

Fort Collins City Council Agenda

Regular Meeting

6:00 p.m., Tuesday, February 20, 2024

City Council Chambers at City Hall, 300 Laporte Avenue, Fort Collins, CO 80521

Zoom Webinar link: <https://zoom.us/j/98241416497>

NOTICE:

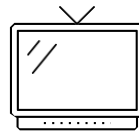
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

How to view this Meeting:



Meetings are open to the public and can be attended in person by anyone.



Meetings are televised live on Channels 14 & 881 on cable television.



Meetings are available through the Zoom platform, electronically or by phone.



Meetings are livestreamed on the City's website, fcgov.com/fctv

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide advance notice. Requests for interpretation at a meeting should be made by noon the day before.

A solicitud, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione aviso previo. Las solicitudes de interpretación en una reunión deben realizarse antes del mediodía del día anterior.



There are in person and remote options for members of the public who would like to participate in Council meetings:

Comment in real time:

During the public comment portion of the meeting and discussion items:



In person attendees can address the Council in the Chambers.

The public can join the Zoom webinar and comment from the remote meeting, joining online or via phone.



All speakers are required to sign up to speak using the online sign up system available at www.fcgov.com/agendas.

Staff is also available outside of Chambers prior to meetings to assist with the sign up process for in person attendees.

Full instructions for online participation are available at fcgov.com/councilcomments.

Join the online meeting using the link in this agenda to log in on an internet-enabled smartphone, laptop or computer with a speaker and microphone. Using earphones with a microphone will greatly improve audio experience.

To be recognized to speak during public participation portions of the meeting, click the 'Raise Hand' button.

Participate via phone using this call in number and meeting ID:

Call in number: 720 928 9299

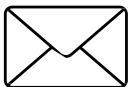
Meeting ID: 982 4141 6497

During public participation opportunities in the meeting, press *9 to indicate a desire to speak.

Submit written comments:



Email comments about any item on the agenda to cityleaders@fcgov.com



Written comments can be mailed or dropped off at the City Manager's Office at City Hall, at 300 Laporte Ave, Fort Collins, CO 80521

Documents to Share during public participation: Persons wishing to display presentation materials using the City's display equipment under the Public Participation portion of a meeting or during discussion of any Council item must provide any such materials to the City Clerk in a form or format readily usable on the City's display technology no later than two (2) hours prior to the beginning of the meeting at which the materials are to be presented.

NOTE: All presentation materials for appeals, addition of permitted use applications or protests related to election matters must be provided to the City Clerk no later than noon on the day of the meeting at which the item will be considered. See Council Rules of Conduct in Meetings for details.



City Council Regular Meeting Agenda

February 20, 2024 at 6:00 PM

Jeni Arndt, Mayor
Emily Francis, District 6, Mayor Pro Tem
Susan Gutowsky, District 1
Julie Pignataro, District 2
Tricia Canonico, District 3
Melanie Potyondy, District 4
Kelly Ohlson, District 5

City Council Chambers
300 Laporte Avenue, Fort Collins
& via Zoom at
<https://zoom.us/j/98241416497>
Cablecast on FCTV
Channel 14 on Connexion
Channel 14 and 881 on Xfinity

Carrie Daggett
City Attorney

Kelly DiMartino
City Manager

Heather Walls
Interim City Clerk

PROCLAMATIONS & PRESENTATIONS 5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

[PP 1.](#) Declaring February 2024 as Black History Month.

REGULAR MEETING 6:00 PM

B) CALL MEETING TO ORDER

C) PLEDGE OF ALLEGIANCE

D) ROLL CALL

E) CITY MANAGER'S AGENDA REVIEW

- City Manager Review of Agenda
- Consent Calendar Review, including removal of items from Consent Calendar for individual discussion.

F) COMMUNITY REPORTS

[1.](#) Larimer County Behavioral Health Community Report.

The purpose of this item is to present the Larimer County Behavioral Health Community Report.

G) PUBLIC COMMENT ON ANY TOPICS OR ITEMS OR COMMUNITY EVENTS (Including requests for removal of items from Consent Calendar for individual discussion.)

*Individuals may comment regarding any topics of concern, whether or not included on this agenda. Comments regarding land use projects for which a development application has been filed should be submitted in the development review process** and not to Council.*

- *Those who wish to speak are required to sign up using the online sign-up system available at www.fcgov.com/council-meeting-participation-signup/*
- *Each speaker will be allowed to speak one time during public comment. If a speaker comments on a particular agenda item during general public comment, that speaker will not also be entitled to speak during discussion on the same agenda item.*
- *All speakers will be called to speak by the presiding officer from the list of those signed up. After everyone signed up is called on, the presiding officer may ask others wishing to speak to identify themselves by raising their hand (in person or using the Raise Hand option on Zoom), and if in person then will be asked to move to one of the two lines of speakers (or to a seat nearby, for those who are not able to stand while waiting).*
- *The presiding officer will determine and announce the length of time allowed for each speaker.*
- *Each speaker will be asked to state their name and general address for the record, and, if their comments relate to a particular agenda item, to identify the agenda item number. Any written comments or materials intended for the Council should be provided to the City Clerk.*
- *A timer will beep one time and turn yellow to indicate that 30 seconds of speaking time remain and will beep again and turn red when a speaker's time has ended.*

*[**For questions about the development review process or the status of any particular development, consult the City's Development Review Center page at <https://www.fcgov.com/developmentreview>, or contact the Development Review Center at 970.221.6760.]*

H) PUBLIC COMMENT FOLLOW-UP

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

CONSENT CALENDAR

The Consent Calendar is intended to allow Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Calendar. Agenda items pulled from the Consent Calendar by either Council or the City Manager will be considered separately under their own Section, titled "Consideration of Items Removed from Consent Calendar for Individual Discussion." Items remaining on the Consent Calendar will be approved by Council with one vote. The Consent Calendar consists of:

- *Ordinances on First Reading that are routine;*
- *Ordinances on Second Reading that are routine;*
- *Those of no perceived controversy;*
- *Routine administrative actions.*

1. Items Relating to the Fort Collins Police Services Victim Services Unit.

A. Second Reading of Ordinance No. 010, 2024, Making a Supplemental Appropriation from the Eighth Judicial District Victim Assistance and Law Enforcement Board in the General Fund for the Fort Collins Police Services Victim Services Unit.

B. Second Reading of Ordinance No. 011, 2024, Making a Supplemental Appropriation from the Colorado Division of Criminal Justice Under the Federal Victim of Crime Act in the General Fund for the Fort Collins Police Services Victim Services Unit.

These Ordinances, unanimously adopted on First Reading on February 6, 2024, provide funding for the Victim Services Unit of Fort Collins Police Services for victim advocacy services which are required under the Colorado Victim Rights Amendment for victims and witnesses of crime and their supporting family members.

The Victim Services Unit has been awarded a \$70,000 Victim Assistance and Law Enforcement (VALE) grant for the period from January 1, 2024 to December 31, 2024. The VALE grant is awarded through the Eighth Judicial District Board to help fund services provided by the Victim Services team. This grant will fund one part-time victim advocate, as well as 65% of the salary for a contractual 40-hour per week victim advocate.

The Victim Services Unit has also been awarded a 24-month grant in the amount of \$47,959 for the period from January 1, 2023 to December 31, 2024, by the Colorado Division of Criminal Justice under the Federal Victim of Crime Act (VOCA). This grant will help fund services provided by the Victim Services Unit. These funds will be used to pay 35% of the salary for a contractual victim advocate who provides crisis intervention services for sexual assault victims between the school ages of kindergarten through 12th grade.

2. Second Reading of Ordinance No. 012, 2024, Making a Supplemental Appropriation from the Colorado Division of Criminal Justice Synthetic Opiate Poisoning Investigation and Distribution Interdiction Grant for the Fort Collins Police Services Forensic Services Unit.

This Ordinance, unanimously adopted on First Reading on February 6, 2024, supports Fort Collins Police Services' Forensic Services Unit work in the prevention and investigation of serious injuries and deaths caused by illegal synthetic opiate poisoning and for disrupting synthetic opiate distribution by appropriating \$40,000 of unanticipated grant revenue from the Colorado Department of Public Safety, Division of Criminal Justice (DCJ).

3. Second Reading of Ordinance No. 013, 2024, Appropriating Philanthropic Revenue Received by City Give for the Renovation of the Historic Carnegie Library.

This Ordinance, unanimously adopted on First Reading on February 6, 2024, requests an appropriation of \$214,000 in philanthropic revenue received by City Give for the renovation of the historic Carnegie Library as designated by the donor.

In 2019, the City launched City Give, a formalized enterprise-wide initiative to create a transparent, non-partisan governance structure for accepting and appropriating charitable gifts.

4. Second Reading of Ordinance No. 014, 2024, Appropriating Philanthropic Revenue Received Through City Give for Youth Sports Programming and Services.

This Ordinance, unanimously adopted on First Reading on February 6, 2024, requests an appropriation of \$15,550 in philanthropic revenue received through City Give for Recreation to benefit income-qualified youth sports programming and services.

In 2019, the City launched City Give, a formalized enterprise-wide initiative to create a transparent, non-partisan governance structure for accepting and appropriating charitable gifts.

5. Second Reading of Ordinance No. 016, 2024, Appropriating Prior Year Reserves in the Recreation Fund for the Mulberry Pool Replacement Feasibility Study.

This Ordinance, unanimously adopted on First Reading on February 6, 2024, appropriates \$78,000 from Recreation Reserves to fund the Mulberry Replacement Feasibility Study. This study is in partnership with Colorado State University Athletics (CSU), who will be funding 50% of the study.

6. Second Reading of Ordinance No. 017, 2024, Appropriating Prior Year Reserves in the Recreation Fund for the Purchase of Ponies and Sheds at Lee Martinez Farm.

This Ordinance, unanimously adopted on First Reading on February 6, 2024, appropriates \$72,000 from Recreation Reserves to purchase ponies and replace sheds at the Lee Martinez Farm.

7. Second Reading of Ordinance No. 018, 2024, Appropriating Prior Year Reserves for Compensation of the Mayor, Mayor Pro Tem and Councilmembers.

This Ordinance, unanimously adopted on First Reading on February 6, 2024, is for a General Fund supplemental appropriation to fund 2023-2024 Budget Offer 28.12 - City Council Voter Approved Pay Increase for fiscal year 2024. This budget request was not funded in the 2023-2024 Adopted Budget since the election results of the 2022 City-Initiated Charter Amendment No. 1 (Council Compensation) ballot initiative would not be known until after first reading of the City's annual appropriation ordinance for 2023. The initiative was approved by Fort Collins voters and this action is to appropriate the increased spending in the General Fund to implement the ballot initiative for the salary increases in 2024.

8. Second Reading of Ordinance No. 019, 2024, Amending Article III of Chapter 19 of the Code of the City of Fort Collins Regarding Municipal Court Referees.

This Ordinance, unanimously adopted on First Reading on February 6, 2024, amends the City Code to clarify that municipal court referees may hear cases involving camera radar and red light photo citations. Defendants in this type of case would have a choice to have a hearing with a referee in a more informal setting or a hearing in front of a municipal judge. The proposed Code changes would also allow the Chief Judge in the future to authorize referees to hear cases involving other zero-point infractions.

9. Items Relating to Amending City Code to Adjust for Inflation the Following Fees: Capital Expansion Fees; Transportation Expansion Fee; Electric Capacity Fee; Water Plant Investment Fee; Sewer Plant Investment Fee; and Stormwater Plant Investment Fee.

A. Second Reading of Ordinance No. 020, 2024, Amending Chapter 7.5 of the Code of the City of Fort Collins to Increase for Inflation the Capital Expansion Fees and Transportation Expansion Fee.

B. Second Reading of Ordinance No. 021, 2024, Amending Chapter 26 of the Code of the City of Fort Collins Regarding Calculation and Collection of Development Fees Imposed for the Construction of New or Modified Electric Service Connections.

C. Second Reading of Ordinance No. 022, 2024, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Plant Investment Fees.

D. Second Reading of Ordinance No. 023, 2024, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Sewer Plant Investment Fee.

E. Second Reading of Ordinance No. 024, 2024, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Stormwater Plant Investment Fees.

These Ordinances, unanimously adopted on First Reading on February 6, 2024, make annual inflation adjustments effective March 1, 2024, associated with the City's Capital Expansion Fees, Transportation Expansion Fee, Utility Plant Investment Fees, and Electric Capacity Fee.

10. Second Reading of Ordinance No. 025, 2024, Adopting the 2024 Larimer County Regional Transportation Capital Expansion Fee Schedule.

This Ordinance, unanimously adopted on First Reading on February 6, 2024, adopts the 2024 Larimer County Regional Transportation Capital Expansion Fee Schedule.

11. Second Reading of Ordinance No. 026, 2024, Authorizing the Purchasing Agent to Enter into a Contract for Professional Services in Excess of Five Years for the Proposed Oak Street Stormwater Improvements Project.

This Ordinance, unanimously adopted on First Reading on February 6, 2024, authorizes the City's purchasing agent, pursuant to City Code Section 8-186(a), to enter into contracts greater than five years in length, for professional services for the proposed Oak Street Stormwater Improvements Project. The contract authorized under the proposed ordinance could be extended up to the life of the project. Design for the project began in 2020, construction is anticipated to begin in 2024 with a 2-year duration, and project close-out may take several months, making the overall duration of the project seven (7) years or more. Under this scenario and without this proposed ordinance, the design contract would expire while the project is under construction, a situation that would result in logistical and cost ramifications for the City and the project.

12. Second Reading of Ordinance No. 027, 2024, Authorizing the Mayor to Execute an Easement Agreement with Larimer County, the City of Loveland and South Fort Collins Sanitation District Regarding an Existing Sewer Line on Long View Farm Open Space.

This Ordinance, unanimously adopted on First Reading on February 6, 2024, seeks authorization to approve conveyance of a sewer line easement to South Fort Collins Sanitation District (SFCSD) across Long View Farm Open Space. This easement is intended to formally document an existing sewer line that was installed in 1981 prior to the purchase of Long View Farm Open Space.

13. Second Reading of Ordinance No. 028, 2024, Approving and Authorizing the Execution of an Amendment to a Reciprocal Stormwater Drainage Easement Agreement with Sun Foothills Fort Collins, LLC, and Ratifying the Original Conveyance.

This Ordinance, unanimously adopted on First Reading on February 6, 2024, authorizes the amendment of that certain Reciprocal Stormwater Drainage Easement Agreement (the "Original Easement") dated September 7, 2022, recorded at Reception No. 20220061510, Clerk and Recorder's Records, Larimer County, Colorado, by and between the City and Sun Foothills Fort Collins, LLC (the "Owner"), which originally conveyed a stormwater drainage easement to the Owner on City property in exchange for the City's right to retain stormwater on the Owner's property. The Amendment to the Original Easement (the "Amended Easement") will modify the legal description and revise language pertaining to access rights. Approval of the Ordinance would also ratify the Council's prior action in 2022 approving the easement exchange, the ordinance for which was missing its intended exhibits.

14. Second Reading of Ordinance No. 029, 2024, Approving the Conveyance of a Temporary Construction Easement, Dedication of a Permanent, Nonexclusive Water Line Easement, and Dedication of a Permanent, Nonexclusive Sewer Line Easement, all on City Property, for the Benefit of the Sun Foothills Fort Collins Development.

This Ordinance, unanimously adopted on First Reading on February 6, 2024, approves an Ordinance that would authorize the conveyance of the following:

1. One (1) temporary construction easement (TCE) to Sun Foothills Fort Collins LLC (the “Owner”) for the modification of existing grades and current stormwater drainage facilities;
2. One (1) permanent, nonexclusive water line easement to the Fort Collins-Loveland Water District (the “Waterline Easement”); and
3. One (1) permanent, nonexclusive sewer line easement to the Fort Collins-Loveland Sanitation District (the “Sewer Easement”).

The easements are located on 17 acres of City property located in the North West 1/4 of Section 13, Township 6 North, Range 69 West, Larimer County, Colorado, being currently held as a City of Fort Collins Land Bank property (the “City Property”).

Construction pursuant to the TCE will modify existing stormwater facilities. The Waterline Easement and the Sewer Easement are entitlements required by the City so that the Owner may proceed with the development of the adjoining lands.

The easements will include the extension of stubbed water, sewer, and drainage improvements directly onto the City Property resulting in a significant benefit to the City Property.

15. Items Relating to the 2024 City Classified Employee Pay Plan as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

A. Second Reading of Ordinance No. 030, 2024, Adopting the 2024 Amended Classified Employees Pay Plan to Update Classified Positions as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

B. Second Reading of Ordinance No. 031, 2024, Appropriating Prior Year Reserves in the General Fund for the Cost of Police Services Salary and Benefit Increases as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

These Ordinances, unanimously adopted on First Reading on February 6, 2024, recommend changes to the 2024 City Classified Employee Pay Plan based on an annual market analysis conducted as agreed upon through the 2022-2024 Collective Bargaining Agreement (Agreement) with the Northern Colorado Lodge #3 of the Fraternal Order of Police (FOP). The Agreement was approved by Council by Resolution on December 7, 2021. The Agreement specifies a salary data collection method and evaluation process that includes market data as of early January each year. This data has been collected and analyzed, resulting in the revised 2024 Amended City Classified Employee Pay Plan.

16. First Reading of Ordinance No. 032, 2024, Appropriating Prior Year Reserves and Unanticipated Philanthropic Revenue Received Through City Give for Various Programs and Services as Designated by the Donors.

The purpose of this item is to request appropriation of \$18,025.20 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City’s strategic priorities and the respective donors’ designation. In 2019, City Give, a formalized enterprise-wide initiative was

launched to create a transparent, non-partisan governance structure for the acceptance and appropriations of charitable gifts.

17. First Reading of Ordinance No. 033, 2024, Appropriating Prior Year Reserves in the Conservation Trust Fund for the Future Design and Construction of the Fossil Creek Trail Spur.

The purpose of this item is to request an appropriation for partial funding for the future construction of the Fossil Creek Trail spur. This revenue is contributed from the developer. This trail spur is identified in the South College Corridor Subarea Plan as “City built and maintained.” The easement for the future trail spur was secured during the development review process of the Fort Collins Nissan-Kia project. Per the South College Avenue Access Control Plan, this trail is of regional significance and the Developer agreed to contribute their proportional share of the public access trail project in the amount of \$35,000. The Developer was required to provide the funds prior to issuance of the project’s first building permit. The design and construction date of the future trail spur at this time is unknown.

18. First Reading of Ordinance No. 034, 2024, Authorizing Transfers of Appropriations for the Xeriscape Incentive Program.

The purpose of this item is to support businesses, homeowner associations (“HOAs”) and other commercial properties pursuing costly landscape projects that reduce water use long-term through the Xeriscape Incentive Program by utilizing \$75,104 in existing 2024 appropriations to fund the City’s match requirement under this grant project.

19. First Reading of Ordinance No. 035, 2024, Authorizing the Release of Restrictive Covenants on Property at 2850 Sykes Drive, Developed by Fort Collins Habitat for Humanity.

The purpose of this item is to obtain authorization from Council to terminate the HOME Investment Partnership Funding Development Contract with Fort Collins Habitat for Humanity (Habitat) and release the Agreement of Restrictive Covenants Affecting Real Property on the single-family home located at 2850 Sykes Drive. Termination of the contract and release of the Agreement of Restrictive Covenants is required for Fort Collins Habitat for Humanity to move forward with the sale of the home to the buyer.

20. First Reading of Ordinance No. 036, 2024, Approving the Vacation of a Portion of Two Easements Originally Dedicated in that Certain Replat of Coachlight Plaza PUD.

The purpose of this item is to approve the vacation of a 1,077 square foot portion of two easements (8’ Electrical Easement and an 8’ Telephone Easement) (the “Easements”) that are no longer required by the City because they are currently located beneath a newly constructed building envelope.

21. Resolution 2024-009 Approving Fort Fund Special Event Grant Disbursements.

The purpose of this item is to approve Fort Fund grants from the Cultural Development and Programming Account and the Tourism Programming Account for the selected community events in the Special Event Grant – January Deadline category, based upon the recommendations of the Cultural Resources Board.

22. Resolution 2024-010 Authorizing the Initiation of Exclusion Proceedings of Annexed Properties Within the Territory of the Poudre Valley Fire Protection District and Authorizing an Intergovernmental Agreement with Said District.

The purpose of this item is to authorize the City Attorney to file a petition in Larimer County District Court to exclude the property annexed into the City in 2023 from the Poudre Valley Fire Protection District (the “District”) in accordance with state law. The property affected by this Resolution is the Thompson Thrift Spaulding Addition Annexation. Colorado Revised Statutes Section 32-1-502 requires an order of exclusion from the District Court to remove the annexed property from special district territories. The property has been receiving fire protection services from the Poudre Fire Authority and will continue to do so. The City Attorney’s Office files the petition in Larimer County District Court each year seeking exclusion for all properties annexed in the previous year that should be removed from the District to avoid double taxation.

23. Resolution 2024-011 Authorizing the City Manager to Execute an Agreement Between the City of Fort Collins and the City of Greeley Regarding Certain Aspects of the Halligan Water Supply Project, Including Water Quality Analysis, Mitigation Measures, and Milton Seaman Reservoir Release Gate Design.

The purpose of this item is to authorize a proposed agreement (“Proposed Agreement”) between the City of Fort Collins (“Fort Collins”) and the City of Greeley (“Greeley”) (together, “Cities”) regarding certain aspects of the Halligan Water Supply Project (“Halligan Project”). Greeley owns Milton Seaman Reservoir on the North Fork of the Poudre River (“North Fork”), downstream of the Halligan Project. Greeley is undergoing a time sensitive capital infrastructure replacement project for the release gate on their reservoir. Fort Collins desires that the new release gate also be able to bypass and account for Halligan Project releases. In addition, Greeley anticipates that there may be water quality impacts caused by certain operational changes due to the Halligan Project. The Cities are working collaboratively on these issues.

Under the Proposed Agreement, the Cities would collaboratively study and do design work. The Cities would:

- retain AECOM as a consultant for Phase 1 (Analysis and Preliminary Design) to perform a jointly agreed upon scope of work (release gate design and water quality identification and mitigation);
- agree to use the results of Phase 1 to develop a plan for Phase 2 (Implementation); and
- agree to a 50/50 cost share for Phase 1, \$553,490 (Fort Collins’ obligation \$276,745).

Fort Collins staff’s analyses indicate that the Proposed Agreement is beneficial to the City and the Halligan Project. An anticipated subsequent agreement on Phase 2 would be brought to Council.

24. Resolution 2024-012 Adopting Findings of Fact in Support of the City Council’s Decision on Appeal to Uphold the Planning and Zoning Commission Approval of the Polestar Village Project Development Plan PDP220010.

The purpose of this item is to make Findings of Fact and Conclusions regarding Council’s decision at the February 6, 2024, appeal hearing upholding the Planning and Zoning Commission’s decision to approve the Polestar Village Project Development Plan.

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

- K) CONSENT CALENDAR FOLLOW-UP** *(This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.)*
- L) STAFF REPORTS - None.**
- M) COUNCILMEMBER REPORTS**
- N) CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR FOR INDIVIDUAL DISCUSSION**
- O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION**

The method of debate for discussion items is as follows:

- Mayor introduced the item number and subject; asks if formal presentation will be made by staff
- Staff presentation (optional)
- Mayor requests public comment on the item (three minute limit for each person)
- Council questions of staff on the item
- Council motion on the item
- Council discussion
- Final Council comments
- Council vote on the item

Note: Time limits for individual agenda items may be revised, at the discretion of the Mayor, to ensure all have an opportunity to speak. The timer will buzz when there are 30 seconds left and the light will turn yellow. It will buzz again at the end of the speaker's time.

25. Second Reading of Ordinance No. 015, 2024, Appropriating Philanthropic Revenue Received Through City Give for Park Planning and Development to Fund Pickleball Site Feasibility and Community Engagement.

This Ordinance, adopted on First Reading on February 6, 2024, by a vote of 5-1 (Nays: Councilmember Francis; Absent: Councilmember Pignataro) is to request an appropriation of \$40,000 in philanthropic revenue received by City Give for Park Planning & Development, for site feasibility and community engagement toward a future City-owned pickleball complex.

In 2019, the City launched City Give, a formalized enterprise-wide initiative to create a transparent, non-partisan governance structure for accepting and appropriating charitable gifts.

26. First Reading of Ordinance No. 037, 2024, Authorizing the Conveyance to N College 1311, LLC, of a Portion of the City Property Designated as the Future Hickory Detention Pond in Exchange for Adjoining Property and Other Valuable Consideration.

The purpose of this item is to approve an Ordinance that would permit the conveyance of approximately 1.31 acres (57,064 sf) of City property (the "Conveyed Parcel") to N College 1311, LLC, ("Owner"), as well as a possible temporary construction easement or license to enter, and acceptance of Natural Habitat Buffer Zone on City property, in exchange for approximately 2.43 acres (105,723 sf) of Owner's adjoining property (the "Received Parcel") and other valuable consideration.

P) OTHER BUSINESS

- OB 1. **Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers.**

(Three or more individual Councilmembers may direct the City Manager and City Attorney to initiate and move forward with development and preparation of resolutions and ordinances not originating from the Council's Policy Agenda or initiated by staff.)

- OB 2. **“Consideration of a motion to adjourn to 6:00 p.m. on February 27, 2024, for the purpose of considering adoption of Council Priorities:**

“I move that Council adjourn this meeting to 6:00 p.m. on Tuesday, February 27, 2024, in order to consider adoption of Council priorities and such other business as may come before Council.”

Q) ADJOURNMENT

Every regular Council meeting will end no later than midnight, except that: (1) any item of business commenced before midnight may be concluded before the meeting is adjourned and (2) the Council may, at any time prior to adjournment, by majority vote, extend a meeting beyond midnight for the purpose of considering additional items of business. Any matter that has been commenced and is still pending at the conclusion of the Council meeting, and all matters for consideration at the meeting that have not yet been considered by the Council, will be deemed continued to the next regular Council meeting, unless Council determines otherwise.

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide advance notice. Requests for interpretation at a meeting should be made by noon the day before.

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PROCLAMATION

WHEREAS, Black History Month evolved from “Negro History Week,” which was created by Carter G. Woodson in 1926, during the second week of February based on the birthdays of abolitionist Fredrick Douglass and President Abraham Lincoln. It expanded to include the entire month beginning in 1970; and

WHEREAS, Fort Collins acknowledges the Nation’s and our community’s history of injustices against the Black community and the continued anti-Blackness experienced by Black community members; and

WHEREAS, Fort Collins recognizes the resilience of the original Black families that settled in Fort Collins and worked to support other Black individuals navigating moving into this white-majority city. Black residents are documented living in Fort Collins as early as 1880. By the early 1900s, several Black families had established a community near the intersection of Maple and Meldrum Streets; and

WHEREAS, Fort Collins recognizes the Black-led student organizations that have existed since the 1960s through the present day at Colorado State University. These organizations paved the way in fighting discrimination and racism in Fort Collins; and

WHEREAS, in acknowledging this month, we honor the courage, perseverance, and resilience of Black Americans who have made powerful contributions. Black History Month serves as an opportunity for Coloradoans to recognize the important contributions of Black individuals, and especially Black youth; and

WHEREAS, we encourage all community members to take pride in the celebration of Black History Month by learning about the rich culture and legacy of Black Americans that is an indelible part of American history; and

NOW, THEREFORE, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby proclaim February 2024, as

BLACK HISTORY MONTH

and encourage all residents to learn, observe, celebrate, and honor Black history and culture.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 20th day of February, 2024.

Mayor

ATTEST:

February 20, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Laura Walker, Larimer County Human and Economic Health Director

SUBJECT

Larimer County Behavioral Health Community Report.

EXECUTIVE SUMMARY

The purpose of this item is to present the Larimer County Behavioral Health Community Report.

STAFF RECOMMENDATION

None.

BACKGROUND / DISCUSSION

None.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Community Master Plan for Behavioral Health
2. Executive Summary of Community Master Plan for Behavioral Health
3. Presentation



LARIMER COUNTY

2024-2028

Community Master Plan for Behavioral Health

DECEMBER 2023

Larimer County Community Master Plan for Behavioral Health

3 Letter from Commissioner Jody Shadduck-McNally

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On the cover: The Acute Care Facility on the Longview™ Campus.



A united effort in 2018 among community partners resulted in the creation of the Larimer County Community Master Plan for Behavioral Health, a comprehensive blueprint to address the escalating behavioral health challenges in our region.

Through collaboration with cities, towns, care providers, nonprofits, and engaged community members, we carefully examined the needs within our community. This study identified existing services, identified service gaps, and outlined the necessary steps to bridge those gaps.

The Community Master Plan shaped the direction for the successful 2018 ballot initiative and laid the foundation for Larimer County Behavioral Health Services and its initiatives, the Impact Fund Grant Program, and the construction and operation of an acute care facility.

I am pleased to share the progress and evolution of our commitment to behavioral health in Larimer County.

Over the past five years, the Impact Fund Grant Program has reinvested nearly \$12 million into various community behavioral health services such as crisis services, coordinated care, youth programs, prevention, and early intervention. Acute Care Facility on the Larimer County Behavioral Health Services at Longview™ Campus, in collaboration with SummitStone Health Partners, is now operational, making acute crisis services more accessible to our community.

Recognizing the need for ongoing assessment, we have embarked on Community Master Plan 2.0, a continuation of our commitment to understanding the evolving behavioral health landscape. This

updated plan aims to reassess the challenges, identify improvements, and address critical gaps in services, ensuring our efforts remain aligned with the dynamic needs of our community.

I want to extend my heartfelt gratitude to the executive sponsors of Community Master Plan 2.0, including the Health District of Northern Larimer County, SummitStone Health Partners, Larimer County Behavioral Health Services, and the guidance team members. Special thanks are also due to the Colorado Health Institute for their invaluable contributions through research, data analysis, and report preparation.

As we usher in this new phase of our behavioral health initiative, I am filled with hope for the positive impact it will have on the health and well-being of our community. Together, we are building a stronger, more resilient Larimer County that prioritizes the holistic mental health of every individual.

Thank you for your continued support and commitment to the collective well-being of our community.



Jody Shadduck-McNally,
Commissioner
Larimer County Board of
County Commissioners

ABOUT THIS PLAN

Background

Larimer County residents voted in 2018 to create a dedicated funding stream that invests in behavioral health services and supports for 20 years. A 0.25% countywide sales tax supports these investments by expanding and bolstering mental health and substance use prevention, treatment, and recovery services across the county. The ballot measure resulted in expanded and enriched local behavioral health services with the development of a regional behavioral health facility to coordinate those integrated services. The Larimer County Behavioral Health Services (BHS) department has reinvested funds into the community through three pathways: the Acute Care Facility on the Longview™ Campus, the Impact Grant Fund Program, and the Bridge Fund.

2018 Ballot Language.¹

Ballot Issue 1A

Shall Larimer County taxes be increased \$19,000,000 dollars annually (estimated first fiscal year dollar increase in 2019) and by whatever additional amount as may be raised annually thereafter, for a period of 20 years by the imposition of a .25% (25 cents on 100 dollars) sales and use tax with all revenue from such tax to be used in accordance with the Board of County Commissioners Resolution No. 07242018R013 for the following mental/behavioral health care purposes:

Provide preventative, early identification, intervention, support, and treatment services for youth, adults, families and senior citizens, either directly or indirectly, who are residents of Larimer County including Berthoud, Estes Park, Fort Collins, Johnstown, Loveland, Timnath, Wellington, Windsor and rural communities of Larimer County through in-person and other delivery methods, which may include tele-services, community based services and other service options; and

Acquire, construct, improve, maintain, lease, remodel, staff, equip, and operate new and/or existing mental/behavioral health facilities;

And shall the county be authorized to collect, retain and spend all proceeds of such tax without limitation by Article X, Section 20 of the Colorado constitution, and further provided that an annual report shall be published and provided to the Board of County Commissioners on the designation or use of the revenues from the tax increase in the preceding calendar year consistent with its approved purposes?



Plan Development

The Community Master Plan (CMP) for Larimer County, commissioned by BHS and supported by SummitStone Health Partners and the Health District of Northern Larimer County, is a five-year strategic plan that addresses the community's behavioral health needs and seeks to improve the quality of life for county residents. This CMP is the second iteration, building off the [2018 report](#) that identified early priorities for behavioral health in the county and achieved several successes that are described later in this plan.

BHS partnered with the Colorado Health Institute (CHI) to develop this CMP, which involved four phases of work from June to December 2023. CHI identified resource gaps, collected secondary data, facilitated small-group discussions and interviews with key stakeholders, and fielded a survey to help inform the CMP. A group of Executive Sponsors and a Guidance Team of behavioral health experts and community leaders offered advice and feedback on the report's development, findings, and prioritization of recommendations. See the Appendix for a full list of CHI's methods and a list of Guidance Team members and Executive Sponsor representatives.

CHI and BHS coordinated with other organizations in the county that were conducting behavioral health assessments to incorporate additional, relevant information on specific populations or challenges.

- [The State of Behavioral Health for Youth and Children \(0-24\) in Larimer County](#)
- Northern Colorado Region 2 Substance Use Landscape Assessment. *Report will be released in Spring 2024.*
- [Larimer County Health Department's Community Health Improvement Plan](#)

Larimer County's Behavioral Health Landscape

Larimer County residents have needs across the behavioral health care spectrum. Thousands of people need treatment and/or recovery services for mental health or substance use-related issues. These issues can be acute or chronic, and they can impact people of all ages, backgrounds, and lived experiences. Some residents require ongoing outpatient services with a culturally competent provider, while others need emergency services or a place for detoxification while suffering from an acute event. Prevention programs and social supports can reduce demand for treatment and recovery services, preventing acute and chronic behavioral health issues from escalating or reducing their negative impacts. See the [2018 CMP](#) for helpful background on behavioral health services and needs.

About
59,000

Larimer County residents
reported poor mental health
in the past year.²



17%

of Larimer County and
Weld County residents
**are concerned about the
amount of drugs or alcohol
they consume.** 11% said the
amount they consumed in the
past year has increased.³



Report terminology

The term Larimer County is often used to reference both the county government and the geographic community. In this report, CHI uses Larimer County to describe the community. The report specifically names the county government or certain entities when referencing actions or processes that involve local government.

Access to affordable, high-quality, and culturally competent behavioral health care is a key ingredient in ensuring people in Larimer County can live their best lives. However, not all communities and populations in the county have equitable access to the services they need. Data collated by CHI point to successes but also to persistent needs and gaps.

Challenges to meeting people's behavioral health needs are rooted in both community and systemic issues. Community-based challenges are those that are specific to Larimer County and/or could be addressed by local solutions. Systemic challenges, such as housing affordability, are rooted in broader statewide or national issues that would require legislation and a shift in social norms to be addressed.

CHI identified 28 findings during its quantitative and qualitative research that described Larimer County's behavioral health landscape. Findings touched on subjects such as funding, access barriers, the behavioral health workforce, social needs, and state-level policies. They formed the basis for the recommendations detailed in this 2023 CMP. The full list of findings can be found in the [Larimer County Behavioral Health Landscape and Opportunities Report](#).

ABOUT BHS

Vision: Larimer County values and promotes behavioral health with a comprehensive and sustainable continuum of care.

Mission: Responsibly investing in community-driven work to increase access to behavioral health services and improve outcomes for all Larimer County community members.

GOALS

- Enhance community-based services to shift from an acute-care model to a recovery-based model of care
- Improve access to behavioral health services in both rural and urban areas
- Promote emotional health and well-being
- Reduce substance misuse
- Reduce attempted and completed suicides
- Reduce recidivism for individuals with unmet behavioral health issues

47,000

Larimer County residents **did not get needed behavioral health care in the past year.**²

Only 43%

of people who died by suicide between 2018-2020 in Larimer County **had been treated for a mental health problem.**⁴



Barriers to Behavioral Health Care

Larimer County residents did not get needed behavioral health care in the past year because: ²

COST

9% (28,000 people)

UNABLE TO GET AN APPOINTMENT WHEN NEEDED

6% (20,000 people)

STIGMA

5% (16,000 people)

DIDN'T THINK INSURANCE WOULD COVER IT

3% (10,000 people)

Survey participants could select more than one barrier

Item 1.

BHIS, community-based organizations, and local health care entities have made important strides in recognizing and addressing the community's complex and evolving behavioral health needs. The work to improve residents' quality of life and to treat acute and chronic behavioral health needs has no finish line, but county leaders have taken notable steps since the last CMP was published in 2018. Successes include:



Building the Acute Care Facility on the Longview™ Campus, which opened in December 2023.



Developing the Impact Fund, which distributes approximately \$2.5 million annually to programs serving county residents (see Figure 1).



Expanding and developing the Colorado Opioid Synergy — Larimer and Weld (CO-SLAW) partnership and co-responder programs that divert people experiencing acute mental health or substance use events from costly jail or emergency room visits.

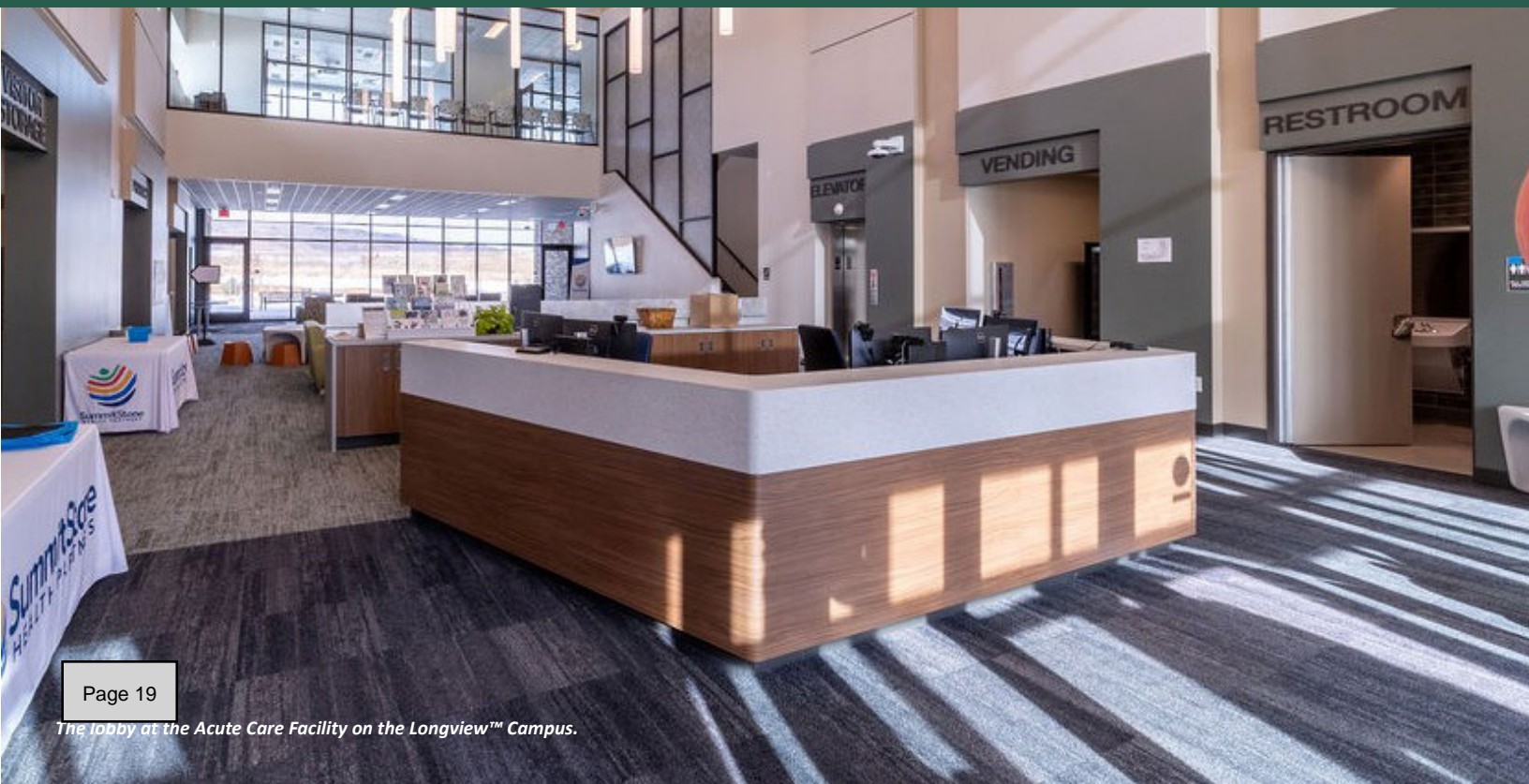
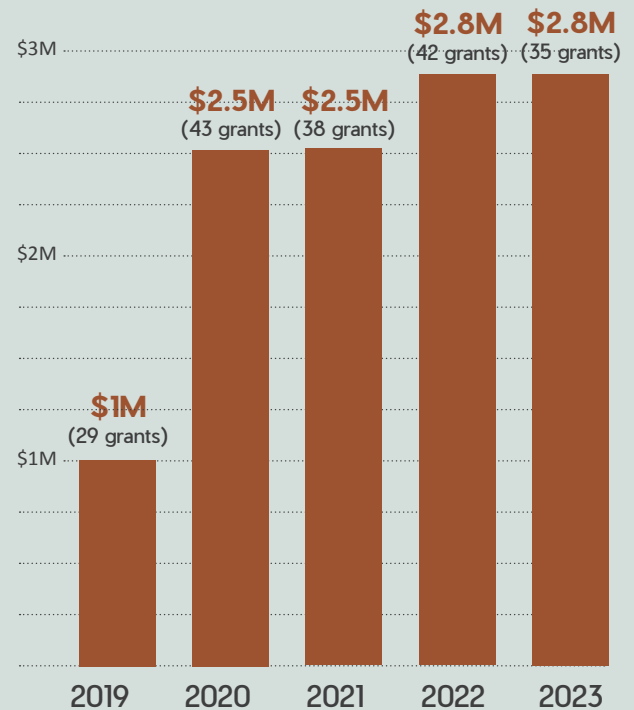


Increasing support for the county's unhoused population with more rapid rehousing and transitional housing options.



Gradually improving the public's perception of and support for county investments in behavioral health services.

Figure 1. Impact Fund Grant Program Awards, 2019–2022⁵





RECOMMENDATIONS

In collaboration with local partners, CHI identified 14 recommendations for the 2024-2028 CMP for Larimer County. They build on progress from the 2018 plan and aim to address ongoing community and systemic challenges that affect service providers, community-based organizations, and county residents alike.

An important note.

Some systemic challenges, such as those related to housing and social isolation, are reflected in the recommendations because stakeholders and behavioral health leaders highlighted the persistent influence of systemic issues in their community and said that they wanted to see these issues included in the CMP.

BHS and other government departments are not able to fully address or “fix” these issues in Larimer County within the next five years. Doing so will require extensive partnerships among many different sectors, as well as a longer time horizon. However, CHI included these systemic issues to call attention to opportunities for greater collaboration and shared leadership to affect behavioral health outcomes in important ways.

Building on Progress From the 2018 CMP

The 2018 CMP created a solid foundation for Larimer County's future behavioral health efforts. A focus on evaluation, collaboration, and coordination among government, health care, and community organizations is needed to continue building on the progress stemming from the 2018 plan. County investments in services, facilities, and programs will need to be informed by data and supported by multiple entities to meet the community's evolving behavioral health needs. These recommendations address evaluation and assessment opportunities, a need for greater collaboration, different approaches to grant funding, and ways to scale promising crisis alternative programs, among others.

1. Facility Evaluation

Challenge. The Acute Care Facility on the Longview™ Campus opened in December 2023 with the goal of filling service gaps in acute behavioral health care. (See Figure 2 for a list of services in high demand in Larimer County.) Evaluation metrics that assess quality improvement, financial stability, and community health outcomes have been established and will be monitored through the Longview Financial Advisory Committee and the Longview Quality Council.

Recommendation. Evaluate the metrics and goals to measure successes and challenges of the new Acute Care Facility at Longview™. These evaluation metrics will ensure the county's investment is being effectively leveraged to address service gaps for the county's diverse populations and needs.

Next steps. Coordinate with the facility's Quality and Fiscal Committees to align evaluation processes. Review the established metrics that assess service utilization and availability, cultural competency, sustainability, and effectiveness of diverting acute care needs from jails and emergency departments. Determine how often metrics will be collected and assessed, and which organizations are responsible for conducting each component of the evaluation. Establish a mechanism for sharing outcomes and evaluation results with the public.

2. Interagency Collaboration and Alignment

Challenge. Local government agencies and health care organizations often conduct assessment and data collection efforts in silos. A lack of coordination among these entities risks duplication of efforts, burdening residents with community engagement activities, and diffusion of responsibility and limited funding to improve health outcomes.

This challenge is not unique to Larimer County. Several counties in the Denver metro area have discussed aligning their timelines and other aspects of community engagement to reduce silos and duplication in community health needs assessments. Similar conversations have taken place among leaders in Larimer and Weld counties as recently as July 2023 and may offer a strong foundation for new regional partnerships in Northern Colorado.

Recommendation. Reduce silos and duplication by collaborating in new ways among county agencies and health organizations, including behavioral health entities. The goal is to improve information sharing through better-aligned data collection and assessment efforts.

Next steps. Identify a lead agency to establish and coordinate annual meetings focused on alignment. Require attendance from local government agencies and create opportunities for health care entities and community organizations to share and coordinate data collection and community engagement plans.

3. Youth Services Feasibility Study

Challenge. Larimer County has limited acute mental health and substance use services for youth, which means those with high needs sometimes must travel to the Denver metro area or other locations along the Front Range for services. The new Acute Care Facility on the Longview™ Campus has limited options for youth-specific services and the costs to build, operate, and staff a youth-inpatient facility or to create youth-specific services at the Longview™ Campus are largely unknown.

Recommendation. Develop a plan for assessing the financial feasibility, licensing requirements, workforce capacity, and community demand for acute and chronic youth behavioral health services on the Longview™ Campus or in other settings around the county.

Next steps. Coordinate with local behavioral health leaders and Longview™ Campus staff to identify what metrics and key supporting partners should be included in the feasibility assessment.

Even finding a place for kids under age 12 who need inpatient hospitalization is hard. We have nothing for 60 miles radius because the closest would be in Denver and that's if they have any beds available. For our kids who are struggling with significant mental health issues and safety when they're under age 12, we have really no viable options for those families within our county."

Health District Youth Behavioral Health Assessment
key informant interviewee

4. Care Coordination

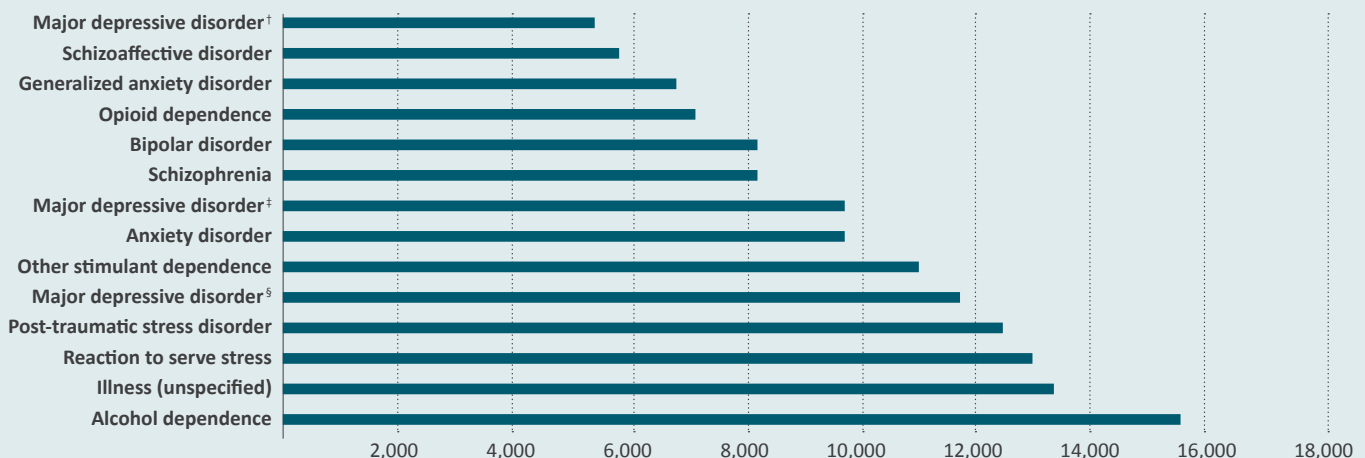
Challenge. Fragmented referral processes among health care and community-based organizations reduce opportunities for people to be connected to needed services. Stakeholders say the community's most frequented behavioral and general health providers are not using centralized coordinated care and referral hubs, and some organizations do not have enough money or staff to participate in a centralized referral network.

Community members also experience care coordination challenges when they are not connected to wraparound services or have difficulty finding providers and programs within their insurance network that offer culturally competent behavioral health care.

Recommendation. Health care entities and community-based organizations use a new or existing centralized referral hub. This hub would strengthen care coordination and network partnerships that connect people with information and services to address both their behavioral health and social needs.

Next steps. Collaborate with health systems, behavioral health providers, and community-based organizations to assess their interest in and barriers to participating in a local centralized referral network.

Figure 2. Services in High Demand in Larimer County. Most frequently diagnosed conditions at SummitStone Health Partners, July 2022–August 2023*⁶



*Data are totaled by diagnosis code, not by individual person

† Major depressive disorder, recurrent severe without psychotic features

‡ Major depressive disorder, single episode, unspecified

§ Major depressive disorder, recurrent, unspecified

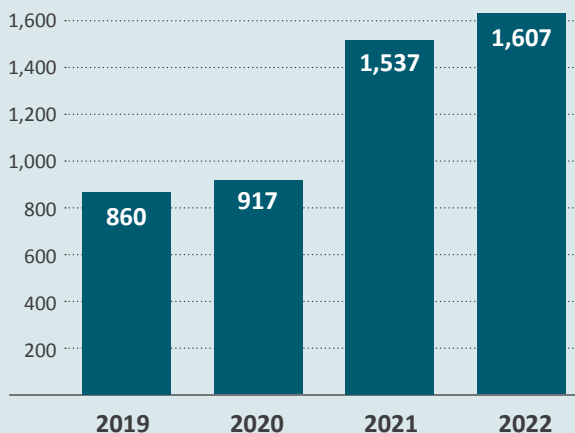
5. Crisis Alternatives

Challenge. Jails and hospitals are still being used as default locations to hold people with acute mental health and substance use needs. The Colorado Opioid Synergy - Larimer and Weld counties (CO-SLAW), co-responder, and Frequent Users Systems Engagement (FUSE) programs have reduced jail and emergency department visits; however, the programs don't have the capacity to help everyone at risk of these outcomes. The co-responder program in particular has reduced or avoided jail time for some people who interact with law enforcement while experiencing a mental health crisis, but the program needs more teams of officers and clinicians to reach people in need around the county and at all times of day (see Figure 3).

Recommendations. Expand proven programs, such as CO-SLAW and the co-responder model, that divert people experiencing acute mental health and substance use events from jails and emergency departments. Monitor how effective the new Acute Care Facility is at diverting people away from these settings. By providing a setting for more appropriate services, local leaders expect to see a positive impact. Determine when and how care coordination teams and program outcomes should be evaluated to identify network performance successes and challenges.

Next steps. Identify sustainable funding sources to financially support program expansion and viability in the county.

Figure 3. Co-responder unit contacts/referrals by year, 2019-2022⁷



6. Impact Fund Grants

Challenge. The Impact Fund Grant Program has evolved since its inception in 2019, but the one-year grant period limits the sustainability of funded programs. Additionally, yearly application and reporting requirements place an extra burden on already stretched staff teams. One-year funding cycles can supplement current programs, but they reduce opportunities to create new programs and hire additional staff.

Recommendation. Modify and annually evaluate the Impact Fund's application criteria and award process. Consider multiyear grant options to foster more equitable and impactful changes and support sustainability in grantees' programming.

Next steps. Present options for multiyear grant funding to the BHS advisory groups for the Impact Fund Grant Program. Create evaluation metrics that assess equity, administrative burden, and impact for underserved communities.

7. CMP Implementation

Challenge. The 2024-2028 CMP recommendations will require coordination and action from key partners across county government, health care entities, and community-based organizations. Yet there are no formal plans to evaluate if and how these recommendations are being pursued and implemented.

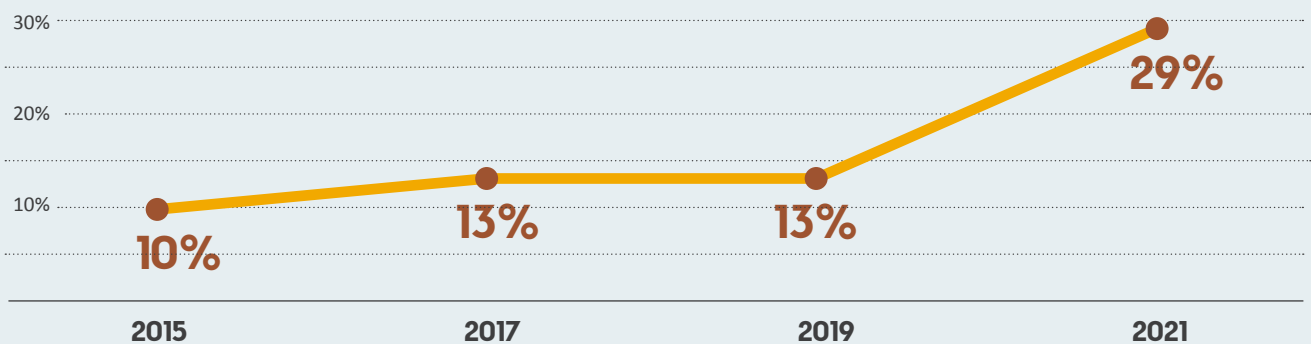
Recommendation. Create an annual meeting for the Executive Sponsors and Guidance Team to assess progress on the CMP's recommendations and to identify needs and roles for the year ahead.

Next steps. Identify a lead agency to coordinate the meeting. Create evaluation tools to assess progress on the CMP's priorities. Discuss any new or evolving behavioral health issues to ensure county residents' needs are being met.

Behavioral Health Services and Supports

Larimer County does not have enough quality prevention, treatment, and recovery services for people across the age spectrum or with diverse backgrounds and lived experiences. This situation is rooted in both local and systemic challenges. This section primarily focuses on local issues that county government, health care, and community-based organizations can address through collaboration, financial investment, and other programmatic supports. Recommendations would benefit youth, adults, members of underserved communities, and the behavioral health workforce.

Figure 4. Percentage of Larimer County residents who reported poor mental health in past 12 months, 2015–2021⁸



8. Adult-Focused Programs

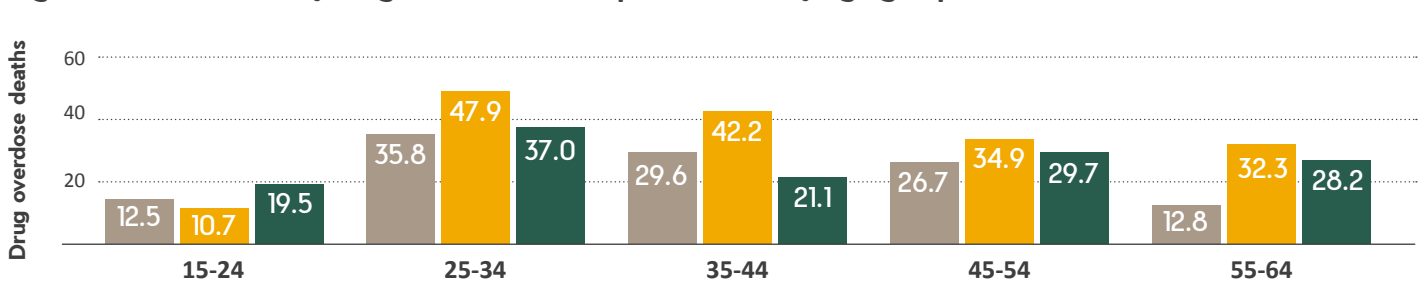
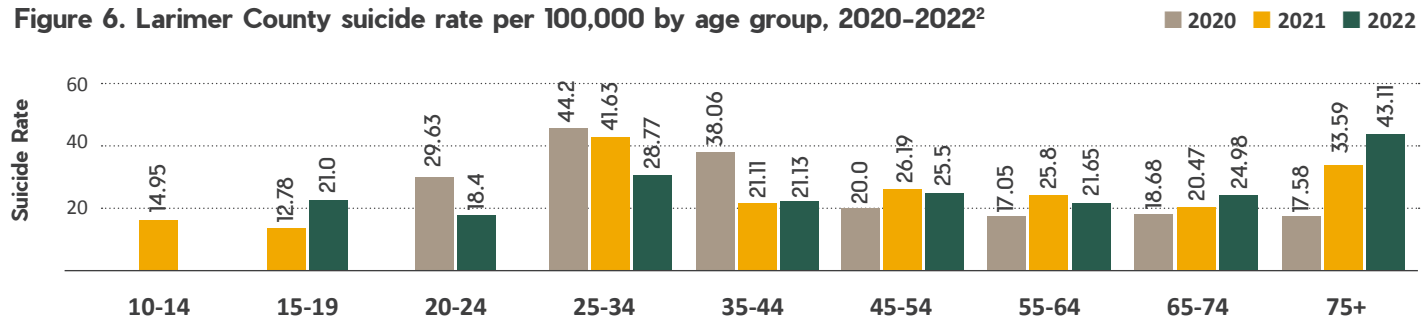
Challenge. The behavioral health continuum does not fully accommodate the needs of people across the age spectrum. This includes adult Larimer County residents who can sometimes be passed over in favor of focusing additional attention and resources on the needs of younger residents. Adults, particularly those ages 25–34, have struggled with high rates of drug overdoses during the past three years (see Figure 5). The pandemic likely exacerbated mental health struggles in the community. Reports of poor mental health spiked from 13% in 2019 to 29% in 2021 as people experienced social isolation, financial instability, and illness from the virus (see Figure 4).⁸ Self-reported mental health diagnoses among adults followed a similar trend, jumping from 30% in 2019 to 37% in 2022.²⁶

Death by suicide is a persistent challenge in the county. Adults ages 45 and up have seen an uptick in suicide rates over the past three years, pointing to a need for better behavioral health prevention,

screening, and treatment options, especially for those 75 and older (see Figure 6).

Recommendation. While not losing sight of ways to better serve youth, expand funding for adult mental health and substance use prevention and treatment programs, especially for the distinct life stages and challenges that evolve throughout adulthood. Young adults (ages 25–34) especially need additional drug prevention and treatment services to counter the recent uptick in overdose deaths. Suicide rates have remained high for all adult age groups in the county, but recent increases in suicide deaths by older adults suggest additional programs and services are needed to better understand and prevent devastating behavioral health outcomes for this population.

Next steps. Identify adult-specific behavioral health services currently offered in the county and assess where there are gaps along the age spectrum. Find ways to leverage funding, partnerships, or lessons from successful programs in other counties to effectively serve different adult age groups.

5. Larimer County drug overdose deaths per 100,000, by age group, 2020-2022⁹Figure 6. Larimer County suicide rate per 100,000 by age group, 2020-2022²

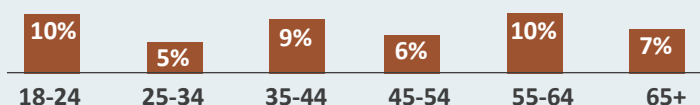
Alcohol Use in Larimer County

Alcohol use and misuse is a consistent and overlooked problem in Larimer County. About one in five adults (ages 18 and older) reported binge drinking in the past month, and one-third of all fatal car crashes in the county involve alcohol. Additionally, alcohol dependence was the most diagnosed condition at SummitStone Health Partners in 2022.

Larimer County's Alcohol Landscape

- 8%** Percentage of adults who are **heavy drinkers**¹¹
- 21%** Percentage of adults who reported **binge drinking in the past month** (males 5+/females 4+ drinks on one occasion)¹¹
- 33%** Percentage of **fatal car crashes that involved alcohol**¹²
- 16%** Percentage of people who **drank during pregnancy**¹³

Heavy Drinking* by Age¹⁴



*Heavy drinker definition: Respondents who identify as men who report drinking more than 14 alcoholic beverages in a week and respondents who identify as women who report drinking more than 7 alcoholic beverages in a week.

Adolescent Alcohol Use

Alcohol use and abuse can start during a person's adolescent years, increasing their risk for alcohol-related issues into adulthood.¹⁵ Over one in four (27%) Larimer County high school students have had at least one drink in the past month.¹⁶

39%

Percentage of high school students who **do not think it's wrong for someone the same age to drink alcohol regularly**¹⁶

15%

Percentage of high school students who **engaged in binge drinking in the past month**¹⁶

Youth-Focused Programs

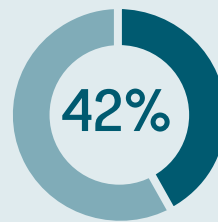
Challenge. Youth have limited access to culturally and socially competent mental health and substance use services across the county. Many services are concentrated in high-population areas, like Fort Collins, and not much is available to youth in convenient and trusted settings, like their schools or homes. These services are imperative to combat youth suicide and substance use and to effectively treat a range of behavioral health issues.

In particular, limited capacity exists for early childhood (ages 0-5) mental health services. The ongoing child care crisis exacerbates this issue, as many connections to resources for early childhood mental health care, as well as for parental support, are typically accessed through early childhood care and education services.

Recommendation. Consider ways to include youth voices and better serve young people while also offering appropriate behavioral health supports for adults in the county (see Recommendation 8). While acknowledging that children are not just small adults, increase investments in and tailor school- and home-based programs, peer programs, and initiatives that offer substance use and mental health prevention and treatment services. County residents reported a need for more therapy and outpatient services for infants and young children (ages 0-5), as well as for more inpatient services, community-based services, and culturally competent and LGBTQ+ services for older children and youth.

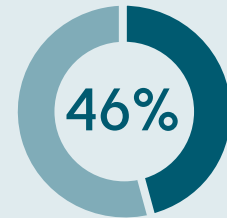
Next steps. Identify gaps in suicide and substance use prevention and treatment among local youth programs. Create or invest in existing programs that support youth mental health across the age spectrum in accessible settings.

Mental Health Among Larimer County High School Students¹⁶



Felt so sad or hopeless for two weeks or more during the past 12 months that they stopped doing some usual activities

Stress level is not manageable most days



Suicide and Self-Harm Among Larimer County High School Students¹⁶

20% Percentage who seriously considered suicide in the past year

7% Percentage who attempted suicide

24% Percentage who purposely hurt themselves without wanting to die

Drug and Alcohol Use Among Larimer County High School Students¹⁶

10% Were sold, offered, or given illegal drugs on school property

14% Used prescription pain medicine without a prescription

13% Used substances to cope with negative/difficult feelings

27% Had at least one drink of alcohol in the past 30 days

“The way I got help is I had a teacher I was really close with, and I told him about my situation, and he helped me meet with the counselor at [school], and they set me up with a therapist and I didn’t have to pay — it was through the school — and I also got to keep it a secret from my parents for a while until I was ready to tell them, so that helped a lot.”

Health District Youth Behavioral Health Assessment focus group youth participant

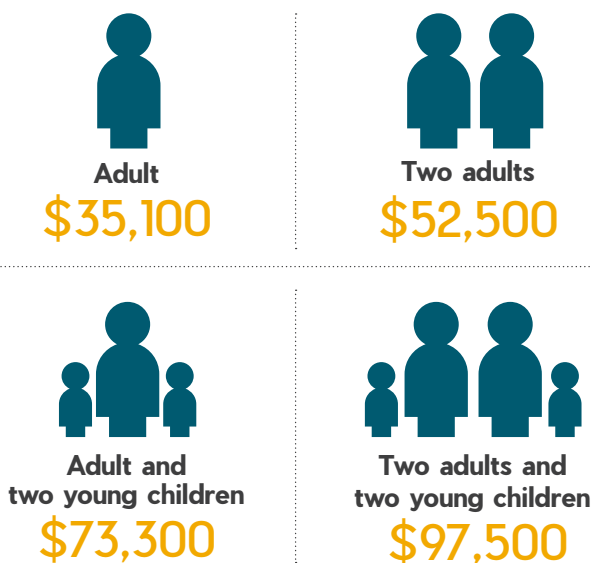
Workforce Supports

Challenge. Limited workforce capacity, appointment availability, and cultural competency are top concerns among local leaders. The high cost of master's degrees and the inability of wages to keep pace with the county's self-sufficiency standard are key barriers that reduce the number of behavioral health workers (see Figure 7). Those from diverse backgrounds and those with nontraditional education backgrounds or lived experiences often struggle with these barriers the most. Demand for providers who bring similar lived experiences or common backgrounds as their patients is high, but gaps in diversity of age, language, and race/ethnicity persist among providers.

Recommendation. Create new opportunities or invest in existing efforts to expand the behavioral health workforce pipeline and offer meaningful compensation that supports providers' cost-of-living expenses.

Next steps. Identify programs and opportunities to recruit and retain clinical and administrative staff, such as investing in local loan forgiveness programs and creating apprenticeship opportunities within local clinical settings. Opportunities to reduce cost-of-living barriers include loan forgiveness and grant programs to increase compensation for providers and other staff.

Figure 7. Annual income needed by family type to be self-sufficient in Larimer County²⁷



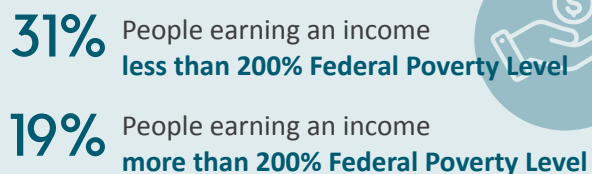
II. Underserved Communities

Challenge. Larimer County has few programs across the behavioral health continuum that are affirming of and provided by members of marginalized communities. Residents from rural areas, communities of color, low-income brackets, the LGBTQ+ community, and the unhoused population face more barriers to accessing and utilizing needed services compared with the general population. These populations encounter added barriers related to language, transportation, having a safe place to receive care, experiencing unfair treatment, and finding providers and facilities that reflect their cultural or social preferences.

Recommendation. Invest in community-based organizations and initiatives that serve populations with unique behavioral health needs, including rural communities, LGBTQ+ individuals, unhoused people, individuals earning low incomes, and historically marginalized racial and ethnic groups.

Next steps. Coordinate with community leaders and organizations that are from or work with underserved populations to identify the types of support they need to create new programs or grow existing ones.

Poor Mental Health by Income²

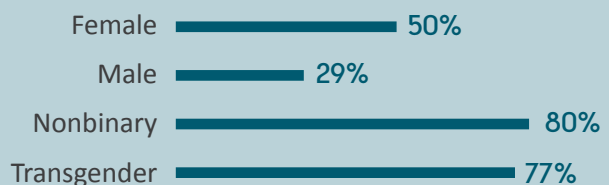


Depression* Among High School-Age Youth¹⁶

By Sexual Orientation



By Gender



* Felt so sad or hopeless for two weeks or more during the past 12 months that they stopped doing some usual activities



Larimer County Community Demographics

12% Linguistically isolated households¹⁷

30% Youth of color (under 18)¹⁹

8% Adults who identify as gay, lesbian, or bisexual¹⁸

13% People who are Hispanic/Latino (all ages)¹⁹

17% People of color age 18+¹⁹

12% Rural population¹⁹

Upstream and Prevention Efforts

Behavioral health service gaps and disparities are also grounded in systemic challenges. This section focuses on a few of the systemic issues most commonly cited by stakeholders: housing affordability, community engagement and connection, and awareness of behavioral health issues. Combating housing shortages, social isolation, and stigma are tall tasks that require long-time horizons, extensive partnerships, and shifts in social norms. While these challenges are key drivers of poor behavioral health, they have much broader impacts. That said, they are important to include as part of Larimer County's priorities for improving the health and well-being of residents in the years to come.

12. Affordable Housing

Challenge. Housing is a foundational pillar of health. People experiencing housing instability have an increased risk of poor physical and mental health outcomes.¹⁰ The need for more affordable, stable housing in Larimer County was one of the biggest concerns among behavioral health providers and community members alike. They cited housing costs as a recruitment barrier for providers. Clinics and community-based organizations said they are struggling to fill jobs because the cost of living in the county, especially related to housing, is so high.

One in three residents (33%) are paying at least one-third of their income toward housing, with rates closer to 50% in central and west Fort Collins.²¹ The high cost of housing is not limited to urban areas; rural communities like Estes Park also have a high percentage of residents burdened by housing costs. Residents on the list for affordable housing often wait years for a unit to open, leaving them with housing stability challenges and limited options to live in their chosen communities.

Figure 8. Connection Between Housing and Health (Housing-First Approach*).



**Note: A housing-first approach acknowledges the importance of safe and stable housing to achieve other things that make and keep people healthy, from physical activity and mental health to addiction recovery and employment.²⁴*



Recommendation. Invest in programs, such as affordable homeownership and down payment assistance, that offer equitable opportunities for community members to purchase affordable homes and remain in them over time. Additionally, work with existing affordable housing programs and organizations to ensure behavioral health supports are available in the places people live.

Next steps. Identify local opportunities to improve housing affordability in Larimer County. For example, the cities of [Boulder](#), [Longmont](#), and [Denver](#) have implemented their own affordable housing programs to address their communities' growing housing affordability crisis.

Larimer County Housing Data



33% Percentage of people who are **housing-cost burdened**²¹

6% Percentage with **unstable housing**²

76% Percentage of older adults (60+) who reported **housing affordability in their community as fair/poor**²²

25% Percentage of the Larimer and Weld population who are **concerned they might lose their home because they cannot afford rent or mortgage payments**²³

63% Percentage of Larimer and Weld renters who **aspire to own a home, but feel unlikely to**²³

13. Community Connection

Challenge. Community connection is a key component of good mental health, yet not everyone has equal opportunities to form and maintain positive relationships. Some community members lack awareness of available programs and activities, while others cannot afford to participate.

Community engagement also needs to be more inclusive. While the county's "bikes and brewpubs" culture is a draw for some residents, it doesn't work well for everyone, and some feel the community lacks enough events with nonalcoholic options or that are not centered around physical activity. In the future, Larimer County residents seek to have more affordable and accessible opportunities to participate in events that create community connection and reduce loneliness.

Social Isolation

Adults from lower-earning households (less than \$75,000 annually for a family of four²⁵) without someone to:²⁶

Confide in: 21%

Have a good time with: 22%

10% Older adults (60+) who reported **feeling lonely or isolated**²²

Recommendation. Reduce isolation that leads to behavioral health challenges by introducing and expanding equitable opportunities for strengthening community connections and building social networks. Emphasize adding additional opportunities that are not focused on physical activity or alcohol consumption.

