

**TOWN OF LOCHBUIE
COUNTIES OF WELD AND ADAMS
STATE OF COLORADO
ORDINANCE NO. 2024-692**

**AN ORDINANCE OF THE TOWN OF LOCHBUIE, COLORADO
REPEALING AND READOPTING ARTICLE III OF CHAPTER 4 OF
THE LOCHBUIE MUNICIPAL CODE GOVERNING MUNICIPAL
PURCHASING AND DECLARING AN EMERGENCY**

WHEREAS, the Town of Lochbuie is statutory town with the authority to manage its financial affairs pursuant to part 3 of article 15, title 31, C.R.S.; and

WHEREAS, Article III of Chapter 4 of the Lochbuie Municipal Code (“Code”) addresses municipal contracts and Town purchasing processes; and

WHEREAS, subsequent to the Town adopting Article III of Chapter 4 of the Code, the Town Board of Trustees legislatively adopted a Purchasing Policy to set forth the Town purchasing processes; and

WHEREAS, the Board of Trustees desires to repeal and readopt Article III of Chapter 4 of the Code as set forth herein to avoid conflict with the legislatively approved purchasing policy of the Town; and

WHEREAS, the Board of Trustees finds that an emergency exists in that its adopted purchasing policy and the current provisions of Article III of Chapter 4 of the Code conflict or have the potential to be in conflict or cause confusion such that the immediate effectiveness of this ordinance is necessary to protect the public health, safety and welfare as set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE, WELD AND ADAMS COUNTIES, COLORADO:

Section 1. Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the Board of Trustees.

Section 2. Repeal and readoption of Article III of Chapter 4 of the Code.

Article III of Chapter 4 of the Lochbuie Municipal Code is hereby repealed and readopted to read as follows in its entirety:

ARTICLE III - Municipal Purchasing

Sec. 4-3-10. – Adoption of Purchasing Policy. The Town Board shall adopt a policy to govern the procurement or purchase of goods and services by the Town, which policy may be amended by the Board of Trustees from time to time. In the event of a purchase of goods or services with funding from federal, state or other third party sources of restricted grant funds requiring different procurement processes, the requirements for the grant or use of such funding shall prevail.

Section 3. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 4. Safety Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Lochbuie, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relationship to the proper legislative object sought to be obtained.

Section 5. 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 6. Emergency Declared; Effective Date The Board adopts the findings of the recitals above and legislatively declares that the immediate preservation of the public health and safety requires the immediate effectiveness of this Ordinance. The provisions of the Code repealed and readopted hereunder as currently codified conflict or have potential to conflict or cause confusion with the legislatively approved purchasing policy of the Town and such conflict should be immediately resolved to assure continued consistency and integrity in the Town’s management of its purchasing and thus its finances. This Ordinance shall take effect immediately upon its adoption as provided by C.R.S. § 31-16-105.

ADOPTED by a vote of $\frac{3}{4}$ of the members of the Board of Trustees with 5 in favor, 0 against and 0 abstaining, AND ORDERED PUBLISHED by title only following public hearing, this 20th day of February, 2024.

TOWN OF LOCHBUIE, COLORADO

Jamie Jeffery
Jamie Jeffery, Mayor Pro Tem

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of February 20, 2024, and ordered published by title only one time by *The Brighton Blade* newspaper on February 29, 2024.

[SEAL]



Heather Bowen
Heather Bowen, Town Clerk

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of February 20, 2024, and ordered published by title only one time by *The Brighton Blade* newspaper on February 29, 2024.

Heather Bowen
Heather Bowen, Town Clerk