

ORDINANCE NO. 35

Series 2020

AN ORDINANCE AMENDING CHAPTER 16 OF TITLE 1 OF THE BRECKENRIDGE TOWN CODE CONCERNING TOWN CONTRACTS

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. Section 1-16-15 of the Breckenridge Town Code is amended to read as follows:

1-16-15: TOWN CONTRACTS:

A. Except as provided in subsection C of this Section, no Town officer or employee may have an interest in any contract made by the Town.

B. Every contract made in violation of this Section is voidable at the request of any party to the contract, except the Town officer or employee interested in such contract.

C. Section A of this Section does not apply to:

1. Contracts awarded to the lowest responsible bidder based on competitive bidding procedures;
2. Merchandise sold to the highest bidder at public auction;
3. Investments or deposits in financial institutions that are in the business of loaning or receiving monies;
4. A contract between the Town and a Town officer or employee if, because of geographic restrictions, the Town could not otherwise reasonably afford itself of the subject of contract. It is presumed that the Town could not otherwise reasonably afford itself of the subject of a contract if the additional cost to the Town is greater than ten percent (10%) of a contract with a Town officer or Town employee, or if the contract is for services that will be performed within a limited time period and no other contractor can provide those services within that time period;
5. A contract awarded pursuant to a lottery, or other method when the person to whom the contract is awarded is selected by chance;
6. A contract obligating the Town to pay Five Thousand Dollars (\$5,000.00) or less; or
7. A development agreement entered into pursuant to Chapter 9 of Title 9 of this Code.

D. For a contract entered into pursuant to subsections C1 through C4~~7~~ of this section, before the Town enters into a contract with a member of the Town Council the Town Council member must disclose a personal interest in the proposed contract, and either:

1. The Town Council itself (and not the Town Manager or other Town employee) approves the contract at a public meeting; or
2. The Town Manager approves the contract; provided that prior to approving the contract the Town Manager must notify the Town Council of the proposed contract and explain how the proposed contract satisfies the requirements of subsections C1 through C7 of this section.

E. Notwithstanding Section 1-16-8(H), a Town Council member shall not vote to approve a contract in which he or she has a personal interest.

Section 2. Except as specifically amended by this ordinance, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 3. The Town Council finds, determines, and declares that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

Section 4. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 13th day of October, 2020.

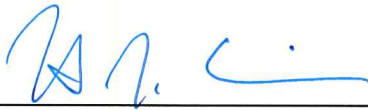
This ordinance was published in full on the Town of Breckenridge website on October 16, October 17, October 18, October 19 and October 20, 2020.

A public hearing on this ordinance was held on October 27, 2020.

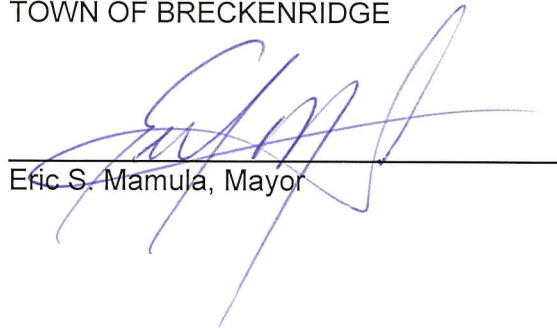
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 27th day of October, 2020. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE



Helen Cospolich, CMC, Town Clerk



Eric S. Mamula, Mayor

APPROVED IN FORM



10/27/20

Town Attorney

Date

This Ordinance was published on the Town of Breckenridge website on October 28, October 29, October 30, October 31 and November 1, 2020. This ordinance shall become effective on December 1, 2020.