without prior written consent of the City, but with prior written notice to the City.

8.0 NOTICES. Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if personally served or if sent by certified mail or registered mail, postage and fees prepaid, addressed to the Party to whom such notice is to be given at the address set forth on the signature page below, or at such other address as has been previously furnished in writing, to the other Party or Parties. Such notice shall be deemed to have been given when deposited in the mail of the United States Postal Service.

9.0 EXHIBITS. All exhibits referred to in this Agreement, if any, are by reference incorporated herein for all purposes.

10.0 DELAYS. Any delays in or failure of performance by any Party of its obligations under this Agreement shall be excused if such delays or failure are a result of acts of God, fires, floods, strikes, labor disputes, accidents, acts of terrorism, regulations or order by civil or military authorities, shortages of labor or materials, or other causes, similar or dissimilar, which are beyond the control of such Party.

11.0 DEFAULT. Time is of the essence. If any payment or any other material condition, obligation, or duty is not timely made, tendered, or performed by either Party within ten (10) business days following receipt of notice to the non-performing Party, then this Agreement, at the option of the Party who is not in default, may be terminated by the non-defaulting Party, in which case, the non-defaulting Party may recover such damages as may be proper. If the non-defaulting Party elects to treat this Agreement as being in full force and effect, the non-defaulting Party shall have the right to an action for damages that is limited to the amount of use and personal property taxes rebated under this Agreement.

12.0 PARAGRAPH CAPTIONS. The captions of the paragraphs are set forth only for the convenience and reference of the Parties and are not intended in any way to define, limit, or describe the scope or intent of this Agreement.

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13.0 ADDITIONAL DOCUMENTS OR ACTION. The Parties agree to execute any additional documents or take any additional action that is necessary to carry out this Agreement.

14.0 INTEGRATION AND AMENDMENT. This Agreement represents the entire agreement between the Parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the Parties. If any other provision of this Agreement is held invalid or unenforceable, no other provision shall be affected by such holding, and all of the remaining provisions of this Agreement shall continue in full force and effect.

15.0 WAIVER OF BREACH. A waiver by any Party to this Agreement of the breach of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach by either Party.

16.0 GOVERNING LAW. This Agreement shall be governed by the laws of the State of Colorado.

17.0 BINDING EFFECT. This Agreement shall inure to the benefit of and be binding upon the Parties and their respective legal representatives, successors, heirs, and assigns, provided that nothing in this paragraph shall be construed to permit the assignment of this Agreement except as otherwise expressly authorized herein.

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21.0 NO PRESUMPTION. The Parties to this Agreement and their attorneys have had a full opportunity to review and participate in the drafting of the final form of this Agreement. Accordingly, this Agreement shall be construed without regard to any presumption or other rule of construction against the Party causing the Agreement to be drafted.

22.0 SEVERABILITY. If any provision of this Agreement as applied to either Party or to any circumstance shall be adjudged by a court to be void or unenforceable, the same shall in no way affect any other provision of this Agreement, the application of any such provision in any other circumstances or the validity, or enforceability of the Agreement as a whole.

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25.0 DAYS. If the day for any performance or event provided for herein is a Saturday, Sunday, or a day on which national banks are not open for the regular transactions of business, or a legal holiday pursuant to section 24-11-101(1), C.R.S., such day shall be extended until the next day on which such banks and state offices are open for the transaction of business.

26.0 GOOD FAITH OF PARTIES. In the performance of this Agreement or in considering any requested approval, acceptance, extension of time, or appropriation, budgeting, or payment action, the Parties agree that each will act in good faith and will not act unreasonably, arbitrarily, capriciously, or unreasonably withhold, condition, or delay any approval, acceptance, or extension of time required or requested pursuant to this Agreement.

27.0 PARTIES NOT PARTNERS. Notwithstanding any language in this Agreement or any other agreement, representation, or warranty to the contrary, the Parties shall not be deemed to be partners or joint venturers, and neither Party shall be deemed to be partners or joint venturers, and neither Party shall be responsible for any debt or liability of the other Party.

28.0 PRIOR AGREEMENTS. By entering into this Agreement, the Parties terminate any prior existing agreements entered into between the Parties.

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92

IN WITNESS WHEREOF, this Agreement is executed by the Parties hereto in their respective names as of _____, 2024.

THE CITY AND COUNTY OF BROOMFIELD, a Colorado municipal corporation and county

Mayor

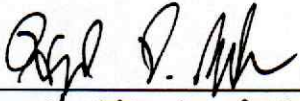
ATTEST:

Clerk & Recorder

APPROVED AS TO FORM:

City & County Attorney

SINAPTIC Technologies, LLC.



By: HUGH D. ROBERTS
As: PRESIDENT

State of Colorado)
) ss.
County of Broomfield)

The foregoing instrument was acknowledged before me this 23rd day of May, 2024 by Hugh D. Roberts as President of SINAPTIC Technologies, LLC.


Notary Public

DEBRA A CONROY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19994029526
MY COMMISSION EXPIRES 10-20-2027

My Commission expires: _____



Proposed Ordinances 2238 and 2239 on Ballot Questions to Amend the Charter - First Reading

An ordinance with a proposed ballot question to approve a revised and amended Home Rule Charter to repeal and replace to current Charter, and an ordinance with a proposed ballot question to approve a change in Chapter III of the Charter regarding elections to change the applicable state law from Article 10, Title 31 (the Municipal Election Code) to Title 1 of Colorado Revised Statutes

Meeting	Agenda Group
Tuesday, June 11, 2024, 6:00 PM	Action Items Item: 7C
Presented By	
Nancy Rodgers, City and County Attorney	
Community Goals	

Overview

[View Correspondence](#)

At the May 21, 2024 study session, Council gave direction to staff to prepare an ordinance with one ballot question for a full Charter replacement, which would essentially repeal the current Charter and reenact a new Charter that encompasses all the proposed changes Council determined should move forward to the voters. Proposed Ordinance 2238 contains the Charter replacement (aka repeal and reenact) ballot question. **This will not abolish the Charter all together.** Rather, this is an effort to repeal and reenact the Charter by replacing the Charter with the specific updates and amendments as adopted by Council from the recommendations of the Charter Review Committee and/or suggestions by Council members. Proposed Ordinance 2238 contains the repeal and reenactment question.

Council also gave direction to staff to also prepare a ballot question specific to the recommended changes in "Chapter III, Elections" that would change the referenced state law governing elections from the Colorado Municipal Election Code (Title 31) to the Uniform Election Code (Title I). Proposed Ordinance 2239 contains the Chapter III ballot question.

Attachments

[Proposed Ordinances 2238 and 2239 Ballot Question to Amend the Charter .pdf](#)

[Ordinance 2238 - Ballot Question to Replace the Charter .pdf](#)

[Exhibit A - Replacement Charter - Ordinance 2238.docx.pdf](#)

[Ordinance 2239 - Ballot Question Chapter III - Elections.pdf](#)

Summary

[View Correspondence](#)

Broomfield became a City and County in November 2001, but the [Home Rule Charter](#) has been in effect since 1974. Home rule charters detail the structure and powers of a local government. The Charter has been [amended ten \(10\) times](#) in its history. Each time, the Charter amendment was specific to a certain issue or topic. Broomfield had not undertaken a full review of the Charter since it went into effect in 1974.

On September 27, 2022, City Council established the Charter Review Committee (CRC) to review the Broomfield Charter and make recommendations to Council regarding any needed changes. On March 7, 2023, Council appointed seven members to the CRC. The CRC held 13 meetings, conducting public outreach, and had two town halls between April 3 and November 6, 2023. The CRC presented its recommendations and final report to Council on November 14, 2023.

During April and May 2024, Council held three Study Sessions for the purpose of reviewing and discussing the CRC's recommendations for changes to Broomfield's Charter, as well as other possible changes suggested by Council members. At these meetings, there was consensus from Council on moving forward with almost all of the Charter Review Committee's recommendations, and some of the Council's proposed changes to the Charter. A full list of those changes is below and on this [chart with each potential Charter change drafted for the May 21, 2024 Study Session](#).

Comprehensive Updates with all Proposed Changes - Full Charter Replacement Ballot Question - Ordinance 2238

At the May 21, 2024 study session, Council gave direction to staff to prepare an ordinance with one ballot question for a full Charter replacement, which would essentially repeal the current Charter and reenact a new Charter that encompasses all the proposed changes Council determined should move forward to the voters. Proposed Ordinance 2238 contains the Charter replacement (aka repeal and reenact) ballot question.

This is not a repeal without a replacement and will not abolish the Charter all together. Rather, this is an effort to repeal and reenact the Charter by replacing the Charter with the specific updates and amendments as adopted by Council from the recommendations of the Charter Review Committee and/or suggestions by Council members. Proposed Ordinance 2238 contains the repeal and reenactment question.

Chapter III, Elections Ballot Question - Ordinance 2239

Additionally, at the May 21, 2024 study session, Council gave direction to staff to also prepare a ballot question specific to the changes in Chapter III, Elections that would change the applicable state law governing elections from the Colorado Municipal Election Code (Article 10, Title 31) to the Uniform Election Code (Title 1). This provision has not been changed since 1974 and was not changed when Broomfield became a city and a county in 2001. This change was a priority for staff, particularly the City Clerk and City and County Attorney's office, who frequently were challenged with interpreting differing requirements of the Municipal Election Code as it applied to a consolidated city and county like Broomfield. Proposed Ordinance 2239 contains the Chapter III ballot question.

Background on Broomfield’s Charter and the CRC, Ballot Question Process, and Proposed Changes

The background on Broomfield’s Charter, the Charter Review Committee, the CRC’s recommendations, and Councilmembers’ proposed changes to the Charter can be found in the staff memo for the [April 16, 2024](#) Study Session.

Process for Approving a Ballot Question

Charter amendments are permitted by Broomfield’s Constitutional Amendment and Section 18.6 of the Charter, which references state statute. Specifically, Broomfield is permitted to “make, amend, add to, or replace its charter...” Colo. Const. Art. XX, Section 10. This permits the City Council to adopt ordinances with the proposed amendments and ballot titles to be submitted to the voters. Ballot questions can be referred to the voters via an ordinance adopted by the governing body. C.R.S. 31-2-210. All ordinances must be confined to a single subject. See Charter, Section 6.2. “Single subject” means the subject matter has to be “necessarily and properly connected rather than disconnected or incongruous” and not create a situation where there are two distinct purposes. *Hayes v. Spalding*, 2016 CO 24, 1 (Colo. 2016). There can be more than one ballot question put on the ballot. If provisions of two or more proposed amendments adopted or approved at the same election conflict, the amendment receiving the highest affirmative vote shall become effective.

The ordinance approving a repeal question requires 2/3 approval by Council per state statute. C.R.S. 31-2-210. The ordinance approving the single ballot question requires majority approval by Council.

Restriction on Government Support for Ballot Questions

After the ballot question is approved, government funds and resources may not be used in either supporting or opposing the ballot question. Elected officials may use personal time and funds to take positions on ballot issues. Complete copies of the proposed Charter showing all changes will be made available at the City and County Clerk’s office and on the Broomfield website along with other *informational* materials.

Financial Considerations

Some of the proposed changes to the Charter, if approved by the voters, will have a specific financial impact. Those impacts are listed below.

Section 4.7 Mayoral vacancy being filled by the Mayor Pro Tem will remove the requirement for a special election and those related costs.

Section 6.9 Permitting the publication of approved ordinances on Broomfield’s website instead of in a local newspaper is expected to save approximately \$20,000 annually.

For the other proposed changes, staff does not believe the change will have a financial impact on Broomfield operations or the financial impact is more in the terms of staff and Council time and cannot be easily quantified (e.g. adoption of job duties and job descriptions for the Mayor and Council).

Prior Council or Other Entity Actions

[September 27, 2022 Resolution No. 2022-106](#): Council establishes the Charter Review Committee.

[March 7, 2023](#): Council appointed the CRC members.

[April 16, 2024](#), [May 7, 2024](#), and [May 21, 2024](#): Council study sessions to discuss the recommended changes and timing of such changes.

Boards and Commissions Prior Actions and Recommendations

[November 14, 2023](#): The CRC presented its final report and recommendation to Council.

Proposed Actions / Recommendations

If Council desires to proceed with the ballot question to present a full repeal and reenactment of the Charter to the voters, the appropriate motion is...

That Ordinance 2238 be approved on first reading and published in full, and that a second reading and public hearing take place on July 9, 2024.

Reminder: this requires a 2/3 vote of Council.

If Council desires to proceed with the ballot question regarding Chapter III, Elections, the appropriate motion is...

That Ordinance 2239 be approved on first reading and published in full, and that a second reading and public hearing take place on July 9, 2024.

Alternatives

Do not approve the proposed ballot question(s), and/or other direction as provided by Council. Any ballot questions must be approved no later than the August 13, 2024 Council meeting to meet state deadlines for the 2024 election.

Ordinance 2238 - Full Replacement of the Charter: Proposed Changes

The attached version of the Charter (Exhibit A to Proposed Ordinance 2238) contains tracked changes of those edits that would be part of the repeal and re-enactment. This version along with clean versions will be available to the public both online and in the City Clerk's office.

Additionally, below is a full list of the proposed changes to the Charter in order of chapters:

Overall changes

Remove outdated language or transitional language from 1974

Change "City" to "City and County" throughout; municipal to "City and County" or "Broomfield" when appropriate

Change "City Council" to "Council" throughout

Change "municipal" elections to "coordinated elections throughout

Prefatory Synopsis

Clean up.

Added a paragraph about Charter being the definitive governing document, but other key documents such as the strategic plan and comprehensive plan are critical to operational success and should be reviewed and updated (similar provision in 4.9(c))

Preamble - Clean up

Chapter I - Name Boundaries - no changes

Chapter II - City and County Powers (formally “Municipal Powers”)

Incorporated language from and added a reference to the Broomfield Constitutional Amendment, Article XX, section 10, which made Broomfield a city and county

No change in the form of government, which remains a Council-Manager form of government

No changes on the Issue 301 language in Section 2.1 re oil and gas regulatory authority and required focus on health, safety, and welfare

Added a section about all local laws and regulations being consistent with the Charter and that, in the event of a conflict, the Charter controls

Chapter III - Elections

Change from the applicable state law being the Colorado Municipal Election Code (Title 31) to the Uniform Election Code (Title 1), except as otherwise provided in Charter or as Council may prescribe by ordinance.

Change “municipal” election to “coordinated” election throughout

Chapter IV: Mayor and Council

4.1 - City Council and Mayor

No change to the number of councilmembers

No change to mayor being elected “at large”

4.2 - Wards

No change in the number of wards

Changes to the ward boundary map only occur following the census or when there is a significant disparity in population between the most populous and least populous ward.

Manager prepares the ward map and City Council is limited to approval or rejection; they cannot modify the staff’s recommended map

4.3 - Terms of Office

Change the term for the mayor from two-year to a four-year term

No change to the four-year term for councilmembers

Added term limits for elected officials to be 3 consecutive terms (Note: term limits are not currently in Charter; Broomfield follows state law: 2 terms for 4-year elected terms and 3 terms for 2-year elected terms)

4.4 - Mayor Power and Duties

Added that the mayor, with the assistance of the manager, sets the agenda

4.6 - Qualifications [of Elected Officials]

Added a provision that changes in ward boundaries won't operate to exclude a sitting councilmember

Added that an elected official's absence from 50% or more Council meetings will be deemed to be a "vacant" seat

Added a specific prohibition that an elected official cannot hold another public elected office

4.7 - Vacancies

Clarified that a councilmember vacancy will be filled by appointment, but only until the next available coordinated election when a person will be elected to serve the remainder of the original term (if any)

Changed that a mayoral vacancy is filled by the mayor pro tem until the next available coordinated election when a person will be elected to serve the remainder of the original term (if any)

4.8 - Compensation

No change to the Charter (Generally, there was agreement among the Charter Review Committee that the compensation for the hours worked is too low. However, there are multiple ideas of how to address that, particularly the mechanisms and the amount).