Next steps. Take stock of existing community activities and events and evaluate how the cost, location, and type of activities can be made more equitable for attendees and potential participants.

14. Community Awareness and Education

Challenge. Stigma associated with mental health and substance use services is prevalent in the community. Additionally, community members and others, including government staff and representatives from community-based organizations, don't fully understand the relationship between social factors and behavioral health outcomes. These perceptions can silo funding streams and reduce opportunities to implement solutions along the behavioral health continuum.

Recommendation. Evolve public awareness campaigns to further reduce stigma and demonstrate the connection between behavioral health outcomes and the social determinants of health with messaging tailored for Larimer County's diverse and underserved populations. Build enthusiasm for the importance of upstream prevention efforts, which may not easily attract support because their impacts are less tangible than those of treatment programs and other downstream services.

Next steps. Coordinate with community leaders, especially those who represent or serve as liaisons with underserved populations, to identify best practices and culturally relevant opportunities to share stigma education and highlight the importance of supporting social needs to reduce adverse behavioral health outcomes.

16,000

Larimer County residents
**didn't get behavioral health care
in the past year because of stigma²**



Public Perception Currently Favors Treatment Over Prevention.³

35% Larimer and Weld County residents who think investing in programs to **prevent people from abusing alcohol and drugs** is very effective

55% Larimer and Weld County Residents who think investing in **more affordable and accessible treatment options** is very effective

Additional Considerations

Eleven challenges identified in CHI's initial assessment were ultimately not included as prioritized recommendations in this CMP. This is because CHI wished to limit the number of systemic challenges to consider and/or because these challenges were not identified among the most urgent priorities by key stakeholders and community members through conversations or stakeholder surveys. Each is an important issue, and some are related to and would benefit from CMP recommendations. The other community challenges are:

- Cost of behavioral health care and information about insurance coverage
- Timeliness of behavioral health care in preferred environments
- Funding to support operating costs of public health and community-based organizations
- Food security and access
- Transportation
- Affordable child care
- Medicaid reimbursement rates
- Behavioral health provider licensure compacts
- Brick-and-mortar locations of behavioral health services
- Systemic racism, discrimination, and unfair treatment
- Provider burnout and moral distress



LOOKING AHEAD

Larimer County has made encouraging strides to improve behavioral health services and outcomes for local residents since the last CMP five years ago. The recent opening of the Acute Care Facility on the Longview™ Campus represents an important and tangible step forward in expanding local capacity to meet behavioral health needs. Still, there is much work to do.

Voters provided significant resources for this work with a two-decade commitment when they approved Ballot Issue 1A in 2018. County leaders, with support from health care providers, community-based organizations, and others, will continue honoring this commitment from the community and leveraging the funding source to meet ambitious goals while prioritizing accountability and transparency.

This CMP outlines priorities and recommendations for the next five years with the goal of guiding the county's next steps among many competing needs. Success will require close collaboration and partnerships, as well as a willingness to regularly evaluate progress and consider evolving needs and issues.



For more information about the CMP or behavioral health efforts in the county, please visit www.larimer.gov/behavioralhealth

APPENDIX

CMP Methods

CHI's research combined quantitative and qualitative approaches to assess Larimer County's behavioral health landscape and inform the 14 recommendations presented in the CMP. CHI took the following steps between June and October 2023:

Research plan and data gap analysis. CHI created a resource inventory that identified gaps in knowledge by topic area and a plan to address these gaps through stakeholder engagement and quantitative data collection.

Quantitative analysis. The team collected and analyzed more than 100 metrics to understand the county's behavioral health landscape. Sources included the Colorado Health Access Survey, American Community Survey, Behavioral Risk Factor Surveillance System, the Health District of Northern Larimer County's Community Health Assessment, and the Colorado Health Information Dataset.

Literature review. A dozen community assessments were reviewed to analyze the demand, utilization, and gaps in behavioral health and social services in Larimer County for different services and populations. CHI also reviewed over 20 news and journal articles for context on systemic and ongoing challenges in behavioral health at the state and national levels.

Key informant interviews. CHI conducted interviews with representatives of 12 organizations in the county. These included government, community-based, and direct service organizations.

Surveys. CHI fielded two surveys to collect information on local behavioral health challenges and offer feedback on CHI's initial findings. Both surveys were distributed to local leaders, staff from community-based organizations, and behavioral health providers.

Expert engagement. CHI regularly met with members of the Executive Sponsors group and Guidance Team throughout the research process to present and discuss findings, in addition to collaborating closely with key staff at BHS.

Acknowledgements

Guidance Team (GT) Members and Executive Sponsor (ES) Representatives

A Guidance Team of behavioral health experts and community leaders, alongside representatives from CMP Executive Sponsor organizations, offered advice and feedback on this report's development, findings, and prioritization of recommendations. We thank these participants for their time and thoughtful contributions.

- Michael Allen, SummitStone Health Partners, ES + GT
- Sam Bruick, Health District of Northern Larimer County, GT
- Amey Dice, Homeward Alliance, GT
- Emily Humphrey, Larimer County Community Justice Alternatives, GT
- Heather Ihrig, Northpoint Recovery, GT
- Liane Jollon, Health District of Northern Larimer County, ES
- MJ Jorgensen, Northern Colorado Health Alliance, GT
- Taylor Kelley, Larimer County Behavioral Health Services, ES + GT Liaison
- Kelsey Lyons, Larimer County Department of Health and Environment, GT
- John McKay, SummitStone Health Partners, GT, Key Informant Interviewee
- Kim Moeller, Alliance for Suicide Prevention of Larimer County, GT
- Linda Nuss, Homeward Alliance, GT
- Jared Olson, Larimer County Department of Health and Environment, GT
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- Michael Ruttenberg, Family Care Center, GT
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Community Partners and Additional Key Informant Interviewees

- Jenn Anderson, SummitStone Health Partners
- Michele Christensen, Housing Catalyst
- Robert Cook, Larimer County Sheriff's Office Co-Responder Program
- Janina Fariñas, La Cocina
- Jen Head, Health District of Northern Larimer County
- Rebecca Helfand, SummitStone Health Partners
- Marcy Kasner, Larimer County Economic and Workforce Development
- Gloria Kat, The Family Center/La Familia
- Monica Keele, CSU Health Network
- Wendy Lee, Turning Point Center for Youth and Family Development
- Julie Merlino, UCHealth
- Jessica Plummer, Larimer County Behavioral Health Services
- Jodie Riesenberger, Bohemian Foundation
- Amy Sanford, UCHealth
- Laurie Stolen, Larimer County Behavioral Health Services
- Beth Yonce, City of Fort Collins, Social Sustainability Department

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Item 1.

LARIMER COUNTY

2024-2028

Community Master Plan for Behavioral Health

EXECUTIVE SUMMARY

The Community Master Plan (CMP) for Larimer County, commissioned by Larimer County Behavioral Health Services and sponsored by SummitStone Health Partners and the Health District of Northern Larimer County, is a five-year strategic plan for creating opportunities that address the community's behavioral health needs and improve the quality of life for county residents. This CMP is the second iteration and is designed to guide investment and partnership efforts from 2024 through 2028. The report was designed as an accessible resource for the community at large.

CONTEXT

Larimer County's residents have needs across the behavioral health care spectrum. Thousands of people in the county need treatment and/or recovery services for mental health or substance use-related issues. These issues can be acute or chronic, and they can impact people of all ages, backgrounds, and lived experiences.

The community faces a mix of local and systemic challenges in responding to these needs. From gaps in early childhood behavioral health services to insufficient workforce recruitment and retention to the worsening shortage of affordable housing, the challenges can feel daunting. Tackling them and achieving measurable progress will require a collective

effort from a diverse group of local partners, including county government, health care providers, community-based organizations, and others.

Voters provided important financial resources for this work, with a commitment of 20 years, when they approved Ballot Issue 1A in 2018. Larimer County has made encouraging strides in its efforts to improve behavioral health services and outcomes for local residents since then. The recent opening of the Acute Care Facility on the Longview™ Campus represents one important and tangible step forward in expanding local capacity to meet behavioral health needs. Still, there is much work to do.

Flip page to read the 14 recommendations in the CMP

2024-2028 RECOMMENDATIONS

An overview of the 14 recommendations is provided here, with additional detail for each recommendation available in the CMP.

1. Facility Evaluation

Evaluate metrics and goals to measure successes and challenges of the new Acute Care Facility on the Longview™ Campus.

2. Interagency Collaboration and Alignment

Reduce silos and duplication by collaborating in new ways among county agencies and health organizations.

3. Youth Services Feasibility Study

Develop a plan for assessing the financial feasibility, licensing requirements, workforce capacity, and community demand for acute and chronic youth behavioral health services.

4. Care Coordination

Use a new or existing centralized referral hub to strengthen care coordination and network partnerships for behavioral health and social needs.

5. Crisis Alternatives

Expand proven programs that divert people experiencing acute mental health and substance use events from jails and emergency departments and monitor the use of the new Acute Care Facility to assess its impact on reducing the use of these settings.

6. Impact Fund Grants

Modify and then annually evaluate the Impact Fund's application criteria and award process and consider multiyear grant options.

7. CMP Implementation

Create an annual meeting for the Executive Sponsors and Guidance Team to assess progress on the CMP's recommendations and identify needs and roles for the year ahead.

8. Adult-Focused Programs

Expand funding opportunities to support mental health and substance use prevention and treatment programs that are tailored for adults in distinct life phases.

9. Youth-Focused Programs

Tailor and increase investments in school- and home-based programs, peer programs, and initiatives that offer substance use and mental health prevention and treatment services for youth, including infants and young children (ages 0-5).

10. Workforce Supports

Create or invest in opportunities to expand the behavioral health workforce pipeline and offer meaningful compensation for providers.

11. Underserved Communities

Invest in community-based organizations and initiatives that serve populations with unique behavioral health needs, including rural communities, LGBTQ+ individuals, unhoused people, individuals earning low-incomes, and historically marginalized racial and ethnic groups.

12. Affordable Housing

Invest in programs that offer equitable opportunities for community members to purchase and remain in affordable homes, and work to infuse behavioral health supports in the places people live.

13. Community Connection

Reduce isolation by introducing and expanding equitable opportunities for strengthening connections and building social networks.

14. Community Awareness and Education

Evolve public awareness campaigns to further reduce stigma, build support for prevention, and demonstrate the connection between behavioral health outcomes and the social determinants of health.



LARIMER COUNTY

2024-2028

1. Facility Evaluation

Item 1.

Evaluate metrics and goals to measure successes and challenges of the new Acute Care Facility.

2. Interagency Collaboration & Alignment

Reduce silos and duplication by collaborating in new ways among county agencies and health organizations.

3. Youth Services Feasibility Study

Assess the financial feasibility, licensing requirements, workforce capacity, and community demand for acute and chronic youth behavioral health services.

4. Care Coordination

Use a new or existing centralized referral hub to strengthen care coordination and network partnerships for behavioral health and social needs.

5. Crisis Alternatives

Expand proven programs that divert people experiencing acute mental health and substance use events from jails and emergency departments.

6. Impact Fund Grants

Modify and then annually evaluate the Impact Fund's application criteria and award process and consider multi-year grant options.

7. CMP Implementation

Create an annual meeting for the Executive Sponsors and Guidance Team to assess progress on the CMP's recommendations and identify needs and roles for the year ahead.

8. Adult-Focused Programs

Expand funding opportunities to support mental health and substance use prevention and treatment programs that are tailored for adults in distinct life phases.

9. Youth Focused Programs

Improve in school- and home-based programs that offer substance use and mental health prevention and treatment services for youth, (including ages 0-5).

10. Workforce Supports

Create or invest in opportunities to expand the behavioral health workforce pipeline and offer meaningful compensation for providers.

11. Underserved Communities

Invest in community-based organizations and initiatives that serve populations with unique behavioral health needs, including rural communities, LGBTQ+ individuals, unhoused people, individuals earning low-incomes, and historically marginalized racial and ethnic groups.

12. Affordable Housing

Invest in programs that offer equitable opportunities for community members to purchase and remain in affordable homes, and work to infuse behavioral health supports in the places people live.

13. Community Connection

Reduce isolation by introducing and expanding equitable opportunities for strengthening connections and building social networks.

14. Community Awareness & Education

Evolve public awareness campaigns to further reduce stigma, build support for prevention, and demonstrate the connection between behavioral health outcomes and the social determinants of health.

February 20, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Brittany Davis, Victim Services Supervisor
Lieutenant Sara Lynd, Criminal Investigations Lieutenant

SUBJECT

Items Relating to the Fort Collins Police Services Victim Services Unit.

EXECUTIVE SUMMARY

A. Second Reading of Ordinance No. 010, 2024, Making a Supplemental Appropriation from the Eighth Judicial District Victim Assistance and Law Enforcement Board in the General Fund for the Fort Collins Police Services Victim Services Unit.

B. Second Reading of Ordinance No. 011, 2024, Making a Supplemental Appropriation from the Colorado Division of Criminal Justice Under the Federal Victim of Crime Act in the General Fund for the Fort Collins Police Services Victim Services Unit.

These Ordinances, unanimously adopted on First Reading on February 6, 2024, provide funding for the Victim Services Unit of Fort Collins Police Services for victim advocacy services which are required under the Colorado Victim Rights Amendment for victims and witnesses of crime and their supporting family members.

The Victim Services Unit has been awarded a \$70,000 Victim Assistance and Law Enforcement (VALE) grant for the period from January 1, 2024 to December 31, 2024. The VALE grant is awarded through the Eighth Judicial District Board to help fund services provided by the Victim Services team. This grant will fund one part-time victim advocate, as well as 65% of the salary for a contractual 40-hour per week victim advocate.

The Victim Services Unit has also been awarded a 24-month grant in the amount of \$47,959 for the period from January 1, 2023 to December 31, 2024, by the Colorado Division of Criminal Justice under the Federal Victim of Crime Act (VOCA). This grant will help fund services provided by the Victim Services Unit. These funds will be used to pay 35% of the salary for a contractual victim advocate who provides crisis intervention services for sexual assault victims between the school ages of kindergarten through 12th grade.

STAFF RECOMMENDATION

Staff recommends adoption of both Ordinances on Second Reading.

BACKGROUND / DISCUSSION

The Victim Services Unit has received funding from the VALE grant since the inception of the program in 1996. Colorado state statutes mandate law enforcement agencies follow the Victim Rights Amendment to the Colorado Constitution. Many of the stages in the mandated statutes are fulfilled by the Victim Services Unit. Services have been provided to thousands of victims and their family members who have become victims of violent crime in the community. Council has approved appropriations of the VALE grant revenue every year. Services to the community would be drastically cut without this grant award.

Funds from the VALE grant will be used for 26 hours a week toward the salary for the full-time contractual victim advocate who provides crisis intervention services during weekday hours and is housed in the Victim Services office. The VALE grant will also fund a part-time, 20 hour a week victim advocate who will cover mandated weekend defendant bond hearings and work with victims of these crimes. Funds will also pay for a portion of the operational expenses needed to provide 24-hour, 7-day a week services to victims of crime in the community.

The VOCA grant will be used to fund 14 hours a week toward the salary of the full-time contractual victim advocate who provides crisis intervention services for sexual assault victims between the school ages of kindergarten through 12th grade.

Victim Services has received VOCA grant funding since 2020. VOCA funds will help fulfill the legal mandates under the Colorado Constitution as well by ensuring Fort Collins Police Services provides services to victims under the Colorado Victim Rights Amendment.

CITY FINANCIAL IMPACTS

The City has received a grant in the amount of \$70,000 from the Eighth Judicial District Victim Assistance and Law Enforcement (VALE) Board to help fund victim services activities.

The City has also been awarded a grant in the amount of \$47,959 from the Federal Victim of Crime Act (VOCA).

Neither grant requires a cash or in-kind match from Fort Collins Police Services or the City of Fort Collins.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance A for Consideration
2. Ordinance B for Consideration

ORDINANCE NO. 010, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION FROM THE
EIGHTH JUDICIAL DISTRICT VICTIM ASSISTANCE AND LAW
ENFORCEMENT BOARD IN THE GENERAL FUND FOR THE
FORT COLLINS POLICE SERVICES VICTIM SERVICES UNIT

A. Fort Collins Police Services has been awarded a grant in the amount of \$70,000 (the "Grant") for the period from January 1, 2024, to December 31, 2024, by the Eighth Judicial District Victim Assistance and Law Enforcement ("VALE") Board to support the Fort Collins Police Services Victim Services Unit ("Victim Services").

B. Victim Services provides crisis intervention, resources and referral services to victims of violent crime and other traumatic situations.

C. The Grant will be used to fund a part of the salary for a victim advocate who provides crisis intervention services, a part-time contractual victim advocate, and to partially pay for operational expenses needed to provide 24-hour a day, 7-day a week services to victims of crime in the community.

D. Appropriation of the Grant serves a public purpose by assisting crime victims in the Fort Collins community.

E. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

F. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

G. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or the City's expenditure of all funds received from such grant or donation.

H. The City Council wishes to designate the appropriation herein from the Eighth Judicial District Victim Assistance and Law Enforcement Board as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from new revenue or other funds in the General Fund the sum of SEVENTY THOUSAND DOLLARS (\$70,000) to be expended in the General Fund for the Fort Collins Police Services Victim Services Unit.

Section 2. The appropriation herein from the Eighth Judicial District Victim Assistance and Law Enforcement Board is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Introduced, considered favorably on first reading on February 6, 2024, and approved on second reading for final passage on February 20, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 1, 2024

Approving Attorney: Dawn Downs

ORDINANCE NO. 011, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION FROM
THE COLORADO DIVISION OF CRIMINAL JUSTICE
UNDER THE FEDERAL VICTIM OF CRIME ACT IN THE
GENERAL FUND FOR THE FORT COLLINS POLICE
SERVICES VICTIM SERVICES UNIT

A. Fort Collins Police Services has been awarded a grant by the Colorado Division of Criminal Justice in the amount of \$47,959 (the "Grant") under the Federal Victim of Crime Act ("VOCA") to support the Fort Collins Police Services Victim Services Unit ("Victim Services") for the period from January 1, 2023, to December 31, 2024.

B. The amount to be received and appropriated in 2024 is \$23,979.

C. Victim Services provides crisis intervention, resources and referral services to victims of violent crime and other traumatic situations.

D. The Grant will be used to fund a part of the salary for the victim advocate who provides crisis intervention services for sexual assault victims between school ages of kindergarten through 12th grade.

E. Appropriation of the Grant serves a public purpose by assisting crime victims in the Fort Collins community.

F. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

G. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

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I. The City Council wishes to designate the appropriation herein from the Eighth Judicial District Victim Assistance and Law Enforcement Board as an appropriation

that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from new revenue or other funds in the General Fund the sum of FORTY-SEVEN THOUSAND NINE HUNDRED FIFTY-NINE DOLLARS (\$47,959) to be expended in the General Fund for the Fort Collins Police Services Victim Services Unit.

Section 2. The appropriation herein from the Eighth Judicial District Victim Assistance and Law Enforcement Board is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Introduced, considered favorably on first reading on February 6, 2024, and approved on second reading for final passage on February 20, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 1, 2024

Approving Attorney: Dawn Downs

February 20, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Kyle Bendzsa, Forensic Services Unit Sergeant, Police Services
Kerri Ishmael, Grants Administration

SUBJECT

Second Reading of Ordinance No. 012, 2024, Making a Supplemental Appropriation from the Colorado Division of Criminal Justice Synthetic Opiate Poisoning Investigation and Distribution Interdiction Grant for the Fort Collins Police Services Forensic Services Unit.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on February 6, 2024, supports Fort Collins Police Services' Forensic Services Unit work in the prevention and investigation of serious injuries and deaths caused by illegal synthetic opiate poisoning and for disrupting synthetic opiate distribution by appropriating \$40,000 of unanticipated grant revenue from the Colorado Department of Public Safety, Division of Criminal Justice (DCJ).

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

On October 6, 2023, the Fort Collins Police Services (FCPS), Forensic Services Unit (FSU) was awarded a grant through the Colorado Division of Criminal Justice, Office of Adult and Juvenile Justice Assistance, 2023 - Synthetic Opiate Poisoning Investigation and Distribution Interdiction Grant Program (Grant Program).

The intent of the Grant Program is to provide grant funding to law enforcement agencies for the purpose of investigating deaths and serious injuries caused by illegal synthetic opiate poisoning and for disrupting synthetic opiate supplies.

FSU will use the funds to purchase a 1-year license for Cellebrite Premium ES, three (3) adapters and training for the use of the Cellebrite software.

Cellebrite Premium ES is a software product produced by a company named Cellebrite. The software can unlock a smartphone and then extract the data contained within it which may be evidence in any criminal case. All unlocks and extractions will be done after proper legal authority has been obtained by investigators.

The software and the associated hardware will be utilized by the five Digital Forensic Examiners in FSU to obtain evidence from locked and unlocked smartphones to further investigations related to opiate poisoning, deaths, and distribution. The software can also be used for any other criminal investigations.

With FSU's current Cellebrite software, which consists of UFED 4PC and Physical Analyzer, an examiner can only unlock much older, "flip-style" smartphones which typically do not contain much usable data. The current software cannot unlock modern smartphones and therefore cannot extract any data. The current process when FSU encounters a locked smartphone that is not supported by FSU's current tools, is the device must be mailed to the United States Secret Service office so that they may attempt to unlock it with their Cellebrite Premium ES license. This time delay can be detrimental to time sensitive investigations. The grant will allow FCPS to purchase a Cellebrite Premium ES license which will allow an unlimited number of unlocks and extractions for supported smartphones for one year.

"Legal authority" is obtained through various means. Primarily in investigations which involve the extraction of smartphone data, legal authority is obtained through a search warrant, supported by probable cause and signed by a judge. Searches granted by a search warrant are limited in scope determined by probable cause. A search may be limited to a specific date range (i.e. May 1, 2023, to May 15, 2023). The warrant can also limit the scope to certain apps or certain areas of the device, such as photos, text messages, emails, call logs, etc. Police Officers and Detectives will include these parameters when they draft a warrant, and the Judge can modify the parameters before signing the warrant.

Legal authority can also be met via long-standing, legal exceptions to a search warrant, such as consent, death, and exigency.

Cellebrite and any other forensic tool that FCPS has access to are, and will continue to be, used to further any criminal investigation.

The prevention and investigation of serious injuries and deaths caused by illegal synthetic opiate poisoning and for disrupting synthetic opiate supplies is in keeping with the Vision of FCPS, to make Fort Collins the safest community in the nation.

The award is based on total project costs of \$40,000, with one hundred percent provided by DCJ. As presented in the Grant Agreement, total project costs pertain to a 1-year license for Cellebrite Premium ES, three (3) adapters and training for the use of the Cellebrite software. Pursuant to the grant application and award, this funding may only be utilized for the listed products. The project is from January 1, 2024, through June 30, 2024.

CITY FINANCIAL IMPACTS

This item appropriates \$40,000 in project costs for FCPS' FSU work in prevention and investigation around opiate poisoning and distribution from unanticipated grant revenue in the General Fund from DCJ.

This grant from the DCJ is a reimbursement type grant, meaning General Fund expenses will be reimbursed up to \$40,000.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 012, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION FROM THE
COLORADO DIVISION OF CRIMINAL JUSTICE SYNTHETIC
OPIATE POISONING INVESTIGATION AND DISTRIBUTION
INTERDICTION GRANT FOR THE FORT COLLINS POLICE
SERVICES FORENSIC SERVICES UNIT

A. Like many law enforcement agencies across the nation, over the last few years Fort Collins Police Services (FCPS) has seen a significant rise in the use, addiction, distribution, poisoning and deaths involving fentanyl and other highly addictive synthetic opiate narcotics.

B. The Colorado Department of Public Safety, Division of Criminal Justice (DCJ), Office of Adult and Juvenile Justice Assistance, 2023 - Synthetic Opiate Poisoning Investigation and Distribution Interdiction Grant Program provides grant funding across Colorado to support local law enforcement agencies work in prevention, disruption of distribution, and investigation of serious injuries and deaths caused by fentanyl and other illegal synthetic opiate poisoning.

C. The purpose of this item is to appropriate \$40,000 of unanticipated grant revenue from the DCJ to support FCPS Forensic Services Unit work on fentanyl and other synthetic opiate investigations, and any other criminal investigations as needed.

D. Cellebrite, is a software product that can unlock a cell phone and extract data which may be used as evidence in a criminal case.

E. The \$40,000 unanticipated grant funding will be used to purchase a 1-year license for Cellebrite Premium ES, three (3) adapters, and training for the use of the Cellebrite software.

F. With proper legal authority FCPS Forensic Services Unit Forensic Examiners will utilize Cellebrite to assist in obtaining evidence from locked and unlocked cell phones to further investigations related to fentanyl and opiate poisoning and distribution, and any other criminal investigation as needed.

G. This appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves a public purpose of the prevention and investigation of serious injuries and deaths caused by fentanyl and other illegal synthetic opiates to protect our community and hold offenders accountable.

H. Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not

exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

I. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

J. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant or donation, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or the City's expenditure of all funds received from such grant.

K. The City Council wishes to designate the appropriation herein for the Colorado Division of Criminal Justice Synthetic Opiate Poisoning Investigation and Distribution Interdiction Grant as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from new revenue or other funds in the General Fund the sum of FORTY THOUSAND DOLLARS (\$40,000) to be expended in the General Fund for the Fort Collins Police Services Forensic Services Unit.

Section 2. The appropriation herein for the Colorado Division of Criminal Justice Synthetic Opiate Poisoning Investigation and Distribution Interdiction Grant is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Introduced, considered favorably on first reading on February 6, 2024, and approved on second reading for final passage on February 20, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 1, 2024

Approving Attorney: Dawn Downs

February 20, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Nina Bodenhamer, City Give Director

SUBJECT

Second Reading of Ordinance No. 013, 2024, Appropriating Philanthropic Revenue Received by City Give for the Renovation of the Historic Carnegie Library.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on February 6, 2024, requests an appropriation of \$214,000 in philanthropic revenue received by City Give for the renovation of the historic Carnegie Library as designated by the donor.

In 2019, the City launched City Give, a formalized enterprise-wide initiative to create a transparent, non-partisan governance structure for accepting and appropriating charitable gifts.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

The historic 1904 Carnegie building is one of the oldest, continuously operating public buildings in Fort Collins. Carnegie libraries were often the first public libraries in communities across the country. Operated by the City and designated a local Historic Landmark in 1978, the building is now the Carnegie Center for Creativity (CCC) dedicated to affordable, community-focused cultural space.

The ambitious renovation focuses on both historic restoration and infrastructure investments to ensure the Center continues to serve Fort Collins as an affordable, community-focused space for gallery exhibitions, performance, classes, and special events.

The current project estimate for the full renovation is \$6.2M with \$2.2M provided through the generosity of local voters via a 2015 Community Capital Improvement Program ballot measure. A Community Revitalization Grant from the State's Colorado Creative Industries providing \$2.4M in funding. The City of Fort Collins General Fund invested \$900,000 in ADA and structural upgrades as Phase 1 of this project. Private funding is being sought to address final funding needs to bring this important project to fruition.

This appropriation reflects the enduring partnership between the City and the Fort Collins Downtown Development Authority (DDA). These funds are a significant investment in enrichment and maintenance of our downtown.

CITY FINANCIAL IMPACTS

This ordinance will appropriate \$214,000 in philanthropic revenue received by City Give for the renovation of the Carnegie Center for Creativity. The funds have been received and accepted per City Give Administrative and Financial Policy.

The City Manager has also determined that these appropriations are available and previously unappropriated from the designated funds and will not cause the total amount appropriated in these funds to exceed the current estimate of actual and anticipated revenues and all other funds to be received in these funds during fiscal year 2024.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 013, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PHILANTHROPIC REVENUE
RECEIVED BY CITY GIVE FOR THE RENOVATION
OF THE HISTORIC CARNEGIE LIBRARY

A. The City of Fort Collins is renovating the Carnegie Center for Creativity to ensure that it continues to serve Fort Collins as an affordable, community-focused space for gallery exhibitions, performance classes, and special events.

B. On December 5, 2023, the City Council adopted Resolution 2023-106 approving an agreement with the Downtown Development Authority to establish the terms and conditions for a grant from the Downtown Development Authority to the City for the renovation of the Carnegie Center.

C. The Downtown Development Authority is generously providing \$214,000 for the City to perform work on the facades of the Carnegie Center and to install a new exterior entry gate and fence.

D. Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

E. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Capital Projects Fund and will not cause the total amount appropriated in the Capital Projects Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

F. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant or donation, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or donation or the City's expenditure of all funds received from such grant or donation.

G. The City Council wishes to designate the appropriation herein for the donation to the Carnegie Center for Creativity as an appropriation that shall not lapse until the earlier of the expiration of the donation or the City's expenditure of all funds received from such donation.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That there is hereby appropriated from new philanthropic revenue in the Capital Projects Fund the sum of TWO HUNDRED FOURTEEN THOUSAND DOLLARS (\$214,000) to be expended in the Capital Projects Fund for the Historic Carnegie Library Project.

Section 2. That the appropriation herein for the Carnegie Center for Creativity is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the donation or the City's expenditure of all funds received from such donation.

Introduced, considered favorably on first reading on February 6, 2024, and approved on second reading for final passage on February 20, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 1, 2024
Approving Attorney: Ted Hewitt

February 20, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Nina Bodenhamer, City Give Director

SUBJECT

Second Reading of Ordinance No. 014, 2024, Appropriating Philanthropic Revenue Received Through City Give for Youth Sports Programming and Services.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on February 6, 2024, requests an appropriation of \$15,550 in philanthropic revenue received through City Give for Recreation to benefit income-qualified youth sports programming and services.

In 2019, the City launched City Give, a formalized enterprise-wide initiative to create a transparent, non-partisan governance structure for accepting and appropriating charitable gifts.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

In early January 2024, the City received a charitable gift is from Adam Snow, FOCO Snow Charities, for the designated purpose to benefit income-qualified youth sports programming and services. The Recreation Discount programs provides children in our community with the opportunity to participate in active and healthy recreational sports and activities that their families might otherwise struggle to afford.

Steak-Out Salon has been a perennial community giver with events ranging from the annual Steak-Out Scramble charity golf event to community fundraisers to benefit residents in need.

For over 10 years, the Steak-Out Scramble has generated tremendous community support through a charity golf event. This year, the Steak Out Saloon Charity Golf Scramble tournament generated \$15,550 in charitable support for the City's Youth Recreational Sports Scholarships which brings Snow Charities total contribution to the City more than \$90,000.

The Recreation Discount program offers eligible households recreation opportunities with on-line class registration, unlimited drop-in visits to facilities, and significant discounts on activity enrollments for 12 months from date of application approval and pass activation.

CITY FINANCIAL IMPACTS

If adopted, this Ordinance will appropriate \$15,550 in philanthropic revenue received in 2023 for Recreation. The funds have been received and accepted per City Give Administrative and Financial Policy.

The City Manager has also determined that these appropriations are available and previously unappropriated from the Recreation Fund and will not cause the total amount appropriated in the Recreation Fund to exceed the current estimate of actual and anticipated revenues and all other funds in the Recreation Fund.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 014, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PHILANTHROPIC REVENUE RECEIVED THROUGH
CITY GIVE FOR YOUTH SPORTS PROGRAMMING AND SERVICES

A. City Give has received a generous gift of \$15,550 from Adam Snow of FoCo Snow Charities.

B. The designated purpose of the gift is to fund income-qualified youth sports programming and services.

C. The City's Recreation Discount Program provides children in the community the opportunity to participate in sports and activities that their families might not otherwise be able to afford.

D. This appropriation benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purpose of allowing children in income-qualified families to participate in City recreational programs and services.

E. Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

F. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Recreation Fund and will not cause the total amount appropriated in the Recreation Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that there is hereby appropriated from new philanthropic revenue in the Recreation Fund the sum of FIFTEEN THOUSAND FIVE HUNDRED FIFTY DOLLARS (\$15,550) to be expended in the Recreation Fund for Youth Programming and Services.

Introduced, considered favorably on first reading on February 6, 2024, and approved on second reading for final passage on February 20, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 1, 2024

Approving Attorney: Ryan Malarky

February 20, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

LeAnn Williams, Director, Recreation

SUBJECT

Second Reading of Ordinance No. 016, 2024, Appropriating Prior Year Reserves in the Recreation Fund for the Mulberry Pool Replacement Feasibility Study.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on February 6, 2024, appropriates \$78,000 from Recreation Reserves to fund the Mulberry Replacement Feasibility Study. This study is in partnership with Colorado State University Athletics (CSU), who will be funding 50% of the study.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

In 2021, Council commissioned the Recreation Department to conduct an aquatics study that evaluated current assets, projected future needs, and made recommendations on next steps.

The study concluded that Mulberry Pool was near its end of useful life and was functionally obsolete. The study also recommended that the City consider partners when building aquatic facilities.

The City and CSU Athletics have agreed to jointly fund a pool feasibility study. The Mulberry Replacement Feasibility Study will evaluate the current site of Mulberry Pool and the feasibility of building a new aquatic facility there while also evaluating other sites within a close distance of both CSU and Mulberry Pool.

The study will evaluate the current and future needs of both the City and CSU and provide joint facility options, that will include fair share of capital, operations, maintenance, and replacement based upon projected use of the facility. The study will also provide each agency the full capital, operations, maintenance, and replacement of separate facilities.

This joint feasibility study does not commit nor require either agency to build a joint or standalone facility. Further discussion on next steps will occur with City Council and City leadership once the feasibility study is complete.

CITY FINANCIAL IMPACTS

Recreation Reserves will have a starting balance for 2024 in the amount of \$2.7 Million. This study aligns with intended use of this fund.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Staff mentioned the partnership with CSU athletics to conduct the study at the December 2023 meeting and will share the scope of the work with the board at the January 2024 meeting.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 016, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES IN THE
RECREATION FUND FOR THE MULBERRY POOL
REPLACEMENT FEASIBILITY STUDY

A. The Council directed the recreation department to conduct an aquatics study that evaluates current assets, projects future needs, and makes recommendations on next steps. The study says that Mulberry Pool is near its end of useful life and recommends that the City consider partners when building aquatic facilities.

B. Considering that study, the City partnered with Colorado State University Athletics to jointly fund a pool feasibility study to evaluate the current site of Mulberry Pool and the feasibility of building a new aquatic facility at the current site as well as other nearby potential sites.

C. On January 24, 2024, the Parks and Recreation Board was informed of the pool feasibility study.

D. This appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves the public purpose and strategic objective of addressing amenity replacement and maintenance needs of a recreational facility.

E. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

F. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Recreation Fund and will not cause the total amount appropriated in the Recreation Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that there is hereby appropriated from prior year reserves in the Recreation Fund the sum of SEVENTY-EIGHT THOUSAND DOLLARS (\$78,000) to be expended in the Recreation Fund for the Mulberry Pool Replacement Feasibility Study.

Introduced, considered favorably on first reading on February 6, 2024, and approved on second reading for final passage on February 20, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 1, 2024

Approving Attorney: Sara Arfmann

February 20, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

LeAnn Williams, Director, Recreation

SUBJECT

Second Reading of Ordinance No. 017, 2024, Appropriating Prior Year Reserves in the Recreation Fund for the Purchase of Ponies and Sheds at Lee Martinez Farm.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on February 6, 2024, appropriates \$72,000 from Recreation Reserves to purchase ponies and replace sheds at the Lee Martinez Farm.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

The Farm at Lee Martinez Park is a community treasure. Over the past year the Farm has lost two ponies, with the last one in mid-January. The market to purchase additional ponies is challenging. The Farm is selective on which ponies it purchases due to the use of the ponies in children's programs. As the ponies continue to age, additional ponies are needed to ensure enough trained ponies are onsite to support the Farm programs. The sheds at the Farm have deteriorated much quicker than anticipated and need to be replaced. Without replacement, the sheds are likely to fail the United States Department of Agriculture (USDA) inspection.

CITY FINANCIAL IMPACTS

Recreation Reserves will have a starting balance for 2024 in the amount of \$2.7 million. The items at the Lee Martinez Farm align with intended use of this fund.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 017, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES IN THE
RECREATION FUND FOR THE PURCHASE OF PONIES
AND SHEDS AT LEE MARTINEZ FARM

A. Since 1985, the Farm at Lee Martinez Park has provided hands-on family fun through educational and interactive experiences for Fort Collins residents and visitors. One such experience is pony rides. The pony sheds at the Farm must be replaced and additional ponies purchased to continue related programming.

B. This appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves the public purpose and strategic objective of enhancing access to recreation opportunities to support the physical and mental health of Fort Collins residents and visitors.

C. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

D. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Recreation Fund and will not cause the total amount appropriated in the Recreation Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that there is hereby appropriated from prior year reserves in the Recreation Fund the sum of SEVENTY-TWO THOUSAND DOLLARS (\$72,000) to be expended in the Recreation Fund for the purchase of ponies and replace sheds at the Lee Martinez Farm.

Introduced, considered favorably on first reading on February 6, 2024, and approved on second reading for final passage on February 20, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 1, 2024

Approving Attorney: Sara Arfmann

February 6, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Joe Wimmer, Financial Analyst
Travis Storin, Chief Financial Officer
Kelly DiMartino, City Manager

SUBJECT

Second Reading of Ordinance No. 018, 2024, Appropriating Prior Year Reserves for Compensation of the Mayor, Mayor Pro Tem and Councilmembers.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on February 6, 2024, is for a General Fund supplemental appropriation to fund 2023-2024 Budget Offer 28.12 - City Council Voter Approved Pay Increase for fiscal year 2024. This budget request was not funded in the 2023-2024 Adopted Budget since the election results of the 2022 City-Initiated Charter Amendment No. 1 (Council Compensation) ballot initiative would not be known until after first reading of the City's annual appropriation ordinance for 2023. The initiative was approved by Fort Collins voters and this action is to appropriate the increased spending in the General Fund to implement the ballot initiative for the salary increases in 2024.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

The 2023-2024 City of Fort Collins' Recommended Budget included unfunded Offer 28.12 - City Council Voter Approved Pay Increase. This offer was not recommended for funding since the Recommended Budget would be published prior to knowing the result of the 2022 City-Initiated Charter Amendment No. 1 (Council Compensation) ballot initiative. This ordinance appropriates the increased expenses associated with that budget request (offer) for 2024. The supplemental appropriation for 2023 Council pay was similarly appropriated through Ordinance No. 001, on second reading February 7, 2023. This increase will be incurred within the General Fund, which is where current Council pay is expensed.

The narrative and financial details associated with the original budget request and the ordinance submitting the Council compensation amendment to a vote on November 8, 2022 are attached. The City Manager is recommending this supplemental appropriation and has determined that this appropriation will not cause the total amount appropriated in the General Fund in fiscal year 2024 to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during 2024.

CITY FINANCIAL IMPACTS

This Ordinance increases General Fund expenses by \$331,416 in 2024.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 018, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES FOR COMPENSATION
OF THE MAYOR, MAYOR PRO TEM AND COUNCILMEMBERS

A. On November 8, 2022, the voters of Fort Collins approved an amendment to Section 3 of Article II of the City Charter, updating the compensation for the Mayor, Mayor Pro Tem and Councilmembers to be based on Area Median Income and adjusted annually.

B. Due to the timing of the change to Councilmember compensation, the funds for those compensation payments were not included in the 2023-2024 Biennial Budget, and instead were appropriated at the outset of 2023 for that year.

C. In order to make the necessary funds available for 2024, this Ordinance appropriates from prior year reserves in the General Fund the total amount projected for that compensation.

D. This appropriation is necessary and appropriate to carry out the will of Fort Collins voters in adopting the compensation levels for the Mayor, Mayor Pro Tem and Councilmembers.

E. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

F. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that there is hereby appropriated from prior year reserves in the General Fund the sum of THREE HUNDRED THIRTY-ONE THOUSAND, FOUR HUNDRED SIXTEEN DOLLARS (\$331,416) to be expended in the General Fund for compensation of the Mayor, Mayor Pro Tem and Councilmembers.

Introduced, considered favorably on first reading on February 6, 2024, and approved on second reading for final passage on February 20, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 1, 2024

Approving Attorney: Carrie Daggett

February 20, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Judge Jill A. Hueser, Chief Judge

SUBJECT

Second Reading of Ordinance No. 019, 2024, Amending Article III of Chapter 19 of the Code of the City of Fort Collins Regarding Municipal Court Referees.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on February 6, 2024, amends the City Code to clarify that municipal court referees may hear cases involving camera radar and red light photo citations. Defendants in this type of case would have a choice to have a hearing with a referee in a more informal setting or a hearing in front of a municipal judge. The proposed Code changes would also allow the Chief Judge in the future to authorize referees to hear cases involving other zero-point infractions.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

Currently, the Code is unclear as to whether municipal referees may hear cases arising from camera radar or red light citations. Code section 19-36(a) states that the Chief Judge may appoint referees "to hear certain municipal ordinance violations relating to parking or Municipal Code violations designated as civil infractions..." Later, it states "[s]uch alleged violations may include any offense or infraction which may now or in the future be included in the schedule of payable fines established by the Chief Judge pursuant to law except any offense which might result in the assessment of points by the State Department of Revenue against the responsible party's driving license or privilege."

Camera radar and red light photo citations do not result in points assessed against the license and are payable prior to hearing. However, they are neither civil infractions nor parking violations; they are traffic infractions. Therefore, the Court recommends clarifying that these violations can be heard by a referee if the defendant chooses. The Court also recommends that the Chief Judge have clear authority to allow referees to hear other offenses or infractions that do not require appearance in court and do not result in the assessment of points, so long as the Code does not specifically provide otherwise.

Currently, when a defendant is charged with civil infractions or parking violations, the person is advised of their right to a hearing before a judge or their option to choose to have the case heard by a referee. Many individuals choose the referee option because it is a less formal (and thus intimidating) setting. Additionally, the rules of evidence are relaxed in a referee hearing, allowing individuals who may not have legal training

to better present their cases. Defendants are advised both in writing and on the record by the referee prior to the hearing that they may choose to have a judge hear their case instead.

With the recent and future expansion of the camera radar and red-light programs, this will allow the Court to manage the anticipated increase in hearings related to these violations.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 019, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING ARTICLE III OF CHAPTER 19 OF THE CODE OF THE CITY
OF FORT COLLINS REGARDING MUNICIPAL COURT REFEREES

A. Section 19-36(a) of the City Code states that the Chief Judge of the Municipal Court may appoint referees “to hear certain municipal ordinance violations relating to parking or Municipal Code violations designated as civil infractions,” and that “[s]uch alleged violations may include any offense or infraction which may now or in the future be included in the schedule of payable fines established by the Chief Judge pursuant to law except any offense which might result in the assessment of points by the State Department of Revenue against the responsible party’s driving license or privilege.”

B. There are other municipal violations, including camera radar and red-light photo citations, that are on the Court’s schedule of payable fines, which means they can be paid without a court appearance, although the defendant can request a hearing, and do not result in the assessment of points on one’s driving license, but are not civil infractions or parking violations; therefore the Code is somewhat ambiguous as to whether the Chief Judge could authorize a referee to hear such cases instead of a municipal court judge.

C. Many individuals prefer to have their case heard before a referee because it is a less formal (and thus less intimidating) setting, although defendants are advised both in writing and on the record by the referee prior to the hearing that they may choose to have a judge hear their case instead. Additionally, the rules of evidence are relaxed in a referee hearing, allowing individuals who may not have legal training to better present their cases.

D. As the use of camera radar, red-light cameras, and similar technologies increases in Fort Collins, the Court’s caseload will continue to increase. Therefore, the Chief Judge has recommended that the City Code provisions regarding Municipal Court referees be amended to allow referees to hear camera radar and red-light photo citation cases, as well as any other minor violations that the Chief Judge may designate in the future that do not require a court appearance and do not potentially result in points being assessed against the defendant’s driving license.

E. The proposed City Code amendments would also make other minor updates to Code language.

F. The City Council finds that it is in the best interests of the City and the community, and will facilitate the efficient operation of the Municipal Court, to amend the City Code as described in this Ordinance.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 19-36 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 19-36. Creation; jurisdiction; qualifications.

(a) The Chief Judge is authorized and empowered to appoint one (1) or more Referees to hear such municipal ordinance violations as the Chief Judge may from time to time designate relating to parking, camera-radar speed enforcement, red-light cameras, Municipal Code violations designated as civil infractions, and any other offense or infraction which may now or in the future be included in the schedule of payable fines established by the Chief Judge pursuant to law, except any offense which might result in the assessment of points by the State Department of Revenue against the responsible party's driving license or privilege, and except as otherwise specifically provided in the Code. Referees may also review any costs of abatement or removal assessed pursuant to civil infraction provisions of this Code.

...

(c) The Chief Judge shall appoint any Referee who will hear civil infractions from a list of candidates chosen by a staff committee representing each of the following: Municipal Court, Neighborhood Services, and the City Attorney's Office.

(d) The City Manager is authorized to appoint a designee to represent the City's interest, with the advice and consent of the City Attorney's Office, in proceedings heard by the Referee.

Section 2. Section 19-37 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 19-37. Defendant's right to hearing before judge.

Prior to conducting a hearing on any matter, the Referee shall inform the defendant that they have the right to a trial before the Municipal Judge. If the defendant makes such a request, the Referee shall terminate the hearing and refer the matter to the Municipal Court for trial.

Section 3 Section 19-39 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 19-39. Order of the referee.

(a) At the completion of a hearing held under the provisions of this Article, the Referee shall enter an order either:

...

(b) If a defendant fails to answer a citation or notice to appear before a Referee, a default judgment will enter in the amount of the civil penalty or fine plus all costs, expenses and damages. In the event a defendant fails to pay a civil penalty or fine, costs, damages and expenses within seven (7) days after the payment is due or fails to pay a default judgment, the City may pursue any legal means for collection and, in addition, may obtain an assessment against the property that is the subject of the violation if the Code violation is designated as a civil infraction.

Section 4 Section 19-42(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 19-42. Appeal of decisions.

(a) Any defendant affected by a final order or judgment of a Referee under the authority of this Article may appeal the Referee's final order or judgment to the Municipal Court by filing a written notice of appeal with the Municipal Court Clerk within ten (10) days after the entry of the final order or judgment and depositing with the Municipal Court a fee for preparing the record, or portions thereof designated. Upon the filing of the notice of appeal, no stay of execution of the Referee's order or action shall be granted until the appellant has deposited with the Municipal Court a cash bond in the amount of any fines and costs imposed by the Referee.

Introduced, considered favorably on first reading on February 6, 2024, and approved on second reading for final passage on February 20, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 1, 2024

Approving Attorney: Ingrid Decker

February 20, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

David Lenz, Director, Financial Planning & Analysis
Randy Reuscher, Lead Rate Analyst, Utilities Finance

SUBJECT

Items Relating to Amending City Code to Adjust for Inflation the Following Fees: Capital Expansion Fees; Transportation Expansion Fee; Electric Capacity Fee; Water Plant Investment Fee; Sewer Plant Investment Fee; and Stormwater Plant Investment Fee.

EXECUTIVE SUMMARY

A. Second Reading of Ordinance No. 020, 2024, Amending Chapter 7.5 of the Code of the City of Fort Collins to Increase for Inflation the Capital Expansion Fees and Transportation Expansion Fee.

B. Second Reading of Ordinance No. 021, 2024, Amending Chapter 26 of the Code of the City of Fort Collins Regarding Calculation and Collection of Development Fees Imposed for the Construction of New or Modified Electric Service Connections.

C. Second Reading of Ordinance No. 022, 2024, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Plant Investment Fees.

D. Second Reading of Ordinance No. 023, 2024, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Sewer Plant Investment Fee.

E. Second Reading of Ordinance No. 024, 2024, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Stormwater Plant Investment Fees.

These Ordinances, unanimously adopted on First Reading on February 6, 2024, make annual inflation adjustments effective March 1, 2024, associated with the City's Capital Expansion Fees, Transportation Expansion Fee, Utility Plant Investment Fees, and Electric Capacity Fee.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on Second Reading.

BACKGROUND / DISCUSSION

During 2023, staff worked both internally and with external consultants to update the city's development related impact fees. This resulted in two study updates: the Capital Expansion Fee Study (CEF), covering neighborhood and community parks, fire, police and general governmental services Capital Expansion

fees, and the Transportation Capital Expansion Fee Study (TCEF), covering the Transportation Expansion Fee (TEF).

Additionally, the City's utility organizations underwent their biennial internal update of their impact fee models. During the August 8, 2023, work session with Council, the Water Supply Requirement and Excess Water Use were discussed, and a decision was made to defer decisions around these two items until more work was undertaken (which is expected to last throughout 2024).

During Council Finance Committee meetings on October 5, 2024 and December 14, 2024, the CEF and TCEF Study updates were discussed with the committee. The Utility Water, Wastewater (Sewer), and Stormwater Plant Investment Fees (PIFs) and Electric Capacity Fee (ECF) updates were also discussed. Staff presented the background, methodologies, and findings of the external study updates and internal utilities fee model updates. New fee schedules for all impact fees reflecting the study and model updates were presented. Three options for fee updates were presented to the committee:

- Defer the decision on the new fee structures until full Water Supply Requirements are determined in 2024 (for a January 1, 2025 effective date).
- Adopt New Proposed Fee Structure for a Q2 2024 implementation after the April 2024 Council work session on Water Supply Requirements.
- Defer the decision on the New Fee Structure until the Water Supply Requirements are determined (for a January 1, 2025 effective date) and adjust the current rates by the annual inflation index only in Q2 2024.

After discussion with the committee about the results of the study and fee model updates, the committee recommended that staff proceed with inflation only adjustments to the CEF, TEF, Utility PIFs and Electric Capacity Fee for 2024.

As provided in City Code Section 7.5-18, the CPI-U index for Denver-Aurora-Lakewood is used for CEFs inflation (**5.6%**) and the Engineering News Record Construction Cost Index for TEF inflation (**7.4%**). Below is a summary of the inflation adjustments for all six of these fees including the total adjustment for each fee category:

Land Use Type	Unit	N'hood Park	Comm. Park	Fire	Police	Gen. Gov't	TCEF	Total	Total % Δ
Residential, up to 700 sq. ft.	Dwelling	\$2,226	\$3,144	\$545	\$305	\$742	\$2,903	\$9,865	6.1%
Residential, 701-1,200 sq. ft.	Dwelling	\$2,980	\$4,208	\$737	\$413	\$1,001	\$5,391	\$14,730	6.2%
Residential, 1,201-1,700 sq. ft.	Dwelling	\$3,255	\$4,595	\$802	\$449	\$1,093	\$7,000	\$17,194	6.3%
Residential, 1,701-2,200 sq. ft.	Dwelling	\$3,288	\$4,642	\$815	\$455	\$1,110	\$8,185	\$18,495	6.4%
Residential, over 2,200 sq. ft.	Dwelling	\$3,664	\$5,175	\$907	\$507	\$1,236	\$8,774	\$20,263	6.4%
Commercial	1,000 sq. ft.			\$686	\$384	\$1,877	\$10,682	\$13,629	7.0%
Office and Other Services	1,000 sq. ft.			\$686	\$384	\$1,877	\$7,869	\$10,816	6.9%
Industrial/Warehouse	1,000 sq. ft.			\$161	\$90	\$442	\$2,540	\$3,233	7.0%

For comparison purposes, the 2023 fees (effective January 1, 2023) increased by **8.6%** for CEFs and **7.4%** for TEF.

For Utilities impact fees, staff also bases inflationary updates on the Engineering News Record Construction Cost Index to adjust fees. This adjustment for 2024 is **7.4%**. In 2023, the utility impact fees were increased by 9%. The full detailed schedule of fee adjustments is included in the attached ordinances.

The tables below present a summary of the total fee component of development activity costs for both a multi-unit complex and a detached, single/duplex example. The multi-family example is for a 48,000 square foot development with 55 units. The single-family example is an 1,890 square foot floorplan.

City Charged Fees: Multi-Unit Residence Example

Type	2018	2019	2020	2021	2022	2023	2024
Capital Expansion Fees	\$ 320,692	\$ 398,425	\$ 448,585	\$ 460,753	\$ 469,536	\$ 509,916	\$ 538,471
Transportation Capital Expansion	\$ 125,525	\$ 159,479	\$ 160,512	\$ 161,403	\$ 173,366	\$ 185,675	\$ 199,415
Development Review, Permit, Infrastructure Fees	\$ 67,695	\$ 67,695	\$ 67,695	\$ 67,846	\$ 58,850	\$ 58,850	\$ 58,850
Utility Fees	\$ 514,387	\$ 521,991	\$ 582,008	\$ 602,552	\$ 561,542	\$ 594,544	\$ 624,134
Combined Fees	\$ 1,028,300	\$ 1,147,591	\$ 1,258,801	\$ 1,292,554	\$ 1,263,294	\$ 1,348,985	\$ 1,420,871
Percentage Change	Baseline	11.6%	9.7%	2.7%	-2.3%	6.8%	5.3%

City Charged Fees: Single/Duplex Residence Example - 1890 sq. ft

Fee Type	2018	2019	2020	2021	2022	2023	2024
Capital Expansion Fees	\$ 6,038	\$ 7,630	\$ 8,591	\$ 8,824	\$ 8,992	\$ 9,764	\$ 10,310
Transportation Capital Expansion Fees	\$ 5,150	\$ 6,543	\$ 6,586	\$ 6,623	\$ 7,115	\$ 7,621	\$ 8,185
Development Review, Permits, Infrastructure Fees	\$ 2,532	\$ 2,532	\$ 2,532	\$ 3,314	\$ 2,792	\$ 2,792	\$ 2,792
Utility Fees	\$ 21,907	\$ 22,321	\$ 25,517	\$ 26,353	\$ 35,992	\$ 37,485	\$ 38,569
Combined Fees	\$ 35,627	\$ 39,026	\$ 43,226	\$ 45,114	\$ 54,891	\$ 57,662	\$ 59,856
Percentage Change	Baseline	9.5%	10.8%	4.4%	21.7%	5.0%	3.8%

As noted in the utility commentary above, no increases for 2024 are included for the Water Supply Requirement.

CITY FINANCIAL IMPACTS

The amount of impact fee collections in any given year depends on the volume of development activity. Over the past few years, the city has collected approximately \$11.1 million per year in Capital Expansion Fees and Transportation Expansion Fees. Collections from Utility PIFs and the Electric Capacity Fee have averaged approximately \$6.6 million per year. Based on these volume estimates, the table below highlights the monthly and annual impact on revenues with adoption of the of the inflation adjustments to the impact fees.

Financial Impact - Inflation Adjustment to Fees

	Annual Revenue (\$ 000)	Monthly Revenue (\$ 000)	Fee Increase %	Annual Fee Increase (\$ 000)	Monthly Fee Increase (\$ 000)
CEF / TEF	\$11,053	\$921	6.3%	\$700	\$58
Utility PIFs and ECF	\$6,561	\$547	7.4%	\$486	\$41
Total	\$17,614	\$1,468	6.7%	\$1,186	\$99

For comparative purposes, the financial impact from the CEF and TCEF study updates and the utility model updates discussed in the December 14, 2024, Council Finance Committee meeting are also shown below.

Financial Impact - Study and Model Updates to Fees

	Annual Revenue (\$ 000)	Monthly Revenue (\$ 000)	Fee Increase %	Annual Fee Increase (\$ 000)	Monthly Fee Increase (\$ 000)
CEF / TEF	\$11,053	\$921	15.0%	\$1,663	\$139
Utility PIFs and ECF	\$6,561	\$547	10.3%	\$677	\$56
Total	\$17,614	\$1,468	13.3%	\$2,340	\$195

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

At the Council Finance Committee meeting on December 14, 2023, the committee recommended deferring action on the fee study updates and adopting inflation-only adjustments to impact fees (except for the Water Supply Requirements) as described above with an effective date of March 1, 2024.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance A for Consideration
2. Ordinance B for Consideration
3. Ordinance C for Consideration
4. Ordinance D for Consideration
5. Ordinance E for Consideration

ORDINANCE NO. 020, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 7.5 OF THE CODE OF THE CITY OF FORT
COLLINS TO INCREASE FOR INFLATION THE CAPITAL
EXPANSION FEES AND THE TRANSPORTATION EXPANSION FEE

A. The City is a home rule municipality having the full right of self-government in local and municipal matters under the provisions of Article XX, Section 6 of the Colorado Constitution.

B. Among the City's home rule powers is the power to regulate, as a matter of purely local and municipal concern, the development of real property within the City and establish impact fees for such development.

C. The City Council has determined that new development should contribute its proportionate share of providing the capital improvements that are typically funded with impact fees.

D. The City Council has broad legislative discretion in determining the appropriate funding mechanisms for financing the construction of public facilities in the City.

E. Article II of City Code Chapter 7.5 imposes as an impact fee on new development capital expansion fees for community parkland, police, fire protection and general government (collectively, "CEFs") and a transportation expansion fee (the "TEF").

F. Article V of City Code Chapter 7.5 imposes as an impact fee on new development a capital expansion fee for neighborhood parkland (the "Neighborhood Parkland CEF").

G. City Code Section 7.5-18 provides that the CEFs, the Neighborhood Parkland CEF and the TEF are to be increased or decreased annually for inflation.

H. Each of the CEFs is to be increased or decreased annually according to the Denver-Boulder Consumer Price Index for Urban Consumers, as published by the Bureau of Labor Statistics (the "CEF Inflation Factor").

I. The TEF is to be increased or decreased annually according to the Engineering News Record Denver Regional Construction Cost Index (the "TEF Inflation Factor").

J. The CEF Inflation Factor increased by 5.6% in 2023 and the TEF Inflation Factor increased by 7.4% in 2023.

K. The City Council has determined that it is in the best interest of the City and its residents and necessary for the protection of the public's health, safety and welfare,

that effective March 1, 2024, the CEFs and the Neighborhood CEF should be increased for inflation by 5.6% and the TEF should be increased for inflation by 7.4%, as hereafter provided.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 7.5-28(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-28. - Community parkland capital expansion fee.

- (a) There is hereby established a community parkland capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of community parks, as such improvements may be identified in the capital improvements plan for community parkland. Such fee shall be payable prior to the issuance of any building permit for a residential structure. The amount of such fee shall be determined per dwelling unit as follows:

	2023	As of March 1, 2024
Resid., up to 700 sq. ft.	\$2,977.00	\$3,144.00
Resid., 701 to 1,200 sq. ft.	3,985.00	4,208.00
Resid., 1,201 to 1,700 sq. ft.	4,351.00	4,595.00
Resid., 1,701 to 2,200 sq. ft.	4,396.00	4,642.00
Resid., over 2,201 sq. ft.	4,901.00	5,175.00

In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

Section 2. Section 7.5-29(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-29. - Police capital expansion fee.

- (a) There is hereby established a police capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of police services, as such improvements may be identified in the capital improvements plan for police services. Such fee shall be payable prior to the issuance of any building permit for a residential, commercial or industrial structure. The amount of such fee shall be determined as follows:

	2023	As of March 1, 2024
Resid., up to 700 sq. ft.	\$289.00	\$305.00
Resid., 701 to 1,200 sq. ft.	391.00	413.00
Resid., 1,201 to 1,700 sq. ft.	425.00	449.00
Resid., 1,701 to 2,200 sq. ft.	431.00	455.00
Resid., over 2,200 sq. ft.	480.00	507.00
Commercial buildings (per 1,000 sq. ft.)	364.00	384.00
Industrial buildings (per 1,000 sq. ft.)	85.00	90.00

In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

Section 3. Section 7.5-30(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-30. - Fire protection capital expansion fee.

- (a) There is hereby established a fire protection capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of fire services, as such improvements may be identified in the capital improvements plan for fire protection services. Such fee shall be payable prior to the issuance of any building permit for a residential, commercial or industrial structure. The amount of such fee shall be determined as follows:

	2023	As of March 1, 2024
Resid., up to 700 sq. ft.	516.00	\$545.00
Resid., 701 to 1,200 sq. ft.	698.00	737.00
Resid., 1,201 to 1,700 sq. ft.	759.00	802.00
Resid., 1,701 to 2,200 sq. ft.	772.00	815.00
Resid., over 2,200 sq. ft.	859.00	907.00
Commercial buildings (per 1,000 sq. ft.)	650.00	686.00

Industrial buildings (per 1,000 sq. ft.)	152.00	161.00
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In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

Section 4. Section 7.5-31(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-31. - General governmental capital expansion fee.

- (a) There is hereby established a general governmental capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of general governmental services, as such improvements may be identified in the capital improvements plan for general governmental services. Such fee shall be payable prior to the issuance of any building permit for a residential, commercial or industrial structure. The amount of such fee shall be determined as follows:

	2023	As of March 1, 2024
Resid., up to 700 sq. ft.	\$703.00	\$742.00
Resid., 701 to 1,200 sq. ft.	948.00	1,001.00
Resid., 1,201 to 1,700 sq. ft.	1,035.00	1,093.00
Resid., 1,701 to 2,200 sq. ft.	1,051.00	1,110.00
Resid., over 2,200 sq. ft.	1,170.00	1,236.00
Commercial buildings (per 1,000 sq. ft.)	1,777.00	1,877.00
Industrial buildings (per 1,000 sq. ft.)	419.00	442.00

In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

Section 5. Section 7.5-32 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-32. - Transportation expansion fee.

There is hereby established a transportation expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding transportation improvements related to the provision of transportation services. Such fees shall be payable prior to the issuance of any building permit for a residential, commercial or industrial structure. These fees shall be deposited in the "transportation improvements fund" established in § 8-87. The amount of such fee shall be determined as follows:

TRANSPORTATION EXPANSION FEE SCHEDULE

	2023	As of March 1, 2024
Resid., up to 700 sq. ft.	\$2,703.00	2,903.00
Resid., 701 to 1,200 sq. ft.	5,020.00	5,391.00
Resid., 1,201 to 1,700 sq. ft.	6,518.00	7,000.00
Resid., 1,701 to 2,200 sq. ft.	7,621.00	8,185.00
Resid., over 2,200 sq. ft.	8,169.00	8,774.00
Commercial	9,946.00	10,682.00
Office and Other Services	7,327.00	7,869.00
Industrial/Warehouse	2,365.00	2,540.00

Section 6. Section 7.5-71(b) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-71. - Neighborhood parkland capital expansion fee.

- (b) The amount of the fee established in this Section shall be determined for each dwelling unit as follows:

	2023	As of March 1, 2024
Resid., up to 700 sq. ft.	\$2,108.00	\$2,226.00
Resid., 701 to 1,200 sq. ft.	2,822.00	2,980.00
Resid., 1,201 to 1,700 sq. ft.	3,082.00	3,255.00
Resid., 1,701 to 2,200 sq. ft.	3,114.00	3,288.00
Resid., over 2,200 sq. ft.	3,470.00	3,664.00

Introduced, considered favorably on first reading on February 6, 2024, and approved on second reading for final passage on February 20, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 1, 2024

Approving Attorney: Ryan Malarky

ORDINANCE NO. 021, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT
COLLINS REGARDING CALCULATION AND COLLECTION OF
DEVELOPMENT FEES IMPOSED FOR THE CONSTRUCTION OF
NEW OR MODIFIED ELECTRIC SERVICE CONNECTIONS

A. The City Council is empowered and directed by Article XII, Section 6, of the City Charter to fix, establish, maintain and provide for the collection of such rates, fees or charges for utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses and other obligations of the electric utility, as set forth therein.

B. Pursuant to City Code Sections 26-473 through 26-475, the City imposes development fees for new or modified electric service connections, including an Electric Capacity Fee ("ECF") and a Building Site Charge ("BSC").

C. The ECF is a one-time charge designed to recover the initial cost of adding new development to the electric system, and the BSC is designed to recover actual time and materials costs associated with building on site electric facilities at the specific development.

D. The ECF and BSC together represent the total electric plant investment fee for new development.

E. Fort Collins Utilities staff uses an approved cost allocation methodology to calculate ECF and BSC to assign costs based on actual system value, i.e. the "buy-in" approach also used to calculate service connection fees for water and wastewater services.

F. The values and costs used in applying this cost allocation methodology are reviewed and updated at least every two years.

G. At a regular meeting on October 12, 2023, the Energy Board considered proposed 2024 ECF and BSC rate adjustments and recommended approval.

H. Based on the foregoing, it is the desire of the City Council to amend Chapter 26 of the City Code to update the values and costs applied in calculating ECF and BSC for new or modified electric service connections.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Subsections 26-474 (b) and (d) of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 26-474. - Residential electric development fees and charges.

...

(b) The ECF shall be the total of the dwelling unit charge and systems modification charge, to be determined as follows:

(1) The dwelling unit credit shall be as follows:

For upgrade of an existing single family panel size, to be applied against the applicable ECF charge below	\$1,950
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(2) The dwelling unit charge shall be as follows:

a. Charge for a detached or attached single-family or multi-family panel size with two hundred (200) amp service	\$2,455
c. Charge for a detached or attached single-family panel size with three hundred and twenty (320) amp service	\$3,929
d. Charge for multi-family panel size with one hundred fifty (150) amp service, per dwelling unit	\$1,725

...

(d) A Building Site Charge ("BSC") for any new or modified residential service shall consist of the total of the applicable charges as described in this Subsection (d), and shall be paid as specified herein.

...

(2) When any new or modified residential service requires installation by the Utility of secondary service the BSC shall include a secondary service charge (SSC), and shall be paid at the time of building permit and based upon the current rates as of the time of issuance of the building permit. The SSC for detached single-family and duplex residences shall be the total of the secondary service charges, determined as follows:

a. The secondary service charge shall be as follows:

<i>Secondary Service Size</i>	<i>Charge (up to 65 feet)</i>	<i>Plus Per-Foot Charge for Each Foot Over 65</i>
4/0 service	\$2,206.00	\$10.95 /Foot
4/0 Mobile Home Service	\$1,877.00	N/A

...

Section 2. Subsections 26-475 (b) and (d) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-475. Nonresidential electric development fees and charges.

...

(b) The ECF shall be the total of the kVA service charge and systems modification charge, to be determined as follows:

(1) The kVA service charge shall be determined as follows.

a. For customer electric loads served by the utility, the kVA service charge shall be calculated as follows:

ECF shall be calculated as follows:	
secondary metered services	$\$/kW = \$425.91 + \$27.23 \times \ln(kW)$
primary metered services	$\$/kW = \$283.34 + \$7.40 \times \ln(kW)$
Where \ln is the natural logarithm	
kW is calculated as follows:	
three phase services	$kW = A \times V \times \text{SQRT}(3) \times \text{PF} \times 0.3/1000$
single phase services	$kW = A \times V \times \text{PF} \times 0.3/1000$
Where A is the requested amperage, calculated individually and aggregated under subsection (a) above. V is requested line to line voltage. PF is the power factor, which is assumed to be 0.9.	

...

(d) A Building Site Charge ("BSC") for extending primary circuitry to the transformer for any new or modified nonresidential service shall be

invoiced and paid in the same manner and at the same time as the ECF is invoiced and paid pursuant to § 26-475(a). The BSC shall be the total of the primary circuit charge, transformer installation charge and any additional charges, determined as follows:

(1) The primary circuit charge for service from the utility source to the transformer shall be as follows:

a. For single-phase service, per foot of primary circuit	\$23.90
b. For three-phase service, per foot of primary circuit	\$42.20

(2) The transformer installation charge shall be as follows:

a. For single-phase service, per transformer	\$2,266.26
b. For three-phase service, per transformer	\$5,052.62

...

Section 3. The modifications set forth above shall be effective for all fees paid on or after March 1, 2024.

Introduced, considered favorably on first reading on February 6, 2024, and approved on second reading for final passage on February 20, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 1, 2024

Approving Attorney: Cyril Vidergar

ORDINANCE NO. 022, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF
FORT COLLINS TO REVISE WATER PLANT INVESTMENT FEES

A. The City Council is empowered and directed by Article XII, Section 6 of the Charter of the City of Fort Collins, to by ordinance from time to time fix, establish, maintain, and provide for the collection of such rates, fees or charges for water and for other utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses, and other obligations as set forth therein.

B. Article III, Chapter 26 of the City Code establishes and sets forth the water utility as a utility service furnished by and as an enterprise of the City.

C. City Code Sections 26-120 and 26-128 provide for water plant investment fees ("WPIFs") to be based on and used for growth-related capital expansion costs of water supply, storage, transmission, treatment and distribution, and administrative facilities that are reasonably related to the overall costs of and required in providing water services to serve new development.

D. City Code Section 26-120 further requires that the City Manager annually review the parameters and rates of the WPIFs and also requires that the City Manager present such fees to the City Council for approval no less frequently than biennially.

E. The City Manager and City staff have also recommended to the City Council adjustment of the WPIFs, as set forth herein.

F. Based on the foregoing, City Council desires to amend Chapter 26 of the City Code to adjust the WPIFs as set forth herein.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 26-128 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-128. Schedule C, water plant investment fees.

The water plant investment fee prescribed in § 26-120 shall be payable by users both inside and outside of the City, as follows:

(1) Single-family residential buildings.	
For a single-family residential lot greater than one-half (½) acre in size, the lot size shall be deemed to be one-half (½) acre for the purpose of this fee calculation. For each additional tap or	

meters larger than three-fourths ($\frac{3}{4}$) inch, the nonresidential rate shall apply.	
a. For the first three-fourths-inch water tap or meter	\$914.00
b. For the first one-inch water tap or meter to accommodate residential fire suppression systems based upon the criteria established in the International Building Code as adopted and amended pursuant to Chapter 5 of this Code.	\$1,548.00
c. Plus, for each square foot of lot area	\$0.494
(2) Residential buildings of two (2) or more dwelling units (including fraternity and sorority multi-family housing)	
The fee will provide for one (1) tap per residential building and an adequate number of additional taps to serve common irrigable areas, if any. The number and size of taps shall be determined by the Utilities Executive Director based upon the criteria established in the Uniform Plumbing Code as amended pursuant to Chapter 5 of this Code.	
a. For each residential building unit	\$690.00
(3) Mobile home parks	
The size of the tap shall be determined by the Utilities Executive Director based upon the criteria established in the Uniform Plumbing Code as amended pursuant to Chapter 5 of this Code.	
a. For each residential building unit	\$690.00
b. Plus, for each square foot of lot area to be irrigated with the tap serving the residential building unit	\$0.365
(4) Hotels, fraternity and sorority dormitory housing, and similar uses.	
The nonresidential rate shall apply.	
(5) Nonresidential service	
a. Service to all nonresidential taps other than irrigation-only taps in subsection b shall be charged according to the size of the meter pursuant to the following schedule:	
<i>Meter Size (inches)</i>	<i>Non-residential Non-Irrigation-Only WPIF</i>
$\frac{3}{4}$	\$5,367.00
1	\$13,454.00
1½	\$24,794.00
2	\$48,727.00
The fee for such meters larger than two (2) inches shall be calculated by multiplying the estimated peak daily demand, as determined by the Utilities Executive Director, by the following	\$6.54

charge per gallon, but shall not be less than the charge for a two-inch meter.	
b. Service to all irrigation-only taps shall be charged according to the size of the meter pursuant to the following schedule:	
<i>Meter Size (inches)</i>	<i>Non-residential Irrigation Only Plant WPIF</i>
$\frac{3}{4}$	\$17,397.00
1	\$39,754.00
1½	\$98,872.00
2	\$151,109.00
The fee for meters larger than two (2) inches shall be calculated by multiplying the estimated peak daily demand approved by the Utilities Executive Director by the following charge per gallon, but shall not be less than the charge for a two-inch meter.	\$6.54

...

