

**CITY OF CENTRAL, COLORADO
ORDINANCE 12-18**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO AMENDING CERTAIN PROVISIONS OF CHAPTER 4 OF THE
MUNICIPAL CODE CONCERNING REVENUE AND FINANCE**

WHEREAS, the City of Central (“City”) is authorized under its home rule charter and Title 31 of the Colorado Revised Statutes to adopt and amend ordinances in furtherance of governmental administration and the City’s police powers; and

WHEREAS, the City Council previously codified the ordinances of the City via Ordinance No. 94-3 into the Municipal Code; and

WHEREAS, in furtherance of the public health, safety and welfare of the City of Central, the City Council wishes to update the Municipal Code, chapter by chapter, to create administrative efficiencies and to reflect current City practices and policies; and

WHEREAS, the City Council has considered revisions to Chapter 4 of the Municipal Code in a Council study session on July 17, 2012; and

WHEREAS, said revisions to Chapter 4 include but are not limited to; and

WHEREAS, City Council conducted a public hearing, with proper notice provided, to consider adoption of this Ordinance as required by law; and

**BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF CENTRAL,
COLORADO THAT:**

Section 1. The following sections of Chapter 4 of the Central City Municipal Code are hereby amended to read as follows, with strike through to show deleted text and underline to show new text:

Sec. 4-4 Establishing interest rate on obligations owed to City.

(a) The City of Central shall be entitled to ~~interest at the rate of one percent (1%) per month on all past due obligations, which are past due for more than thirty days, and to~~ interest at the rate of one and one-half percent (1.5%) per month on all past due obligations which remain past due for more than sixty days. Such interest ~~may~~shall be applied to all past due obligations, including but not limited to all fees, taxes, contractual obligations, penalties, and other obligations or right to receive payment or reimbursement.

(b) In the event that a law of the State of Colorado or the United States provides for a higher rate of interest, Central City shall be entitled to such higher rate.

~~**Sec. 4-24. — Maintenance Fund established.**~~

~~There is hereby created a special fund designated the Historic Structure Minimum Maintenance Revolving Fund, from which Fund shall be paid any costs and expenses incurred by the City in connection with the repair, alteration or preservation of any dangerous rated building and into which Fund shall be deposited.~~

~~(1) Such sums as may be recovered by the City as reimbursement for costs and expenses of repair, alteration or improvement of historical buildings and rated structures which are unsafe or dangerous;~~

~~(2) Such other sums as may by ordinance be appropriated to or designated as revenue of such Fund;~~

~~(3) All fines imposed and collected under Chapter 18, Article VI of this Code;~~

~~(4) Gifts, donations and other charitable contributions.~~

Sec. 4-43. Renewal of license.

(a) It shall be the sole responsibility of each licensee to submit a renewal application with a renewal fee as set by City Council resolution on or before January 15 of each year, granted that his or her business is in operation and is ~~still~~ liable to collect, report and submit taxes to the City.

(b) In the event that a business fails to renew its license prior to January 31 of each year, a fine equal to fifty five percent (50%) of the license fee last tax remitted will be charged upon the business's account and must be paid prior to the issuance of any license or retail sale. A notice stating the assessment of the fine and non-renewal of license will be mailed to the business by February 15 each year.

Sec. 4-46. Sales tax levy.

(a) There is levied and there shall be collected and paid a four percent (4%) tax upon on all sales and services as specified in Sections 4-47 and 4-48 of this Article.

~~(a) in accordance with the following schedule:~~

~~(b)~~

Amount of Sale	Tax
\$0.01 through \$0.15	No tax
0.16 through 0.37	\$0.01
0.38 through 0.59	0.02
0.60 through 0.81	0.03
0.82 through 1.00	0.04

~~(e)~~—

~~(d) On sales in excess of one dollar (\$1.00), the tax shall be four percent (4%) on each full dollar of the sales price plus the tax shown in the above schedule for the applicable fractional part of a dollar upon each sales price.~~

~~(e)(b)~~ **(b)**—The retailer shall add the tax imposed thereto to the sales of charge of the item sold, showing such tax as a separate and distinct item, and when added, such tax shall constitute a part of such price or charge, shall be a debt from the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as other debts.

(c) It is unlawful for any vendor to absorb or advertise the intent to absorb the tax imposed by the provisions of this Article, or to directly or indirectly reflect in any manner that the total charge including the tax is not greater than the total charge would be if the tax was not imposed.