4.9 - Powers and Duties of Council

Added that Council shall adopt job descriptions, job duties, and general assignments for the mayor and councilmembers

Added that Charter is the definitive governing document, but other key documents such as the strategic plan and comprehensive plan were critical to operational success and City Council should review and update these documents as needed (similar provision in prefatory synopsis)

4.11 - Ethics Code

Added that Council must adopt an ethics code (there is a current ethics code in the Broomfield Municipal Code but no requirement to do so in Charter)

Chapter V - Council procedures

Permits a study session to be one of the required two meetings a month

Removed requirement to take a roll call vote but retained requirement that a yes or no vote be entered into the records unless the vote was unanimous. (New AgendaLink system displays each councilmember's vote on a screen)

Chapter VI - Legislation

Added that land use rezones for a specific property (not a multiple property development) to be approved by resolution, not ordinance

Added a required "third reading" to ordinances that have substantive amendments on second reading

No change to the veto by mayor

Changed the effective date for emergency ordinances - they will go into effect immediately (not eight days from passage)

Modified the publication requirement of ordinances so that ordinances are required to be published on the City and County website rather than a newspaper; ordinances can be published in a newspaper upon Council's direction

Chapter VII - Initiative and Referendum

Modified the deadlines on initiative and referendum to match state statute

Chapter VIII - City and County (formally "Municipal") Administration

Retained Council-manager form of government

Updated language and removed repetitive language in Sections 8.3 and 8.8

Removed language that allowed City Council to consolidate or merge departments, and language that required the manager to seek Council approval before dividing departments. This change is consistent with the manager's authority over the various departments

Removed Section 8.8 on Administrative Departments because the tasks and responsibilities are covered in the managers' duties in Section 8.3

Added a new requirement that the manager, with Council approval, shall appoint and could remove an Internal Auditor (the Internal Audit department is in Code, but not Charter)

Chapter IX - Personnel

A Personnel Merit System (PMS) remains required by the Charter

Clarified who is included/excluded in the PMS: includes all Broomfield employees except department heads, (new) the deputy/assistant city and county managers, elected officers, Council appointees, (new) temporary employees, boards and commission members, and special inquiry contractors

The inclusion of the police chief in the PMS was removed. The Chief is excluded from the PMS, consistent with other department heads.

Clarified that language to require the Personnel Merit System provide non-probationary employees a right to administratively appeal any disciplinary action

The Personnel Merit Commission was removed from Charter (note: The Commission still remains in Code and is an active Commission.)

Chapter X - Legal and Judiciary

City and County Attorney

Broadened the language to recognize that the City and County Attorney employs staff in addition to attorneys

Specified that special counsel works under the direction of the City and County Attorney, who serves at the pleasure of Council

Municipal Court

The Presiding Judge shall be the “department head” for the Court and will hire and supervise associate judges and such staff as needed by the Court

Modified the requirements for removal of a judge to reference the Colorado Code of Judicial Conduct

Chapter XI - Boards and Commissions

Removed language that a board member could be removed “for just cause” and retained language that the member could be removed at the pleasure of Council

Current council members and employees cannot serve on any Broomfield temporary boards or commissions, in addition to the existing prohibition for permanent Broomfield boards or commissions

Council may permit an individual to serve on more than one board or commission

Chapter XII - Finance and Budget

Added a requirement that the manager collaborate with Council on the recommendation budget for the next fiscal year

Added a requirement that the proposed operational capital expenditures in the budget be both detailed and summarized for each Broomfield office

Removed requirements that publicly available documents be located at the “municipal building”; documents will be available publicly at the City and County main building, on the website, and per a public records request

Chapter XIII - Taxation - Language updates; No substantive changes

Chapter XIV - Municipal and County Funding - Language updates; No substantive changes

Chapter XV - Improvement Districts - Language updates; No substantive changes

Chapter XVI - Intergovernmental Relations

Allows intergovernmental contracts to be approved by a majority vote, not 2/3rd vote

Permits Council to delegate authority to enter into certain intergovernmental contracts

Require intergovernmental contracts be published on the City and County website

Chapter XVII - Utilities and Franchise - Language updates; No substantive changes

Chapter XVIII - General Provisions (Eminent Domain, Open Space, Charter Amendments, etc.)

Language updates; No substantive changes

Addition of a provision that Council establish a Charter Review Committee at least every 10 years

Chapter XIX - Transitional Provisions

Deletion of this entire provision, which contain sections needed for the transition from statutory town to home rule municipality

Chapter XX - Prohibition on Hydraulic Fracturing

No change

ORDINANCE NO. 2238

An ordinance submitting to a vote of the registered electors of the City and County of Broomfield at the coordinated election to be held on November 5, 2024, a measure proposing a repeal and reenactment with amendments of the Home Rule Charter

Recitals.

WHEREAS, Broomfield became a City and County in November 2001, but the Home Rule Charter has been in effect since 1974. Home rule charters detail the structure and powers of a local government; and

WHEREAS, the Charter has been amended ten (10) times in its history. Each time, the Charter amendment was specific to a certain issue or topic; and

WHEREAS, Broomfield became a city and county in 2001 and, other than Denver, is the only consolidated city and county in the state; and

WHEREAS, although changes were made to the Charter following Broomfield becoming a city and county, Broomfield had not undertaken a full review of the Charter since it went into effect in 1974; and

WHEREAS, in September 2022, City Council established the Charter Review Committee (CRC) to review the Broomfield Charter and make recommendations to Council regarding any needed changes; and

WHEREAS, the seven members Charter Review Committee met throughout 2023 to review and analyze each section of the Charter, holding two town halls and providing avenues for public input; and

WHEREAS, the Charter Review Committee presented its recommendations and final report to Council on November 14, 2023; and

WHEREAS, following discussions at three Study Sessions in April and May 2024, there was consensus from Council on moving forward with the majority of the Charter Review Committee's recommendations, as well as some of the Council's proposed changes to the Charter; and

WHEREAS, many of the changes are updates to the Charter such as removing transitional provisions that applied when Broomfield went from a statutory city to a home rule city and updates to acknowledge or recognize Broomfield as a city and county; and

WHEREAS, other changes are operational updates to the Charter that reflect the modern practices of Broomfield, with its robust online and digital presence, its strategic plan and other governing documents, and its role as an employer of almost 1000 employees; and

WHEREAS, other changes reflect a need to modernize how ward boundaries maps are drawn, mayoral vacancies are filled, and rezoning for single properties are voted upon; and

WHEREAS, the key proposed changes as recommended by the Charter Review Committee include:

- Maintain 5 wards, 10 councilmembers, at large mayor, and a Council-manager form of government
- A four-year term for mayor
- Limit terms for elected officials to three consecutive terms
- Make needed changes throughout the Charter to reflect Broomfield as a “city and county”
- Permit Council vacancies to be filled by appointment but only until the next available coordinated election.
- Require City Council adopt job descriptions, job duties, and general assignments for the mayor, mayor pro tem, and council
- Delete obsolete sections
- Require a third reading if there are substantive amendments to an ordinance on second reading
- Permit emergency ordinances to go into effect immediately, not eight days from passage
- Add requirement for the adoption of a code of ethics
- No changes on the open space provisions

WHEREAS, key proposed changes as recommended by members of Council during the Council study sessions include:

- Require Council establish a Charter Review Committee at least every 10 years
- Change “City Council” to “Council” throughout
- Permit a mayoral vacancy to be filled by the mayor pro tem until the next available election

WHEREAS, to present all the recommendations to the voters as individual questions would require multiple separate questions over many years; and

WHEREAS, based on the foregoing, the thoughtful work on the Charter Review Committee, the discussions of Council during study sessions, and the input by members of the public, Council determined to submit to the voters of Broomfield a ballot measure that would repeal and reenact the Charter with specific amendments.

NOW THEREFORE, be it ordained by the City Council of the City and County of Broomfield, Colorado:

Section 1.

The City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2.

The proposed changes to the Charter set forth in the attached Exhibit A and as shown in **bold underline** and deleted language shown in ~~striketrough~~, amending and updated the Broomfield Charter shall be submitted to the registered electors of the City as “Proposed Charter Amendment No. 1A” at the November 2024 election:

Section 3. Ballot Question.

The following ballot title and question shall be placed on the ballot of the November 5, 2024 election for the City and County of Broomfield for consideration by the registered electors:

Proposed Comprehensive Charter Amendment No. 1A (Repeal and Reenactment of the Charter, with amendments)

Shall the City and County of Broomfield’s Home Rule current Charter be repealed and replaced with an amended Charter that acknowledges Broomfield as a city and county, removes outdated provisions, and modifies the Charter with regard to ward boundary maps, Council meetings, publication of ordinances, term limits, the Mayor’s term of office, and other needed updates to the Charter as recommended by the Charter Review Committee or proposed by Council?

_____ Yes/For
_____ No/Against

Section 4. Publication.

Publication of this ordinance in full after final approval constitutes publication of notice of an election upon the proposed amendment pursuant to Section 31-2-210(4) of the Colorado Revised Statutes. Additionally, complete copies of the proposed Charter showing all changes will be made available at the City and County Clerk’s office and on the Broomfield website.

Section 5. Severability.

If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 6. Effective Date

This ordinance is effective seven days after publication following final passage.

Introduced and approved after first reading on June 11, 2024, and ordered published in full.

Introduced a second time and approved on July 9, 2024, and further ordered published in full.

The City and County of Broomfield, Colorado

Mayor

Attest:

Office of the City and County Clerk

Approved as to form:

NCR

City and County Attorney

HOME RULE CHARTER for the CITY AND COUNTY OF BROOMFIELD, COLORADO

PREFATORY SYNOPSIS

~~The members of the Charter Commission of the City of Broomfield, Colorado, herewith submit to the voters of the City a proposed Home Rule Charter, which we have framed in conformity with Article XX of the Colorado Constitution and the Municipal Home Rule Act of 1971.~~

~~The Charter Commissioners have worked long and hard to achieve a simple and direct form of local government based on sound principles of public administration, and tailored to the present and future needs of the citizens of Broomfield. We believe this Charter provides a sound and yet flexible framework for the governance of our Municipal Government through local self-determination.~~

Under ~~this the proposed~~ Charter, a Council-Manager form of government is established. The Council is established as the policy-making legislative body of the City and County. It consists of ten Council members elected from five wards within the City and County and an elected Mayor. These officials are elected for a two year or four-year term of office, thereby insuring maximum accountability to the local electorate.

The Mayor presides at all Council meetings, but votes only in case of tie. In addition, the Mayor possesses the right to veto over any ordinance, which veto may be overridden by an affirmative vote of two-thirds membership of the entire Council at the next regular Council meeting following the veto.

The executive power is vested in a City and County Manager who is appointed by and serves at the pleasure of the ~~City~~ Council. The Charter also establishes guidelines for the establishment of a Personnel Merit System for ~~all City and County~~ employees except ~~major~~ department heads.

The annual ~~municipal coordinated~~ election is set on the first Tuesday after the first Monday in November of odd-numbered years, ~~with the first election under this Charter to be held on November 4, 1975.~~ The Charter provides that all elections are to be nonpartisan and conducted in accordance with Colorado ~~Municipal~~ Election Law.

The Charter requires a vote of the electorate before any new or additional income tax, sales tax or excise tax is enacted. Under the Charter, the City and County has flexible funding and borrowing procedures, but has a general debt limit not to exceed 10 percent of the assessed valuation of the taxable property within the City and County.

Additional matters covered in this Charter concerning the for the future framework of Broomfield ~~Municipal~~ Government relate to general Council Procedures, Legislation, Initiative and Referendum Powers of the People, ~~Municipal~~ Administration Guidelines, Legal and Judiciary Appointments, ~~Municipal~~ Boards and Commissions, City and County Finances and Budget, ~~Municipal~~ Borrowing Procedures, Improvement Districts, Inter-Governmental Relations, Public Utilities and Franchises, and General Provisions and Transitional Procedures.

This Charter is the definitive governing document for the City and County of Broomfield. Other guiding documents, including ordinances, the Broomfield Strategic plan, the Broomfield Comprehensive Plan, job descriptions, and community goals and priorities, serve to provide the requisite operational understanding and direction for the City and County. These documents are critical to operational success and Council should regularly review and update these documents as needed. When there is a conflict between those guiding documents and this Charter, this Charter controls.

~~The proposed Charter is very much a compromise of our Commission deliberations. But this document vests the People of the City of Broomfield with every major political power permitted any Home Rule Community under~~

~~the Constitution of the State of Colorado. We believe this Charter provides a structure for quality government in the City of Broomfield which will endure for many years to come.~~

HOME RULE CHARTER FOR THE CITY AND COUNTY OF BROOMFIELD, COLORADO

PREAMBLE -

We the people of Broomfield, Colorado, under the authority of the Constitution and the State of Colorado, do ordain, establish and adopt this Home Rule Charter for the City and County of Broomfield.

~~As adopted by the Broomfield Charter Commission:~~

Joe H. Bergheim
Virgil D. Blackburn
Kermit L. Darkey
John P. Elliott, Jr.
Robert Evans
John E. Hollis
Stephen S. Jones
Robert C. Kelly
David L. Locke

~~A.E. Morr, Jr., Chairman
Duane W. Van Skiver, Vice Chairman
Thomas Tighe III, Secretary
Richard A. Lueb
David L. Markham
Thomas P. Milavec
Donald K. Miller
George J. Moyer
Robert L. Niehoff
Norman A. Smith
Henry A. Stovall
Charles A. Waddell~~

~~May 30, 1974~~

CHAPTER I NAME - BOUNDARIES

Section 1.1 The City and County of Broomfield.

As provided for in Article XX, section 10 of the Constitution of the State of Colorado, on and after November 15, 2001, all territory in the municipal boundaries of the city of Broomfield ~~shall be~~ were detached from the counties of Adams, Boulder, Jefferson, and Weld and ~~shall be~~ consolidated into a single county and municipal corporation with the name "The City and County of Broomfield." Any reference in this Charter to "City" or to the "City of Broomfield" shall mean The City and County of Broomfield.

CHAPTER II MUNICIPAL CITY AND COUNTY POWERS

Section 2.1 Powers, Rights and Liabilities.

- (a) ~~By the name of the city of Broomfield, the~~ The county and municipal corporation existing as the City and County of Broomfield, State of Colorado, shall remain and continue and body politic and corporation and shall have perpetual succession, shall own, possess and hold all property, real and personal heretofore owned, possessed and held by the City and County of Broomfield and does assume and shall manage and dispose of all trusts in any way connected therewith; shall succeed to all the rights and liabilities and shall acquire all benefits and does assume and shall pay all bonds, obligations and indebtedness of said City and County of Broomfield; may, by the name of the City and County of Broomfield, sue and defend, plead and be

impleaded in all courts and places and in all matters and proceedings; may purchase, receive, hold and enjoy, or sell and dispose of real and personal property; may have and use a common seal and alter the same at pleasure.

- (b) The City ~~and County~~ shall have all the power prescribed to it under Article XX, section 10 of the Constitution of the State of Colorado, and of local self-government and home rule and all power possible for a city to have under the Constitution of the State of Colorado. The City ~~and County~~ shall also have all powers that now or hereafter may be granted to municipalities by the laws of the State of Colorado, and the enumeration of particular powers in this Charter is not exclusive of others. All such powers shall be exercised in the manner prescribed under Article XX, section 10 of the Constitution of the State of Colorado, or in this Charter or, if not provided for herein, in such manner as shall be provided by ordinance of the Council of the City ~~and County~~. With regard to oil and gas development near the City ~~and County's~~ populated areas and within the City ~~and County's~~ boundaries, such powers shall include but not be limited to plenary authority to regulate all aspects of oil and gas development, including land use and all necessary police powers. As such, Broomfield shall condition oil and gas development permits to require oil and gas development to only occur in a manner that does not adversely impact the health, safety, and welfare of Broomfield's residents in their workplaces, their homes, their schools, and public parks in order to protect the public's health, safety, and welfare and to safeguard the environment and wildlife resources.
- (c) ~~All ordinances of the City of Broomfield in force at the time this Charter goes into effect shall continue in force except insofar as they may conflict with the provision of this Charter or shall be amended or repealed by ordinance enacted under the authority of this Charter.~~

Section 2.2 Form of Government.