Section 3. The modifications set forth above shall be effective for all fees paid on or after March 1, 2024.

Introduced, considered favorably on first reading on February 6, 2024, and approved on second reading for final passage on February 20, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 1, 2024

Approving Attorney: Eric Potyondy

ORDINANCE NO. 023, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF
FORT COLLINS TO REVISE SEWER PLANT INVESTMENT FEES

A. The City Council is empowered and directed by Article XII, Section 6 of the Charter of the City of Fort Collins, to by ordinance from time to time fix, establish, maintain, and provide for the collection of such rates, fees or charges for water and for other utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses, and other obligations as set forth therein.

B. Article IV, Chapter 26 of the City Code establishes and sets forth the wastewater utility as a utility service furnished by and as an enterprise of the City.

C. City Code Sections 26-283 and 26-284 provide for sewer plant investment fees ("SPIFs") to be based on and used for growth-related capital expansion costs of wastewater collection, transmission, treatment, and administrative facilities that are reasonably related to the overall costs of and required in providing wastewater services to serve new development.

D. City Code Section 26-283 further requires that the City Manager annually review the parameters and rates of the SPIFs and also requires that the City Manager present such fees to the City Council for approval no less frequently than biennially.

E. The City Manager and City staff have also recommended to the City Council adjustment of the SPIFs.

F. Based on the foregoing, City Council desires to amend Chapter 26 of the City Code to adjust the SPIFs as set forth herein.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 26-284 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-284. - Sewer plant investment fees and surcharges established.

(a) The schedule of sewer plant investment fees, subject to the exceptions and additional requirements provided in this Section, is as follows:

Category	SPIF		
A	Single-family	Per dwelling	\$4,476.00

B and C	Duplex and Multi-family	Per each dwelling unit or mobile home space	\$3,230.00
D, E, F	Non-residential and Industrial		
	Water meter size (inches) Fee		Fee
	¾		\$9,612.00
	1		\$21,433.00
	1½		\$40,334.00
	2		\$83,685.00
	3 and above	Calculated on an individual basis based on peak wastewater flow (determined in the manner set forth hereinafter) but not less than the charge for a two-inch meter	
G	User outside	Same as equivalent category, plus any special sanitation district fees	
H	Special	Determined pursuant to Subsection (d) of this Section	

...

- (d) The amount of the plant investment fee and surcharge for each nonresidential surcharged user, users in Category H and any user that is expected to generate greater than its proportionate share of peak day flow at the treatment plant for the applicable category (including both contributed wastewater volume and volume related to infiltration and inflow), shall be calculated utilizing the following formula:

$$\text{SPIF} = \text{Site Flow} \times [\text{Flow}_{\$} + (\text{BOD} \times \text{BOD}_{\$}) + (\text{TSS} \times \text{TSS}_{\$})] + \text{I\&I Flow} \times [\text{Flow}_{\$} + (200 \text{ mg/l} \times \text{BOD}_{\$}) + (250 \text{ mg/l} \times \text{TSS}_{\$})]$$

Where:

SPIF	=	Plant investment fee for Category H users and users discharging wastewater with average concentrations of BOD and/or TSS which exceed those average concentrations which are set forth in § 26-282(b) under Category E-34		
Site Flow	=	The user's proportionate share of peak day flow at the treatment plant based on site flow discharge from user's site		
I&I Flow	=	That proportionate share of peak day flow due to infiltration and inflow as allocated to user's site flow discharge. I&I Flow is calculated based on Site Flow multiplied by	46.5%	
Flow _{\$}	=	Unit cost of facilities attributable to treating wastewater flow	Per Gallon	\$12.22
BOD	=	Average BOD concentration for user category or measured BOD concentration for the user as determined in accordance with Subsection (c) of this Section, but not less than 200 mg/l		
BOD _{\$}	=	Unit cost of facilities attributable to treating BOD	Per mg/l	\$0.0183
TSS	=	Average TSS concentration for user category or measured TSS concentration for the user as determined in accordance with Subsection (c) of this Section, but not less than 250 mg/l		
TSS _{\$}	=	Unit cost of facilities attributable to treating TSS	Per mg/l	\$0.0146

...

Section 3. The modifications set forth above shall be effective for all fees paid on or after March 1, 2024.

Introduced, considered favorably on first reading on February 6, 2024, and approved on second reading for final passage on February 20, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 1, 2024

Approving Attorney: Eric Potyondy

ORDINANCE NO. 024, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF
FORT COLLINS TO REVISE THE STORMWATER PLANT
INVESTMENT FEES

A. The City Council is empowered and directed by Article XII, Section 6 of the Charter of the City of Fort Collins, to by ordinance from time to time fix, establish, maintain, and provide for the collection of such rates, fees or charges for water and for other utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses, and other obligations as set forth therein.

B. Article VII, Chapter 26 of the City Code establishes the stormwater utility as a utility service furnished by and as an enterprise of the City.

C. City Council has adopted stormwater basin and City-wide master plans recommending stormwater facilities necessary to provide for proper drainage and control of flood and surface waters within the City.

D. In 1998, City Council adopted Ordinance No. 168, 1998, determining that all lands within the City benefit by the installation of such stormwater facilities.

E. Existing stormwater rate payers have paid for the design, right-of-way, and construction of stormwater facilities identified in the drainage basin master plans that will benefit and be utilized by new development.

F. City Council has determined that new development should pay its proportionate share of the costs of capital stormwater facilities in existence at the time of development in the form of a stormwater plant investment fee as established by City Code Section 26-512 ("Stormwater PIF").

G. City Code Section 26-511 requires that the City Manager review the rates and parameters for the Stormwater PIF annually and present them to City Council for approval no less frequently than biennially.

H. The City Manager and City staff have also recommended to the City Council adjustment of the Stormwater PIF as set forth herein.

I. Based on the foregoing, City Council desires to amend Chapter 26 of the City Code to adjust the Stormwater PIF as set forth herein.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 26-512 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-512. - Stormwater plant investment fees established.

...

(2) Plant investment fee base rate. The stormwater plant investment fee base rate is hereby established as follows:

Per gross acre of area	\$11,834
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...

Section 2. The modifications set forth above shall be effective for all fees paid on or after March 1, 2024.

Introduced, considered favorably on first reading on February 6, 2024, and approved on second reading for final passage on February 20, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 1, 2024

Approving Attorney: Eric Potyondy

February 20, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Marc Virata, Civil Engineer
Dana Hornkohl, Capital Projects Manager

SUBJECT

Second Reading of Ordinance No. 025, 2024, Adopting the 2024 Larimer County Regional Transportation Capital Expansion Fee Schedule.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on February 6, 2024, adopts the 2024 Larimer County Regional Transportation Capital Expansion Fee Schedule.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

In 2000, the City and Larimer County ("County") entered into an intergovernmental agreement ("IGA") authorizing the City to collect Larimer County Regional Transportation Capital Expansion Fees ("Regional TCEFs") on behalf of the County. The Regional TCEFs generate revenue for capacity-related improvements to regionally significant roadways that are necessitated by new development. The regional TCEFs are used only for improvements that mutually benefit both the City and the County. Regional TCEFs are collected at the time of issuance of a building permit.

Per the IGA, the County serves as the Regional TCEF administrator and is responsible for developing project recommendations for fee utilization. The County's recommendations typically are based on the County's Transportation Master Plan, a document that identifies regionally significant roadways. Once a project has been identified, City and County staff work together to determine Regional TCEF funding allocations. Regional TCEFs frequently are leveraged with other funds to support larger scale capital projects and can fully support small scale capacity related improvements.

The City and County previously have partnered to design and construct several projects along regionally significant roadways using Regional TCEFs, including improvements to Taft Hill Road, Shields Street, and the Shields Street/Vine Drive intersection. City and County staff continue to collaborate on efficient and effective uses for the Regional TCEF funds; most recently agreeing to use these funds to improve a section of Taft Hill Road between Horsetooth Road and Harmony Road.

The Larimer County Land Use Code specifies that its Regional TCEF must be updated annually to reflect changes in road construction costs during the previous year. In July 2023, the County adopted a revised

fee schedule which increased the Regional TCEF by 22.4%. A copy of the June 6, 2023, "Transportation Capital Expansion Fee Adjustments for 2023" memorandum to the Larimer County Board of County Commissioners outlining the revised fees is attached as Exhibit A to the Ordinance.

The Regional TCEF increase of 22.4% is based on the Colorado Construction Cost Index reported by the Colorado Department of Transportation (eight-quarter moving average) and was previously adjusted in 2023 to 3.9%. In comparison, the City TCEF inflation increase of 7.4% also presented to Council on February 6 for consideration on first reading is based on the Construction Cost Index (Denver) reported by the Engineering News Record (twelve-month average ending in August). As has been the case with previous yearly inflation updates, the City and County agreed to move forward with recommending this inflation adjustment concurrent with the inflation increase for TCEF.

The revised (2024) Regional TCEFs, along with a comparison to the 2023 Regional TCEFs, are as follows:

Development Type	2023 Regional Road TCEF	2024 Regional Road TCEF	Increase or Decrease
Residential (per Dwelling) by Square Feet of Finished Living Space			
900 or less	\$191	\$233	\$42
901 to 1300	\$268	\$327	\$59
1301 to 1800	\$324	\$396	\$72
1801 to 2400	\$380	\$464	\$84
2401 to 3000	\$426	\$520	\$94
3001 to 3600	\$462	\$564	\$102
3601 or more	\$495	\$605	\$110
Nonresidential (per 1,000 Square Feet of Floor Area)			
Commercial	\$498	\$610	\$112
Office & Other Services	\$294	\$360	\$66
Industrial	\$118	\$144	\$26

The revised fees became effective within the County on July 1, 2023. Under the IGA, revisions to the Regional TCEFs do not take effect in the City until Council approves a new fee schedule.

CITY FINANCIAL IMPACTS

The fees are collected on behalf of Larimer County and the Regional TCEF program. Revenues from the fees will pass through City accounts and will not affect City revenue limits under Article X, Section 20 of the Constitution of the State of Colorado. The City retains a 2% administrative fee. Adoption of the Regional TCEF Schedule will result in an increase to development fee payers.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration
2. Exhibit A to Ordinance

ORDINANCE NO. 025, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING THE 2024 LARIMER COUNTY REGIONAL
TRANSPORTATION CAPITAL EXPANSION FEE SCHEDULE

A. The City and Larimer County (the “County”) previously entered into an intergovernmental agreement (the “IGA”), as amended from time to time, whereby the City collects a Regional Transportation Capital Expansion Fee (also known as a “regional road impact” fee) on behalf of Larimer County at the time of issuance of building permits, which fee raises revenue for road improvements on regionally significant roadways that are necessitated by new development.

B. The City and the County have established a procedure pursuant to City Code Section 7.5-82 for the City Council to consider and approve any County-proposed changes to the Regional Transportation Capital Expansion Fee schedule (the “Regional TCEF Schedule”) to reflect changes in construction costs, or other relevant factors.

C. The last changes to the Regional TCEF Schedule were accomplished by City Council’s adoption of Ordinance No. 142, 2022, and the County in 2023 adopted a revised fee schedule (referenced on the attached Exhibit as the “2023” fee schedule) that increases the Regional TCEF by 22.4%, reflecting increases in road construction costs based on an eight-quarter moving average calculated from the Colorado Construction Cost Index data compiled by the Colorado Department of Transportation.

D. Under the terms of the IGA, revisions to the Regional TCEF Schedule do not take effect in the City until the City Council approves the new fee schedule.

E. The City Council has determined that it is in the best interests of the City that the County’s proposed changes to the Regional TCEF Schedule be adopted to further the public interest of adequately funding road improvements that are necessitated by new developments along regionally significant roadways that impact the City.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the 2024 Larimer County Regional Transportation Capital Expansion Fee Schedule attached hereto as Exhibit “A” and incorporated herein by reference is hereby adopted and approved and shall go into effect in Fort Collins upon the effective date of this Ordinance.

Introduced, considered favorably on first reading on February 6, 2024, and approved on second reading for final passage on February 20, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 1, 2024

Approving Attorney: Ryan Malarky

LARIMER COUNTY | ENGINEERING DEPARTMENT

P.O. Box 1190, Fort Collins, Colorado 80522-1190, 970.498.5700, Larimer.org

MEMORANDUM

TO: Board of County Commissioners**FROM:** Mark Peterson, County Engineer**DATE:** June 6, 2023**RE:** Transportation Capital Expansion Fee Adjustments for 2023

Since 1998, under the terms of the Land Use Code, Larimer County has been collecting transportation capital expansion fees (TCEF) from new traffic generating development to be used for improvements to the road system to accommodate the increase in traffic generated by the new development. The current Land Use Code specifies an effective date for the annually updated TCEF's as July 1st, which is consistent with the effective date for the annual cost of living updates for the Planning and Building Department fees.

This memorandum is intended as notification to the Board of County Commissioners that the annual review of the Larimer County Transportation Capital Expansion Fees (TCEFs) for 2023 is resulting in an **increase of 22.4%** from the 2022 values. As an example of what this change would mean, the TCEF on a new single-family home (between 1,801 SF – 2,400 sf) would increase by \$1,102, from \$4,923 to \$6,025. See the table below for the complete current 2023 fee schedule and the schedule that would be effective based on a 22.4% increase.

The methodology for the adjustment in the TCEF's each year is specified in the Land Use Code and is intended to reflect changes in road construction costs. The data is based on an 8-quarter moving average calculated from Colorado Construction Cost Index quarterly data compiled and reported by the Colorado Department of Transportation (CDOT).

The procedure spelled out in the Land Use Code states that, if the change in fees is less than or equal to 5%, the new fees become effective without further action by the BCC. If the change in fees is greater than 5%, the BCC shall determine the rate adjustment and corresponding 2023 TCEF rate schedule.

Since this year's calculated percent change of 22.4% is greater than 5%, Board approval is required to establish the 2023 TCEF Rate Schedule. Staff is seeking Board approval of the proposed 2023 TCEF Rate Schedule based on the calculated 2023 adjustment of 22.4%. The annual adopted fee schedule is typically made effective July 1, 2023.



Transportation Capital Expansion Fee Adjustments
Page 2



2023 Transportation Capital Expansion Fee Schedule

Residential TCEF		
Finished Living Space per Dwelling (Square Feet)	2022 TCEF (\$)	2023 TCEF (with 22.4% Increase) (\$)
900 or less	\$2,489	\$3,046
901-1300	\$3,491	\$4,272
1301-1800	\$4,205	\$5,146
1801-2400	\$4,923	\$6,025
2401-3000	\$5,524	\$6,760
3001-3600	\$6,013	\$7,358
3601 or more	\$6,427	\$7,866
Commercial Use <u>per 1,000 SF</u> of Floor Area	2022 TCEF (\$)	2023 TCEF (with 22.4% Increase) (\$)
Industrial	\$1,531	\$1,874
Commercial	\$6,450	\$7,895
Office & Other Services	\$3,796	\$4,646

February 20, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Heather McDowell, Special Projects Manager
Matt Fater, Director of Civil Engineering
Gerry Paul, Director of Purchasing

SUBJECT

Second Reading of Ordinance No. 026, 2024, Authorizing the Purchasing Agent to Enter into a Contract for Professional Services in Excess of Five Years for the Proposed Oak Street Stormwater Improvements Project.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on February 6, 2024, authorizes the City's purchasing agent, pursuant to City Code Section 8-186(a), to enter into contracts greater than five years in length, for professional services for the proposed Oak Street Stormwater Improvements Project. The contract authorized under the proposed ordinance could be extended up to the life of the project. Design for the project began in 2020, construction is anticipated to begin in 2024 with a 2-year duration, and project close-out may take several months, making the overall duration of the project seven (7) years or more. Under this scenario and without this proposed ordinance, the design contract would expire while the project is under construction, a situation that would result in logistical and cost ramifications for the City and the project.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

Anderson Consulting Engineers, Inc. is the lead engineer for the Oak Street project. Although the current contract with Anderson Consulting Engineers, Inc. will not expire until August 2025, the project construction is not anticipated to be completed until Fall 2026. As the lead engineer, Anderson Consulting Engineers, Inc. support during construction is critical. City Code Section 8-186(a) states no contract for materials, services or professional services, including all renewals, shall be made by the City for a period longer than five (5) years, unless authorized by ordinance, which ordinance shall not be passed as an emergency ordinance.

Design and construction for a project the size and complexity of the Oak Street Stormwater Improvements Project takes several years and is conducted in many phases. With that, it is essential to have a consistent team of design professionals throughout the life of the project so that their collective and in-depth knowledge of the project can be used to guide the project until its final completion and close-out.

The timeline of the project is approximately seven (7) years, as follows:

- Conceptual (30%) Design and Outreach: September 2020 – July 2021
- Preliminary (60%) Design and Cost Confirmation: August 2021 – February 2022
- Final (100%) Design and Bid Documents: June 2022 – July 2023
- Construction RFP and Contract: August 2023 – January 2024
- Pre-construction and Outreach: January 2024 – Aug 2024
- Construction: August 2024 – Winter 2026 (total anticipated duration is 24-30 months)
- Post-construction: Winter 2026 – Spring 2027

The project was initiated in August 2020 with the hiring of the design consultant firm, Anderson Consulting Engineers, Inc. This firm is under contract through a Professional Services Agreement with an effective date of August 3, 2020. The contract can be renewed for additional one-year periods for up to 4 years (5 years total), making the final expiration date of the contract no later than August 2, 2025. Anderson Consulting Engineers, Inc. is the design firm under contract with the City, however, it should be noted that there are several other professional subconsultants listed in the contract. These subconsultant services are for public engagement, landscape architecture, irrigation, structural engineering, geotechnical engineering, surveying, and tunnel engineering. The design professional team plays an integral role during construction because of their in-depth knowledge of the project, goals and objectives of the project, standards and design guidelines, technical information, design decisions and clarifications, and risks associated with the project. The team of professionals that are hired for a project of this size are expected to participate in all stages of the design process and to have continued involvement throughout the duration of construction and close-out.

The adoption of this ordinance will allow continued services, as needed, from Anderson Consulting Engineers, Inc. as well as the subconsultants included within their Professional Services Agreement, for the life of the project.

CITY FINANCIAL IMPACTS

This is a cost avoidance measure. Cost efficiencies will be realized by the City if the purchasing agent can enter into contracts for professional services in excess of five years for the Oak Street project.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 026, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE PURCHASING AGENT TO ENTER INTO A
CONTRACT FOR PROFESSIONAL SERVICES IN EXCESS OF
FIVE YEARS FOR THE PROPOSED OAK STREET
STORMWATER IMPROVEMENTS PROJECT

A. Effective August 3, 2020, the City entered into a five-year Professional Services Agreement (“Agreement”) with Anderson Consulting Engineers, Inc. to provide lead design engineering services and subconsultant coordination for the Oak Street Stormwater Improvement project (“Project”).

B. Project design began in 2020, construction is anticipated to begin in 2024 with a 2-year duration, and the overall project timeline is anticipated to be seven or more years.

C. The City’s Purchasing Agent has determined that Anderson Consulting is currently performing services well and to the satisfaction of the City under the Agreement, which will expire before the anticipated Project completion date.

D. The Purchasing Agent has further determined it is advisable to extend the Agreement beyond the initial five-year term, without a new competitive process, so the City may continue receiving high-quality consulting services from Anderson Consulting and the professional subconsultants it manages on the Project.

E. City Code Section 8-186(a) requires that City Council authorize by ordinance any contract for services with a potential total term over five years in length.

F. The Purchasing Agent recommends City Council authorize extending the Agreement beyond August 2025, to allow continued services, as needed, from Anderson Consulting and the subconsultants identified in the Agreement, ensuring stability in the delivery of services through Project completion.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby authorizes, pursuant to City Code Section 8-186(a), the Purchasing Agent to extend the Professional Services Agreement between the City and Anderson Consulting Engineers, Inc. for lead engineering services on the Oak Street Stormwater Improvement project until December 31, 2027, without a new competitive process.

Section 2. That the City Council hereby finds that extension of the Project agreement will benefit ratepayers by providing stability in the delivery of design,

landscape architecture, irrigation, structural, geotechnical and other engineering services through the Project life.

Introduced, considered favorably on first reading on February 6, 2024, and approved on second reading for final passage on February 20, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 1, 2024

Approving Attorney: Cyril Vidergar

February 20, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Katie Donahue, Natural Areas Director
Julie Feder, Environmental Planning Manager
Tawnya Ernst, Land Conservation Lead Specialist

SUBJECT

Second Reading of Ordinance No. 027, 2024, Authorizing the Mayor to Execute an Easement Agreement with Larimer County, the City of Loveland and South Fort Collins Sanitation District Regarding an Existing Sewer Line on Long View Farm Open Space.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on February 6, 2024, seeks authorization to approve conveyance of a sewer line easement to South Fort Collins Sanitation District (SFCSD) across Long View Farm Open Space. This easement is intended to formally document an existing sewer line that was installed in 1981 prior to the purchase of Long View Farm Open Space.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

Long View Farm Open Space was purchased in 1997 in partnership with Larimer County and the City of Loveland. Larimer County (50%) is the majority owner, with the City of Fort Collins (33%) and City of Loveland (17%) owning the remaining interests. At the time of purchase, the property was subject to several utility and right of way easements of record. Unfortunately, the sewer line was not properly documented at the time it was installed in 1981 by SFCSD and its existence was not known to County, Fort Collins or Loveland staff until the summer of 2023 when SFCSD needed access to perform maintenance on the line. The undocumented sewer line runs north to south immediately west of the right of way line for U.S. Highway 287.

Subsequently, County, City, City of Loveland and SFCSD staff have worked to prepare an easement document and to survey the existing line. See attached legal description and depiction. The easement will document the sewer line's existence, its location and define the parameters for access, notification, restoration and erosion control.

CITY FINANCIAL IMPACTS

No costs will be incurred by the City of Fort Collins for this easement. Survey costs were covered by SFCSD. County, Fort Collins and Loveland staff did not feel compensation would be appropriate since the sewer line pre-dated our ownership and the property was subject to the sewer line, even though it was not recorded.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

At its December 13, 2023, meeting, the Land Conservation and Stewardship Board voted unanimously to recommend that Council approve the granting of a permanent sewer line easement to South Fort Collins Sanitation District across Long View Farm Open Space in order to document an existing sewer line.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration
2. Exhibit A to Ordinance

ORDINANCE NO. 027, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT
AGREEMENT WITH LARIMER COUNTY, THE CITY OF LOVELAND
AND SOUTH FORT COLLINS SANITATION DISTRICT REGARDING
AN EXISTING SEWER LINE ON LONG VIEW FARM OPEN SPACE

A. The City of Fort Collins purchased Long View Farm Open Space in 1997 in partnership with Larimer County and the City of Loveland (the “Owners”). Larimer County owns fifty percent of the property, with the City of Fort Collins owning thirty-three percent and the City of Loveland owning the remaining seventeen percent interest.

B. At the time of purchase, Long View Farm Open Space was subject to several utility and right-of-way easements of record. Additionally, South Fort Collins Sanitation District (“SFCSD”) possessed a sewer line across the property.

C. This sewer line was not recorded at the time it was installed in 1981 by SFCSD and the existence of the sewer line was not known to the Owners’ staffs until the summer of 2023 when SFCSD needed access to perform maintenance on the sewer line. The undocumented sewer line runs north to south immediately west of the right-of-way line for U.S. Highway 287.

D. The parties agree that it is in the best interests of both the Owners and SFCSD for the sewer line to be in a documented and recorded easement and they have negotiated an Easement Agreement, attached hereto as Exhibit A and incorporated herein by this reference (the “Easement”).

E. The Easement describes the rights granted to SFCSD to access and maintain the sewer line. The Easement further requires SFCSD to promptly restore vegetation and control erosion in any disturbed areas, in accordance with the Larimer County Resource Protection and Restoration Standards. The Easement also allows the Owners to manage the area of the Easement for open space uses and to have access to and across the area of the Easement. It also provides that SFCSD is liable for damages resulting from the use or operation of the sewer line.

F. Section 23-111 of the City Code authorizes the City Council to dispose of interests in real property owned in the name of the City provided that the City Council first finds, by ordinance, that such disposition is in the best interests of the City.

G. Section 23-114 of the City Code authorizes the City Council to dispose of interests in real property for less than fair market value provided that the City Council determines that such disposition serves a bona fide public purpose.

H. City staff recommends that the City grant the Easement at no cost to the SFCSD. The City Council concurs and determines that the disposition of this property

interest serves a bona fide public purpose in accordance with the requirements of Section 23-114 of the City Code because:

1. The Easement promotes health, safety or general welfare and benefits a significant segment of the citizens of Fort Collins because it allows for the continued operation and maintenance of a sewer line that is part of a network of sewer lines that serves residents of Fort Collins;
2. The continued use of the sewer line supports the City's goal of maintaining a functional sewer system to serve the residents of Fort Collins;
3. The financial support provided through the grant of the Easement to SFCSD can be leveraged through benefits to the cooperative relationship with SFCSD, the County and the City of Loveland;
4. The financial benefit to SFCSD is not substantial relative to the public purpose of maintaining an operational sewer line; and
5. The grant of the Easement will not interfere with current City projects or work programs, hinder workload schedules or divert resources needed for primary City functions or responsibilities because the sewer line already exists, does not hinder City operations and the recordation of the Easement requires minimal City resources.

I. The City Council finds that granting the Easement on Long View Farm Open Space as described above is in the best interests of the City.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the City Council hereby authorizes the Mayor to execute the Easement Agreement consistent with this Ordinance, together with such terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City, including any necessary changes to the legal description of the Easement, as long as such changes do not materially decrease the size or change the character of the Easement.

Introduced, considered favorably on first reading on February 6, 2024, and approved on second reading for final passage on February 20, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 1, 2024
Approving Attorney: Ted Hewitt

GRANT OF EASEMENT

THIS AGREEMENT made as of the ____ day of _____, 2024, between LARIMER COUNTY BOARD OF COUNTY COMMISSIONERS, County of Larimer, State of Colorado, THE CITY OF FORT COLLINS, COLORADO and THE CITY OF LOVELAND COLORADO (collectively, the GRANTOR), and SOUTH FORT COLLINS SANITATION DISTRICT, a quasi-municipal corporation and political subdivision of the state of Colorado organized and existing pursuant to Article 1, Title 32, C.R. S. (GRANTEE), represented by the officer executing this agreement.

WITNESSETH:

Prior to GRANTOR owning the land subject to the easement described hereby, GRANTEE constructed and has operated and maintained a sanitary sewer main line since approximately 1980. By this Grant of Easement (the Easement), the parties desire to document and define such existing easement. Therefore, the parties hereto covenant and agree as follows:

1. The GRANTOR, for and in consideration of the sum of ten dollars (\$ 10.00) and the provisions contained in this agreement, does hereby grant and convey to the GRANTEE, and its successors, licensees, lessees and assigns, a perpetual, non-exclusive easement for a sanitary sewer main line and appurtenances, in, upon, over, and under the land described in Exhibit A (the Easement Area), attached hereto and made a part hereof.
2. The grant of easement shall include the right to access and enter the above-described Easement Area and to locate, survey, construct, reconstruct, operate, maintain, repair, rebuild, upgrade, remove, and monitor structures and appurtenances thereto. GRANTEE must exercise reasonable care and minimize any interference with GRANTOR's use and possession of the land.
3. The GRANTEE, in exercising the rights granted by this Easement, shall promptly restore vegetation and control erosion in any disturbed areas, including areas used for access, in accordance with the current Larimer County Resource Protection and Restoration Standards. This shall include vegetation establishment, weed control and soil erosion.

4. The GRANTEE shall exercise due care and diligence in the exercise of rights and privileges granted herein. The GRANTEE agrees to repair or reasonably compensate the GRANTOR for damage to vegetation and other resources that occurs as a result of the exercise of the rights granted herein, except as provided for in Section 3, above.
5. The GRANTOR is the sole owner of the property over which this Easement is granted and has the lawful right to convey this easement interest.
6. The GRANTOR shall have the right to manage the Easement Area for open space uses, as consistent with a land management plan to be developed by the GRANTOR and have access to and across the Easement Area described herein for any purposes which will not constitute a safety hazard or unreasonably interfere with any of the rights and privileges herein granted to the GRANTEE. The GRANTEE must notify the GRANTOR in writing of any activity of the GRANTOR within the Easement Area that it determines to be a safety hazard or which unreasonably interferes with any of the rights and privileges herein granted to the GRANTEE; for any such activity, the parties shall confer and agree upon a reasonable approach to accommodate both parties' activities to the extent possible.
7. The following activities are prohibited within the Easement Area unless written permission is granted by the GRANTEE, which shall not be unreasonably withheld:
 - i) GRANTOR shall not erect any structures; by way of example, structures shall include, but are not limited to buildings, mobile homes, signs, light standards, storage tanks, or similar facilities;
 - ii) GRANTOR shall not drill wells or conduct mining operations; and
 - iii) GRANTOR shall not appreciably change the character of existing topography.
8. In the event of permanent abandonment of any or all rights to the Easement granted herein to the GRANTEE, GRANTEE shall execute and record a quitclaim deed in favor of the

GRANTOR, or its successors, to terminate the Easement. The GRANTEE, or its assigns, shall remove, within a reasonable time, all structures, facilities, and equipment placed in, upon, under or over the Easement by or on behalf of the GRANTEE from the Easement Area whether before or after execution of the quitclaim deed.

9. The provisions hereof shall inure to the benefit of and be binding upon the heirs, executors, personal representatives, administrators, successors, and assigns of the GRANTOR, and the licensees, lessees, and assigns of the GRANTEE.
10. The GRANTEE agrees it is solely responsible for the maintenance of any structures, facilities, or equipment that GRANTEE places within the easement. Further, GRANTEE agrees to be responsible and liable for any damages resulting from those structures, facilities, and equipment and any activities relating to those structures, facilities, and equipment.
11. At the time of construction, GRANTEE acquired an easement and consent from North Loudon Ditch and Reservoir Company for the right to construct a sewer line over, under or across the North Loudon Ditch. That easement and consent are attached as Exhibit B and incorporated herein.
12. This Easement contains the entire agreement of the parties relating to the subject matter hereof and, except as provided herein, may not be modified or amended except by written agreement of the parties. In the event a court of competent jurisdiction holds any provision of this Easement invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision of this Easement. This Easement shall be governed by the laws of the State of Colorado, and venue shall be in the County of Larimer, State of Colorado.

IN WITNESS WHEREOF, the parties hereto have signed their names, the day and year first above written.

GRANTOR: BOARD OF COMMISSIONERS OF LARIMER COUNTY, COLORADO

Chair

STATE OF COLORADO)
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by _____, Chairman of the Board of County Commissioners of Larimer County, Colorado.

Witness my hand and official seal.

[Seal]

Notary Public

My commission Expires: _____

DATE: _____
APPROVED AS TO FORM

COUNTY ATTORNEY

GRANTOR:

THE CITY OF FORT COLLINS, COLORADO
a Municipal Corporation

Date: _____

By: _____
Jeni Arndt, Mayor

ATTEST:

City Clerk

(Printed name)

APPROVED AS TO FORM:

Assistant City Attorney

(Printed name)

STATE OF COLORADO)
) ss
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2024, by Jeni Arndt as Mayor of the City of Fort Collins.

Witness my hand and official seal.

My Commission expires:

Notary Public

GRANTOR: CITY OF LOVELAND, COLORADO

Date: _____

By: _____
Stephen C. Adams, City Manager

APPROVED AS TO FORM:

City Attorney

STATE OF COLORADO)
COUNTY OF LARIMER) ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by _____, City Manager, City of Loveland, Colorado.

Witness my hand and official seal.

[Seal]

Notary Public
My commission Expires: _____

GRANTEE:

Eric Bailey, District Manager

STATE OF COLORADO)
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by Eric Bailey.

Witness my hand and official seal.

[Seal]

Notary Public
My commission Expires: _____

EXHIBIT A
(1 of 4)
PROPERTY DESCRIPTION

A strip of land, Thirty (30) feet in width for most of its length, being part of the East Half of the East Half (E1/2 E1/2) of Section Twenty-three (23), Township Six North (T.6N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, the centerline of said strip of land being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 23 and assuming the East line of the Northeast Quarter (NE1/4) of said Section 23, being monumentalized by a #6 rebar with a 3 1/4" diameter aluminum cap stamped "LS20676, 2015" in a monument box at both ends, as bearing South 00°10'01" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/11, a distance of 2654.37 feet, with all other bearings contained herein relative thereto;

THENCE South 89°03'29" West along the North line of the Northeast Quarter (NE1/4) of said Section 23 a distance of 76.66 feet;

THENCE South 00°07'45" East a distance of 25.88 feet to the South line of that sanitary sewer easement described in that Easement Agreement recorded October 28, 1999 as Reception No. 0099093250 of the records of the Larimer County Clerk and Recorder, said point being the **POINT OF BEGINNING** of said centerline;

THENCE continuing South 00°07'45" East a distance of 584.57 feet;

THENCE South 01°39'12" East a distance of 438.34 feet to a point being Fifteen (15) feet, as measured at a right angle, West of the West Right-of-way line of US Highway 287 as established by that Special Warranty Deed recorded January 16, 1958 in Book 1060 at Page 55 as Reception No. 738563 of the records of the Larimer County Clerk and Recorder;

THENCE South 00°10'01" East along a line being Fifteen (15) feet, as measured at a right angle, West of and parallel with said West Right-of-way line of US Highway 287 a distance of 799.72 feet;

THENCE South 01°04'53" West, leaving said parallel line, a distance of 398.53 feet;

THENCE South 00°09'17" East a distance of 3011.15 feet to the North Right-of-way line of W. 71st Street established by that *Grant of Easement and Right of Way* recorded June 15, 1998 as Reception No. 98049988 of the records of the Larimer County Clerk and Recorder, said point being the **POINT OF TERMINATION** of said centerline;

The sidelines of said described strip of land shall be shortened or lengthened so as to result in continuous lines through angle points and so as to terminate on said South line of said sanitary sewer easement near the point of beginning and on said North Right-of-way line of W. 71st Street near the point of termination.

Said described parcel of land contains 156,969 sq. ft. or 3.604 acres, more or less (±), and may be subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

SURVEYORS STATEMENT

I, Michael Chad Dilka, a Colorado Licensed Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking and that it is true and correct to the best of my knowledge and belief.

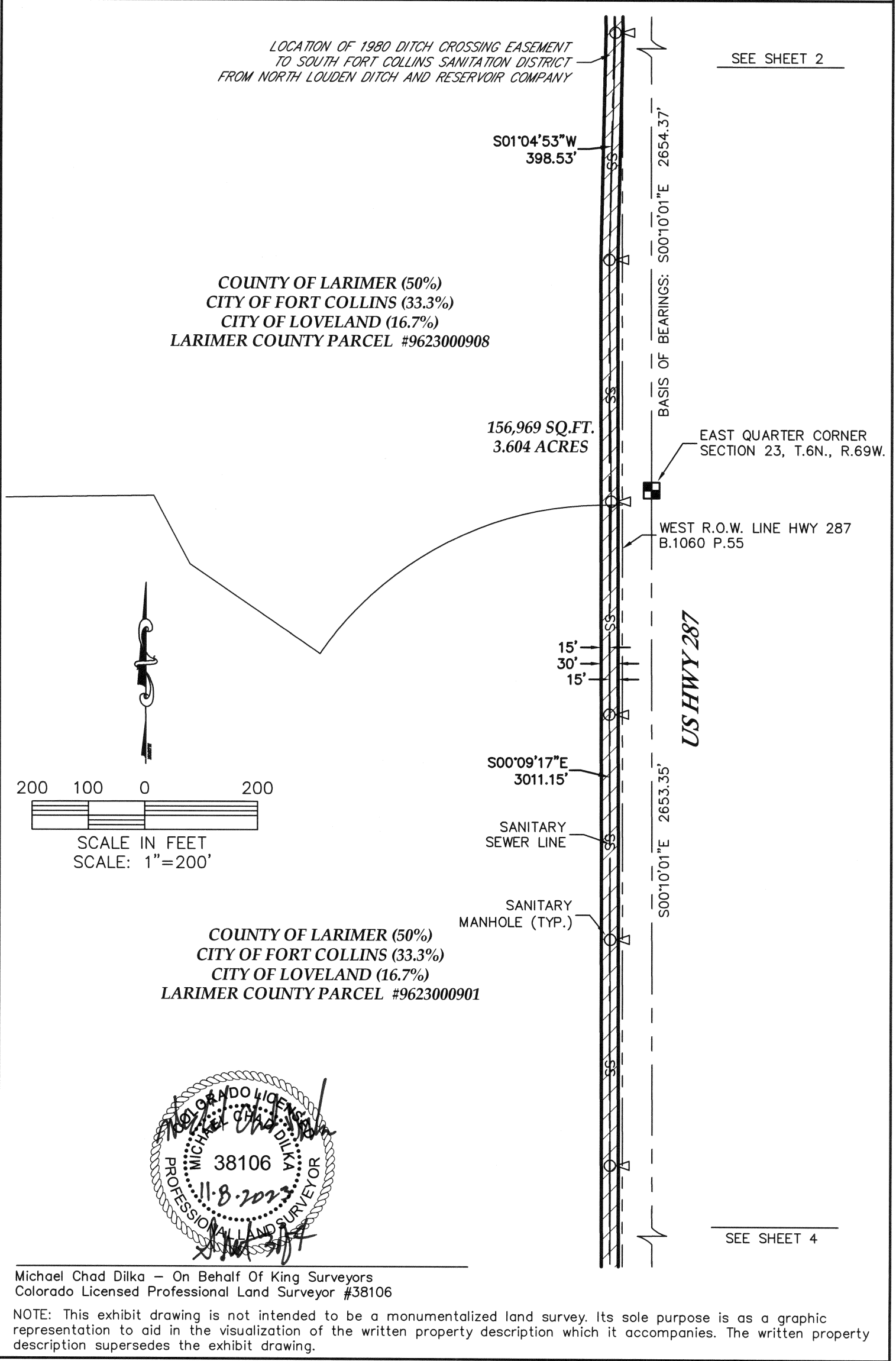


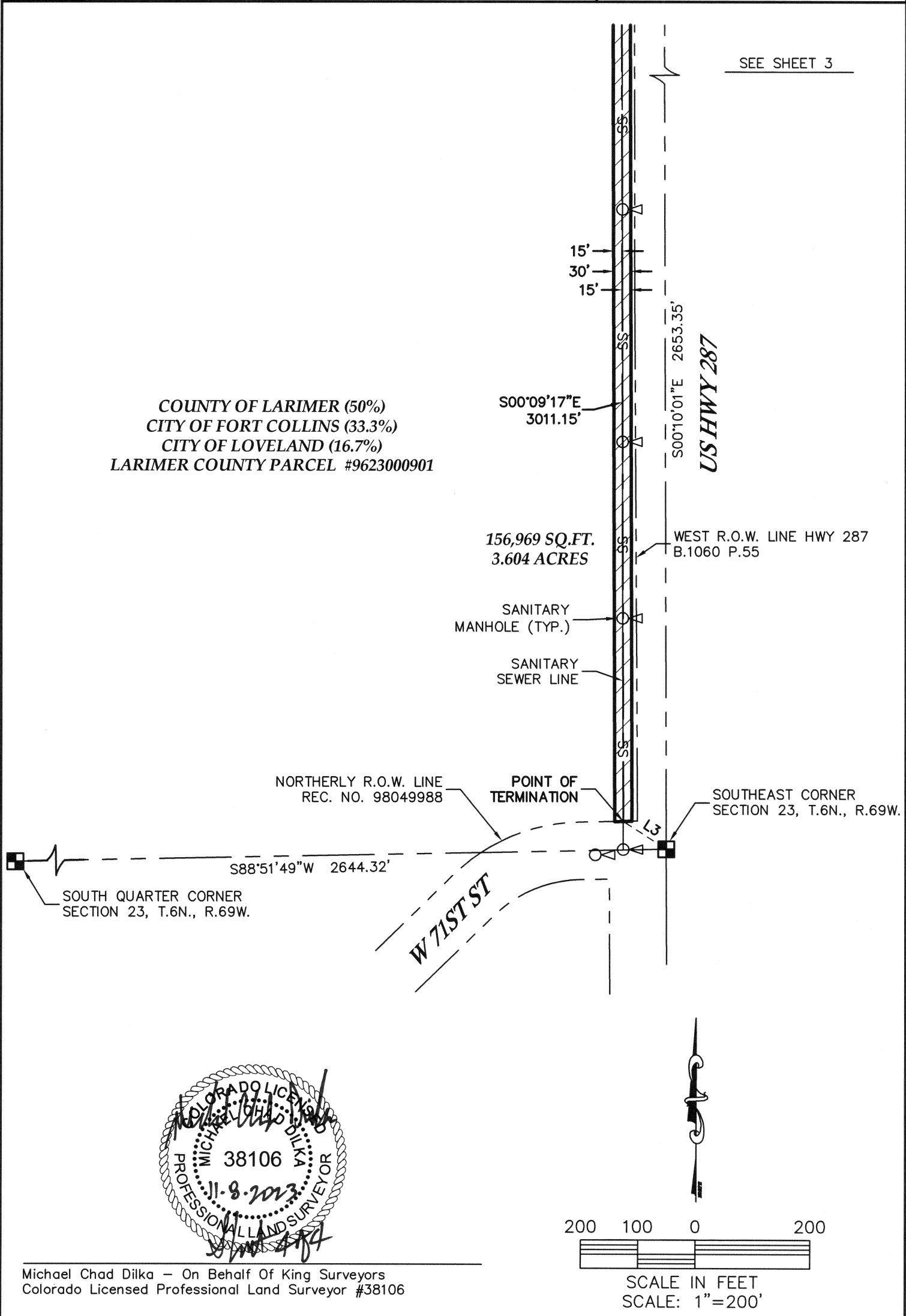
Michael Chad Dilka - on behalf of King Surveyors
Colorado Licensed Professional Land Surveyor #38106

KING SURVEYORS
650 East Garden Drive
Windsor, Colorado 80550
(970) 686-5011

JN: 20230298

DRAWN: SMF CHECKED: MCD





NOTE: This exhibit drawing is not intended to be a monumentalized land survey. Its sole purpose is as a graphic representation to aid in the visualization of the written property description which it accompanies. The written property description supersedes the exhibit drawing.

No RPTN

12-12-80

EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, **NORTH LOUDEN DITCH AND RESERVOIR COMPANY**, hereinafter referred to as "First Party", for good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant unto

South Ft. Collins Sanitation District,

hereinafter referred to as "Second Party", the right to construct over, under or across the ditch of First Party the following:

A 10" PVC Sanitary Sewer Line, Minimum (7) Seven Feet, Under the North Loudon Ditch West of the West Right-Of-Way of U.S. 287, Being More Particularly Located As Follows: South of the NE Corner of Sec. 23, T6S, R69W Along the West Sec. Line of Said Section 1885 Feet, More or Less, Thence Due East 75 Feet, More or Less, To Said Crossing.

and to place, operate, repair, maintain, and relocate such structure. Said structure shall be constructed, repaired, relocated or removed only after reasonable notice to and under the supervision of the superintendent of First Party or such representative as First Party shall employ, and Second Party shall pay the cost of such supervision.

In granting this easement it is understood that the construction and maintenance shall be such as to form no interference to ditch operations of First Party.

The Second Party shall assume all liability for any damage resulting from the construction, maintenance, removal or existence of said structure and nothing herein shall limit First Party from bringing an action against any contractor doing work on said structure if not done in a proper manner and in conformity with the provisions hereof.

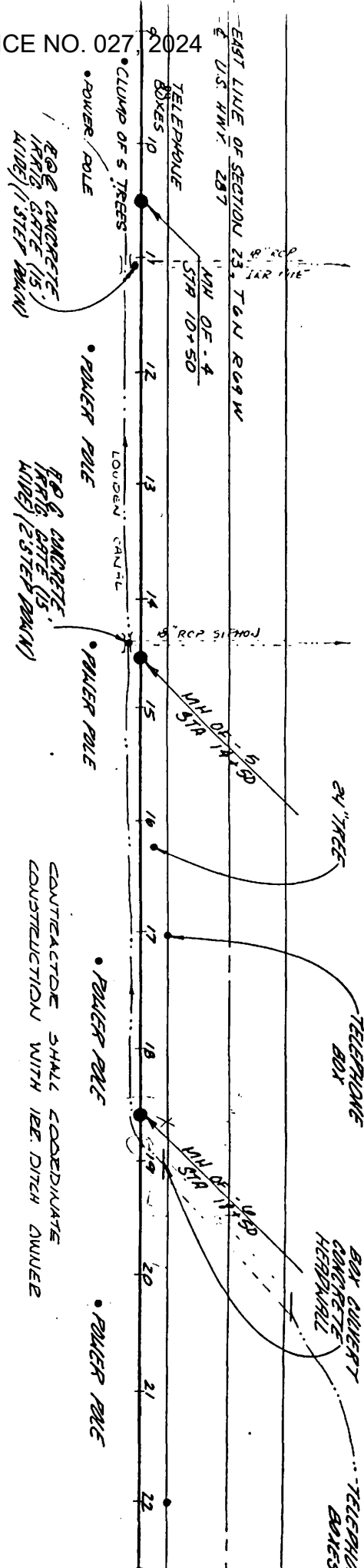
IN WITNESS WHEREOF the parties hereto have set their hands and seals this 12 day of Dec 12, 1980.

NORTH LOUDEN DITCH AND RESERVOIR COMPANY

By [Signature], Secretary
ATTEST:

[Signature]

[Signature]
By Sec. Manager
South Fort Collins
Sanitation District



**Fort Collins-Loveland Water District
South Fort Collins Sanitation District**

4700 South College Avenue
FORT COLLINS, COLORADO 80525
TELEPHONE 226-3104 — 669-4321

(agreement with) South Ft. Collins Sanitation District

A Ten -inch sewer line to cross under the North Loudon Ditch and run for 800 feet along the east bank of the ditch, as shown in engineering drawing approved by the South Ft. Collins Sanitation District. South Ft. Collins Sanitation District agrees to be responsible for restoring the bank in a strong, compacted water-tight condition at least SIX feet wide at top from center of ~~xxxx~~ and to properly seed the bank to prevent erosion. SFCSD agrees to guarantee the water tightness of the restored bank through the 1981 and 1982 irrigation seasons

M. Drake
Sec. Manager
South Fort Collins Sanitation District

February 20, 2024



AGENDA ITEM SUMMARY

City Council

STAFF

Jonathan Piefer, Senior Real Estate Specialist
Ralph Campano, Real Estate Services Manager
John Gerwel, Civil Engineer I
Susan Beck-Ferkiss, Social Policy and Housing Program Manager

SUBJECT

Second Reading of Ordinance No. 028, 2024, Approving and Authorizing the Execution of an Amendment to a Reciprocal Stormwater Drainage Easement Agreement with Sun Foothills Fort Collins, LLC, and Ratifying the Original Conveyance.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on February 6, 2024, authorizes the amendment of that certain Reciprocal Stormwater Drainage Easement Agreement (the "Original Easement") dated September 7, 2022, recorded at Reception No. 20220061510, Clerk and Recorder's Records, Larimer County, Colorado, by and between the City and Sun Foothills Fort Collins, LLC (the "Owner"), which originally conveyed a stormwater drainage easement to the Owner on City property in exchange for the City's right to retain stormwater on the Owner's property. The Amendment to the Original Easement (the "Amended Easement") will modify the legal description and revise language pertaining to access rights. Approval of the Ordinance would also ratify the Council's prior action in 2022 approving the easement exchange, the ordinance for which was missing its intended exhibits.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

The City Property

The City property is approximately 17 acres located in the NW/4 of Section 13, Township 6 North, Range 69 West, Larimer County, Colorado, being currently held as a City of Fort Collins Land Bank property (the "City Property"). The City Property was purchased on October 18, 2002, as part of the Affordable Housing Land Bank Program.

The Land Bank Program is a long-term affordable housing program that ensures land will be available in the future to provide additional affordable housing units. The basic strategy of the program is to acquire undeveloped land and hold the land for several years until surrounding developments occur and adequate infrastructure is built for the eventual development of the City owned property. In theory, this will decrease the costs of development and increase the property value of the City owned property.

The property interests considered by the proposed Ordinance will allow for substantial infrastructure improvements to be installed for the benefit of the City Property.

The Project

The Owner intends to develop the lands adjacent to the City Property (the “Development”) into approximately 200 housing units, including attainable housing, affordable housing units, and mobile homes. The Development is part of the Sun Communities real estate investment trust with more than 400 manufactured home and RV communities throughout the nation.

The Owner has submitted plans (the “Development Plans”) to the City for the Development, which have been reviewed by staff. The Original Easement was part of the Development and was requested from the Owner by staff as part of the development review process for the Development.

Staff have relied primarily on the Owner and/or its contractors to provide accurate surveys, legal descriptions, and title review for the Original Easement and the Amended Easement.

The Original Easement

The Original Easement was authorized by Council by Ordinance No. 087, 2022, to permit the conveyance of increased stormwater due to the Development across the City Property and back onto a retention pond located within the Development (the “Retention Pond”), in exchange for the City’s right to store stormwater from the City Property within the Retention Pond.

The Original Easement consisted of approximately 44,658 square feet (1.025 acres) of City Property, but the subsequent final design of the stormwater facilities revealed that the boundaries of the Original Easement did not completely encompass said facilities. The Ordinance is for the approval to amend the drainage easement so that it matches the design of the facilities.

The Amended Easement

The Amended Easement consists of approximately 45,352 square feet (1.04 acres) of City Property, being in the same general shape and location of the Original Easement, except for the additional 694 square feet to cover the actual location of the stormwater facilities, as finally designed. The Amended Easement will also alter certain language contained in the Original Easement pertaining to access to the City Property and the Retention Pond.

CITY FINANCIAL IMPACTS

Other than staff time and other expenses reimbursable to the City by the Owner, there is no cost to the City associated with the Amended Easement. When Council approved the exchange of the Original Easements in 2022, it was recommended, and Council approved, not charging the Owner for the 1.025-acre easement on the City Property, because the City was gaining use of the Owner’s 7.84-acre Retention Pond, which use is of substantially greater value to the City.

Staff estimates the fair market value of the additional lands included in the Amended Easement to total \$1,735 (the “Property Value”). However, the Amended Easement is only 1.5% larger, and its value is still outweighed by the value to the City of the easement the City gained for use of the Retention Pond.

Additionally, the Owner’s request for an amendment gave staff the opportunity to negotiate more detailed language regarding the Owner’s access across and use of the City Property. Therefore, City staff recommends that the Amended Easement should be conveyed to the Owner for no monetary consideration.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The City's Planning Department and the Social Sustainability Department have reviewed and approved the Construction Plans and the Conveyance Documents.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration
2. Exhibit A to the Ordinance
3. Exhibit B to the Ordinance
4. Exhibit C to the Ordinance
5. Exhibit D to the Ordinance
6. Exhibit E to the Ordinance

ORDINANCE NO. 028, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING AND AUTHORIZING THE EXECUTION OF AN
AMENDMENT TO A RECIPROCAL STORMWATER DRAINAGE
EASEMENT AGREEMENT WITH SUN FOOTHILLS FORT
COLLINS, LLC, AND RATIFYING THE ORIGINAL CONVEYANCE

A. The City owns a parcel of undeveloped real property located south of Trilby Road and east of South College Avenue as shown and described on Exhibit “A”, attached and incorporated herein by reference, as part of the City’s affordable Housing Land Bank Program (the “City Property.”)

B. Sun Foothills Fort Collins, LLC, (“Sun”) intends to develop housing on a parcel of land adjacent and to the north of the City Property as shown and described on Exhibit “B”, attached and incorporated herein by reference (the “Sun Property.”)

C. The City and Sun executed a Reciprocal Stormwater Drainage Easement Agreement dated September 7, 2022, and recorded in the records of the Larimer County Clerk and Recorder on October 13, 2022, at Reception No. 20220061510 (the “Agreement”).

D. Under the Agreement Sun acquired a storm drainage easement approximately 1.025 acres in size over the City Property and the City acquired an easement for stormwater detention in a 7.84-acre pond on the Sun Property, as shown on Exhibit “C” (the “Sun Easement”) and Exhibit “D” (the “City Easement”) respectively (together, the “Easements”).

E. The City Council approved the exchange of the Easements on August 16, 2022, pursuant to Ordinance No. 087, 2022 (the “2022 Ordinance.”) The 2022 Ordinance was missing the exhibits that defined the location of the Easements, and the Council wishes to ratify its action taken to authorize the exchange of the Easements.

F. In 2023 Sun asked to modify the description of the Sun Easement to include an additional 694 square feet of the City Property, which modification will increase the size of the Sun Easement by only 1.5% and will not substantially change its location, purpose, or impact on the City Property. The revised description of the Sun Easement is attached as Exhibit “E” and incorporated herein by reference (the “Revised Sun Easement.”)

G. City staff also asked to modify language in the Agreement regarding the Parties’ rights of access across each other’s properties to state that access shall be by means of any roads, lanes or parking areas or, if none, by a route reasonably acceptable to the owner of the property, and subject to an obligation to repair any resulting damage to such property, and Sun has agreed to that proposed amendment.

H. Section 23-111(a) of the City Code authorizes the City Council to sell, convey or otherwise dispose of any interest in real property owned by the City, provided that the City Council first finds, by ordinance, that such sale or other disposition is in the best interests of the City.

I. In addition, Section 23-114 of the City Code requires that any sale or other conveyance of property interests approved under section 23-111(a) be for an amount equal to or greater than the fair market value of such interest.

J. Because the proposed change in size of the Sun Easement is negligible and the value of the Sun Easement is still outweighed by the value to the City of the City Easement, and because addressing Sun's request provided an opportunity to renegotiate other terms of the Agreement, City staff believes that it is not necessary to charge Sun additional consideration for the requested amendments.

K. Upon the City's grant of the Revised Sun Easement Sun will terminate and vacate the original Sun Easement.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council hereby ratifies its prior approval of Ordinance No. 087, 2022 and declares it was the City Council's intent to grant the Sun Easement as described on Exhibit "A" in exchange for the City Easement described on Exhibit "B", and that such exchange was effective as of the date of the Agreement.

Section 2. The City Council finds that amending the Agreement, including granting the Revised Sun Easement, on the terms and conditions described herein, is in the best interests of the City.

Section 3. The City Council authorizes the Mayor to execute an amendment to the Agreement conveying the Revised Sun Easement to Sun on terms and conditions consistent with this Ordinance, together with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City, including, but not limited to, any necessary changes to the legal description of the Revised Sun Easement, as long as such changes do not materially increase the size or change the character of the interests to be conveyed.

Introduced, considered favorably on first reading on February 6, 2024, and approved on second reading for final passage on February 20, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 1, 2024

Approving Attorney: Ingrid Decker

(City Property)

Legal Description per County Assessor:

PT NW 1/4 13-6-69, FTC, DESC: BEG AT PT S 89 50' E 50 FT, N 0 5' E 1564.48 FT, S 83 52' E 1228.44 FT, S 0 5' W 303.85 FT FROM W 1/4 COR, S 0 5' W 104.55 FT, S 72 57' E 367.2 FT, S 69 14' E 161.12 FT

Location Address:

N/A

Assessor Parcel Number:

9613200927

Map:



(Sun Property)

Legal Description per County Assessor:

BEG AT N 1/4 COR 13-6-69, FTC, S 0 27' E 524.7 FT, S 89 33' W 460 FT, S 0 27' E 200 FT, S 51 15' 45" E 593.49 FT, E 600 FT, N 0 27' W 1083.62 FT TO N LN OF NE 1/4, TH ALG N LN 88 27' 55" W 600.34 FT T

Location Address:

N/A

Assessor Parcel Number:

9613100001

Map:



(Sun Easement Area)

[ATTACHED, CONSISTING OF 3 PAGES]

Sun Easement

Page 1 of 3

EASEMENT DESCRIPTION

LOCATED IN THE NW 1/4 OF SECTION 13, T6N, R69W, 6TH P.M.
CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO

AN EASEMENT FOR DRAINAGE PURPOSES OVER AND ACROSS A PORTION OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 6 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, ALSO BEING A PORTION OF THAT TRACT OF LAND OWNED BY SAID CITY OF FORT COLLINS AS DESCRIBED AT RECEPTION NO. 85029837, LARIMER COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH-SOUTH CENTERLINE OF SECTION 13, TOWNSHIP 6 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, MONUMENTED AT THE SOUTH END BY A 3-1/4" ALUMINUM CAP STAMPED "CITY OF FORT COLLINS SURVEY MARKER 1993 LS 17497" AND AT THE NORTH END BY A 2-1/2" ALUMINUM CAP STAMPED "ATWELL 2021 PLS 38304". SAID NORTH-SOUTH CENTERLINE BEARS NORTH 00°27'53" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 13;

THENCE SOUTH 33°12'18" WEST 867.92 FEET TO THE NORTHERLY LINE OF SAID TRACT OF LAND RECORDED AT RECEPTION NO. 85029837, AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING TWO (2) COURSES:

1. SOUTH 83°57'35" EAST 22.14 FEET;
2. SOUTH 51°14'59" EAST 519.81 FEET;

THENCE DEPARTING SAID NORTHERLY LINE SOUTH 64°17'21" WEST 29.65 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 125.00 FEET;

THENCE 168.03 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 77°01'11";

THENCE NORTH 38°41'28" WEST 98.07 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 395.00 FEET;

THENCE 74.45 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10°47'56";

THENCE NORTH 49°29'24" WEST 44.67 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET;

THENCE 18.89 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 54°06'47" TO THE BEGINNING OF A COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 599.20 FEET;

(CONTINUED ON SHEET 2)

DRAINAGE EASEMENT

NW 1/4 SEC. 13
T6N, R69W, 6TH P.M.
FORT COLLINS,
LARIMER COUNTY, CO

DATE: 07/12/21
DRAWN: TWK
CHECKED: MLP
JOB NO.: 19002763

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Sun Easement

Page 2 of 3

EASEMENT DESCRIPTION

LOCATED IN THE NW 1/4 OF SECTION 13, T6N, R69W, 6TH P.M.
CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO

(CONTINUED FROM SHEET 1)

THENCE 61.86 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 5°54'54" TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 105.00 FEET;

THENCE 68.00 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 37°06'17";

THENCE NORTH 72°24'48" WEST 15.08 FEET TO SAID NORTHERLY LINE;

THENCE ALONG SAID NORTHERLY LINE NORTH 19°41'44" EAST 166.84 FEET TO THE **POINT OF BEGINNING**;

SAID EASEMENT CONTAINS 44,658 SQUARE FEET, OR 1.07 ACRES, MORE OR LESS.

I, MICHAEL LLOYD POOL, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND THE SURVEY UPON WHICH IT WAS BASED, WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND IS TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE.



MICHAEL LLOYD POOL, PLS
COLORADO REG. NO. 38304
FOR AND ON BEHALF OF ATWELL, LLC

NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE (3) YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN (10) YEARS FROM THE DATE OF THE CERTIFICATE SHOWN HEREON.

DRAINAGE EASEMENT

NW 1/4 SEC. 13
T6N, R69W, 6TH P.M.
FORT COLLINS,
LARIMER COUNTY, CO

DATE: 07/12/21
DRAWN: TWK
CHECKED: MLP
JOB NO.: 19002763

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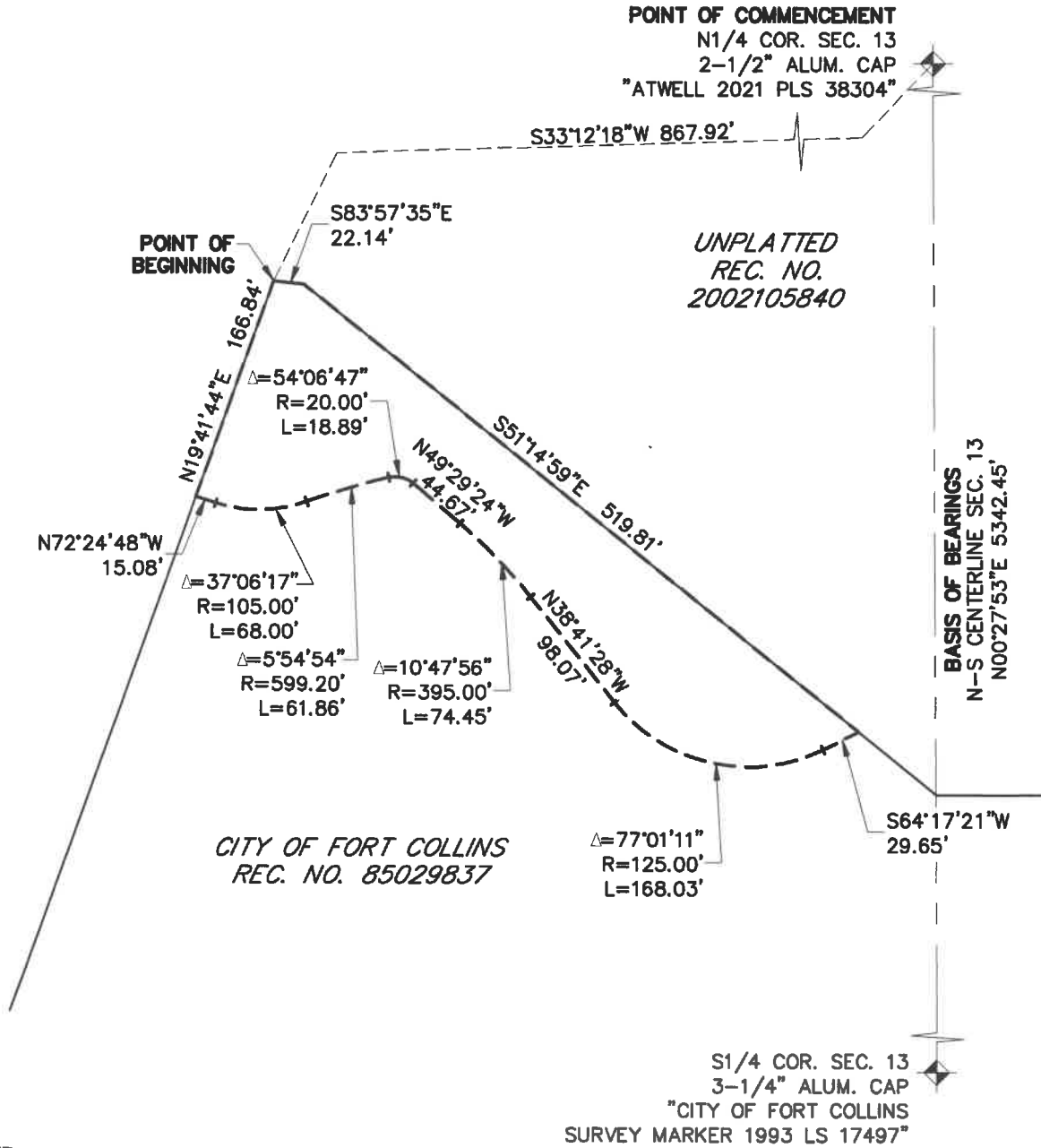
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Sun Easement

Page 3 of 3

EXHIBIT TO ACCOMPANY EASEMENT DESCRIPTION

LOCATED IN THE NW 1/4 OF SECTION 13, T6N, R69W, 6TH P.M.
CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO



NOTE

THIS EXHIBIT IS MEANT TO DEPICT THE ATTACHED EASEMENT DESCRIPTION AND IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.

EASEMENT CONTAINS 44,658 SQ. FT. OR 1.07 ACRES

DRAINAGE EASEMENT

NW 1/4 SEC. 13
T6N, R69W, 6TH P.M.
FORT COLLINS,
LARIMER COUNTY, CO

DATE: 07/12/21
DRAWN: TWK
CHECKED: MLP
JOB NO.: 19002763

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Item 13.

(City Easement Area)

[ATTACHED, CONSISTING OF 4 PAGES]

EXHIBIT D

EASEMENT DESCRIPTION

A PORTION OF LOT 1, BLOCK 1, THE FOOTHILLS SUBDIVISION
SITUATED IN THE N1/2 OF SECTION 13, T6N, R69W, 6TH P.M.
CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO

A PORTION OF THE NORTH HALF OF SECTION 13, TOWNSHIP 6 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF FORT COLLING, COUNTY OF LARIMER, STATE OF COLORADO, ALSO BEING A PORTION OF LOT 1, BLOCK 1, THE FOOTHILLS SUBDIVISION, RECORDED AT RECEPTION NO. , LARIMER COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE EAST LINE OF LOT 1, BLOCK 1, THE FOOTHILLS SUBDIVISION, RECORDED AT RECEPTION NO. , MONUMENTED AS SHOWN ON SAID PLAT. SAID EAST LINE BEARS SOUTH 00°27'17" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1;

THENCE ALONG THE SOUTH LINE OF SAID LOT 1 SOUTH 89°58'37" WEST 599.70 FEET TO AN ANGLE POINT IN THE SOUTHERLY BOUNDARY OF SAID LOT 1;

THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1 NORTH 51°14'40" WEST 235.10 FEET;

THENCE DEPARTING SAID SOUTHWESTERLY LINE NORTH 38°44'22" EAST 112.72 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 23.58 FEET AND A CENTER WHICH BEARS SOUTH 61°10'28" WEST;

THENCE 16.33 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 39°40'30" TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 51.42 FEET;

THENCE 273.00 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 304°13'11" TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 23.58 FEET;

THENCE 25.56 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 62°06'35";

THENCE NORTH 38°44'22" EAST 116.84 FEET;

THENCE NORTH 51°15'38" WEST 219.19 FEET;

THENCE NORTH 19°57'48" WEST 123.08 FEET TO THE SOUTHERLY LINE OF A 23' PUBLIC ACCESS, EMERGENCY ACCESS, UTILITY AND DRAINAGE EASEMENT AS SHOWN ON SAID PLAT OF THE FOOTHILLS SUBDIVISION, AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 388.50 FEET AND A CENTER WHICH BEARS SOUTH 00°46'59" WEST;

THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING TWO (2) COURSES:

1. 45.45 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 6°42'12";
2. SOUTH 82°30'49" EAST 76.44 FEET;

THENCE DEPARTING SAID SOUTHERLY LINE SOUTH 07°29'11" WEST 114.50 FEET;
(CONTINUED ON SHEET 2)

DRAINAGE EASEMENT

N1/2 SEC. 13
T6N, R69W, 6TH P.M.
FORT COLLINS,
LARIMER COUNTY, CO

DATE: 05/05/22
DRAWN: TWK
CHECKED: MLP
JOB NO.: 19002763

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City Easement
Page 2 of 4

EASEMENT DESCRIPTION

A PORTION OF LOT 1, BLOCK 1, THE FOOTHILLS SUBDIVISION
SITUATED IN THE N1/2 OF SECTION 13, T6N, R69W, 6TH P.M.
CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO

(CONTINUED FROM SHEET 1)

THENCE SOUTH 82°30'49" EAST 341.06 FEET;

THENCE NORTH 89°32'19" EAST 113.65 FEET;

THENCE NORTH 00°27'53" WEST 114.50 FEET TO SAID SOUTHERLY LINE;

THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING NINE (9) COURSES:

1. NORTH 89°32'19" EAST 62.53 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 153.50 FEET;
2. 26.89 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10°02'18";
3. SOUTH 80°14'57" EAST 100.74 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 176.50 FEET;
4. 31.44 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10°12'21";
5. NORTH 89°32'43" EAST 28.18 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 22.50 FEET;
6. 6.00 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°17'28";
7. SOUTH 75°09'49" EAST 12.25 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 27.50 FEET;
8. 7.34 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°17'28" TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 308.50 FEET;
9. 9.90 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 1°50'20" TO THE EAST LINE OF SAID LOT 1;

THENCE ALONG SAID EAST LINE SOUTH 00°27'17" EAST 522.39 FEET TO THE **POINT OF BEGINNING**;

SAID EASEMENT CONTAINS 341,435 SQUARE FEET, OR 7.84 ACRES, MORE OR LESS.

I, MICHAEL LLOYD POOL, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND THE SURVEY UPON WHICH IT WAS BASED, WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND IS TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE.



MICHAEL LLOYD POOL, PLS
COLORADO REG. NO. 38304
FOR AND ON BEHALF OF ATWELL, LLC

NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE (3) YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN (10) YEARS FROM THE DATE OF THE CERTIFICATE SHOWN HEREON.