(1) Nothing herein contained shall be deemed to prohibit any retailer selling malt, vinous or spirituous liquors by the drink from including in the sales price any tax levied under this Article.

(2) No retailer selling malt, vinous or spirituous liquors by the drink shall advertise or hold out to the public in any manner, directly or indirectly, that the tax levied by this Section is not considered as an element in the sale price to the consumer.

(d) No person other than the City may enrich himself or herself or gain any benefit from the collection or payment of such tax.

Sec. 4-47. Property and services taxed.

There is levied and there shall be collected and paid a tax in the amount stated in Section 4-46 as follows:

(a) All sales of tangible personal property at retail within the City or transactions made with vendors and/or persons within the City. All retail sales are consummated at the place of business of the retailer.

(b) All charges for service within the City for telephone and telegraph service and televised audio and video messages carried by wire or cable, whether furnished by public or private corporations or enterprises.

(c) All charges within the City for gas and electric service, whether furnished by municipal, public or private corporations or enterprises, for gas and electricity furnished and sold for domestic and commercial consumption not constituting a wholesale sale, upon steam when consumed or used by the purchaser and not resold in original form, whether furnished or sold by municipal, public or private corporations or enterprises.

(d) All amounts paid for all meals, foods, beverages and liquors, including complimentary meals, food, beverages and liquor, furnished in any restaurant, eating house, hotel, drugstore, club and resort or at any such place at which meals food or drinks are sold to the public.

(e) All charges for pay cable or subscription television, including charges for services, installation, connection or other similar charge.

(f) Automotive vehicles sold, leased or rented in the City.

- (g) Pre-written and/or pre-packaged computer programs or software.

Sec. 4-48. Lodging tax.

- (a) In addition to the property and services listed above and any applicable sales tax imposed, there is hereby imposed a three percent (3%) tax in accordance with the following schedule upon the entire amount charged for the furnishing of rooms or accommodation units.;

<i>Amount of Sale</i>	<i>Tax</i>
\$0.01 through \$0.37	No tax
-0.38 through 0.59	\$0.01
-0.60 through 0.81	-0.02
-0.82 through 1.00	-0.03

~~On sales in excess of one dollar (\$1.00), the tax shall be three percent (3%) on each full dollar of the sales price plus the tax shown in the above schedule for the applicable fractional part of a dollar upon each sales price.~~

- (b) Issuance of a sales tax license to any vendor shall also be considered a license to collect, report and remit lodging tax.
- (c) All provisions set out in this Article shall apply to the collection, reporting, remittance and delinquency of lodging tax.

Sec. 4-54. Exempt sales.

The taxes levied in Sections 4-46, 4-48 and 4-49 shall not apply to the items listed below. The list of exemptions shall not be increased by implication or similarity. Furthermore, the burden of proving that any retailer or vendor is exempt from collecting the tax on any goods and paying the same to the City or from making returns, shall be on the retailer or vendor under such reasonable requirements or proof as the Finance Department may prescribe.

- (a) All sales to the United States government, to the State, its departments and institutions, the political subdivisions thereof in the governmental capacities only.
- (b) All sales to religious, charitable and eleemosynary functions and activities.
- (c) All sales which the City is prohibited from taxing under the Constitution or laws of the United States or the State; provided, however, that the exemptions provided herein shall stand on their own and separate accord, and shall not be affected by the provisions of the state's sales tax exemption provisions.
- (d) All sales of cigarettes.
- (e) All sales of prescription drugs and prosthetic devices.

- (f) All sales of commodities which are taxed under the provisions of the Motor Fuel Tax of 1933, as amended.
- (g) Newspapers as legally defined in Section 24-70-102, C.R.S.
- (h) All sales of tangible personal property to a public utility doing business both within and outside the City, for use in its business outside the City, even though delivery thereof is made within the City.
- (i) All sales of farm machinery, farm machinery parts, livestock, poultry, livestock and poultry feeds and drugs, seeds and fertilizers to purchasers for use outside the City even though delivery is made within the City. Trucks and lawn and garden equipment are not to be considered as farm machinery.
- (j) All permits, licenses, service charges, and fines and assessments, for benefit or penalty, charged by and in accordance with this Code.
- (k) All sales of personal property; provided that such sales are infrequently conducted, that the sale occurs at the residence of the owner, and that the property to be sold was originally purchased for use by members of the household where such sale is being conducted.
- (l) All sales by churches, clubs, lodges, parent-teacher associations, student organizations, youth organizations and organizations chartered by the State as nonprofit corporations; provided that such sales are infrequently conducted, that no regular place of sale is maintained and that all proceeds from such sales are used for the activities of the organization conducting the sale.
- (m) Modified or customized computer programs or software; but not including pre-written computer programs or software.