The ~~municipal~~ government provided by this Charter shall be the "Council-Manager" form of government. Pursuant to the provisions of this Charter and subject only to limitations imposed by the State Constitution, all powers of the City ~~and County~~ shall be vested in an elective Council, with an elective Mayor.

Section 2.3 Application of Charter.

All ordinances, resolutions, rules, regulations, policies, procedures, or similar actions by the City and County shall be consistent with the requirements of this Charter, and in the event of a conflict between the Charter and any provision of the foregoing, this Charter will control.

CHAPTER III ELECTIONS

Section 3.1 Laws Governing Elections.

~~Special and general municipal~~ All elections shall be governed by Title I of the Colorado Revised Statutes ~~the Colorado Municipal Election Law~~ as now existing or hereafter amended or modified, except as otherwise provided in this Charter or as Council may prescribe by ordinance. The Council may by ordinance establish the method for the registration of electors; the number, qualifications and compensation for election judges and clerks; and the boundaries of election precincts. The Council may by ordinance establish an election commission with such powers, duties, terms and qualifications as provided by ordinance.

Section 3.2 ~~Municipal~~ Coordinated and Special Elections.

A ~~general municipal~~ coordinated election shall be held on the first Tuesday in November of each odd-numbered year. Any special ~~municipal~~ election may be called by resolution or ordinance of the Council at least sixty (60) days in advance of such election. The resolution or ordinance calling a special ~~municipal~~ election shall set forth the purpose or purposes of such election. ~~Polling places for all municipal elections shall be open from 7:00 A.M. to 7:00 P.M. on election day.~~

Section 3.3 Precincts.

~~The election precincts of the City shall remain as they existed on the effective date of this Charter until altered by the Council as hereinafter provided.~~ The Council shall by resolution from time to time establish convenient election precincts in accordance with this Charter and statutes.

Section 3.4 Nonpartisan Elections.

All ~~municipal~~ elections for Broomfield shall be nonpartisan. No candidate for any ~~municipal~~ Broomfield ~~elected~~ office shall run under a party label of any kind.

Section 3.5 Recall.

Any election official or elected officer of the City and County may be recalled ~~at any time after 90 days in office~~ by the electors entitled to vote for a successor of such incumbent through the procedure in the manner provided for by Title I of the Colorado Revised Statutes as now existing or hereafter amended or modified, except as otherwise provided in this Charter or as Council may prescribe by ordinance. ~~in Article XXI of the State Constitution. Consistent with the Constitution and this Charter, the Council may provide by ordinance for further recall procedures.~~

CHAPTER IV - COUNCIL AND MAYOR

Section 4.1 City Council and Mayor.

- (a) The ~~City~~ Council shall consist of ten (10) Councilmembers, one (1) of whom shall serve as Mayor Pro-Tem, and the Mayor. Two (2) of the Councilmembers shall be elected from each of the five (5) wards; the Mayor Pro-Tem shall be elected from within and by the Council, as hereinafter provided. ~~Hereinafter, the words "entire Council" means those Councilmembers in office at the time a vote is taken.~~
- (b) The Mayor shall be elected at large from the entire City and County.

Section 4.2 Wards.

- (a) The City and County is hereby divided into five (5) wards whose boundaries shall be the same as presently established. ~~Changes in the boundaries of wards may be made by ordinance adopted by the City Council, which changes shall be made at least 180 days prior to any regular election. Wards shall be contiguous and compact, and shall have approximately the same number of voters.~~
- (b) During the first odd number year following the completion of the federal census or only when there is a significant disparity in population between two or more wards, the City and County Manager shall propose a plan that confirms, revises, or alters the ward boundaries to assure that the wards are as nearly equal in population as possible based on the population data. Wards shall be contiguous and compact, and shall have approximately the same ~~number of voters~~ population.
- (c) Council shall adopt or reject the plan prepared by the City and County Manager. When adopting the plan, the Council may not revise or alter the ward boundaries as set forth in the plan beyond making *de minimis* revisions or alterations. If the plan is rejected, then it shall be remanded to the City and County Manager for revisions and resubmittal. Changes in the boundaries of wards may be approved by resolution adopted by the Council.
- (d) Any changes to the ward boundaries must be adopted at least 180 days prior to any coordinated election.

- (e) No ~~boundary~~ change in the ~~boundary~~ of any ward made pursuant to this Section shall operate to exclude any councilmember from office before the expiration of the term for which ~~the incumbent that~~ councilmember was elected or appointed.

Section 4.3 Terms of Office—Mayor and Councilmembers.

- (a) The terms of office of the councilmembers, ~~and including~~ the Mayor, hereafter to be elected in accordance with the provisions of this Charter, shall commence on their taking the oath of office at the ensuing organizational meeting of the ~~City~~ Council held after the election in the year elected and shall continue during the term for which they shall have been elected until their successors shall have been elected and duly qualified.
- (b) ~~On the first Tuesday after the first Monday in November, in the year 1977, the first regular municipal election shall be held under the provisions of this Charter amendment, at which time a~~ A Mayor shall be elected from the City and County at large for a ~~two (2) year~~ four (4) year term. ~~and shall be elected every two years thereafter; and two (2) councilmembers shall be elected from each of the five (5) wards of the City as follows: the candidate receiving the highest number of votes within each ward shall be elected for a four (4) year term and the candidate receiving the next highest number of votes within said ward shall be elected for two (2) year term. Thereafter, e~~ Each councilmember shall be elected for a four year term which terms shall be staggered so that five (5) councilmembers shall be elected, one from each of the wards, every two years.
- (c) No Mayor or Councilmember shall serve more than three consecutive partial or full terms in office. For the purpose of this Section 4.3, the offices of mayor and councilmember are different offices, a partial term means at least 50% of the regular term, and terms are considered consecutive unless they are at least four years apart.

Section 4.4 Mayor—Powers and Duties.

The Mayor shall preside at meetings of Council and shall exercise such powers and perform such other duties as are or may be required by this Charter or the ordinances of the City and County. The Mayor, with the assistance of the City and County Manager, shall set the agenda for all regular meetings, special meetings, and study sessions of the Council. The Mayor shall have no power to vote except in cases of tie vote of the members of the Council present and voting. The Mayor shall have the power of veto, as provided in the Charter. The Mayor shall be recognized as the head of the City and County government for all ceremonial, dignitary and legal purposes, and the Mayor shall execute and authenticate legal instruments on behalf of the City and County as necessary or required.

Section 4.5 Mayor Pro-Tem.

The Council shall, at its first meeting following each ~~regular~~ coordinated election, and after the newly elected members take office, elect one of its members to serve as Mayor Pro-Tem, for a term expiring at the first Council meeting following each ~~regular~~ coordinated election except as hereinafter provided. The Mayor Pro-Tem shall be elected by a majority of the council members present at said meeting and may be removed by a majority of the entire Council.

The Mayor Pro-Tem shall preside at meetings of Council in the absence or disability of the Mayor. The Mayor Pro-Tem shall have all the powers, rights and privileges of a councilmember. The Mayor Pro-Tem shall have no tie-breaking vote nor power of veto, but shall have all other powers and duties of the Mayor in the Mayor's absence or disability.

Section 4.6 Qualifications.

- (a) No person shall be eligible to hold office as an elected official, unless, at the time of nomination and election they are a registered elector as defined by the laws of the State of Colorado, a resident and registered elector of the City and County as defined by ordinance and a resident of the applicable ward if elected by ward.

- (b) Each elected official shall maintain residency in the City and County and ward, if elected by ward, throughout the term of office. If an elected official shall move from the City and County or ward, if elected by ward, during a term of office the elected official's seat thereof shall be vacant and such vacancy filled by the City Council as provided by this Charter. If a councilmember is no longer a resident of their ward during a term of office solely because of the adoption of a boundary change made pursuant to Section 4.2(a), then that councilmember shall be permitted to complete the term for which the councilmember was elected or appointed.
- (c) No elected official shall be a salaried employee of the City and County during their term of office, nor perform personal services for the City and County for compensation other than as provided in this Charter.
- (d) No elected official of the City and County shall hold any other public elected office.
- (e) The ~~City~~ Council shall be the judge of election and qualifications of its own members.

Section 4.7 Vacancies.

- (a) An elected official shall continue to hold office until a successor is duly qualified. An elective office shall become vacant whenever any officer is recalled, dies, becomes incapacitated, resigns, refuses to serve, or ceases to be a resident of the City and County or ward, if elected by ward, ~~or is convicted of a felony, or pursuant to Section 4.6(b), fails to attend fifty percent (50%) of the Council regular meetings, special meetings, and study sessions in a twelve (12) month period.~~
- (b) Within ~~thirty~~ sixty days after a councilmember vacancy occurs, the remaining councilmembers shall choose by majority vote a duly qualified person to fill such vacancy. The individual selected shall serve until the next eligible coordinated election, at which election a successor will be elected to serve out any unexpired portion of the original term remaining ~~unexpired term until a successor is duly qualified~~. If four or more vacancies exist simultaneously, the remaining councilmembers shall, at the next regular meeting of the Council, call a special election to fill such vacancies, provided there will not be a ~~general municipal~~ coordinated election within ninety days and provided that their successors have not previously been elected.
- (c) If a vacancy occurs in the office of Mayor, the Mayor Pro-Tem shall assume the office of Mayor and shall hold office until the next available coordinated election at which election a successor will be elected to serve out any unexpired portion of the original term remaining. ~~the Council shall call a special election within 60 days to elect a new mayor, unless said vacancy occurs within 180 days of the general municipal election.~~

Section 4.8 Compensation.

The members of the Council shall receive such compensation, and the Mayor such additional compensation, as the Council shall prescribe by ordinance; provided, however, that the compensation of any member during their term of office shall not be increased or decreased. The Mayor and Council may, upon order of the Council, be paid their actual and necessary expenses incurred in the performance of their duties of office.

Section 4.9 Powers and Duties of Council.

- (a) The Council shall constitute the legislative and governing body of the City and County and shall have all legislative powers and functions of municipal government and board of county commissioners, except as otherwise provided in the Constitution of the State of Colorado, this Charter or, when not in conflict, by Statutes applicable to Home Rule Cities, and shall have the power and authority to adopt such laws, ordinances, resolutions and rules as it shall deem proper.
- (b) The Council shall adopt by resolution or by ordinance job descriptions, job duties, and general assignments for the Mayor, Mayor Pro-Tem, and councilmembers, which shall be published and which shall include a regular requirement that each elected official report on how they are fulfilling the adopted job duties and general assignments.

(c) Ordinances, the Broomfield Strategic plan, the Broomfield Comprehensive Plan, job descriptions, and community goals and priorities serve to provide the requisite operational understanding and direction for the City and County and are critical to operational success. Council should regularly review and update these documents as needed.

Section 4.10 Oath of Office and Bond.

- (a) Every elected officer under this Charter, before entering upon the duties of office, shall take an oath or affirmation of office, that they will support the Constitution and the laws of the United States and of the State of Colorado, and this Charter and the ordinances of the City **and County** and will faithfully perform the duties of the office upon which they are about to enter. The ~~City~~ Clerk shall file each oath, together with any bond required by this Charter, or by the Council.
- (b) In case of failure to comply with the provisions of this Section within ten (10) days from the date of appointment, or within ten (10) days from the date prescribed in this Charter to take office, such officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the Council shall, by motion or resolution, extend the time in which such officer may qualify as above set forth.

Section 4.11 - Conflicts of Interests; Code of Ethics

The Council shall adopt an Ordinance governing disclosure of conflicts of interest, recusals from voting and other standards or code of conduct or ethics that shall supersede statutory or constitutional provisions governing or addressing the same matters. To the extent not superseded by or conflicting with this Charter or such local Ordinance, the Council shall be governed by the Standards of Conduct as contained in Title 24, Article 18 of the C.R.S., as the same may be amended from time to time.

CHAPTER V - COUNCIL PROCEDURE

Section 5.1 Regular Meetings.

The Council shall meet regularly at least twice each month at a day and hour to be fixed by the rules of Council. **One of the regular meetings may be a study session properly noticed and open to the public.** The Council shall determine the rules of procedure governing meetings. The first regular meeting of the Council following the regular ~~municipal~~ **coordinated** election and in the month of said election, shall be the organizational meeting.

Section 5.2 Special Meetings.

Special meetings of the Council shall be called by the Clerk on the written request of the Mayor, or by any four (4) members of the Council on at least twenty-four (24) hours written notice to each member of the Council, served electronically by email or personally or left at each member's usual place of residence or place of business, and written notice posted in the designated public posting location, but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

Section 5.3 Business at Special Meeting.

No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting. However, any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the members of the Council present consent thereto and all the members absent file their written consent.

Section 5.4 Quorum: Adjournment of Meeting.

A majority of the members of the Council in office at the time shall be a quorum for the transaction of business at all Council meetings; but in the absence of a quorum, a lesser number may adjourn any meeting to a later date or time. In the absence of all members, the Clerk may adjourn any meeting for not longer than one week.

Section 5.5 Organization and Rules of Council.

The Council shall determine its own organization, rules and order of business subject to the following provisions:

- (a) Minutes of the proceedings of each regular or special meeting shall be kept in the English language by the Clerk and shall be signed by the Presiding Officer and Clerk of the meeting at which the minutes are approved.
- (b) A ~~roll-call~~ vote upon all ordinances, resolutions and motions shall be taken by "Yes" or "No" vote and entered upon the records, except that where the vote is unanimous it shall only be necessary to state that the vote was unanimous.
- (c) No member of the Council shall vote on any question in which they have a **personal or** financial interest, other than the common public interest, or on any question concerning their own conduct.

Section 5.6 Meetings to be Public.

All regular and special meetings of the Council shall be open to the public and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe.

Section 5.7 Study Sessions and Executive Sessions.

The Council may hold such study sessions and executive sessions as the Council may determine and may exclude ~~from said meetings~~ the public **from executive sessions to the extent permitted by applicable law,** provided however, no formal and legally binding action by the Council ~~for the City~~ shall be taken at any such executive or study session.

CHAPTER VI LEGISLATION

Section 6.1 –Prior City Legislation. Reserved

- ~~(a) All by-laws, ordinances, resolutions, rules and regulations of the City which are not inconsistent with this Charter and which are in force and effect on the effective date of this Charter shall continue in full force and effect after the effective date of this Charter until repealed or amended.~~
- ~~(b) If any such by-law, ordinance, resolution, rule or regulation provides for the appointment of any officers or any members of any board or commission by the Mayor, such officers or members of any board or commission shall, after the effective date of this Charter, be appointed by the Council, except as otherwise provided in this Charter.~~
- ~~(c) Those provisions of any effective valid by-law, ordinance, resolution, rule or regulation which are inconsistent with this Charter are hereby repealed.~~

Section 6.2 Council Acts.

Council shall act only by ordinance, resolution or motion. All legislative enactments must be in the form of ordinances; all other actions, except as herein provided, may be in the form of resolutions or motions. All ordinances and resolutions shall be confined to one subject except in case of repealing ordinances, and ordinances making appropriations shall be confined to the subject of appropriations.

Section 6.3 Voting.

A vote by 'Yes' or 'No' shall be taken upon the passage of all ordinances, resolutions and motions and entered upon the records, except that where the vote is unanimous it shall only be necessary to state that the vote was unanimous. Every ordinance shall require the affirmative vote of the majority of current Councilmembers ~~the membership of the entire Council~~ for final passage and, pursuant to Section 4.4 the Mayor shall vote on ordinances in case of a tie vote. Resolutions and motions shall require the affirmative vote of a majority of the members present for passage. Every member, when present, must vote upon ordinances, resolutions and motions, except a member shall be excused from voting on matters involving the consideration of their own official conduct or when their personal or financial interest is involved. For every member excused from voting, the quorum and total membership of Council shall be reduced by one for the purpose of action on each and every ordinance, resolution and motion.

Section 6.4 Action by Ordinance Required.

In addition to such acts of the Council as are required by other provisions of this charter to be by ordinance, every act making an appropriation, creating an indebtedness, authorizing borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ordinance; provided, however, that this section shall not apply to rezonings and other land use cases relating to a specific property, which may be approved by resolution at a public hearing or the adoption of the budget and levying of an ad valorem tax, as provided in this Charter.

Section 6.5 Form of Ordinance—Effective Date.