DRAINAGE EASEMENT

N1/2 SEC. 13 T6N, R69W, 6TH P.M. FORT COLLINS, LARIMER COUNTY, CO	DATE: 05/05/22 DRAWN: TWK CHECKED: MLP JOB NO.: 19002763	SHT. 2 OF 4
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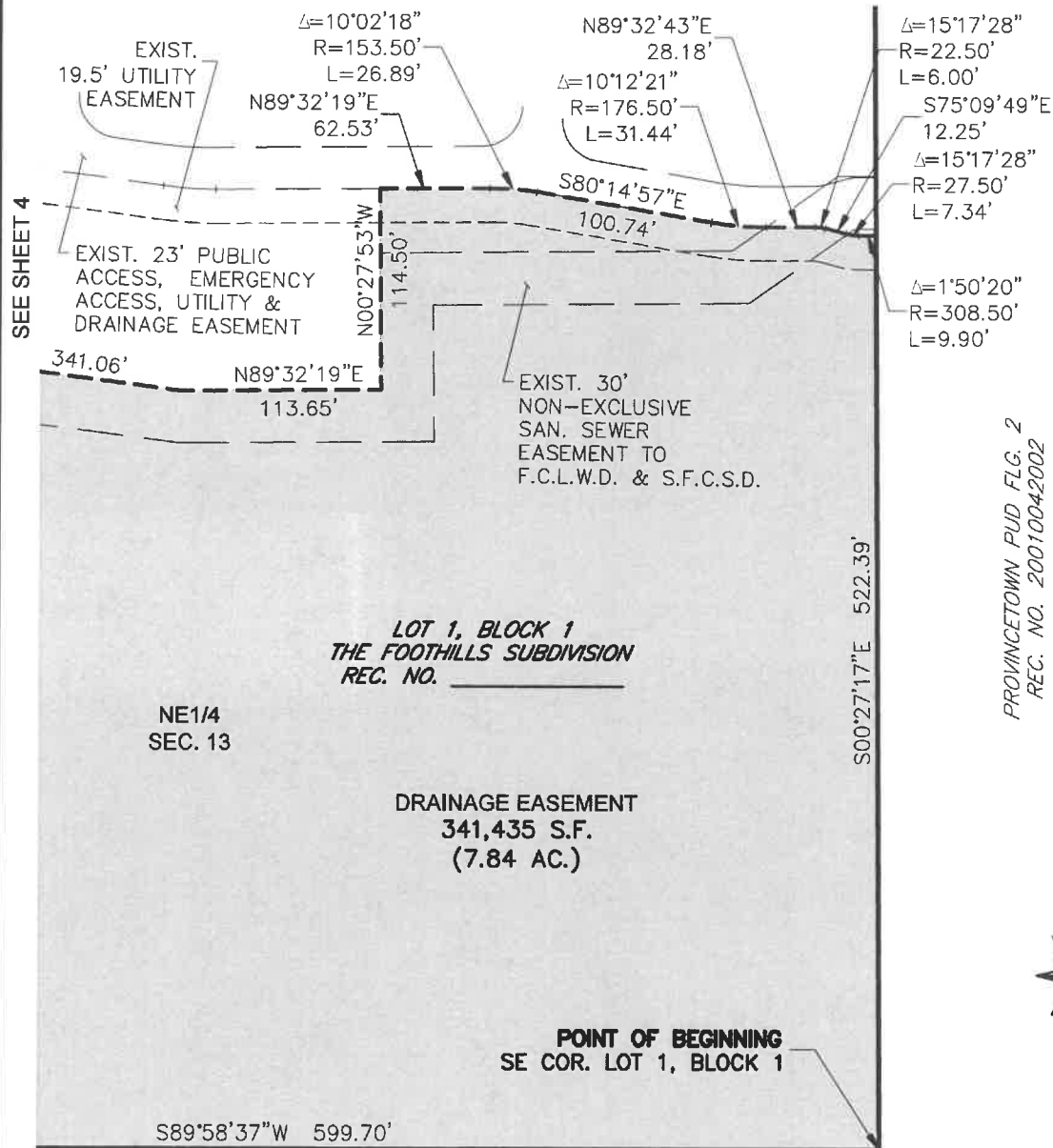
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City Easement

Page 3 of 4

EXHIBIT TO ACCOMPANY EASEMENT DESCRIPTION

A PORTION OF LOT 1, BLOCK 1, THE FOOTHILLS SUBDIVISION
SITUATED IN THE N1/2 OF SECTION 13, T6N, R69W, 6TH P.M.
CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO



NOTE

THIS EXHIBIT IS MEANT TO DEPICT THE ATTACHED EASEMENT DESCRIPTION AND IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.

PARCEL CONTAINS 341,435 SQ. FT. OR 7.84 ACRES

DRAINAGE EASEMENT

N1/2 SEC. 13
T6N, R69W, 6TH P.M.
FORT COLLINS,
LARIMER COUNTY, CO

DATE: 05/05/22
DRAWN: TWK
CHECKED: MLP
JOB NO.: 19002763

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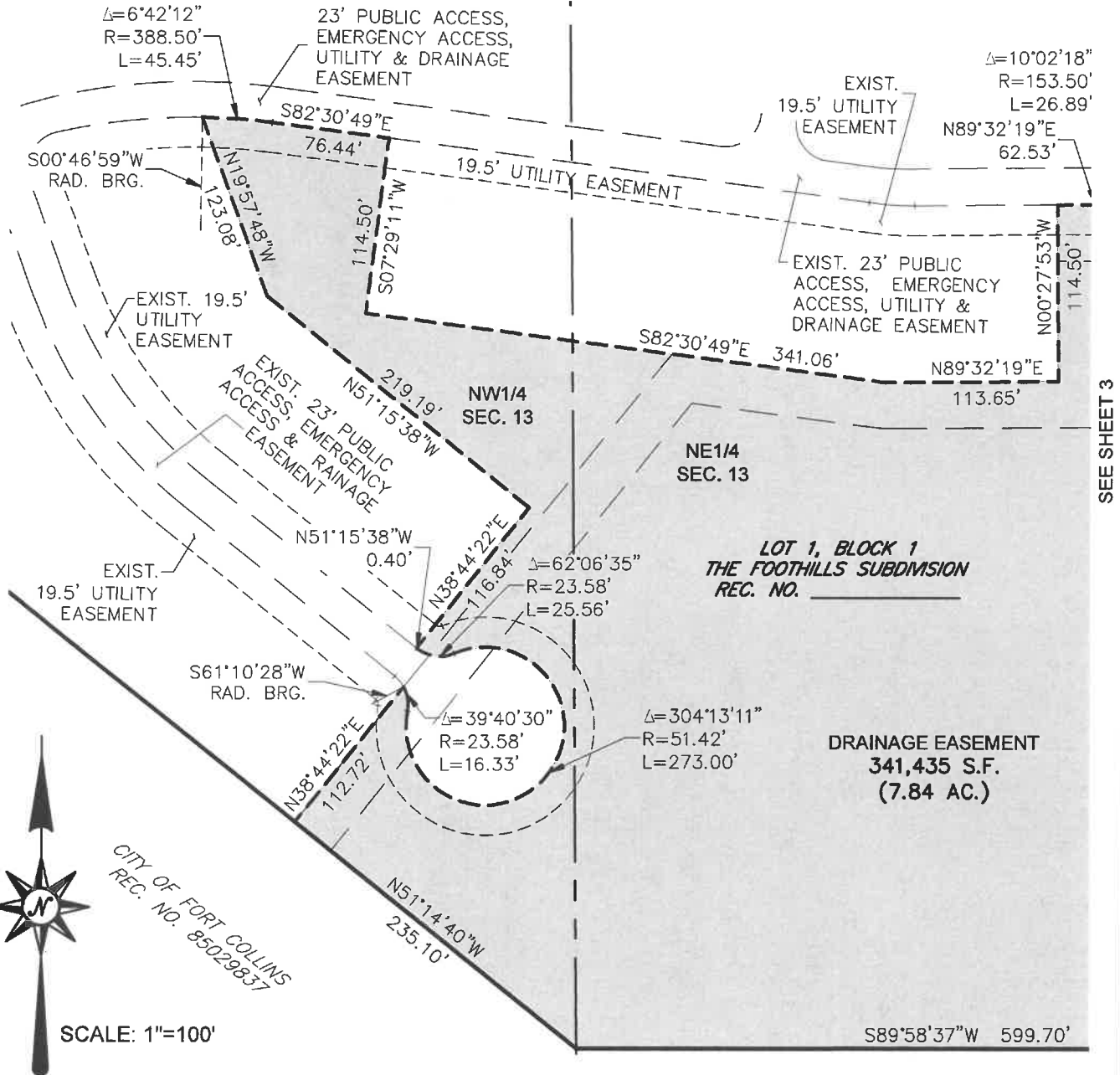
City Easement
Page 4 of 4

EXHIBIT TO ACCOMPANY EASEMENT DESCRIPTION

A PORTION OF LOT 1, BLOCK 1, THE FOOTHILLS SUBDIVISION

SITUATED IN THE N1/2 OF SECTION 13, T6N, R69W, 6TH P.M.

CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO



SEE SHEET 3

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DRAINAGE EASEMENT

N1/2 SEC. 13
T6N, R69W, 6TH P.M.
FORT COLLINS,
LARIMER COUNTY, CO

DATE: 05/05/22
DRAWN: TWK
CHECKED: MLP
JOB NO.: 19002763

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(Revised Sun Easement Area)

[ATTACHED, CONSISTING OF 3 PAGES]

EASEMENT DESCRIPTION

LOCATED IN THE NW 1/4 OF SECTION 13, T6N, R69W, 6TH P.M.
CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO

AN EASEMENT FOR DRAINAGE PURPOSES OVER AND ACROSS A PORTION OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 6 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, ALSO BEING A PORTION OF THAT TRACT OF LAND OWNED BY SAID CITY OF FORT COLLINS AS DESCRIBED AT RECEPTION NO. 2002114204, LARIMER COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH-SOUTH CENTERLINE OF SECTION 13, TOWNSHIP 6 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, MONUMENTED AT THE SOUTH END BY A 3-1/4" ALUMINUM CAP STAMPED "CITY OF FORT COLLINS SURVEY MARKER 1993 LS 17497" AND AT THE NORTH END BY A 2-1/2" ALUMINUM CAP STAMPED "ATWELL 2021 PLS 38304". SAID NORTH-SOUTH CENTERLINE BEARS NORTH 00°27'53" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 13;

THENCE SOUTH 33°12'18" WEST 867.92 FEET TO THE WESTERLY LINE OF SAID TRACT OF LAND, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID WESTERLY LINE AND ALONG THE NORTHERLY LINE OF SAID TRACT OF LAND THE FOLLOWING TWO (2) COURSES:

1. SOUTH 83°57'35" EAST 22.14 FEET;
2. SOUTH 51°14'59" EAST 530.88 FEET;

THENCE DEPARTING SAID NORTHERLY LINE SOUTH 72°27'14" WEST 6.52 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 154.00 FEET;

THENCE 151.30 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 56°17'32";

THENCE NORTH 51°15'15" WEST 244.86 FEET;

THENCE SOUTH 81°04'53" WEST 77.89 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 104.00 FEET;

THENCE 66.28 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 36°30'57";

THENCE NORTH 70°18'16" WEST 10.72 FEET TO THE WESTERLY LINE OF SAID TRACT OF LAND;

THENCE ALONG SAID WESTERLY LINE NORTH 19°41'44" EAST 164.10 FEET TO THE **POINT OF BEGINNING**;

(CONTINUED ON SHEET 2)

EASEMENT DESCRIPTION

NW 1/4 SEC. 13
T6N, R69W, 6TH P.M.
FORT COLLINS,
LARIMER COUNTY, CO

DATE:	05/09/23
DRAWN:	TWK
CHECKED:	VS
JOB NO.:	19002763

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EASEMENT DESCRIPTION

LOCATED IN THE NW 1/4 OF SECTION 13, T6N, R69W, 6TH P.M.
CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO

(CONTINUED FROM SHEET 1)

SAID EASEMENT CONTAINS 45,352 SQUARE FEET, OR 1.04 ACRES, MORE OR LESS.

I, VLADISLAV SKREJEV, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND THE SURVEY UPON WHICH IT WAS BASED, WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND IS TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE.



VLADISLAV SKREJEV, PLS
COLORADO REG. NO. 38705
FOR AND ON BEHALF OF ATWELL, LLC

NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE (3) YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN (10) YEARS FROM THE DATE OF THE CERTIFICATE SHOWN HEREON.

EASEMENT DESCRIPTION

NW 1/4 SEC. 13
T6N, R69W, 6TH P.M.
FORT COLLINS,
ER COUNTY, CO

DATE:	05/09/23
DRAWN:	TWK
CHECKED:	VS
JOB NO.:	19002763

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EXHIBIT TO ACCOMPANY EASEMENT DESCRIPTION

LOCATED IN THE NW 1/4 OF SECTION 13, T6N, R69W, 6TH P.M.
CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO

POINT OF COMMENCEMENT

N1/4 COR. SEC. 13
2-1/2" ALUM. CAP
"ATWELL 2021 PLS 38304"

S33°12'18"W 867.92'

UNPLATTED
REC. NO.
2002105840

POINT OF BEGINNING

S83°57'35"E
22.14'

N19°41'44"E
164.10'

N70°18'16"W
10.72'

$\Delta=36^{\circ}30'57''$
R=104.00'
L=66.28'

ChB=N80°39'39"W
ChL=65.17'

S81°04'53"W
77.89'

DRAINAGE EASEMENT
45,352 S.F. (1.04 AC.)

S51°14'59"E 530.88'
N51°15'15"W 244.86'

$\Delta=56^{\circ}17'32''$
R=154.00'
L=151.30'
ChB=N79°24'01"W
ChL=145.29'

S72°27'14"W
6.52'

BASIS OF BEARINGS
N-S CENTERLINE SEC. 13
N00°27'53"E 5342.45'

CITY OF FORT COLLINS
REC. NO. 2002114204

S1/4 COR. SEC. 13
3-1/4" ALUM. CAP
"CITY OF FORT COLLINS
SURVEY MARKER 1993 LS 17497"



NOTE

THIS EXHIBIT IS MEANT TO DEPICT THE ATTACHED EASEMENT DESCRIPTION AND IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.

SCALE: 1"=120'

EASEMENT CONTAINS 45,352 SQ. FT. OR 1.04 ACRES

EASEMENT EXHIBIT

NW 1/4 SEC. 13
T6N, R69W, 6TH P.M.
FORT COLLINS,
ER COUNTY, CO

DATE: 05/09/23
DRAWN: TWK
CHECKED: VS
JOB NO.: 19002763

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February 20, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Jonathan Piefer, Senior Real Estate Specialist
Ralph Campano, Real Estate Services Manager
John Gerwel, Civil Engineer
Susan Beck-Ferkiss, Social Policy and Housing Program Manager

SUBJECT

Second Reading of Ordinance No. 029, 2024, Approving the Conveyance of a Temporary Construction Easement, Dedication of a Permanent, Nonexclusive Water Line Easement, and Dedication of a Permanent, Nonexclusive Sewer Line Easement, all on City Property, for the Benefit of the Sun Foothills Fort Collins Development.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on February 6, 2024, approves an Ordinance that would authorize the conveyance of the following:

1. One (1) temporary construction easement (TCE) to Sun Foothills Fort Collins LLC (the "Owner") for the modification of existing grades and current stormwater drainage facilities;
2. One (1) permanent, nonexclusive water line easement to the Fort Collins-Loveland Water District (the "Waterline Easement"); and
3. One (1) permanent, nonexclusive sewer line easement to the Fort Collins-Loveland Sanitation District (the "Sewer Easement").

The easements are located on 17 acres of City property located in the North West 1/4 of Section 13, Township 6 North, Range 69 West, Larimer County, Colorado, being currently held as a City of Fort Collins Land Bank property (the "City Property").

Construction pursuant to the TCE will modify existing stormwater facilities. The Waterline Easement and the Sewer Easement are entitlements required by the City so that the Owner may proceed with the development of the adjoining lands.

The easements will include the extension of stubbed water, sewer, and drainage improvements directly onto the City Property resulting in a significant benefit to the City Property.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

The City Property

The City Property was purchased on October 18, 2002, as part of the Affordable Housing Land Bank Program. The Land Bank Program is a long-term affordable housing program that ensures land will be available in the future to provide additional affordable housing units. The basic strategy of the program is to acquire undeveloped land and hold the land for several years until surrounding developments occur and adequate infrastructure is built for the eventual development of the City owned property. In theory, this will decrease the costs of development and increase the property value of the City owned property. The property interests considered by the proposed Ordinance will allow for substantial infrastructure improvements to be installed on the City Property.

The Project

The Owner intends to develop the lands adjacent to the City Property (the "Development") into approximately 200 housing units, including attainable housing, affordable housing units, and mobile homes. The Development is part of the Sun Communities real estate investment trust with more than 400 manufactured home and recreational vehicle (RV) communities throughout the nation.

The Owner has submitted plans (the "Development Plans") to the City for the Development, which have been reviewed by staff. The TCE, the Waterline Easement, and the Sewer Easement (the "Conveyance Documents" and the "Easements") are part of the Development and have been requested from the Owner by staff as part of the development review process for the Development.

Work within the TCE will mainly include grading to modify existing stormwater drainage facilities and to direct surface water flows from the Development onto City Property. Additional improvements to be installed within the easements are the sanitary sewer and water line, which will be located below the surface of the City Property. There are no foreseeable construction impacts to access, use, and parking at the City Property because there is not currently any daily use or activities on the City Property. Although there are not currently any improvements located on the surface of the City Property, the Conveyance Documents will provide that any damaged surface areas, including any trees, will be restored in accordance with a City plans, specifications, and requirements.

Staff have relied primarily on the Owner and/or its contractors to provide accurate surveys, legal descriptions, and title review for the Conveyance Documents.

The TCE

The TCE is comprised of 96,132 square feet (the "TCE Area") of City Property adjoining the south-eastern boundary of the Development. Approximately one-half of the TCE Area includes lands currently burdened by a reciprocal drainage easement between the Owner and the City. The TCE will allow for slope modifications around the existing drainage facility as well as channel improvements and capacity increase to the existing drainage facility. The TCE will allow for the oversizing of the existing drainage facility so that the City Property may use this storage area during the development of the City Parcel. The TCE will also allow for grading along the property boundary so that elevations and slopes between the Development and the City Property are in accordance with City standards. All construction under the TCE will be conducted and paid for by the Owner during the term of the TCE, being up to four (4) years.

The Waterline Easement

The Waterline Easement is comprised of 570 square feet of City Property adjoining the south-eastern boundary of the Development and is located entirely within the boundaries of the TCE. The Waterline Easement is for the installation, operation, and maintenance of an underground water line for the benefit of the City Property, which will be owned and maintained by the Fort Collins-Loveland Water District. The

Initial construction pursuant to the Waterline Easement will be conducted and paid for by the Owner during the construction of the Development.

The Sewer Easement

The Sewer Easement is comprised of 4,740 square feet of City Property adjoining the South-eastern boundary of the Development and is located entirely within the boundaries of the TCE. The Sewer Easement is for the installation, operation, and maintenance of an underground sanitary sewer for the benefit of City Property, which will be owned and maintained by the Fort Collins-Loveland Sanitation District. The initial construction pursuant to the Sewer Easement will be conducted and paid for by the Owner during the construction of the Development.

CITY FINANCIAL IMPACTS

Other than staff time and other expenses reimbursable to City by the Owner, there is no cost to the City associated with Conveyance Documents or the Easements. However, staff estimates the fair market value of the Easements to total \$157,602, being itemized as follows (the "Property Values"):

- | | |
|------------------------|-----------|
| 1. TCE: | \$146,342 |
| 2. Waterline Easement: | \$1,425 |
| 3. Sewer Easement: | \$9,835 |

The total easement value to be disposed is \$157,602. However, the easement requests and associated improvements substantially increase the development potential of the City Property. The developer drainage, sewer, and water improvements are extended onto the City property and result in a direct benefit of \$370,260 to the City Property, as valued by City Real Estate Services staff. The net value of the easement disposals results in a \$212,658 benefit to the City Property.

Staff recommends that the Easements should be conveyed to the Owner for no monetary consideration because the City's Land Bank Program will be receiving the non-monetary consideration of construction on the City Property of stormwater drainage facilities, a stubbed in water line, and a stubbed in sanitary sewer line, the value of which is estimated to substantially exceed the Property Values. Specifically, it is estimated that because of the construction performed by the Owner under the Easements, the value of the City Property would increase by approximately \$370,260.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The City's Planning Department and the Social Sustainability Department have reviewed and approved the Construction Plans and the Conveyance Documents.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration
2. Exhibit A to Ordinance
3. Exhibit B to Ordinance
4. Exhibit C to Ordinance
5. Exhibit D to Ordinance

ORDINANCE NO. 029, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING THE CONVEYANCE OF A TEMPORARY
CONSTRUCTION EASEMENT, DEDICATION OF A
PERMANENT, NONEXCLUSIVE WATERLINE EASEMENT, AND
DEDICATION OF A PERMANENT, NONEXCLUSIVE SEWER
LINE EASEMENT, ALL ON CITY PROPERTY, FOR THE BENEFIT
OF THE SUN FOOTHILLS FORT COLLINS DEVELOPMENT

A. The City owns a parcel of undeveloped real property located south of Trilby Road and east of South College Avenue as shown and described on Exhibit “A”, attached and incorporated herein by reference, which is part of the City’s Affordable Housing Land Bank Program (the “City Property”).

B. Sun Foothills Fort Collins, LLC (“Sun”) intends to develop housing (the “Development”) on a parcel of land directly to the north and adjacent to the City Property (the “Sun Property”).

C. Sun has submitted plans for the Development to the City (the “Development Plans”), which have been reviewed by City staff. As part of the development review process City staff asked Sun to acquire necessary easements for the Development, including three easements on the City Property.

D. These easements (collectively, “the Easements”) include:

1. A temporary construction easement to Sun for a period of up to four years over 96,132 square feet of the City Property as shown and described on Exhibit “B”, attached and incorporated herein by reference (the “TCE”). Approximately one-half of the TCE area includes land already burdened by a reciprocal drainage easement between Sun and the City, where Sun will construct drainage improvements.
2. A waterline easement to the Fort Collins-Loveland Water District over 570 square feet of the City Property as shown and described on Exhibit “C”, attached and incorporated herein by reference; and
3. A sewer line easement to the Fort Collins-Loveland Sanitation District over 4,740 square feet of the City Property as shown and described on Exhibit “D”, attached and incorporated herein by reference.

E. Section 23-111(a) of the City Code authorizes the City Council to sell, convey or otherwise dispose of any interest in real property owned by the City, provided that the City Council first finds, by ordinance, that such sale or other disposition is in the best interests of the City.

F. In addition, Section 23-114 of the City Code requires that any sale or other conveyance of property interests approved under section 23-111(a) be for an amount equal to or greater than the fair market value of such interest.

G. City staff estimates the value of the Easements at \$157,602; however, staff also estimates that the work Sun will do on the City Property in the Easements, including installing storm drainage improvements and stubbing in a water line and a sewer line, will increase the value of the City Property by approximately \$370,260 and make it a better site for potential future development as part of the Land Bank Program. Therefore, staff recommends that the City convey the Easements to Sun for no additional monetary compensation.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council finds that granting the Easements to Sun on the terms and conditions described herein is in the best interests of the City.

Section 2. The City Council authorizes the Mayor to execute such documents as are necessary to convey the Easements to Sun on terms and conditions consistent with this Ordinance, together with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City, including, but not limited to, any necessary changes to the legal descriptions of the Easements, as long as such changes do not materially increase the size or change the character of the interests to be conveyed.

Introduced, considered favorably on first reading on February 6, 2024, and approved on second reading for final passage on February 20, 2024.

Mayor

ATTEST:

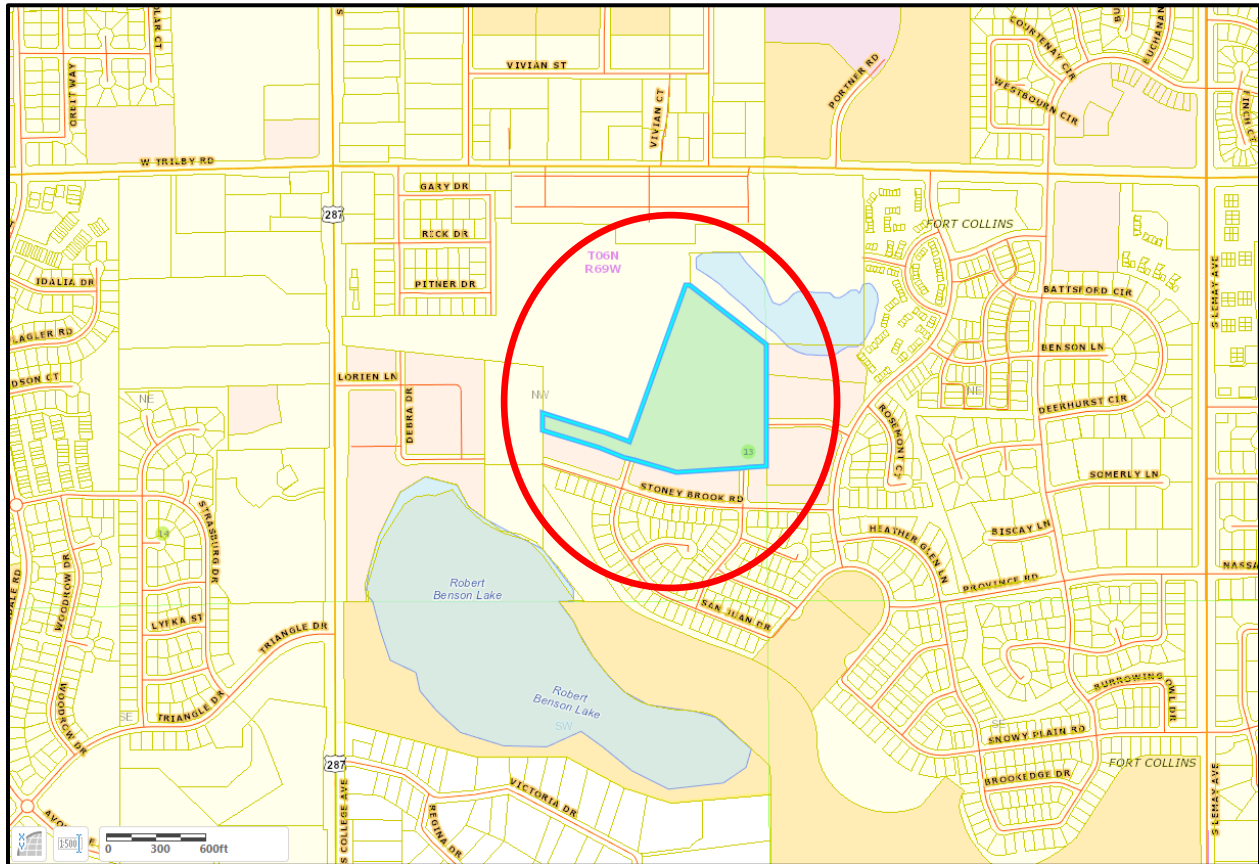
Interim City Clerk

Effective Date: March 1, 2024

Approving Attorney: Ingrid Decker

EXHIBIT A TO ORDINANCE NO. 029, 2024

City Property



Legal Description per County Assessor:

PT NW 1/4 13-6-69, FTC, DESC: BEG AT PT S 89 50' E 50 FT, N O 5' E 1564.48 FT, S 83 52' E 1228.44 FT, SO 5' W 303.85 FT FROM W 1/4 COR, SO 5' W 104.55 FT, S 72 57' E 367.2 FT, S 69 14' E 161.12 FT

Location Address:

N/A

Assessor Parcel Number:

9613200927

EASEMENT DESCRIPTION

LOCATED IN THE NW 1/4 OF SECTION 13, T6N, R69W, 6TH P.M.
CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO

AN EASEMENT FOR TEMPORARY CONSTRUCTION PURPOSES OVER AND ACROSS A PORTION OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 6 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, ALSO BEING A PORTION OF THAT TRACT OF LAND OWNED BY SAID CITY OF FORT COLLINS AS DESCRIBED AT RECEPTION NO. 2002114204, LARIMER COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH-SOUTH CENTERLINE OF SECTION 13, TOWNSHIP 6 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, MONUMENTED AT THE SOUTH END BY A 3-1/4" ALUMINUM CAP STAMPED "CITY OF FORT COLLINS SURVEY MARKER 1993 LS 17497" AND AT THE NORTH END BY A 2-1/2" ALUMINUM CAP STAMPED "ATWELL 2021 PLS 38304". SAID NORTH-SOUTH CENTERLINE BEARS NORTH 00°27'53" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 13;

THENCE SOUTH 33°12'18" WEST 867.92 FEET TO THE WESTERLY LINE OF SAID TRACT OF LAND, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID WESTERLY LINE AND ALONG THE NORTHERLY LINE OF SAID TRACT OF LAND THE FOLLOWING TWO (2) COURSES:

1. SOUTH 83° 57' 35" EAST 22.14 FEET;
2. SOUTH 51° 14' 59" EAST 591.41 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 217.73 FEET, AND WHOSE LONG CHORD BEARS NORTH 84° 30' 43" WEST FOR A DISTANCE OF 293.75 FEET;

THENCE DEPARTING SAID NORTHERLY LINE , 322.41 FEET, ALONG THE ARC OF SAID NON-TANGENT CURVE THROUGH A CENTRAL ANGLE OF 84° 50' 25";

THENCE, NORTH 42° 05' 31" WEST 173.19 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT , HAVING A RADIUS OF 239.42 FEET, AND WHOSE LONG CHORD BEARS SOUTH 85° 51' 28" WEST FOR A DISTANCE OF 123.70 FEET;

THENCE 125.12 FEET ALONG THE ARC OF LAST SAID NON-TANGENT CURVE THROUGH A CENTRAL ANGLE OF 29° 56' 33";

THENCE SOUTH 19° 41' 44" WEST 265.15 FEET;

THENCE NORTH 70° 18' 16" WEST 30.00 FEET TO THE WESTERLY LINE OF SAID TRACT OF LAND;

THENCE ALONG SAID WESTERLY LINE NORTH 19° 41' 44" EAST 493.21 FEET TO THE **POINT OF BEGINNING**.

(CONTINUED ON SHEET 2)

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION

NW 1/4 SEC. 13
T6N, R69W, 6TH P.M.
FORT COLLINS,
LARIMER COUNTY, CO

DATE:	06/22/23
DRAWN:	TWK
CHECKED:	VS
JOB NO.:	19002763

SHT.
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OF
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ATWELL

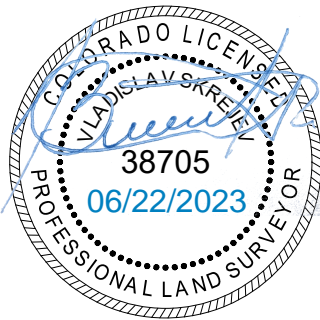
866.850.4200 www.atwell-group.com

143 UNION BOULEVARD, SUITE 700
LAKEWOOD, CO 80228
303.462.1100

(CONTINUED FROM SHEET 1)

SAID EASEMENT CONTAINS 96,132 SQUARE FEET, OR 2.21 ACRES, MORE OR LESS.

I, VLADISLAV SKREJEV, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND THE SURVEY UPON WHICH IT WAS BASED, WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND IS TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE.



VLADISLAV SKREJEV, PLS
 COLORADO REG. NO. 38705
 FOR AND ON BEHALF OF ATWELL, LLC

NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE (3) YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN (10) YEARS FROM THE DATE OF THE CERTIFICATE SHOWN HEREON.

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION

NW 1/4 SEC. 13
 T6N, R69W, 6TH P.M.
 FORT COLLINS,
 ER COUNTY, CO

DATE:	06/22/23
DRAWN:	TWK
CHECKED:	VS
JOB NO.:	19002763

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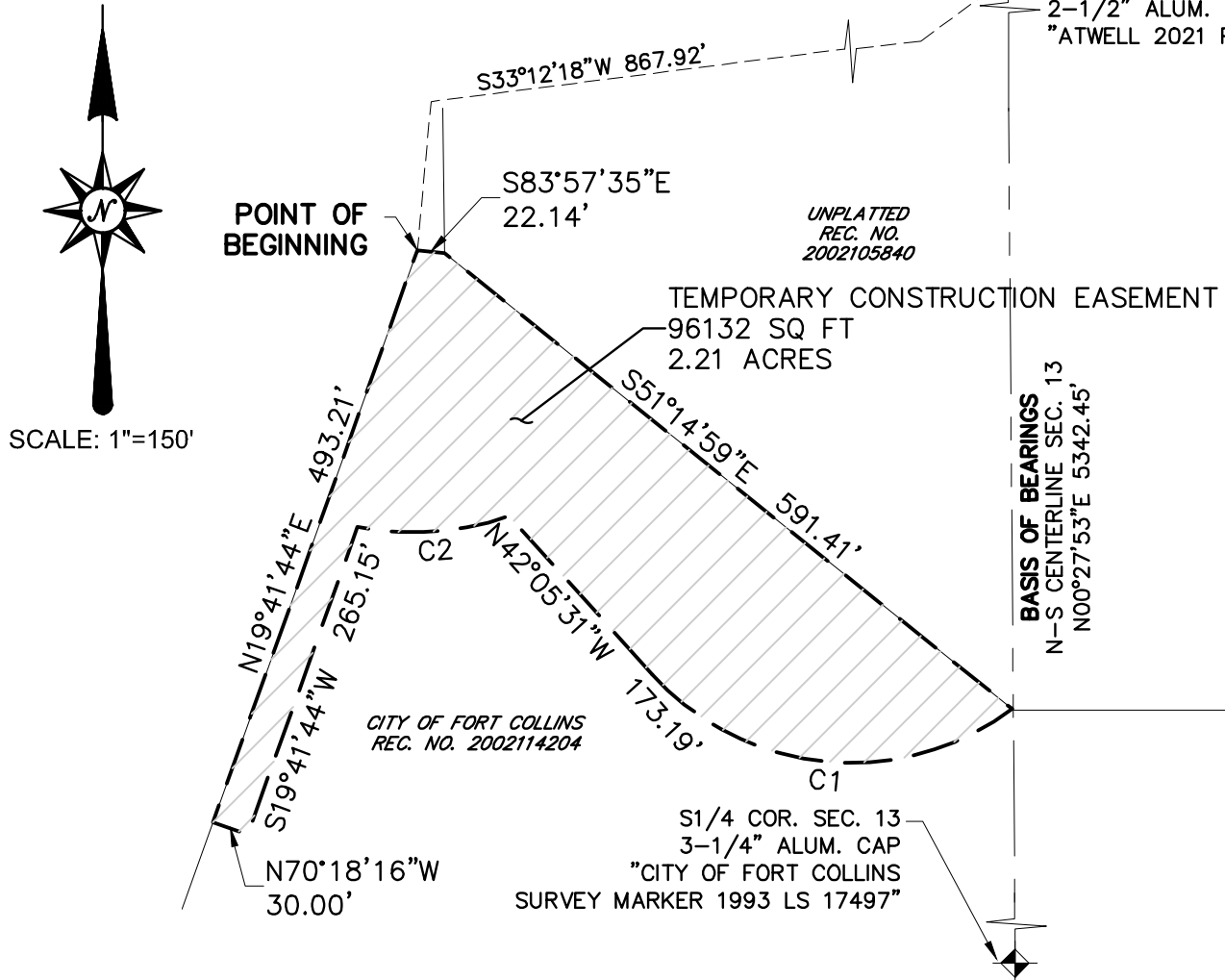
ATWELL

866.850.4200 www.atwell

EXHIBIT TO ACCOMPANY EASEMENT DESCRIPTION

LOCATED IN THE NW 1/4 OF SECTION 13, T6N, R69W, 6TH P.M.
CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO

POINT OF COMMENCEMENT
N1/4 COR. SEC. 13
2-1/2" ALUM. CAP
"ATWELL 2021 PLS 38304"



CURVE DATA TABLE

CURVE #	DELTA	RADIUS	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	84°50'25"	217.73'	322.41'	N84°30'43"W	293.75'
C2	29°56'33"	239.42'	125.12'	S85°51'28"W	123.70'

NOTE

THIS EXHIBIT IS MEANT TO DEPICT THE ATTACHED EASEMENT DESCRIPTION AND IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.

EASEMENT CONTAINS 96,132 SQ. FT. OR 2.21 ACRES

TEMPORARY CONSTRUCTION EASEMENT EXHIBIT

NW 1/4 SEC. 13
T6N, R69W, 6TH P.M.
FORT COLLINS,
ER COUNTY, CO

DATE: 06/22/23
DRAWN: TWK
CHECKED: VS
JOB NO.: 19002763

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ATWELL

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LAKEWOOD, CO 80228
303.462.1100

Waterline Easement
(Pages 4-5 of 8)

EASEMENT DESCRIPTION

LOCATED IN THE NW 1/4 OF SECTION 13, T6N, R69W, 6TH P.M.
CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO

A 30 FOOT-WIDE NON-EXCLUSIVE EASEMENT FOR WATER PURPOSES OVER AND ACROSS A PORTION OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 6 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, ALSO BEING A PORTION OF THAT TRACT OF LAND OWNED BY SAID CITY OF FORT COLLINS AS DESCRIBED AT RECEPTION NO. 2002114204, LARIMER COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH-SOUTH CENTERLINE OF SECTION 13, TOWNSHIP 6 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, MONUMENTED AT THE SOUTH END BY A 3-1/4" ALUMINUM CAP STAMPED "CITY OF FORT COLLINS SURVEY MARKER 1993 LS 17497" AND AT THE NORTH END BY A 2-1/2" ALUMINUM CAP STAMPED "ATWELL 2021 PLS 38304". SAID NORTH-SOUTH CENTERLINE BEARS NORTH 00°27'53" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 13;

THENCE SOUTH 33°12'18" WEST 867.92 FEET TO THE WESTERLY LINE OF SAID TRACT OF LAND;

THENCE ALONG SAID WESTERLY LINE OF SAID TRACT OF LAND SOUTH 19° 41' 44" WEST 378.72 FEET TO THE **POINT OF BEGINNING**;

THENCE LEAVING SAID WESTERLY LINE SOUTH 70° 18' 16" EAST 19.00 FEET;

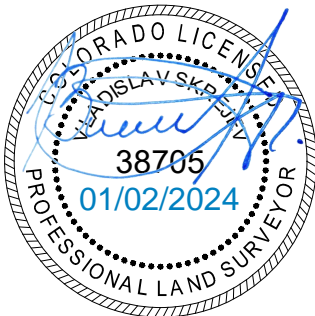
THENCE SOUTH 19° 41' 44" WEST 30.00 FEET;

THENCE NORTH 70° 18' 16" WEST 19.00 FEET TO SAID WESTERLY LINE OF SAID TRACT OF LAND;

THENCE ALONG SAID WESTERLY LINE NORTH 19° 41' 44" EAST 30.00 FEET TO THE **POINT OF BEGINNING**.

SAID EASEMENT CONTAINS 570 SQUARE FEET, OR 0.01 ACRES, MORE OR LESS.

I, VLADISLAV SKREJEV, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND THE SURVEY UPON WHICH IT WAS BASED, WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND IS TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE.



VLADISLAV SKREJEV, PLS
COLORADO REG. NO. 38705
FOR AND ON BEHALF OF ATWELL, LLC

NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE (3) YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN (10) YEARS FROM THE DATE OF THE CERTIFICATE SHOWN HEREON.

WATER EASEMENT DESCRIPTION

NW 1/4 SEC. 13
T6N, R69W, 6TH P.M.
FORT COLLINS,
ER COUNTY, CO

DATE:	01/02/24
DRAWN:	TK
CHECKED:	VS
JOB NO.:	19002763

SHT.
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OF
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ATWELL
866.850.4200 www.atwell-group.com

143 UNION BOULEVARD, SUITE 700
LAKEWOOD, CO 80228
303.462.1100

Item 14.

EXHIBIT TO ACCOMPANY EASEMENT DESCRIPTION

LOCATED IN THE NW 1/4 OF SECTION 13, T6N, R69W, 6TH P.M.
CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO



SCALE: 1"=120'

POINT OF COMMENCEMENT
N1/4 COR. SEC. 13
2-1/2" ALUM. CAP
"ATWELL 2021 PLS 38304"

S33°12'18"W 867.92'

UNPLATTED
REC. NO.
2002105840

BASIS OF BEARINGS
N-S CENTERLINE SEC. 13
N00°27'53"E 5342.45'

CITY OF FORT COLLINS
REC. NO. 2002114204

POINT OF BEGINNING

N19°41'44"E
30.00'

30.00'

S70°18'16"E
19.00'

WATER EASEMENT
570 S.F. (0.01 AC.)

S19°41'44"W
30.00'

N70°18'16"W
19.00'

S1/4 COR. SEC. 13
3-1/4" ALUM. CAP
"CITY OF FORT COLLINS
SURVEY MARKER 1993 LS 17497"

NOTE

THIS EXHIBIT IS MEANT TO DEPICT THE ATTACHED EASEMENT DESCRIPTION AND IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.

EASEMENT CONTAINS 570 SQ. FT. OR 0.01 ACRES

WATER EASEMENT DESCRIPTION

NW 1/4 SEC. 13
T6N, R69W, 6TH P.M.
FORT COLLINS,
ER COUNTY, CO

DATE: 01/02/24
DRAWN: TK
CHECKED: VS
JOB NO.: 19002763

SHT.
2
OF
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303.462.1100

Sewer Easement
(Pages 6-8 of 8)

EASEMENT DESCRIPTION

LOCATED IN THE NW 1/4 OF SECTION 13, T6N, R69W, 6TH P.M.
CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO

A 30 FOOT-WIDE NON-EXCLUSIVE EASEMENT FOR SANITARY SEWER PURPOSES OVER AND ACROSS A PORTION OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 6 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, ALSO BEING A PORTION OF THAT TRACT OF LAND OWNED BY SAID CITY OF FORT COLLINS AS DESCRIBED AT RECEPTION NO. 2002114204, LARIMER COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 13;

THENCE SOUTH 33°12'18" WEST 867.92 FEET TO THE WESTERLY LINE OF SAID TRACT OF LAND;

THENCE DEPARTING SAID WESTERLY LINE AND ALONG THE NORTHERLY LINE OF SAID TRACT OF LAND THE FOLLOWING TWO (2) COURSES:

1. SOUTH 83° 57' 35" EAST 22.14 FEET;

2. SOUTH 51° 14' 59" EAST 357.80 FEET, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE CONTINUING ALONG SAID NORTHERLY LINE SOUTH 51° 14' 59" EAST 30.00 FEET;

THENCE DEPARTING SAID NORTHERLY LINE SOUTH 38° 44' 22" WEST 157.98 FEET;

THENCE NORTH 51° 15' 38" WEST 30.00 FEET;

THENCE NORTH 38° 44' 22" EAST 157.99 FEET TO THE **POINT OF BEGINNING**.

SAID EASEMENT CONTAINS 4,740 SQUARE FEET, OR 0.11 ACRES, MORE OR LESS.

(CONTINUED ON SHEET 2)

SANITARY SEWER EASEMENT DESCRIPTION

NW 1/4 SEC. 13
T6N, R69W, 6TH P.M.
FORT COLLINS,
LARIMER COUNTY, CO

DATE:	01/02/24
DRAWN:	TK
CHECKED:	VS
JOB NO.:	19002763

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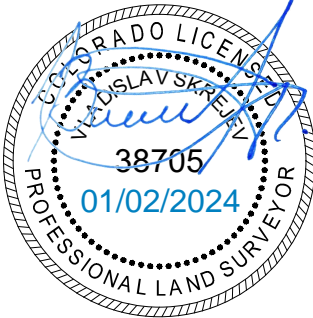
ATWELL

866.850.4200 www.atwell-group.com

143 UNION BOULEVARD, SUITE 700
LAKEWOOD, CO 80228
303.462.1100

(CONTINUED FROM SHEET 1)

I, VLADISLAV SKREJEV, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND THE SURVEY UPON WHICH IT WAS BASED, WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND IS TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE.



VLADISLAV SKREJEV, PLS
 COLORADO REG. NO. 38705
 FOR AND ON BEHALF OF ATWELL, LLC

NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE (3) YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN (10) YEARS FROM THE DATE OF THE CERTIFICATE SHOWN HEREON.

SANITARY SEWER EASEMENT DESCRIPTION

NW 1/4 SEC. 13
 T6N, R69W, 6TH P.M.
 FORT COLLINS,
 COLORADO

DATE: 01/02/24
 DRAWN: TK
 CHECKED: VS
 JOB NO.: 19002763

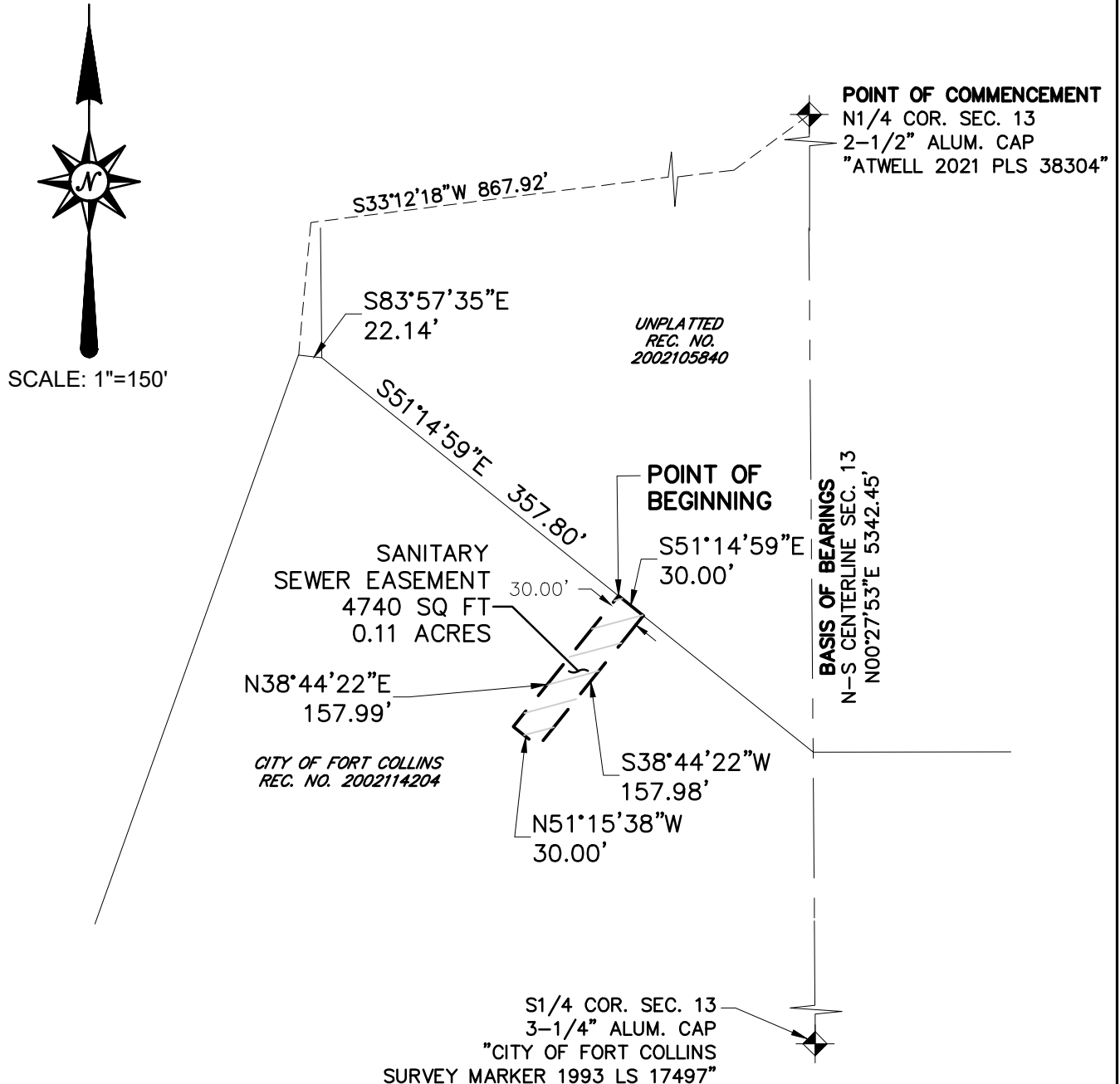
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EXHIBIT TO ACCOMPANY EASEMENT DESCRIPTION

LOCATED IN THE NW 1/4 OF SECTION 13, T6N, R69W, 6TH P.M.
CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO



NOTE

THIS EXHIBIT IS MEANT TO DEPICT THE ATTACHED EASEMENT DESCRIPTION AND IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.

EASEMENT CONTAINS 4740 SQ. FT. OR 0.11 ACRES

SANITARY SEWER EASEMENT DESCRIPTION

NW 1/4 SEC. 13
T6N, R69W, 6TH P.M.
FORT COLLINS,
ER COUNTY, CO

DATE: 01/02/24
DRAWN: TK
CHECKED: VS
JOB NO.: 19002763

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143 UNION BOULEVARD, SUITE 700
LAKEWOOD, CO 80228
303.462.1100

February 20, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Kelley Vodden, Director of Compensation, Benefits, and Wellness
Teresa Roche, Human Resources Executive

SUBJECT

Items Relating to the 2024 City Classified Employee Pay Plan as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

EXECUTIVE SUMMARY

A. Second Reading of Ordinance No. 030, 2024, Adopting the 2024 Amended Classified Employees Pay Plan to Update Classified Positions as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

B. Second Reading of Ordinance No. 031, 2024, Appropriating Prior Year Reserves in the General Fund for the Cost of Police Services Salary and Benefit Increases as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

These Ordinances, unanimously adopted on First Reading on February 6, 2024, recommend changes to the 2024 City Classified Employee Pay Plan based on an annual market analysis conducted as agreed upon through the 2022-2024 Collective Bargaining Agreement (Agreement) with the Northern Colorado Lodge #3 of the Fraternal Order of Police (FOP). The Agreement was approved by Council by Resolution on December 7, 2021. The Agreement specifies a salary data collection method and evaluation process that includes market data as of early January each year. This data has been collected and analyzed, resulting in the revised 2024 Amended City Classified Employee Pay Plan.

STAFF RECOMMENDATION

Staff recommends adoption of both Ordinances on Second Reading.

BACKGROUND / DISCUSSION

The City utilizes a common compensation methodology to assess jobs, combine them into job functions and establish pay ranges. Pay ranges are categorized and grouped, and become the Classified Employee Pay Plan which sets the minimum, midpoint, and maximum of pay ranges for the levels within each career group and function. While the methodology for assessing jobs and developing pay ranges for jobs within the FOP's bargaining unit is outlined in the Agreement, police collective bargaining unit positions are included in the Classified Employee Pay Plan.

Council approved the Agreement by Resolution No. 2021-114 on December 7, 2021. The Agreement specifies a salary data collection method and evaluation process that includes collection of market data as

or early January each year. This analysis includes collecting pay range maximums for law enforcement positions from 12 identified benchmark agencies: Denver, Aurora, Boulder, Larimer County, Greeley, Thornton, Arvada, Lakewood, Longmont, Loveland, Westminster, and Broomfield. It also includes collecting salary data from dispatch centers for dispatch and communications centers.

The analysis resulted in the following recommended 2024 Pay Plan Structure adjustments:

- Police Officer, 5.76%
- Police Corporal, 5.76%
- Police Sergeant, 4.83%
- Police Lieutenant, 11.38%
- Community Service Officer, 5.76%
- Senior Supervisor, CSO, 5.76%
- Emergency Communications Dispatcher, 8.88%
- Senior Supervisor, Emergency Communications, 4.50%
- Senior Manager, Emergency Communications, 4.50%

Actual employee salary increases are determined administratively and implemented using Council's adopted employee pay increase budget and the Police Services operational budget.

This appropriation does not cover costs related to City contribution increases to the Post Employment Health Plans for collective bargaining unit members. The contribution increases were included in the Agreement, which was approved by the Council on December 7, 2021. An additional appropriation will come forward to address those costs.

CITY FINANCIAL IMPACTS

The needed funds to cover the increases over budget in salary, overtime, and benefits total approximately \$1,003,000. These funds will come from General Fund Reserves.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance A for Consideration
2. Exhibit A to Ordinance A
3. Ordinance B for Consideration

ORDINANCE NO. 030, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING THE 2024 AMENDED CLASSIFIED EMPLOYEES
PAY PLAN TO UPDATE CLASSIFIED POSITIONS AS PROVIDED
IN THE COLLECTIVE BARGAINING AGREEMENT WITH THE
FRATERNAL ORDER OF POLICE

A. Section 2-566 of the City Code requires that the pay plan for all classified employees of the City shall be established by ordinance of the City Council.

B. On December 19, 2023, the City Council adopted Ordinance No. 138, 2022, approving a pay plan for its classified employees for pay to go into effect the first pay period of January 2024 (the "Pay Plan").

C. On December 7, 2021, the City Council adopted Resolution 2021-114 approving a collective bargaining agreement ("CBA") between the City and the Northern Colorado Lodge #3 of the Fraternal Order of Police ("CBA").

D. The CBA contains a provision giving the City until January 12, 2024, to collect market data from several identified benchmark agencies for the classified positions in the collective bargaining unit.

E. Such market data has been collected and analyzed and the recommended salary ranges for the bargaining unit classified employees are available to amend the Pay Plan.

F. The amendments to the Pay Plan recommended by the City Manager are consistent with City Council objectives and the Council-approved CBA, including the practice of establishing step levels by using pay range maximum salary data for benchmark positions, and matching to the fourth highest salary ranking of the benchmark agencies, or matching the percentage increase given to City employees not in the collective bargaining unit, whichever is higher.

G. The City Council believes that the adoption of the recommended, amended pay plan is in the best interests of the City and further believes that the allocation of individual salaries within the Pay Plan should be related to employee performance.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council hereby adopts the 2024 Amended City of Fort Collins Classified Employees Pay Plan (the "Amended Plan"), a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference.

Section 2. That the effective date of the Amended Classified Employees Plan shall commence as of the effective date of this Ordinance.

Section 3. That the City Manager shall fix the compensation levels of all classified employees within the pay levels established in the Amended Plan except as allowed by the terms of the CBA.

Introduced, considered favorably on first reading on February 6, 2024, and approved for final passage on February 20, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 1, 2024
Approving Attorney: Aaron Guin

EXHIBIT A TO ORDINANCE NO. 030, 2024



CITY OF FORT COLLINS

2024 PAY PLAN INDEX

<u>JOB TITLE</u>	<u>JOB TYPE</u>	<u>LEVEL</u>	<u>JOB FUNCTION</u>	<u>JOB FAMILY</u>	<u>JOB SUB FAMILY</u>	<u>TABLE</u>
Accountant II	P049	P2	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTING	4
Administrator I, Systems	P003	P1	TECHNOLOGY	SYSTEMS	SYSTEMS ADMINISTRATION	3
Analyst I, Apps Software	P005	P1	TECHNOLOGY	APPLICATIONS SOFTWARE	APPLICATIONS SOFTWARE	3
Analyst I, Benefits	P016	P1	HUMAN RESOURCES	BENEFITS	BENEFITS	4
Analyst I, Bus Sys & Elections	P179	P1	ADMINISTRATION	MUNICIPAL ADMINISTRATION	CITY CLERK	4
Analyst I, Data	P122	P1	TECHNOLOGY	DATA SCIENCE	DATA ANALYSIS	3
Analyst I, Finance	P020	P1	FINANCE & ACCOUNTING	FINANCIAL PLANNING & ANALYSIS	FINANCIAL PLANNING & ANALYSIS	4
Analyst I, GIS	P002	P1	TECHNOLOGY	GIS	GIS	3
Analyst I, Grant Administrator	P170	P1	FINANCE & ACCOUNTING	FINANCIAL PLANNING & ANALYSIS	FINANCIAL PLANNING & ANALYSIS	4
Analyst I, HRIS	P023	P1	HUMAN RESOURCES	HRIS	HRIS	4
Analyst II, Apps Software	P028	P2	TECHNOLOGY	APPLICATIONS SOFTWARE	APPLICATIONS SOFTWARE	3
Analyst II, Apps Software Dev	P123	P2	TECHNOLOGY	APPLICATIONS SOFTWARE	APPS SOFTWARE DEVELOPMENT	3
Analyst II, Benefits	P124	P2	HUMAN RESOURCES	BENEFITS	BENEFITS	4
Analyst II, Budget	P136	P2	FINANCE & ACCOUNTING	BUDGET	BUDGET	4
Analyst II, Bus Intelligence	P133	P2	TECHNOLOGY	DATA SCIENCE	BUSINESS INTELLIGENCE	3
Analyst II, Finance	P050	P2	FINANCE & ACCOUNTING	FINANCIAL PLANNING & ANALYSIS	FINANCIAL PLANNING & ANALYSIS	4
Analyst II, GIS	P031	P2	TECHNOLOGY	GIS	GIS	3
Analyst II, HRIS	P183	P2	HUMAN RESOURCES	HRIS	HRIS	4
Architect, IT Security	P101	P4	TECHNOLOGY	INFORMATION SECURITY	INFORMATION SECURITY	3
Architect, Landscape	P032	P2	PLANNING	PARK PLANNING	LANDSCAPE	1
Architect, Portfolio Mgmt	P145	P4	TECHNOLOGY	TECHNOLOGY	PORTFOLIO MANAGEMENT	3
Architect, Technology	P109	P4	TECHNOLOGY	DATA SCIENCE	DATA SCIENCE	3
Asst Superintendent, Parks	O019	O6	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Auditor II, Sales Tax & Revenue	P060	P2	FINANCE & ACCOUNTING	REVENUE	SALES TAX AUDIT & REVENUE	4
Bailiff	A001	A2	LEGAL	JUDICIAL	CUSTOMER SERVICE	4
Business Support I	A002	A2	ADMINISTRATION	ADMINISTRATION	ADMINISTRATION	4
Business Support II	A008	A3	ADMINISTRATION	ADMINISTRATION	ADMINISTRATION	4
Business Support III	A020	A4	ADMINISTRATION	ADMINISTRATION	ADMINISTRATION	4
Buyer II	P043	P2	FINANCE & ACCOUNTING	PURCHASING	PURCHASING	4
Chemist	P008	P1	SCIENCES & ENGINEERING	SCIENCES	CHEMISTRY	3
Chief Building Official	M042	M2	DEVELOPMENT & COMPLIANCE	BUILDING & DEVELOPMENT REVIEW	BUILDING & DEVELOPMENT REVIEW	1
Chief Deputy City Clerk	P158	P3	ADMINISTRATION	MUNICIPAL ADMINISTRATION	CITY CLERK	4
Chief Deputy City Clerk	P051	P2	ADMINISTRATION	MUNICIPAL ADMINISTRATION	CITY CLERK	4
City Clerk	M072	M3	ADMINISTRATION	MUNICIPAL ADMINISTRATION	CITY CLERK	4
City Engineer	M079	M3	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
City Traffic Engineer	M064	M3	SCIENCES & ENGINEERING	ENGINEERING	TRAFFIC ENGINEERING	3
Civil Engineer I	P009	P1	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Civil Engineer II	P037	P2	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Civil Engineer III	P078	P3	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Comm & Pub Relations Manager	P202	P4	MARKETING & CREATIVE SERVICES	COMMUNICATIONS	COMMUNICATIONS	4
Coord, Sales Tax & Audit Rev	A097	A4	FINANCE & ACCOUNTING	REVENUE	SALES TAX AUDIT & REVENUE	4
Coordinator, AR / Billing	A021	A4	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTS RECEIVABLE / BILLING	4
Coordinator, Accounts Payable	A015	A4	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTS PAYABLE	4

EXHIBIT A TO ORDINANCE NO. 030, 2024

Coordinator, Active Modes	A093	A4	PLANNING	TRANSPORTATION PLANNING	ACTIVE MODES	1
Coordinator, Benefits	A102	A4	HUMAN RESOURCES	BENEFITS	BENEFITS	4
Coordinator, Bldg & Dev Review	A071	A4	DEVELOPMENT & COMPLIANCE	BUILDING & DEVELOPMENT REVIEW	BUILDING & DEVELOPMENT REVIEW	1
Coordinator, Communications	A028	A4	MARKETING & CREATIVE SERVICES	COMMUNICATIONS	COMMUNICATIONS	4
Coordinator, Cultural Services	A031	A4	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Coordinator, Customer Support	A074	A4	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Coordinator, Finance	A022	A4	FINANCE & ACCOUNTING	FINANCIAL PLANNING & ANALYSIS	FINANCIAL PLANNING & ANALYSIS	4
Coordinator, HRIS	A017	A4	HUMAN RESOURCES	HRIS	HRIS	4
Coordinator, Outreach	A036	A4	PROTECTIVE SERVICES	INVESTIGATION	OUTREACH	5
Coordinator, Payroll	A018	A4	FINANCE & ACCOUNTING	ACCOUNTING	PAYROLL	4
Coordinator, Public Engagement	A023	A4	CUSTOMER SERVICE	OUTREACH	PUBLIC ENGAGEMENT	4
Coordinator, Talent Acquisitio	A098	A4	HUMAN RESOURCES	TALENT MANAGEMENT	TALENT ACQUISITION	4
Coordinator, Theatre Prod	A096	A4	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Coordinator, Youth Education	A103	A4	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Court Security Officer	O036	O4	PROTECTIVE SERVICES	OPERATIONS	ENFORCEMENT	5
Crew Chief, Electric Dist	S013	S1	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - HIGH VOLTAGE	2
Crew Chief, Facilities	S006	S1	OPERATIONS	FACILITIES & FLEET	FACILITIES	2
Crew Chief, Forestry	S012	S1	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	FORESTRY	1
Crew Chief, Natural Areas	S059	S1	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	NATURAL AREAS	1
Crew Chief, Parks	S010	S1	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Crew Chief, Parks Facilities	S074	S1	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Crew Chief, Transportation Ops	S052	S1	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Crew Chief, Water Field Ops	S053	S1	OPERATIONS	WATER UTILITIES	WATER FIELD OPERATIONS	2
Crime Analyst	A062	A5	PROTECTIVE SERVICES	PROCESSING SUPPORT	INFORMATION SERVICES	5
Crime Analyst	A090	A6	PROTECTIVE SERVICES	PROCESSING SUPPORT	INFORMATION SERVICES	5
Criminalist	A069	A6	PROTECTIVE SERVICES	INVESTIGATION	INVESTIGATION	5
Criminalist, Serology	A105	A6	PROTECTIVE SERVICES	INVESTIGATION	INVESTIGATION	5
Curator	P014	P1	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Deputy City Clerk	A060	A5	ADMINISTRATION	MUNICIPAL ADMINISTRATION	CITY CLERK	4
Deputy Court Administrator	S002	S1	LEGAL	JUDICIAL	ADMINISTRATION	4
Deputy Court Clerk I	A005	A3	LEGAL	JUDICIAL	CUSTOMER SERVICE	4
Deputy Court Clerk II	A013	A4	LEGAL	JUDICIAL	CUSTOMER SERVICE	4
Dir, Economic Sustainability	M081	M3	SUSTAINABILITY	ECONOMIC SUSTAINABILITY	ECONOMIC SUSTAINABILITY	1
Dir, Electric Distribution	M073	M3	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - HIGH VOLTAGE	2
Dir, Environ Sustainability	M069	M3	SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	1
Dir, Social Sustainability	M066	M3	SUSTAINABILITY	SOCIAL SUSTAINABILITY	SOCIAL SUSTAINABILITY	1
Dir, Transportation Operations	M074	M3	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Director, Accounting	M082	M3	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTING	4
Director, Broadband	M120	M3	OPERATIONS	BROADBAND	BROADBAND	2
Director, Budget	M067	M3	FINANCE & ACCOUNTING	BUDGET	BUDGET	4
Director, Civil Engineering	M086	M3	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Director, Civil Engineering	M089	M3	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Director, Communications	M065	M3	MARKETING & CREATIVE SERVICES	COMMUNICATIONS	COMMUNICATIONS	4
Director, Cultural Services	M075	M3	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Director, Elec Engineering	M114	M3	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Director, FP&A	M078	M3	FINANCE & ACCOUNTING	FINANCIAL PLANNING & ANALYSIS	FINANCIAL PLANNING & ANALYSIS	4
Director, Facilities & Fleet	M083	M3	OPERATIONS	FACILITIES & FLEET	FACILITIES & FLEET	2
Director, Human Resources	M088	M3	HUMAN RESOURCES	TALENT MANAGEMENT	HUMAN RESOURCES	4
Director, Information Services	M040	M3	PROTECTIVE SERVICES	PROCESSING SUPPORT	INFORMATION SERVICES	5
Director, Natural Areas	M127	M3	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	NATURAL AREAS	1
Director, Park Planning	M068	M3	PLANNING	PARK PLANNING	LANDSCAPE	1
Director, Parks	M071	M3	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Director, Plant Operations	M084	M3	OPERATIONS	PLANT OPERATIONS	PLANT OPERATIONS	2
Director, Plant Operations	M139	M3	OPERATIONS	PLANT OPERATIONS	PLANT OPERATIONS	2

EXHIBIT A TO ORDINANCE NO. 030, 2024

Director, Purchasing	M077	M3	FINANCE & ACCOUNTING	PURCHASING	PURCHASING	4
Director, Recreation	M070	M3	CULTURE, PARKS & RECREATION	RECREATION	RECREATION	1
Director, Sciences	M085	M3	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Director, Tech Grid Ops & Engr	M159	M3	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Director, Technology	M121	M3	TECHNOLOGY	TECHNOLOGY	TECHNOLOGY	3
Director, Total Compensation	M123	M3	HUMAN RESOURCES	COMPENSATION/BENEFITS/WELLNES	TOTAL COMPENSATION	4
Director, Transit	M076	M3	OPERATIONS	TRANSPORTATION	TRANSIT	2
Director, Water Field Ops	M108	M3	OPERATIONS	WATER UTILITIES	WATER FIELD OPERATIONS	2
Early Childhood Teacher	A106	A4	CULTURE, PARKS & RECREATION	RECREATION	RECREATION	1
Elec Engr II OT & Protect Sys	P199	P2	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Elec Engr II, Automation	P201	P2	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Elec Engr III OT & Protect Sys	P198	P3	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Elec Engr III, Automation	P200	P3	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Elec Engr IV, Automation	P195	P4	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Elec Engr IV, OT & Protect Sys	P196	P4	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Electrical Engineer I	P012	P1	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Electrical Engineer II	P143	P2	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Electrical Engineer II	P039	P2	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Electrical Engineer III	P077	P3	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Electrician	O038	O4	OPERATIONS	FACILITIES & FLEET	ELECTRICIAN	2
Engineer I, Fiber	P112	P1	TECHNOLOGY	FIBER	FIBER	3
Engineer I, Network	P004	P1	TECHNOLOGY	NETWORK	NETWORK ENGINEERING	3
Engineer II, Fiber	P138	P2	TECHNOLOGY	FIBER	FIBER	3
Engineer II, Network	P029	P2	TECHNOLOGY	NETWORK	NETWORK ENGINEERING	3
Engineer II, Systems	P030	P2	TECHNOLOGY	SYSTEMS	SYSTEMS ENGINEERING	3
Exec Assistant To The City Mgr	P001	P1	ADMINISTRATION	ADMINISTRATION	ADMINISTRATION	4
Executive Admin Assistant	A043	A5	ADMINISTRATION	ADMINISTRATION	ADMINISTRATION	4
Executive Assist, City Council	P160	P1	FINANCE & ACCOUNTING	ADMINISTRATION	ADMINISTRATION	4
HR Comm & Project Manager	P185	P2	ADMINISTRATION	PROJECT MANAGEMENT	PROJECT MANAGEMENT	4
Halligan Project Manager	P173	P4	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Inspector, Code Compliance	O023	O3	DEVELOPMENT & COMPLIANCE	COMPLIANCE	CODE COMPLIANCE	1
Investigative Aide	A061	A5	PROTECTIVE SERVICES	INVESTIGATION	INVESTIGATION	5
Lab Assistant	O001	O1	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Lead Analyst, Utility Rate	P102	P4	FINANCE & ACCOUNTING	UTILITY	UTILITY RATE ANALYSIS	4
Lead Auditor, Sales Tax & Rev	P150	P3	FINANCE & ACCOUNTING	REVENUE	SALES TAX AUDIT & REVENUE	4
Lead Coord, Communications	A086	A6	MARKETING & CREATIVE SERVICES	COMMUNICATIONS	COMMUNICATIONS	4
Lead Coord, Utility Rate/Fee	A066	A6	FINANCE & ACCOUNTING	UTILITY	UTILITY RATE / FEE	4
Lead EO Compliance Specialist	P194	P3	ADMINISTRATION	ADMINISTRATION	EQUAL OPPORTUNITY	4
Lead EO Investigator	P099	P3	HUMAN RESOURCES	TALENT MANAGEMENT	EMPLOYEE RELATIONS	4
Lead Inspector Code Compliance	O064	O6	DEVELOPMENT & COMPLIANCE	COMPLIANCE	CODE COMPLIANCE	1
Lead Inspector, Construction	O052	O6	DEVELOPMENT & COMPLIANCE	COMPLIANCE	CONSTRUCTION INSPECTION	1
Lead Inspector, Rental Housing	O087	O6	DEVELOPMENT & COMPLIANCE	COMPLIANCE	RENTAL HOUSING	1
Lead Inspector, Zoning	O073	O6	DEVELOPMENT & COMPLIANCE	COMPLIANCE	ZONING	1
Lead L&P Safety Specialist	P197	P3	HUMAN RESOURCES	SAFETY & RISK MANAGEMENT	SAFETY	4
Lead Park Ranger	S011	S1	PROTECTIVE SERVICES	OPERATIONS	RESOURCE MANAGEMENT	5
Lead Project Manager	P193	P4	ADMINISTRATION	PROJECT MANAGEMENT	PROJECT MANAGEMENT	4
Lead Rep, Customer Support	A040	A5	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Lead Spc, Cultural Services	P081	P3	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Lead Spc, Econ Sustainability	P159	P3	SUSTAINABILITY	ECONOMIC SUSTAINABILITY	ECONOMIC SUSTAINABILITY	1
Lead Spc, Env Sustainability	P092	P3	SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	1
Lead Spc, Homelessness	P135	P3	SUSTAINABILITY	SOCIAL SUSTAINABILITY	HOMELESSNESS	1
Lead Spc, Process Improvement	P065	P3	ADMINISTRATION	PROJECT MANAGEMENT	PROCESS IMPROVEMENT	4
Lead Spc, Soc Sustainability	P097	P3	SUSTAINABILITY	SOCIAL SUSTAINABILITY	SOCIAL SUSTAINABILITY	1
Lead Spc, Special Events	P084	P3	DEVELOPMENT & COMPLIANCE	NEIGHBORHOOD SERVICES	SPECIAL EVENTS	1