~~(n)~~ — [All sales of food purchased with food stamps.](#)

Sec. 4-114. Property having a fair market value of ~~tenone~~ thousand dollars or more.

Property having a fair market value of ~~tenone~~ thousand dollars (\$~~10~~,000.00) or more per item shall be sold at public sale, either upon written, sealed bids or public auction, as may be determined by the Sales Agent, ~~to be advertised by notice placed in at least one (1) issue of a newspaper of general circulation published in the City or region not less than seven (7) days nor more than fourteen (14) days prior to such sale.~~ Nothing herein contained shall prevent the placement and giving of such additional notice as may be determined to be desirable by the Sales Agent.

Sec. 4-115. Property having a fair market value of less than ~~tenone~~ thousand dollars.

Property having a fair market value of less than ~~tenone~~ thousand dollars (\$~~10~~,000.00) per item may be sold in the open market at public or private sale without bid advertisement and without observing the procedure prescribed by Section 4-114 relating to written, sealed bids, in the discretion of the Sales Agent.

Sec. 4-119. — Notice of intent.

~~Before any property declared to be excess or surplus is sold, the Sales Agent shall cause to be posted within the City at such locations as have been previously designated for posting, not less than seven (7) days prior to sale, a notice of intent to dispose of property. Such notice shall list and describe the items to be sold and indicate that any interested party may contact the Sales Agent and shall contain the address and telephone number of the office of the Sales Agent.~~

Procurement of Goods and Services

Sec. 4-241. Purpose.

The City's policy is to promote government efficiency, transparency, and wise and economical use of public funds to ensure that the City's money is used to best serve the public interest. All procurement shall be accomplished in compliance with applicable and mandatory state and federal law. As a home rule municipality, the City's Purchasing Policy shall supersede any state law or requirements which are in conflict with this Policy unless such state requirement is applicable to home rule municipalities by law.

Sec. 4-242. Scope.

The City's Purchasing Policy applies to all Purchases by the City, unless otherwise specified by ordinance, resolution, other policy, or exempted under Section 4-243. Notwithstanding this Policy, the City shall comply with the requirements of any procurement or purchasing process obligation in any applicable and mandatory federal law or any funding or other agreement that requires specific purchasing procedures or requirements. No procurement, regardless of the amount, shall be initiated without annual appropriated funds.

Sec. 4-243. Exemptions.

The following Purchases are exempt from this Policy:

- (a) Small Dollar Purchase – Purchases where the estimated total cost of the items or services is Five Thousand Dollars (\$5,000) or less may be made directly by the City Manager or his or her designee. Although these purchases are exempt, competition is encouraged to ensure best value for products and services.
- (b) Professional Services – Although a competitive process is preferred, services provided by those who possess a high degree of professional or specialized skill such as accountants, public finance specialists, architects, engineers and attorneys may be exempt from this Policy. Such service providers must meet the minimum qualifications and standards for providing the service.
- (c) Extensions – Extension of existing contracts may be negotiated when a vendor offers to extend under the same conditions and at the same or lower price and such extension is in the best interest of the City. Contract extensions are limited to two one year terms.
- (d) Sole Source - Purchases that are obtainable, for practical purposes, only from a single or sole source due to distribution rights, intellectual property or other exclusive rights as determined by the City Manager upon a finding that, after reasonable inquiry, there is a single or sole provider of such goods or services within the local or general area. Sole source purchases in excess of \$30,000 for goods or services shall be approved by City Council.

(e) Cooperative Purchasing – Purchases made through Cooperative Purchasing arrangements which combine the requirements of two or more political entities to obtain the advantages of volume purchase, reduction in administrative expenses, or other public benefits also known as “piggybacking” on other governmental agreements.

(f) Government Purchases - Purchases from federal, state or other local government units.

(g) Employment - Employment agreements or employee services, including short term contract employees as may be needed from time to time.

(h) Emergency Purchases - Emergency Purchases shall extend to contracts for goods or services where time is of the essence for performance of the contract and the increased time to bid the contract would substantially impair the performance of the contract and/or result in an increased cost of performance. In emergency situations, the City Manager has authority to make all necessary expenditures resulting from the emergency, upon consultation with City Council.

