

ORDINANCE NO. 2497
INTRODUCED BY: Snyder

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ADOPTING ARTICLE 2-28 OF THE BRIGHTON MUNICIPAL CODE RELATING TO THE CREATION AND ORGANIZATION OF THE BRIGHTON DOWNTOWN DEVELOPMENT AUTHORITY IN THE CITY OF BRIGHTON, COLORADO AND DETERMINING ORGANIZATIONAL ASPECTS OF THE BRIGHTON DOWNTOWN DEVELOPMENT AUTHORITY BOARD, AND PROVIDING OTHER DETAILS RELATED THERETO

WHEREAS, the City of Brighton (the "City") is a home rule municipality of the State of Colorado, duly organized and operating with all authority under the City's Home Rule Charter and Colorado Constitution Article XX; and

WHEREAS, the City, by ordinance, may create and establish a downtown development authority pursuant to the provisions of Part 8 of Article 25 of Title 31, C.R.S., and the City Council of the City of Brighton (the "City Council") has considered the advisability of establishing the Brighton Downtown Development Authority (the "Brighton DDA") for the public health, safety, prosperity, security, and welfare and to carry out the purposes of an authority as stated in Section 31-25-801, C.R.S.; and

WHEREAS, the Brighton DDA shall be a body corporate and a political subdivision with all the purposes and powers now or hereafter authorized by Part 8 of Article 25 of Title 31, C.R.S., except or as specifically limited in any plan of development approved by the City Council, and all additional and supplemental powers necessary or convenient to carry out and effectuate the purposes and provisions of said Part 8 and such other powers and authority as provided by law.

WHEREAS, the purpose of downtown development authorities are to support development or redevelopment and financing to support downtown economic development and improvements; and

WHEREAS, an active downtown contributes to the vibrancy of the city for both residents and visitors as a civic, historic, cultural, and economic focal point; and

WHEREAS, City Charter Section 9.1 provides, in pertinent part, that City Council may, by ordinance, establish, consolidate, or abolish any board or commission, except the Planning Commission and Board of Adjustment and Appeals; and

WHEREAS, the eligible voters approved the establishment of the Brighton DDA and its boundaries at an election held November 4, 2025; and

WHEREAS, the City Council desires to establish the membership of the board who will govern and supervise the Brighton DDA; and

WHEREAS, the City Council has reviewed the proposed additions to the Brighton Municipal Code and has determined that it is in the best interests of the City to adopt a new article to create the Brighton Downtown Development Authority Board.

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

Section 1. Article 2-28 is hereby adopted and titled "Brighton Downtown Development Authority Board".

Section 2. Section 2-28-10 shall be called "Title" and shall state the following: "There is hereby established a Brighton Downtown Development Authority Board ("DDA Board")."

Section 3. Section 2-28-20 shall be called "Purpose" and shall read as follows:

The Brighton DDA Board shall be a body corporate and a political subdivision with all the purposes and powers now or hereafter authorized by Part 8 of Article 25 of Title 31, C.R.S., except or as specifically limited in any plan of development approved by the City Council, and all additional and supplemental powers necessary or convenient to carry out and effectuate the purposes and provisions of said Part 8 and such other powers and authority as provided by law.

Section 4. Section 2-28-30 shall be called "Membership" and shall read as follows:

The Brighton Downtown Development Authority Board ("Board") shall be comprised of seven (7) members, all of whom, except for any member of the City Council appointed to the Board, must be "qualified electors" of the Authority, as defined in Section 31-25-802(9), C.R.S., or may be a manager, agent, or employee of a business within the DDA. The members shall be appointed by a majority of the City Council as follows:

- a) One (1) shall be a City Council member appointed by the Mayor with approval of the City Council, and an alternate to vote on behalf of the appointed City Council member when that member is unavailable; and
- b) Six (6) members shall be appointed who meet the criteria above.

Section 5. Section 2-28-40 shall be called "Terms of Office": and shall read as follows:

The terms of office for DDA Board Members shall be for four years beginning July 1. Initial terms of the DDA Board members shall be as follows:

- a) The terms of two members shall expire on June 30, 2026;
- b) The terms of two members shall expire on June 30, 2027; and
- c) The terms of two members shall expire on June 30, 2028.

The term of office for the member from the City Council shall serve at the pleasure of the City Council and is subject to change by the Mayor.

The term of office shall be limited to two (2) consecutive terms. The term limit shall not apply to the appointment for an unexpired term of no more than one-half (1/2) of the full term of office.

After notice and an opportunity to be heard, an appointed member of the Board may be removed for cause, such as, but not limited to, neglect of duty or malfeasance, by the City Council. Board members shall hold office until their successor has been appointed and qualified by the Mayor and confirmed by a majority of the City Council. Any appointment to fill a vacancy shall be for the unexpired term.

No officer or employee of the City, except the member from the City Council, shall be eligible for appointment to the Board.

Section 6. Section 2-28-50 shall be called "Organization and Board Rules" and shall read as follows:

The DDA Board may adopt and promulgate rules or bylaws governing its procedures, including election of officers, and these rules shall be filed in the office of the City Clerk. The DDA Board shall hold regular meetings in the manner provided in the bylaws. Special meetings may be held when called in the manner provided in the bylaws of the Board. Notice of meetings of the DDA Board shall be in accordance with the Colorado Open Meetings Law. All meetings of the DDA Board shall be open to the public except as allowed under the Colorado Open Meetings Law.

At the first meeting in July, the Board shall elect a Chairperson and Vice Chairperson from among its regular members, each of whose term shall be for one (1) year, with eligibility for reelection. The Board shall keep a record of its proceedings through approved minutes, which record shall be a public record. A quorum shall consist of a majority of the voting members.

Section 7. Section 2-28-60 shall be called "Vacancies" and shall read as follows:

Absences and vacancies shall be addressed in the bylaws, including removal due to absences. Three (3) unexcused absences shall constitute a resignation of that member, or any lesser number if set forth in the bylaws.

Section 8. Section 2-28-70 shall be called "Compensation" and shall read as follows:

Members of the Board shall serve without compensation; provided, however, that each member may be reimbursed for any actual expenditures incurred in connection with their duties as a member of the DDA Board.

Section 9. Section 2-28-80 shall be called "Powers and Duties" and shall read as follows:

The Board, subject to part 8 of Article 15 of Title 31, C.R.S., shall have all powers customarily vested in the board of directors of a corporation. The Board may plan or propose and adopt a plan or plans of development outlining potential development of public facilities or improvements to public or private property that will aid and improve the property within the boundaries of the DDA. Such plan or plans of development as adopted or modified by the Board will be presented to City Council for their consideration and may contain a provision allowing for property or sales tax increment financing as authorized by C.R.S. § 31-25-807, with such tax increment financing to be approved by City Council as set forth in the state laws pertaining to downtown development authorities.

Section 10. Section 2-28-90 shall be called "Budget" and shall read as follows:

The DDA shall submit a budget to City Council for review no later than July 31 of each year, including expected revenues and expenditures. The DDA shall maintain accounting records and records of transactions for the DDA, invest any funds not required for immediate disbursement in legal investments for public funds authorized by C.R.S. § 24-75-601, *et seq.*, and deposit any funds not required for immediate disbursement in any depository authorized by C.R.S. § 24-75-603.

Section 11. For the first applicants and appointments, City staff will conduct the interviews of candidates and make recommendations to the City Council for appointment until at least five members have been appointed.

Section 12. 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 17th DAY OF FEBRUARY 2026.

INTRODUCED, PASSED ON FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 3rd DAY OF MARCH 2026.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:

ALICIA CALDERÓN, City Attorney