All ordinances shall be introduced in written or printed form and no ordinance or section thereof shall be amended or repealed except by an ordinance regularly adopted. The enacting clause of all ordinances shall be "Be it ordained by the City Council of The City and County of Broomfield, Colorado." Unless otherwise stated therein, every ordinance shall be deemed to include a severability clause, whether stated therein or not. With the exception of emergency ordinances, the effective date of all ordinances shall be seven days after public notice following final passage unless a later date is prescribed in the ordinance, or it is vetoed by the mayor as provided in Section 6.7 of this charter. (Amendment passed 11/6/01).

Section 6.6 Procedure for Passage of Ordinances.

Except for emergency ordinances, ordinances making general codification of existing ordinances, and ordinances adopting standard codes, the following procedure for enactment of ordinances shall be followed:

- (a) The ordinance shall be introduced at any regular or special meeting of the Council by any member thereof.
- (b) The ordinance shall be read in full, or in cases where copies of the ordinance are available to the Council and to those persons in attendance at said Council meetings, said ordinance may be read by title only.
- (c) After the first reading of the ordinance, the same shall be approved or rejected by a vote of the Council.
- (d) If the ordinance is approved on first reading, it shall be published in full unless otherwise provided herein. The Council shall set a day, hour and place at which Council shall hold a public hearing on the ordinance and notice of said day, hour and place shall be included in the first publication.
- (e) The ordinance shall be introduced at Council a second time, at a meeting not earlier than seven days after first publication for final approval, rejection, or other action as may be taken by vote of the Council. This meeting may be the same meeting at which the public hearing on the ordinance is held. The ordinance may be substantively amended on first or second reading before final approval by vote of the Council.
- (f) An ordinance, if amended in substance at the second reading, shall not be ripe for final approval. The ordinance, as amended, shall be published in full and the ordinance shall be introduced at Council a third time, at a meeting not earlier than seven days after second reading for final approval, rejection, or other

action as may be taken by vote of the Council. The ordinance may not be further amended in substance during the third reading.

- (g) Except as otherwise provided in this Charter, an ordinance, **upon final approval** ~~if amended in substance, shall be published in full after final passage, but if not amended in substance, it shall be published either by title or in full as the Council may determine.~~
- (h) Whenever an ordinance shall be published by reference or by title, the publication shall contain ~~a summary of the subject matter of said ordinance and shall contain~~ a notice to the public that copies of the proposed ordinance are available at the office of the City Clerk. ~~The publication of any ordinance by reference or by title as provided herein must set forth in full any penalty clause contained in said ordinance.~~

Section 6.7 Veto by Mayor.

The Mayor shall have the power to veto any ordinance passed by Council subject to the following:

- (a) The Mayor must veto the ordinance passed by Council and must exercise the power of veto with a ~~complete~~ written explanation of the reasons thereof addressed and delivered to each Council member not later than seven (7) days from the date of its final passage.
- (b) The Mayor's veto may be overridden only by an affirmative vote of two-thirds ($\frac{2}{3}$) membership of the entire Council at the next regular Council meeting following the veto.
- (c) If the Mayor does not exercise the veto power, ordinances shall take effect as provided elsewhere in this Charter.

Section 6.8 Emergency Ordinances.

- (a) An ordinance which is declared therein to be an emergency ordinance, and which is immediately necessary for the preservation of the public peace, health, safety or welfare may be enacted at the regular or special meeting at which it is introduced by unanimous minus one vote of councilmembers present and without any requirement of publication and without any requirement of a second reading and passage. The purpose of the emergency must be clearly stated in the ordinance. Such emergency ordinances, after passage, shall take effect **immediately** ~~eight days therefrom~~, but shall for information purposes, be published as required in this Charter for ordinances after final passage.
- (b) No ordinance granting any special privilege, levying taxes, incurring indebtedness, authorizing borrowing money or fixing rates charged by any City **and County**-owned utility shall ever be passed as an emergency measure, except as provided by Section 12.10(b), Emergency Appropriations, and Section 14.2, Short-Term Notes.
- (c) The Mayor shall not have veto power on an emergency ordinance. (Amendment passed 6/2/76).

Section 6.9 Publication of Ordinances.

Pursuant to requirements for publication of ordinances as provided elsewhere in this Charter, ~~said~~ ordinances shall be published **on the City and County's website, and may also, in the Council's discretion, be published by title** in a newspaper of general circulation in the City **and County**.

Section 6.10 Codification.

The Council shall cause the ordinances to be codified and maintained thereafter in current form. Revisions to the codes may be accomplished by reference as provided in this Charter.

Section 6.11 Codes Published by Reference.

Standard codes, promulgated by the Federal Government, the State of Colorado, or by an agency of either of them, or by any municipality within the State of Colorado, or by recognized trade or professional organizations, or

amendments or revisions thereof, may be adopted by reference; provided the publication of the ordinance adopting any said code shall advise that copies thereof are available for inspection at the office of the City Clerk, and provided that any penalty clause in said codes may be adopted only if set forth in full and published in the adopting ordinance.

Section 6.12 Disposition of Ordinances.

A true copy of every ordinance, as adopted by Council, shall be numbered and recorded in the official records of the City and County. Its adoption and publication shall be authenticated by the signature of the Mayor, or Mayor Pro-Tem, and the City and County Clerk, and by the certificate of publication. A true copy of every ordinance, as adopted by the vote of the electors of the City and County, shall be separately numbered and recorded. ~~commencing with "Peoples' Ordinance No. 1."~~ But the failure to so file and authenticate such ordinance shall not invalidate it or suspend its operation.

CHAPTER VII - INITIATIVE AND REFERENDUM

Section 7.1 Initiative.

- (a) Any proposed ordinance, except an ordinance pertaining to the City and County budget, appropriation of funds, levy of taxes, salaries and tenure of ~~city~~ City and County officials or employees, zoning or rezoning of property and acquisition or disposition of ~~municipal~~ City and County properties, may be submitted to the Council by petition signed by registered electors of the City and County equal in number to the percentage hereinafter required.
- (b) An initiative petition accompanying the proposed ordinance signed by registered electors of the City and County equal in number to 15 percent of the total voters who cast ballots in the last ~~general municipal~~ coordinated election, shall be filed with the City and County Clerk ~~at least sixty days prior to any general or special municipal election~~ no later than one hundred and eighty days after the clerk's approval of the petition section as to form, and shall contain a request that said proposed ordinance be submitted to a vote of the people if not passed by the Council. The Council shall within thirty days after the attachment of the Clerk's certificate of sufficiency to the accompanying petition either (a) pass said ordinance without alteration, or (b) call a special election, unless a ~~coordinated general municipal~~ election is to be held ~~fixed~~ within ninety days ~~of Council's action thereafter, which special election shall be held not less than sixty days nor more than one hundred fifty days after the date of the Clerk's certificate of petition sufficiency.~~ and at ~~At~~ such special or ~~general municipal~~ coordinated general municipal election, said proposed ordinance shall be submitted without alteration to the vote of the registered electors of the City and County.
- (c) An initiated ordinance shall be published in like manner as other proposed ordinances. The ballot upon which such proposed ordinance is submitted shall state briefly the nature of the proposal and it shall contain the words "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE." If a majority of the registered electors voting thereon shall vote in favor thereof, the same shall thereupon without further publication become an ordinance of the City and County.
- (d) The provisions of this Section shall in no way affect nor preclude the procedures for recall of any elected official or officer as provided in this Charter.

Section 7.2 Referendum.

- (a) The referendum shall apply to all ordinances passed by the Council, except ordinances related to or levying ~~municipal taxes, city~~ City and County budget, appropriation of funds, calling a special election, authorizing the issuance of local improvement district bonds payable primarily from special assessments, levying special assessments, emergency ordinances, ordinances to meet contractual obligations of the City and County, salaries and tenure of City and County officials or employees, acquisition or disposition of ~~municipal~~ City and County properties.

- (b) If, at any time within thirty days after the final passage of an ordinance to which the referendum is applicable, a petition signed by registered electors equal in amount to at least ten percent of the total voters who cast ballots in the last ~~coordinated general municipal~~ election be presented to the Council protesting against the going into effect of any ordinance, the same shall thereupon be suspended and the Council shall reconsider such ordinance; and if the same be not entirely repealed shall submit the same to a vote of the registered electors of the City and County in a manner as provided in respect to the initiative at the next ~~coordinated general municipal~~ election, or at a special election called therefor. If a majority of the registered electors vote in favor of such ordinance, it shall go into effect without further publication.
- (c) The Council, on its own motion, shall have the power to submit at a general or special election any proposed ordinance or question to a vote of the people in a manner as in this Charter provided.
- (d) If provisions of two or more proposed ordinances adopted or approved at the same election conflict, the ordinance receiving the highest affirmative vote shall become effective.

Section 7.3 Certificate of Clerk. Amendment of Petition.

Within ten days from the filing of any initiative or referendum petition, the City and County Clerk shall ascertain whether the petition is signed by the requisite number of registered electors, and if sufficient shall attach thereto a certificate of sufficiency showing the result of such examination. If the petition is insufficient, the Clerk shall forthwith in writing notify one or more of the persons designated as filing the same on the petition. The petition may then be amended within ten days from the filing of the certificate. The City and County Clerk, within five working days after such amendment, shall make the examination of the amended petition and attach thereto a certificate of the result. If still insufficient, the Clerk shall return the petition to one of the persons designated thereon as filing it, without prejudice to the filing of a new petition for the same purposes, but such petition shall not be refiled within one year after return by the Clerk.

Section 7.4 Prohibition of Amendment or Reenactment.

An ordinance adopted by the electorate may not be amended or repealed for a period of six months after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be re-enacted for a period of six (6) months after the date of the election at which it was repealed provided however, that ordinances may be adopted, amended or repealed at any time by appropriate referendum or initiatory procedure in accordance with the foregoing provisions of this Charter, or if submitted to the electorate by the Council on its own motion.

Section 7.5 Implementation.

The Council may adopt such additional rules and regulations as are deemed necessary to implement this Chapter.

CHAPTER VIII MUNICIPAL CITY AND COUNTY ADMINISTRATION

Section 8.1 City and County Manager.

The City and County Manager shall be the chief executive and administrative officer of the City and County. The Council, by a majority vote, shall appoint a City and County Manager within a reasonable time whenever a vacancy exists in such position. Such appointment shall be without definite term and shall be at a salary and compensation to be fixed by Council. The manager shall be appointed without regard to any consideration other than the selected individual's fitness, competency, training and experience as a manager. At the time of appointment, the City and County Manager need not be a resident of the City and County or state, but during tenure of office the City and County Manager shall reside within the City and County. No member of the Council shall be appointed manager while holding office or during the term for which they have been elected, nor within one year after the expiration of their term.

Section 8.2 Acting City and County Manager.

The Council may appoint an acting City and County Manager during the period of vacancy in the office, or during the absence or disability of the City and County Manager. Such acting City and County Manager shall, while in such office, have all responsibilities, duties, functions and authority of the City and County Manager.

Section 8.3 Powers and Duties.

The City and County Manager shall be responsible to the Council for the proper administration of all affairs of the City and County placed in the City and County Manager's charge, and to that end the City and County Manager shall have the power and duty and be required to:

- (a) be responsible for the enforcement of the laws and ordinances of the City and County;
- (b) hire, suspend, transfer and remove City and County employees;
- (c) make appointments on the basis of executive and administrative ability and of the training and experience of such appointees in the work which they are to perform;
- (d) cause a proposed budget to be prepared annually and submit it to the Council and be responsible for the administration of the budget after its adoption;
- (e) prepare and submit to the Council as of the end of the fiscal year a complete report on finances and administrative activities of the City and County for the preceding year, and upon request of the Council make written or verbal report at any time concerning the affairs of the City and County;
- (f) keep the Council advised of the financial condition and future needs of the City and County, and make such recommendations to the Council for adoption as deemed necessary or expedient;
- (g) exercise supervision and control over all executive and administrative departments except as otherwise herein provided and ~~recommend to the Council any proposal the manager thinks advisable to establish, divide~~ consolidate or abolish administrative departments;
- (h) be responsible for the enforcement of all terms and conditions imposed in favor of the City and County in any contract or public utility franchise, and upon knowledge of any violation thereof, report the same to the Council for such action and proceedings as may be necessary to enforce the same;
- (i) attend Council meetings and participate in discussions with the Council in an advisory capacity without right to vote;
- (j) establish a system of accounting ~~and auditing~~ for the City and County which shall reflect, in accordance with generally accepted accounting principles, the financial condition and financial operation of the City and County;
- (k) provide for engineering, architectural, maintenance and construction services required by the City and County; and
- (l) establish a system of internal auditing of City and County operations, which shall include an annual, or as requested by Council, report to Council concerning the results of such auditing, and**
- (m) perform such other duties as may be prescribed by this Charter, or by ordinance, or may be required by Council which are not inconsistent with this Charter.

Section 8.4 Removal of City and County Manager.

The Council at a regular or special meeting may, upon the vote of the majority of the entire Council, remove the City and County Manager from office. Upon such termination the Council may in its discretion provide termination pay.

Section 8.5 Relationship of Council to Administrative Service.

Neither the Council, its members, the mayor, nor any council committee shall dictate the appointment of any person to office by the city and county manager except as otherwise provided in this Charter or in any way interfere with the city and county manager or other city and county officer to prevent them from exercising their judgment in the appointment or employment of officers and employees in the administrative service. Except for the purpose of inquiry, the council, its members, the mayor and any council committee shall deal with the administrative service solely through the city and county manager and neither the council, its members, the mayor, nor any council committee thereof shall give orders to any of the subordinates of the city and county manager.

Section 8.6 City and County Clerk.

The Manager, with the approval of Council, shall appoint a City and County Clerk, who shall be custodian of the City and County seal and who shall keep a journal of Council proceedings and record in full all ordinances, motions and resolutions, and who shall fulfill all duties of a county clerk. The Clerk shall have power to administer oaths and take acknowledgments under seal of the City and County, and shall perform such other duties as required by this Charter, the laws governing municipal and county clerks to the extent not inconsistent with this Charter or the Constitution or the State of Colorado, the Council, or the Manager. The Manager, with the approval of City-Council, can remove the City and County Clerk in a manner similar to which they were appointed.

Section 8.7 Bonding of Employees.

All City and County officials and employees dealing directly with municipal and county funds or substantial inventories of materials and supplies shall post bond in an amount and under such conditions as required by Council, and at the expense of the City and County.

Section 8.8 ~~Administrative Departments. Reserved~~

- ~~(a) The administrative functions of the City and County shall be performed by the departments existing at the time this Charter is adopted and such departments as the Council may hereafter establish by ordinance, upon recommendation of the City and County Manager. The Council may, by ordinance, upon recommendation of the City and County Manager, consolidate or merge any departments, whether set forth in this Charter or established by ordinance.~~
- ~~(b) All departments of the City, except as otherwise provided in this Charter, shall be under the supervision and control of the City Manager, and the City Manager shall have the right to divide with Council approval such departments into separate divisions and to assign various functions and duties to the different departments and divisions.~~

Section 8.9 Internal Auditor

- (a) The Manager, with the approval of Council, shall appoint a Director of Performance and Internal Audit, who shall head the Performance and Internal Audit Department of the City and County.
- (b) The Director of Performance and Internal Audit shall report to the City and County Manager. The Performance and Internal Audit Department shall be responsible for performing management, operational, and compliance audits and process reviews of the City and County of Broomfield departments, programs, and activities, and other responsibilities as designated by the City and County Manager.
- (c) Notwithstanding other provisions of this Charter, Council may direct the Director of Performance and Internal Audit to audit departments and prepare reports as deemed necessary by Council.
- (d) The Manager, with the approval of Council, can remove the Director of Performance and Internal Audit in a manner similar to which they were appointed.

CHAPTER IX PERSONNEL

Section 9.1 Personnel Merit System.