(i) Purchases of water rights or interests in real property.

Sec. 4-244. Purchasing Policy.

The City Council is authorized to adopt a purchasing policy consistent with the terms herein by resolution. The purchasing policy adopted by City Council is subject to the following bidding thresholds and purchasing procedures:

Sec. 4-

<u>Purchasing Range *</u>	<u>Purchasing Process</u>	<u>Purchasing Approval Level of Authorization</u>	<u>Purchasing Requirements</u>	<u>Other Requirements</u>
<u>\$0-\$5,000</u>	<u>Small Dollar – Exempt</u>	<u>City Manager or designee</u>	<u>Buyer’s best judgment</u>	<u>No written contract is required</u>
<u>\$5,001 to \$25,000</u>	<u>Simple Procurement</u>	<u>City Manager</u>	<u>Minimum of two written or oral quotes</u>	<u>Written contract or purchase order</u>
<u>\$25,001 and above</u>	<u>Formal Procurement</u>	<u>City Manager Recommendation and City Council Motion or Resolution</u>	<u>Sealed competitive bidding</u>	<u>Written contract signed by Council</u>

Contracts with the City for goods and services, unless otherwise provided for herein, shall be awarded to the lowest responsive, responsible bidder. If the City Manager determines that no bids adequately meet

~~the City's needs or in the event the City decides, for whatever reason, not to let a contract, all bids may be rejected. Each bid, with the name of the bidder, shall be entered of record, and each record, with the successful bid, if any, indicated, shall be preserved for a period of five (5) years and open to public inspection. Bid, for the purpose of this Article, shall mean a non negotiable response to a request identifying a precise scope of work, including defined goods and/or services being provided, a specific time for providing such goods and/or services and a specific cost for providing such goods and/or services. Bond for the proper performance of each contract may be required or waived in the discretion of the City Manager unless specifically required by Charter. If a bond is required, the form and legal sufficiency shall be subject to the approval of the City Attorney. (Ord. 99-1 §1, 1999)~~

Sec. 4-242. Scaled bids.

~~(a) Bidding procedures.~~

~~(1) Formal procedure. Formal advertisement by publication shall precede the awarding of any contract for goods and services, which is estimated to amount to Twenty five Thousand Dollars (\$25,000.00) or more. Such advertisement or notice shall give the specification of the goods and services to be purchased or refer to the standards and specifications therefor established pursuant to this Article and shall state the amount of bond, if any, required. All bids in response to such advertisements or notices shall be submitted in duplicate in sealed form and shall be publicly opened at the time specified in the advertisement or notice. After examination and tabulation, the results shall be subject to inspection by competing bidders.~~

~~(2) Informal procedure. Any contract for goods and services which is estimated to amount to less than Twenty five Thousand Dollars (\$25,000.00) may be awarded by informal procedure upon notice calculated to inform potential bidders in a manner calculated to achieve maximum economy to the City. However, no contract or purchase may be subdivided to avoid the requirements of Subsection (1) or any other provision of this Article.~~

~~(b) Evaluation of bids. Bids may be evaluated by the City Manager, or his designee, not including members of City Council. The records required to be maintained herein shall include the identity of the persons or agencies that evaluated the contract bids, the written recommendation for the award of the contract and the basis for the recommendation. If the basis for the recommendation is the lowest bid, the records shall show the computations, assumptions, etc., upon which the decision was based. If the recommendation is for award of a contract to a bidder who did not submit the lowest bid on a finding that the lower bids were not responsive or the lower bidders were not responsible, the records shall show a full documentation of the reasons for disqualifying the lower bid or bidders.~~

~~(c) Award.~~

~~(1) Contracts for \$25,000.00 or more. All such contracts shall be presented to City Council with the recommendation of the City Manager. Council shall approve any such contract by motion or resolution, and the Mayor shall sign the contract in his official capacity.~~

~~(2) Contracts for less than \$25,000.00 shall be approved by the City Manager and shall be signed by the City Manager in his official capacity.~~

Sec. 4-243. Contracts not subject to bidding procedures.