EXHIBIT A TO ORDINANCE NO. 030, 2024

Lead Spec, Emergency Mgmt	P154	P3	ADMINISTRATION	PROJECT MANAGEMENT	EMERGENCY MANAGEMENT	4
Lead Spec, Equity & Inclusion	P191	P3	ADMINISTRATION	ADMINISTRATION	ADMINISTRATION	4
Lead Specialist, Communication	P155	P3	MARKETING & CREATIVE SERVICES	COMMUNICATIONS	COMMUNICATIONS	4
Lead Specialist, Forestry	P085	P3	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	FORESTRY	1
Lead Specialist, Marketing	P047	P3	MARKETING & CREATIVE SERVICES	MARKETING	MARKETING	4
Lead Specialist, Natural Areas	P104	P3	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	NATURAL AREAS	1
Lead Specialist, Occpnl Hlth	P115	P3	HUMAN RESOURCES	SAFETY & RISK MANAGEMENT	OCCUPATIONAL HEALTH	4
Lead Specialist, Parks	P165	P3	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Lead Specialist, Public Engage	P141	P3	CUSTOMER SERVICE	OUTREACH	PUBLIC ENGAGEMENT	4
Lead Specialist, Safety	P093	P3	HUMAN RESOURCES	SAFETY & RISK MANAGEMENT	SAFETY	4
Lead Specialist, Sciences	P072	P3	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Lead Specialist, Security	P091	P3	ADMINISTRATION	SAFETY & RISK MANAGEMENT	SECURITY	4
Lead Sr Facilities Project Mgr	M111	M1	ADMINISTRATION	PROJECT MANAGEMENT	FACILITIES PROJECT MANAGEMENT	4
Lead Tech, Graphic Design	A068	A6	MARKETING & CREATIVE SERVICES	MEDIA	GRAPHIC DESIGN	4
Lead Tech, Transportation Ops	O065	O6	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Lead Technician, Network Engr	A108	A6	TECHNOLOGY	NETWORK	NETWORK ENGINEERING	3
Lead Technician, Sciences	A065	A6	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Lead Technician, Video Prod	A067	A6	MARKETING & CREATIVE SERVICES	MEDIA	VIDEO PRODUCTION	4
Legal Assistant	A009	A3	LEGAL	LEGAL	LEGAL SUPPORT	4
Locator, Elec Dist - Field OpS	O092	O4	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - FIELD OPS	2
Locator, Elec Dist - Field Ops	O006	O3	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - FIELD OPS	2
Manager, Active Modes	M023	M1	PLANNING	TRANSPORTATION PLANNING	ACTIVE MODES	1
Manager, Administration	M116	M1	ADMINISTRATION	ADMINISTRATION	ADMINISTRATION	4
Manager, Applications Software	M001	M1	TECHNOLOGY	APPLICATIONS SOFTWARE	APPLICATIONS SOFTWARE	3
Manager, Apps Software Dev	M002	M1	TECHNOLOGY	APPLICATIONS SOFTWARE	APPS SOFTWARE DEVELOPMENT	3
Manager, Benefits	M125	M1	HUMAN RESOURCES	BENEFITS	BENEFITS	4
Manager, Bldg & Dev Review	M034	M1	PLANNING	BUILDING & DEVELOPMENT REVIEW	BUILDING & DEVELOPMENT REVIEW	1
Manager, Broadband	M105	M1	OPERATIONS	BROADBAND	BROADBAND OPERATIONS	2
Manager, Broadband Operations	M143	M1	OPERATIONS	BROADBAND	BROADBAND OPERATIONS	2
Manager, Civil Engineering	M008	M1	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Manager, Compliance	M115	M1	DEVELOPMENT & COMPLIANCE	COMPLIANCE	COMPLIANCE	1
Manager, Construction Inspect	M005	M1	DEVELOPMENT & COMPLIANCE	COMPLIANCE	CONSTRUCTION INSPECTION	1
Manager, Cultural Services	M016	M1	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Manager, Customer Support	M021	M1	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Manager, Econ Sustainability	M033	M1	SUSTAINABILITY	ECONOMIC SUSTAINABILITY	ECONOMIC SUSTAINABILITY	1
Manager, Elec Distr Hi Voltage	M103	M1	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - HIGH VOLTAGE	2
Manager, Env Sustainability	M100	M1	SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	1
Manager, Environ Planning	M032	M1	PLANNING	ENVIRONMENTAL PLANNING	ENVIRONMENTAL PLANNING	1
Manager, FP&A	M026	M1	FINANCE & ACCOUNTING	FINANCIAL PLANNING & ANALYSIS	FINANCIAL PLANNING & ANALYSIS	4
Manager, Forestry	M128	M1	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	FORESTRY	1
Manager, GIS	M004	M1	TECHNOLOGY	GIS	GIS	3
Manager, Graphic Design	M020	M1	MARKETING & CREATIVE SERVICES	MEDIA	GRAPHIC DESIGN	4
Manager, HR Business Partner	M144	M1	HUMAN RESOURCES	TALENT MANAGEMENT	EMPLOYEE RELATIONS	4
Manager, HR Operations	M102	M1	HUMAN RESOURCES	ADMINISTRATION	ADMINISTRATION	4
Manager, HRIS	M151	M1	HUMAN RESOURCES	HRIS	HRIS	4
Manager, Historic Preservation	M022	M1	PLANNING	CITY PLANNING	HISTORIC PRESERVATION	1
Manager, Marketing	M018	M1	MARKETING & CREATIVE SERVICES	MARKETING	MARKETING	4
Manager, Neighborhood Svcs	M153	M1	DEVELOPMENT & COMPLIANCE	NEIGHBORHOOD SERVICES	NEIGHBORHOOD SERVICES	1
Manager, Payroll	M029	M1	FINANCE & ACCOUNTING	ACCOUNTING	PAYROLL	4
Manager, Plant Operations	M012	M1	OPERATIONS	PLANT OPERATIONS	PLANT OPERATIONS	2
Manager, Project Management	M129	M1	ADMINISTRATION	PROJECT MANAGEMENT	PROJECT MANAGEMENT	4
Manager, Public Engagement	M017	M1	CUSTOMER SERVICE	COMMUNICATIONS	COMMUNICATIONS	4
Manager, Purchasing	M130	M1	FINANCE & ACCOUNTING	PURCHASING	PURCHASING	4
Manager, Real Estate	M027	M1	OPERATIONS	FACILITIES & FLEET	REAL ESTATE	2

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Manager, Recreation	M024	M1	CULTURE, PARKS & RECREATION	RECREATION	RECREATION	1
Manager, Rental Housing	M152	M1	DEVELOPMENT & COMPLIANCE	NEIGHBORHOOD SERVICES	NEIGHBORHOOD SERVICES	1
Manager, Sales	M138	M1	MARKETING & CREATIVE SERVICES	SALES	SALES	4
Manager, Sciences	M019	M1	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Manager, Service Delivery	M131	M1	TECHNOLOGY	CLIENT SERVICES	CLIENT SERVICES	3
Manager, Social Sustainability	M119	M1	SUSTAINABILITY	SOCIAL SUSTAINABILITY	SOCIAL SUSTAINABILITY	1
Manager, Stormwater MP&FA	M145	M1	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Manager, Systems Admin	M009	M1	TECHNOLOGY	SYSTEMS	SYSTEMS ADMINISTRATION	3
Manager, Systems Engineering	M003	M1	TECHNOLOGY	SYSTEMS	SYSTEMS ENGINEERING	3
Manager, Talent Acquisition	M015	M1	HUMAN RESOURCES	TALENT MANAGEMENT	TALENT ACQUISITION	4
Manager, Talent Development	M030	M1	HUMAN RESOURCES	ADMINISTRATION	ADMINISTRATION	4
Manager, Technical Proj Mgmt	M106	M1	ADMINISTRATION	PROJECT MANAGEMENT	TECHNICAL PROJECT MANAGEMENT	4
Manager, Traffic Engineering	M007	M1	SCIENCES & ENGINEERING	ENGINEERING	TRAFFIC ENGINEERING	3
Manager, Traffic Ops	M156	M1	OPERATIONS	TRANSPORTATION	TRAFFIC OPERATIONS	2
Manager, Transportation Ops	M013	M1	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Manager, Transportation Plng	M112	M1	PLANNING	TRANSPORTATION PLANNING	TRANSPORTATION PLANNING	1
Manager, Video Production	M031	M1	MARKETING & CREATIVE SERVICES	MEDIA	VIDEO PRODUCTION	4
Manager, Water Field Ops	M006	M1	OPERATIONS	WATER UTILITIES	WATER FIELD OPERATIONS	2
Manager, Water Util Dev Review	M122	M1	SCIENCES & ENGINEERING	ENGINEERING	DEVELOPMENT REVIEW	3
Manager, Wellness	M014	M1	HUMAN RESOURCES	BENEFITS	WELLNESS	4
Master Electrician	O051	O6	OPERATIONS	FACILITIES & FLEET	ELECTRICIAN	2
Mechanical Engineer I	P011	P1	SCIENCES & ENGINEERING	ENGINEERING	MECHANICAL ENGINEERING	3
Mechanical Engineer II	P134	P2	SCIENCES & ENGINEERING	ENGINEERING	MECHANICAL ENGINEERING	3
Mechanical Engineer III	P075	P3	SCIENCES & ENGINEERING	ENGINEERING	MECHANICAL ENGINEERING	3
Mgr, Mediation & Res Justice	M154	M1	DEVELOPMENT & COMPLIANCE	NEIGHBORHOOD SERVICES	NEIGHBORHOOD SERVICES	1
Mgr, Network Ops & Info Sec	M150	M1	TECHNOLOGY	NETWORK	NETWORK ENGINEERING	3
Mgr, Principal City Planner	M146	M1	PLANNING	CITY PLANNING	CITY PLANNING	1
Municipal Court Administrator	M148	M1	LEGAL	JUDICIAL	ADMINISTRATION	4
Municipal Court Administrator	S019	S2	LEGAL	JUDICIAL	ADMINISTRATION	4
Natural Areas Trail Ranger	O058	O4	PROTECTIVE SERVICES	OPERATIONS	RESOURCE MANAGEMENT	5
Officer I, Transportation Ops	O013	O2	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Officer II, Enforcement	O026	O3	PROTECTIVE SERVICES	OPERATIONS	ENFORCEMENT	5
Officer III, Enforcement	O076	O4	PROTECTIVE SERVICES	OPERATIONS	ENFORCEMENT	5
Operator I, Transit	O011	O2	OPERATIONS	TRANSPORTATION	TRANSIT	2
Operator I, Transportation Ops	O009	O2	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Operator II, Broadband	O069	O3	OPERATIONS	BROADBAND	BROADBAND OPERATIONS	2
Operator II, Transit	O021	O3	OPERATIONS	TRANSPORTATION	TRANSIT	2
Operator II, Transportation Op	O022	O3	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Paralegal	A064	A6	LEGAL	LEGAL	LEGAL SUPPORT	4
Park Ranger	O037	O4	PROTECTIVE SERVICES	OPERATIONS	RESOURCE MANAGEMENT	5
Parking Enforcement Officer I	O010	O2	DEVELOPMENT & COMPLIANCE	COMPLIANCE	PARKING	1
Parking Enforcement Officer II	O066	O3	DEVELOPMENT & COMPLIANCE	COMPLIANCE	PARKING	1
Partner, Human Resources	P062	P2	HUMAN RESOURCES	TALENT MANAGEMENT	HUMAN RESOURCES	4
Planner, City	P052	P2	PLANNING	CITY PLANNING	CITY PLANNING	1
Planner, Environmental	P048	P2	PLANNING	ENVIRONMENTAL PLANNING	ENVIRONMENTAL PLANNING	1
Planner, Transit	P046	P2	PLANNING	TRANSPORTATION PLANNING	TRANSIT PLANNING	1
Planner, Transit Service	P187	P1	PLANNING	TRANSPORTATION PLANNING	TRANSIT PLANNING	1
Planner, Transportation	P113	P2	PLANNING	TRANSPORTATION PLANNING	TRANSPORTATION PLANNING	1
Plans Examiner	A073	A6	DEVELOPMENT & COMPLIANCE	BUILDING & DEVELOPMENT REVIEW	BUILDING & DEVELOPMENT REVIEW	1
Police Assistant Chief	M090	M3	PROTECTIVE SERVICES	POLICE ADMINISTRATION	POLICE ADMINISTRATION	5
Police Psychologist	P103	P4	PROTECTIVE SERVICES	INVESTIGATION	OUTREACH	5
Probation Officer	A087	A5	LEGAL	JUDICIAL	CUSTOMER SERVICE	4
Process Engineer I	P139	P1	SCIENCES & ENGINEERING	ENGINEERING	PROCESS ENGINEERING	3
Program Manager, Volunteer Svc	P186	P3	HUMAN RESOURCES	OUTREACH	PUBLIC ENGAGEMENT	4

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Project Analyst	P026	P1	ADMINISTRATION	PROJECT MANAGEMENT	PROJECT MANAGEMENT	4
Project Coordinator	A083	A5	ADMINISTRATION	PROJECT MANAGEMENT	PROJECT MANAGEMENT	4
Project Manager	P041	P2	ADMINISTRATION	PROJECT MANAGEMENT	PROJECT MANAGEMENT	4
Project Manager, Construction	P190	P2	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Reliability Engr II, Utilities	P152	P2	SCIENCES & ENGINEERING	ENGINEERING	RELIABILITY ENGINEERING	3
Reliability Engr III, Utilities	P130	P3	SCIENCES & ENGINEERING	ENGINEERING	RELIABILITY ENGINEERING	3
Rep I, Cultural Svcs	A107	A2	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Rep I, Customer Support	A003	A2	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Rep II, Customer Support	A006	A3	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Rep II, Police Records	A011	A3	PROTECTIVE SERVICES	PROCESSING SUPPORT	INFORMATION SERVICES	5
Spec, Historic Preservation	P180	P1	PLANNING	CITY PLANNING	HISTORIC PRESERVATION	1
Spec, Regulatory Licensing	P174	P1	ADMINISTRATION	MUNICIPAL ADMINISTRATION	CITY CLERK	4
Specialist, Active Modes	P013	P1	PLANNING	TRANSPORTATION PLANNING	ACTIVE MODES	1
Specialist, Active Modes Data	P189	P1	PLANNING	TRANSPORTATION PLANNING	ACTIVE MODES	1
Specialist, City Planning	P121	P1	PLANNING	CITY PLANNING	CITY PLANNING	1
Specialist, Communications	P021	P1	MARKETING & CREATIVE SERVICES	COMMUNICATIONS	COMMUNICATIONS	4
Specialist, Compliance	P127	P1	DEVELOPMENT & COMPLIANCE	COMPLIANCE	COMPLIANCE	1
Specialist, Customer Support	P034	P1	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Specialist, DOT	P157	P1	HUMAN RESOURCES	SAFETY & RISK MANAGEMENT	SAFETY	4
Specialist, Econ Sustainability	P119	P1	SUSTAINABILITY	ECONOMIC SUSTAINABILITY	ECONOMIC SUSTAINABILITY	1
Specialist, Env Sustainability	P120	P1	SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	1
Specialist, Facilities	P007	P1	OPERATIONS	FACILITIES & FLEET	FACILITIES	2
Specialist, Natural Areas	P140	P1	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	NATURAL AREAS	1
Specialist, Neighborhood Svcs	P184	P1	DEVELOPMENT & COMPLIANCE	NEIGHBORHOOD SERVICES	NEIGHBORHOOD SERVICES	1
Specialist, Public Engagement	P015	P1	CUSTOMER SERVICE	OUTREACH	PUBLIC ENGAGEMENT	4
Specialist, Recruiting	P175	P1	HUMAN RESOURCES	TALENT MANAGEMENT	TALENT ACQUISITION	4
Specialist, Regulatory Svcs	P163	P1	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Specialist, Risk Claims	P188	P1	FINANCE & ACCOUNTING	RISK MANAGEMENT	RISK MANAGEMENT	4
Specialist, Safety	P111	P1	HUMAN RESOURCES	SAFETY & RISK MANAGEMENT	SAFETY	4
Specialist, Sales	P116	P1	MARKETING & CREATIVE SERVICES	SALES	SALES	4
Specialist, Sciences	P010	P1	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Specialist, Security	P181	P1	ADMINISTRATION	SAFETY & RISK MANAGEMENT	SECURITY	4
Specialist, Soc Sustainability	P168	P1	SUSTAINABILITY	SOCIAL SUSTAINABILITY	SOCIAL SUSTAINABILITY	1
Specialist, Social Sustain	P019	P1	SUSTAINABILITY	SOCIAL SUSTAINABILITY	SOCIAL SUSTAINABILITY	1
Specialist, Talent Acquisition	P117	P1	HUMAN RESOURCES	TALENT MANAGEMENT	TALENT ACQUISITION	4
Specialist, Talent Development	P017	P1	HUMAN RESOURCES	TALENT MANAGEMENT	TALENT DEVELOPMENT	4
Specialist, Travel Demand Mgmt	P178	P2	PLANNING	TRANSPORTATION PLANNING	TRANSPORTATION PLANNING	1
Specialist, Wellness	P018	P1	HUMAN RESOURCES	BENEFITS	WELLNESS	4
Specialist, Sales Tax & Revenue	P149	P1	FINANCE & ACCOUNTING	REVENUE	SALES TAX AUDIT & REVENUE	4
Sr Accountant	P083	P3	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTING	4
Sr Administrator, Database	P069	P3	TECHNOLOGY	DATABASE	DATABASE	3
Sr Administrator, Systems	P067	P3	TECHNOLOGY	SYSTEMS	SYSTEMS ADMINISTRATION	3
Sr Administrator, SCADA PLC Prgr	P148	P3	TECHNOLOGY	SYSTEMS	SYSTEMS ADMINISTRATION	3
Sr Analyst, Administration	P129	P3	ADMINISTRATION	ADMINISTRATION	ADMINISTRATION	4
Sr Analyst, Apps Software	P066	P3	TECHNOLOGY	APPLICATIONS SOFTWARE	APPLICATIONS SOFTWARE	3
Sr Analyst, Apps Software Dev	P070	P3	TECHNOLOGY	APPLICATIONS SOFTWARE	APPS SOFTWARE DEVELOPMENT	3
Sr Analyst, Budget	P080	P3	FINANCE & ACCOUNTING	BUDGET	BUDGET	4
Sr Analyst, Business	P131	P3	FINANCE & ACCOUNTING	FINANCIAL PLANNING & ANALYSIS	BUSINESS ANALYSIS	4
Sr Analyst, Compensation	P082	P3	HUMAN RESOURCES	COMPENSATION	COMPENSATION	4
Sr Analyst, Data	P164	P3	TECHNOLOGY	DATA SCIENCE	DATA ANALYSIS	3
Sr Analyst, Finance	P094	P3	FINANCE & ACCOUNTING	FINANCIAL PLANNING & ANALYSIS	FINANCIAL PLANNING & ANALYSIS	4
Sr Analyst, GIS	P126	P3	TECHNOLOGY	GIS	GIS	3
Sr Analyst, Grants Admin	P162	P3	FINANCE & ACCOUNTING	FINANCIAL PLANNING & ANALYSIS	FINANCIAL PLANNING & ANALYSIS	4
Sr Analyst, HRIS	P096	P3	HUMAN RESOURCES	HRIS	HRIS	4

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Sr Analyst, IT Security	P114	P3	TECHNOLOGY	INFORMATION SECURITY	INFORMATION SECURITY	3
Sr Analyst, Systems	P071	P3	TECHNOLOGY	SYSTEMS	SYSTEMS ADMINISTRATION	3
Sr Analyst, Treasury	P090	P3	FINANCE & ACCOUNTING	TREASURY / INVESTMENT	TREASURY / INVESTMENT	4
Sr Architect, Landscape	P074	P3	PLANNING	PARK PLANNING	LANDSCAPE	1
Sr Buyer	P089	P3	FINANCE & ACCOUNTING	PURCHASING	PURCHASING	4
Sr Coord, Sales Tax & Revenue	A056	A5	FINANCE & ACCOUNTING	REVENUE	SALES TAX AUDIT & REVENUE	4
Sr Coord, Onboarding & Training	A104	A5	HUMAN RESOURCES	TALENT MANAGEMENT	TALENT ACQUISITION	4
Sr Coordinator, AP	A039	A5	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTS PAYABLE	4
Sr Coordinator, Accounting	A088	A5	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTING	4
Sr Coordinator, Active Modes	A076	A5	PLANNING	TRANSPORTATION PLANNING	ACTIVE MODES	1
Sr Coordinator, Benefits-Inact	A082	A5	HUMAN RESOURCES	BENEFITS	BENEFITS	4
Sr Coordinator, Camera Radar	A101	A5	PROTECTIVE SERVICES	PROCESSING SUPPORT	TECHNICAL	5
Sr Coordinator, Communications	A037	A5	MARKETING & CREATIVE SERVICES	COMMUNICATIONS	COMMUNICATIONS	4
Sr Coordinator, Creative Svcs	A095	A5	MARKETING & CREATIVE SERVICES	MEDIA	GRAPHIC DESIGN	4
Sr Coordinator, Cultural Svcs	A049	A5	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Sr Coordinator, Forestry	A048	A5	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	FORESTRY	1
Sr Coordinator, HRIS	A044	A5	HUMAN RESOURCES	HRIS	HRIS	4
Sr Coordinator, Marketing	A055	A5	MARKETING & CREATIVE SERVICES	MARKETING	MARKETING	4
Sr Coordinator, Payroll	A042	A5	FINANCE & ACCOUNTING	ACCOUNTING	PAYROLL	4
Sr Coordinator, Public Engage	A041	A5	CUSTOMER SERVICE	OUTREACH	PUBLIC ENGAGEMENT	4
Sr Coordinator, Recreation	A054	A5	CULTURE, PARKS & RECREATION	RECREATION	RECREATION	1
Sr Coordinator, Rental Housing	A109	A5	DEVELOPMENT & COMPLIANCE	COMPLIANCE	RENTAL HOUSING	1
Sr Coordinator, Risk Mgmt	A038	A5	FINANCE & ACCOUNTING	RISK MANAGEMENT	RISK MANAGEMENT	4
Sr Coordinator, Safety	A052	A5	HUMAN RESOURCES	SAFETY & RISK MANAGEMENT	SAFETY	4
Sr Engineer, Network	P068	P3	TECHNOLOGY	NETWORK	NETWORK ENGINEERING	3
Sr Engineer, Systems	P064	P3	TECHNOLOGY	SYSTEMS	SYSTEMS ENGINEERING	3
Sr Engineer, Video Prod	P156	P3	MARKETING & CREATIVE SERVICES	SYSTEMS	VIDEO PRODUCTION	3
Sr Facilities Project Manager	P073	P3	ADMINISTRATION	PROJECT MANAGEMENT	FACILITIES PROJECT MANAGEMENT	4
Sr Inspector, Compliance	O056	O5	DEVELOPMENT & COMPLIANCE	COMPLIANCE	COMPLIANCE	1
Sr Inspector, Construction	O045	O5	DEVELOPMENT & COMPLIANCE	COMPLIANCE	CONSTRUCTION INSPECTION	1
Sr Inspector, Forestry Zoning	O079	O5	DEVELOPMENT & COMPLIANCE	COMPLIANCE	CODE COMPLIANCE	1
Sr Inspector, Nat Res Zoning	O094	O5	DEVELOPMENT & COMPLIANCE	COMPLIANCE	ZONING	1
Sr Inspector, Stormwater	O090	O6	DEVELOPMENT & COMPLIANCE	COMPLIANCE	CONSTRUCTION INSPECTION	1
Sr Inspector, Zoning	O048	O5	DEVELOPMENT & COMPLIANCE	COMPLIANCE	ZONING	1
Sr Key Accounts Rep	P171	P3	CUSTOMER SERVICE	OUTREACH	PUBLIC ENGAGEMENT	4
Sr Legal Assistant	A026	A4	LEGAL	LEGAL	LEGAL SUPPORT	4
Sr Locator, Elec Dist Field Op	O093	O5	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - FIELD OPS	2
Sr Locator, Elec Dist Field Op	O012	O4	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - FIELD OPS	2
Sr Manager, Accounting	M052	M2	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTING	4
Sr Manager, Apps Software	M038	M2	TECHNOLOGY	APPLICATIONS SOFTWARE	APPLICATIONS SOFTWARE	3
Sr Manager, Broadband	M155	M2	OPERATIONS	BROADBAND	BROADBAND OPERATIONS	2
Sr Manager, City Planning	M126	M2	PLANNING	CITY PLANNING	CITY PLANNING	1
Sr Manager, Civil Engineering	M043	M2	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Sr Manager, Creative Services	M132	M2	MARKETING & CREATIVE SERVICES	MEDIA	GRAPHIC DESIGN	4
Sr Manager, Cultural Services	M054	M2	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Sr Manager, Cultural Services	M050	M2	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Sr Manager, Customer Support	M051	M2	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Sr Manager, Econ Sustainability	M110	M2	SUSTAINABILITY	ECONOMIC SUSTAINABILITY	ECONOMIC SUSTAINABILITY	1
Sr Manager, Elec Dist Ctrl Cen	M158	M2	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - LOW VOLTAGE	2
Sr Manager, Elec Engr	M060	M2	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Sr Manager, Env Sustain	M056	M2	SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	1
Sr Manager, Facilities & Fleet	M044	M2	OPERATIONS	FACILITIES & FLEET	FACILITIES & FLEET	2
Sr Manager, Forestry	M035	M2	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	FORESTRY	1
Sr Manager, Grid Technologies	M157	M2	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3

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Sr Manager, HRIS	M124	M2	HUMAN RESOURCES	HRIS	HRIS	4
Sr Manager, Horticulture	M142	M2	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Sr Manager, Information Svcs	M062	M2	PROTECTIVE SERVICES	PROCESSING SUPPORT	INFORMATION SERVICES	5
Sr Manager, Mechanical Engr	M045	M2	SCIENCES & ENGINEERING	ENGINEERING	MECHANICAL ENGINEERING	3
Sr Manager, Neighborhood Svcs	M058	M2	DEVELOPMENT & COMPLIANCE	NEIGHBORHOOD SERVICES	NEIGHBORHOOD SERVICES	1
Sr Manager, Network Engineering	M104	M2	TECHNOLOGY	NETWORK	NETWORK ENGINEERING	3
Sr Manager, Parks	M057	M2	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Sr Manager, Public Engagement	M133	M2	CUSTOMER SERVICE	OUTREACH	PUBLIC ENGAGEMENT	4
Sr Manager, Recreation	M134	M2	CULTURE, PARKS & RECREATION	RECREATION	RECREATION	1
Sr Manager, Sciences	M046	M2	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Sr Manager, Social Sustainblty	M118	M2	SUSTAINABILITY	SOCIAL SUSTAINABILITY	SOCIAL SUSTAINABILITY	1
Sr Manager, Technology	M039	M2	TECHNOLOGY	TECHNOLOGY	TECHNOLOGY	3
Sr Manager, Traffic Engr	M041	M2	SCIENCES & ENGINEERING	ENGINEERING	TRAFFIC ENGINEERING	3
Sr Manager, Transit	M049	M2	OPERATIONS	TRANSPORTATION	TRANSIT	2
Sr Manager, Transportation Ops	M137	M2	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Sr Manager, Transportation Pln	M037	M2	PLANNING	TRANSPORTATION PLANNING	TRANSPORTATION PLANNING	1
Sr Manager, Water Engineering	M047	M2	SCIENCES & ENGINEERING	ENGINEERING	WATER ENGINEERING	3
Sr Manager, Sales Tax & Revenue	M036	M2	FINANCE & ACCOUNTING	REVENUE	SALES TAX AUDIT & REVENUE	4
Sr Mgr, Elec Dist-High Voltage	M160	M2	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - HIGH VOLTAGE	2
Sr Mgr, Park Planning & Dev	M149	M2	PLANNING	PARK PLANNING	LANDSCAPE	1
Sr Mgr, Safety & Risk Mgmt	M117	M2	HUMAN RESOURCES	SAFETY & RISK MANAGEMENT	SAFETY	4
Sr Operator, Transport Ops	O081	O4	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Sr Partner, Human Resources	P142	P3	HUMAN RESOURCES	TALENT MANAGEMENT	HUMAN RESOURCES	4
Sr Planner, City	P098	P3	PLANNING	CITY PLANNING	CITY PLANNING	1
Sr Planner, Environmental	P086	P3	PLANNING	ENVIRONMENTAL PLANNING	ENVIRONMENTAL PLANNING	1
Sr Planner, Trails	P137	P3	PLANNING	PARK PLANNING	LANDSCAPE	1
Sr Planner, Transportation	P087	P3	PLANNING	TRANSPORTATION PLANNING	TRANSPORTATION PLANNING	1
Sr Project Manager	P095	P3	ADMINISTRATION	PROJECT MANAGEMENT	PROJECT MANAGEMENT	4
Sr Project Manager, Talent Mgmt	P166	P3	HUMAN RESOURCES	TALENT MANAGEMENT	HUMAN RESOURCES	4
Sr Rep, Cultural Svcs	A025	A4	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Sr Spc, Neighborhood Svcs	P044	P2	DEVELOPMENT & COMPLIANCE	NEIGHBORHOOD SERVICES	NEIGHBORHOOD SERVICES	1
Sr Spc, Process Improvement	P053	P2	ADMINISTRATION	PROJECT MANAGEMENT	PROCESS IMPROVEMENT	4
Sr Spec, Talent Development	P161	P2	HUMAN RESOURCES	TALENT MANAGEMENT	TALENT DEVELOPMENT	4
Sr Specialist, Communications	P058	P2	MARKETING & CREATIVE SERVICES	COMMUNICATIONS	COMMUNICATIONS	4
Sr Specialist, Compliance	P146	P2	DEVELOPMENT & COMPLIANCE	COMPLIANCE	COMPLIANCE	1
Sr Specialist, Cultural Svcs	P153	P2	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Sr Specialist, Cust Support	P027	P2	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Sr Specialist, DAR Program Mgr	P167	P3	PLANNING	TRANSPORTATION PLANNING	TRANSIT PLANNING	1
Sr Specialist, Digital Incls	P203	P2	CUSTOMER SERVICE	OUTREACH	PUBLIC ENGAGEMENT	4
Sr Specialist, Econ Sustain	P056	P2	SUSTAINABILITY	ECONOMIC SUSTAINABILITY	ECONOMIC SUSTAINABILITY	1
Sr Specialist, Env Compliance	P125	P2	SUSTAINABILITY	COMPLIANCE	COMPLIANCE	1
Sr Specialist, Enviro Sustain	P061	P2	SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	1
Sr Specialist, Equity	P144	P2	SUSTAINABILITY	SOCIAL SUSTAINABILITY	EQUITY, DIVERSITY & INCLUSION	1
Sr Specialist, Floodplain Mgmt	P169	P2	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Sr Specialist, Forestry	P151	P2	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	FORESTRY	1
Sr Specialist, OEM	P128	P2	ADMINISTRATION	PROJECT MANAGEMENT	EMERGENCY MANAGEMENT	4
Sr Specialist, Outreach	P107	P2	PROTECTIVE SERVICES	INVESTIGATION	OUTREACH	5
Sr Specialist, Parks	P033	P2	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Sr Specialist, Public Engage	P054	P2	CUSTOMER SERVICE	OUTREACH	PUBLIC ENGAGEMENT	4
Sr Specialist, Real Estate	P055	P2	OPERATIONS	FACILITIES & FLEET	REAL ESTATE	2
Sr Specialist, Recreation	P045	P2	CULTURE, PARKS & RECREATION	RECREATION	RECREATION	1
Sr Specialist, Recruiter	P172	P2	HUMAN RESOURCES	TALENT MANAGEMENT	TALENT DEVELOPMENT	4
Sr Specialist, Safety	P192	P2	HUMAN RESOURCES	SAFETY & RISK MANAGEMENT	SAFETY	4
Sr Specialist, Sciences	P035	P2	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3

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Sr Specialist, Security	P182	P2	ADMINISTRATION	SAFETY & RISK MANAGEMENT	SECURITY	4
Sr Specialist, Social Sustain	P132	P2	SUSTAINABILITY	SOCIAL SUSTAINABILITY	SOCIAL SUSTAINABILITY	1
Sr Specialist, Workers Comp	P147	P2	ADMINISTRATION	SAFETY & RISK MANAGEMENT	WORKERS COMPENSATION	4
Sr Supervisor, AR / Billing	S045	S2	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTS RECEIVABLE / BILLING	4
Sr Supervisor, Apps Software	S078	S2	TECHNOLOGY	APPLICATIONS SOFTWARE	APPLICATIONS SOFTWARE	3
Sr Supervisor, Code Compliance	S075	S2	DEVELOPMENT & COMPLIANCE	COMPLIANCE	CODE COMPLIANCE	1
Sr Supervisor, Cultural Svcs	S037	S2	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Sr Supervisor, Cust Support	S018	S2	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Sr Supervisor, Electric Dist	S034	S2	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - LOW VOLTAGE	2
Sr Supervisor, Enforcement	S070	S2	PROTECTIVE SERVICES	OPERATIONS	ENFORCEMENT	5
Sr Supervisor, Facilities	S026	S2	OPERATIONS	FACILITIES & FLEET	FACILITIES	2
Sr Supervisor, Fleet	S024	S2	OPERATIONS	FACILITIES & FLEET	FLEET	2
Sr Supervisor, Forestry	S025	S2	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	FORESTRY	1
Sr Supervisor, HRIS	S041	S2	HUMAN RESOURCES	HRIS	HRIS	4
Sr Supervisor, Information Svc	S047	S2	PROTECTIVE SERVICES	PROCESSING SUPPORT	INFORMATION SERVICES	5
Sr Supervisor, Land Surveying	S068	S2	SCIENCES & ENGINEERING	ENGINEERING	SURVEYING	3
Sr Supervisor, Maintenance	S032	S2	OPERATIONS	PLANT OPERATIONS	MAINTENANCE	2
Sr Supervisor, Marketing	S038	S2	MARKETING & CREATIVE SERVICES	MARKETING	MARKETING	4
Sr Supervisor, Mechanical Engr	S022	S2	SCIENCES & ENGINEERING	ENGINEERING	MECHANICAL ENGINEERING	3
Sr Supervisor, Natural Areas	S058	S2	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	NATURAL AREAS	1
Sr Supervisor, Neighborhood Svc	S055	S2	DEVELOPMENT & COMPLIANCE	NEIGHBORHOOD SERVICES	NEIGHBORHOOD SERVICES	1
Sr Supervisor, Netwk Engineer	S065	S2	TECHNOLOGY	NETWORK	NETWORK ENGINEERING	3
Sr Supervisor, Outreach	S079	S2	PROTECTIVE SERVICES	INVESTIGATION	OUTREACH	5
Sr Supervisor, Parks	S031	S2	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Sr Supervisor, Plant Ops	S023	S2	OPERATIONS	PLANT OPERATIONS	PLANT OPERATIONS	2
Sr Supervisor, Plant Ops	S030	S2	OPERATIONS	PLANT OPERATIONS	PLANT OPERATIONS	2
Sr Supervisor, Process Support	S048	S2	PROTECTIVE SERVICES	PROCESSING SUPPORT	TECHNICAL	5
Sr Supervisor, Project Mgmt	S043	S2	ADMINISTRATION	PROJECT MANAGEMENT	PROJECT MANAGEMENT	4
Sr Supervisor, Public Engage	S039	S2	CUSTOMER SERVICE	OUTREACH	PUBLIC ENGAGEMENT	4
Sr Supervisor, Recreation	S044	S2	CULTURE, PARKS & RECREATION	RECREATION	RECREATION	1
Sr Supervisor, Safety&Security	S077	S2	PROTECTIVE SERVICES	OPERATIONS	ENFORCEMENT	5
Sr Supervisor, Sciences	S020	S2	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Sr Supervisor, Transit	S042	S2	OPERATIONS	TRANSPORTATION	TRANSIT	2
Sr Supervisor, Transportn Ops	S060	S2	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Sr Supervisor, Video Productn	S066	S2	MARKETING & CREATIVE SERVICES	MEDIA	VIDEO PRODUCTION	4
Sr Tech, Floodplain Admin	A099	A5	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Sr Tech, Police Records	A092	A5	PROTECTIVE SERVICES	PROCESSING SUPPORT	INFORMATION SERVICES	5
Sr Tech, Police Technology	A063	A5	PROTECTIVE SERVICES	PROCESSING SUPPORT	POLICE TECHNOLOGY	5
Sr Tech, Processing Support	A091	A5	PROTECTIVE SERVICES	PROCESSING SUPPORT	TECHNICAL	5
Sr Tech, Signal Construction	O084	O5	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Sr Tech, Transportation Ops	O046	O5	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Sr Technical Project Manager	P076	P3	ADMINISTRATION	PROJECT MANAGEMENT	TECHNICAL PROJECT MANAGEMENT	4
Sr Technician, Broadband Ops	O088	O5	TECHNOLOGY	FIBER	FIBER	3
Sr Technician, Client Services	A047	A5	TECHNOLOGY	CLIENT SERVICES	CLIENT SERVICES	3
Sr Technician, Facilities	O049	O5	OPERATIONS	FACILITIES & FLEET	FACILITIES	2
Sr Technician, Fiber	O089	O5	TECHNOLOGY	FIBER	FIBER	3
Sr Technician, Fiber	O057	O5	TECHNOLOGY	FIBER	FIBER	3
Sr Technician, Graphic Design	A100	A5	MARKETING & CREATIVE SERVICES	MEDIA	GRAPHIC DESIGN	4
Sr Technician, Maintenance	O050	O5	OPERATIONS	PLANT OPERATIONS	MAINTENANCE	2
Sr Technician, Network Engr	A080	A5	TECHNOLOGY	NETWORK	NETWORK ENGINEERING	3
Sr Technician, Police Admin	A081	A5	PROTECTIVE SERVICES	POLICE ADMINISTRATION	POLICE ADMINISTRATION	5
Sr Technician, Sciences	A110	A5	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Sr Technician, Traffic Engr	O055	O5	SCIENCES & ENGINEERING	ENGINEERING	TRAFFIC ENGINEERING	3
Sr Technician, Traffic Signals	O086	O5	SCIENCES & ENGINEERING	ENGINEERING	TRAFFIC ENGINEERING	3

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Sr Technician, Video Prod	A084	A5	MARKETING & CREATIVE SERVICES	MEDIA	VIDEO PRODUCTION	4
Sr Technician, Water Field Ops	O053	O5	OPERATIONS	WATER UTILITIES	WATER FIELD OPERATIONS	2
Supervisor I, Sign Shop	S072	S1	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Supervisor, Accounts Payable	S067	S1	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTS PAYABLE	4
Supervisor, Administration	S003	S1	ADMINISTRATION	ADMINISTRATION	ADMINISTRATION	4
Supervisor, Bldg & Dev Rev	S057	S1	DEVELOPMENT & COMPLIANCE	BUILDING & DEVELOPMENT REVIEW	BUILDING & DEVELOPMENT REVIEW	1
Supervisor, Client Services	S004	S1	TECHNOLOGY	CLIENT SERVICES	CLIENT SERVICES	3
Supervisor, Cultural Services	S062	S1	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Supervisor, Customer Support	S001	S1	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Supervisor, Energy Services	S028	S1	OPERATIONS	FACILITIES & FLEET	ENERGY SERVICES	2
Supervisor, Enforcement	S009	S1	PROTECTIVE SERVICES	OPERATIONS	ENFORCEMENT	5
Supervisor, Facilities	S008	S1	OPERATIONS	FACILITIES & FLEET	FACILITIES	2
Supervisor, Fiber	S063	S1	TECHNOLOGY	FIBER	FIBER	3
Supervisor, Fleet	S021	S1	OPERATIONS	FACILITIES & FLEET	FLEET	2
Supervisor, Land Surveying	S005	S1	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Supervisor, Legal Support	S069	S1	LEGAL	LEGAL	LEGAL SUPPORT	4
Supervisor, NA Enforcement	S076	S1	PROTECTIVE SERVICES	OPERATIONS	ENFORCEMENT	5
Supervisor, Network Engr	S061	S1	TECHNOLOGY	NETWORK	NETWORK ENGINEERING	3
Supervisor, Plans Examiner	S064	S1	DEVELOPMENT & COMPLIANCE	BUILDING & DEVELOPMENT REVIEW	BUILDING & DEVELOPMENT REVIEW	1
Supervisor, Plant Operations	S014	S1	OPERATIONS	PLANT OPERATIONS	PLANT OPERATIONS	2
Supervisor, Plant Operations	S054	S1	OPERATIONS	PLANT OPERATIONS	PLANT OPERATIONS	2
Supervisor, Traffic Markings	S071	S1	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Supervisor, Traffic Signals	S073	S1	SCIENCES & ENGINEERING	ENGINEERING	TRAFFIC ENGINEERING	3
Supervisor, Transit	S007	S1	OPERATIONS	TRANSPORTATION	TRANSIT	2
Tech I, Material Handling	O070	O3	OPERATIONS	FACILITIES & FLEET	MATERIAL HANDLING	2
Tech II, Investigative Support	A094	A4	PROTECTIVE SERVICES	INVESTIGATION	INVESTIGATION	5
Tech II, Police Technology	A089	A4	PROTECTIVE SERVICES	PROCESSING SUPPORT	POLICE TECHNOLOGY	5
Tech II, Processing Support	A033	A4	PROTECTIVE SERVICES	PROCESSING SUPPORT	TECHNICAL	5
Tech II, Transportation Ops	O031	O4	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Technical Project Manager	P036	P2	ADMINISTRATION	PROJECT MANAGEMENT	TECHNICAL PROJECT MANAGEMENT	4
Technical Svcs Mgr, Police Svc	P176	P3	ADMINISTRATION	PROCESSING SUPPORT	INFORMATION SERVICES	5
Technician I, Bldg Dev Review	A010	A3	DEVELOPMENT & COMPLIANCE	BUILDING & DEVELOPMENT REVIEW	BUILDING & DEVELOPMENT REVIEW	1
Technician I, CCT Ops	O071	O3	OPERATIONS	CUSTOMER CONNECTIONS	CUSTOMER CARE & TECH OPS	2
Technician I, Civil Engr	O014	O3	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Technician I, Customer Support	O016	O3	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Technician I, Facilities	O020	O3	OPERATIONS	FACILITIES & FLEET	FACILITIES	2
Technician I, Fiber	O062	O3	OPERATIONS	FIBER	FIBER	2
Technician I, Fleet	O017	O3	OPERATIONS	FACILITIES & FLEET	FLEET	2
Technician I, Forestry	O018	O3	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	FORESTRY	1
Technician I, Horticulture	O075	O3	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Technician I, Natural Areas	O060	O3	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	NATURAL AREAS	1
Technician I, Parks	O024	O3	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Technician I, Police Admin	A012	A3	PROTECTIVE SERVICES	POLICE ADMINISTRATION	POLICE ADMINISTRATION	5
Technician I, Traffic Control	O068	O3	OPERATIONS	TRANSPORTATION	TRAFFIC CONTROL	2
Technician I, Water Field Util	O027	O3	OPERATIONS	WATER UTILITIES	WATER FIELD OPERATIONS	2
Technician II, Client Services	A019	A4	TECHNOLOGY	CLIENT SERVICES	CLIENT SERVICES	3
Technician II, Energy Services	O040	O4	OPERATIONS	FACILITIES & FLEET	ENERGY SERVICES	2
Technician II, Facilities	O032	O4	OPERATIONS	FACILITIES & FLEET	FACILITIES	2
Technician II, Fiber	O061	O4	TECHNOLOGY	FIBER	FIBER	3
Technician II, Fleet	O054	O4	OPERATIONS	FACILITIES & FLEET	FLEET	2
Technician II, Forestry	O033	O4	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	FORESTRY	1
Technician II, GIS	A027	A4	TECHNOLOGY	GIS	GIS	3
Technician II, Graphic Design	A085	A4	MARKETING & CREATIVE SERVICES	MEDIA	GRAPHIC DESIGN	4
Technician II, Land Surveying	O028	O4	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3

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Technician II, Maintenance	O041	O4	OPERATIONS	PLANT OPERATIONS	MAINTENANCE	2
Technician II, Natural Areas	O034	O4	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	NATURAL AREAS	1
Technician II, Network Engr	A079	A4	TECHNOLOGY	NETWORK	NETWORK ENGINEERING	3
Technician II, Police Records	A035	A4	PROTECTIVE SERVICES	PROCESSING SUPPORT	INFORMATION SERVICES	5
Technician II, Sciences	A078	A4	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Technician II, Traffic Control	O074	O4	OPERATIONS	TRANSPORTATION	TRAFFIC CONTROL	2
Technician II, Traffic Engr	O030	O4	SCIENCES & ENGINEERING	ENGINEERING	TRAFFIC ENGINEERING	3
Technician II, Traffic Ops	O091	O4	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Technician II, Traffic Signals	O085	O4	SCIENCES & ENGINEERING	ENGINEERING	TRAFFIC ENGINEERING	3
Technician II, Video Prod	A029	A4	MARKETING & CREATIVE SERVICES	MEDIA	VIDEO PRODUCTION	4
Technician II, Water Engr	O029	O4	SCIENCES & ENGINEERING	ENGINEERING	WATER ENGINEERING	3
Technician II, Wtr Field Util	O039	O4	OPERATIONS	WATER UTILITIES	WATER FIELD OPERATIONS	2
Victim Advocate	A034	A4	PROTECTIVE SERVICES	INVESTIGATION	OUTREACH	5
Water Engineer II	P038	P2	SCIENCES & ENGINEERING	ENGINEERING	WATER ENGINEERING	3
Worker I, Facilities	O003	O1	OPERATIONS	FACILITIES & FLEET	FACILITIES	2
Worker I, Fleet	O067	O1	OPERATIONS	FACILITIES & FLEET	FLEET	2
Worker I, Parks	O004	O1	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Worker I, Parks Shop Attendant	O072	O1	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Worker I, Rec Fac Attendant	O078	O1	CULTURE, PARKS & RECREATION	RECREATION	RECREATION	4
Worker I, Rec Ice Attendant	O077	O1	CULTURE, PARKS & RECREATION	RECREATION	RECREATION	4
Worker I, Recreation	O059	O1	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	RECREATION	1
Worker I, Transit	O002	O1	OPERATIONS	TRANSPORTATION	TRANSIT	2
Worker I, Transportation Ops	O005	O1	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Worker II, Cultural Services	O063	O2	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Worker II, Facilities	O008	O2	OPERATIONS	FACILITIES & FLEET	FACILITIES	2
Worker II, Fleet	O007	O2	OPERATIONS	FACILITIES & FLEET	FLEET	2
Worker II, Theatre Audio Engr	O082	O2	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Worker II, Theatre Lighting	O083	O2	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Worker II, Theatre Production	O080	O2	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1

2024 PAY PLAN INDEX - COLLECTIVE BARGAINING UNIT

JOB TITLE	JOB TYPE	LEVEL	JOB FUNCTION	JOB FAMILY	JOB SUB FAMILY	TABLE
Community Service Officer	O044	O4	PROTECTIVE SERVICES	COLLECTIVE BARGAINING UNIT	COMMUNITY SERVICES OPERATIONS	5B
Emergency Commun Dispatcher	O043	O4	PROTECTIVE SERVICES	COLLECTIVE BARGAINING UNIT	COMMUNICATIONS	5A
Police Corporal	S017	S1	PROTECTIVE SERVICES	COLLECTIVE BARGAINING UNIT	SWORN OPERATIONS	5C
Police Lieutenant	M063	M2	PROTECTIVE SERVICES	COLLECTIVE BARGAINING UNIT	SWORN OPERATIONS	5C
Police Officer	O025	O6	PROTECTIVE SERVICES	COLLECTIVE BARGAINING UNIT	SWORN OPERATIONS	5C
Police Sergeant	S051	S2	PROTECTIVE SERVICES	COLLECTIVE BARGAINING UNIT	SWORN OPERATIONS	5C
Sr Manager, Emergency Comms	M061	M2	PROTECTIVE SERVICES	COLLECTIVE BARGAINING UNIT	COMMUNICATIONS	5A
Sr Supervisor, CSO	S050	S2	PROTECTIVE SERVICES	COLLECTIVE BARGAINING UNIT	COMMUNITY SERVICES OPERATIONS	5B
Sr Supervisor, Emergency Comms	S046	S2	PROTECTIVE SERVICES	COLLECTIVE BARGAINING UNIT	COMMUNICATIONS	5A

EXHIBIT A TO ORDINANCE NO. 030, 2024

TABLE 1:

SUSTAINABILITY, PLANNING, CULTURE, PARKS & RECREATION, DEVELOPMENT & COMPLIANCE

MANAGERIAL

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
M3	<u>BIWEEKLY</u>	\$3,695.38	\$4,928.62	\$6,160.73
	<u>MONTHLY</u>	\$8,006.67	\$10,678.67	\$13,348.25
	<u>ANNUAL</u>	\$96,080.00	\$128,144.00	\$160,179.00
M2	<u>BIWEEKLY</u>	\$3,300.58	\$4,400.54	\$5,500.42
	<u>MONTHLY</u>	\$7,151.25	\$9,534.50	\$11,917.58
	<u>ANNUAL</u>	\$85,815.00	\$114,414.00	\$143,011.00
M1	<u>BIWEEKLY</u>	\$2,946.77	\$3,929.04	\$4,911.27
	<u>MONTHLY</u>	\$6,384.67	\$8,512.92	\$10,641.08
	<u>ANNUAL</u>	\$76,616.00	\$102,155.00	\$127,693.00
S2	<u>BIWEEKLY</u>	\$2,511.81	\$3,349.08	\$4,186.35
	<u>MONTHLY</u>	\$5,442.25	\$7,256.33	\$9,070.42
	<u>ANNUAL</u>	\$65,307.00	\$87,076.00	\$108,845.00
S1	<u>BIWEEKLY</u>	\$2,242.69	\$2,990.23	\$3,737.81
	<u>MONTHLY</u>	\$4,859.17	\$6,478.83	\$8,098.58
	<u>ANNUAL</u>	\$58,310.00	\$77,746.00	\$97,183.00

PROFESSIONAL

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
P3	<u>BIWEEKLY</u>	\$2,516.35	\$3,355.15	\$4,193.92
	<u>MONTHLY</u>	\$5,452.08	\$7,269.50	\$9,086.83
	<u>ANNUAL</u>	\$65,425.00	\$87,234.00	\$109,042.00
P2	<u>BIWEEKLY</u>	\$2,214.38	\$2,952.50	\$3,690.62
	<u>MONTHLY</u>	\$4,797.83	\$6,397.08	\$7,996.33
	<u>ANNUAL</u>	\$57,574.00	\$76,765.00	\$95,956.00
P1	<u>BIWEEKLY</u>	\$1,948.69	\$2,598.19	\$3,247.77
	<u>MONTHLY</u>	\$4,222.17	\$5,629.42	\$7,036.83
	<u>ANNUAL</u>	\$50,666.00	\$67,553.00	\$84,442.00

ADMINISTRATIVE

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
A6	<u>BIWEEKLY</u>	\$2,194.85	\$2,743.54	\$3,292.31
	<u>MONTHLY</u>	\$4,755.50	\$5,944.33	\$7,133.33
	<u>ANNUAL</u>	\$57,066.00	\$71,332.00	\$85,600.00
A5	<u>BIWEEKLY</u>	\$1,995.31	\$2,494.15	\$2,993.00
	<u>MONTHLY</u>	\$4,323.17	\$5,404.00	\$6,484.83
	<u>ANNUAL</u>	\$51,878.00	\$64,848.00	\$77,818.00
A4	<u>BIWEEKLY</u>	\$1,813.92	\$2,267.42	\$2,720.88
	<u>MONTHLY</u>	\$3,930.17	\$4,912.75	\$5,895.25
	<u>ANNUAL</u>	\$47,162.00	\$58,953.00	\$70,743.00
A3	<u>BIWEEKLY</u>	\$1,632.54	\$2,040.69	\$2,448.81

EXHIBIT A TO ORDINANCE NO. 030, 2024

TABLE 1:

SUSTAINABILITY, PLANNING, CULTURE, PARKS & RECREATION, DEVELOPMENT & COMPLIANCE

	<u>MONTHLY</u>	\$3,537.17	\$4,421.50	\$5,305.75
	<u>ANNUAL</u>	\$42,446.00	\$53,058.00	\$63,669.00
A2	<u>BIWEEKLY</u>	\$1,469.27	\$1,836.62	\$2,204.00
	<u>MONTHLY</u>	\$3,183.42	\$3,979.33	\$4,775.33
	<u>ANNUAL</u>	\$38,201.00	\$47,752.00	\$57,304.00
OPERATIONS & SKILLED TRADE				
O6	<u>MINIMUM</u>			
	<u>MIDPOINT</u>			
	<u>MAXIMUM</u>			
	<u>BIWEEKLY</u>	\$2,266.12	\$2,832.65	\$3,399.19
	<u>MONTHLY</u>	\$4,909.92	\$6,137.42	\$7,364.92
	<u>ANNUAL</u>	\$58,919.00	\$73,649.00	\$88,379.00
O5	<u>BIWEEKLY</u>	\$2,039.50	\$2,549.38	\$3,059.27
	<u>MONTHLY</u>	\$4,418.92	\$5,523.67	\$6,628.42
	<u>ANNUAL</u>	\$53,027.00	\$66,284.00	\$79,541.00
O4	<u>BIWEEKLY</u>	\$1,835.58	\$2,294.46	\$2,753.31
	<u>MONTHLY</u>	\$3,977.08	\$4,971.33	\$5,965.50
	<u>ANNUAL</u>	\$47,725.00	\$59,656.00	\$71,586.00
O3	<u>BIWEEKLY</u>	\$1,652.00	\$2,065.04	\$2,477.96
	<u>MONTHLY</u>	\$3,579.33	\$4,474.25	\$5,368.92
	<u>ANNUAL</u>	\$42,952.00	\$53,691.00	\$64,427.00
O2	<u>BIWEEKLY</u>	\$1,486.81	\$1,858.54	\$2,230.19
	<u>MONTHLY</u>	\$3,221.42	\$4,026.83	\$4,832.08
	<u>ANNUAL</u>	\$38,657.00	\$48,322.00	\$57,985.00
O1	<u>BIWEEKLY</u>	\$1,338.15	\$1,672.65	\$2,007.19
	<u>MONTHLY</u>	\$2,899.33	\$3,624.08	\$4,348.92
	<u>ANNUAL</u>	\$34,792.00	\$43,489.00	\$52,187.00

EXHIBIT A TO ORDINANCE NO. 030, 2024

Item 15.

: 2

OPERATIONS

MANAGERIAL

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
M3	<u>BIWEEKLY</u>	\$4,398.08	\$5,863.88	\$7,329.73
	<u>MONTHLY</u>	\$9,529.17	\$12,705.08	\$15,881.08
	<u>ANNUAL</u>	\$114,350.00	\$152,461.00	\$190,573.00
M2	<u>BIWEEKLY</u>	\$3,738.23	\$4,984.31	\$6,230.23
	<u>MONTHLY</u>	\$8,099.50	\$10,799.33	\$13,498.83
	<u>ANNUAL</u>	\$97,194.00	\$129,592.00	\$161,986.00
M1	<u>BIWEEKLY</u>	\$3,177.35	\$4,236.65	\$5,295.96
	<u>MONTHLY</u>	\$6,884.25	\$9,179.42	\$11,474.58
	<u>ANNUAL</u>	\$82,611.00	\$110,153.00	\$137,695.00
S2	<u>BIWEEKLY</u>	\$2,661.35	\$3,548.46	\$4,435.65
	<u>MONTHLY</u>	\$5,766.25	\$7,688.33	\$9,610.58
	<u>ANNUAL</u>	\$69,195.00	\$92,260.00	\$115,327.00
S1	<u>BIWEEKLY</u>	\$2,339.38	\$3,119.19	\$3,898.96
	<u>MONTHLY</u>	\$5,068.67	\$6,758.25	\$8,447.75
	<u>ANNUAL</u>	\$60,824.00	\$81,099.00	\$101,373.00

PROFESSIONAL

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
P2	<u>BIWEEKLY</u>	\$2,106.62	\$2,808.81	\$3,511.04
	<u>MONTHLY</u>	\$4,564.33	\$6,085.75	\$7,607.25
	<u>ANNUAL</u>	\$54,772.00	\$73,029.00	\$91,287.00
P1	<u>BIWEEKLY</u>	\$1,853.85	\$2,471.73	\$3,089.69
	<u>MONTHLY</u>	\$4,016.67	\$5,355.42	\$6,694.33
	<u>ANNUAL</u>	\$48,200.00	\$64,265.00	\$80,332.00

OPERATIONS & SKILLED TRADE

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
O6	<u>BIWEEKLY</u>	\$2,405.31	\$3,006.62	\$3,607.96
	<u>MONTHLY</u>	\$5,211.50	\$6,514.33	\$7,817.25
	<u>ANNUAL</u>	\$62,538.00	\$78,172.00	\$93,807.00
O5	<u>BIWEEKLY</u>	\$2,186.65	\$2,733.27	\$3,279.92
	<u>MONTHLY</u>	\$4,737.75	\$5,922.08	\$7,106.50
	<u>ANNUAL</u>	\$56,853.00	\$71,065.00	\$85,278.00
O4	<u>BIWEEKLY</u>	\$1,987.88	\$2,484.81	\$2,981.81
	<u>MONTHLY</u>	\$4,307.08	\$5,383.75	\$6,460.58
	<u>ANNUAL</u>	\$51,685.00	\$64,605.00	\$77,527.00
O3	<u>BIWEEKLY</u>	\$1,807.15	\$2,258.96	\$2,710.69
	<u>MONTHLY</u>	\$3,915.50	\$4,894.42	\$5,873.17
	<u>ANNUAL</u>	\$46,986.00	\$58,733.00	\$70,478.00
O2	<u>BIWEEKLY</u>	\$1,642.85	\$2,053.58	\$2,464.31
	<u>MONTHLY</u>	\$3,559.50	\$4,449.42	\$5,339.33
	<u>ANNUAL</u>	\$42,714.00	\$53,393.00	\$64,072.00

Item 15.		OPERATIONS			
01		BIWEEKLY	\$1,493.50	\$1,866.88	\$2,240.27
		MONTHLY	\$3,235.92	\$4,044.92	\$4,853.92
		ANNUAL	<u>\$38,831.00</u>	<u>\$48,539.00</u>	<u>\$58,247.00</u>

EXHIBIT A TO ORDINANCE NO. 030, 2024

Item 15.

3

SCIENCES & ENGINEERING, TECHNOLOGY

MANAGERIAL

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
M3	<u>BIWEEKLY</u>	\$4,486.81	\$5,982.42	\$7,478.04
	<u>MONTHLY</u>	\$9,721.42	\$12,961.92	\$16,202.42
	<u>ANNUAL</u>	\$116,657.00	\$155,543.00	\$194,429.00
M2	<u>BIWEEKLY</u>	\$3,901.62	\$5,202.08	\$6,502.65
	<u>MONTHLY</u>	\$8,453.50	\$11,271.17	\$14,089.08
	<u>ANNUAL</u>	\$101,442.00	\$135,254.00	\$169,069.00
M1	<u>BIWEEKLY</u>	\$3,392.65	\$4,523.62	\$5,654.46
	<u>MONTHLY</u>	\$7,350.75	\$9,801.17	\$12,251.33
	<u>ANNUAL</u>	\$88,209.00	\$117,614.00	\$147,016.00
S2	<u>BIWEEKLY</u>	\$2,950.15	\$3,933.54	\$4,916.92
	<u>MONTHLY</u>	\$6,392.00	\$8,522.67	\$10,653.33
	<u>ANNUAL</u>	\$76,704.00	\$102,272.00	\$127,840.00
S1	<u>BIWEEKLY</u>	\$2,596.12	\$3,461.54	\$4,326.88
	<u>MONTHLY</u>	\$5,624.92	\$7,500.00	\$9,374.92
	<u>ANNUAL</u>	\$67,499.00	\$90,000.00	\$112,499.00

PROFESSIONAL

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
P4	<u>BIWEEKLY</u>	\$3,645.77	\$4,861.00	\$6,076.19
	<u>MONTHLY</u>	\$7,899.17	\$10,532.17	\$13,165.08
	<u>ANNUAL</u>	\$94,790.00	\$126,386.00	\$157,981.00
P3	<u>BIWEEKLY</u>	\$3,208.31	\$4,277.73	\$5,347.08
	<u>MONTHLY</u>	\$6,951.33	\$9,268.42	\$11,585.33
	<u>ANNUAL</u>	\$83,416.00	\$111,221.00	\$139,024.00
P2	<u>BIWEEKLY</u>	\$2,823.27	\$3,764.35	\$4,705.42
	<u>MONTHLY</u>	\$6,117.08	\$8,156.08	\$10,195.08
	<u>ANNUAL</u>	\$73,405.00	\$97,873.00	\$122,341.00
P1	<u>BIWEEKLY</u>	\$2,484.50	\$3,312.62	\$4,140.81
	<u>MONTHLY</u>	\$5,383.08	\$7,177.33	\$8,971.75
	<u>ANNUAL</u>	\$64,597.00	\$86,128.00	\$107,661.00

ADMINISTRATIVE

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
A6	<u>BIWEEKLY</u>	\$2,248.12	\$2,810.19	\$3,372.19
	<u>MONTHLY</u>	\$4,870.92	\$6,088.75	\$7,306.42
	<u>ANNUAL</u>	\$58,451.00	\$73,065.00	\$87,677.00
A5	<u>BIWEEKLY</u>	\$2,043.73	\$2,554.69	\$3,065.65
	<u>MONTHLY</u>	\$4,428.08	\$5,535.17	\$6,642.25
	<u>ANNUAL</u>	\$53,137.00	\$66,422.00	\$79,707.00
A4	<u>BIWEEKLY</u>	\$1,857.92	\$2,322.46	\$2,786.92
	<u>MONTHLY</u>	\$4,025.50	\$5,032.00	\$6,038.33
	<u>ANNUAL</u>	\$48,306.00	\$60,384.00	\$72,460.00

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SCIENCES & ENGINEERING, TECHNOLOGY

OPERATIONS & SKILLED TRADE

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
O5	<u>BIWEEKLY</u>	\$2,329.85	\$2,907.42	\$3,489.31
	<u>MONTHLY</u>	\$5,048.00	\$6,299.42	\$7,560.17
	<u>ANNUAL</u>	\$60,576.00	\$75,593.00	\$90,722.00
O4	<u>BIWEEKLY</u>	\$2,093.15	\$2,617.00	\$3,140.15
	<u>MONTHLY</u>	\$4,535.17	\$5,670.17	\$6,803.67
	<u>ANNUAL</u>	\$54,422.00	\$68,042.00	\$81,644.00
O3	<u>BIWEEKLY</u>	\$1,884.27	\$2,355.35	\$2,826.58
	<u>MONTHLY</u>	\$4,082.58	\$5,103.25	\$6,124.25
	<u>ANNUAL</u>	\$48,991.00	\$61,239.00	\$73,491.00
O2	<u>BIWEEKLY</u>	\$1,662.42	\$2,078.23	\$2,494.04
	<u>MONTHLY</u>	\$3,601.92	\$4,502.83	\$5,403.75
	<u>ANNUAL</u>	\$43,223.00	\$54,034.00	\$64,845.00
O1	<u>BIWEEKLY</u>	\$1,496.35	\$1,870.38	\$2,244.31
	<u>MONTHLY</u>	\$3,242.08	\$4,052.50	\$4,862.67
	<u>ANNUAL</u>	\$38,905.00	\$48,630.00	\$58,352.00

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Item 15.

: 4

HUMAN RESOURCES, FINANCE & ACCTG, CUSTOMER SERVICE, ADMINISTRATION, MARKETING, LEGAL

MANAGERIAL

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
M3	<u>BIWEEKLY</u>	\$4,037.42	\$5,383.31	\$6,729.08
	<u>MONTHLY</u>	\$8,747.75	\$11,663.83	\$14,579.67
	<u>ANNUAL</u>	\$104,973.00	\$139,966.00	\$174,956.00
M2	<u>BIWEEKLY</u>	\$3,510.85	\$4,681.12	\$5,851.42
	<u>MONTHLY</u>	\$7,606.83	\$10,142.42	\$12,678.08
	<u>ANNUAL</u>	\$91,282.00	\$121,709.00	\$152,137.00
M1	<u>BIWEEKLY</u>	\$3,052.92	\$4,070.50	\$5,088.19
	<u>MONTHLY</u>	\$6,614.67	\$8,819.42	\$11,024.42
	<u>ANNUAL</u>	\$79,376.00	\$105,833.00	\$132,293.00
S2	<u>BIWEEKLY</u>	\$2,405.50	\$3,246.00	\$4,009.38
	<u>MONTHLY</u>	\$5,211.92	\$7,033.00	\$8,687.00
	<u>ANNUAL</u>	\$62,543.00	\$84,396.00	\$104,244.00
S1	<u>BIWEEKLY</u>	\$2,117.04	\$2,822.54	\$3,528.08
	<u>MONTHLY</u>	\$4,586.92	\$6,115.50	\$7,644.17
	<u>ANNUAL</u>	\$55,043.00	\$73,386.00	\$91,730.00

PROFESSIONAL

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
P4	<u>BIWEEKLY</u>	\$3,010.04	\$4,013.77	\$5,017.15
	<u>MONTHLY</u>	\$6,521.75	\$8,696.50	\$10,870.50
	<u>ANNUAL</u>	\$78,261.00	\$104,358.00	\$130,446.00
P3	<u>BIWEEKLY</u>	\$2,649.19	\$3,532.12	\$4,415.08
	<u>MONTHLY</u>	\$5,739.92	\$7,652.92	\$9,566.00
	<u>ANNUAL</u>	\$68,879.00	\$91,835.00	\$114,792.00
P2	<u>BIWEEKLY</u>	\$2,331.19	\$3,108.23	\$3,885.35
	<u>MONTHLY</u>	\$5,050.92	\$6,734.50	\$8,418.25
	<u>ANNUAL</u>	\$60,611.00	\$80,814.00	\$101,019.00
P1	<u>BIWEEKLY</u>	\$2,051.46	\$2,735.27	\$3,419.08
	<u>MONTHLY</u>	\$4,444.83	\$5,926.42	\$7,408.00
	<u>ANNUAL</u>	\$53,338.00	\$71,117.00	\$88,896.00

ADMINISTRATIVE

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
A6	<u>BIWEEKLY</u>	\$2,062.96	\$2,578.65	\$3,094.42
	<u>MONTHLY</u>	\$4,469.75	\$5,587.08	\$6,704.58
	<u>ANNUAL</u>	\$53,637.00	\$67,045.00	\$80,455.00
A5	<u>BIWEEKLY</u>	\$1,875.38	\$2,344.31	\$2,813.12
	<u>MONTHLY</u>	\$4,063.33	\$5,079.33	\$6,095.08
	<u>ANNUAL</u>	\$48,760.00	\$60,952.00	\$73,141.00
A4	<u>BIWEEKLY</u>	\$1,704.92	\$2,131.15	\$2,557.38
	<u>MONTHLY</u>	\$3,694.00	\$4,617.50	\$5,541.00
	<u>ANNUAL</u>	\$44,328.00	\$55,410.00	\$66,492.00

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TABLE: 4		HUMAN RESOURCES, FINANCE & ACCTG, CUSTOMER SERVICE, ADMINISTRATION, MARKETING, LEGAL			
A3		<u>BIWEEKLY</u>	\$1,534.42	\$1,918.04	\$2,301.65
		<u>MONTHLY</u>	\$3,324.58	\$4,155.75	\$4,986.92
		<u>ANNUAL</u>	\$39,895.00	\$49,869.00	\$59,843.00
A2		<u>BIWEEKLY</u>	\$1,381.00	\$1,726.27	\$2,071.50
		<u>MONTHLY</u>	\$2,992.17	\$3,740.25	\$4,488.25
		<u>ANNUAL</u>	\$35,906.00	\$44,883.00	\$53,859.00
OPERATIONS & SKILLED TRADE					
O3			<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
		<u>BIWEEKLY</u>	\$1,690.69	\$2,113.38	\$2,536.04
		<u>MONTHLY</u>	\$3,663.17	\$4,579.00	\$5,494.75
O2		<u>ANNUAL</u>	\$43,958.00	\$54,948.00	\$65,937.00
		<u>BIWEEKLY</u>	\$1,521.62	\$1,902.04	\$2,282.42
		<u>MONTHLY</u>	\$3,296.83	\$4,121.08	\$4,945.25
		<u>ANNUAL</u>	\$39,562.00	\$49,453.00	\$59,343.00

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Item 15.