- (a) ~~Within one year after the effective date of this Charter that~~ The City and County Council shall maintain ~~create and enact a Personnel Merit System and establish a Personnel Merit Commission composed of three (3) registered electors.~~
- (b) The Personnel Merit System shall include all city and county employees ~~within the provision including the police and fire department chiefs and exclude from the system shall be~~ excluding the City and County Manager, deputy and assistant City and County manager(s), department heads ~~excepting the police and fire department heads,~~ elective officers, appointees of Council, temporary employees, appointed members of boards and commissions, and persons employed to make or conduct a special inquiry, investigation, examination or installation or audit.
- (c) The Personnel Merit ~~System~~ Commission shall provide any included, non-probationary employee who has been subject to disciplinary action with a right to an administrative appeal ~~have jurisdiction and final authority to hear and determine appeals by any aggrieved employee who has been subject to disciplinary action of any kind.~~
- (d) ~~The Personnel Merit Commission shall promulgate its own rules and regulations consistent with implementing ordinances adopted by Council.~~

CHAPTER X LEGAL AND JUDICIARY

Section 10.1 City and County Attorney.

The Council shall appoint a City and County Attorney to serve at the pleasure of Council. The City and County Attorney shall be an attorney-at-law admitted to practice in Colorado. The City and County Attorney shall be the legal representative of the City and County and shall advise the Council and City and County officials in matters relating to their official powers and duties and perform such other duties as Council may prescribe by ordinance or resolution. The ~~Council may provide the City and County~~ Attorney shall hire and supervise such assistants and staff as ~~Council may deem~~ necessary, and may on ~~its~~ their own motion or upon request of the ~~Council~~ City Attorney employ special counsel to serve under the direction of the city and county attorney. The Council shall establish compensation for the City and County Attorney. ~~and for any assistants and special counsel appointed by the City.~~

Section 10.2 Municipal Court.

- (a) Municipal Judge. There shall be a municipal court vested with exclusive original jurisdiction of all causes arising under the ordinances of the city and county and as may be conferred by law. The municipal court shall be presided over and its functions exercised by a presiding judge appointed by the Council for a specified term of not less than two years. The Council may reappoint the presiding municipal judge for a subsequent term or terms, except that the initial appointment may be for a term of office which expires on the date of the organizational meeting of the Council after the next general election. Any vacancy in the office of presiding municipal judge shall be filled by appointment by the council for the remainder of the unexpired term. The presiding municipal judge shall be an attorney-at-law admitted to practice in the State of Colorado.
- (b) ~~Deputy-Associate~~ Judges. ~~Council~~ The presiding municipal judge may appoint one or more deputy associate judges as ~~it~~ the presiding municipal judge deems necessary. The deputy associate municipal judge shall have all the powers of the municipal judge when called on to act by the presiding municipal judge or the Council. ~~In the event that more than one municipal judge is appointed, the Council shall designate a presiding municipal judge, who shall serve in this capacity during the term for which the municipal judge was~~

~~appointed.~~ The ~~deputy~~ **associate** municipal judges shall be attorneys admitted to practice in the State of Colorado. ~~and serve at the pleasure of the Council.~~

- (c) Compensation **for Judges.** The **presiding** municipal judge shall receive ~~a fixed~~ **such** salary or compensation set by the Council which salary or compensation shall not be dependent upon the outcome of the matters to be decided by the municipal judge. The ~~deputy~~ **associate** municipal judges may receive such compensation for services rendered as ~~Council~~ **the presiding municipal judge** may determine ~~and as provided for in the budget, which compensation shall not be dependent upon the outcome of the matters to be decided by the associate judge.~~
- (d) Removal **of Judges.** Any municipal judge may be removed from office only for cause, **as specified in the statutes applicable to removal of municipal judges, and for any other conduct that would constitute a violation of the Colorado Code of Judicial Conduct, as from time to time amended.** ~~A judge may be removed for cause if:~~
- ~~(1) They are found guilty of a felony or any other crime involving moral turpitude;~~
 - ~~(2) They have a disability which interferes with the ability to perform their duties, and which is, or is likely to become, of a permanent character;~~
 - ~~(3) They have willfully or persistently failed to perform their duties; or~~
 - ~~(4) They are habitually intemperate.~~
- (e) **Municipal Court Staff. The presiding municipal judge shall hire and supervise such staff as necessary for the operation of the municipal court.**

CHAPTER XI BOARDS AND COMMISSIONS

Section 11.1 Existing Boards and Commissions.

All existing Boards and Commissions shall continue as established by ordinance, except as otherwise provided by ordinance or this Charter.

Section 11.2 Right to Establish, Amend and Abolish.

- (a) ~~In addition to those Boards and Commissions existing at the time of this Charter,~~ Council may create any Boards and Commissions including **Boards and Commissions to perform county duties.** Advisory Boards, and Appeal Boards. Advisory Boards may be created by resolution. All other Boards and Commissions shall be created by ordinance, which shall prescribe the powers and duties delegated by Council. Initial appointments by the Council to any Board or Commission shall specify the term of office of each member in order to achieve overlapping tenure. Council shall also make appointments to fill vacancies for unexpired terms. **Council may make alternate appointments to any Board or Commission.** Each Board and Commission shall elect its own chair and vice-chair from among its members. Each Board and Commission shall operate in accordance with its own rules of procedure, except as otherwise directed by Council. Appointees shall be subject to removal ~~for just cause~~ at the pleasure of the ~~City Council~~ by majority vote of the **current Councilmembers** ~~entire Council in office at the time the vote is taken.~~
- (b) The Council may increase, reduce, or change any or all of the powers, duties and procedures of any Boards or Commission existing at the time of this Charter, or created by ordinances or resolutions thereafter.
- (c) Any Board or Commission ~~existing at the time of this Charter or created under this provision~~ which is not required by statute or this Charter may be abolished by Council.
- (d) No member of the ~~City Council~~, the Mayor, any city ~~and county~~ employee, nor any appointed city ~~and county~~ official shall serve on any **temporary or permanent Broomfield** Board or Commission ~~heretofore established~~

~~by Council~~ during their tenure as councilmember, mayor, or city **and county** employee or appointed city **and county** official. **Council may permit an eligible individual to serve on more than one Board or Commission.**

CHAPTER XII FINANCE AND BUDGET

Section 12.1 Fiscal Year.

The fiscal year of the City **and County** and all of its agencies shall begin on the first day of January and end on the last day of December of each year.

Section 12.2 Proposed Budget and Message.

Prior to the beginning of each fiscal year, the City **and County** Manager shall, **with collaboration of Council,** prepare and submit to the Council a recommended budget for the next fiscal year and an accompanying message.

Section 12.3 Budget Message.

The City **and County** Manager's message shall explain the budget both in fiscal terms and in terms of the work program. It should contain the proposed financial policies of the City **and County** for the next fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues, together with the reasons for such changes, summarize the City **and County**'s debt position, give the balance between the total estimated expenditures and total anticipated revenue from all sources, taking into account the estimated surpluses or deficits in the various funds, and include such other material as the Manager deems necessary or which the Council may require.

Section 12.4 Budget Content.

The budget shall provide a complete financial plan of all municipal **and county** funds and activities for the next fiscal year and, except as required by law or this Charter, shall be in such form as the City **and County** Manager deems desirable or the Council may require. In organizing the budget, the City **and County** Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the preceding fiscal year. It shall include the following in separate sections unless otherwise provided by ordinance:

- (a) Anticipated revenues classified as cash surplus, miscellaneous revenues, and amounts to be received from property tax; cash surplus being defined for purposes of this article as the amount by which cash is expected to exceed current liabilities and encumbrances at the beginning of the next fiscal year;
- (b) Proposed expenditures for current operations during the next fiscal year, detail **and summarized** by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;
- (c) A reasonable provision for contingencies;
- (d) A capital depreciation account;
- (e) Required expenditures for debt service, judgments, cash deficient recovery and statutory expenditures;
- (f) Proposed capital expenditures during the next fiscal year, detailed **and summarized** by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure;
- (g) Anticipated net surplus or deficit for the next fiscal year for each utility owned or operated by the City **and County** and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

- (h) The bonded and other indebtedness of the City and County, showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds, if any;
- (i) Such other information as the Council may request.

Section 12.5 Capital Program.

- (a) The Manager, with such assistance as the Council may direct, shall prepare and submit to the Council a long-range capital program, simultaneously with the recommended budget.
- (b) The capital program shall include the following, unless otherwise provided by ordinance:
 - (1) A clear general summary of its contents;
 - (2) A list of all capital improvements which are proposed to be undertaken during the following fiscal years, with appropriate supporting information as to the necessity for the improvement;
 - (3) Cost estimates, method of financing and recommended schedules for each such improvement;
 - (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired;
 - (5) Such other information as the Council may request.

This information may be revised or extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 12.6 Public hearing.

A public hearing on the proposed budget and proposed capital program shall be held before its final adoption at such time and place as the Council may direct. Notice of such public hearing and notice that the proposed budget is on file for public inspection at a stated location in the municipal building shall be published one time at least seven days prior to the hearing.

Section 12.7 Council Action on Budget.

- (a) Amendments. After the public hearing, the Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit.
- (b) Adoption. The Council shall adopt the budget by resolution on or before the final day established by law for the certification of the next year's tax levy to the county. If it fails to adopt the budget by this date, the amounts appropriated for the operation of the current fiscal year shall be deemed adopted for the next fiscal year on a month-to-month basis, with all items in it pro-rated accordingly, until such time as the Council adopts the budget for the next fiscal year.
- (c) Balanced Budget. The total of the proposed expenditures and provisions for contingencies shall not exceed the total of estimated revenue.
- (d) Tax Levy. Adoption of the budget by Council shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed. Council shall cause the same to be certified to the appropriate authorities as required by law.

Section 12.8 Contingencies.

The budget may include an item for contingencies. Except in those cases where there is no logical account to which an expenditure can be charged, expenditures shall not be charged directly to contingencies; but instead, the necessary part of the appropriation for contingencies shall be transferred to the logical account, and the expenditure charged to such account. No such transfer shall be made without the express approval of the Council, and then only for expenditures which could not readily be foreseen at the time the budget was adopted.

Section 12.9 Public Records.

Copies of the budget and capital program as adopted shall be public records and shall be made available to the public ~~in the municipal building.~~

Section 12.10 Amendments After Adoption.

- (a) Supplemental appropriations. If during the fiscal year the Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council by resolution may make supplemental appropriations for the year up to the amount of such excess.
- (b) Emergency Appropriations. To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with provisions of this Charter. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.
- (c) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the Manager that the revenues available will be insufficient to meet the amount appropriated, the Manager shall report to the Council without delay, indicating the estimated amount of deficit, any remedial action taken and a recommendation as to any other steps to be taken. The Council shall then take action to prevent or minimize any deficit and for that purpose it may by resolution reduce one or more appropriations.
- (d) Transfer of Appropriations. Any time during the fiscal year, the Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the Manager, the Council may by resolution transfer part or all of any unencumbered appropriation balance from one department, office, agency, or object to another.
- (e) Limitation—Effective Date. No appropriation for debt service may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriation and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Section 12.11 Independent Audit.

An independent audit shall be made of all City and County accounts at least annually and more frequently if deemed necessary by the Council. Such audit shall be made by certified or registered public accountants, experienced in municipal accounting, selected by the Council. Copies of such audit shall be made available for public inspection ~~at the municipal building.~~

Section 12.12 Lapse of Appropriation.

Every appropriation, except an appropriation for a Capital Expenditure Fund or Special Fund, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a Capital Expenditure Fund or Special Fund shall continue in effect until the purpose for which it has been made has been accomplished or abandoned or it is transferred as permitted in Section 12.10.

CHAPTER XIII TAXATION

Section 13.1 Tax Authority and Limitations.

The Council shall have authority to levy and impose taxes for municipal and county purposes and to provide for their collection, provided that no ~~income tax,~~ sales tax, use tax, or excise tax shall be levied ~~after the approval of this Charter~~ until such tax shall be approved by a majority of the electorate voting at a regular or special election.

.Council shall also have authority to levy and provide for collection of special assessments for local improvements as provided in this charter or by ordinance.

Section 13.2 Collection of Taxes.

- (a) Unless otherwise provided by ordinance, the County Treasurer shall collect City and County ad valorem taxes in the same manner and at the same time as general ad valorem taxes are collected. In like manner, the Council may provide for collection of special improvement assessments by the said Treasurer.
- (b) All laws of this State for the assessment of property and the levy and collection of ad valorem taxes, sale of property for taxes and the redemption of the same, shall apply and have the full force and effect in respect to taxes for the City and County as to such general ad valorem taxes, except as may be modified pursuant to this Charter.

Section 13.3 Authority to Acquire Property.

In addition to all other power which it has to acquire property, the City and County is hereby authorized to purchase or otherwise acquire property in which there are delinquent taxes or special assessments. The City and County may also dispose of any property acquired under this authority in like manner as any other property.

CHAPTER XIV MUNICIPAL AND COUNTY FUNDING

Section 14.1 Forms of Borrowing.

The City and County may borrow money for any municipal and county purpose as provided herein and issue the following securities to evidence such indebtedness:

- (a) Short-term notes;
- (b) General obligation bonds and other like securities;
- (c) Revenue bonds and other like securities;
- (d) Special or local improvement bonds and other like securities;
- (e) Any other legally recognized security which the Council may provide.

Section 14.2 Short-Term Notes.

The City and County, upon the affirmative vote of the majority of the entire Council in office at the time the vote is taken is hereby authorized to borrow money without an election in anticipation of the collection of taxes or other revenues and to issue short-term notes to evidence the amount so borrowed, Any such short-term notes shall mature before the close of the fiscal year in which the money is ~~so~~ borrowed except as is permitted in the provision of this Charter pertaining to Emergency Appropriations.

Section 14.3 General Obligation Bonds.

- (a) No bonds or other evidence of indebtedness payable in whole or in part from the proceeds of general property taxes or to which the full faith and credit of the City and County is pledged, shall be issued, except in pursuance of an ordinance adopted and approved by two-thirds (2/3) vote of the entire Council, or until the question of their issuance shall, at a general or special election, be submitted to a vote of the electors and approved by a majority of those voting on the question.
- (b) The Council shall determine which of the aforementioned methods of approval of such securities shall be utilized subject to the limitations of subsection 14.3(c) below.

- (c) Pursuant to subsection (a) above, the Council may, without voter approval, issue such securities in total amounts not to exceed two percent (2%) of the assessed valuation of the taxable property within the City and County, as shown by the last preceding assessment for city and county purposes.
- (d) General obligation bonds issued for acquiring water and rights thereto, or acquiring, improving, or extending a City and County water system or sewer system or any combination of such purposes may be issued without an election and upon a vote of approval by a majority of two-thirds (2/3) vote of the entire Council, without an election, without the restrictions contained in this section.
- (e) The provisions of this Section shall not apply to Short-Term Notes, Revenue Bonds, Refunding Bonds, nor Special or Local Improvement District Bonds, which are provided for elsewhere in this Chapter.

Section 14.4 Revenue Bonds.

The City and County, pursuant to ordinance, may borrow money, issue bonds, or otherwise extend its credit for purchasing, constructing, condemning, otherwise acquiring, extending or improving a water, electric, gas or sewer system, or other public facility or income-producing project or for any other capital improvement; provided that the bonds or other obligations shall be made payable from the net revenues derived from the operation of such system, utility or other such project or capital improvement, and provided, further, that any two or more of such systems, utilities, projects or capital improvements may be combined, operated and maintained as joint municipal/county systems, utilities, projects or capital improvements, in which case such bonds or other obligations shall be made payable out of the net revenue derived from the operation of such joint systems, utilities or capital improvements.

Section 14.5 Funding of Revenue Bonds.

In addition to the provisions of Section 14.4 relating to Revenue Bonds, the City and County shall have the authority to issue revenue bonds, payable from the revenue and income of the project, facility, or improvement to be constructed or installed with the proceeds of the bond issue, or payable in whole or in part from the available proceeds of a City and County sales and use tax which may be imposed pursuant to this Charter.

Section 14.6 Refunding Bonds.

- (a) The Council may authorize, by ordinance without an election, issuance of refunding bonds or other like securities for the purpose of refunding and providing for the payment of the outstanding bonds or other like securities of the City and County as the same mature, or in advance of maturity, by means of an escrow or otherwise.
- (b) Any refunding bonds or other like securities issued for the purpose of refunding revenue bonds or other revenue securities shall be payable from the revenues of the system, utility, income-producing project or other capital improvement that was acquired, extended or improved with the proceeds of the original bond issue.

Section 14.7 Limitation on Indebtedness.

The aggregate amount of bonds or other evidences of indebtedness of the City and County shall not exceed ten percent (10%) of the assessed valuation of the taxable property within the City and County as shown by the last preceding assessment for City and County purposes; provided however, in determining the amount of indebtedness, there shall not be included within the computation:

- (a) Bonds or other evidences of indebtedness, outstanding or authorized to be issued for the acquisition, extension or improvement of a ~~municipal~~ water-works system, or ~~municipal~~ storm sewer, sanitary sewer, combined storm and sanitary sewers, or sewage disposal systems;
- (b) Short-term note;
- (c) Special or local improvement securities;

- (d) Securities payable from the revenues of an income-producing system, utility, project, or other capital improvement or from City and County sales or use taxes.
- (e) Long-term installment contracts other than real property acquisitions, rentals and leaseholds pursuant to Section 14.9.

Section 14.8 Bonds: Interest, Sale, Prepayment.

- (a) The terms and maximum interest rate of general obligation or revenue bonds or other like securities shall be fixed by the authorizing ordinance and such securities shall be sold to the best advantage of the City and County.
- (b) Any refunding bond may be exchanged dollar for dollar for a bond refunded.
- (c) All bonds may contain provisions for calling the same at designated periods prior to the final due date, with or without the payment of a prior redemption premium.

Section 14.9 Long-Term Installment Contracts, Rentals and Leaseholds—City Property.

- (a) In order to provide necessary land, buildings, equipment, and other property for governmental or proprietary purposes, the City and County is hereby authorized to enter into long-term installment purchase contracts and rental or leasehold agreements. Such agreements may include an option or options to purchase and acquire title to such property within a period not exceeding the useful life of such property. Each such agreement and the terms thereof shall be ~~approved~~ ~~concluded~~ by an ordinance duly enacted by the Council.
- (b) The Council is authorized and empowered to provide for the said payments by a tax levy imposed upon property included within the boundaries of the City and County or by rates, tolls or service charges imposed for the use of such property or any part thereof by others, or by any other available municipal and county revenue, or by any one or more of the above sources.
- (c) The obligation created hereunder shall not constitute an indebtedness of the City and County within the meaning of the legal limitations on contracting of indebtedness by cities.
- (d) Property owned, held or used by the City and County shall be exempt from taxation so long as it is owned, held or used by the City and County for authorized City and County functions.

CHAPTER XV IMPROVEMENT DISTRICTS

Section 15.1 Power to Create Special or Local Improvement Districts.

- (a) The City and County shall have the power to create Special or Local Improvement Districts within designated districts in the City and County, to contract for, construct or install special or local improvements of every character within the said designated districts, to assess the cost thereof, wholly or in part upon the property benefited in such district, and to issue special or local improvement bonds therefor.
- (b) The Council shall, by ordinance, prescribe the method and manner of creating such improvements, of letting contracts therefor, issuing and paying bonds for construction or installation of such improvements, including the costs incidental thereto, for assessing the costs thereof and for all things in relation to the authority herein created.
- (c) Except as otherwise provided by Charter or by ordinance, the Statutes of the State of Colorado shall govern the creation and organization of Special or Local Improvement Districts, the assessment of costs, the issuance of bonds therefor and all things in relation thereto.

Section 15.2 Creation of Special or Local Improvement Districts.

Special or Local Improvement Districts created pursuant to this Chapter may be so created by:

- (a) Ordinance; or
- (b) On a petition by the owners of more than fifty percent (50%) of the area of the proposed district, provided that such majority shall include not less than fifty percent (50%) of the land owners in the proposed district, subject in either event to protest by the owners of the frontage area to be assessed.

Right to protest and notice of public hearing shall be given as provided by Council by ordinance. All protests shall be considered but if the public welfare warrants, Council shall have final decision. Such improvements shall confer special benefits on the real property within the said districts and general benefits to the City and County -at-large. The Council shall by ordinance prescribe the method and manner of making such improvements, of assessing the cost thereof, and issuing and paying bonds for costs and expenses of constructing or installing such improvements.

Section 15.3 Improvement District Bonds; Levy for General Benefit to Special Fund; Pledge of Credit.

- (a) In consideration of general benefits conferred on the City and County at large from the construction or installation of improvements in Special or Local Improvement Districts, the ~~City~~ Council may contract by ordinance prior to the issuance of any bonds of any Special or Local Improvement District, that the payment of such bonds, both as the principal, interest and costs appertaining thereto become due, is additionally secured by a Special Fund herein created, and pursuant hereto may levy annual taxes on all taxable property within the City and County at a rate not exceeding two (2) mills in any one (1) year, to be disbursed as determined by the Council, for the purpose of paying for such improvements, pursuant to Section 15.5, for the payment of any assessment levied against the City and County itself in connection with said bonds issued for Special or Local Improvement Districts, for the purpose of advancing money to maintain current payments of interest and equal annual payments of the principal amount of said bonds or for any prior redemption premium appertaining to such bonds.
- (b) The proceeds of such taxes shall be placed in a Special Fund and shall be disbursed only for the purposes specified in this Section, provided, however, that in lieu of such tax levies, the Council may annually transfer to such Special Fund any available money of the City and County, but in no event shall the amount transferred in any one year exceed the amount which would result from a tax levied in such year as herein limited.
 - (1) As long as any bonds issued for Special or Local Improvements Districts hereafter organized, remain outstanding, the tax levy or equivalent transfer of money to the Special Fund created for the payment of said bonds shall not be diminished in any succeeding year until all of said bonds and the interest thereon shall be paid in full, unless other available funds are on hand therefor, or such bonds and interest are paid by the City and County as provided in Section 15.5 of this Chapter.
- (c) After the bonds have been retired in full, any monies remaining in such Special Funds shall be transferred as provided in Section 15.4.
- (d) Bonds of any Special or Local Improvement District payable from special assessments, which payment may be additionally secured as provided in this Section, shall not be subject to any debt limitation nor affect the City and County's debt incurring power, nor shall such bonds be required to be authorized at any election; and such bonds shall not be held to constitute a prohibited lending of credit or donation, not [nor] to contravene any constitutional, statutory or Charter limitation or restriction.

Section 15.4 Surplus and deficiency fund—payment of bonds by City and County.

- (a) Where all outstanding Bonds of a Special or Local Improvement District have been paid and money remains to the credit of the district or in a Special Fund created pursuant to Section 15.3 for the said bond issue, it

may be transferred, in whole or in part, by ordinance, to a Surplus and Deficiency Fund, and whenever there is a deficiency in any Special or Local Improvement District Fund to meet the payment of outstanding bonds and interest due thereon, the deficiency shall be paid out of the said fund; or in the alternative, Council, may by ordinance transfer all or part of any unencumbered balance from a Special or Local Improvement District Fund or a Special Fund created pursuant to Section 15.3 for the said bond issues to any other City and County fund.

- (b) Whenever a Special or Local Improvement District has paid and cancelled three-fourths (3/4) of its bonds issued and for any reason the remaining assessments are not paid in time to redeem the final bonds of the district, the City and County shall pay the bonds when due and reimburse itself by collecting the unpaid assessments due the district.

Section 15.5 Review of Improvement District Proceedings.

No action or proceeding, at law or in equity, to review any acts or proceedings, or to question the validity of, or enjoin the performance of the issue or collection of any bonds or the levy or collection of any assessments authorized by this Chapter, or for any other relief against any acts or proceedings of the City and County done or had under this Chapter, shall be maintained against the City and County, unless commenced within thirty (30) days after the performance of the act or the effective date of the resolution or ordinance complained of, or else be thereafter perpetually barred.

CHAPTER XVI INTERGOVERNMENTAL RELATIONS

Section 16.1 Regional Service Authorities.

In the interest of governmental services provided on a regional or area-wide basis and the benefits realized by the City and County of Broomfield from said services, the Council may by ordinance provide grant of municipal and county funds and services on a regional or area-wide basis, existing at the time this Charter becomes effective or thereafter created. The Council shall also have the authority to allow City and County participation in said service authorities in any manner it deems desirable.

Section 16.2 Cooperative Intergovernmental Contracts.

The City Council ~~by two-thirds (2/3) vote of the entire Council~~ by a majority vote of the members of the Council present and voting may enter into contracts or agreements with other governmental units of every kind and character for the joint use of buildings, equipment, or facilities, or for furnishing or receiving commodities or services of public benefit and may authorize delegation of various types of such contracts or agreements by staff under such terms and conditions as may be prescribed ~~shall be approved~~ by Council. Such contracts or agreements must be published on the City and County's website.

CHAPTER XVII UTILITIES AND FRANCHISES

Section 17.1 General Powers.

The City and County shall have and exercise with regard to all utilities and franchises, all municipal and county powers, including without limitation, all powers now existing and which may be hereafter provided by the Constitution and statutes. The right of the City and County to construct, lease, purchase, acquire, condemn or operate any public utility, work or way, is expressly reserved. Except as otherwise provided by Constitution, or this Charter, all powers concerning the granting, amending, revoking, or otherwise dealing in franchises, shall be exercised by the Council.

Section 17.2 Water Rights.

The City and County shall have the authority to buy, sell, exchange, lease, own, control and otherwise deal in water rights.

Section 17.3 Utility Rates.

The Council shall, by ordinance, establish rates, rules and regulations and extension policies for services provided by City and County owned utilities, both within and outside the corporate limits of the City and County.

Section 17.4 Management of ~~Municipal~~ Utilities.

All ~~municipally~~ City and County owned or operated utilities shall be administered as a regular department of the City and County.

Section 17.5 Use of Public Places by Utilities.

Every public utility, whether it has a franchise or not, shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges, and other public places as shall arise from its use thereof and shall protect and save the City and County harmless from all damages arising from said use. Every such public utility may be required by the City and County to permit joint use of its property and appurtenances located in the streets, alleys or other public places of the City and County by the city and county and by other utilities insofar as such joint use may be reasonably practicable.

Section 17.6 Granting of Franchises.

- (a) No franchise shall be granted except upon approval by a majority of the electors voting thereon.
- (b) The Council shall establish by ordinance the terms, fees, compensation, conditions, and any other matters related to the granting of franchises.

Section 17.7 ~~Present Franchises. Reserved~~

~~All franchise ordinances and agreements of the City in effect at the time this Charter is effective shall remain in full force and effect in accordance with their respective terms and conditions unless modified by another franchise.~~

Section 17.8 Transit Facilities.

Council may require by ordinance and by fair apportionment of the cost, any railroad or other transportation system to elevate or lower any of its right-of-way or tracks running over, under, along or across any public thoroughfare; and to construct and maintain all street crossings, bridges, viaducts and other conveniences in good condition with proper approaches and safety devices.

Section 17.9 Revocable Permits.

The Council may grant a permit at any time for the temporary use or occupation of any street, alley, or City and County owned place, provided such permit shall be revocable by the Council at its pleasure, regardless of whether or not such right to revoke be expressly reserved in such permit.

Section 17.10 Franchise Records.

The City and County shall cause to be kept in the office of the City and County Clerk an indexed franchise record in which shall be transcribed copies of all franchises heretofore and hereafter granted. The index shall give the name of the grantee and any assignees. The record, a complete history of all such franchises, shall include a

comprehensive and convenient reference to all actions at law affecting the same, and copies of all annual reports and such other matters of information and public interest as the Council may from time to time require.

CHAPTER XVIII GENERAL PROVISIONS

Section 18.1 Eminent Domain.

The City and County shall have the right of eminent domain within or without its corporate limits as provided by the State Constitution and the statutes.

Section 18.2 Reservation of Power.

The power to supersede any law of this state now or hereafter in force, insofar as it applies to local or municipal affairs shall be reserved to the City and County, acting by ordinance, subject only to restrictions of Article XX of the State Constitution.

Section 18.3 Restrictions on sale of municipally owned real property and changes in use of open space property.

- (a) The City and County shall not sell or dispose of ~~municipally~~ City and County owned buildings or real property in use for public purposes only after first obtaining the approval of a majority of the electors voting thereon. Any real property acquired by the City and County as open space is deemed to be in use for a public purpose.
- (b) Land dedicated as open space or acquired using open space sales and use tax revenues.
 - (1) No land dedicated as open space or acquired using open space sales and use tax revenues shall incur a change in use from an open space use to a non-open space use until approval of such change by the ~~city~~ council. Such approval shall be given only after such change has first been considered by the open space and trails advisory committee at a public hearing held with notice provided to property owners within 500 feet of the property proposed for a change in use, notice by posting a sign on the property proposed for a change in use at least ten days in advance of the hearing, and published at least ten days in advance in a newspaper of general circulation in Broomfield, giving the location of the land in question and the intended change in use. Such hearing by the open space and trails advisory committee shall be held not more than 60 days after the change in use has been proposed. In the event that the open space and trails advisory committee no longer exists, then the ~~city~~ council meeting at which the change in use is considered shall comply with these same notice requirements. Regardless of whether the proposed change in use occurs through ordinance, no change in use approved by the ~~city~~ council shall occur until 90 days following the date of ~~city~~ council approval of such change. Within said 90-day period, a petition meeting the requirements of Section 7.2, except that 90 days shall be allowed for the submission of the petition, may be submitted to the city and county clerk requesting that the proposed change in use be reconsidered by Council. If such petition is submitted, the proposed change in use shall be suspended and Council shall reconsider the proposed change in use. Unless Council, upon reconsideration, disapproves said change of use in its entirety, no change in use shall become effective unless approved by a majority of the registered electors voting thereon at an election to be held in accordance with the provisions of Section 7.2.
 - (2) Any change in use of land that has been dedicated as open space or has been acquired using open space sales and use tax revenues shall require payment of just compensation to the Open Space Fund. Nothing contained herein shall be construed to alter the mandates of the ballot question passed by the electors on November 6, 2001 requiring that 80% of the .25% sales and use tax collected be spent on the acquisition, protection, improvement and long term maintenance of open space, natural areas, wildlife habitat and trails.
 - (3) (A) For purposes of this section, "Open space" means parcels intentionally protected from development and set aside for unstructured recreation and the appreciation of natural surroundings.

They may contain trailheads and trails, fishing facilities, wildlife viewing areas, and other facilities that support uses compatible with site resources and conditions.

- (B) For purposes of this section, a "change in use" shall not include the following exceptions for public roads and rights of way, utility lines or transmission devices, or changes involving less than one acre of land. If such exceptions utilize land dedicated as open space or purchased by the open space sales and use tax fund, just compensation shall be made to the open space sales and use tax fund. To the extent permitted by law, these exceptions shall be determined by ~~city~~ council in a public proceeding.
- (c) Open space land acquired by other means than by dedication or purchase with monies from the open space sales and use tax fund. No open space land acquired by other means than dedication or purchase with monies from the open space sales and use tax fund shall incur a change of use until approval of such change by the ~~city~~ council. Such approval shall be given only after such change has first been considered by the open space and trails advisory committee at a public hearing held with notice provided to property owners within 500 feet of the property proposed for a change in use, notice by posting a sign on the property proposed for a change in use at least ten days in advance of the hearing, and published at least ten days in advance in a newspaper of general circulation in Broomfield, giving the location of the land in question and the intended change in use. Such hearing by the open space and trails advisory committee shall be held not more than 60 days after the change in use has been proposed. In the event that the open space and trails advisory committee no longer exists, then the ~~city~~ council meeting at which the change in use is considered shall comply with these same notice requirements. Upon approval by the ~~city~~ council, the proposed change of use shall become final.

Section 18.4 Bequests, Gifts, and Donations.

Council, on behalf of the City and County, may receive or refuse bequests, gifts and donations of all kinds of property in fee simple or trust for public, charitable, or other purposes, and do all things and acts necessary to carry out the purpose of such gifts, bequests, and donations with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest, or trust.

Section 18.5 Severability of Charter Provisions.

If any provision, section, article or clause of this Charter or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect any remaining portion or application of the Charter which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable, and to this end this Charter is declared to be severable.

Section 18.6 Charter Amendments.

This Charter may be amended at any time in the manner provided by statute. Nothing herein contained shall be construed as preventing the submission to the people of more than one Charter amendment at any one election. If provisions of two or more proposed amendments adopted or approved at the same election conflict, the amendment receiving the highest affirmative vote shall become effective.