~~(a) The City Manager, upon prior approval of City Council, may forego the bidding procedures in SECTIONS 4-241 and 4-242 above when purchasing the following items:~~

~~(1) Goods and services which, when determined by the City Council that the use of competitive sealed bidding is not practicable or not advantageous to the City, may be acquired by competitive sealed proposals pursuant to SECTIONS 4 245 and 4 246 below; or~~

~~(2) Services required by reason of preferences based on professional advice unless specifically required by the Code or other ordinances. If the amount of such contract is less than \$25,000, the City Manager may award the contract, and sign for the City in his official capacity. If the amount is \$25,000 or more, the City Council must award the contract, and the Mayor must sign for the City in his official capacity.~~

~~(b) While attempting to obtain maximum economy for the City, the City Manager may forego the bidding procedures in SECTIONS 4 241 and 4 242 above when purchasing the following items:~~

~~(1) Goods indispensable to the City, when a bona fide emergency exists;~~

~~(2) Goods and services estimated to amount to Five Thousand Dollars (\$5,000.00) or less. (Ord. 99 1 §3, 1999)~~

Sec. 4 244. Responsibility of bidders and offerors.

~~(a) In determining whether a bidder or offeror is responsible, the following shall be considered:~~

~~(1) The ability, capacity and skill of the bidder or offeror to perform the contract or provide the services required;~~

~~(2) Whether the bidder or offeror can perform the contract or provide the service promptly and within the time specified without delay or interference;~~

~~(3) The character, integrity, reputation, judgment, experience and efficiency of the bidder or offeror;~~

~~(4) The quality of the bidder's or offeror's performance of previous contracts or services;~~

~~(5) The previous and existing compliance by the bidder or offeror with laws and ordinances relating to the contract or service;~~

~~(6) The sufficiency of the financial resources and ability of the bidder or offeror to perform the contract or provide the service;~~

~~(7) The quality, availability and adaptability of the goods and services to the particular use required;~~

~~(8) The ability of the bidder or offeror to provide future maintenance and service for the use of the subject of the contract;~~

~~(9) The ability of the bidder or offeror to be bonded in an appropriate amount to insure completion of the contract.~~

~~(10) Any other circumstances which will affect the bidder's or offeror's performance of the contract.~~

~~(b) In addition to the authority for rejection found in Section 4 241 of this Article, the City Manager shall have the authority to reject all bids and proposals or any portions thereof when the interest of the~~

~~City and the public will be served thereby. All such decisions will be supported by a written determination made by the City Manager.~~

~~(c) No bidder or offeror shall be considered responsible if in default on the performance of any other contract with the City or in the payment of any taxes, licenses or other moneys due to the City. (Ord. 99-1 §4, 1999)~~

~~Sec. 4-245. Competitive sealed proposal.~~

~~(a) When the City Council, after recommendation by the City Manager, determines in writing that the use of competitive sealed bidding is not practicable or not advantageous to the City, a contract may be entered into by use of the competitive sealed proposals method. The word "practicable" denotes a situation which justifies a determination that a given factual result can occur. A typical determination would be whether or not there is sufficient time or information to prepare a specification suitable for competitive sealed bidding. "Advantageous" connotes a judgmental assessment of what is in the City's best interests. Illustrations include determining:~~

~~(1) Whether or not to utilize a fixed price or cost type contract under the circumstances;~~

~~(2) Whether quality, availability or capacity is overriding in relation to price in procurement of research and development, technical or other complex goods or services;~~

~~(3) Whether the initial installation needs to be evaluated together with subsequent maintenance and service capabilities and what priority should be given these requirements in the best interest of the City;~~

~~(4) Whether the marketplace will respond better to a solicitation permitting not only a range of alternative proposals but evaluation and discussion of them before making the award;~~

~~(5) Whether the uncertainty OR technical difficulty of the proposed contract would require a design build contract rather than a fixed price or cost type contract.~~

~~(b) What is practicable may not necessarily be beneficial to the City. Consequently, the terms practicable and advantageous are used in this SECTION to avoid a possibly restrictive interpretation of the authority to use competitive sealed proposals. (Ord. 99-1 §5, 1999)~~

~~Sec. 4-246. Procedure for competitive sealed proposals.~~

~~(a) Procurements of the following are eligible for award by competitive sealed proposals:~~

~~(1) Goods and services identified in SECTION 4-243(a) above; and~~

~~(2) Professional services unless otherwise provided for by the Code or other ordinances; and~~

~~(3) City improvements.~~

~~(b) Initiation of procurement pursuant to this SECTION shall be solicited through a request for proposals or a request for qualifications.~~