5

PROTECTIVE SERVICES (non-CBU)

MANAGERIAL

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
M3	<u>BIWEEKLY</u>	\$3,953.58	\$5,271.31	\$6,589.04
	<u>MONTHLY</u>	\$8,566.08	\$11,421.17	\$14,276.25
	<u>ANNUAL</u>	\$102,793.00	\$137,054.00	\$171,315.00
M2	<u>BIWEEKLY</u>	\$3,294.58	\$4,392.81	\$5,490.96
	<u>MONTHLY</u>	\$7,138.25	\$9,517.75	\$11,897.08
	<u>ANNUAL</u>	\$85,659.00	\$114,213.00	\$142,765.00
M1	<u>BIWEEKLY</u>	\$2,800.42	\$3,733.88	\$4,667.35
	<u>MONTHLY</u>	\$6,067.58	\$8,090.08	\$10,112.58
	<u>ANNUAL</u>	\$72,811.00	\$97,081.00	\$121,351.00
S2	<u>BIWEEKLY</u>	\$2,257.04	\$3,009.38	\$3,761.81
	<u>MONTHLY</u>	\$4,890.25	\$6,520.33	\$8,150.58
	<u>ANNUAL</u>	\$58,683.00	\$78,244.00	\$97,807.00
S1	<u>BIWEEKLY</u>	\$1,986.27	\$2,648.27	\$3,310.35
	<u>MONTHLY</u>	\$4,303.58	\$5,737.92	\$7,172.42
	<u>ANNUAL</u>	\$51,643.00	\$68,855.00	\$86,069.00

PROFESSIONAL

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
P4	<u>BIWEEKLY</u>	\$3,855.27	\$5,139.65	\$6,425.08
	<u>MONTHLY</u>	\$8,353.08	\$11,135.92	\$13,921.00
	<u>ANNUAL</u>	\$100,237.00	\$133,631.00	\$167,052.00
P3	<u>BIWEEKLY</u>	\$2,553.85	\$3,405.27	\$4,256.65
	<u>MONTHLY</u>	\$5,533.33	\$7,378.08	\$9,222.75
	<u>ANNUAL</u>	\$66,400.00	\$88,537.00	\$110,673.00
P2	<u>BIWEEKLY</u>	\$2,280.27	\$3,040.42	\$3,800.42
	<u>MONTHLY</u>	\$4,940.58	\$6,587.58	\$8,234.25
	<u>ANNUAL</u>	\$59,287.00	\$79,051.00	\$98,811.00
P1	<u>BIWEEKLY</u>	\$2,036.19	\$2,714.69	\$3,393.54
	<u>MONTHLY</u>	\$4,411.75	\$5,881.83	\$7,352.67
	<u>ANNUAL</u>	\$52,941.00	\$70,582.00	\$88,232.00

ADMINISTRATIVE

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
A6	<u>BIWEEKLY</u>	\$2,544.12	\$3,179.73	\$3,815.81
	<u>MONTHLY</u>	\$5,512.25	\$6,889.42	\$8,267.58
	<u>ANNUAL</u>	\$66,147.00	\$82,673.00	\$99,211.00
A5	<u>BIWEEKLY</u>	\$2,312.62	\$2,890.65	\$3,468.69
	<u>MONTHLY</u>	\$5,010.67	\$6,263.08	\$7,515.50
	<u>ANNUAL</u>	\$60,128.00	\$75,157.00	\$90,186.00
A4	<u>BIWEEKLY</u>	\$2,023.65	\$2,529.62	\$3,035.50
	<u>MONTHLY</u>	\$4,384.58	\$5,480.83	\$6,576.92
	<u>ANNUAL</u>	\$52,615.00	\$65,770.00	\$78,923.00

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TABLE: 5		PROTECTIVE SERVICES (non-CBU)			
A3		<u>BIWEEKLY</u>	\$1,839.81	\$2,299.69	\$2,759.50
		<u>MONTHLY</u>	\$3,986.25	\$4,982.67	\$5,978.92
		<u>ANNUAL</u>	\$47,835.00	\$59,792.00	\$71,747.00
A2		<u>BIWEEKLY</u>	\$1,655.96	\$2,069.65	\$2,483.92
		<u>MONTHLY</u>	\$3,587.92	\$4,484.25	\$5,381.83
		<u>ANNUAL</u>	\$43,055.00	\$53,811.00	\$64,582.00
OPERATIONS & SKILLED TRADE					
O4			<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
		<u>BIWEEKLY</u>	\$1,839.08	\$2,298.85	\$2,758.62
		<u>MONTHLY</u>	\$3,984.67	\$4,980.83	\$5,977.00
		<u>ANNUAL</u>	\$47,816.00	\$59,770.00	\$71,724.00
O3		<u>BIWEEKLY</u>	\$1,655.15	\$2,068.96	\$2,482.73
		<u>MONTHLY</u>	\$3,586.17	\$4,482.75	\$5,379.25
		<u>ANNUAL</u>	\$43,034.00	\$53,793.00	\$64,551.00
O2		<u>BIWEEKLY</u>	\$1,489.65	\$1,862.08	\$2,234.50
		<u>MONTHLY</u>	\$3,227.58	\$4,034.50	\$4,841.42
		<u>ANNUAL</u>	\$38,731.00	\$48,414.00	\$58,097.00



CITY OF FORT COLLINS

2024 PAY PLAN

Step Ladders

Job Title	Step									
	1	2	3	4	5	6	7	8	9	10
LINE GROUNDWORKER	\$61,221	\$64,158	\$67,239	\$70,466	\$73,850	\$77,395	\$81,186	\$81,186		
ELECTRIC LINEWORKER	\$85,352	\$90,173	\$92,858	\$95,630	\$98,531	\$101,476	\$104,509	\$108,276	\$112,282	\$119,084
LINE CREW CHIEF	\$124,443	\$129,875								
ELECTRIC METER SYSTEM TECH	\$66,574	\$73,223	\$78,199	\$83,136	\$88,035	\$92,884	\$96,830	\$100,802	\$104,760	\$108,719
SUBSTATION SPECIALIST	\$85,419	\$95,489	\$103,420	\$111,266	\$119,177					
SUBSTATION ELEC/COMM SPEC	\$97,151	\$107,114	\$116,651	\$125,787	\$135,545					
ELECTRIC SYSTEMS OPERATOR	\$82,598	\$88,039	\$93,479	\$98,920	\$104,361	\$109,801	\$115,242			
PLANT OPERATOR	\$63,347	\$68,884	\$73,001	\$77,392	\$82,053	\$88,382				
LEAD PLANT OPERATOR	\$63,347	\$68,884	\$73,001	\$77,392	\$82,053	\$88,382	\$92,801	\$97,221		
WATER UTILITY MAINT OPERATOR	\$53,302	\$57,950	\$61,431	\$65,110	\$69,026	\$74,366				
FLEET MAINTENANCE TECHNICIAN	\$56,246	\$62,346	\$64,812	\$67,430	\$70,124	\$72,932	\$75,853	\$78,476		
BUILDING INSPECTOR	\$67,163	\$73,732	\$76,698	\$80,116	\$83,247	\$86,582	\$90,042	\$93,705		
LEAD BUILDING INSPECTOR	\$73,878	\$81,123	\$84,370	\$88,144	\$91,634	\$95,287	\$99,061	\$103,076		

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TABLE: 5A

COLLECTIVE BARGAINING UNIT (CBU) - COMMUNICATIONS

MANAGERIAL

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
M2	<u>BIWEEKLY</u>	\$5,268.35	\$5,639.12	\$6,009.88
	<u>MONTHLY</u>	\$11,414.75	\$12,218.08	\$13,021.42
	<u>ANNUAL</u>	\$136,977.00	\$146,617.00	\$156,257.00
S2	<u>BIWEEKLY</u>	\$3,708.46	\$4,036.69	\$4,364.92
	<u>MONTHLY</u>	\$8,035.00	\$8,746.17	\$9,457.33
	<u>ANNUAL</u>	\$96,420.00	\$104,954.00	\$113,488.00

OPERATIONS & SKILLED TRADE

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
OT4	<u>BIWEEKLY</u>	\$2,584.15	\$3,050.85	\$3,517.54
	<u>MONTHLY</u>	\$5,599.00	\$6,610.17	\$7,621.33
	<u>ANNUAL</u>	\$67,188.00	\$79,322.00	\$91,456.00

TABLE: 5B COLLECTIVE BARGAINING UNIT (CBU) - COMMUNITY SERVICES OPERATIONS

MANAGERIAL				
S2		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
	<u>BIWEEKLY</u>	\$4,025.50	\$4,112.96	\$4,200.38
	<u>MONTHLY</u>	\$8,721.92	\$8,911.42	\$9,100.83
	<u>ANNUAL</u>	\$104,663.00	\$106,937.00	\$109,210.00
OPERATIONS & SKILLED TRADE				
OT4		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
	<u>BIWEEKLY</u>	\$2,571.88	\$3,036.15	\$3,500.42
	<u>MONTHLY</u>	\$5,572.42	\$6,578.33	\$7,584.25
	<u>ANNUAL</u>	\$66,869.00	\$78,940.00	\$91,011.00

EXHIBIT A TO ORDINANCE NO. 030, 2024

TABLE: 5C

COLLECTIVE BARGAINING UNIT (CBU) - SWORN OPERATIONS

MANAGERIAL

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
M2	<u>BIWEEKLY</u>	\$6,091.50	\$6,351.69	\$6,611.85
	<u>MONTHLY</u>	\$13,198.25	\$13,762.00	\$14,325.67
	<u>ANNUAL</u>	\$158,379.00	\$165,144.00	\$171,908.00
S2	<u>BIWEEKLY</u>	\$4,624.88	\$4,942.46	\$5,260.00
	<u>MONTHLY</u>	\$10,020.58	\$10,708.67	\$11,396.67
	<u>ANNUAL</u>	\$120,247.00	\$128,504.00	\$136,760.00
S1	<u>BIWEEKLY</u>	\$4,578.88	\$4,643.04	\$4,707.19
	<u>MONTHLY</u>	\$9,920.92	\$10,059.92	\$10,198.92
	<u>ANNUAL</u>	\$119,051.00	\$120,719.00	\$122,387.00

OPERATIONS & SKILLED TRADE

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
OT6	<u>BIWEEKLY</u>	\$3,144.27	\$3,711.85	\$4,279.38
	<u>MONTHLY</u>	\$6,812.58	\$8,042.33	\$9,272.00
	<u>ANNUAL</u>	\$81,751.00	\$96,508.00	\$111,264.00

ORDINANCE NO. 031, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES IN THE GENERAL FUND
FOR THE COST OF POLICE SERVICES SALARY AND BENEFIT
INCREASES AS PROVIDED IN THE COLLECTIVE BARGAINING
AGREEMENT WITH THE FRATERNAL ORDER OF POLICE

A. On December 7, 2021, the City Council adopted Resolution 2021-114 approving a collective bargaining agreement ("CBA") between the City and the Northern Colorado Lodge #3 of the Fraternal Order of Police.

B. The CBA contains a provision giving the City until January 12, 2024, to collect salary market data from several different identified benchmark agencies for the classified positions in the collective bargaining unit.

C. The Fort Collins Police Services ("FCPS") operational budget includes employee salary expenses.

D. The terms of the CBA call for salary increases equal to or greater than 4.5% for members of the collective bargaining unit.

E. The budget shortfall is \$1,003,000.

F. This appropriation benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purpose to include enforcement of the provisions of the City Code and state law and such other functions and duties necessary to preserve the public peace, prevent crime, apprehend criminals and protect rights of persons and property through enforcement of penal laws of the City and the state.

G. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year such funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

H. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That there is hereby appropriated from prior year reserves in the General Fund the sum of ONE MILLION THREE THOUSAND DOLLARS (\$1,003,000) to be expended in the General Fund for the cost of Police Services salary and benefit increases as provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

Introduced, considered favorably on first reading on February 6, 2024, and approved on second reading for final passage on February 20, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 1, 2024
Approving Attorney: Aaron Guin

AGENDA ITEM SUMMARY
City Council

STAFF

Nina Bodenhamer, City Give Director

SUBJECT

First Reading of Ordinance No. 032, 2024, Appropriating Prior Year Reserves and Unanticipated Philanthropic Revenue Received Through City Give for Various Programs and Services as Designated by the Donors.

EXECUTIVE SUMMARY

The purpose of this item is to request appropriation of \$18,025.20 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation. In 2019, City Give, a formalized enterprise-wide initiative was launched to create a transparent, non-partisan governance structure for the acceptance and appropriations of charitable gifts.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The City has long been the beneficiary of local generosity and has a valuable role in our community's philanthropic landscape. Generosity is demonstrated in both large and modest gifts, each appreciated for its investment in the mission and the range of services the City strives to deliver.

The City received several individual philanthropic donations supporting various departments totaling \$18,025.20 and these funds are currently unappropriated.

As acknowledged by Section 2.5 of the City's Fiscal Management Policy 2-Revenue approved by City Council, the City Manager has adopted the City Give Financial Governance Policy to provide for the responsible and efficient management of charitable donations to the City.

These generous donations have been directed by the respective donors to be used by the City for designated uses within and for the benefit of City service areas and programs. These gifts represent a range of support for City programming and services: Lincoln Center Performances, The Farm, Forestry, and the Youth Golf Scholarship Fund.

CITY FINANCIAL IMPACTS

This Ordinance will appropriate \$10,514.00 received in 2023 being appropriated from prior year reserves, and \$7,511.20 in new philanthropic revenue received in 2024 through City Give for gifts to various City departments support a variety of programs and services.

The donations shall be expended from the designated fund solely for the donor's directed intent:

From Prior Year Reserves:

Cultural Services & Facilities Fund	\$6,250.00
General Fund	\$ 500.00
Golf Fund	\$3,764.00

From New Unanticipated Philanthropic Revenue:

General Fund	\$1,511.20
Recreation Fund	\$1,000.00
Transportation Fund	\$5,000.00

The funds have been received and accepted per City Give Administrative and Financial Policy.

The City Manager has also determined that these appropriations are available and previously unappropriated from the City funds in which they have been deposited and will not cause the total amount appropriated in those City funds to exceed the current estimate of actual and anticipated revenues and all other funds to be received in the General Fund during fiscal year 2024.

ATTACHMENTS

1. Ordinance for Consideration

ORDINANCE NO. 032, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES AND
UNANTICIPATED PHILANTHROPIC REVENUE RECEIVED
THROUGH CITY GIVE FOR VARIOUS PROGRAMS AND
SERVICES AS DESIGNATED BY THE DONORS

A. The City received in 2023 four donations totaling \$10,514 and in 2024 six donations totaling \$7,511.20 to be used for various City programs and services, which donations are each \$5,000 or less.

B. The donors have directed these donations to be used solely by the City for certain designated uses.

C. As acknowledged by Section 2.5 of the City's Fiscal Management Policy 2 – Revenue approved by City Council, the City Manager has adopted the City Give Financial Governance Policy to provide for the responsible and efficient management of charitable donations to the City (the "City Give Policy").

D. Section 52.2.C. of the City Give Policy authorizes the City Give Director to accept donations of \$5,000 or less for the City service area intended by the donor to be benefited and Section 52.2.D. of the City Give Policy similarly authorizes the City Manager to accept donations of more than \$5,000 up to \$100,000.

E. As so authorized, the City Give Director and City Manager have accepted for the benefited City service areas, as applicable, the donations to be appropriated in this Ordinance to be used solely as directed by each donor.

F. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

G. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year such funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

H. The City Manager has recommended the appropriations described in Sections 1 and 2 of this Ordinance and determined that the amount of each of these appropriations is available and previously unappropriated from the funds named in Sections 1 and 2 and will not cause the total amount appropriated in each such fund to exceed the current estimate of actual and anticipated revenues to be received in those funds during this fiscal year.

I. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds, a federal, state or private grant or donation, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the donation or the City's expenditure of all funds received from such donation.

J. The City Council wishes to designate the appropriation herein for various City Give donations as an appropriation that shall lapse at the end of this fiscal year, except for the appropriation from the Golf Fund for a golf scholarship, which shall be non-lapsing.

K. These appropriations will serve the public purpose of providing additional revenue to each of the benefited service areas to aid them in accomplishing the public purposes for which each service area is established thereby benefiting the public's health, safety and welfare.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from the following funds these amounts of philanthropic revenue held in prior year reserves to be expended as designated by the donors:

Cultural Services & Facilities Fund	\$6,250
General Fund	\$500
Golf Fund	\$3,764

Section 2. There is hereby appropriated from the following funds these amounts of philanthropic revenue received in 2024 to be expended as designated by the donors:

General Fund	\$1,511.20
Recreation Fund	\$1,000
Transportation Fund	\$5,000

Section 3. As authorized in Article V, Section 11 of the City Charter, the appropriations herein for various City Give donations are hereby designated as appropriations that shall lapse at the end of this fiscal year; provided, however, that the appropriation herein from the Golf Fund for a golf scholarship donation is hereby designated as an appropriation that shall not lapse at the end of this fiscal year but shall

continue until the earlier of the expiration of the donation or the City's expenditure of all funds received from such donation.

Introduced, considered favorably on first reading on February 20, 2024, and approved on second reading for final passage on March 5, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 15, 2024

Approving Attorney: Ryan Malarky

February 20, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Missy Nelson, Parks & Park Planning & Development, Sr. Technical Project Manager
Kristin Flower, Parks & Park Planning & Development, Analyst II, Finance
Jill Wuertz, Park Planning & Development Senior Manager
Mike Calhoon, Parks Director

SUBJECT

First Reading of Ordinance No. 033, 2024, Appropriating Prior Year Reserves in the Conservation Trust Fund for the Future Design and Construction of the Fossil Creek Trail Spur.

EXECUTIVE SUMMARY

The purpose of this item is to request an appropriation for partial funding for the future construction of the Fossil Creek Trail spur. This revenue is contributed from the developer. This trail spur is identified in the South College Corridor Subarea Plan as "City built and maintained." The easement for the future trail spur was secured during the development review process of the Fort Collins Nissan-Kia project. Per the South College Avenue Access Control Plan, this trail is of regional significance and the Developer agreed to contribute their proportional share of the public access trail project in the amount of \$35,000. The Developer was required to provide the funds prior to issuance of the project's first building permit. The design and construction date of the future trail spur at this time is unknown.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The Project

In addition to the summary above, the design and construction date of the future trail spur is unknown and funds will be held until such time the remaining easements for this spur trail project are secured.

CITY FINANCIAL IMPACTS

Developer's proportionate share was based on the Property's frontage of South College Avenue, ~.25 miles:

\$35,000 – Cost for the Developer

The amount from the developer was received in December 2023 and was deposited in the Conservation Trust Fund.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The City's Park Planning and Development department reviewed and secured easement and funds during the development review process for Fort Collins Nissan-Kia. The associated Project Development Plan, PDP210017, was approved at the July 2022 Planning & Zoning Commission (Type 2) Hearing and the associated Final Development Plan, FDP220011, was recorded 05/02/2023.

PUBLIC OUTREACH

Typical per Type II Development Review process: sign posting, mailers, neighborhood meeting.

ATTACHMENTS

1. Ordinance for Consideration
2. Development Agreement (excerpt)
3. Vicinity Map from South College Corridor Plan
4. Site Plan from Fort Collins Nissan-Kia Final Development Plans

ORDINANCE NO. 033, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES IN THE
CONSERVATION TRUST FUND FOR THE FUTURE DESIGN
AND CONSTRUCTION OF THE FOSSIL CREEK TRAIL SPUR

A. In July 2022, the City's Planning and Zoning Commission approved a Project Development Plan by Fort Collins Nissan-Kia (the "Developer") and the Final Development Plan was recorded on May 5, 2023.

B. During that development review process, the City secured an easement from the Developer, located in the South College Corridor Subarea Plan, for the future construction of the Fossil Creek Trail spur.

C. The Fossil Creek Trail offers over 8 miles of paved pathway on the south side of the City. This trail is of regional significance and the Developer agreed to contribute their proportional share of the public access trail project in the amount of \$35,000.

D. In December 2023 the City received those funds from the Developer and the funds were deposited into the Conservation Trust Fund.

E. This appropriation benefits public health and welfare of the citizens of Fort Collins and serves the public purpose and strategic objective of continuing the planned buildout of the paved trail system.

F. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

G. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Conservation Trust Fund and will not cause the total amount appropriated in the Conservation Trust Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that there is hereby appropriated from prior year reserves in the Conservation Trust Fund the sum of THIRTY-FIVE THOUSAND DOLLARS (\$35,000) to be expended in the Conservation Trust Fund for the future design and construction of the Fossil Creek Trail Spur as identified in the South College Corridor Plan.

Introduced, considered favorably on first reading on February 20, 2024, and approved on second reading for final passage on March 5, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 15, 2024
Approving Attorney: Sara Arfmann

Item 17.

EXCERPT FROM DEVELOPMENT AGREEMENT

fcgov.com/forestry. The use of heavy construction equipment, including but not limited to excavators, backhoes, and bulldozers, to remove trees is not allowed without prior Forestry Division written permission, which permission shall not be unreasonably withheld, conditioned, or delayed.

3. During construction, prior to either DCP issuance or of any demolition, grading, excavation, or site work commencing on the Property, whichever occurs earlier, tree protection must be installed around all trees that are shown to be preserved and protected on the Final Development Plan Documents and an arborist licensed by the City of Fort Collins must provide written confirmation to the City that such tree protection has been installed. Required tree protection measures are set forth in Land Use Code Section 3.2.1(G) and include, but are not limited to, the requirement that a minimum 4-foot-high barrier be erected no closer than six (6) feet from the trunk or one-half ($\frac{1}{2}$) the length to the drip line (i.e. the canopy edge), whichever is greater.

Prior to landscape work commencing on the Property, the Developer shall schedule a meeting between City Forestry Division staff and the landscapers who will perform the work required hereunder.

Tree protection must be maintained throughout the duration of construction activities on the Property. At any time during construction, and upon City Forestry Division written notice that tree protection is not adequate for one or more trees, the Developer shall cease construction activities adjacent to such tree or trees until required tree protection measures are in place to the satisfaction of the City Forestry Division.

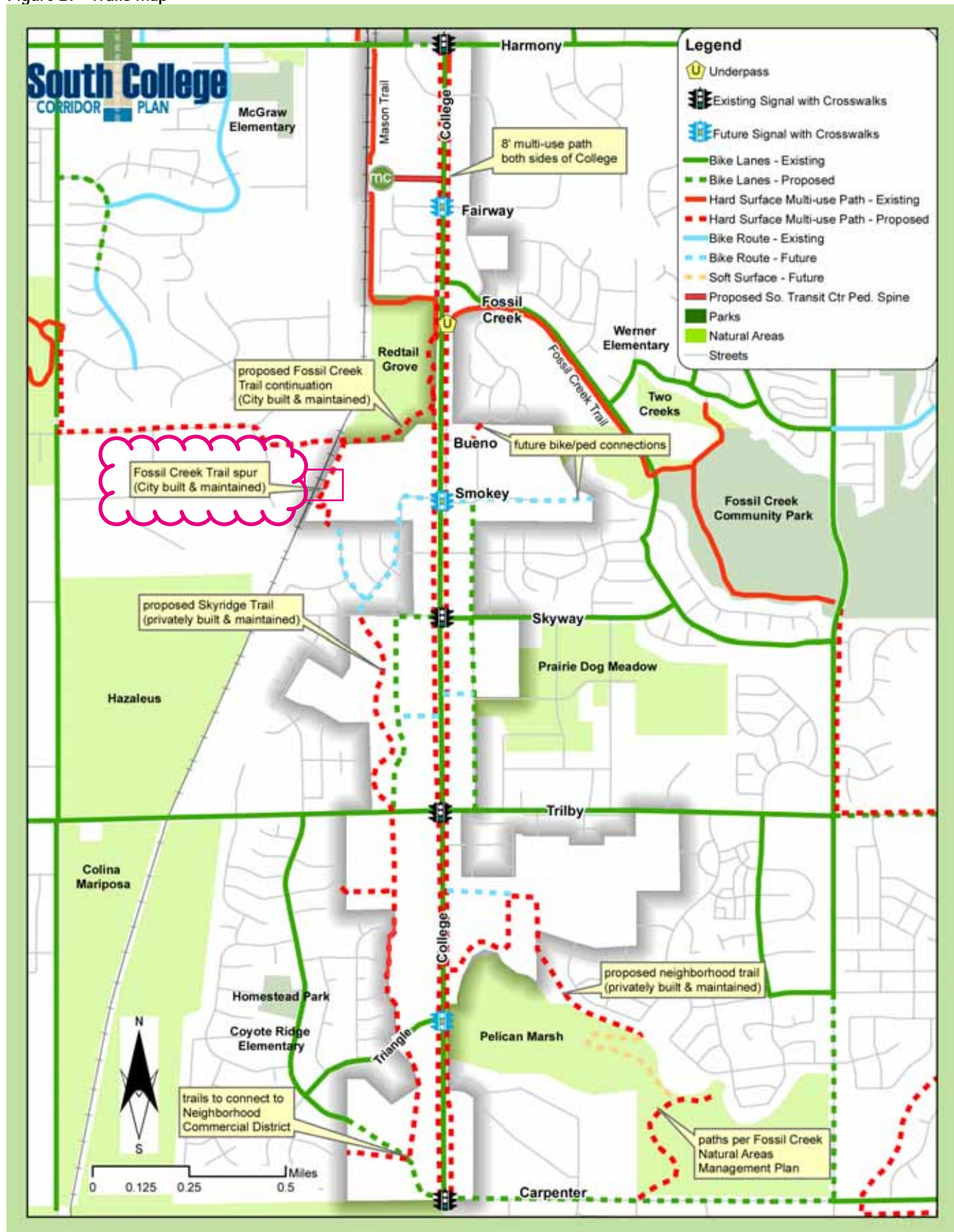
H. Park Planning

1. The Developer has identified Public Access & Trail Easements (Easements) suitable for future construction of a paved recreational trail on the Plat and the Utility Plan. The Easements are adequate to construct and maintain a minimum of a ten-foot-wide paved trail surface approximately parallel to the existing BNSF railroad tracks. The easement width identified on the final plat have been approved by the Park Planning & Development Department.

2. The City will construct the paved recreational trail when funds are appropriated for this project. The schedule for construction has not been finalized.

3. Finalizing connection of the public access trail depicted in the South College Avenue Access Control Plan located on the Property is of regional significance. The trail connection is not the sole responsibility of Developer; rather, the Developer has a responsibility proportionate to the US 287 frontage impacted by the platting of the Property. The Developer is dedicating a portion of the trail easement along the BNSF Railroad. In addition, the Developer agrees to contribute its proportionate share of the public access trail project in the amount of thirty-five thousand dollars (\$35,000.00) to be paid to the City at or before issuance of the first building permit for the Project.

Figure 29 - Trails map



**FORT COLLINS
NISSAN-KIA**

Ft Collins, Colorado

**WWW
PROPERTIES
LLC**

1005 Ken Pratt Boulevard
Longmont, CO 80501-6330

R.O.W. Note:

THIS PLAN SET HAS BEEN CREATED ASSUMING THE FUTURE
VACATION OF CRESTRIDGE DRIVE PUBLIC RIGHT-OF-WAY. IT IS
UNDERSTOOD THAT THE VACATION OF THE RIGHT-OF-WAY
CANNOT BE FINALIZED AND RECORDED UNTIL VENUS AVENUE
HAS BEEN CONSTRUCTED AND ACCEPTED BY THE CITY OF FORT
COLLINS.

NHBZ Legend:

AMOUNT OF BUFFER REQUIRED = 138,026 S.F.
AMOUNT OF BUFFER PROVIDED = 138,026 S.F.
MINIMUM BUFFER WIDTH = 100'
MAXIMUM BUFFER WIDTH = 185'
AVERAGE BUFFER WIDTH = 118'

Legend:

- RIGHT OF WAY
- PROPERTY BOUNDARY
- EDGE OF NATURAL FEATURES
- NHBZ BOUNDARY
- EROSION BUFFER LIMITS
- EDGE OF EXISTING WETLANDS
- FOSSIL CREEK FLOODPLAIN / FLOODWAY

Note:

THE NATURAL HABITAT BUFFER ZONE IS INTENDED TO BE
MAINTAINED IN A NATIVE LANDSCAPE. PLEASE SEE SECTION
3.4.1 OF THE LAND USE CODE FOR ALLOWABLE USES WITHIN
THE NATURAL HABITAT BUFFER ZONE.

REVISIONS DATE

CITY COMMENTS 09.14.22
CITY COMMENTS 10.17.22
MYLAR SET 02.20.23

DATE

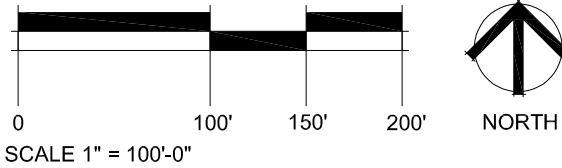
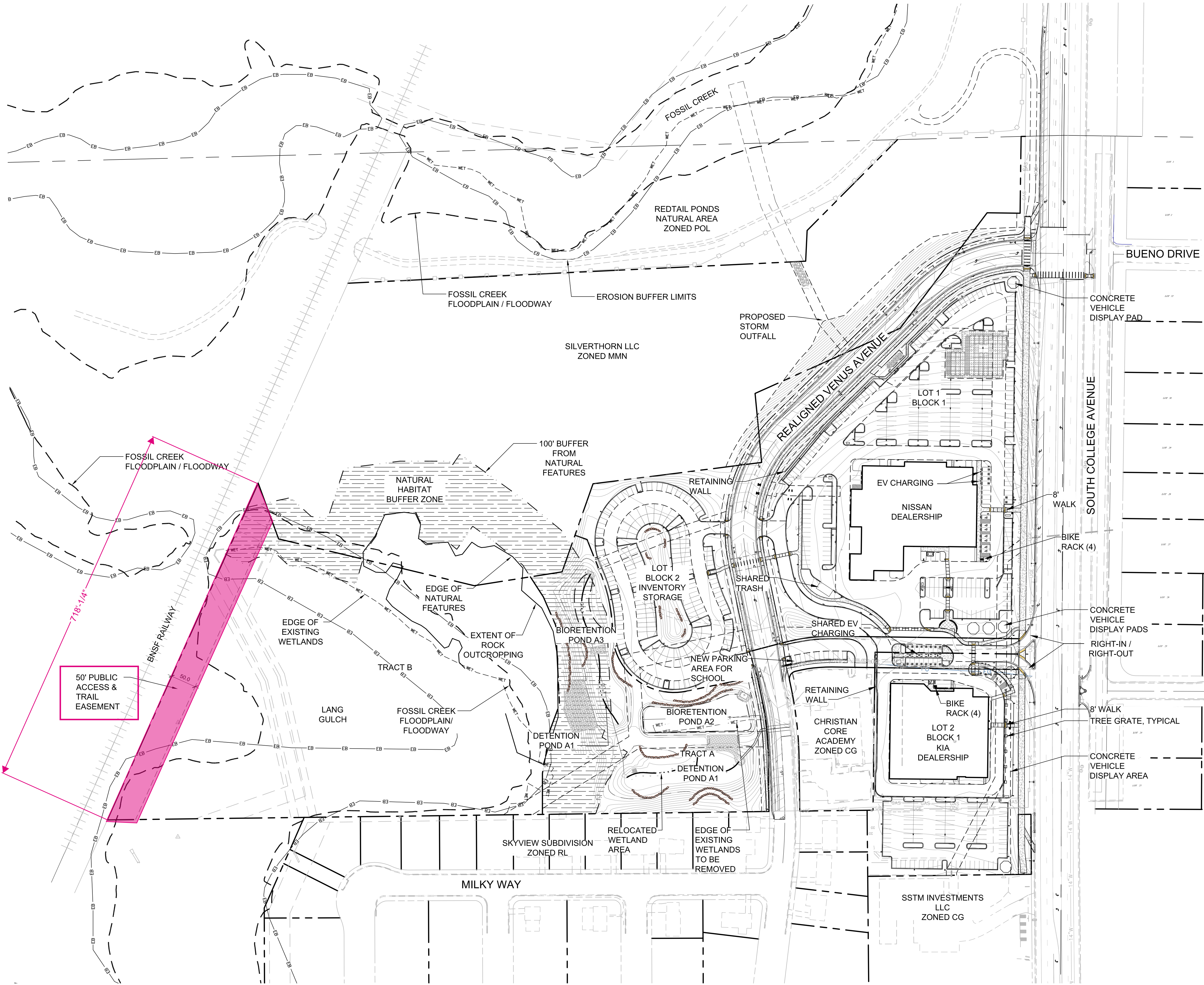
August 3, 2022

SHEET TITLE

Overall Site Plan

SHEET INFORMATION

Sheet 2



February 20, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Katie Collins, Water Conservation Specialist
Kerri Ishmael, Senior Analyst, Grant Administration

SUBJECT

First Reading of Ordinance No. 034, 2024, Authorizing Transfers of Appropriations for the Xeriscape Incentive Program.

EXECUTIVE SUMMARY

The purpose of this item is to support businesses, homeowner associations ("HOAs") and other commercial properties pursuing costly landscape projects that reduce water use long-term through the Xeriscape Incentive Program by utilizing \$75,104 in existing 2024 appropriations to fund the City's match requirement under this grant project.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The Xeriscape Incentive Program ("XIP") supports Fort Collins Utilities ("Utilities") water customers by providing funding for landscape retrofit projects that reduce outdoor water use long-term. The typical existing commercial landscape in Fort Collins is made up mostly of bluegrass, which, on average, requires 15-18 gallons of supplemental irrigation water per square foot of area, per growing season. Reducing the total amount of bluegrass on a property along with reconfiguring irrigation systems may cut a property's landscape water requirement by 30% or more, but retrofit projects are costly. XIP is one tool to help reduce barriers to landscape conversions, providing rebates of \$1.50 per square foot of area converted from high- to low- water landscape. More information about the XIP can be found at fcgov.com/xip.

Reducing outdoor water use is one of several effective water demand management tools. Since 2020, when Utilities started offering XIP funding for commercial water customers, XIP has funded 27 projects across HOAs, businesses and county properties. In total, 19 acres of bluegrass have been replaced with low-water landscape. The water savings for the 27 completed projects is estimated at 18 acre-feet per year compared to pre-project water use.

In support of XIP, the Bureau of Reclamation ("BOR") awarded the City \$75,000 for XIP projects. The City committed \$95,000 to support a total of \$170,000 in rebates under this grant project.

The grant project has been operating, with the City needing to contribute \$75,104 to allowable rebates under the grant project. Based on changes made to provide more transparency over grant projects,

including tracking of City's required matching funds, the \$75,104 in 2024 appropriated funds in the Water Fund will be transferred to the grant project.

The City's matching funds of \$75,104 were appropriated in the 2024 operating budget for Water Conservation.

CITY FINANCIAL IMPACTS

This item authorizes transfer of \$75,104 in required matching funds for the grant project that have already been appropriated in the Water Fund, specifically in the 2024 operating budget for Water Conservation.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration
2. Executed Grant Agreements

ORDINANCE NO. 034, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING TRANSFERS OF APPROPRIATIONS FOR THE
XERISCAPE INCENTIVE PROGRAM

A. The City owns and operates Fort Collins Utilities (“Utilities”), which includes a water utility that provides water to customers in its service area.

B. Water conservation and efficiency comprise a tool Utilities uses, primarily through the Utilities Water Conservation Division, to manage and reduce the demand for water service by Utilities customers, which is beneficial to the City, the water utility, and its ratepayers by, among other reasons, reducing demand on water supplies and helping to ensure that the demand for water does not exceed supplies.

C. Utilities has developed the Xeriscape Incentive Program (“XIP”) to support customers seeking to transform their large-scale landscapes to use less water from Utilities, such as those of homeowners’ associations and commercial customers.

D. The United States Department of the Interior, Bureau of Reclamation (“Reclamation”) has a Water SMART (Sustain and Manage America’s Resources for Tomorrow) Program that provides grants to water conservation programs. Reclamation previously awarded the City a grant of \$75,000 for XIP.

E. In order to fully utilize such Reclamation grant funds, the City needs to contribute \$75,104 in matching funds. The 2024 appropriated funds in the Water Fund contain sufficient funds that can be transferred to be utilized as such matching funds.

F. Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

G. The City Manager has recommended the transfer of \$75,104 from the Water Fund Operating Budget to the Water Fund Xeriscape Project Budget and determined that the purpose for which the transferred funds are to be expended remains unchanged.

H. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for the Water Fund Xeriscape Incentive Program, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant the City’s expenditure of all funds received from such grant.

I. The City Council wishes to designate the appropriation herein for the Water Fund Xeriscape Incentive Program as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The unexpended and unencumbered appropriated amount of Water Fund the sum of SEVENTY-FIVE THOUSAND ONE HUNDRED FOUR DOLLARS (\$75,104) to be transferred from the Water Fund's Water Conservation Operating Budget to be expended in the Water Fund for the Xeriscape Incentive Program Grant Budget.

Section 2. The appropriation herein for the Xeriscape Incentive Program Grant is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Introduced, considered favorably on first reading on February 20, 2024, and approved on second reading for final passage on March 5, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 15, 2024
Approving Attorney: Eric Potyondy

Item 18.

JED MM/DD/YYYY23

1a. SUPERSEDES AWARD NOTICE dated 03/02/2022 except that any additions or restrictions previously imposed remain in effect unless specifically rescinded

2. CFDA NO.15.507 - WaterSMART (Sustain and Manage America's Resources for Tomorrow)

3. ASSISTANCE TYPEProject Grant

4. GRANT NO. R19AP00169-02

5. TYPE OF AWARDOther

4a. FAIN R19AP00169

5a. ACTION TYPEPost Award Amendment

6. PROJECT PERIODMM/DD/YYYYFrom12/11/2019Through12/31/2024

7. BUDGET PERIODMM/DD/YYYYFrom12/11/2019Through12/31/2024

NOTICE OF AWARD



AUTHORIZATION (Legislation/Regulations)

P.L. 111-11 Section 9504(a) Water Management Improvement of the Omnibus Lands Management Act of 2009

8. TITLE OF PROJECT (OR PROGRAM)
Xeriscape Incentive Program Expansion

9a. GRANTEE NAME AND ADDRESS
CITY OF FORT COLLINS
300 Laporte Ave
Fort Collins, CO, 80521-2719

9b. GRANTEE PROJECT DIRECTOR
Kathleen (Katie) Marie Collins
300 Laporte Ave
Fort Collins, CO, 80521-2719
Phone: 970-413-3775

10a. GRANTEE AUTHORIZING OFFICIAL
Kathleen (Katie) Marie Collins
300 Laporte Ave
Fort Collins, CO, 80521-2719
Phone: 970-413-3775

10b. FEDERAL PROJECT OFFICER
Nicole McCann
Bureau of Reclamation Main Interior Building
1849 C Street NW
Washington, DC, 20240-1000
Phone: 7196619412

ALL AMOUNTS ARE SHOWN IN USD

11. APPROVED BUDGET (Excludes Direct Assistance)
I Financial Assistance from the Federal Awarding Agency Only
II Total project costs including grant funds and all other financial participation

a. Salaries and Wages0.00

b. Fringe Benefits0.00

c. Total Personnel Costs0.00

d. Equipment0.00

e. Supplies0.00

f. Travel0.00

g. Construction0.00

h. Other170,000.00

i. Contractual0.00

j. TOTAL DIRECT COSTS170,000.00

k. INDIRECT COSTS0.00

l. TOTAL APPROVED BUDGET170,000.00

m. Federal Share75,000.00

n. Non-Federal Share95,000.00

12. AWARD COMPUTATION

a. Amount of Federal Financial Assistance (from item 11m)75,000.00

b. Less Unobligated Balance From Prior Budget Periods0.00

c. Less Cumulative Prior Award(s) This Budget Period75,000.00

d. AMOUNT OF FINANCIAL ASSISTANCE THIS ACTION0.00

13. Total Federal Funds Awarded to Date for Project Period75,000.00

14. RECOMMENDED FUTURE SUPPORT
(Subject to the availability of funds and satisfactory progress of the project):

YEARTOTAL DIRECT COSTS

a.\$

b.\$

c.\$

YEARTOTAL DIRECT COSTS

d.\$

e.\$

f.\$

15. PROGRAM INCOME SHALL BE USED IN ACCORD WITH ONE OF THE FOLLOWING ALTERNATIVES:
a. DEDUCTION
b. ADDITIONAL COSTS
c. MATCHING
d. OTHER RESEARCH (Add / Deduct Option)
e. OTHER (See REMARKS)

e

16. THIS AWARD IS BASED ON AN APPLICATION SUBMITTED TO, AND AS APPROVED BY, THE FEDERAL AWARDOING AGENCY ON THE ABOVE TITLED PROJECT AND IS SUBJECT TO THE TERMS AND CONDITIONS INCORPORATED EITHER DIRECTLY OR BY REFERENCE IN THE FOLLOWING:
a. The grant program legislation.
b. The grant program regulations.
c. This award notice including terms and conditions, if any, noted below under REMARKS.
d. Federal administrative requirements, cost principles and audit requirements applicable to this grant.
In the event there are conflicting or otherwise inconsistent policies applicable to the grant, the above order of precedence shall prevail. Acceptance of the grant terms and conditions is acknowledged by the grantee when funds are drawn or otherwise obtained from the grant payment system.

REMARKS (Other Terms and Conditions Attached - ☒ Yes ☐ No)
See next page

GRANTS MANAGEMENT OFFICIAL:
Katherine Calagua, Grants Management Specialist
PO BOX 25007
Denver, CO, 80225-0007
Phone: 3034452049

17. VENDOR CODE			0071330135	18a. UEI	VEJ3BS5GK5G1	18b. DUNS	078362597	19. CONG. DIST.	02
LINE#	FINANCIAL ACCT	AMT OF FIN ASST	START DATE	END DATE	TAS ACCT	PO LINE DESCRIPTION			
10	20199996-10	\$0.00	12/11/2019	12/31/2024	0680	SWEP R19AP00169 City of Fort Collins			
	051013255-00010	\$0.00	03/02/2022	12/31/2024	0680	R-DO-2021-000882 SWEP City of Fort Colli			

NOTICE OF AWARD (Continuation Sheet)

PAGE 2 of 3

DATE ISSUED

06/22/2023

GRANT NO. R19AP00169-02

REMARKS:

Project income is not authorized.

Recipients are NOT required to sign the Notice of Award or any other award document or amendment. Recipients indicate their acceptance of an award or amendment to an existing award, including award terms and conditions, by starting work, drawing down funds, or accepting the award or amendment via electronic means. Recipient acceptance of an award/amendment carries with it the responsibility to be aware of and comply with all terms and conditions applicable to the award. Recipients are responsible for ensuring that their subrecipients and contractors are aware of and comply with applicable award statutes, regulations, and terms and conditions. Recipient failure to comply with award terms and conditions can result in Reclamation taking one or more of the remedies and actions described in 2 CFR 200.339343.

The purpose of this amendment is to extend the Period of Performance of the Agreement.

All other terms and conditions remain unchanged.

NOTICE OF AWARD (Continuation Sheet)

PAGE 3 of 3

DATE ISSUED
06/22/2023

GRANT NO. R19AP00169-02

Federal Financial Report Cycle			
Reporting Period Start Date	Reporting Period End Date	Reporting Type	Reporting Period Due Date
12/11/2019	09/30/2020	Annual	12/29/2020
10/01/2020	09/30/2021	Annual	12/29/2021
10/01/2021	09/30/2022	Annual	12/29/2022
10/01/2022	09/30/2023	Annual	12/29/2023
10/01/2023	09/30/2024	Annual	12/29/2024
10/01/2024	12/31/2024	Final	04/30/2025

Performance Progress Report Cycle			
Reporting Period Start Date	Reporting Period End Date	Reporting Type	Reporting Period Due Date
12/11/2019	09/30/2020	Annual	12/29/2020
10/01/2020	09/30/2021	Annual	12/29/2021
10/01/2021	09/30/2022	Annual	12/29/2022
10/01/2022	09/30/2023	Annual	12/29/2023
10/01/2023	09/30/2024	Annual	12/29/2024
10/01/2024	12/31/2024	Final	04/30/2025

AWARD ATTACHMENTS

CITY OF FORT COLLINS

R19AP00169-02

1. R19AP00169-002 Amendment.pdf

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION**

**AMENDMENT 002
TO
ASSISTANCE AGREEMENT R19AP00169**

A. PURPOSE OF THIS AMENDMENT:

In December 2022, the Recipient requested an extension of the period of performance of the Agreement due to additional time is needed to close out the projects that were awarded rebates funded by this grant agreement.

The purpose of this amendment is to extend the Period of Performance of the Agreement. All other terms and conditions remain unchanged.

B. ADJUSTMENT OF AGREEMENT SCOPE OF WORK AND/OR BUDGET:

Accordingly, the remaining milestones for the completion of the Scope of Work are adjusted as follows:

Milestone/Task/Activity	Planned Start Date	Planned Completion Date
Complete environmental and cultural compliance	Complete	Complete
Complete 33% of landscape conversion	March 2020	December 2020
Complete 66% of landscape conversion	January 2021	December 2021
Complete 100% of landscape conversion	January 2022	December 2024

C. ADJUSTMENT TO COMPLETION DATE:

As a result of this amendment, the period of performance completion date is changed from May 8, 2020, through December 31, 2022 to May 8, 2020 through December 31, 2024.

Item 18.

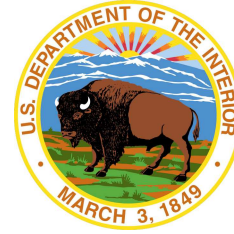
JED MM/DD/YYYY

22

1a. SUPERSEDES AWARD NOTICE dated 05/08/2020

except that any additions or restrictions previously imposed remain in effect unless specifically rescinded

NOTICE OF AWARD



AUTHORIZATION (Legislation/Regulations)

P.L. 111-11 Section 9504(a) Water Management Improvement of the Omnibus Lands Management Act of 2009

2. CFDA NO.

15.507 - WaterSMART (Sustain and Manage America's Resources for Tomorrow)

3. ASSISTANCE TYPE Project Grant

4. GRANT NO. R19AP00169-01

Originating MCA #

5. TYPE OF AWARD

Other

4a. FAIN R19AP00169

5a. ACTION TYPE Post Award Amendment

6. PROJECT PERIOD MM/DD/YYYY

From 12/11/2019

Through MM/DD/YYYY

12/31/2022

7. BUDGET PERIOD MM/DD/YYYY

From 12/11/2019

Through MM/DD/YYYY

12/31/2022

8. TITLE OF PROJECT (OR PROGRAM)

Xeriscape Incentive Program Expansion

9a. GRANTEE NAME AND ADDRESS

Fort Collins, City Of
300 LA PORTE AVE
FORT COLLINS, CO 80521

9b. GRANTEE PROJECT DIRECTOR

Katie Collins
300 Laporte Ave
Water Conservation
Fort Collins, CO 80521-2719
Phone: [NO PHONE RECORD]

10a. GRANTEE AUTHORIZING OFFICIAL

Katie Collins
300 Laporte Ave
Water Conservation
Fort Collins, CO 80521-2719

10b. FEDERAL PROJECT OFFICER

Nicole McCann
Bureau of Reclamation Main Interior Building
1849 C Street NW
Washington, DC 20240-1000
Phone: 7196619412

ALL AMOUNTS ARE SHOWN IN USD

11. APPROVED BUDGET (Excludes Direct Assistance)

I Financial Assistance from the Federal Awarding Agency Only

II Total project costs including grant funds and all other financial participation

II

a. Salaries and Wages\$	0.00
b. Fringe Benefits\$	0.00
c. Total Personnel Costs\$	0.00
d. Equipment\$	0.00
e. Supplies\$	0.00
f. Travel\$	0.00
g. Construction\$	0.00
h. Other\$	170,000.00
i. Contractual\$	0.00
j. TOTAL DIRECT COSTS	→ \$	170,000.00

k. INDIRECT COSTS \$ 0.00

l. TOTAL APPROVED BUDGET \$ 170,000.00

m. Federal Share \$ 75,000.00

n. Non-Federal Share \$ 95,000.00

12. AWARD COMPUTATION

a. Amount of Federal Financial Assistance (from item 11m)	\$	75,000.00
b. Less Unobligated Balance From Prior Budget Periods	\$	0.00
c. Less Cumulative Prior Award(s) This Budget Period	\$	70,000.00
d. AMOUNT OF FINANCIAL ASSISTANCE THIS ACTION	\$	5,000.00
13. Total Federal Funds Awarded to Date for Project Period	\$	75,000.00

14. RECOMMENDED FUTURE SUPPORT

(Subject to the availability of funds and satisfactory progress of the project):

YEAR	TOTAL DIRECT COSTS	YEAR	TOTAL DIRECT COSTS
a.	\$	d.	\$
b.	\$	e.	\$
c.	\$	f.	\$

15. PROGRAM INCOME SHALL BE USED IN ACCORD WITH ONE OF THE FOLLOWING ALTERNATIVES:

- a. DEDUCTION
- b. ADDITIONAL COSTS
- c. MATCHING
- d. OTHER RESEARCH (Add / Deduct Option)
- e. OTHER (See REMARKS)



16. THIS AWARD IS BASED ON AN APPLICATION SUBMITTED TO, AND AS APPROVED BY, THE FEDERAL AWARDING AGENCY ON THE ABOVE TITLED PROJECT AND IS SUBJECT TO THE TERMS AND CONDITIONS INCORPORATED EITHER DIRECTLY OR BY REFERENCE IN THE FOLLOWING:

- a. The grant program legislation
- b. The grant program regulations.
- c. This award notice including terms and conditions, if any, noted below under REMARKS.
- d. Federal administrative requirements, cost principles and audit requirements applicable to this grant.

In the event there are conflicting or otherwise inconsistent policies applicable to the grant, the above order of precedence shall prevail. Acceptance of the grant terms and conditions is acknowledged by the grantee when funds are drawn or otherwise obtained from the grant payment system.

REMARKS (Other Terms and Conditions Attached -

no program income allowed

● Yes

○ No

GRANTS MANAGEMENT OFFICIAL:

Alisha James, Grants Management Specialist
West 6th Avenue and Kipling Street PO Box 25007
Financial Assistance Operations
Denver, CO 80225-1000
Phone: 303-445-3939

17. VENDOR CODE			0071330135	18a. UEI	18b. DUNS	078362597	19. CONG. DIST.	02
LINE#	FINANCIAL ACCT	AMT OF FIN ASST	START DATE	END DATE	TAS ACCT	PO LINE DESCRIPTION		
10	20199996-10	\$0.00	12/11/2019	12/31/2022	0680	SWEP R19AP00169 City of Fort Collins		
	051013255-00010	\$5,000.00	03/02/2022	12/31/2022	0680	R-DO-2021-000882 SWEP City of Fort Colli		

AWARD ATTACHMENTS

FORT COLLINS, CITY OF

R19AP00169-01

1. R19AP00169-001

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

AMENDMENT 001

TO

ASSISTANCE AGREEMENT R19AP00169

A. PURPOSE OF THIS AMENDMENT:

The purpose of this modification is to reallocate the remaining Federal funds that were held back from the initial obligation for the reimbursement of Reclamation costs associated with the environmental and cultural compliance activities of the Agreement. Additional purposes are to adjust SOW and extend the performance end date. All other terms and conditions remain unchanged.

B. ADJUSTMENT IN RECLAMATION FUNDS OBLIGATED:

As a result of this Modification, the Reclamation Total Obligation is increased by \$5,000.00 from \$70,000.00 to \$75,000.00.

C. ADJUSTMENT OF AGREEMENT SCOPE OF WORK AND/OR BUDGET:

Milestone/Task/Activity	Planned Start Date	Planned Completion Date
Complete environmental and cultural compliance	Complete	Complete
Complete 33% of landscape conversion	March 2020	December 2020
Complete 66% of landscape conversion	January 2021	December 2021
Complete 100% of landscape conversion	January 2022	December 2022

E. ADJUSTMENT TO COMPLETION DATE:

As a result of this amendment, the period of performance is changed from May 8, 2020 through March 31, 2022 to May 8, 2020 through December 31, 2022

Item 18.

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
ASSISTANCE AGREEMENT**

1A. AGREEMENT NUMBER R19AP00169	1B. MOD NUMBER	2. TYPE OF AGREEMENT <input checked="" type="checkbox"/> GRANT <input type="checkbox"/> COOPERATIVE AGREEMENT	3. CLASS OF RECIPIENT City or Township Government
4. ISSUING OFFICE Bureau of Reclamation Acquisitions and Assistance Management Division Acquisitions and Assistance Operations Branch P.O. Box 25007, MS 84-27810 Denver, CO 80225-5007		5. RECIPIENT Fort Collins, City of 300 La Porte Ave Fort Collins, CO 80521	
		EIN #:	846000587
		DUNS #:	078362597
		County:	Larimer
		Congress. Dist:	CO - 002
6. RECIPIENT PROJECT MANAGER Katie Collins, Water Conservation Coordinator Fort Collins, City of 300 La Porte Ave Fort Collins, CO 80521 970-416-4378 kcollins@fcgov.com		7A. INITIAL AGREEMENT EFFECTIVE DATE: See Block 13.a below	
		7B. MODIFICATION EFFECTIVE DATE:	
		8. COMPLETION DATE March 31, 2022	
9A. PROGRAM STATUTORY AUTHORITY Section 9504(a) of the Secure Water Act, Public Law 111-11 (42 United States Code 10364)			9B. CFDA Number 15.507
10. FUNDING INFORMATION	<u>NON-FEDERAL</u>	<u>RECLAMATION</u>	<u>TOTAL PROJECT COSTS</u>
Total Estimated Amount of Agreement	\$95,000.00	\$75,000.00	\$170,000.00
This Obligation	\$95,000.00	\$70,000.00	\$165,000.00
Previous Obligation	\$0.00	\$0.00	\$0.00
Total Obligation	\$95,000.00	\$70,000.00	\$165,000.00
11. PROJECT TITLE Xeriscape Incentive Program Expansion			
12a. Acceptance of this Assistance Agreement in accordance with the terms and conditions contained herein is hereby made on behalf of the above-named recipient BY: <u>Darin Atteberry</u> 5/5/2020 DATE: _____		13a. Award of this Assistance Agreement in accordance with the terms and conditions contained herein is hereby made on behalf of the United States of America, Department of the Interior, Bureau of Reclamation BY: _____ DATE: <u>May 08, 2020</u>	
12b. NAME AND TITLE OF SIGNER Darin Atteberry, City Manager		13b. NAME OF GRANTS OFFICER Beverly K. Nelson 702-293-8524	

Approved as to form:

DocuSigned by: Eric Potyondy 5/1/2020
 Eric Potyondy, Assistant City Attorney II Date

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Financial Assistance Agreement
Between
Bureau of Reclamation
And
City of Fort Collins
For
Xeriscape Incentive Program Expansion

I. OVERVIEW AND SCHEDULE

1. AUTHORITY

This Financial Assistance Agreement (Agreement) is entered into between the United States of America, acting through the Department of the Interior, Bureau of Reclamation (Reclamation) and City of Fort Collins (Recipient), pursuant to Section 9504(a) of the SECURE WATER ACT, Subtitle F of Title IX of the OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009, Public Law 111-11 (42 United States Code 10364) (the “Act”). The following section, provided in full text, authorizes Reclamation to award this financial assistance agreement:

SEC. 9504. WATER MANAGEMENT IMPROVEMENT.

(a) AUTHORIZATION OF GRANTS AND COOPERATIVE AGREEMENTS.—

(1) AUTHORITY OF SECRETARY.—The Secretary may provide any grant to, or enter into an agreement with, any eligible applicant to assist the eligible applicant in planning, designing, or constructing any improvement—

- (A) to conserve water;***
- (B) to increase water use efficiency;***
- (C) to facilitate water markets;***
- (D) to enhance water management, including increasing the use of renewable energy in the management and delivery of water;***
- (E) to accelerate the adoption and use of advanced water treatment technologies to increase water supply;***
- (F) to prevent the decline of species that the United States Fish and Wildlife Service and National Marine Fisheries Service have proposed for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (or candidate species that are being considered by those agencies for such listing but are not yet the subject of a proposed rule);***
- (G) to accelerate the recovery of threatened species, endangered species, and designated critical habitats that are adversely affected by Federal reclamation projects or are subject to a recovery plan***

or conservation plan under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) under which the Commissioner of Reclamation has implementation responsibilities; or

(H) to carry out any other activity—

- (i) to address any climate-related impact to the water supply of the United States that increases ecological resiliency to the impacts of climate change; or*
- (ii) to prevent any water-related crisis or conflict at any watershed that has a nexus to a Federal reclamation project located in a service area.*

2. PUBLIC PURPOSE OF SUPPORT OR STIMULATION

The proposed *Xeriscape Incentive Program Expansion* project (Project) will conserve and use water more efficiently and accomplish other benefits that contribute to water supply reliability in the western United States.

3. BACKGROUND AND OBJECTIVES

Through WaterSMART (Sustain and Manage America's Resources for Tomorrow), Reclamation leverages Federal and non-Federal funding to work cooperatively with states, tribes, and local entities as they plan for and implement actions to increase water supply reliability through investments and attention to local water conflicts. Working together with our stakeholders, WaterSMART provides support for the Department of the Interior's priorities, including creating a legacy of conservation stewardship, sustainably developing our energy and natural resources, modernizing our infrastructure through public-private partnerships, and restoring trust with local communities by improving relationships and communication with states, tribes, local governments, communities, landowners and water users.

Through Water and Energy Efficiency Grants, Reclamation provides assistance to states, tribes, irrigation districts, water districts, and other entities with water or power delivery authority to undertake projects that result in quantifiable and sustained water savings and support broader water reliability benefits.

The City of Fort Collins, in northern Colorado, will expand their Xeriscape Incentive Program to commercial and homeowner association landscapes. This project will help the City reduce overall water demand through conversions to low water use landscaping and hardscaping. This project is supported by the City's 2016 Water Efficiency Plan.

4. PERIOD OF PERFORMANCE AND FUNDS AVAILABILITY

This Agreement becomes effective on the date shown in Block 13a of Page 1 of this agreement, United States of America, Department of the Interior, Bureau of Reclamation, Assistance Agreement. The Agreement shall remain in effect until the date shown in Block 8 of Page 1 of this agreement, United States of America, Department of the Interior, Bureau of Reclamation,

Assistance Agreement. The period of performance for this Agreement may only be modified through written modification of the Agreement by a Reclamation Grants Officer.

No legal liability on the part of the Government for any payment may arise until funds are made available, in writing, to the Recipient by the Grants Officer. The total estimated amount of federal funding for this agreement is **\$75,000**, of which the initial amount of federal funds available is limited to **\$70,000** as indicated by “this obligation” within Block 10 of Page 1 of this agreement, United States of America, Department of the Interior, Bureau of Reclamation, Assistance Agreement.

5. SCOPE OF WORK AND MILESTONES

Under this Agreement, the Recipient shall provide rebates in the amount of \$1.50 per square foot of area converted from high- to low-water use landscape. Project management, completion and invoice payment will be completed by each rebate awardee. The rebate maximum per customer is \$15,000. A minimum of 110,000 square feet of converted area will be funded by \$165,000 in rebates during the period of March 2020 to March 31, 2022. Based on customer proposals submitted to date; Utilities is confident customers will convert additional area in excess of the rebated amount in conjunction with the area incentivized with a rebate and anticipate, at a minimum, an additional 90,000 square feet of area converted from high- to low-water use landscape. Major project activities are anticipated to include:

- Call for applications
- Application review and project selection, enroll selected participants in the program
- Implementation and monitoring of landscape conversion

Landscape conversion will take place within the Fort Collins Utilities service area boundaries. The Recipient shall include in their records the locations of the landscape conversions taken place under this Agreement.

The milestones for completing the scope of work are:

Milestone / Task / Activity	Planned Start Date	Planned Completion Date
Complete environmental and cultural compliance	Complete	Complete
Complete 33% of landscape conversion	March 2020	December 2020
Complete 66% of landscape conversion	January 2021	June 2021
Complete 100% of landscape conversion	July 2021	March 2022

6. RESPONSIBILITY OF THE PARTIES

6.1 Recipient Responsibilities

6.1.1 The Recipient shall carry out the Scope of Work (SOW) in accordance with the terms and conditions stated herein. The Recipient shall adhere to Federal, state, and local laws, regulations, and codes, as applicable, and shall obtain all required approvals and permits. If the SOW contains construction activities, the Recipient is responsible for construction inspection, oversight, and acceptance. If applicable, the Recipient shall also coordinate and obtain approvals from site owners and operators.

6.1.2 Interim Performance Reports. The Recipient shall prepare and submit to Reclamation interim Project performance reports (Interim Performance Reports) as required by Section I.10 of this Agreement. Each Interim Performance Report will include (but is not limited to) the information identified in paragraph I.10.3 and will discuss the following:

- A comparison of actual accomplishments to the milestones established by the financial assistance agreement for the reporting period
- The reasons why established milestones were not met, if applicable
- The status of milestones from the previous reporting period that were not met, if applicable
- Whether the Project is on schedule and within the original cost estimate
- Any additional pertinent information or issues related to the status of the Project

6.1.3 Final Project Report. The Recipient shall prepare and submit to Reclamation a final Project performance report (Final Project Report) as required by Section I.10 of this Agreement. The Final Project Report will include (but is not limited to) the information identified in paragraph I.10.3 and will discuss the following:

- Whether the Project objectives and goals were met
- The amount of water conserved, if applicable, including information and/or calculations supporting that amount
- The amount of energy the renewable energy system is generating annually, if applicable
- How the Project demonstrated collaboration, if applicable

Photographs documenting the project are also appreciated. Recipient understands that Reclamation may print photos with appropriate credit to Recipient. Recipient also understands that the Final Project Report is a public document and may be made available on Reclamation's website, www.usbr.gov/watersmart/.

6.2 Reclamation Responsibilities

Reclamation will monitor and provide Federal oversight of activities performed under this Agreement. Monitoring and oversight include review and approval of financial status and performance reports, payment requests, and any other deliverables identified as part of the SOW. Additional monitoring activities may include site visits, conference calls, and other on-site and off-site monitoring activities. At the Recipient's request, Reclamation may also provide technical assistance to the Recipient in support of the SOW and objectives of this Agreement.

7. BUDGET

7.1 Budget Estimate. The following is the estimated budget for this Agreement. As Federal financial assistance agreements are cost-reimbursable, the budget provided is for estimation purposes only. Final costs incurred under the budget categories listed may be either higher or lower than the estimated costs. All costs incurred by the Recipient under this agreement must be in accordance with any pre-award clarifications conducted between the Recipient and Reclamation, as well as with the terms and conditions of this agreement. Final determination of the allowability, allocability, or reasonableness of costs incurred under this agreement is the responsibility of the Grants Officer. Recipients are encouraged to direct any questions regarding allowability, allocability or reasonableness of costs to the Grants Officer for review prior to incurrence of the costs in question.

BUDGET ITEM DESCRIPTION	TOTAL COST
OTHER	
Landscape conversion rebates	\$165,000.00
Reclamation regulatory compliance costs	\$5,000.00
TOTAL DIRECT COSTS	\$170,000.00
INDIRECT COSTS	
None	\$0.00
TOTAL ESTIMATED PROJECT COST	\$170,000.00

7.2 Cost Sharing Requirement

At least 50% non-Federal cost-share is required for costs incurred under this Agreement. Based on the budget estimate reflected in Section 7.1 above, the estimated Federal share of allowable costs is 44% and the Recipient's estimated non-Federal cost share is 56%. The Federal share of allowable costs shall not be expended in advance of the Recipient's non-Federal share. It is expected that expenditure of Federal and non-Federal funds based upon the estimated cost share percentages shall occur concurrently.

If a bona fide need arises which requires the expenditure of Federal funds in advance of the Recipient share, then the Recipient must request written approval from the Grants Officer prior

to the expenditure. Recipient's may expend their agreed upon share of costs in advance of the expenditure of Federal funds without prior written approval.

7.3 Pre-Award Incurrence of Costs

The Recipient is not authorized to incur costs prior to the award of this Agreement. Costs incurred prior to the award of this agreement are not allowable.

7.4 Allowable Costs

Costs incurred for the performance of this Agreement must be allowable, allocable to the project, and reasonable. The following regulations, codified within the Code of Federal Regulations (CFR), governs the allowability of costs for Federal financial assistance:

2 CFR 200 Subpart E, "Cost Principles"

Expenditures for the performance of this Agreement must conform to the requirements within this CFR. The Recipient must maintain sufficient documentation to support these expenditures. Questions on the allowability of costs should be directed to the Grants Officer responsible for this Agreement.

The Recipient shall not incur costs or obligate funds for any purpose pertaining to operation of the program or activities beyond the expiration date stated in the Agreement. The only costs which are authorized for a period of up to 90 days following the project performance period are those strictly associated with closeout activities for preparation of the final reports.

7.5 Revision of Budget and Program Plans

In accordance with 2 CFR 200.308(g) the recipient must request prior written approval for any of the following changes:

- (a) A change in the approved scope of work or associated tasks, even if there is no associated budget revisions.
- (b) Revisions which require additional Federal funds to complete the project.
- (c) Revisions which involve specific costs for which prior written approval requirements may be imposed consistent with OMB cost principles listed in 2 CFR 200 Subpart E "Cost Principles".

7.6 Modifications

Any changes to this Agreement shall be made by means of a written modification. Reclamation may make changes to the Agreement by means of a unilateral modification to address changes in address, no-cost time extensions, changes to Key Personnel, the addition of previously agreed upon funding, or administrative corrections which do not impact the terms and conditions of this agreement. Additionally, a unilateral modification may be utilized by Reclamation if it should become necessary to suspend or terminate the Agreement in accordance with 2 CFR 200.338.

All other changes shall be made by means of a bilateral modification to the Agreement. No oral statement made by any person, or written statement by any person other than the Grants Officer, shall be allowed in any manner or degree to modify or otherwise effect the terms of the Agreement.

All requests for modification of the Agreement shall be made in writing, provide a full description of the reason for the request, and be sent to the attention of the Grants Officer. Any request for project extension shall be made at least 45 days prior to the expiration date of the Agreement or the expiration date of any extension period that may have been previously granted. Any determination to extend the period of performance or to provide follow-on funding for continuation of a project is solely at the discretion of Reclamation.

8. KEY PERSONNEL

8.1 Recipient's Key Personnel.

The Recipient's Project Manager for this Agreement shall be:

Katie Collins, Water Conservation Coordinator
300 La Porte Ave
Fort Collins, CO 80521
970-416-4378
kcollins@fcgov.com

9. LIMITATION OF AUTHORITIES

9.1 Grants Officer.

The Grants Officer is the only official with legal delegated authority to represent Reclamation. The Grants Officer's responsibilities include, but are not limited to, the following:

- (a) Formally obligate Reclamation to expend funds or change the funding level of the Agreement;
- (b) Approve through formal modification changes in the scope of work and/or budget;
- (c) Approve through formal modification any increase or decrease in the period of performance of the Agreement;
- (d) Approve through formal modification changes in any of the expressed terms, conditions, or specifications of the Agreement;
- (e) Be responsible for the overall administration, management, and other non-programmatic aspects of the Agreement including, but not limited to, interpretation of financial assistance statutes, regulations, circulars, policies, and terms of the Agreement; Where applicable, ensures that Reclamation complies with the administrative requirements required by statutes, regulations, circulars, policies, and terms of the Agreement.

9.2 Grants Management Specialist (GMS).

The Grants Management Specialist is the primary administrative point of contact for this agreement and should be contacted regarding issues related to the day-to-day management of the agreement. Requests for approval regarding the terms and conditions of the agreement, including but not limited to modifications and prior approval, may only be granted, in writing, by a Reclamation Grants Officer. Please note that for some agreements, the Grants Officer and the Grants Management Specialist may be the same individual.

10. REPORTING REQUIREMENTS AND DISTRIBUTION

10.1 Noncompliance. Failure to comply with the reporting requirements contained in this Agreement may be considered a material noncompliance with the terms and conditions of the award. Noncompliance may result in withholding of payments pending receipt of required reports, denying both the use of funds and matching credit for all or part of the cost of the activity or action not in compliance, whole or partial suspension or termination of the Agreement, recovery of funds paid under the Agreement, withholding of future awards, or other legal remedies in accordance with 2 CFR 200.338.

10.2 Financial Reports. Federal Financial Reports shall be submitted by means of the SF-425 and shall be submitted according to the Report Frequency and Distribution schedule below. All financial reports shall be signed by an Authorized Certifying Official for the Recipient's organization.

10.3 Monitoring and Reporting Program Performance (2 CFR 200.328).

- (a) Monitoring by the non-Federal entity. The non-Federal entity is responsible for oversight of the operations of the Federal award supported activities. The non-Federal entity must monitor its activities under Federal awards to assure compliance with applicable Federal requirements and performance expectations are being achieved. Monitoring by the non-Federal entity must cover each program, function or activity. See also 200.331 Requirements for pass-through entities.
- (b) Non-construction performance reports. The Federal awarding agency must use standard, OMB-approved data elements for collection of performance information (including performance progress reports, Research Performance Progress Report, or such future collections as may be approved by OMB and listed on the OMB Web site).
 - (1) The non-Federal entity must submit performance reports at the interval required by the Federal awarding agency or pass-through entity to best inform improvements in program outcomes and productivity. Intervals must be no less frequent than annually nor more frequent than quarterly except in unusual circumstances, for example where more frequent reporting is necessary for the effective monitoring of the Federal award or could significantly affect program outcomes. Annual reports must be due 90 calendar days after the reporting period; quarterly or semiannual reports must be

due 30 calendar days after the reporting period. Alternatively, the Federal awarding agency or pass-through entity may require annual reports before the anniversary dates of multiple year Federal awards. The final performance report will be due 90 calendar days after the period of performance end date. If a justified request is submitted by a non-Federal entity, the Federal agency may extend the due date for any performance report.

- (2) The non-Federal entity must submit performance reports using OMB-approved governmentwide standard information collections when providing performance information. As appropriate in accordance with above mentioned information collections, these reports will contain, for each Federal award, brief information on the following unless other collections are approved by OMB:
 - (i) A comparison of actual accomplishments to the objectives of the Federal award established for the period. Where the accomplishments of the Federal award can be quantified, a computation of the cost (for example, related to units of accomplishment) may be required if that information will be useful. Where performance trend data and analysis would be informative to the Federal awarding agency program, the Federal awarding agency should include this as a performance reporting requirement.
 - (ii) The reasons why established goals were not met, if appropriate.
 - (iii) Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.
- (c) Construction performance reports. For the most part, onsite technical inspections and certified percentage of completion data are relied on heavily by Federal awarding agencies and pass-through entities to monitor progress under Federal awards and subawards for construction. The Federal awarding agency may require additional performance reports only when considered necessary.
- (d) Significant developments. Events may occur between the scheduled performance reporting dates that have significant impact upon the supported activity. In such cases, the non-Federal entity must inform the Federal awarding agency or pass-through entity as soon as the following types of conditions become known:
 - (1) Problems, delays, or adverse conditions which will materially impair the ability to meet the objective of the Federal award. This disclosure must include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation.
 - (2) Favorable developments which enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more or different beneficial results than originally planned.

Reclamation requires Performance reporting for all financial assistance awards, both Construction and non-Construction. Performance reports for Construction agreements shall meet the same minimum requirements outlined in 2 CFR 200.328(b)(2) above.

10.4 Report Frequency and Distribution. The following table sets forth the reporting requirements for this Agreement. Please note the first report due date listed for each type of report.

Required Reports	Interim Reports	Final Report
Performance Report		
Format	No specific format required. See content requirements within Section 9.3 (2 CFR 200.328) above	Summary of activities completed during the entire period of performance is required. See content requirements within Section 9.3 (2 CFR 200.328) above
Reporting Frequency	Annual	Final Report due within 90 days after the end of the period of performance
Reporting Period	October 1 through September 30	Entire period of performance
Due Date	Within 90 days after the end of the Reporting Period	Final Report due within 90 days after the end of the period of performance or completion of the project
First Report Due Date	The first performance report is due for reporting period ending 09/30/2020	N/A
Submit to:	sha-dro-faoperations@usbr.gov	sha-dro-faoperations@usbr.gov
Federal Financial Report		
Format	SF-425 (all sections must be completed)	SF-425(all sections must be completed)
Reporting Frequency	Annual	Final Report due within 90 days after the end of the period of performance
Reporting Period	October 1 through September 30	Entire period of performance
Due Date	Within 90 days after the end of the Reporting Period	Final Report due within 90 days after the end of the period of performance or completion of project
First Report Due Date	The first Federal financial report is due for reporting period ending 09/30/2020	N/A
Submit to:	sha-dro-faoperations@usbr.gov	sha-dro-faoperations@usbr.gov

11. REGULATORY COMPLIANCE

The Recipient agrees to comply or assist Reclamation with all regulatory compliance requirements and all applicable state, Federal, and local environmental and cultural and paleontological resource protection laws and regulations as applicable to this project. These may include, but are not limited to, the National Environmental Policy Act (NEPA), including the Council on Environmental Quality and Department of the Interior regulations implementing NEPA, the Clean Water Act, the Endangered Species Act, consultation with potentially affected Tribes, and consultation with the State Historic Preservation Office. If the Recipient begins project activities that require environmental or other regulatory compliance approval prior to receipt of written notice from the Grants Officer that all such clearances have been obtained, then Reclamation reserves the right to initiate remedies for non-compliance as defined by 2 CFR 200.338 up to and including unilateral termination of this agreement. The Grants Officer acknowledges that all environmental and other regulatory compliance approvals were obtained by the Recipient prior to the award of this Agreement.