Section 18.7 Interpretations.

Except as otherwise specifically provided or indicated by the context hereof, all words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Charter but shall extend to and include the time of the happening of any event or requirement for which provision is made herein. The singular number shall include the plural, the plural shall include the singular and the masculine gender shall extend to and include the feminine gender and neuter, and the word "person" may extend and be applied to bodies politic and corporate and to partnerships as well as to individuals.

Section 18.8 Definitions.

As used in this Charter, the following words and phrases shall have the following meaning:

- (a) Appropriation. The authorized amount of monies set aside for expenditure during a specified time for a specific purpose.
- (b) City and/or City and County. The City and County of Broomfield, Colorado, a county and municipal corporation.
- (c) Council. The ~~City~~ Council of the City and County of Broomfield.
- (d) Manager. The City Manager of the City and County of Broomfield appointed pursuant to this Charter.
- (e) Franchise. An irrevocable privilege granted by the City permitting a specified use of public property for a specified length of time.
- (f) Employee. A person employed by the City and County of Broomfield.
- (g) Coordinated Election or General Municipal Election. ~~A municipal~~ An election held every two years at which candidates for elective offices of the City and County are voted upon in accordance with this Charter.
- (h) Public Utility. Any person, firm or corporation operating heat, power or light systems, communication systems, water, sewer or scheduled transportation systems, and serving or supplying the public under a franchise granted by the City and County.
- (i) Officer and/or Official. Any person elected to office or appointed by Council, including appointees to boards and commissions.
- (j) Constitution. The Constitution of the State of Colorado.
- (k) Statutes. The applicable laws of the State of Colorado as they now exist or as they may be amended, changed, repealed or otherwise modified by legislative procedure.
- (l) Elector. A resident of the City and County registered to vote under the Constitution and statutes of the State of Colorado.

Section 18.9 Chapter and Section Headings.

The chapter, section and subsection headings are inserted for convenience and reference only and shall not be construed to limit, describe or control the scope or intent of any provisions therein.

Section 18.10 Charter Review Committee

Council shall establish a Charter Review Committee who will be convened at least once every ten (10) years to analyze and review this Charter, and make recommendations as to any changes to the Charter to Council.

CHAPTER XIX TRANSITIONAL PROVISIONS RESERVED

~~Section 19.1 Status of Transitional Provisions:~~

~~The purpose of this Chapter is to provide for an orderly transition from the present City government of Broomfield to a home rule government under the provisions of this Charter. The provisions of this Charter shall constitute a part of this Charter only to the extent necessary to accomplish that purpose.~~

~~Section 19.2 Effective Date of Charter.~~

~~This Charter shall become effective immediately upon voter approval, except those provisions relating to the election of Council shall become effective at the first general election scheduled under this Charter to be held on November 4, 1975.~~

~~Section 19.3 Present Elected Officials to Continue in Office.~~

~~The present City Council and Mayor in office at the time of the adoption of this Charter shall continue to serve and carry out the functions, powers and duties of their offices until their successors assume the duties of their offices.~~

~~The present City Clerk and City Treasurer in office at the time of the adoption of this Charter shall continue to serve and carry out functions, powers and duties of their offices until the general municipal elections under this Charter.~~

~~Section 19.4 Continuation of Appointed Officers and Employees.~~

~~Except as otherwise provided herein, after the effective date of this Charter, all appointive officers and all employees of the City shall continue in that City office or employment which corresponds to the City office or employment which they held prior to the effective date of this Charter, as though they had been appointed or employed in the manner provided in this Charter, and they shall in all respects be subject to the provisions of this Charter.~~

~~Section 19.5 Saving Clause.~~

~~This Charter shall not affect any suit pending in any court or any document heretofore executed in connection therewith. Nothing in this Charter shall invalidate any existing agreements or contracts between the City of Broomfield and individuals, corporations or public agencies.~~

CHAPTER XX - PROHIBITION ON HYDRAULIC FRACTURING

Section 20.1 Purpose.

To protect property, property values, public safety and welfare, and the environment by prohibiting the use of hydraulic fracturing to extract oil, gas, or other hydrocarbons within the City and County of Broomfield.

Section 20.2 Findings.

The people of Broomfield hereby make the following findings with respect to the process of hydraulic fracturing within the City and County of Broomfield:

- The Colorado Constitution confers on all individuals in the state, including the citizens of Broomfield, certain inalienable rights, including "the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness," Colorado Constitution Article II, § 3;
- The Colorado Oil and Gas Act requires oil and gas resources to be extracted in a "manner consistent with protection of public health, safety, and welfare, including protection of the environment and wildlife resources," C.R.S. §34-60-102;
- The well stimulation process known as hydraulic fracturing is used to extract deposits of oil, gas, and other hydrocarbons through the underground injection of large quantities of water, gels, acids or gases; sands or other proppants; and chemical additives, many of which are known to be toxic;

- The people of Broomfield seek to protect themselves from the harms associated with hydraulic fracturing, including threats to public health and safety, property damage and diminished property values, poor air quality, destruction of landscape and pollution of drinking and surface water;
- The people of Broomfield have determined that the best way to safeguard our inalienable rights provided under the Colorado Constitution, and to ensure the "protection of public health, safety, and welfare, including protection of the environment and wildlife resources," as provided under the Colorado Oil and Gas Act, is to prohibit hydraulic fracturing and the storage and disposal of its waste products within the City and County of Broomfield.

Section 20.3 Policy.

It shall hereby be the policy of the City and County of Broomfield that it is prohibited to use hydraulic fracturing to extract oil, gas or other hydrocarbons within the City and County of Broomfield. In addition, within the City and County of Broomfield, it is prohibited to store in open pits or dispose of solid or liquid wastes created in connection with the hydraulic fracturing process, including but not limited to flowback or produced wastewater and brine.

This prohibition will expire after five years from the date of its implementation, unless it is extended by a majority vote by the people of Broomfield prior to its expiration.

Section 20.4 Retroactive Application.

In the event this measure is adopted by voters, its provisions shall apply retroactively as of the date the measure was found to have qualified for placement on the ballot.

CERTIFICATE OF FINAL ADOPTION

[replace with appropriate certificate for adoption if approved]

~~We, the undersigned, present members of the Broomfield Charter Convention, duly elected by the people of Broomfield, Colorado, at a special election held on February 12, 1974, or duly appointed according to law, under authorization of Article XX Constitution of the State of Colorado, to frame a Home Rule Charter for the City of Broomfield, do hereby certify that the foregoing is the proposed Charter as finally approved and adopted by the members of the Convention on the 30th day of May, 1974, for submission to the people of Broomfield at a special election to be held on November 5, 1974.~~

~~Executed in triplicate at Broomfield, Colorado, this 30th day of May, 1974.~~

~~A.E. MORR, JR.
Chairman~~

~~Thomas Tighe III
Secretary
Joe H. Bergheim
Virgil D. Blackburn
Kermit L. Darkey
John P. Elliott, Jr.
Robert Evans
John E. Hollis
Stephen S. Jones
Robert C. Kelly
David L. Locke~~

~~Duane W. Van Skiver
Vice Chairman
Richard A. Lueb
David L. Markham
Thomas P. Milavec
Donald K. Miller
George J. Moyer
Robert L. Nichoff
Norman A. Smith
Henry A. Stovall
Charles A. Waddell~~

State of Colorado →)

EXHIBIT A – PROPOSED AMENDED AND UPDATED CHARTER, CITY AND COUNTY OF BROOMFIELD

_____) ss

County of Boulder →

~~Subscribed and sworn to before me this 30th and 31st day of May, 1974.~~

~~My commission expires: August 30, 1977.~~

~~Witness my hand and official seal. (s) Leslie J. Shurtz Notary Public~~

~~(SEAL)~~

~~I hereby certify that the above and foregoing document is the Charter adopted at the Special Election for the City of Broomfield, Colorado, held Tuesday, November 5, 1974, and duly filed by me with the Secretary of State of the State of Colorado. Attest~~

~~(s) Lucy Brown, City Clerk~~

~~(SEAL)~~

~~Published in the Tri-City Journal July 10, 1974~~

ORDINANCE NO. 2239

An ordinance submitting to a vote of the registered electors of the City and County of Broomfield at the coordinated election to be held on November 5, 2024, a proposed amendment to Chapter III of Broomfield Charter to modify its election provisions to reference by Title 1 of the Colorado Revised Statutes, the Uniform Election Code, rather than Colorado Municipal Election Law

Recitals.

WHEREAS, Broomfield became a City and County in November 2001, but the Home Rule Charter has been in effect since 1974. Home rule charters detail the structure and powers of a local government; and

WHEREAS, the Charter has been amended ten (10) times in its history. Each time, the Charter amendment was specific to a certain issue or topic; and

WHEREAS, Broomfield became a city and county in 2001 and, other than Denver, is the only consolidated city and county in the state; and

WHEREAS, as a city and county, Broomfield's clerk is required to fulfill all duties of a county clerk, including all responsibilities for special district, school district, state elections, national elections, and other authorized elections, in addition to Broomfield's local elections; and

WHEREAS, although changes were made to the Charter following Broomfield becoming a city and county, no change has been made to Chapter III of the Charter, which govern elections; and

WHEREAS, Chapter III of the Charter states that elections are governed by the Colorado Municipal Election Law, which is in Article 10 of Title 31 of the Colorado Revised Statutes; and

WHEREAS, Title 1 of the Colorado Revised Statutes is the Uniform Election Code of 1992, and applies to all general, primary, congressional vacancy, school district, special district, ballot issue, and other authorized elections, and "applies to any municipal election conducted as part of a coordinated election *except to the extent that this code conflicts with a specific charter provision.*" Section 1-1-102 of the Colorado Revised Statutes (emphasis added); and

WHEREAS, the Charter Review Committee recommended and staff strongly supported amending the Charter so that all elections in Broomfield would be governed by Title 1, except as otherwise provided in Charter or as Council prescribed by ordinance; and

WHEREAS, this change was a priority for staff, particularly the City Clerk and City and County Attorney's office, who frequently were challenged with interpreting differing requirements of the Municipal Election Code as it applied to a consolidated city and county like Broomfield; and

WHEREAS, related to this amendment, the Charter Review Committee recommended and staff strongly supported amending the Charter so that the term "municipal elections" would be changed to "coordinated elections" to acknowledge that the clerk conducts an election on behalf of Broomfield and at least one other political subdivision on the same day in November. Nothing would change the ability for Broomfield to call a special election.

NOW THEREFORE, be it ordained by the City Council of the City and County of Broomfield, Colorado:

Section 1.

That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2.

The following proposed changes to Chapter III of the Broomfield Charter show in **bold underline** and deleted language shown in ~~strike through~~ below, changing the governing law for elections from Colorado Municipal Election Law to Title 1, shall be submitted to the registered electors of the City as "Proposed Charter Amendment No. 1B" at the November 2024 election:

CHAPTER III ELECTIONS

Section 3.1 Laws Governing Elections.

~~Special and general municipal~~ **All** elections shall be governed by **Title 1 of the Colorado Revised Statutes** ~~the Colorado Municipal Election Law~~ as now existing or hereafter amended or modified, except as otherwise provided in this Charter or as Council may prescribe by ordinance. The Council may by ordinance establish the method for the registration of electors; the number, qualifications and compensation for election judges and clerks; and the boundaries of election precincts. The Council may by ordinance establish an election commission with such powers, duties, terms and qualifications as provided by ordinance.

Section 3.2 ~~Municipal~~ Coordinated and Special Elections.

A ~~general municipal~~ coordinated election shall be held on the first Tuesday in November of each odd-numbered year. Any special ~~municipal~~ election may be called by resolution or ordinance of the Council at least sixty (60) days in advance of such election. The resolution or ordinance calling a special ~~municipal~~ election shall set forth the purpose or purposes of such election. ~~Polling places for all municipal elections shall be open from 7:00 A.M. to 7:00 P.M. on election day.~~

Section 3.3 Precincts.

~~The election precincts of the City shall remain as they existed on the effective date of this Charter until altered by the Council as hereinafter provided.~~ The Council shall by resolution from time to time establish convenient election precincts in accordance with this Charter and statutes.

Section 3.4 Nonpartisan Elections.

All ~~municipal~~ elections for Broomfield shall be nonpartisan. No candidate for any ~~municipal~~ Broomfield elected office shall run under a party label of any kind.

Section 3.5 Recall.

Any election official or elected officer of the City and County may be recalled ~~at any time after 90 days in office~~ by the electors entitled to vote for a successor of such incumbent through the procedure in the manner provided for by Title I of the Colorado Revised Statutes as now existing or hereafter amended or modified, except as otherwise provided in this Charter or as Council may prescribe by ordinance. ~~in Article XXI of the State Constitution. Consistent with the Constitution and this Charter, the Council may provide by ordinance for further recall procedures.~~

Section 3. Ballot Question.

The following ballot title and question shall be placed on the ballot of the November 5, 2024 election for the City and County of Broomfield for consideration by the registered electors:

Proposed Charter Amendment No. 1B (Governing Elections)

Shall Chapter III of the City and County of Broomfield Home Rule Charter be amended to change the law governing elections from Colorado Municipal Election Code to Title 1 (the Uniform Election Code), except as set forth in Charter or Code, and change the term “municipal elections” to “coordinated elections” throughout the Charter in recognition of Broomfield’s status as a city and a county?

_____ Yes/For
_____ No/Against

Section 4. Publication.

Publication of this ordinance in full after final approval constitutes publication of notice of an election upon the proposed amendment pursuant to Section 31-2-210(4) of the Colorado Revised Statutes.

Section 5. Severability.

If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 6. Effective Date

This ordinance is effective seven days after publication following final passage.

Introduced and approved after first reading on June 11, 2024, and ordered published in full.

Introduced a second time and approved on July 9, 2024, and further ordered published in full.

The City and County of Broomfield, Colorado

Mayor

Attest:

Office of the City and County Clerk

Approved as to form:

NCR

City and County Attorney



City of Broomfield

City Council Regular Meeting

2024 Colorado General Assembly Legislative Summary

Meeting	Agenda Group
Tuesday, June 11, 2024, 6:00 PM	Action Items Item: 7D
Presented By	
Danee Brouillard	
Community Goals	

Overview

[View Correspondence](#)

The Colorado Assembly kicked off the General Legislative Session on January 10, 2024 and ended the 120 day session on May 8, 2024 with over 700 bills being introduced.

Attachments

[June 11 Council Meeting - 2024 Legislative Summary Memo.pdf](#)

Summary

[View Correspondence](#)

The Colorado Assembly kicked off the General Legislative Session on January 10, 2024 and ended the 120 day session on May 8, 2024 with over 700 bills being introduced. In advance of the session, [the 2024 City and County of Broomfield \(CCOB\) Legislative Principles and Policy Statement](#) identified legislative topics that align with CCOB's comprehensive plan and Community Goals as well as general policy principles consistent with Council's direction. Throughout the session, staff provided frequent legislative updates at Council meetings as well as maintained the [CCOB 2024 bill tracker](#) in partnership with Aponte-Busam, Broomfield's contract lobbyist for 2024.

Legislative efforts for CCOB are unique as Broomfield is positioned differently than other cities and other counties in Colorado due to the combination of the following reasons:

- Home Rule Authority
- Combined city and county authority
- Positions that are typically County elected positions such as Treasurer, Sheriff, Clerk and Recorder, and Assessor are full-time leadership staff.
- Broomfield is "debruced" meaning Broomfield voters, under TABOR, and via multiple ballot questions over the years have permitted the retention of excess revenue.

Due to the reasons above, the majority of the bills introduced each session have a limited to no impact on CCOB.

