

**ORDINANCE NO. 417**

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF CREEDE  
BY ADDING 'CHAPTER 4, ARTICLE 4 – PURCHASING AND PROCUREMENT'**

**WHEREAS**, the Board of Trustees has determined that the adoption of a formal purchasing and procurement policy will help ensure that the Town purchases goods and procures professional services in the most efficient and cost-effective manner;

**NOW THEREFORE**, be it ordained by the Board of Trustees of the City of Creede, Colorado, that the *Municipal Code of the City of Creede* shall be amended as follows:

**Section 1.** Chapter 4, Article 4 – Purchasing and Procurement shall be added and shall read, in its entirety:

**Sec. 4-4-10. Designation of Purchasing Agent.**

The Town Manager, or an officer of the city designated by the Town Manager, shall be the Purchasing Agent for the City. He or she shall be responsible for:

- (A) The purchase of supplies, materials and equipment and contractual services required by any office, department or agency of the city government.
- (B) The storage and distribution of all supplies, materials and equipment required by any office, department or agency of the city government.
- (C) Establishing written specifications, whenever practicable, for supplies, materials and equipment required by any office, department or agency of the city government. Such specifications shall be definite and certain and shall permit of competition.
- (D) Maintaining, whenever practicable, a perpetual inventory record of all materials, supplies or equipment stored in storerooms or warehouses.
- (E) Soliciting and maintaining an up-to-date list of qualified suppliers who have requested their names to be added to a "bidders list". The purchasing agent shall have authority to remove temporarily the names of vendors who have defaulted on their quotations, attempted to defraud the city or who have failed to meet established specifications or delivery dates.
- (F) Obtaining as full and open competition as possible on all purchases, contracts and sales.

**Sec. 4-4-20. Formal contract procedure.**

All supplies and contractual services, except as otherwise provided herein, when the estimated cost thereof shall exceed five thousand dollars, shall be purchased by formal, written contract from the lowest responsible bidder, after due notice inviting proposals. No contract or purchase shall be subdivided to avoid the requirements of this section. All sales of personal property which has become obsolete or unusable, when the

estimated value shall exceed five thousand dollars, shall be sold by formal written contract or at a public auction to the highest responsible bidder, after due notice inviting proposals and bidders.

**Sec. 4-4-30. Bidding.**

Before any purchases or contracts for supplies, materials, equipment or services exceeding five thousand dollars are made, the purchasing agent shall give ample opportunity for competitive bidding. For purchases or contracts not exceeding five thousand dollars, the purchasing agent must make a reasonable attempt to solicit three written quotes. Competitive bidding shall be encouraged for all contracts, purchases or sales. However, in the event of an emergency affecting the public welfare, health or safety, the provisions of this section shall not apply. A full report of the circumstances of an emergency purchase shall be filled by the purchasing agent with the city council and shall be entered in the minutes of the council.

**Sec. 4-4-40. Award to lowest bidder; advertising, when required.**

All contracts for city improvements, materials, equipment, or services costing more than five thousand dollars shall be awarded to the lowest responsible bidder after publication in a newspaper of general circulation in the city at least five days before the last day set for receipt of proposals; provided, however, that in case of professional services, this section shall not apply. The newspaper notice required herein shall include a general description of the articles or services to be purchased, shall state where bid blanks and specifications may be secured and the time and place for opening bids.

**Sec. 4-4-50. Bid Deposits.**

When deemed necessary by the purchasing agent, bid deposits shall be prescribed in the public notices inviting bids. Upon entering into a contract, bidders shall be entitled to return of bid deposit where the purchasing agent has required such. A successful bidder shall forfeit any bid deposit required by the purchasing agent upon failure on his part to enter into a contract within ten days after the award; provided, however, that the city, in its uncontrolled discretion, may waive this forfeiture.

**Sec. 4-4-60. Sealed Bid Procedures.**

Procedure for sealed bids shall be as follows:

(A) Sealing. Bids shall be submitted to the purchasing agent securely sealed in an envelope, and shall be identified on the envelope in accordance with bid instructions.

(B) Opening. Bids shall be opened in public at the time and place stated in the public notices.

(C) Tabulation. A tabulation of all bids received shall be available for public inspection.

(D) Rejection of bids. The purchasing agent shall have the authority to reject all bids, parts of all bids, or all bids for any one or more supplies or contractual services included in the proposed contract, when the public interest will be served thereby.

(E) Bidders in default to city. The purchasing agent shall not accept the bid of a vendor or contractor who is delinquent in the payment of taxes, license, or other moneys due the city.

(F) Award of contract:

(1) Authority in agent. The purchasing agent shall have the authority to award contracts within the purview of this article; provided, however, that contracts in excess one thousand dollars shall not be awarded without prior approval of city council.

(2) Lowest responsible bidder. Contracts shall be awarded to the lowest responsible bidder. In determining "lowest responsible bidder", in addition to price, the purchasing agent shall consider:

(a) The ability, capacity and skill of the bidder to perform the contract or provide the service required;

(b) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;

(c) The character, integrity, reputation, judgment, experience and efficiency of the bidder;

(d) The quality of performance of previous contracts or services;

(e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or services;

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

(g) The quality, availability and adaptability of the supplies or contractual services to the particular use required;

(h) The ability of the bidder to provide future maintenance and service for the use of the subject: of the contract;

(i) The number and scope of conditions attached to the bid.

(G) Award to other than low bidder. When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the purchasing agent and filed with the papers relating to the transaction and held for a period of no less than 12 months.

(H) Tie bids:

(1) Local vendors. If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to the local bidder. If two or more of such bids are submitted by local bidders, the purchasing agent shall award the contract to one of the local tie bidders by drawing lots in public. If local bidders are not involved in the tie bids, the purchasing agent shall award the contract to one of the outside tie bidders by drawing lots in public. The purchasing agent, local bidders, and vendors should bear in mind, however, that to award a contract to a local vendor where he is not the lowest responsible bidder, or where price, quality and service are not equal, is to give preference to one minute segment of the citizenry against the best interests of the community as a whole.

(I) Performance bonds. The purchasing agent shall have the authority to require a performance bond, before entering into a contract, in such form and amount as he shall find reasonably necessary to protect the best interest of the city.

(J) Payment Bond/Labor and Material Bond. The Purchasing agent may require a Payment Bond and a Labor and Material Bond, before entering into a contract, in such form and amount as he/she shall deem necessary to protect the best interest of the city.

**Sec. 4-4-70. Materials Testing.**

The purchasing agent shall have the authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with the specifications. In the performance of such tests, the purchasing agent shall have the authority to make use of laboratory facilities of any agency of the city government or any outside laboratory.

**Sec. 4-4-80. Financial interest of city officials and employees prohibited.**

No member of the city council or any officer or employee of the city, shall have a financial interest in any contract or in the sale to the city or to a contractor supplying the city of any land or rights or interests in any land, material, supplies or services; except when a majority of the city council determines such exception in the best interest of the city, provided, that no councilman whose interest is involved shall vote on the question. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the city found guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge express or implied of the person or corporation contracting with the city shall render the contract voidable by the city manager or the city council.

**Sec. 4-4-90. Records of open market orders and bids.**

The purchasing agent shall keep a record of all open market orders and the bids submitted in competition thereon, and such records shall also be open to public inspection.

**Sec. 4-4-100. Stock reports.**

All offices, departments or agencies of the city government shall submit to the purchasing agent, at such times and in such form as he shall prescribe, reports showing stocks of all supplies, including supplies which are no longer used or which have become obsolete, worn out or scrapped.

**Sec. 4-4-110. Surplus stock.**

The purchasing agent shall have authority to transfer surplus stock to other offices, departments or agencies of the city government.

**Sec. 4-4-120. Supplies unsuitable for public use, sale or exchange.**

The purchasing agent shall have the authority to sell all supplies which have become unsuitable for public use, or to exchange the same for, or trade-in the same on, new supplies. Such sales shall be made to the highest bidder, and in conformance with the provisions of this Chapter. All moneys received from such sales shall be paid into the appropriate Fund of the city.

**Sec. 4-4-130. Gifts and Rebates.**

The purchasing agent and every officer and employee of the City are expressly prohibited from accepting, directly or indirectly, from any person, company, firm or corporation to which any purchase order or contract is, or might be awarded, any rebate, gift, money, or anything of value whatsoever, except where given for the use and benefit of the City.

**Sec. 4-4-140. Cooperative purchasing.**

The purchasing agent shall have authority to join with other units of government in cooperative purchasing plans when the best interests of the city would be served thereby;

**Section 2.** Recording and Authentication. This ordinance, immediately upon its passage, shall be authenticated by the signatures of the Mayor and City Clerk, recorded in the Town Book of Ordinances kept for that purpose, and published according to law.

**Section 3.** Publication and Effective Date. This ordinance shall take effect thirty (30) days after publication following final passage.

**Section 4.** Declaration of Public Interest. This ordinance is necessary to preserve the peace, health, safety welfare, and to serve the best interests of the citizens of the City of Creede, Colorado.

Introduced, read by title, and passed at first reading February 11<sup>th</sup>, 2019.


Passed final reading and adopted on March \_\_\_\_\_, 2019.

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Eryn K Wintz  
Mineral County Clerk

  
Jeffrey Larson, Mayor

ATTEST:

  
Randi Snead, City Clerk/Treasurer

**ORDINANCE NO. 416**

**AN ORDINANCE AMENDING THE 'EXTENDED MEDICAL LEAVE' SECTION OF THE 'CITY OF CREEDE EMPLOYEE HANDBOOK'**

**WHEREAS**, the Board of Trustees has determined that the existing extended medical leave section of the City of Creede Employee Handbook is in need or revision;

**NOW THEREFORE**, be it ordained by the Board of Trustees of the City of Creede, Colorado, that the *City of Creede Employee Handbook* shall be amended in the following manner:

**Section 1.** The 'Extended Medical Leave' section of the City of Creede Employee Handbook is repealed in its entirety and readopted to read as follows:

**EXTENDED LEAVE**

An extended leave of absence is available to eligible full-time employees under certain circumstances. Eligible employees may take up to four (4) weeks of paid extended leave within any calendar year. An additional eight (8) weeks of unpaid extended leave may be taken for a total of up to 12 weeks of extended leave within any calendar year. Leave under this section must be used within each calendar year and, if not taken, does not carry over into a subsequent calendar year.

Extended leave may be taken under the following circumstances:

- On the birth of an employee's child;
- On the placement of a child for adoption or foster care with an employee; or
- When an employee is unable to perform at least one of the essential functions of their position for medical reasons.

Eligibility:

To be eligible for extended leave under this policy, an employee must:

- be a full-time, year-round employee;
- be employed by the City of Creede for at least 12 months prior to the request for extended leave; and
- have exhausted all available regular leave including sick leave, personal leave, vacation leave and comp time.

If the eligible employee is requesting extended leave for medical reasons, said employee must provide medical certification to the City Manager. Medical certification shall consist of a written statement from a physician or other qualified medical professional stating that the employee is unable to perform at least one of the functions of his/her position for medical reasons. Employees on extended leave for medical

reasons will be required to provide a physician’s report on their health status every two (2) weeks for the duration of their extended leave.

When the need for leave is foreseeable, the eligible employee must provide at least thirty (30) days notice to the City Manager. A spoken or written leave agreement may be reached between the employee and the City Manager addressing minimization of impact of the employee’s leave, plans for temporary fulfillment of duties, an anticipated return-to-work timeline, accommodations for intermittent or reduced-leave or working from home, and any other concerns either party may have. In the event that leave is required but not foreseeable, written notice should be given to the City Manager as soon as practicable.

Group health care coverage will continue for employees on extended leave for the duration of the leave.

Should an eligible employee be unable or unwilling to return to work following the exhaustion of all available extended leave under this policy, said employee shall be deemed to have resigned from employment with the City.


**Section 2.** Recording and Authentication. This ordinance, immediately upon its passage, shall be authenticated by the signatures of the Mayor and City Clerk, recorded in the Town Book of Ordinances kept for that purpose, and published according to law.

**Section 3.** Publication and Effective Date. This ordinance shall take effect thirty (30) days after publication following final passage.


**Section 4.** Declaration of Public Interest. This ordinance is necessary to preserve the peace, health, safety welfare, and to serve the best interests of the citizens of the City of Creede, Colorado.

Introduced, read by title, and passed at first reading February 11<sup>th</sup>, 2019.

Passed final reading and adopted on March \_\_\_\_\_, 2019.

  
Jeffrey Larson, Mayor

ATTEST:

  
Randi Snead, City Clerk/Treasurer