12. AGRICULTURAL OPERATIONS [Public Law 111-11, Section 9504(a)(3)(B)]

The Recipient shall not use any associated water savings to increase the total irrigated acreage of the Recipient or otherwise increase the consumptive use of water in the operation of the Recipient, as determined pursuant to the law of the State in which the operation of Recipient is located.

13. TITLE TO IMPROVEMENTS [Public Law 111-11, Section 9504(a)(3)(D)]

If the activities funded under this Agreement result in an infrastructure improvement to a federally owned facility, the Federal Government shall continue to hold title to the facility and improvements to the facility.

14. OPERATION AND MAINTENANCE COSTS [Public Law 111-11, Section 9504(a)(3)(E)(iv.)]

The non-Federal share of the cost of operating and maintaining any infrastructure improvement funded through this Agreement shall be 100 percent.

15. LIABILITY [Public Law 111-11, Section 9504(a)(3)(F)]

- (a) **IN GENERAL.**—Except as provided under chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”), the United States shall not be liable for monetary damages of any kind for any injury arising out of an act, omission, or occurrence that arises in relation to any facility created or improved under this Agreement, the title of which is not held by the United States.

(b) TORT CLAIMS ACT.—Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

II. RECLAMATION STANDARD TERMS AND CONDITIONS

1. REGULATIONS

The regulations at 2 CFR Subtitle A, Chapter II, Part 200 “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards”, are hereby incorporated by reference as though set forth in full text. Failure of a Recipient to comply with any applicable regulation or circular may be the basis for withholding payments for proper charges made by the Recipient and/or for termination of support.

2. PAYMENT

2.1 Payment (2 CFR 200.305).

- (a) For states, payments are governed by Treasury-State CMIA agreements and default procedures codified at 31 CFR Part 205 “Rules and Procedures for Efficient Federal-State Funds Transfers” and TFM 4A-2000 Overall Disbursing Rules for All Federal Agencies.
- (b) For non-Federal entities other than states, payments methods must minimize the time elapsing between the transfer of funds from the United States Treasury or the pass-through entity and the disbursement by the non-Federal entity whether the payment is made by electronic funds transfer, or issuance or redemption of checks, warrants, or payment by other means. See also 200.302 Financial management paragraph (b)(6). Except as noted elsewhere in this part, Federal agencies must require recipients to use only OMB-approved standard governmentwide information collection requests to request payment.
 - (1) The non-Federal entity must be paid in advance, provided it maintains or demonstrates the willingness to maintain both written procedures that minimize the time elapsing between the transfer of funds and disbursement by the non-Federal entity, and financial management systems that meet the standards for fund control and accountability as established in this part. Advance payments to a non-Federal entity must be limited to the minimum amounts needed and be timed to be in accordance with the actual, immediate cash requirements of the non-Federal entity in carrying out the purpose of the approved program or project. The timing and amount of advance payments must be as close as is administratively feasible to the actual disbursements by the non-Federal entity for direct program or project costs and the proportionate share of any allowable indirect costs. The non-Federal entity must make timely payment to contractors in accordance with the contract provisions.
 - (2) Whenever possible, advance payments must be consolidated to cover anticipated cash needs for all Federal awards made by the Federal awarding agency to the recipient.
 - (i) Advance payment mechanisms include, but are not limited to, Treasury check and electronic funds transfer and must comply with applicable guidance in 31 CFR part 208.

- (ii) Non-Federal entities must be authorized to submit requests for advance payments and reimbursements at least monthly when electronic fund transfers are not used, and as often as they like when electronic transfers are used, in accordance with the provisions of the Electronic Fund Transfer Act (15 U.S.C. 1693-1693r).
- (3) Reimbursement is the preferred method when the requirements in paragraph (b) cannot be met, when the Federal awarding agency sets a specific condition per 200.207 Specific conditions, or when the non-Federal entity requests payment by reimbursement. This method may be used on any Federal award for construction, or if the major portion of the construction project is accomplished through private market financing or Federal loans, and the Federal award constitutes a minor portion of the project. When the reimbursement method is used, the Federal awarding agency or pass-through entity must make payment within 30 calendar days after receipt of the billing, unless the Federal awarding agency or pass-through entity reasonably believes the request to be improper.
- (4) If the non-Federal entity cannot meet the criteria for advance payments and the Federal awarding agency or pass-through entity has determined that reimbursement is not feasible because the non-Federal entity lacks sufficient working capital, the Federal awarding agency or pass-through entity may provide cash on a working capital advance basis. Under this procedure, the Federal awarding agency or pass-through entity must advance cash payments to the non-Federal entity to cover its estimated disbursement needs for an initial period generally geared to the non-Federal entity's disbursing cycle. Thereafter, the Federal awarding agency or pass-through entity must reimburse the non-Federal entity for its actual cash disbursements. Use of the working capital advance method of payment requires that the pass-through entity provide timely advance payments to any subrecipients in order to meet the subrecipient's actual cash disbursements. The working capital advance method of payment must not be used by the pass-through entity if the reason for using this method is the unwillingness or inability of the pass-through entity to provide timely advance payments to the subrecipient to meet the subrecipient's actual cash disbursements.
- (5) Use of resources before requesting cash advance payments. To the extent available, the non-Federal entity must disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments.
- (6) Unless otherwise required by Federal statutes, payments for allowable costs by non-Federal entities must not be withheld at any time during the period of performance unless the conditions of 200.207 Specific conditions, Subpart D—Post Federal Award

Requirements of this part, 200.338 Remedies for Noncompliance, or one or more of the following applies:

- (i) The non-Federal entity has failed to comply with the project objectives, Federal statutes, regulations, or the terms and conditions of the Federal award.
 - (ii) The non-Federal entity is delinquent in a debt to the United States as defined in OMB Guidance A-129, "Policies for Federal Credit Programs and Non-Tax Receivables." Under such conditions, the Federal awarding agency or pass-through entity may, upon reasonable notice, inform the non-Federal entity that payments must not be made for obligations incurred after a specified date until the conditions are corrected or the indebtedness to the Federal Government is liquidated.
 - (iii) A payment withheld for failure to comply with Federal award conditions, but without suspension of the Federal award, must be released to the non-Federal entity upon subsequent compliance. When a Federal award is suspended, payment adjustments will be made in accordance with 200.342 Effects of suspension and termination.
 - (iv) A payment must not be made to a non-Federal entity for amounts that are withheld by the non-Federal entity from payment to contractors to assure satisfactory completion of work. A payment must be made when the non-Federal entity actually disburses the withheld funds to the contractors or to escrow accounts established to assure satisfactory completion of work.
- (7) Standards governing the use of banks and other institutions as depositories of advance payments under Federal awards are as follows.
- (i) The Federal awarding agency and pass-through entity must not require separate depository accounts for funds provided to a non-Federal entity or establish any eligibility requirements for depositories for funds provided to the non-Federal entity. However, the non-Federal entity must be able to account for the receipt, obligation and expenditure of funds.
 - (ii) Advance payments of Federal funds must be deposited and maintained in insured accounts whenever possible.
- (8) The non-Federal entity must maintain advance payments of Federal awards in interest-bearing accounts, unless the following apply.
- (i) The non-Federal entity receives less than \$120,000 in Federal awards per year.
 - (ii) The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on Federal cash balances.

- (iii) The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.
 - (iv) A foreign government or banking system prohibits or precludes interest bearing accounts.
- (9) Interest earned amounts up to \$500 per year may be retained by the non-Federal entity for administrative expense. Any additional interest earned on Federal advance payments deposited in interest-bearing accounts must be remitted annually to the Department of Health and Human Services Payment Management System (PMS) through an electronic medium using either Automated Clearing House (ACH) network or a Fedwire Funds Service payment. Remittances must include pertinent information of the payee and nature of payment in the memo area (often referred to as “addenda records” by Financial Institutions) as that will assist in the timely posting of interested earned on federal funds. Pertinent details include the Payee Account Number (PAN) if the payment originated from PMS, or Agency information if the payment originated from ASAP, NSF or another federal agency payment system. The remittance must be submitted as follows:
- (i) For ACH Returns:
 - Routing Number: 051036706
 - Account number: 303000
 - Bank Name and Location: Credit Gateway—ACH Receiver St. Paul, MN
 - (ii) For Fedwire Returns*:
 - Routing Number: 021030004
 - Account number: 75010501
 - Bank Name and Location: Federal Reserve Bank Treas NYC/Funds Transfer Division New York, NY
 - (* Please note organization initiating payment is likely to incur a charge from your Financial Institution for this type of payment)
 - (iii) For International ACH Returns:
 - Beneficiary Account: Federal Reserve Bank of New York/ITS (FRBNY/ITS)
 - Bank: Citibank N.A. (New York)
 - Swift Code: CITIUS33
 - Account Number: 36838868
 - Bank Address: 388 Greenwich Street, New York, NY 10013 USA
 - Payment Details (Line 70): Agency
 - Name (abbreviated when possible) and ALC Agency POC: Michelle Haney, (301) 492-5065

- (iv) For recipients that do not have electronic remittance capability, please make check** payable to: “The Department of Health and Human Services.”
Mail Check to Treasury approved lockbox:
HHS Program Support Center, P.O. Box 530231, Atlanta, GA 30353-0231
(** Please allow 4-6 weeks for processing of a payment by check to be applied to the appropriate PMS account)
- (v) Any additional information/instructions may be found on the PMS Web site at <http://www.dpm.psc.gov/>.

2.2 Payment Method.

Recipients must utilize the Department of Treasury Automated Standard Application for Payments (ASAP) payment system to request advance or reimbursement payments. ASAP is a Recipient-initiated payment and information system designed to provide a single point of contact for the request and delivery of Federal funds. ASAP is the only allowable method for request and receipt of payment. Recipient procedures must minimize the time elapsing between the drawdown of Federal funds and the disbursement for agreement purposes.

In accordance with 2 CFR 25.200(b)(2) the Recipient shall “Maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by an agency”. If the Recipient allows their SAM registration to lapse, the Recipient’s accounts within ASAP will be automatically suspended by Reclamation until such time as the Recipient renews their SAM registration.

3. PROCUREMENT STANDARDS (2 CFR 200.317 THROUGH 200.326)

200.317 Procurements by States.

When procuring property and services under a Federal award, a state must follow the same policies and procedures it uses for procurements from its non-Federal funds. The state will comply with 200.322 Procurement of recovered materials and ensure that every purchase order or other contract includes any clauses required by section 200.326 Contract provisions. All other non-Federal entities, including subrecipients of a state, will follow 200.318 General procurement standards through 200.326 Contract provisions.

200.318 General procurement standards.

- (a) The non-Federal entity must use its own documented procurement procedures which reflect applicable State, local, and tribal laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this part.
- (b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

- (c)
- (1) The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.
 - (2) If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.
- (d) The non-Federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.
- (e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.
- (f) The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.
- (g) The non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

- (h) The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. See also 200.212 Suspension and debarment.
- (i) The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.
- (j)
 - (1) The non-Federal entity may use a time and materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to a non-Federal entity is the sum of:
 - (i) The actual cost of materials; and
 - (ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.
 - (2) Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.
- (k) The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

200.319 Competition.

- (a) All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

- (1) Placing unreasonable requirements on firms in order for them to qualify to do business;
 - (2) Requiring unnecessary experience and excessive bonding;
 - (3) Noncompetitive pricing practices between firms or between affiliated companies;
 - (4) Noncompetitive contracts to consultants that are on retainer contracts;
 - (5) Organizational conflicts of interest;
 - (6) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
 - (7) Any arbitrary action in the procurement process.
- (b) The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.
- (c) The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations:
- (1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and
 - (2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

- (d) The non-Federal entity must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the non-Federal entity must not preclude potential bidders from qualifying during the solicitation period.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75885, Dec. 19, 2014]

200.320 Methods of procurement to be followed.

The non-Federal entity must use one of the following methods of procurement.

- (a) Procurement by micro-purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (200.67 Micro-purchase). To the extent practicable, the non-Federal entity must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.
- (b) Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.
- (c) Procurement by sealed bids (formal advertising). Bids are publicly solicited, and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in paragraph (c)(1) of this section apply.
 - (1) In order for sealed bidding to be feasible, the following conditions should be present:
 - (i) A complete, adequate, and realistic specification or purchase description is available;
 - (ii) Two or more responsible bidders are willing and able to compete effectively for the business; and
 - (iii) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.
 - (2) If sealed bids are used, the following requirements apply:
 - (i) Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for state, local, and tribal governments, the invitation for bids must be publicly advertised;

- (ii) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
 - (iii) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;
 - (iv) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
 - (v) Any or all bids may be rejected if there is a sound documented reason.
- (d) Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:
- (1) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
 - (2) Proposals must be solicited from an adequate number of qualified sources;
 - (3) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
 - (4) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
 - (5) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.
- (e) [Reserved]

(f) Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

- (1) The item is available only from a single source;
- (2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- (3) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
- (4) After solicitation of a number of sources, competition is determined inadequate.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75885, Dec. 19, 2014]

200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.

- (a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
- (b) Affirmative steps must include:
 - (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
 - (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
 - (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
 - (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
 - (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

200.322 Procurement of recovered materials.

A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75885, Dec. 19, 2014]

200.323 Contract cost and price.

- (a) The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals.
- (b) The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
- (c) Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred, or cost estimates included in negotiated prices would be allowable for the non-Federal entity under Subpart E—Cost Principles of this part. The non-Federal entity may reference its own cost principles that comply with the Federal cost principles.
- (d) The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

200.324 Federal awarding agency or pass-through entity review.

- (a) The non-Federal entity must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a

solicitation document. However, if the non-Federal entity desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

(b) The non-Federal entity must make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:

- (1) The non-Federal entity's procurement procedures or operation fails to comply with the procurement standards in this part;
- (2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
- (3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;
- (4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
- (5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.

(c) The non-Federal entity is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part.

- (1) The non-Federal entity may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third party contracts are awarded on a regular basis;
- (2) The non-Federal entity may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the non-Federal entity that it is complying with these standards. The non-Federal entity must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

200.325 Bonding requirements.

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the

bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

- (a) A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
- (b) A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.
- (c) A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

200.326 Contract provisions.

The non-Federal entity's contracts must contain the applicable provisions described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards.

4. EQUIPMENT (2 CFR 200.313)

See also 200.439 Equipment and other capital expenditures.

- (a) Title. Subject to the obligations and conditions set forth in this section, title to equipment acquired under a Federal award will vest upon acquisition in the non-Federal entity. Unless a statute specifically authorizes the Federal agency to vest title in the non-Federal entity without further obligation to the Federal Government, and the Federal agency elects to do so, the title must be a conditional title. Title must vest in the non-Federal entity subject to the following conditions:
 - (1) Use the equipment for the authorized purposes of the project during the period of performance, or until the property is no longer needed for the purposes of the project.
 - (2) Not encumber the property without approval of the Federal awarding agency or pass-through entity.
 - (3) Use and dispose of the property in accordance with paragraphs (b), (c) and (e) of this section.

(b) A state must use, manage and dispose of equipment acquired under a Federal award by the state in accordance with state laws and procedures. Other non-Federal entities must follow paragraphs (c) through (e) of this section.

(c) Use.

(1) Equipment must be used by the non-Federal entity in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the Federal award, and the non-Federal entity must not encumber the property without prior approval of the Federal awarding agency. When no longer needed for the original program or project, the equipment may be used in other activities supported by the Federal awarding agency, in the following order of priority:

(i) Activities under a Federal award from the Federal awarding agency which funded the original program or project, then

(ii) Activities under Federal awards from other Federal awarding agencies. This includes consolidated equipment for information technology systems.

(2) During the time that equipment is used on the project or program for which it was acquired, the non-Federal entity must also make equipment available for use on other projects or programs currently or previously supported by the Federal Government, provided that such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use must be given to other programs or projects supported by Federal awarding agency that financed the equipment and second preference must be given to programs or projects under Federal awards from other Federal awarding agencies. Use for non-federally funded programs or projects is also permissible. User fees should be considered if appropriate.

(3) Notwithstanding the encouragement in 200.307 Program income to earn program income, the non-Federal entity must not use equipment acquired with the Federal award to provide services for a fee that is less than private companies charge for equivalent services unless specifically authorized by Federal statute for as long as the Federal Government retains an interest in the equipment.

(4) When acquiring replacement equipment, the non-Federal entity may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property.

(d) Management requirements. Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part under a Federal award, until disposition takes place will, as a minimum, meet the following requirements:

- (1) Property records must be maintained that include a description of the property, a serial number or other identification number, the source of funding for the property (including the FAIN), who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the project costs for the Federal award under which the property was acquired, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.
 - (2) A physical inventory of the property must be taken, and the results reconciled with the property records at least once every two years.
 - (3) A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft must be investigated.
 - (4) Adequate maintenance procedures must be developed to keep the property in good condition.
 - (5) If the non-Federal entity is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.
- (e) Disposition. When original or replacement equipment acquired under a Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, except as otherwise provided in Federal statutes, regulations, or Federal awarding agency disposition instructions, the non-Federal entity must request disposition instructions from the Federal awarding agency if required by the terms and conditions of the Federal award. Disposition of the equipment will be made as follows, in accordance with Federal awarding agency disposition instructions:
- (1) Items of equipment with a current per unit fair market value of \$5,000 or less may be retained, sold or otherwise disposed of with no further obligation to the Federal awarding agency.
 - (2) Except as provided in 200.312 Federally-owned and exempt property, paragraph (b), or if the Federal awarding agency fails to provide requested disposition instructions within 120 days, items of equipment with a current per-unit fair-market value in excess of \$5,000 may be retained by the non-Federal entity or sold. The Federal awarding agency is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the Federal awarding agency's percentage of participation in the cost of the original purchase. If the equipment is sold, the Federal awarding agency may permit the non-Federal entity to deduct and retain from the Federal share \$500 or ten percent of the proceeds, whichever is less, for its selling and handling expenses.
 - (3) The non-Federal entity may transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the non-Federal entity must be

entitled to compensation for its attributable percentage of the current fair market value of the property.

- (4) In cases where a non-Federal entity fails to take appropriate disposition actions, the Federal awarding agency may direct the non-Federal entity to take disposition actions.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75884, Dec. 19, 2014]

5. SUPPLIES (2 CFR 200.314)

See also 200.453 Materials and supplies costs, including costs of computing devices.

- (a) Title to supplies will vest in the non-Federal entity upon acquisition. If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate value upon termination or completion of the project or program and the supplies are not needed for any other Federal award, the non-Federal entity must retain the supplies for use on other activities or sell them, but must, in either case, compensate the Federal Government for its share. The amount of compensation must be computed in the same manner as for equipment. See 200.313 Equipment, paragraph (e)(2) for the calculation methodology.
- (b) As long as the Federal Government retains an interest in the supplies, the non-Federal entity must not use supplies acquired under a Federal award to provide services to other organizations for a fee that is less than private companies charge for equivalent services, unless specifically authorized by Federal statute.

6. INSPECTION

Reclamation has the right to inspect and evaluate the work performed or being performed under this Agreement, and the premises where the work is being performed, at all reasonable times and in a manner that will not unduly delay the work. If Reclamation performs inspection or evaluation on the premises of the Recipient or a sub-Recipient, the Recipient shall furnish and shall require sub-recipients to furnish all reasonable facilities and assistance for the safe and convenient performance of these duties.

7. AUDIT REQUIREMENTS (2 CFR 200.501)

- (a) Audit required. A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of this part.
- (b) Single audit. A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single audit conducted in accordance with 200.514 Scope of audit except when it elects to have a program-specific audit conducted in accordance with paragraph (c) of this section.

- (c) Program-specific audit election. When an auditee expends Federal awards under only one Federal program (excluding R&D) and the Federal program's statutes, regulations, or the terms and conditions of the Federal award do not require a financial statement audit of the auditee, the auditee may elect to have a program-specific audit conducted in accordance with 200.507 Program-specific audits. A program-specific audit may not be elected for R&D unless all of the Federal awards expended were received from the same Federal agency, or the same Federal agency and the same pass-through entity, and that Federal agency, or pass-through entity in the case of a subrecipient, approves in advance a program-specific audit.
- (d) Exemption when Federal awards expended are less than \$750,000. A non-Federal entity that expends less than \$750,000 during the non-Federal entity's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in 200.503 Relation to other audit requirements, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office (GAO).
- (e) Federally Funded Research and Development Centers (FFRDC). Management of an auditee that owns or operates a FFRDC may elect to treat the FFRDC as a separate entity for purposes of this part.
- (f) Subrecipients and Contractors. An auditee may simultaneously be a recipient, a subrecipient, and a contractor. Federal awards expended as a recipient or a subrecipient are subject to audit under this part. The payments received for goods or services provided as a contractor are not Federal awards. Section 200.330 Subrecipient and contractor determinations sets forth the considerations in determining whether payments constitute a Federal award or a payment for goods or services provided as a contractor.
- (g) Compliance responsibility for contractors. In most cases, the auditee's compliance responsibility for contractors is only to ensure that the procurement, receipt, and payment for goods and services comply with Federal statutes, regulations, and the terms and conditions of Federal awards. Federal award compliance requirements normally do not pass through to contractors. However, the auditee is responsible for ensuring compliance for procurement transactions which are structured such that the contractor is responsible for program compliance or the contractor's records must be reviewed to determine program compliance. Also, when these procurement transactions relate to a major program, the scope of the audit must include determining whether these transactions are in compliance with Federal statutes, regulations, and the terms and conditions of Federal awards.
- (h) For-profit subrecipient. Since this part does not apply to for-profit subrecipients, the pass-through entity is responsible for establishing requirements, as necessary, to ensure compliance by for-profit subrecipients. The agreement with the for-profit subrecipient must describe applicable compliance requirements and the for-profit subrecipient's compliance responsibility. Methods to ensure compliance for Federal awards made to for-

profit subrecipients may include pre-award audits, monitoring during the agreement, and post-award audits. See also 200.331 Requirements for pass-through entities.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75887, Dec. 19, 2014]

8. REMEDIES FOR NONCOMPLIANCE (2 CFR 200.338)

200.338 Remedies for noncompliance.

If a non-Federal entity fails to comply with Federal statutes, regulations or the terms and conditions of a Federal award, the Federal awarding agency or pass-through entity may impose additional conditions, as described in 200.207 Specific conditions. If the Federal awarding agency or pass-through entity determines that noncompliance cannot be remedied by imposing additional conditions, the Federal awarding agency or pass-through entity may take one or more of the following actions, as appropriate in the circumstances:

- (a) Temporarily withhold cash payments pending correction of the deficiency by the non-Federal entity or more severe enforcement action by the Federal awarding agency or pass-through entity.
- (b) Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
- (c) Wholly or partly suspend or terminate the Federal award.
- (d) Initiate suspension or debarment proceedings as authorized under 2 CFR part 180 and Federal awarding agency regulations (or in the case of a pass-through entity, recommend such a proceeding be initiated by a Federal awarding agency).
- (e) Withhold further Federal awards for the project or program.
- (f) Take other remedies that may be legally available.

9. TERMINATION (2 CFR 200.339)

- (a) The Federal award may be terminated in whole or in part as follows:
 - (1) By the Federal awarding agency or pass-through entity, if a non-Federal entity fails to comply with the terms and conditions of a Federal award;
 - (2) By the Federal awarding agency or pass-through entity for cause;
 - (3) By the Federal awarding agency or pass-through entity with the consent of the non-Federal entity, in which case the two parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated; or

(4) By the non-Federal entity upon sending to the Federal awarding agency or pass-through entity written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the Federal awarding agency or pass-through entity determines in the case of partial termination that the reduced or modified portion of the Federal award or subaward will not accomplish the purposes for which the Federal award was made, the Federal awarding agency or pass-through entity may terminate the Federal award in its entirety.

(b) When a Federal award is terminated or partially terminated, both the Federal awarding agency or pass-through entity and the non-Federal entity remain responsible for compliance with the requirements in 200.343 Closeout and 200.344 Post-closeout adjustments and continuing responsibilities.

10. DEBARMENT AND SUSPENSION (2 CFR 1400)

The Department of the Interior regulations at 2 CFR 1400—Governmentwide Debarment and Suspension (Nonprocurement), which adopt the common rule for the governmentwide system of debarment and suspension for nonprocurement activities, are hereby incorporated by reference and made a part of this Agreement. By entering into this grant or cooperative Agreement with the Bureau of Reclamation, the Recipient agrees to comply with 2 CFR 1400, Subpart C, and agrees to include a similar term or condition in all lower tier covered transactions. These regulations are available at <http://www.gpoaccess.gov/ecfr/>.

11. DRUG-FREE WORKPLACE (2 CFR 182 AND 1401)

The Department of the Interior regulations at 2 CFR 1401—Governmentwide Requirements for Drug-Free Workplace (Financial Assistance), which adopt the portion of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701 et seq, as amended) applicable to grants and cooperative agreements, are hereby incorporated by reference and made a part of this agreement. By entering into this grant or cooperative agreement with the Bureau of Reclamation, the Recipient agrees to comply with 2 CFR 182.

12. ASSURANCES AND CERTIFICATIONS INCORPORATED BY REFERENCE

The provisions of the Assurances, SF 424B or SF 424D as applicable, executed by the Recipient in connection with this Agreement shall apply with full force and effect to this Agreement. All anti-discrimination and equal opportunity statutes, regulations, and Executive Orders that apply to the expenditure of funds under Federal contracts, grants, and cooperative Agreements, loans, and other forms of Federal assistance. The Recipient shall comply with Title VI or the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and any program-specific statutes with anti-discrimination requirements. The Recipient shall comply with civil rights laws including, but not limited to, the Fair Housing Act, the Fair Credit Reporting Act, the Americans

with Disabilities Act, Title VII of the Civil Rights Act of 1964, the Equal Educational Opportunities Act, the Age Discrimination in Employment Act, and the Uniform Relocation Act.

Such Assurances also include, but are not limited to, the promise to comply with all applicable Federal statutes and orders relating to nondiscrimination in employment, assistance, and housing; the Hatch Act; Federal wage and hour laws and regulations and work place safety standards; Federal environmental laws and regulations and the Endangered Species Act; and Federal protection of rivers and waterways and historic and archeological preservation.

13. COVENANT AGAINST CONTINGENT FEES

The Recipient warrants that no person or agency has been employed or retained to solicit or secure this Agreement upon an Agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide offices established and maintained by the Recipient for the purpose of securing Agreements or business. For breach or violation of this warranty, the Government shall have the right to annul this Agreement without liability or, in its discretion, to deduct from the Agreement amount, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

14. TRAFFICKING VICTIMS PROTECTION ACT OF 2000 (2 CFR 175.15)

Trafficking in persons.

(a) *Provisions applicable to a recipient that is a private entity.*

- (1) You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not
 - (i) Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
 - (ii) Procure a commercial sex act during the period of time that the award is in effect; or
 - (iii) Use forced labor in the performance of the award or subawards under the award.
- (2) We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity —
 - (i) Is determined to have violated a prohibition in paragraph a.1 of this award term; or
 - (ii) Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either:
 - (A) Associated with performance under this award; or

(B) Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 2 *CFR part 1400*.

(b) *Provision applicable to a recipient other than a private entity.* We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—

(1) Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or

(2) Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either:

(i) Associated with performance under this award; or

(ii) Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 2 *CFR part 1400*.

(c) *Provisions applicable to any recipient.*

(1) You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.

(2) Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:

(i) Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and

(ii) Is in addition to all other remedies for noncompliance that are available to us under this award.

(3) You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

(d) *Definitions.* For purposes of this award term:

(1) “Employee” means either:

- (i) An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
- (ii) Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.

(2) “Forced labor” means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(3) “Private entity”:

(i) Means any entity other than a state, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.

(ii) Includes:

(A) A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).

(B) A for-profit organization.

(4) “Severe forms of trafficking in persons,” “commercial sex act,” and “coercion” have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

15. NEW RESTRICTIONS ON LOBBYING (43 CFR 18)

The Recipient agrees to comply with 43 CFR 18, New Restrictions on Lobbying, including the following certification:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Recipient, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying" in accordance with its instructions.
- (c) The Recipient shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

16. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970 (URA) (42 USC 4601 *et seq.*)

- (a) The Uniform Relocation Assistance Act (URA), 42 U.S.C. 4601 *et seq.*, as amended, requires certain assurances for Reclamation funded land acquisition projects conducted by a Recipient that cause the displacement of persons, businesses, or farm operations. Because Reclamation funds only support acquisition of property or interests in property from willing sellers, it is not anticipated that Reclamation funds will result in any "displaced persons," as defined under the URA.
- (b) However, if Reclamation funds are used for the acquisition of real property that results in displacement, the URA requires Recipients to ensure that reasonable relocation payments and other remedies will be provided to any displaced person. Further, when acquiring real property, Recipients must be guided, to the greatest extent practicable, by the land acquisition policies in 42 U.S.C. 4651.
- (c) Exemptions to the URA and 49 CFR Part 24
 - (1) The URA provides for an exemption to the appraisal, review and certification rules for those land acquisitions classified as "voluntary transactions." Such "voluntary transactions" are classified as those that do not involve an exercise of eminent domain authority on behalf of a Recipient and must meet the conditions specified at 49 CFR 24.101(b)(1)(i)-(iv).

(2) For any land acquisition undertaken by a Recipient that receives Reclamation funds, but does not have authority to acquire the real property by eminent domain, to be exempt from the requirements of 49 CFR Part 24 the Recipient must:

- (i) provide written notification to the owner that it will not acquire the property in the event negotiations fail to result in an amicable agreement, and;
 - (ii) inform the owner in writing of what it believes to be the market value of the property
- (d) Review of Land Acquisition Appraisals. Reclamation reserves the right to review any land appraisal whether or not such review is required under the URA or 49 CFR 24.104. Such reviews may be conducted by the Department of the Interior's Appraisal Services Directorate or a Reclamation authorized designee. When Reclamation determines that a review of the original appraisal is necessary, Reclamation will notify the Recipient and provide an estimated completion date of the initial appraisal review.

17. SYSTEM FOR AWARD MANAGEMENT AND UNIVERSAL IDENTIFIER REQUIREMENTS (2 CFR 25, APPENDIX A)

A. Requirement for System for Award Management

Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

B. Requirement for unique entity identifier

If you are authorized to make subawards under this award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its unique entity identifier to you.
2. May not make a subaward to an entity unless the entity has provided its unique entity identifier to you.

C. Definitions

For purposes of this award term:

1. System for Award Management (SAM) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient.

Additional information about registration procedures may be found at the SAM Internet site (currently at <http://www.sam.gov>).

2. Unique entity identifier means the identifier required for SAM registration to uniquely identify business entities.
3. Entity, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:
 - a. A Governmental organization, which is a State, local government, or Indian Tribe;
 - b. A foreign public entity;
 - c. A domestic or foreign nonprofit organization;
 - d. A domestic or foreign for-profit organization; and
 - e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
4. Subaward:
 - a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
 - b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.330).
 - c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.
5. Subrecipient means an entity that:
 - a. Receives a subaward from you under this award; and
 - b. Is accountable to you for the use of the Federal funds provided by the subaward.

18. PROHIBITION ON TEXT MESSAGING AND USING ELECTRONIC EQUIPMENT SUPPLIED BY THE GOVERNMENT WHILE DRIVING

Executive Order 13513, *Federal Leadership On Reducing Text Messaging While Driving*, was signed by President Barack Obama on October 1, 2009 (ref:

<http://edocket.access.gpo.gov/2009/pdf/E9-24203.pdf>). This Executive Order introduces a Federal Government-wide prohibition on the use of text messaging while driving on official

business or while using Government-supplied equipment. Additional guidance enforcing the ban will be issued at a later date. In the meantime, please adopt and enforce policies that immediately ban text messaging while driving company-owned or rented vehicles, government-owned or leased vehicles, or while driving privately owned vehicles when on official government business or when performing any work for or on behalf of the government.

19. REPORTING SUBAWARDS AND EXECUTIVE COMPENSATION (2 CFR 170 APPENDIX A)

I. Reporting Subawards and Executive Compensation.

a. Reporting of first-tier subawards.

1. *Applicability.* Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e. of this award term).
2. *Where and when to report.*
 - i. You must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.
 - ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)
3. *What to report.* You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

b. Reporting Total Compensation of Recipient Executives.

1. *Applicability and what to report.* You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—
 - i. the total Federal funding authorized to date under this award is \$25,000 or more;
 - ii. in the preceding fiscal year, you received—
 - (A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial

assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. *Where and when to report.* You must report executive total compensation described in paragraph b.1. of this award term:

- i. As part of your registration profile at <http://www.ccr.gov>.
- ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. *Reporting of Total Compensation of Subrecipient Executives.*

1. *Applicability and what to report.* Unless you are exempt as provided in paragraph d. of this award term, for each first tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—

i. in the subrecipient's preceding fiscal year, the subrecipient received—

(A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access

to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. *Where and when to report.* You must report subrecipient executive total compensation described in paragraph c.1. of this award term:
 - i. To the recipient.
 - ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (*i.e.*, between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.
- d. *Exemptions*

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

 - i. Subawards, and
 - ii. The total compensation of the five most highly compensated executives of any subrecipient.
- e. *Definitions.* For purposes of this award term:
 1. *Entity* means all of the following, as defined in 2 CFR part 25:
 - i. A Governmental organization, which is a State, local government, or Indian tribe;
 - ii. A foreign public entity;
 - iii. A domestic or foreign nonprofit organization;
 - iv. A domestic or foreign for-profit organization;
 - v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
 2. *Executive* means officers, managing partners, or any other employees in management positions.

3. *Subaward*:

- i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. __ .210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
- iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4. *Subrecipient* means an entity that:

- i. Receives a subaward from you (the recipient) under this award; and
- ii. Is accountable to you for the use of the Federal funds provided by the subaward.

5. *Total compensation* means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

- i. *Salary and bonus*.
- ii. *Awards of stock, stock options, and stock appreciation rights*. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
- iii. *Earnings for services under non-equity incentive plans*. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives and are available generally to all salaried employees.
- iv. *Change in pension value*. This is the change in present value of defined benefit and actuarial pension plans.
- v. *Above-market earnings on deferred compensation which is not tax-qualified*.
- vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

20. RECIPIENT EMPLOYEE WHISTLEBLOWER RIGHTS AND REQUIREMENT TO INFORM EMPLOYEES OF WHISTLEBLOWER RIGHTS (SEP 2013)

- (a) This award and employees working on this financial assistance agreement will be subject to the whistleblower rights and remedies in the pilot program on Award Recipient employee whistleblower protections established at 41 U.S.C. 4712 by section 828 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112-239).
- (b) The Award Recipient shall inform its employees in writing, in the predominant language of the workforce, of employee whistleblower rights and protections under 41 U.S.C 4712.
- (c) The Award Recipient shall insert the substance of this clause, including this paragraph (c), in all subawards or subcontracts over the simplified acquisition threshold. 48 CFR 52.203-17 (as referenced in 48 CFR 3.908-9).

21. RECIPIENT INTEGRITY AND PERFORMANCE MATTERS (APPENDIX XII to 2 CFR Part 200)

A. Reporting of Matters Related to Recipient Integrity and Performance

1. General Reporting Requirement

If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

2. Proceedings About Which You Must Report

Submit the information required about each proceeding that:

- a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
- b. Reached its final disposition during the most recent five-year period; and

c. Is one of the following:

- (1) A criminal proceeding that resulted in a conviction, as defined in paragraph 5 of this award term and condition;
- (2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
- (3) An administrative proceeding, as defined in paragraph 5. of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
- (4) Any other criminal, civil, or administrative proceeding if:
 - (i) It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition;
 - (ii) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and
 - (iii) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

3. Reporting Procedures

Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2 of this award term and condition. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under Federal procurement contracts that you were awarded.

4. Reporting Frequency

During any period of time when you are subject to the requirement in paragraph 1 of this award term and condition, you must report proceedings information through SAM for the most recent five year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.

5. Definitions

For purposes of this award term and condition:

- a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.
- b. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.
- c. Total value of currently active grants, cooperative agreements, and procurement contracts includes—
 - (1) Only the Federal share of the funding under any Federal award with a recipient cost share or match; and
 - (2) The value of all expected funding increments under a Federal award and options, even if not yet exercised.

22. CONFLICTS OF INTEREST

(a) Applicability.

- (1) This section intends to ensure that non-Federal entities and their employees take appropriate steps to avoid conflicts of interest in their responsibilities under or with respect to Federal financial assistance agreements.
- (2) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 2 CFR 200.318 apply.

(b) Requirements.

- (1) Non-Federal entities must avoid prohibited conflicts of interest, including any significant financial interests that could cause a reasonable person to question the recipient's ability to provide impartial, technically sound, and objective performance under or with respect to a Federal financial assistance agreement.
- (2) In addition to any other prohibitions that may apply with respect to conflicts of interest, no key official of an actual or proposed recipient or subrecipient, who is

substantially involved in the proposal or project, may have been a former Federal employee who, within the last one (1) year, participated personally and substantially in the evaluation, award, or administration of an award with respect to that recipient or subrecipient or in development of the requirement leading to the funding announcement.

- (3) No actual or prospective recipient or subrecipient may solicit, obtain, or use non-public information regarding the evaluation, award, or administration of an award to that recipient or subrecipient or the development of a Federal financial assistance opportunity that may be of competitive interest to that recipient or subrecipient.

(c) Notification.

- (1) Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass-through entity in accordance with 2 CFR 200.112, Conflicts of Interest.
- (2) Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by subrecipients.

(d) Restrictions on Lobbying. Non-Federal entities are strictly prohibited from using funds under this grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to 43 CFR Part 18 and 31 USC 1352.

(e) Review Procedures. The Financial Assistance Officer will examine each conflict of interest disclosure on the basis of its particular facts and the nature of the proposed grant or cooperative agreement and will determine whether a significant potential conflict exists and, if it does, develop an appropriate means for resolving it.

(f) Enforcement. Failure to resolve conflicts of interest in a manner that satisfies the Government may be cause for termination of the award. Failure to make required disclosures may result in any of the remedies described in 2 CFR 200.338, Remedies for Noncompliance, including suspension or debarment (see also 2 CFR Part 180).

23. DATA AVAILABILITY

- (a) Applicability. The Department of the Interior is committed to basing its decisions on the best available science and providing the American people with enough information to thoughtfully and substantively evaluate the data, methodology, and analysis used by the Department to inform its decisions.
- (b) Use of Data. The regulations at 2 CFR 200.315 apply to data produced under a Federal award, including the provision that the Federal Government has the right to obtain,

reproduce, publish, or otherwise use the data produced under a Federal award as well as authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

(c) Availability of Data. The recipient shall make the data produced under this award and any subaward(s) available to the Government for public release, consistent with applicable law, to allow meaningful third-party evaluation and reproduction of the following:

(i) The scientific data relied upon;

(ii) The analysis relied upon; and

(iii) The methodology, including models, used to gather and analyze data.

February 20, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Beth Rosen, Grants Compliance and Policy Manager

SUBJECT

First Reading of Ordinance No. 035, 2024, Authorizing the Release of Restrictive Covenants on Property at 2850 Sykes Drive, Developed by Fort Collins Habitat for Humanity.

EXECUTIVE SUMMARY

The purpose of this item is to obtain authorization from Council to terminate the HOME Investment Partnership Funding Development Contract with Fort Collins Habitat for Humanity (Habitat) and release the Agreement of Restrictive Covenants Affecting Real Property on the single-family home located at 2850 Sykes Drive. Termination of the contract and release of the Agreement of Restrictive Covenants is required for Fort Collins Habitat for Humanity to move forward with the sale of the home to the buyer.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

On April 13, 2023, the City entered into a Development Contract for HOME Investment Partnership (HOME) funding with Fort Collins Habitat for Humanity. The contract provided for the payment of \$80,000 in HOME funding to support the construction costs of a single-family home built in partnership with the Geometry in Construction program at Poudre High School (PHS). The contract funding agreement was secured by a Promissory Note, Deed of Trust and Agreement of Restrictive Covenants ensuring the home would be transferred to an income eligible buyer and remain affordable for a period of 20 years.

Funds were to be provided as a reimbursement of eligible construction costs to reduce the purchase price of the home for the income qualified buyer. No payments have been made under the terms of the contract.

At the time of contracting, an income eligible homeowner had been selected through Habitat's rigorous selection process. The selected buyer has since completed all program requirements and contributed the required sweat equity towards the building of the home. However, on January 5, 2024, Habitat submitted a letter to the City of Fort Collins requesting termination of the contract so they can sell the property to the buyer because the buyer no longer meets applicable income restrictions. Termination of the contract and release of the Agreement of Restrictive Covenants would allow Habitat to move forward with the sale of the unrestricted home to the buyer.

If approved, this home will not receive any investment of City or federal funds and will not be a part of the long-term affordable housing inventory. Habitat will retain a first right of refusal to purchase the home back from the owner and may seek future funding to subsidize the home for a subsequent buyer.

CITY FINANCIAL IMPACTS

The \$80,000 in unexpended HOME funds will go into the Spring 2024 Competitive Process to be allocated to another affordable housing project. Habitat for Humanity continues to build affordable home ownership units and will apply for funding to support the development of four new units at Harmony Cottages. Funding recommendations related to the reallocation of funds will be presented to Council in June as part of the 2024 Competitive Process Funding Recommendations.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Human Services and Housing Funding Board voted to recommend this request at its regular Board meeting held on January 10, 2024.

The Affordable Housing Board voted to recommend this request at its regular Board meeting held on February 1, 2024.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration
2. Request from Fort Collins Habitat for Humanity
3. Human Services and Housing Funding Board Minutes, January 10, 2024

ORDINANCE NO. 035, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE RELEASE OF RESTRICTIVE COVENANTS
ON PROPERTY AT 2850 SYKES DRIVE, DEVELOPED BY FORT
COLLINS HABITAT FOR HUMANITY

A. On April 13, 2023, the City of Fort Collins entered into a Development Contract (the "Agreement") for HOME Investment Partnership ("HOME") funding with Fort Collins Habitat for Humanity.

B. The Agreement provided for the payment of \$80,000 in HOME funding to support the construction costs of a single-family home built in partnership with the Geometry in Construction program at Poudre High School. The property is located at 2850 Sykes Drive (the "Property").

C. The HOME funding was secured by a Promissory Note, Deed of Trust and Agreement of Restrictive Covenants ensuring the Property would be transferred to an income eligible buyer and remain affordable for a period of 20 years (the "Covenant").

D. Funding under the Agreement was to be provided as a reimbursement of eligible construction costs to reduce the purchase price of the Property for the income-qualified buyer. No payments have been made by the City under the terms of the Agreement.

E. At the time of execution of the Agreement, an income eligible buyer ("Buyer") had been selected through Habitat for Humanity's selection process. The Buyer has since completed all program requirements and contributed the required physical work towards the building of the home on the Property.

F. On January 5, 2024, Habitat for Humanity requested termination of the Agreement so it can sell the Property to the Buyer, who now does not meet applicable income requirements. Termination of the Agreement and release of the Covenant would allow Habitat for Humanity to sell the Property to the Buyer. Further, there is no negative financial impact to the City because City staff will add the unpaid HOME funding to the funds distributed through the Social Sustainability's annual competitive process.

G. The City's right under the Covenant to restrict the use of the Property constitutes an interest in real property owned by the City that the City would be giving up by releasing the Covenant.

H. City Code Section 23-111(a) states that the City Council is authorized to sell, convey or otherwise dispose of any interest in real property owned by the City, provided that the City Council first finds, by ordinance, that such sale or other disposition is in the best interests of the City.

I. Authorizing the release of the Covenant in these circumstances provides flexibility to Habitat for Humanity to administer its affordable housing program, allowing it to both honor its commitment to the Buyer and to maximize its creation of new affordable housing in Fort Collins. Accordingly, the City Council hereby finds that releasing the Covenant on the Property on the terms and conditions described herein is in the best interests of the City.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the City Council hereby authorizes the City Manager to execute such documents as are necessary to release the Property from the Covenant on terms and conditions consistent with this Ordinance, along with such other terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary and appropriate to protect the interests of the City or effectuate the purposes of this Ordinance.

Introduced, considered favorably on first reading on February 20, 2024, and approved on second reading for final passage on March 5, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 15, 2024
Approving Attorney: Ted Hewitt



Building Hope and Homes... One Family at a Time.

January 5, 2024

Fort Collins City Hall
Mayor Arndt and City Council Members
300 Laporte Ave.
Fort Collins, CO 80521

Dear Mayor Arndt and City Council Members,

I am writing to request the cancellation of the 2850 Sykes project contract and release of this agreement. We are deeply grateful for the opportunity to participate in the competitive process and for the funding recommendation made by the Human Services & Housing Funding Board.

Funding received from the City of Fort Collins makes it possible to provide homeownership to hardworking buyers earning under 80% of the area median income through Habitat. The Sykes home doesn't meet the HOME Requirements now because the homeowner would now be considered over-income or not a qualified "low-income buyer". Habitat still plans to move forward with the sale to selected family based on their investment and need for the affordable product and mortgage. We recognize that a sale to this buyer would not meet the terms of the agreement and this is why we are requesting a release from the contract.

Habitat homebuyers go through a rigorous selection and build process which can take up to two years, meaning once they are invested, Habitat is committed but also in this amount of time things can change. Here is a little more information on our process.

Homebuyers are selected by our qualification committee which is made up of dedicated volunteers who are professional underwriters. These dedicated volunteers review qualifications and confirm that Habitat homebuyers are prepared to build and buy their own home. Habitat homeowners pay Habitat, the mortgage lender, an affordable fixed-rate mortgage payment that does not exceed 28% of their income and this helps to build more homes. Habitat homeowners also contribute \$1,500 toward closing costs and up to 400 hours of "sweat equity" building their home and those of other families. Meeting these minimum criteria helps ensure the success of homebuyer partner families.

To be eligible to purchase a Habitat home, families meet the following four criteria:

1. Residency - Live or work in service area, are a US citizen, or a legal permanent resident
2. Need of Housing- Housing is inadequate, unaffordable, unsafe, or not stable
3. Ability to Pay - Consistent income at 45-80% AMI, save \$1,500 toward closing costs
4. Willingness to Partner - Committed to giving 200-400 hours of "sweat equity" volunteering.



Building Hope and Homes... One Family at a Time.

Once a homebuyer is qualified and selected, they immediately begin investing their hundreds of hours of "sweat equity" building their home alongside volunteers and participating in extensive homebuyer education. For this reason, once the buyer is committed Habitat is committed as well. If a homebuyer's income increases during the 1-2 year process to build their home, this will raise the buyer's mortgage payment but not impact their selection.

As the City of Fort Collins recognized in the 2021 Housing Strategic Plan, our community has a critical shortage of affordable homes, especially the types of homes Fort Collins residents need. Addressing this acute need for affordable housing is key to the health of our residents and our community. Thank you for your commitment and that of the Board and the Dept of Social Sustainability, we will apply again for our future builds.

Sincerely,

A handwritten signature in blue ink that reads "Kristin Candella".

Kristin Candella
Executive Director and CEO

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Human Services & Housing Funding Board

REGULAR MEETING

January 10, 2024 at 5:30 PM
Remote/ZOOM

DRAFT

1. CALL TO ORDER

- At 5:31 PM the meeting was called to order by Olga Duvall.

2. ROLL CALL

- Board Members Present
 - Olga Duvall, Vice Chair
 - Christine Koepnick
 - Erma Woodfin
 - Lori Kempter
 - Michaela Ruppert
 - Mike Kulisheck
 - Mike Nielsen
 - Pat Hastings (joined in progress)
- Staff Members Present
 - Adam Molzer, Staff Liaison, Social Sustainability – City of Fort Collins
 - Beth Rosen, Social Sustainability – City of Fort Collins
 - Hannah Tinklenberg, Social Sustainability – City of Fort Collins
 - Tamra Leavenworth, Social Sustainability – City of Fort Collins
- Guests Present
 - Councilmember Julie Pignataro

For further information, details and insight, and audio recording, resources are available by contacting the HSHF-Board staff liaison.

3. AGENDA REVIEW

Olga Duvall read remote session instructions for the Human Services & Housing Funding Board and public attendees. Adam Molzer reviewed the agenda. The Board accepted the agenda without modification.

4. COMMUNITY PARTICIPATION

None.

5. APPROVAL OF MINUTES – November 8, 2023 Regular Meeting

Pat Hastings motioned to approve the November 8, 2023 meeting minutes as presented. Michaela Ruppert seconded. Mike Kulisheck abstained because he was not a member in November. Approved 7-0.

6. COUNCIL LIAISON DIALOGUE – COUNCILMEMBER JULIE PIGNATARO

Councilmember and HSHF-Board Council Liaison, Julie Pignataro, joined the HSHF-Board for discussion. Councilmember Pignataro shared that she may not continue to be the Board's council liaison into 2024 because council liaisons will be determined at the Council Retreat on January 27. Councilmember Pignataro

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Human Services & Housing Funding Board

REGULAR BOARD MEETING

shared that every two years, City Council establishes a list of priorities they would like the City to focus on and that this is the primary purpose of the Council Retreat. Councilmember Pignataro shared some of her ideas for council priorities, which include addressing food insecurity, housing affordability, and prioritizing Vision Plan Zero, which addresses safety on roads for all types of commuters.

7. UNFINISHED BUSINESS

None.

8. NEW BUSINESS

- a. Habitat for Humanity 2022 Funding Cancellation – Beth Rosen
 - Beth Rosen

Mike Kulisheck motioned that the Board approve the Habitat for Humanity request to City Council to remove the affordability restriction on the home. Erma Woodfin seconded. Approved 8-0.

- b. HOME-ARP Supportive Services – Hannah Tinklenberg & Beth Rosen
 - Hannah Tinklenberg provided an overview of the HOME-ARP Supportive Services funding.

- c. 2024 Officers Nominations – Vote in February
 - Adam Molzer

Olga Duvall made the motion for the HSHF Board to vote on Board Officers today. Michaela Ruppert motioned to nominate Pat Hastings to Board Chair. Mike Nielsen seconded. Pat Hastings abstained. Approved 7-0.

The Vice Chair position remains filled by Olga Duvall.

- d. 2023 Annual Report
 - Adam Molzer
- e. Competitive Process Update & Schedule of Activities
 - Adam Molzer

9. BOARD MEMBER REPORTS

10. STAFF REPORTS

- a. Human Services Priorities Platform Update
 - Adam Molzer

11. OTHER BUSINESS

Grantee Client Story: Adam Molzer shared a letter that was submitted to Vindeket Market from a Fort Collins

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Human Services & Housing Funding Board

REGULAR BOARD MEETING

resident who uses their services.

12. NEXT MEETING

Wednesday, February 14, 2024 | 5:30pm | 222 Laporte Avenue – Colorado River Room

13. ADJOURNMENT

Olga Duvall adjourned meeting at 7:08 PM.

Minutes were finalized and approved by the Human Services & Housing Funding Board on _____.

DRAFT

February 20, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Jonathan Piefer, Senior Real Estate Specialist
Sophie Buckingham, Civil Engineer II
Marissa Pomerleau, Development Review Coordinator

SUBJECT

First Reading of Ordinance No. 036, 2024, Approving the Vacation of a Portion of Two Easements Originally Dedicated in that Certain Replat of Coachlight Plaza PUD.

EXECUTIVE SUMMARY

The purpose of this item is to approve the vacation of a 1,077 square foot portion of two easements (8' Electrical Easement and an 8' Telephone Easement) (the "Easements") that are no longer required by the City because they are currently located beneath a newly constructed building envelope.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The Easements were originally dedicated to the City in that certain Replat of Coachlight Plaza, recorded on March 1, 1982, with the Larimer County Clerk and Recorder (the "Replat").

On May 31, 2022, Coachlight Apartments LLLP (the "Owner") acquired the property burdened by the Easements, and subsequently applied for a building permit to enlarge and remodel the original structure served by the Easements. On April 24, 2023, construction of the new building (the "New Building") was approved by the Building and Development Review Department, which issued Building Permit #B2109742 (the "Permit"). Construction was completed shortly thereafter and the Permit was closed out on November 2, 2023, thereby ending the development review process.

The Owner recently advised the City that the Easements were actually located underneath the New Building and that their final funding is contingent upon obtaining releases of that portion of the Easements that underly the New Building. The Easements do not contain any public utilities, and the Development Review Coordinator approves of the vacation of the Easements. However, the vacation of the Easements requires City Council approval because the construction project for the New Building is no longer in the development review process.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The City's Building and Development Review Department has approved the vacation of the Easement.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration
2. Exhibit A to Ordinance
3. Vicinity Map
4. Completion Letter
5. Building Permit
6. Relevant Portion of Replat

ORDINANCE NO. 036, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING THE VACATION OF A PORTION OF TWO
EASEMENTS ORIGINALLY DEDICATED IN THAT CERTAIN
REPLAT OF COACHLIGHT PLAZA PUD

A. The easements at issue were dedicated to the City in that certain Replat of Coachlight Plaza, PUD, recorded on March 1, 1982, with the Larimer County Clerk and Recorder, in Book 2156, Page 1197.

B. The easements include an easement for electrical improvements and an easement for telephone improvements (the "Easements").

C. In May 2022, Coachlight Apartments, LLLP ("Coachlight"), the owner of the property burdened by the Easements, applied to the City for a building permit to enlarge and remodel the original building served by the Easements.

D. In or about April 2023, Coachlight began construction of the new building pursuant to a City-issued building permit, which was closed out on November 2, 2023, after Coachlight completed construction. The closure of the building permit ended Coachlight's involvement in the City's development review process.

E. Coachlight recently advised the City that to obtain its final funding for the project that it must obtain releases of that portion of the Easements underlying the new building, said portion totaling 1,077 square feet.

F. City staff are recommending the City Council vacate the portion of the Easements described on Exhibit "A", attached and incorporate herein by this reference.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby finds and determines that the portions of the Easements, more particularly described on Exhibit "A," are no longer needed or required and that it is in the public interest to vacate the same.

Section 2. That the specified portions of the Easements are hereby vacated, abated and abolished, providing that:

(a) This vacation shall not take effect until this Ordinance is recorded with the Larimer County Clerk and Recorder by the property owner or its agent.

(b) If this Ordinance is not recorded by December 31, 2024, then this Ordinance shall become null and void and of no force and effect.

Introduced, considered favorably on first reading on February 20, 2024, and approved on second reading for final passage on the March 5, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 15, 2024
Approving Attorney: Ryan Malarky



ENGINEERING
PLANNING
SURVEYING

☐ P 303.682.1131
☐ F 303.682.1149

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☐ www.civilarts.us

☐ 1500 Kansas Avenue, Suite 2-E
☐ Longmont, CO 80501

EXHIBIT "A"

December 13, 2023

A description of a portion of an 8-foot Electric Easement and a portion of an 8-foot Telephone Easement within The Replat of Coachlight Plaza to be vacated by City of Fort Collins. For: Coachlight Apartments LLLP.

LEGAL DESCRIPTION

All of that part of an 8-foot Electric Easement and a part of an 8-foot Telephone Easement set forth on the plat of The Replat of Coachlight Plaza, a subdivision of the City of Fort Collins located in the NW1/4 of Section 1, T7N, R69W of the 6th P.M., County of Larimer, State of Colorado, recorded March 1, 1982, in Book 2156 at Page 1197 of the records of Larimer County, Colorado, which lies within the Community Building of Coachlight Apartments, described as follows:

COMMENCING at the Southwest Corner of said The Replat of Coachlight Plaza from which the Northwest Corner of said The Replat of Coachlight Plaza bears N00°00'00"E, 585.69 feet (Basis of Bearing), thence N33°24'16"E, 247.03 feet a point of intersection of the Southerly Line of the Community Building and Easterly Line said 8-foot Electric Easement and the POINT OF BEGINNING;

Thence N89°53'20"W, 8.00 feet along the Southerly Line of said Community Building to the Westerly Line of said 8-foot Electric Easement;

The following courses and distances are along the Westerly, Southerly, Easterly, and Northerly Lines of said 8-foot Electric Easement:

Thence N00°00'00"E, 33.76 feet;

Thence N90°00'00"W, 26.00 feet;

Thence N00°00'00"E, 8.00 feet;

Thence N90°00'00"E, 34.00 feet;

Thence S00°00'00"E, 14.00 feet to the Northerly Line of said 8-foot Telephone Easement;

Thence leaving the Easterly Line of said 8-foot Electric Easement, N90°00'00"E, 30.02 feet along the Northerly Line of said 8-foot Telephone Easement to an angle point thereof;

Thence N00°00'00"E, 20.26 feet along the Westerly Line of said 8-foot Telephone Easement to the Northerly Line of said Community Building;

Thence S89°53'20"E, 8.00 feet along the Northerly Line of said Community Building to the Easterly Line of said 8-foot Telephone Easement;

Thence S00°00'00"E, 20.25 feet along the Easterly Line of said 8-foot Telephone Easement to an angle point thereof;

Thence N90°00'00"E, 8.62 feet along the Northerly Line of said 8-foot Telephone Easement to the Easterly Line of said Community Building;

Thence S00°06'40"W, 8.00 feet along the Easterly Line of said Community Building to the Southerly Line of said 8-foot Telephone Easement;

Thence N90°00'00"W, 46.63 feet along the Southerly Line of said 8-foot Telephone Easement to the Easterly Line of said 8-foot Electric Easement;

Thence S00°00'00"E, 19.78 feet along the Easterly Line of said 8-foot Electric Easement to the POINT OF BEGINNING.

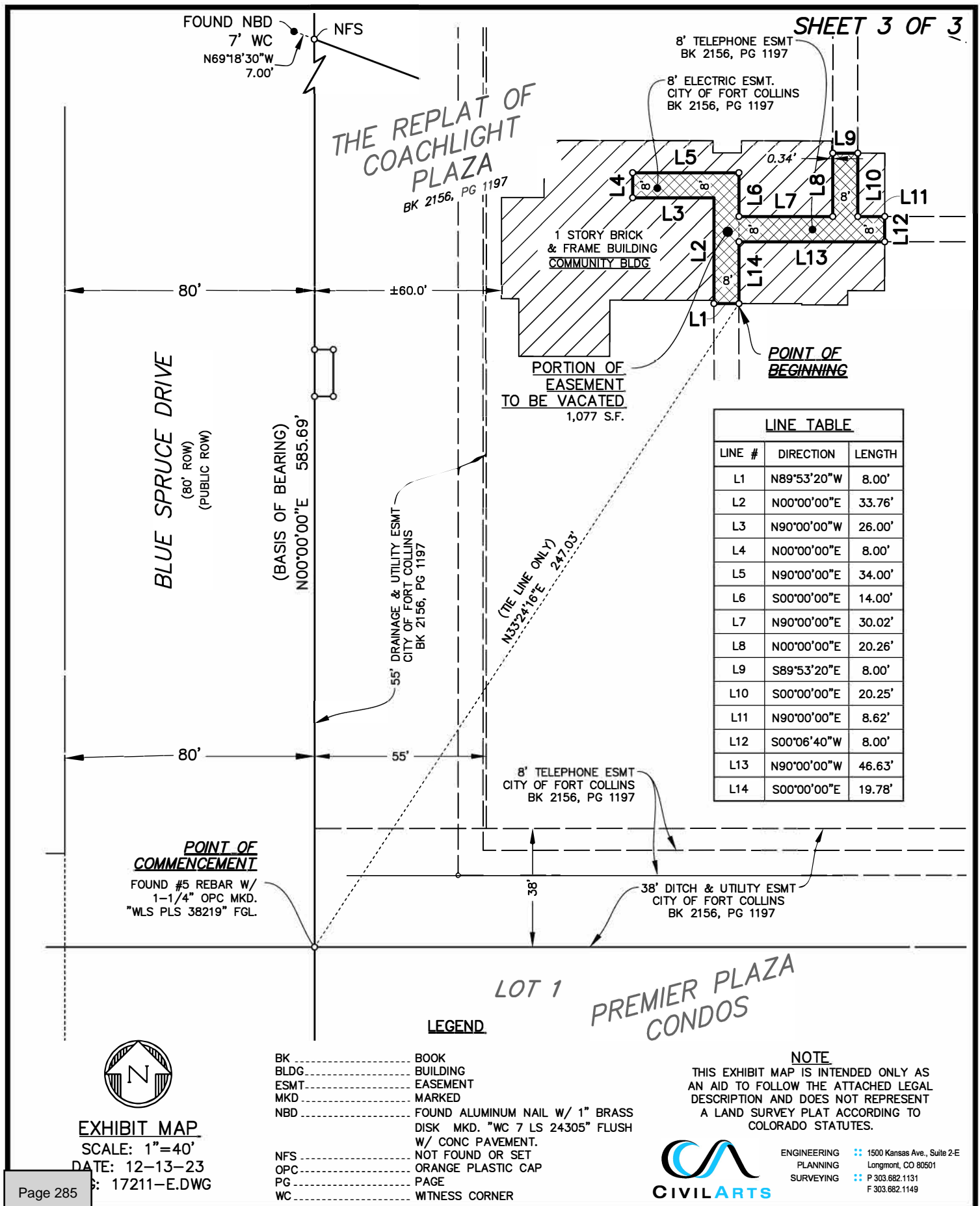
Area = 1,077 square feet acres (0.025 acres), more or less.

NOTICE: According to Colorado law you **must** commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.


 Frank N. Drexel 24305
 Colorado Professional Land
 Surveyor No. 24305
 1500 Kansas Ave #2-E, Longmont, CO 80501
 Date: 12-13-23

File: 17211-E lgl.doc

Project: 1721-1







Community Development & Neighborhood Services
281 N. College Ave
Fort Collins, CO 80522-0580
Phone: 970-221-6760 Fax: 970-224-6134

Kelly Evans
1550 BLUE SPRUCE DR
FORT COLLINS, CO 80524

100-804100-549110

Letter of Completion

Date: November 02, 2023

Permit Number: B2109742

Type of Work: 04/24/2023 Revision to include electrical gear box relocation, window relocations and new 1-line. Construction of a 3,162 sq. ft. addition and remodel. Work to include interior finishes, exterior siding and windows. Replacement of water heater, plumbing fixtures, lighting fixtures and HVAC system.

*Contractor or
Owner Address: Kelly Evans
1550 BLUE SPRUCE DR
FORT COLLINS, CO 80524*

The work authorized under the above permit has been inspected for conformance with applicable codes of the City of Fort Collins.

A handwritten signature in black ink, appearing to read "M. Min", is written over a horizontal line. The signature is fluid and cursive.



Community Development & Neighborhood Services
281 N. College Ave Fort Collins, CO 80522
970.221.6760 970.224.6134 - fax

Building Permit #: B2109742

Issued Full: 04/24/2023

Permit Type: Com, Ind or Mixed Use Addition

Site Address: 1550 BLUE SPRUCE DR

Job Valuation: \$1,300,000.00 Category:

Owner: Kelly Evans
1550 BLUE SPRUCE DR
FORT COLLINS, CO 80524

Phone: 970-484-7498

Zoning: Front Setback: _____ Rear Setback: _____ Right Setback: _____ Left Setback: _____
Minor Amend #: _____ Plat File #: _____ ZBA Case #: _____
Zoning District: MMN - MEDIUM DENSITY MIXED-USE NEIGHBORHOOD DISTRICT

Legal: Subdivision/PUD: COACHLIGHT PLAZA Filing #: _____ Lot #: _____ Block #: _____

Code: Res sq ft: 0 Com sq ft: 3162 Ind sq ft: _____ Basement sq ft: _____
of Stories: 1 Occ Group: B Const Type: V-B
Fire Sprklr: Yes Stock plan #: _____ Stock plan options: _____

Contractor: KRISCHE CONSTRUCTION, INC.
605 Weaver Park Rd.
Longmont, CO 80501

License #: C1-321
Phone: 303-776-7643

Supervisor Cert #: 4501-C1

Subcontractor(s):

Electrical:	CHADWICK ELECTRIC INC	970-484-0544
Mechanical:	FORT COLLINS HEATING & AIR	970-484-4552
Mechanical:	AIR COMFORT, INC.	970-490-1458
Roofing:	ADVANCED ROOFING TECHNOLOG	970-663-0203

License Number:

ME-17
H-1309
H-1321
R-1161

Work Description: 04/24/2023 Revision to include electrical gear box relocation, window relocations and new 1-line. Construction of a 3,162 sq. ft. addition and remodel. Work to include interior finishes, exterior siding and windows. Replacement of water heater, plumbing fixtures, lighting fixtures and HVAC system. Job contact: TBA.

SCHEDULE INSPECTIONS:

****via Text Message: 888-406-6394**

****By Phone: 970-221-6769**

Online Portal: fcgov.com/CitizenAccess

Possible Inspections Required: 101 105 203 201 206 202 204 301 300 302 103 402 303 100 200 400 102 207
205 104 401

TOTAL FEES PAID AS OF 4/24/2023: 46,612.56

*****Fee Detail Displayed on Next Page**

As a condition for the issuance of a permit, I hereby declare that I am the owner or owner's agent, authorized to perform the proposed work on the property described herein. I agree to comply with all the requirements contained herein, and City ordinances, and State laws associated with such work. I understand that such permit may be revoked in the event that issuance was based on incorrect information. This permit shall become null and void if the work authorized by such permit is not commenced, suspended, abandoned or not inspected within 180 days from the date of such permit.



Community Development & Neighborhood Services
281 N. College Ave Fort Collins, CO 80522
970.221.6760 970.224.6134 - fax

Building Permit #: B2109742

Issued Full: 04/24/2023

Permit Type: Com, Ind or Mixed Use Addition

Site Address: 1550 BLUE SPRUCE DR

Job Valuation: \$1,300,000.00 Category:

Transactions:

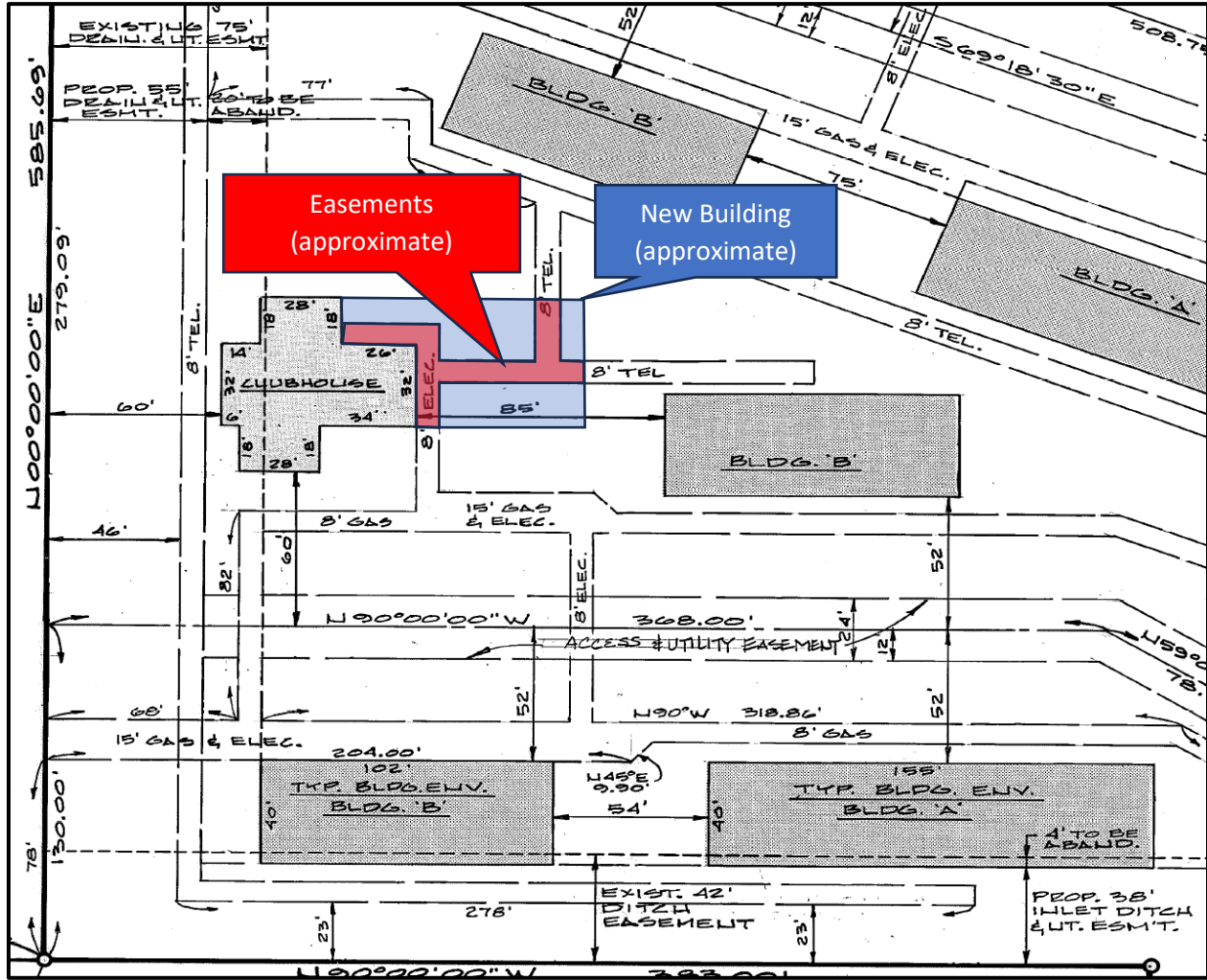
<u>Method</u>	<u>Ref Number</u>	<u>Date Paid</u>	<u>Amount Paid</u>	<u>Comments</u>
Credit Card		12/14/2021	\$3,194.43	
Check	165	08/23/2022	\$43,418.13	

Total Paid to Date: \$46,612.56

<u>Description</u>	<u>Fee Amount</u>	<u>Amount Paid</u>	<u>Date Paid</u>	<u>Amount Due</u>
Building Permit Fee w/Subs	\$6,634.58	\$6,634.58	08/23/2022	\$0.00
Fire Capital Exp. (Com)	\$1,859.26	\$1,859.26	08/23/2022	\$0.00
General Govt. Capt. Exp. (Com)	\$5,078.17	\$5,078.17	08/23/2022	\$0.00
Larimer County Reg. Road	\$1,479.82	\$1,479.82	08/23/2022	\$0.00
Plan Check Fee	\$3,194.43	\$3,194.43	12/14/2021	\$0.00
Police Capital Exp. (Com)	\$1,040.30	\$1,040.30	08/23/2022	\$0.00
Transportation Capital Exp. (Com)	\$27,326.00	\$27,326.00	08/23/2022	\$0.00
TOTAL FEES:	\$46,612.56	\$46,612.56		\$0.00

TOTAL BALANCE DUE AS OF 4/24/2023 : \$0.00

Relevant Portion of Replat Coachlight Plaza PUD



February 20, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Solara Clark, Project Coordinator

SUBJECT

Resolution 2024-009 Approving Fort Fund Special Event Grant Disbursements.