~~(c) Public notice shall be given and shall include the proposal title, place, date and time of proposal opening.~~

~~(d) Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. A register of proposals shall be maintained containing the name of each offeror and shall be open for public inspection after the award of the contract in the office of the Purchasing Agent in the same manner as are other public records.~~

~~(e) The request for proposals or qualifications shall state evaluation factors and their relative importance.~~

~~(f) After proposal opening, interviews may be conducted with the highest ranked responsible offeror or offerors for the purpose of clarification and to assure full understanding of, and responsiveness to, solicitation requirements. An offeror is a person or entity who submits a competitive sealed proposal. Offerors selected for interview shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals. Revisions may be permitted after submissions and prior to award in order to reflect clarifications in the proposal's scope of work or contract amount. In conducting interviews, neither the City nor any officer, employee or committee thereof, shall disclose any information derived from proposals submitted by competing offerors.~~

~~(g) The contract shall be awarded with reasonable promptness by written notice to the responsible offeror whose proposal is determined in writing to be most advantageous to the City, taking into consideration the evaluation factors set forth in the request for proposals or qualifications. No other factors or criteria shall be used in the evaluation.~~

~~(h) The City Manager is authorized to negotiate the final price and precise scope of work with the selected offeror. Nonetheless, the City Council must approve the final contract which must be signed by the Mayor in his official capacity.~~

~~(i) Request for proposals or qualifications. Proposals shall be solicited through a request for proposals or qualifications.~~

~~(j) Public notice. Public notice of the request for proposals shall be given in accordance with accepted municipal bid advertising procedures.~~

~~(k) Receipt of proposals. No proposals shall be handled so as to permit disclosure of the identity of any offeror or the contents of any proposal to competing offerors during the process of negotiation. A register of proposals shall be prepared containing the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the item offered. The register of proposals shall be open for public inspection only after contract award.~~

~~(l) Evaluation factors. The request for proposals or qualifications shall state the relative importance of price and other evaluation factors.~~

~~(m) Discussion with responsible offerors and revisions to proposals. As provided in the request for proposals or qualifications, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and conformance to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of the identity of competing offerors or of any information derived from proposals submitted by competing offerors.~~

~~(n) Award. Award shall be made to the responsible offeror whose proposal is determined by resolution of City Council to be the most advantageous to the City taking into consideration price and the~~

~~evaluation factor set forth in the request for proposals. No other factor or criteria shall be used in the evaluation. The contract file shall contain the resolution, which shall include the basis on which the award is made. (Ord. 99-1 §6, 1999)~~

~~Sec. 4-247. Single or limited source procurement.~~

~~For contracts under \$25,000.00, the City Manager may, after conducting a good faith review of available sources, award a contract without competition; for contracts of \$25,000.00 or more, the City Council may, with the advice of the City Manager after his good faith review, award a contract without competition. The City Manager shall write a memorandum of his decision, which shall contain findings that there is only one source, or a limited number of sources for the required goods, service or construction item, and, if awarded as an emergency contract, shall state the nature of the emergency that existed at the time of the award. The City Manager shall conduct negotiations, as appropriate, as to price, delivery and terms, which shall be included in the memorandum to Council. A record of single and limited source procurements shall be maintained as a public record and shall list each contractor's name, the amount and type of each contract, a listing of the item(s) procured under each contract and the identification number, if any, of each contract file.~~

Sec. 4-266. Establishment of accounts.

The Finance Director shall establish separate accounts within the Capital Improvement Fund for each of the fees imposed under the provisions of this Article, into which shall be deposited all fees collected for each such category of capital improvement. Interest earned on each such account shall be considered funds of the account and shall be used solely for the purposes authorized for such funds as provided herein. The Finance Director shall establish adequate financial and accounting controls to ensure that fees disbursed from each such account are utilized solely for the purposes authorized. [The Finance Director shall comply with applicable state law regarding publication of impact fee account information.](#)

Section 2. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 3. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 4. Effective Date. This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

INTRODUCED AND READ by title only on first reading at the regular meeting of the City Council of the City of Central on the ____ day of _____, 2012, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

Approved as to form:

Linda C. Michow, City Attorney

ATTEST:

Reba Bechtel, City Clerk

PASSED AND ADOPTED on second reading, at the regular meeting of the City Council of the City of Central on the ___ day of _____, 2012.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on _____, 2012.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on _____, 2012.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk