

ORDINANCE NO. _____
INTRODUCED BY: _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING SECTIONS OF ARTICLE 2-4 AND ARTICLE 3-4 OF THE BRIGHTON MUNICIPAL CODE RELATED TO ELECTIONS, COUNCIL PROCEDURES, AND APPROPRIATIONS

WHEREAS, an amendment to the *Brighton Municipal Code* is necessary to align the election deadline related to curing defects in petitions of nomination and affidavits with the election procedures set forth in the state statutes; and

WHEREAS, the City Council of the City of Brighton ("City") additionally desires to amend the *Brighton Municipal Code* to clarify Council procedure related to items which were previously denied; and

WHEREAS, the City Council further desires to clarify carryover of unexpended funding for non-lapsing capital projects; and

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

WHEREAS, the City staff recommends updates to Article 3-8 to clarify the publication requirements and bid protest procedures; and

WHEREAS, the City Council finds it is in the best interests of the City of Brighton to amend the *Brighton Municipal Code* to allow for more effective meetings of the City Council and to create efficiencies in City administration.

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

Section 1. Section 2-4-10(c)(1) is hereby amended as follows:

All petitions of nomination and affidavits which are in apparent conformity with the provisions of C.R.S. § 31-10-302, as determined by the City Clerk, are valid unless objection thereto is duly made in writing within three (3) business days after filing of the same. In case objection is made, notice thereof shall be forthwith mailed to any candidate who may be affected thereby. The Clerk shall decide objections within forty-eight (48) hours after the same are filed, and any objections sustained may be remedied or defect cured upon the original petitions, by an amendment thereto, or by filing of a new petition within three (3) business days after the objection is sustained, but in no event later than the sixty-

fourth (64th) day before the day of election. The Clerk shall pass upon the validity of all objections as to form, and the Clerk's decisions upon matters of form shall be final.

Section 2. Section 2-4-90 is hereby added as follows:

Sec. 2-4-90. Successive ordinances.

When the City Council takes final action to deny an ordinance, the same or similar ordinance shall not be brought before the City Council for consideration for one year from the date of denial, unless a majority of the City Council direct by resolution that the ordinance be brought back for consideration due to, but not limited to, changes in the language of the ordinance or changes in circumstance.

Section 3. Section 3-4-100 is hereby amended as follows:

Sec. 3-4-100. Non-lapsing capital improvement and construction appropriations.

Appropriations for construction or other capital improvement projects or any grant funding appropriated for construction or capital improvement projects shall not lapse until the purpose for which the appropriation was made has been accomplished or abandoned. Any such project shall be deemed to have been abandoned if two (2) fiscal years elapse without any expenditure of the appropriation therefor, and any unappropriated balance therefrom shall be returned to the applicable fund of origin. City Council shall be informed of any such projects with no expenditure for two (2) fiscal years. The annual budget presented for adoption includes only unspent funding expected to be used for the capital projects for the upcoming year as set forth in the capital plan. The carryover of unexpended funding for non-lapsing capital projects and grant funded projects will be added to the annual budget upon completion of the finalization of the previous fiscal year. All other appropriations unexpended at the end of the fiscal year shall lapse to the applicable fund of origin.

Section 4. Section 3-8-70 is hereby amended as follows:

Sec. 3-8-70. Publication of notice inviting bids, proposals, or responses to solicitations.

Except for notices inviting bids, proposals, or responses to solicitations for construction contracts, notices inviting bids, proposals, or responses to solicitations shall be published at least once in electronic media selected for maximum impact on prospective bidders at least five (5) days preceding the last day set for receipt of bids, proposals, or responses to solicitations. Notices inviting bids, proposals, or responses to solicitations for construction contracts shall be

published at least once in electronic media selected for maximum impact of prospective bidders at least twenty (20) days preceding the last day set for receipt of bids, proposals, or responses to solicitations, unless the City Council determines that the required construction is an emergency, in which event the notice required hereunder shall be given at least five (5) days preceding the last day set for receipt of bids, proposals, or responses to solicitations. The notice shall include a general description of the materials or general services to be purchased or sold or the public buildings or facilities to be constructed; where bid, proposal, or solicitation specifications and forms may be secured; the deadline for submission of bids, proposals, or responses to solicitations; and the time and place for opening bids, proposals, or responses to solicitations.

Section 5. Section 3-8-140 is hereby amended as follows:

Sec. 3-8-140. Solicitation protests.

- (a) Any bidder, offeror, or contractor who has actually submitted a bid or proposal may protest in writing to the City Manager as a prerequisite to seeking judicial relief. A written protest shall be submitted to the City Manager and Procurement Manager within five (5) business days of receiving a notice that a bid or proposal has been rejected or not accepted.
- (b) A protest shall be limited to the following bases: (a) failure to follow the City's procedure, (b) failure to follow the terms of the solicitation, or (c) bias or discrimination.
- (c) The Procurement Manager shall submit a written response to the protest to the City Manager and the protestor within five (5) business days after receiving the protest.
- (d) The City Manager shall review the protest and response, conduct any investigation he or she deems necessary, and issue a written decision within ten (10) business days of the submission of the Procurement Manager's response. The City Manager may request any additional information needed or desired. The City Manager's decision shall be final.
- (e) In the event of a timely protest under subsection (a), above, the City shall not execute a contract until the City Manager has issued a final decision or determines that the execution of a contract without delay is necessary to protect substantial interests of the City.

Section 6. All sections and subsections not expressly amended or modified herein remain in full force and effect.

Section 7. As provided in City Charter Section 5.9(A), this Ordinance, either as presented or as amended, shall be published in full as it was adopted after the initial reading. This Ordinance shall be in full force and effect five days after its final publication, as provided in City Charter Section 5.8, except as set forth herein.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED THIS 4th DAY OF AUGUST 2026.

INTRODUCED, PASSED ON FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 18th DAY OF AUGUST 2026.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:

YASMINA GIBBONS, Deputy City Attorney