Session by the Numbers:

- **25:** the number of bills in which Council took formal positions.
- **6:** the number of membership organizations Councilmembers serve in a formal capacity that are active in legislative efforts. Note: this list is not exhaustive and is focused on the groups with the largest presence in the legislative space specifically membership groups with lobbyists on staff/contract. CCOB pays ~\$140K annually in membership fees for the 6 groups listed below.
 - Colorado Counties Acting Together (CCAT) - \$22,000
 - Colorado Counties Inc. (CCI) - \$26,150
 - Colorado Municipal League (CML) - \$46,442
 - Colorado Communities for Climate Action (CC4CA) - \$10,300
 - Metro Mayors' Caucus (MMC) - \$8,115.50
 - Northwest Mayors and Commissioners Coalition \$26,354
- **40:** approximate number of professional membership organizations in which CCOB staff participate in addition to the Councilmember membership organizations that are active in the legislative space including staff/contract lobbyists. Examples include Colorado Association of Local Public Health Officers (CALPHO), Colorado Human Services Director Association (CHSDA), Colorado Assessor's Association (CAA), Colorado Association of Chiefs of Police (CACP), County Sheriffs of Colorado (CSOC), Colorado Clerks Association, Denver Regional Council of Governments (DRCOG), Colorado Stormwater Council, Colorado Wastewater Utility Council, Housing Colorado, Economic Development Council of Colorado (EDCC), Rocky Mountain Water Environment Association, Colorado Parks and Recreation Association, and Colorado Emergency Management Association.
 - In many cases, these organizations serve primarily a general professional purpose (such as professional development, monitoring, and public education), and national and state legislation and regulatory monitoring and advocacy is an element of their work.

- **71 staff hours per week or 260 hours per month:** estimated time staff spent reviewing and analyzing bills, providing updates (written and verbal), drafting speaking points, coordination etc.
 - The workload to review, analyze, and advise specific legislation has increased over the past several years based on direction from Council and the number of bills Council takes positions on during each session.
 - Council rejoining Colorado Counties Incorporated (CCI) in 2023 drastically increased the staff time dedicated to legislation as it added staff support at 3 full-day meetings every month of the session in addition to staff tracking and reviewing all bills on the CCI agendas for CCOB impact. ~10% of the bills tracked and analyzed for CCI impacted CCOB due to the unique circumstances of the City and County of Broomfield outlined previously.
 - The additional duties above increased staff support time by ~200 hours during the legislative session.
- **\$134,130:** estimated fiscal investment in the 120-day 2024 session excluding the membership dues outlined above.
 - \$108,063: estimated CCOB fiscal investment in the 2024 Colorado legislative session based on staff time. Note this does not include insurance, benefits, etc. To estimate this portion of the memo, staff used the total time spent on legislation submitted from staff multiplied by \$90 per hour as the average hourly rate based on the staff members working on legislation (ie. Planning Director, various attorney staff, Transportation manager, Economist, etc).
 - \$25,500: contract amount for Aponte-Busam, contract lobbyist for the 2024 session.
- **6:** total number of bills that CCOB influenced the outcome through lobbying efforts related to critical amendments. As demonstrated below, the influence/voice Broomfield was able to provide was through leveraging the efforts of our membership organizations.
 - [HB1313: Housing in Transit-Oriented Communities](#)
 - Leveraged collective voice with CML, CC4CA, CCAT, CCI and MMC for amendments to remove the stick of the Highway User Fund and injunction.
 - [SB24-174: Sustainable Affordable Housing Assistance](#)
 - Leveraged CML membership to add an amendment to honor the work CCOB has done in this space regarding housing needs assessments to prevent duplicative efforts.
 - [SB24-184: Support Surface Transportation Infrastructure Development](#)
 - Leveraged CCAT and I-25 North Coalition for amendments to ensure that funding already committed to managed lanes/specific corridors cannot be reallocated/prioritized.
 - [HB24-1372: Regulating Law Enforcement Use of Prone Restraint](#)
 - Leveraged CSOC and CACP memberships for amendments to remove the restriction on the use of prone restraint and instead focus on training and proper use.
 - [SB24-233: Property Tax](#)
 - Leveraged Colorado County Assessors Association and Mayor Castriotta's appointment through CML to the property tax commission for amendments to delay changes until the 2025 tax year. This delay provides the required time for the Assessor to update the systems and processes needed to handle the complexity of the rates/percentages moving forward.
 - [HB24-1430: Long Appropriations Bill](#)
 - Broomfield Public Health Director worked closely with CALPHO to advocate for additional funding for Local Public Health Agencies through the Long Bill. While the Governor's proposed budget asked for a continuous yearly appropriation of SB 243 funding at \$7.5 million funding to LPHAs, CALPHO advocacy along with the two letters submitted by the BPHE Director and City Manager resulted in the JBC funding LPHAs at

\$11 million per year. This is a significant win given the tight budget year, where many programs were facing cuts in order to balance the budget.

Staff will schedule a study session item for July 2, 2024 for Council to discuss and provide direction to staff on how to proceed with the interim efforts and 2025 legislative session. If Council desires to continue with everything outlined previously in the memo, additional funding and staffing will be required for the 2025 session.

Summary of the bills in which Council took a position:

The summaries and CCOB-specific impact summaries below are included if the bill passed. If a bill was “lost” it failed to make it through the process although it could have happened in a variety of ways (died on the clock, killed in committee, etc). It is important to note that Governor Polis has until June 7, 2024 to veto bills; if there are any changes to the information below, it will be provided in the staff presentation.

Strategic Growth | Housing | Land Use | Development Related Bills:

- [HB1313: Housing in Transit-Oriented Communities](#) - Amend
 - Summary: Land-use reform bill focused on local transit-oriented communities.
 - Requires local communities to increase zoning capacity to an average of 40 residential units/acre (du/acre) in defined transit areas.
 - Requires local jurisdictions to not take infrastructure capacity (neither existing or planned) into consideration when zoning land within defined transit areas.
 - Communities must establish an administrative review process for residential developments of five acres or less within the defined transit area.
 - Transfers local community land use decisions to the state.
 - CCOB Impact:
 - In Broomfield, this currently includes Arista, Interlocken and Flatiron areas. For an example of the impact, in Arista, this requirement is ~double the current Arista density.
 - In order to meet the density requirements, it will be necessary to increase height allowances, reduce parking and setbacks, and make changes to required open lands.
 - The requirements above coupled with the requirement for administrative review for 5 acres or less transfers Broomfield’s land use decisions to the state.
- [SB106: Right to Remedy Construction Defects](#) - Support
 - Summary: the bill was lost.
- [SB24-174: Sustainable Affordable Housing Assistance](#) - Amend
 - Summary: The bill outlines requirements of local governments related to sustainable affordable housing strategies. Specifically:
 - Local governments are required to complete a local housing needs assessment by December 31, 2026 and submit the assessment to the Department of Local Affairs (DOLA).
 - Requires local governments to establish a housing action plan with specific components.
 - Requires local governments to include specific elements in comprehensive plans. For example, strategic growth, identification of housing near transit, etc.
 - DOLA is required to provide technical assistance and best practices/methodologies to aid local governments in these efforts.
 - CCOB Impact: Unknown at this time but anticipate moderate impact.

- Broomfield currently conducts a housing needs assessment as part of its involvement in the Boulder-Broomfield HOME Consortium’s Consolidated Plan for Housing and Urban Development (HUD) funding, typically every 5 years. Broomfield also updates its needs assessment as appropriate during interim years (e.g. the 2023 update). Staff anticipates that the required needs assessment and housing action plans will align with HUD. However, direction specific to the housing needs assessment criteria, housing action plan components, and comprehensive plan elements is unknown at this time. Depending on the direction received from DOLA, Broomfield may need additional staffing or consultant resources to comply with these requirements.
- [HB24-1366: Sustainable Local Government Community Planning](#) - Amend
 - Summary: The bill was lost.
- [HB1308: Effective Implementation of Affordable Housing Programs](#) - Support
 - Summary: Creates provisions that will apply to DOLA’s Division of Housing, to facilitate the effective implementation of programs for affordable housing, and adds annual reporting requirements for affordable housing programs. Additionally, it creates a process for reviewing and approving applications for all affordable housing programs by the division of housing and allows a credit for donated land to count toward eligibility for affordable housing funding created by the voters' approval of proposition 123.
 - CCOB Impact: Minimal.
 - The bill may increase the competitiveness and information related to income-aligned housing, subsequently increasing the ability of Broomfield-focused groups to compete for funding for projects.
- [HB24-1107: Judicial Review of Local Land Use Decision](#) - Support
 - Summary: The bill requires courts to award reasonable attorney fees to defending governmental entities who win a case involving judicial review of a local land use decision involving residential use with a net project density of five dwelling units per acre or more.
 - CCOB Impact: Minimal because we have few challenges to our land use decisions.
 - The bill could discourage housing opponents from filing meritless lawsuits against housing development project approvals. In the event a CCOB land use decision is challenged and CCOB wins the case, CCOB would recover the costs defending which would be in the thousands of dollars (the range is too great and case-dependent to predict).
- [HB24-1175: Local Governments Rights to Property for Affordable Housing](#) - Support
 - Summary: The bill gives local governments the right of first refusal to obtain property for long-term affordable housing. The bill places notification requirements on designated affordable housing to provide notice to local governments and the Colorado housing and finance authority of their intent to sell. The bill also places notification requirements on the sellers of some multi-family properties if the projects are 30 years or older.
 - CCOB Impact: Broomfield can delegate the right of first refusal and first offer to other entities, such as Broomfield Housing Alliance, or partner with certain entities if notified of a potential sale and interested in acquiring a property.

Ozone | Environment | Oil and Gas Related Legislation

- [SB24-165: Air Quality Improvement](#) - Support
 - Summary: The bill was lost.
- [SB24-166: Air Quality Enforcement](#) - Support
 - Summary: The bill was lost.

- [HB24-1330: Air Quality Permitting](#) - Support
 - Summary: The bill was lost.
- [HB24-1341: State Vehicle Idling Standard](#) - Support
 - Summary:
 - A local authority may adopt or enact a resolution, ordinance, or other law concerning the idling of a covered vehicle that is at minimum as stringent as the state idling standard.
 - CCOB Impact: Minimal (dependent on Council's direction to adopt an ordinance).
- [SB24-185: Protections Mineral Interest Owners Forced Pooling](#) - Support
 - Summary: the bill prevents oil and gas operators from drilling into oil and gas mineral interests owned by towns, cities, and counties in their jurisdictions without their consent, a procedure known as "forced pooling."
 - CCOB Impact: Minimal.
 - Staff does not anticipate any immediate impact as we are unaware of any proposed oil and gas development or proposed spacing unit applications that would involve unleased CCOB minerals.
- [HB24-1367: Repeal Severance Tax Exemption for Stripper Wells](#) - Support
 - Summary: The bill was lost.
- [HB24-1357: Pipeline Safety](#) - Support
 - Summary: The bill was lost.

Transportation Related Legislation

- [SB24-184: Support Surface Transportation Infrastructure Development](#)- Amend
 - Summary: Creates a new dedicated source of funding for transit and rail from new revenues of a new congestion impact fee on car rentals to fund Front Range Passenger Rail (FRPR), Mountain Rail, and transit expansion.
 - CCOB Impact: Broomfield may benefit indirectly from new revenues managed by Colorado Transportation Investment Office to support rail and transit expansion. Revenues generated from managed lanes/specific corridors may be used for multimodal improvements and operations on the corridors from which they were generated, such as I-25, and cannot be reallocated/prioritized to rail, or other corridors.
- [SB24-032: Methods to Increase the Use of Transit](#) - Support
 - Summary: Creates a committee to produce a proposal for the creation, implementation, and administration of a statewide transit pass. Provides funding for transit agencies to subsidize transit fares for youth or ozone season, but not both. A last-minute amendment codified RTD could only participate in the youth program. The Zero Fare transit program is now a permanent program in the state budget.
 - CCOB Impact: Minimal.
 - CCOB youth will benefit from the continuation of the RTD zero fare for youth program. Additionally, a statewide pass may be beneficial to travel to or within other areas of Colorado for recreation.
- [SB24-065: Limit Mobile Electronic Devices While Driving](#) - Support
 - Summary: As of January 1, 2025, law enforcement may cite drivers for use of mobile electronic device while driving. Citations may be waived with purchase of hand free device. It is not a violation to use a device in case of emergency. If an individual's actions cause bodily harm or death to another while driving and using a mobile device the violator will be charged

with a class 1 misdemeanor. The state will develop a public awareness and education campaign.

- CCOB Impact: The Broomfield Police Department will train officers on this new law and work with the Broomfield transportation division to communicate these changes to Broomfield residents.

Firearm | Public Safety Related Legislation

- [HB24-1174: Concealed Carry Permits & Training](#) - Amend
 - Summary: Beginning July 1, 2025, the bill requires concealed handgun training classes to be a law enforcement training firearms safety course or a firearms safety course taught by a verified instructor, held in person, and include specific instruction.
 - CCOB Impact:
 - Broomfield Police Department is required under the new law to create a process to certify instructors consistent with the new training requirements, and publicly disseminate that information. They also need to create a process to ensure licensing instructors follow these requirements throughout their certification. Unsure if this will be a complaint-based process or automatic inspections. This unfunded mandate will require additional staff hours and budget.
- [HB24-1372: Regulating Law Enforcement Use of Prone Restraint](#) - Amend
 - Summary: The bill requires law enforcement agencies to adopt written policies and procedures concerning use of the prone position and prone restraint by officers.
 - CCOB Impact:
 - None. CCOB has policies and training in place.

Behavioral Health Related Legislation

- [HB24-1038: High Acuity Crisis for Children and Youth](#) - Support
 - Summary:
 - Concerning addressing the high-acuity crisis for children and youth in need of residential care, and, in connection therewith, making an appropriation.
 - CCOB Impact:
 - The increased number of assessments for youth at risk of out-of-home placement may result in additional child welfare hearings and an increased workload for county departments of human services.
- [SB24-059: Children's Behavioral Health Statewide System of Care](#) - Support
 - Summary: The bill was lost.

Other

- [HB24-1295: Creative Industry Revitalization Incentives](#) - Support
 - Summary:
 - The bill modifies the Community Revitalization Grant Program in the Office of Economic Development (OEDIT) and creates a new community revitalization income tax credit for capital improvement projects that support creative industries and workers.
 - CCOB Impact: None. CCOB is not directly impacted by this bill.
 - CCOB may be impacted indirectly by this legislation if our eligible community partners utilize and are selected for the benefits.
- [HB24-1098: Cause Required for Eviction of Residential Tenant](#) - Support

- Summary:
 - Establishes a “For Cause” eviction policy in state law that prohibits landlords from evicting tenants from residential properties without cause, subject to certain conditions and requirements specified in the bill.
- CCOB Impact: None. CCOB is not directly impacted by this bill.
 - The bill may benefit residents.
- [HB24-1235: Reduce Aviation Impacts on Communities](#) - Support
 - Summary: Concerning measures to reduce the impact of aviation on surrounding communities, and, in connection therewith, making an appropriation.
 - CCOB Impact: None. Broomfield is not directly impacted by this bill.
 - May benefit residents.
- [HB 24-1371: More Uniform Local Massage Facilities Regulation](#) - Amend
 - Summary: Mandates requirements for those local governments that regulate massage businesses, but doesn’t require regulation. Does require local governments to offer background checks and keep records.
 - CCOB Impact: CCOB needs to establish a way to offer the required background checks to those owning and working in massage facilities.

Financial Considerations

In addition to the contract with Aponte-Busam as outlined below (\$25,500), using a \$90 per hour conservative average multiplied by the estimated 1207 hours staff time spent on legislation (71 hours/week x 17 weeks) during the 120 day session, the overall estimated financial impact is ~\$134,130. This amount is in addition to the membership dues and excludes insurance, benefits etc.

Sources and Uses of Funds	Amount
Executive Management Budget - Professional Services, Misc. account. 01-13100-53170	\$75,000
Expenses	
Aponte-Busam Contract for 2024	-\$25,500
Projected Balance	\$49,500

Prior Council or Other Entity Actions

February 27, 2024 Council Meeting - [Legislative Update](#)

March 26, 2024 Council Meeting - [Legislative Update](#)

April 9, 2024 Council Meeting - [Legislative Update](#)

April 23, 2024 Council Meeting - [Legislative Update](#)

Boards and Commissions Prior Actions and Recommendations

N/A

Proposed Actions / Recommendations

Staff will seek direction from the Council at the July 2, 2024 Study Session regarding direction for the 2025 legislative session including direction related to interim efforts.

Alternatives

N/A