EXECUTIVE SUMMARY

The purpose of this item is to approve Fort Fund grants from the Cultural Development and Programming Account and the Tourism Programming Account for the selected community events in the Special Event Grant – January Deadline category, based upon the recommendations of the Cultural Resources Board.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

The Fort Fund grant program, established in 1989, disburses lodging tax revenues deposited in the City's Cultural Development and Programming Account and the Tourism Programming Account in accordance with the provisions of Section 25-244 of the City Code, where 25% of the revenue from the lodging tax fund is applied to the Cultural Development and Programming Account and 5% of revenue from lodging tax is dedicated to the Tourism Programming Account. Local non-profit organizations may apply to Fort Fund for cultural and/or tourism event support. The Cultural Resources Board is authorized to review grant applications based on approved guidelines and make recommendations for Fort Fund disbursements to Council, pursuant to Section 2-145 (b) of the City Code. There are three funding categories available and a total of five deadlines: Special Event Grant (January and July deadlines), Program Support Grant (March and September deadlines), and Cross-Sector Impact Grant (October deadline).

Fort Fund grants support arts and cultural events that enrich the creative vitality of the community, promote local heritage and diversity, and provide opportunities for arts and cultural participation. The grants help promote Fort Collins as a creative center and tourist destination and promote the health and well-being of all residents and visitors.

January 25, 2024, Meeting of the Cultural Resources Board

At its January 25, 2024, meeting, the Cultural Resources Board reviewed seven Special Event Grant – January Deadline applications with total requests equaling \$44,685. Seven applications were found eligible and recommended for funding for \$35,000.

The following table summarizes the Special Event Grant – January Deadline requests, available funds and grant award amounts:

Grant Requests	Available Funds	Grant Awards
\$44,685	\$35,000	\$35,000

The Cultural Resources Board scored each application using the funding criteria outlined in the Fort Fund Guidelines and discussed the applications at its January 25, 2024, meeting. The Board's approval and discussion is outlined in the draft minutes. (Attachment 2) The Board is recommending disbursement of \$35,000 to the eligible applicants as outlined in Exhibit A to the Resolution.

CITY FINANCIAL IMPACTS

The Fort Fund grant program, established in 1989, disburses lodging tax revenues deposited in the City's Cultural Development and Programming Account and Tourism Programming Account in accordance with the provisions of Section 25-244 of the City Code. This Resolution would distribute \$35,000 from the Cultural Development and Programming Account and Tourism Programming Account to local non-profit organizations. Each grantee organization must provide funds to match the grant amount. These funds were budgeted and appropriated in the 2024 budget. Lodging tax is collected pursuant to Section 25-242 of the City Code.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Cultural Resources Board is presenting these recommendations to Council for programs and organizations to receive funding at the recommended grant amounts from the Cultural Development and Programming Account and Tourism Programming Account.

Exhibit A to the Resolution presents the allocations recommended by the Cultural Resources Board to the Council for Special Event Grant – January Deadline funding.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Resolution for Consideration
2. Exhibit A to Resolution
3. Cultural Resources Board Minutes, January 25, 2024

RESOLUTION 2024-009
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING FORT FUND SPECIAL EVENT GRANT DISBURSEMENTS

A. Providers of lodging accommodations in the City are required by Section 25-242 of the City Code to pay three percent of all revenues derived from such lodging accommodations to the City as a lodging tax.

B. The Fort Fund Grant Program (“Fort Fund”) supports projects and activities that provide arts and cultural programming to the Fort Collins community and visitors.

C. Established in 1989, Fort Fund distributes lodging tax revenues deposited in the City’s Cultural Development and Programming Account and the Tourism Programming Account in accordance with the provisions of Section 25-244 of the City Code.

D. Local non-profit organizations may apply to Fort Fund for cultural and tourism event support. There are three Fort Fund funding programs available for applicants: Special Events; Program Support; and Cross-Sector Impact.

E. The City's Cultural Resources Board reviews applications from the community for Fort Fund monies and makes recommendations to the City Council in accordance with Section 2-145(b) of the City Code and the administrative guidelines for Fort Fund (the “Fort Fund Guidelines”).

F. At its meeting on January 25, 2024, the Cultural Resources Board recommended funding for various proposals in the Special Events category based on the criteria and considerations set forth in Section 2-145(b) of the City Code and the Fort Fund Guidelines.

G. The use of lodging tax revenues will provide a public benefit to the Fort Collins community by supporting cultural development and public programming activities within the City that promote the use of public accommodations within the City.

H. The City Council desires to approve Fort Fund grant disbursements as set forth in Exhibit “A,” which is attached hereto.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council hereby finds that the distribution of funds through the Fort Fund program as set forth on Exhibit “A” will promote the cultural and economic health of the community and in doing so will serve a recognized and valuable public purpose.

Section 2. Funds in the total amount of THIRTY-FIVE THOUSAND DOLLARS (\$35,000), comprised of \$17,139 from the City's Cultural Development and Programming Account and \$17,861 from the Tourism Programming Account, are hereby approved for distribution as set forth in Exhibit "A".

Passed and adopted on February 20, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: February 20, 2024

Approving Attorney: Ted Hewitt

FORT FUND GRANT PROGRAM
2024 Special Event Grant - January Deadline

APPLICANT	PROPOSED EVENT/DATE	FUNDING REQUESTS	Approved Funding		UNFUNDED BALANCE	PERCENT OF REQUEST FUNDED
			CULTURAL DEVELOPMENT & PROGRAMMING	TOURISM PROGRAMMING		
ARCINDA	Gamelan Music, Various Dances, and Rod Puppets from Indonesia April 27, 2024	\$3,685	\$2,763		\$922	75%
Black Fret (DBA Sonic Guild)	Love Your Music Sonic Guild Showcase August 2024	\$6,000	\$4,233		\$1,767	71%
Disabled Resource Services	BluesFest 2024 July 26, 2024	\$7,500		\$5,292	\$2,208	71%
Laudamus Chamber Chorale	Faure Requiem Concert November 16, 2024	\$7,500	\$6,615		\$885	88%
Northern Colorado Intertribal Pow-wow Association, Inc.	30th Annual Spring Contest Pow- wow and Art Market April 13-14, 2024	\$7,500		\$6,615	\$885	88%
Poudre Landmarks Foundation	Old Fashioned 4th of July Celebration July 4, 2024	\$5,000	\$3,528		\$1,472	71%
Sustainable Living Association	14th Annual Earth Day Fort Collins April 20, 2024	\$7,500		\$5,954	\$1,546	79%
Totals		\$44,685	\$35,000		\$9,685	78%

Scores are based on application materials and Fort Fund's "Criteria for Funding."

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS

Cultural Resources Board

REGULAR MEETING



Thursday, January 25, 2024 – 5:30 PM, Columbine Room, The Lincoln Center

CALL TO ORDER: 5:33 PM

ROLL CALL

- Board Members Present – Sheri Emerick, Conner Horak-Flood, Vicki Fogel Mykles (Vice-Chair), Audra Vaisbort
- Board Members Remote – Leslie Walker (Chair)
- Board Members Absent – Kelly Barber, Jessica MacMillan
- Staff Members Present – Solara Clark, Cheryl Donaldson Moses
- Guest(s) –

AGENDA REVIEW

- Vicki Fogel Mykles (Vice-Chair) will be facilitating the meeting while Leslie Walker (Chair) participates remotely via Zoom.
- Katy Schneider was unable to attend the meeting. Her agenda item will be removed from New Business.
- The Fort Fund business cards will be discussed under New Business, with Solara Clark providing an explanation.

CITIZEN PARTICIPATION

- Ron Martin attended the meeting to observe.

APPROVAL OF MINUTES

- Approval of December 2023 minutes.
- Vicki Fogel Mykles noted a misspelling on the minutes. “Doner” should be corrected to “donor”. Solara Clark will make this correction.
- Sheri Emerick made a motion to accept the corrected minutes. Leslie Walker seconded the motion. The motion passed unanimously. Approved by roll call, Ayes: Sheri Emerick, Conner Horak-Flood, Vicki Fogel Mykles, Audra Vaisbort, Leslie Walker.

UNFINISHED BUSINESS

NEW BUSINESS

- Fort Fund Business Cards
 - Solara Clark explained the Fort Fund Business Cards that were distributed prior to the meeting.
 - The idea came from Leslie Walker to have an easy way to pass along information about Fort Fund and the Cultural Resources Board. These cards provide a small description of the program as well as a QR code that leads to the Fort Fund website.
 - Each Board member in attendance received five cards each and can request more from Solara Clark.

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS

Cultural Resources Board

REGULAR MEETING



Thursday, January 25, 2024 – 5:30 PM, Columbine Room, The Lincoln Center

- Cheryl Donaldson Moses, Executive Director of Fort Collins Museum of Discovery, City Partner – Introduction
 - Cheryl Donaldson Moses introduced herself to the Board.
- 2024 Special Event Grant: January Deadline – Discussion and Funding Recommendations
 - Solara Clark reviewed the 2024 Special Event Grant: January Deadline Funding Results and explained how scoring and available funds affects the amount funded per application.
 - The Board discussed and reviewed seven 2024 Special Event Grant: January Deadline applications and funding recommendations.
 - The Board took special note to discuss how they can help Fort Fund nonprofit grantees in the future through a variety of topics. Vicki Fogel Mykles noted that discussion should continue during the next New Business Item. The Board agreed and temporarily table discussion.
 - Conner Horak-Flood made a motion to accept the funding recommendations. Audra Vaisbort seconded the motion. The motion passed unanimously. Approved by roll call, Ayes: Sheri Emerick, Conner Horak-Flood, Vicki Fogel Mykles, Audra Vaisbort, Leslie Walker.
- Capacity Building Workshop Series – Brainstorm
 - Vicki Fogel Mykles reviewed the history and reasoning for the Capacity Building Workshop Series that is a part of the 2024 Cultural Resources Board Work Plan.
 - Vicki Fogel Mykles explained the brainstorming document attached to the 2024 January meeting agenda.
 - Leslie Walker and Vicki Fogel Mykles met as Chair and Vice-Chair to start a preliminary list of ideas for the capacity building workshop series.
 - Leslie Walker, Vicki Fogel Mykles, and Solara Clark met to review and refine this list before sending it to the Board.
 - The purpose of this discussion is to review and add any missing topics the Board would like considered for the Capacity Building Workshop Series as well as identify which topic(s) should begin the series.
 - Conner Horak-Flood expressed interest in starting with marketing and grant-writing.
 - Audra Vaisbort expressed interest in starting with marketing.
 - The Board agreed that social media should be added to marketing as a key topic.
 - The Board agreed that branding should fall under marketing.
 - Cheryl Donaldson Moses noted that because of her own professional experience, she believes board development should be the first topic.
 - Sheri Emerick noted that fiscal responsibility and budgeting should be the first topic.
 - It was mentioned that “Fort Fund 101” should be an added topic to the list.

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS

Cultural Resources Board

REGULAR MEETING



Thursday, January 25, 2024 – 5:30 PM, Columbine Room, The Lincoln Center

- Given the diverse range of opinions regarding the initial topic selection for the Capacity Building Workshop Series, the Board agreed to spend time outside of meetings to review and rank topics.
 - Solara Clark will send a list of topics and the Board is asked to review and send back their ranking for each topic.
 - Staff will analyze overlaps and present findings at the February meeting.

DIRECTOR'S REPORT

- Cheryl Donaldson Moses updated the Board on department operations:
 - Cheryl Donaldson Moses updated the Board on the interview process for the Cultural Services Director position.
 - Cheryl Donaldson Moses updated the Board on the Community Center for Creativity renovation.
 - The 2024 Art to Live Grant Program has officially closed applications and is in the process of selecting recipients through a lottery system draw.
 - Cheryl Donaldson Moses passed around the annual reports for Art in Public Places, the Fort Collins Museum of Discovery, and The Gardens on Spring Creek.
 - The Board is asked to review at their leisure.
 - Cheryl Donaldson Moses informed the Board of the upcoming exhibit schedule for the Fort Collins Museum of Discovery.

BOARD MEMBER REPORTS

- Audra Vaisbort attended the Fort Collins Symphony/Friends of the Symphony's Peter and the Wolf family concert.
- Vicki Fogel Mykles attended the Friends of the Gardens on Spring Creek's Garden of Lights event.
- Leslie Walker attended Friends of the Gardens on Spring Creek's Garden of Lights event, an exhibit at the Global Village Museum, and a performance by the Larimer Chorale.

OTHER BUSINESS

ADJOURNMENT:

Audra Vaisbort made a motion to adjourn at 6:54 PM. Sheri Emerick seconded the motion. The motion passed unanimously. Approved by roll call, Ayes: Sheri Emerick, Conner Horak-Flood, Vicki Fogel Mykles, Audra Vaisbort, Leslie Walker.

Respectfully submitted,
Solara Clark
Project Coordinator

February 20, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Kelly DiMartino, City Manager

SUBJECT

Resolution 2024-010 Authorizing the Initiation of Exclusion Proceedings of Annexed Properties Within the Territory of the Poudre Valley Fire Protection District and Authorizing an Intergovernmental Agreement with Said District.

EXECUTIVE SUMMARY

The purpose of this item is to authorize the City Attorney to file a petition in Larimer County District Court to exclude the property annexed into the City in 2023 from the Poudre Valley Fire Protection District (the "District") in accordance with state law. The property affected by this Resolution is the Thompson Thrift Spaulding Addition Annexation. Colorado Revised Statutes Section 32-1-502 requires an order of exclusion from the District Court to remove the annexed property from special district territories. The property has been receiving fire protection services from the Poudre Fire Authority and will continue to do so. The City Attorney's Office files the petition in Larimer County District Court each year seeking exclusion for all properties annexed in the previous year that should be removed from the District to avoid double taxation.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

Property that is within a fire protection district continues to be subject to the District's property tax assessment even after annexation to the City until the property is officially excluded from the District. Exclusion must occur pursuant to state law (C.R.S. Section 32-1-502). The law allows the City to seek exclusion of annexed property from the District so that the property is not subject to property tax assessment by both the District and the City.

In 2023, the City annexed one area within the territory of the District, the legal description of which is set forth in Exhibit "A" to the proposed Resolution.

Consistent with the state law, this proposed Resolution authorizes:

1. The City Attorney to file a petition on behalf of the City to exclude the annexed property from the District; and
2. The City Manager to enter into an agreement with the District for the continuation of fire protection services within the annexed property.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Resolution for Consideration
2. Exhibit A to Resolution
3. Exhibit B to Resolution

RESOLUTION 2024-010
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE INITIATION OF EXCLUSION
PROCEEDINGS OF ANNEXED PROPERTIES WITHIN THE
TERRITORY OF THE POUDRE VALLEY FIRE PROTECTION
DISTRICT AND AUTHORIZING AN INTERGOVERNMENTAL
AGREEMENT WITH SAID DISTRICT

A. In 2023, the City annexed one property within the territory of the Poudre Valley Fire Protection District (the “District”).

B. Colorado Revised Statutes (“C.R.S.”) Section 32-1-502 requires an order of exclusion from the district court to remove the annexed property from special district territories.

C. Under the provisions of C.R.S. Section 32-1-502(2)(a), an order excluding property from the boundaries of a special district requires the governing body of the annexing municipality to agree, by resolution, to provide the services previously provided by the special district to the area described in the petition for exclusion from and after the effective date of the exclusion order.

D From the date of such annexations, the City has provided municipal services to said property, including fire services.

E. The residents within the property described on Exhibit “A” attached hereto and incorporated herein by this reference (the “Annexed Property”) have paid ad valorem property taxes to the District for fire protection services prior to exclusion, and subsequent to exclusion, will instead pay ad valorem property taxes to the City for City services, including fire protection.

F. It is the desire and intent of the City Council to reflect by this Resolution its willingness to provide fire protection services to the Annexed Property and to exclude the Annexed Property from the District.

G. The City Council wishes to properly exclude the Annexed Property from the District in accordance with law and to allow for the provision of fire protection services to such property by the Poudre Fire Authority, which is an independent entity providing fire protection services to both the District and the City pursuant to an intergovernmental agreement.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council hereby agrees that the Annexed Property should be excluded from the District.

Section 2. The City Council hereby authorizes the City Attorney to file a petition in the Larimer County District Court pursuant to C.R.S. Section 32-1-502 for an order to exclude the Annexed Property, the boundaries of which are described on Exhibit "A".

Section 3. The City Council hereby agrees to provide fire protection service, through the Poudre Fire Authority, to the Annexed Property.

Section 4. The City Council hereby finds that a plan for the disposition of assets or continuation of service is unnecessary as the Poudre Fire Authority has in the past served, and continues to serve, both the District and the City.

Section 6. The City Manager is authorized to enter into an agreement with the District for the continuation of services for the Annexed Property, which agreement shall be substantially in the form of Exhibit "B" attached hereto, subject to such modifications as the City Manager may, in consultation with the City Attorney, deem necessary or appropriate to protect the interests of the City.

Passed and adopted on February 20, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: February 20, 2024
Approving Attorney: Dawn Downs

THOMPSON THRIFT SPAULDING ADDITION ANNEXATION

A parcel of land situate in the Southwest Quarter of Section Thirty-six (36), Township Eight North (T.8N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.) being more particularly described as follows:

BEGINNING AT THE NORTHEAST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 8 NORTH RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, THENCE WEST 150 FEET; THENCE SOUTH 959 FEET MORE OR LESS, TO THE NORTH LINE OF RIGHT OF WAY OF THE LARIMER AND WELD RESERVOIR COMPANY CANAL; THENCE EASTERLY ALONG SAID RIGHT OF WAY TO A POINT DUE SOUTH OF THE POINT OF BEGINNING; THENCE NORTH 975 FEET, MORE OR LESS TO THE POINT OF BEGINNING,

EXCEPT THAT PORTION CONVEYED TO LARIMER COUNTY IN DEED RECORDED JULY 29, 1986 UNDER RECEPTION NO. 86040958, COUNTY OF LARIMER, STATE OF COLORADO.

Being more particularly described as follows:

A parcel of land being a part of the Southeast Quarter of the Southwest Quarter of Section 36, Township 8 North Range 69 West of the 6th P.M., City of Fort Collins, County of Larimer, State of Colorado, being more particularly described as follows:

Considering the South line of the Southeast Quarter of the Southwest Quarter of said Section 36, as bearing North 89°17'51" West, an assumed bearing, and with all bearing contained herein relative thereto:

Commencing at the Southwest corner of Willox Heights Annexation to the City of Fort Collins;

THENCE along the West line of said Willox Annexation North 00°39'21" East a distance of 174.71 feet to the POINT OF BEGINNING;

THENCE departing said line, North 51°19'10" West a distance of 56.19 feet;

THENCE North 76°29'10" West a distance of 108.46 feet;

THENCE North 00°39'21" East a distance of 1072.10 feet to a point on the South right-of-way line of Spaulding Lane, said line also being the South line of Sherman-Lawler First Annexation to the City of Fort Collins;

THENCE along said South line South 84°52'02" East a distance of 150.46 feet to a point on the West line of said Willox Heights Annexation;

THENCE along said line West line South 00°39'21" West a distance of 1119.10 feet to the POINT OF BEGINNING.

Said described track of land contains 163,045 square feet or 3.743 acres, more or less and may be subject to any rights-of-way or other easements as granted or reserved by instruments of record or as now existing on said described parcel of land.

EXHIBIT B TO RESOLUTION 2024-010

**MEMORANDUM OF AGREEMENT FOR
CONTINUATION OF SERVICE
(POUDRE VALLEY FIRE PROTECTION DISTRICT/CITY OF FORT COLLINS)**

THIS AGREEMENT, is made and entered into on _____, by and between the CITY OF FORT COLLINS, COLORADO, a municipal home-rule corporation (the “City”), and the POUDRE VALLEY FIRE PROTECTION DISTRICT, a special statutory district within the State of Colorado (the “District”);

WHEREAS, the City has recently filed pursuant to Section 32-1-502(1)(a), C.R.S., a Petition with the District Court in and for Larimer County, Colorado for an Order excluding a certain property from the territory of the District, which property is shown on Exhibit “A” (the “Property”) hereto attached, the contents of which are incorporated by reference herein; and

WHEREAS, said Petition is premised upon the prior annexation and inclusion of the Property within the municipal boundaries of the City; and

WHEREAS, it is the mutual desire of the City and the District to set forth their understanding and agreement with regard to the continuation of fire protection services to the Property, as well as remaining properties within the boundaries of the District and Poudre Fire Authority, as defined below.

NOW, THEREFORE, in consideration of the mutual covenants, conditions and obligations herein contained, the parties agree:

1. From and after the effective date of any Order of Exclusion issued by the District Court in response to the City’s Petition, filed pursuant to Section 32-1-502(1)(a), which effective date is anticipated to be January 1, 2025, the City will continue to assume full and complete responsibility for fire protection services to the Property. Such fire protection services shall be provided by Poudre Fire Authority (“PFA”) pursuant to that certain Amended and Restated Intergovernmental Agreement effective July 15, 2014, by and between the City and the District.

2. From and after the effective date of the Exclusion Order entered by the District Court in and for Larimer County, Colorado, the District shall have no further liability or responsibility with regard to the provision of fire protection services for the Property or any improvements thereon, other than the obligations existing under the aforementioned intergovernmental agreement creating PFA for the provision of regional fire services.

3. From and after the effective date of any Exclusion Order entered by the District Court in and for Larimer County, Colorado, the District agrees that the Property shall be free from taxation by the District, other than mill levies assessed for purposes of paying outstanding bonded indebtedness and interest thereon, owed by the District effective immediately prior to the effective date of such Exclusion Order. Exclusion of the Property from the District and entry of an

EXHIBIT B TO RESOLUTION 2024-010

Exclusion Order by the District Court shall not affect any claim the District may have or the District's ability to make such claim for taxes which were certified by the District prior to the effective date of the Exclusion Order.

4. The District will retain ownership of all equipment and facilities now owned by the District, including such facilities as may be located within the Property, if any.

5. The District will, through its agreement with PFA, continue to provide fire protection services to those properties located within the boundaries of the District, as modified by the exclusion of territory pursuant to the anticipated Exclusion Order requested from the District Court.

6. In the event that any bonded indebtedness exists as of the effective date of the anticipated Exclusion Order, the Board of Directors of the District shall continue to assess a proportional mill levy against the Property, together with other properties within the boundaries of the District, sufficient to repay the principal and accrued interest on any such bonded indebtedness in accordance with the terms and provisions of the instruments pursuant to which said obligations have been created and incurred.

7. Nothing within this Agreement shall modify or terminate any obligations of the City or the District with respect to existing obligations under the intergovernmental agreement forming the PFA, including any future amendments or modifications thereto as the parties may hereafter agree.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

ATTEST:

CITY OF FORT COLLINS, COLORADO,
a municipal home-rule corporation

City Clerk

Kelly DiMartino, City Manager

Approved as to form:

Dawn Downs, Senior Assistant City Attorney

EXHIBIT B TO RESOLUTION 2024-010

POUDRE VALLEY FIRE PROTECTION
DISTRICT,
a special statutory district within the State of
Colorado

By: _____
Chairman, Board of Directors

Approved as to form:

By: Allison C. Ulmer
Attorney for Poudre Valley Fire Protection
District

February 20, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Darren Parkin, Halligan Water Supply Project Manager
Jason Graham, Director of Water Utilities

SUBJECT

Resolution 2024-011 Authorizing the City Manager to Execute an Agreement Between the City of Fort Collins and the City of Greeley Regarding Certain Aspects of the Halligan Water Supply Project, Including Water Quality Analysis, Mitigation Measures, and Milton Seaman Reservoir Release Gate Design.

EXECUTIVE SUMMARY

The purpose of this item is to authorize a proposed agreement ("Proposed Agreement") between the City of Fort Collins ("Fort Collins") and the City of Greeley ("Greeley") (together, "Cities") regarding certain aspects of the Halligan Water Supply Project ("Halligan Project"). Greeley owns Milton Seaman Reservoir on the North Fork of the Poudre River ("North Fork"), downstream of the Halligan Project. Greeley is undergoing a time sensitive capital infrastructure replacement project for the release gate on their reservoir. Fort Collins desires that the new release gate also be able to bypass and account for Halligan Project releases. In addition, Greeley anticipates that there may be water quality impacts caused by certain operational changes due to the Halligan Project. The Cities are working collaboratively on these issues.

Under the Proposed Agreement, the Cities would collaboratively study and do design work. The Cities would:

- retain AECOM as a consultant for Phase 1 (Analysis and Preliminary Design) to perform a jointly agreed upon scope of work (release gate design and water quality identification and mitigation);
- agree to use the results of Phase 1 to develop a plan for Phase 2 (Implementation); and
- agree to a 50/50 cost share for Phase 1, \$553,490 (Fort Collins' obligation \$276,745).

Fort Collins staff's analyses indicate that the Proposed Agreement is beneficial to the City and the Halligan Project. An anticipated subsequent agreement on Phase 2 would be brought to Council.

STAFF RECOMMENDATION

Staff recommends approval of the Resolution.

BACKGROUND / DISCUSSION

Halligan Water Supply Project

Fort Collins, through Fort Collins Utilities, is pursuing the Halligan Project. The Halligan Project will provide 7,900 AF of additional firm yield for Fort Collins Utilities water demands through 2065 with water of a quality comparable to the water now delivered to its customers. It will also provide a storage reserve for emergency water supply, increase drought security; improve water system reliability and flexibility; and meet future water demands of the Fort Collins Utilities water service area.

The Halligan Project includes: the enlargement of Halligan Reservoir, which primarily entails replacing Halligan Dam; and the replacement of the diversion structure for the North Poudre Canal and related infrastructure on the North Fork.

The City is seeking a Clean Water Act Section 404 Permit from the United States Army Corps of Engineers, with the Final Environmental Impact Statement (FEIS) being released in October 2023 and a final Record of Decision (ROD) expected in 2025. The Halligan Fish and Wildlife Mitigation and Enhancement Plan (FWMEP) was also approved in 2023 by Colorado Parks and Wildlife and the Colorado Water Conservation Board. Various other permits are also being obtained such as a Clean Water Act Section 401 Water Quality Certification from the Water Quality Control Division of the Colorado Department of Public Health and Environment; and a 1041 permit from Larimer County.

The Halligan Project includes numerous environmental mitigation and enhancement actions that will avoid impacts, minimize impacts, compensate for unavoidable impacts, and enhance the environment, including providing minimum flows in the North Fork and eliminating existing and historical dry-up reaches of the river.

Information on the Halligan Project can be found here: <https://www.fcgov.com/halligan/>

Proposed Agreement with Greeley

Greeley owns Milton Seaman Reservoir on the North Fork, downstream of the Halligan Project. Greeley previously planned to enlarge Milton Seaman Reservoir and was coordinating with Fort Collins on the federal permitting process. However, in April 2021, Greeley withdrew its proposal to the U.S. Army Corps of Engineers to enlarge Milton Seaman Reservoir and is not pursuing that project.

Greeley is currently undergoing a time sensitive capital infrastructure replacement project for the release gate on Milton Seaman Reservoir, which are located in the reservoir's dam. Milton Seaman Reservoir and its infrastructure are located upstream from the City's Gateway Natural Area and are generally not visible from the natural area. Greeley's work is needed, in part, because the release gate is old and Greeley will not be replacing the gate and the entire dam, as they no longer intend to enlarge Milton Seaman Reservoir.

Fort Collins desires that the new release gate on Milton Seaman Reservoir be designed and constructed in a certain way so that it can bypass and account for releases from the enlarged Halligan Reservoir that will need to pass through Milton Seaman Reservoir. These releases through the North Fork are fundamental to the Halligan Project and bring environmental benefits to the North Fork, including as it flows below Milton Seaman Reservoir and Through Gateway Natural Area. In addition, Greeley anticipates that there may be water quality impacts caused by certain operational changes due to the Halligan Project. Fort Collins and Greeley staff have been discussing these issues for some time.

To address both Greeley's concerns and Fort Collins' needs, Fort Collins and Greeley staff are pursuing a two-phased project: Phase 1 (Analysis and Preliminary Design) and Phase 2 (Implementation). The Proposed Agreement before Council is just for Phase 1.

Under the Proposed Agreement, the Cities would:

- Retain AECOM as a consultant for Phase 1 (Analysis and Preliminary Design) to perform a jointly agreed upon scope of work (release gate design and water quality identification and mitigation);
- Agree to use the results of Phase 1 to develop a plan for Phase 2 (Implementation); and
- Agree to a 50/50 cost share for Phase 1, \$553,490 (Fort Collins obligation \$276,745).

Fort Collins staff analyses indicate that the Proposed Agreement is beneficial to the City and the Halligan Project. The Proposed Agreement provides for collaborative work with an important regional partner, helps address Greeley's concerns (an important regional partner), and moves Fort Collins closer to having needed infrastructure in place for the Halligan Project.

The Cities anticipate a subsequent agreement on Phase 2. Such an agreement would be negotiated following the Cities' review and discussion of the results of Phase 1 and would be an opportunity to further consider potential impacts, including any potential impacts to Gateway Natural Area. A subsequent agreement for Phase 2 would be brought to Council.

CITY FINANCIAL IMPACTS

Fort Collins' contribution under the Proposed Agreement is \$276,745, which has been appropriated from the Water Fund.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None. Greeley's capital infrastructure replacement project for the release gate on Milton Seaman Reservoir is time sensitive.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Resolution for Consideration
2. Exhibit A to Resolution

RESOLUTION 2024-011
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT
BETWEEN THE CITY OF FORT COLLINS AND THE CITY OF GREELEY
REGARDING CERTAIN ASPECTS OF THE HALLIGAN WATER SUPPLY
PROJECT, INCLUDING WATER QUALITY ANALYSIS, MITIGATION
MEASURES, AND MILTON SEAMAN RESERVOIR RELEASE GATE DESIGN

A. The City of Fort Collins (“Fort Collins”) is pursuing the Halligan Water Supply Project (“Halligan Project”), which includes the enlargement of Halligan Reservoir, an existing reservoir on the North Fork of the Cache la Poudre River (“North Fork”).

B. The City of Greeley (“Greeley”) owns Milton Seaman Reservoir, an existing reservoir located on the North Fork downstream of Halligan Reservoir. Greeley is in the process of a capital project to replace the reservoir release gate at Milton Seaman Reservoir (“Greeley’s Replacement Gate Design Project”).

C. Fort Collins and Greeley (“Cities”) have been in discussion regarding:

- “Greeley’s Concerns,” being potential structural and operational changes at Milton Seaman Reservoir and/or Greeley’s Bellvue Water Treatment Plant necessary to mitigate certain anticipated water quality impacts caused by the Halligan Project; and
- “Fort Collins’ Objectives,” being potential operational and reservoir release gate design changes at Milton Seaman Reservoir necessary to accommodate certain environmental mitigation and enhancement commitments on behalf of Fort Collins for the Halligan Project.

D. The Cities’ efforts will comprise of two general phases:

- Phase 1 – Analysis and Preliminary Design
- Phase 2 – Implementation

E. For Phase 1, the Cities intend to retain a consultant to evaluate Greeley’s Concerns and redesign Greeley’s Replacement Gate Design Project to meet Greeley’s requirements and accommodate Fort Collins’ Objectives. The Cities desire that AECOM, as an existing consultant for both Cities, perform Phase 1.

F. The Cities have negotiated an Agreement, a copy of which is attached as Exhibit “A,” to work together for Phase 1.

G. The Agreement includes a scope of work, (“Study”), which includes water quality analysis and an evaluation a comparison of certain water quality mitigation

measures, including oxygenation and aeration and a multi-level outlet tower and gate design that would allow for smaller releases to accommodate Fort Collins' Objectives.

J. The Study is intended as a basis for developing an implementation plan for Phase 2 that will be the subject of a subsequent agreement, including establishing potential future impacts, identifying appropriate mitigation measures, and evaluating preliminary gate designs, and developing an implementation plan for Phase 2.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the City Manager is hereby authorized to execute an Agreement substantially in the form of Exhibit "A", with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City or effectuate the purposes of this Resolution.

Passed and adopted on February 20, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: February 20, 2024
Approving Attorney: Eric Potyondy

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF GREELEY AND
THE CITY OF FORT COLLINS REGARDING CERTAIN ASPECTS OF THE
HALLIGAN WATER SUPPLY PROJECT**

(Water Quality Analysis and Mitigation Measures, and
Milton Seaman Reservoir Release Gate Design)

This Intergovernmental Agreement (“Agreement”) is entered into on the date of execution shown on the signature pages, by and between the City of Fort Collins, a home rule municipal corporation, (“Fort Collins”) and the City of Greeley, a home rule municipal corporation, (“Greeley”) (together “Parties,” and individually “Party”).

RECITALS

- A. Through the Halligan Water Supply Project (“Halligan Project”), Fort Collins is pursuing the enlargement of Halligan Reservoir, an existing reservoir located on the North Fork of the Cache la Poudre River (“North Fork”); and,
- B. Greeley owns Milton Seaman Reservoir, an existing reservoir located on the North Fork downstream of Halligan Reservoir; and,
- C. Greeley is in the process of an urgent capital project to replace the reservoir release gate at Milton Seaman Reservoir (“Replacement Gate Design Project”); and,
- D. The Parties have been in discussion regarding potential structural changes at Milton Seaman Reservoir and/or Greeley’s Bellvue Water Treatment Plant necessary to mitigate certain anticipated water quality impacts caused by and operational changes due to the Halligan Project (“Greeley’s Concerns”) and potential operational and reservoir release gate design changes at Milton Seaman Reservoir necessary to accommodate certain environmental mitigation and enhancement commitments on behalf of Fort Collins (“Fort Collins’ Objectives”); and,
- E. The Parties recognize that Greeley’s current Replacement Gate Design Project design may need to be modified to accommodate Fort Collins’ Objectives; and,
- F. The Parties would like to retain a consultant to evaluate Greeley’s Concerns and redesign the Replacement Gate Design Project to meet Greeley’s requirements and accommodate Fort Collins’ Objectives; and,
- G. The Parties’ efforts will comprise of two general phases:

Phase 1 – Analysis and Preliminary Design
Phase 2 – Implementation
- H. The Parties desire that AECOM, as an existing consultant for both Parties, should perform Phase 1; and,

- I. The Parties have developed the attached scope of work, attached hereto as Exhibit A (“Study”), which includes water quality analysis and an evaluation and comparison of certain water quality mitigation measures, including oxygenation and aeration and a multi-level outlet tower (“Tasks 1-6”) and gate design that would allow for smaller releases to accommodate Fort Collins’ Objectives (“Task 7”); and,
- J. The Parties intend to use the Study as a basis for developing an implementation plan for Phase 2 that will be the subject of a subsequent agreement, including establishing potential future impacts, identifying appropriate mitigation measures, and evaluating preliminary gate designs (“Purpose”); and,
- K. As governmental entities, the Parties are authorized to enter into the following intergovernmental agreement pursuant to C.R.S. §29-1-203.

AGREEMENT

- 1. **Incorporation of Recitals.** The foregoing recitals are hereby incorporated as if fully restated in their entirety.
- 2. **Purpose.** The purpose of this Agreement is to establish the Parties’ respective financial and management obligations and their mutual understanding and agreement as to the Purpose for the Study. Nothing in this Agreement addresses Phase 2 – Implementation.
- 3. **Funding.** Greeley and Fort Collins will split the cost evenly. Greeley will contract with AECOM and will be responsible for making all payments. Greeley will invoice Fort Collins for its share of the cost, with payment due to Greeley thirty (30) days after receipt.
- 4. **Management Obligations.**
 - 4.1. **Water Quality and Mitigation Analysis—Tasks 1-6.**
 - 4.1.1. Notwithstanding Greeley’s contractual relationship with AECOM, Greeley and Fort Collins will jointly manage AECOM and the development of Tasks 1-6. Each Party will appoint a project manager who will be responsible for conferring with their counterpart before providing any direction to AECOM. For purposes of this Agreement, the project managers (each a “PM”) are as follows:

Fort Collins Project Manager: Halligan Project Manager
Attn: Darren Parkin
Phone: (307) 630-9414
dparkin@fcgov.com

Greeley Project Manager: Water & Sewer Chief Engineer,
Attn: Adam Prior, P.E.

Phone: (970) 350-9875

Adam.Prior@greeleygov.com

- 4.1.2. The Greeley PM will be responsible for ensuring that the Fort Collins PM is provided with copies of all reports, data, drawings, computer programs, or other reproducible, tangible things developed by AECOM in connection with Tasks 1-6 (“Water Quality Work Product”). In addition, Greeley will obtain AECOM’s agreement that Fort Collins may use the Water Quality Work Product for any purpose connected to this Agreement.
- 4.1.3. Each Party will be entitled to review and provide feedback on the Water Quality Work Product via their respective PM. All comments must be provided within a reasonable time to maintain the schedule as identified in the Scope. Once a consensus has been reached, the Greeley PM will be responsible for providing any necessary direction to AECOM and ensuring that the Fort Collins PM is included in all communication with AECOM related to the Study. Greeley may (but is not required to) include the Fort Collins PM on non-substantive communication such as coordinating schedules and/or internal Greeley billing processes and procedures.
- 4.1.4. If the PMs disagree on the direction or feedback to provide AECOM on Tasks 1-6, the Parties’ respective management team will meet to discuss the conflict until a resolution has been reached. If a meeting becomes necessary to resolve a conflict, the PMs shall promptly schedule the meeting so as not to delay the schedule identified in the Scope.

4.2. **Replacement Gate Design Project—Task 7**

- 4.2.1. Greeley will manage AECOM on all matters related to Task 7 and shall have sole discretion over any design changes or modifications to the reservoir release gate and related facilities.
- 4.2.2. To accommodate Fort Collins’ Objective, the Greeley PM will be responsible for ensuring that the Fort Collins PM is provided with copies of the reports, data, drawings, computer programs, or other reproducible and tangible things developed by AECOM in connection with Task 7 (“Gate Design Work Product”).
- 4.2.3. Fort Collins’ will be entitled to review and provide feedback on the Gate Design Work Product via their PM. All comments must be provided within a reasonable time to maintain the schedule as identified in the Scope. Greeley will consider, and in good faith seek to incorporate Fort Collins’ feedback in order to ensure that the designed reservoir release gate is capable of meeting Fort Collins’ Objectives without compromising Greeley’s needs. Greeley PM will be responsible for, and reserves the right to, direct AECOM regarding all aspects of the Gate Design Work Product.

5. **Term.** This Agreement will be in effect on the last date it is signed by the Parties until final payment of the Study has been submitted to AECOM and Fort Collins has satisfied its obligation to Greeley under Paragraph 3.

6. **Claimed Confidential Information.**

6.1. **CORA.** The Parties acknowledge that the documents and communications created under this Agreement may be subject to the Colorado Open Records Act, C.R.S. §§24-72-101 *et seq.* (“CORA”).

6.2. **Confidential Information Procedures.** If a Party (“Providing Party”) desires to provide documents or information to the other Party (“Receiving Party”) that the Providing Party claims to be confidential (“Confidential Information”), the Providing Party may invoke the terms and conditions of this Paragraph 6.2.

6.2.1. If the Providing Party intends to claim that certain information is confidential under this Paragraph 6.2 and desires to have the Receiving Party take certain precautions under this Agreement with such claimed Confidential Information, then within three calendar days of when the Providing Party provides the claimed Confidential Information to the Receiving Party, the Providing Party shall provide written notice to the Receiving Party containing the following:

- (i) an identification of each piece of information that is claimed to be Confidential Information;
- (ii) for each piece of such information, an identification of the documents, files, or other forms of communication provided to the Receiving Party in which the claimed Confidential Information is located; and
- (iii) for each piece of such information, a brief statement identifying the basis for which the Providing Party may claim the information to be confidential.

6.2.2. With respect to the claimed Confidential Information identified pursuant to Paragraph 6.2.1, the Receiving Party hereby agrees:

- (i) to hold the claimed Confidential Information in confidence and to take all reasonable precautions to protect such Confidential Information from inadvertent or accidental disclosure; and
- (ii) to not disclose any such claimed Confidential Information to any third person, except pursuant to Paragraph 6.2.4.

In the normal course of business, the Receiving Party may also dispose of any documents containing claimed Confidential Information.

6.2.3. The obligations of the Receiving Party with respect to claimed Confidential Information under this Paragraph 6.2 shall not apply to:

- (i) Claimed Confidential Information beginning six months after the termination of this Agreement pursuant to Paragraph 5;
- (ii) Claimed Confidential Information that the Receiving Party can document:
 - (A) is or has become (through no improper action or inaction by the Receiving Party or any affiliate, agent, consultant, or employee) generally available to the public;
 - (B) was in its possession prior to receipt from the Providing Party under Paragraph 6.2.1, except to the extent that such information was unlawfully appropriated by the Receiving Party;
 - (C) was independently developed by the Receiving Party without use of any claimed Confidential Information of the Providing Party under Paragraph 6.2.1; or
 - (D) was disclosed pursuant to the requirements of law, subject to Paragraph 6.2.4.

6.2.4. Nothing herein shall affect the obligations of a Receiving Party to either make disclosures or preserve the confidentiality of claimed Confidential Information to the extent required by law or court order, including, but not limited to, requirements under the Colorado Open Records Act, CRS §24-72-201 *et seq.*, and other Colorado and federal statutes, court rules, and administrative rules and regulations. If a Receiving Party receives a request under law for the Providing Party's claimed Confidential Information, or if a Receiving Party would otherwise be required to disclose the Providing Party's claimed Confidential Information pursuant to law, the Receiving Party shall notify the Providing Party as soon as practicable of the request or pending disclosure, and in such event, upon the request of the Receiving Party, the Providing Party may take such timely action as may be required to obtain a declaratory judgment as to the confidential status of the Confidential Information, and, if the Providing Party elects not to do so, then the Receiving Party's obligation to preserve that Confidential Information shall have been waived hereunder, except as otherwise provided by law.

6.2.5. The Providing Party shall have the right to require the return and destruction of claimed Confidential Information in the possession of a Receiving Party as set forth in this paragraph. Such right shall exist from the effective date of this Agreement through six months after the date of termination of this Agreement pursuant to Paragraph 5. If claimed Confidential Information has been copied or transcribed into another document, such documents will be destroyed, erased, or modified to remove the claimed Confidential Information.

7. **Fiscal Contingency.** Notwithstanding any other provisions of this Agreement to the contrary, the obligations of the Parties in fiscal years after the initial fiscal year of this Agreement shall be subject to appropriation of funds sufficient and intended therefor, with the Party having the sole discretion to determine whether the subject funds are sufficient and intended for use under this Agreement. The failure of a Party to appropriate such funds shall be grounds for termination of this Agreement as to such Party upon written notice pursuant to Paragraph 11.

8. **No Third-Party Beneficiaries.** This Agreement is entered into between the Parties for the purposes set forth herein. It is the intent of the Parties that they are the only beneficiaries of this Agreement and that the Parties are benefitted only to the extent provided under the express terms and conditions of this Agreement.

9. **Governing Law and Enforceability.** This Agreement shall be construed in accordance with the laws of the State of Colorado. The Parties recognize that the constitutions, statutes, and rules and regulations of the State of Colorado and of the United States, as well as the Parties' respective bylaws, city charters and codes, and rules and regulations, impose certain legal constraints on each Party and that the Parties intend to carry out the terms and conditions of this Agreement subject to those constraints. Whenever possible, each provision of this Agreement shall be interpreted in such a manner so as to be effective and valid under applicable law.

10. **Waiver.** A waiver of a breach of any of the provisions of this Agreement shall not constitute a waiver of any subsequent breach of the same or another provision of this Agreement. Nothing in this Agreement shall be construed as any waiver of governmental immunity of the Parties who are governments or any other governmental provisions of State law. Specifically, by entering into this Agreement, no Party waives the monetary limitations on liability or any other rights, immunities, or protections provided by the Colorado Government Immunity Act, C.R.S. § 24-10-101, *et seq.*, or any successor or similar statutes of the State of Colorado.

11. **Notices.** All notices or other communications hereunder shall be sufficiently given and shall be deemed given (i) when personally delivered; (ii) on the date and at the time of delivery or refusal of acceptance of delivery if delivered or attempted to be delivered by an overnight courier service to the party to whom notice is given at the address specified below; (iii) on the date and at the time shown on the electronic mail if sent by electronic transmission at the email addresses set forth below and receipt of such electronic mail is acknowledged by the intended recipient thereof; or (iv) after the lapse of five business days following mailing by certified mail-return receipt requested, postage prepaid, addressed as follows:

CITY OF FORT COLLINS, a municipal corporation

By: _____
Kelly DiMartino, City Manager

Date: _____

ATTEST:

By: _____
City Clerk

APPROVED AS TO FORM:

By: _____
City Attorney's Office

CITY OF GREELEY, a municipal corporation

APPROVED AS TO SUBSTANCE:

By: _____ Date: _____
City Manager

AVAILABILITY OF FUNDS:

By: _____ Date: _____
Director of Finance

APPROVED AS TO LEGAL FORM

By: _____ Date: _____
City Attorney's Office

**EXHIBIT A TO INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF
GREELEY AND THE CITY OF FORT COLLINS REGARDING CERTAIN ASPECTS
OF THE HALLIGAN WATER SUPPLY PROJECT**

(See attached Scope of Work)

October 13, 2023

***** Sent via Email *****

Mr. Adam Prior, PE
Chief Engineer
Greeley Water and Sewer
1001 11th Avenue, 2nd Floor
Greeley, CO 80631

**Subject: Water Quality Analysis and Outlet Tower Feasibility Study,
Milton Seaman Reservoir**

Dear Mr. Prior,

Enclosed as requested is AECOM Technical Services, Inc. (AECOM)'s proposed scope, schedule, and fee for the following:

1. Water quality analysis of the City of Greeley's (Greeley) Milton Seaman Reservoir with changes due to the planned Halligan Water Supply Project (HWSP) and enlargement of Halligan Reservoir located upstream.
2. Management and infrastructure recommendations for water quality issues on the North Fork of the Poudre River and in Milton Seaman Reservoir, including a comparison of options, such as a multi-level outlet tower and supporting systems and an oxygenation/aeration system.
3. If deemed to be the best option, continuation of the engineering feasibility study of a multi-level outlet tower and supporting systems that would allow Greeley to better manage water quality of releases from Milton Seaman Reservoir.
4. Progress preliminary design of Milton Seaman slide gates from 30 to 60 %, and re-select the jet flow gate valve equipment. The design should include a range of smaller releases that includes flows in the 1 to 5 cfs range.

AECOM assumes all project-related documentation will be submitted to Greeley (emails, deliverables, invoices, etc.). Greeley should coordinate with Fort Collins for any input or reviews. If directed and approved by Greeley, AECOM's HWSP team can request data or other inputs from Fort Collins on an individual basis. AECOM's HWSP team will not overlap with this project team, and no information will be shared with AECOM's HWSP team without Greeley's direction and consent. A detailed description of this work is provided in the following sections.

STATEMENT OF QUALIFICATIONS

AECOM is uniquely qualified to complete this work based on our familiarity with the project conditions and technical capabilities. AECOM's proposal is conditioned on mutually acceptable contract terms and conditions similar to current and previous AECOM-Greeley work. Key AECOM team members include:

- **Nathan Walker, PE** will serve as Project Manager and has worked successfully with you to complete past projects. Mr. Walker has 23 years of experience including slide gate and similar improvements associated with dams and reservoirs.
- **Tammy Karst-Riddoch, Ph.D.** will serve as Senior Limnologist on the water quality analysis portions of the project. Dr. Karst-Riddoch is an accomplished senior aquatic scientist, bringing more than 25 years of research and consulting experience to the AECOM team. She manages, leads, and advises on complex surface water and watershed management projects for government, industry, and private stakeholders across North America.
- **Lorin Hatch, Ph.D.** will serve as Independent Technical Reviewer on the water quality analysis portions of the project. Dr. Hatch is a federal program/project manager and water quality expert with over 30 years of experience in water resources and ecosystem management.

Resumes for the key AECOM team members are attached.

PROJECT UNDERSTANDING

Water quality at the Milton Seaman Reservoir outlet will be evaluated for current conditions and for potential changes due to the HWSP. Along with this evaluation, a feasibility analysis and evaluation/comparison for water quality mitigation alternatives will be performed for oxygenation and reservoir aeration systems. Additionally, an engineer's opinion of probable costs, generally consistent with an AACE Class 4, for the selected aeration and/or oxygenation system option will be prepared. AECOM understands Greeley is willing and able to inject permanganate at the treatment plant to supplement the selected option.

AECOM understands Greeley's desire to continue the engineering feasibility study of the development of a multi-level outlet tower and associated system components. A conceptual design analysis will be prepared summarizing the details of construction along with criteria and resulting ability to meet some or all of Greeley's needs. Additionally, an engineer's opinion of probable costs, generally consistent with an AACE Class 4, for the proposed outlet tower and supporting systems will be prepared.

AECOM understands that a comparative analysis of the two water quality options and their combination should be included to understand the pros and cons of these systems.

AECOM understands Greeley's desire to continue the design of the slide gates at Milton Seaman Reservoir. This work was previously completed by AECOM to a 30% design level. AECOM will advance to a 60% design level and also re-select the jet flow gate valve equipment. The design will include a range of smaller releases that includes flows in the 1 to 5 cubic feet per second (cfs) range, be it part of the main gates or separate release gates and/or valve structure.

1. SCOPE OF WORK

Task 1: Project Management

AECOM will coordinate project management and meetings with Greeley. Under this Task a project work plan, schedule, and general administration tasks will be prepared and carried out. A site visit is included in the scope for this task.

PHASE 1

Phase 1 represents the analysis of a water quality mitigation plan for Milton Seaman Reservoir due to the HWSP.

Task 2: Water Quality Data Review and Analysis

AECOM will complete a limnological assessment of the Milton Seaman Reservoir and the North Fork of the Poudre River to characterize seasonal water quality with the changes in inflow/outflow, water levels and water quality for current conditions and potential changes anticipated due to the HWSP. The assessment will consider key water quality concerns that may impact treatment at the Bellvue Water Treatment Plant as well as recreational activities and aquatic ecology of the reservoir. AECOM's analysis will consider relevant information provided by both Fort Collins and Greeley.

It is understood that an oxygenation/aeration system could be needed to address issues with anoxia, which presently drives high concentrations of manganese and iron in the reservoir. Anoxia also contributes to an enhanced flux of nutrients from the sediments that promote algal activity, increasing the potential production of algal metabolites such as taste and odor compounds (2-Methylisoborneol (MIB), Geosmin) and cyanotoxins, as well as organic matter that leads to additional oxygen demand.

The purpose of this assessment is to identify patterns and drivers of water quality concerns to inform the selection and design of effective and feasible mitigation options to address them. This includes input for the proposed oxygenation/aeration system and the Outlet Tower Feasibility Analysis (i.e., to establish depths of the outlets to optimize the quality of water discharged downstream).

To perform the assessment, AECOM will collect and review available relevant physical, chemical, and biological data for the Milton Seaman Reservoir and for the inflow from the Halligan Reservoir under existing conditions and with the HWSP. Data that would support the assessment include, but are not limited to:

- Bathymetry
- Water levels
- Inlet/Outlet flows
- Field water quality parameters (depth profiles of temperature, dissolved oxygen, pH, conductivity, oxygen reduction potential)
- General water chemistry (alkalinity, hardness, metals, nutrients [phosphorus and nitrogen], total suspended solids, total and dissolved organic carbon, and chemical and biochemical oxygen demand)
- Chlorophyll-a (or other indicators of algal biomass and community composition)
- Taste and Odor compounds (MIB, Geosmin)
- Cyanotoxins
- Sediment quality (to assess oxygen demand, and metals and nutrient flux)

Additional information on past water quality events causing treatment or operational issues at the water treatment plant would also be beneficial to support the assessment.

AECOM recognizes that there may be missing data to fully characterize mixing and stratification patterns and water quality of the reservoir, and as input to design the aeration/oxygenation system. Where feasible, limnological theory and methods will be used to fill data gaps to inform the assessment. AECOM will notify Greeley of critical data gaps and provide recommendations to collect the missing information.

AECOM will request oxygenation/aeration designs, technical specifications, and cost estimates from up to three (3) technology suppliers. These suppliers will be given relevant data from the

limnological assessment to support their proposals for meeting the oxygen transfer requirements necessary to maintain the reservoir's water quality. Key information may include:

- Reservoir water quality (oxygen concentrations, oxygen demand)
- Area and depth of the reservoir
- Stratification depth
- Atmospheric and water temperature
- Water cycling in and out of the reservoir
- Locations and elevations of inlets and outlets

The design proposals will be compared and evaluated in Task 3. As a result from this analysis, any other mitigation options that may be suitable will be identified. Greeley could consider if adding any additional options to the scope, beyond those presented in Tasks 2 and 4, is needed.

DELIVERABLES

- Draft Water Quality Tech Memo, including:
 - Identification and assessment of key water quality concerns that may impact treatment at the Bellvue Water Treatment Plant as well as recreational activities and aquatic ecology of the reservoir.
 - Analysis required by vendors to complete their design proposals, as noted above.
 - Identification of any mitigation alternatives other than aeration system and multi-level outlet tower.
- Final Water Quality Tech Memo including same items noted above in the Draft Report.

ASSUMPTIONS

- Expected list of information required to complete this review as listed above. AECOM collection of data is limited to coordination with Greeley and Fort Collins to obtain available water quality data relevant to this effort and in a format suitable for use.
- Data review will be limited to the level of effort shown for this task.
- Detailed water quality modeling will not be performed as part of this task. Qualitative analysis will be used to anticipate potential changes in water quality due to the HWSP.
- No hydrologic or hydraulic model will be required at this time for analysis.
- Extent of analysis will be limited by data availability. Gap analysis may need to be performed if insufficient data is available. The AECOM team will require data through the water column to show temperature change through the water column in order to size aeration technology properly.
- Only the analysis of the aeration option and the multi-level outlet tower are included in the scope under Tasks 3 through 6. If additional mitigation options are identified during this task, additional selected option(s) could be added to the scope at Greeley's direction.

Task 3: Feasibility 15% Design for Oxygenation and Aeration Systems

AECOM will evaluate design plans received from up to three (3) aeration system vendors requested in Task 2. In the review of equipment options, oxygenation systems will be considered. A technical specialist in oxygenation systems with demonstrated experience in designing well-functioning hypolimnetic oxygenation systems will be utilized in this review. An overview description will be provided for each technology, and the technologies will be compared with respect to several evaluation criteria that may include:

- Equipment Cost
- Operational Cost
- Maintenance Burden
- Ease of Operation
- Ease of Construction
- Oxygen Transfer Efficiency
- Vendor Proof of Experience

Based on the evaluation, and in consultation with Greeley, the preferred technology will be selected.

This preferred system will be used to develop a Basis of Design Report and 15% design drawings which will include process-mechanical designs and layout, structural and electrical designs. Process Mechanical will size the compressed air system, inclusive of the compressor, dryer, air receivers, and associated line piping. A layout for all Process Mechanical equipment will be provided to the building layout team. One plan and no more than seven section views are anticipated. Total anticipated drawing generation will be four. Structural designs will include a Floor Plan sheet, a Roof Plan sheet, a section of the building, and at least one Detail sheet showing pipe encasement. Electrical will include design of lighting, receptacles, power to equipment, electrical service, grounding, lightning protection system, and associated systems. In addition, feasibility level, conceptual design will provide connections for the control system as needed. The electrical feasibility level, conceptual design anticipates site power, telemetry plan, and preliminary one-line diagram and network diagrams. Total 15% design package is expected not to exceed 20 sheets. Cost estimating will be part of Task 5.

DELIVERABLES

- Draft Oxygenation and Aeration Systems Feasibility Design Report, including:
 - Technology descriptions and evaluations
 - Comparison and selection of preferred technology
 - Basis of design for the preferred technology
 - Sections from Process-Mechanical, Structural, and Electrical design disciplines describing basis of design.
- 15% Design Package for the preferred technology:
 - Process-Mechanical: up to four drawing sheets including one plan, and no more than seven section views.
 - Structural: up to two plan sheets, one building section, one detail sheet, and one shaft elevation view.
 - Electrical: up to eight sheets including site plan, power plan, one-line and schedules, details, lightning protection system, and control schematics.
- Final Oxygenation and Aeration Systems Feasibility Design Report and 15% Design Drawings Package including same items noted above in the Draft Report.

Task 4: Feasibility Design and Engineering of Multi-Level Outlet Tower

Task 4A Data Review and Development of Study Approach

AECOM will review available and pertinent information relative to the design, construction, operation and previous analyses of the dam and associated structures. This information will include as-built drawings, construction records, previous AECOM design reports, and additional information available from Greeley.

Task 4B Civil and Structural Analysis for Alternatives

Slide Gate Analysis

In 2019, AECOM presented to the City of Greeley a Basis of Design and Preliminary Engineering Report for the rehabilitation of the five leaking slide gates located at the outlet works of the Milton Seaman Reservoir. As part of the 30% design, AECOM proposed the construction of a new tunnel bulkhead and gate structure located immediately downstream of the existing slide gates. A reinforced concrete and steel trashrack structure is located at the reservoir intake upstream of the slide gates.

With the inclusion of an outlet tower, Greeley and AECOM will evaluate the potential of replacing the existing guard gates located at the tunnel inlet along with installation of new slide gates located at multiple levels on the new outlet tower. The new tower gates would allow Greeley to better manage water quality of reservoir releases by selectively withdrawing water from one or more levels within the reservoir. Development of a concept for measuring reservoir releases and automating gate operation will also be provided.

Planned Bulkhead Considerations

A new outlet tunnel bulkhead was proposed as part of the 2019 30% Basis of Design. The concrete bulkhead structure, or plug, would be located immediately downstream of the existing slide gates. The conceptual design of the new outlet tower will consider structural, hydraulic, and operational compatibility with the planned bulkhead. The team will also evaluate whether the bulkhead would still be required with the construction of the outlet tower.

Fish Exclusion Analysis

The Feasibility Study (Study) will review alternatives to prevent fish passage through the outlet tower. The design will consider intake screen options, preliminary backwash equipment sizing, design flows, screen bar spacing, and head loss considerations.

Tower Layout Alternatives

Two Outlet Intake Tower location alternatives will be developed and evaluated as part of this Study.

Option 1: Locate tower near upstream of the tunnel intel at the existing trashrack

This alternative assumes that the existing trashrack and supporting structure will be demolished and removed, and a new outlet tower would be constructed near the upstream face of the tunnel inlet. The tower should be founded on rock and this location is anticipated to minimize foundation excavation. However, a temporary cofferdam and bypass system will be needed to convey flows around the work area and discharge over the spillway or through the existing outlet tunnel during tower construction.

Option 2: Locate tower east of the existing trashrack

This tower location alternative assumes removal of the existing trashrack and construction of a new outlet tower at a location adjacent to the existing trashrack structure. This could allow for conveyance of reservoir flows through the existing outlet tunnel during tower construction and could minimize the need for temporary cofferdam and bypass piping. Excavation for the intake tower foundation is expected to increase compared to Option 1 and will be evaluated based on estimated depth to bedrock. Results from this option will be used to evaluate constructability, risk, and whether the additional cost of tower excavation is less than the Option 1 costs for the temporary cofferdam and bypass piping.

Cofferdam and Reservoir Bypass Analysis

The use of a cofferdam and bypass system would allow for the construction of the outlet tower at the existing trashrack location. The system will need sized to divert flows from the reservoir and protect the work area. Conceptual capacity and sizing of the cofferdam and bypass system will be developed.

Foundation Excavation Analysis

AECOM will review previous geologic and seismic hazard studies performed as well as geotechnical data for the potential tower locations. Under this Task, required excavation depths to a suitable foundation for each tower location alternative will be estimated to support the alternative's development and evaluation.

Reservoir Dredging Analysis

The City of Greeley has expressed interest in the potential of dredging sediment from the Reservoir as part of the Tower Study. AECOM will evaluate alternatives for disposal and placement of the dredged material in accordance with United States Army Corps of Engineers (USACE) requirements. AECOM will also consider material properties and quantities associated with restoring the reservoir bathymetry to as-built grades based on available information and explore possible interest by others in use of this material in planned reservoir construction that could occur near the site in the near future.

Water Quality Analysis and Management Plan

Water quality management of reservoir releases is a desirable component for the proposed outlet tower design. AECOM will review available water quality data, project goals and requirements to inform recommendations for development of a reservoir water quality monitoring and management plan. Considerations for water quality during construction will also be provided. However, the development of detailed monitoring and management activities is beyond the scope of this study.

Task 4C Mechanical and Electrical Analysis for Alternatives**New Control House Analysis**

The existing control house is located east of the reservoir outlet works and currently houses the hydraulic pump and fluid reservoir and is served with a 240-volt, single-phase electrical service.

A new control house is proposed to supply power and house equipment for the outlet tower system components. A preliminary location, layout, and power source of the new control house will be developed as part of this Study.

Gate Operator, Screen Backwash, and Aeration System Mechanical Equipment Analysis

As part of the new outlet tower concepts, AECOM will evaluate the feasibility of installing oxygenation, air compressor, and accumulator equipment that will be housed within the new control house for a new reservoir aeration system. Evaluation of hydraulic or electric operator options for the new gates will be developed to recommend basis of design for gate operators.

AECOM will evaluate preliminary sizing and placement of a screen backwash system as part of the outlet tower construction. The backwash equipment will be housed within the new control house. Backwash equipment sizing will consider fish exclusion requirements.

Outlet Tower Site Power System Requirements

New site power will be evaluated by connecting the proposed outlet tower and control house to the existing three-phase electrical located at the site access road. This will include correspondence with the power provider, along with review of assumed or estimated connected loads, to review feasibility and basis of cost.

DELIVERABLES

- Draft Feasibility Study Report, including:
 - Descriptions of conceptual design elements
 - Discussion of detailed design considerations
 - Conceptual drawings of outlet tower options
- Final Feasibility Report including same items noted above in the Draft Report.

Task 5: Evaluation and Cost Estimating of Water Quality Mitigation Options

AECOM will evaluate the aeration system and multi-level outlet tower mitigation options. The criteria for this evaluation may include:

- Cost
- Environmental Impact
- Resilience to extreme weather or seasonal changes in water quality
- Regulatory Compliance
- Energy Consumption
- System Reliability
- Operational Flexibility

AECOM will develop preliminary design material and equipment quantities for the construction of the proposed outlet tower and aeration system alternatives and associated work. These quantities will be used to develop a cost estimate that is generally consistent with an AACE Class 4 estimate. AECOM will develop the engineer's estimate of construction cost utilizing industry accepted methods including budgetary costs provided from manufacturers or vendors of major equipment when available.

DELIVERABLES

- Draft Water Quality Mitigation Tech Memo, including:
 - Memo summarizing mitigation evaluation methods and results, and their benefits
 - AACE Class 4 cost estimates for a single aeration system and single multi-level outlet tower mitigation options presented in Tasks 3 and 4
- Final Water Quality Mitigation Tech Memo including same items noted above in the Draft Report.

Task 6: Water Quality Mitigation Plan Recommendations and Reporting

Based on stakeholder reviews of the deliverables above, AECOM will provide a final mitigation plan. This will include a compiled report containing the conclusions from Tasks 2 through 5, summary of cost estimate provided in Task 5, and an implementation schedule.

DELIVERABLES

- Draft Water Quality Mitigation Plan Recommendations Report, including:
 - Summary of conclusions/design considerations from Tasks 2 through 5
 - Summary of cost estimate provided in Task 5
- Draft Water Quality Mitigation Plan Recommendations Report including same items noted above in the Draft Report.

PHASE 2

Phase 2 represents advancing the Tunnel Bulkhead and Gate Replacement from 30 to 60% design and incorporating the HWSP minimum release requirement of 1 cfs. Phase 2 is not anticipated to begin until Phase 1 is complete, so that any conclusions from Phase 1 can be incorporated into Phase 2.

Task 7: Outlet Gates 60% Design

AECOM will progress the Tunnel Bulkhead and Gate Replacement, Option 4 from 30% to an approximately 60% level of design, and revise the design to accommodate a 1 to 5 cfs streamflow release range requirement for the HWSP, be it part of the main gates or separate release gates and/or valve structure. The work under this task will include development of 60% design drawings, draft technical specifications, Preliminary Engineering Report (PER), and 60% cost estimate.

AECOM anticipates approximately 15 design drawings including title sheet and location map, site plan, existing outlet works plan and profile, existing slide gate sections, hydraulic conduit plans and sections, hydraulic conduit details, standard reinforcement details, bulkhead structure plan and sections, and typical reinforcement sections. AECOM does not anticipate and has not included primary power site electrical improvements in this scope of work.

Draft technical specifications will be developed for major equipment, key work activities and dam safety related activities that involve State Engineering Office (SEO) approval to provide design-build teams information to use as the basis of their proposal. The draft specifications are anticipated to follow Division 16 MasterFormat 1995 format and include Summary of Work, Environmental Standards, State Engineer Requirements, Reservoir Control, Stream Diversion, and Slide Gates. Additional technical specifications, such as Cast-In-Place Concrete, will be identified in the Specifications Table of Contents but will not be drafted in this scope and will need developed during final design by the selected design-builder.

A PER will be developed documenting the basis of design for the proposed improvements. This will include the SEO required plan approval submittal schedule, and supporting calculations and equipment catalog cut sheets. The PER can be included in the design-build solicitation and will not include the 60% cost estimate.

An AACE Class 3 cost estimate will be developed based on the 60% design drawings and draft technical specifications. However, this cost estimate will typically not be included in Greeley's design-build solicitation, and therefore, will be submitted to Greeley separately from the design drawings, specifications and PER.

AECOM anticipates that a draft 60% design submittal should be reviewed for comments by the SEO in addition to Greeley's review and comments. This will be confirmed during the Task 1 SEO consultation, and SEO comments along with Greeley comments will be incorporated into a final 60% design submittal for Greeley's use in solicitation of design-build proposals.

Water quality management of reservoir releases is a desirable component for the proposed outlet tower design. AECOM will review available water quality data and project goals and requirements to inform recommendations for development of a reservoir water quality monitoring and management plan. Considerations for water quality during construction will also be provided. However, the development of detailed monitoring and management activities is beyond the scope of this study. This will be completed as part of Task 5, and updated as needed for consideration of this task.

DELIVERABLES

- 60% Design Drawings
- 60% Technical Specifications
- Preliminary Engineering Report
- AACE Class III Cost Estimate
- Greeley procurement documents review comments.

ASSUMPTIONS

- Electrical improvements are not required.
- Greeley will identify list of local permits for inclusion in preliminary specifications.
- State permits including SEO review and approval and SWMP will be obtained by design-builder.
- National permits such as USACE 404 Nationwide Permit for Maintenance are not required.
- Greeley will provide notification to the United States Forest Service under the Special Use Agreement or obtain a permit Amendment, if required.
- No intrusive investigations such as rock coring are required to develop the 60% design.

2. SCHEDULE

The total project duration is estimated to be approximately 17 months based on the number of conceptual design elements and the various subject matter expertise needed. Notice to Proceed (NTP) is estimated to be January 15, 2024 and project milestones and anticipated durations have been estimated as follows, and subject to verification as part of the fee estimate level of effort:

- Anticipated NTP: January 15, 2024
- Task 2 Draft Completion: February 15, 2024
- Task 2 Final Completion: March 15, 2024 (allowing 2 weeks for stakeholders to comment, 2 weeks for AECOM to finalize)
- Tasks 3 & 4 Start and Draft Completion: March 15 – June 15, 2024
- Tasks 3 & 4 Final Completion: August 5, 2024
- Task 5 Start and Draft Completion: August 5, 2024 – October 15, 2024
- Task 5 Final Completion: November 15, 2024
- Task 6 Start and Draft Completion: November 15, 2024 – January 30, 2025
- Task 6 Final Report Completion (End of Phase 1): March 1, 2025
- Phase 2 (Task 7) Completion: March 1, 2025 – July 31, 2024

3. ENGINEERING FEES

A summary of task costs is presented in Table 1. AECOM's 2023 billing rates are based on AECOM's attached proposed rates for Greeley's As Needed Services/Design and Engineering for Water & Sewer.

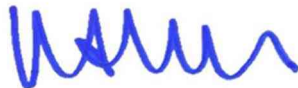
Table 1. Time & Materials Not To Exceed Fee

Task	Description	Fee Estimate
Task 1	Project Management	\$43,304
Task 2	Water Quality Data Review and Analysis	\$24,746
Task 3	Feasibility 15% Design for Oxygenation and Aeration Systems	\$76,780
Task 4	Feasibility Design and Engineering of Multi-Level Outlet Tower	\$204,069
Task 5	Evaluation and Cost Estimating of Water Quality Mitigation Options	\$27,986
Task 6	Water Quality Mitigation Plan Recommendations and Reporting	\$13,764
	PHASE 1 SUBTOTAL	\$390,649
Task 7	Outlet Gates 60% Design	\$162,841
	TOTAL	\$553,490

We look forward to the opportunity to provide engineering support to the City of Greeley for successful completion of this project. Please contact me at 303-740-2622 or nathan.walker@aecom.com if you have questions or require additional information.

Sincerely,

AECOM Technical Services, Inc.



Nathan Walker, PE
Project Manager



Kathy Schlosser, PE
Associate Vice President

enclosures: : Nathan Walker Resume
Tammy Karst-Riddoch Resume
Lorin Hatch Resume
Detailed Fee Estimate
2023 Fee Schedule

cc: :

Nathan Walker, PE

Project Manager

Education	Years of Experience	Areas of Expertise	Professional Registration
BS, Civil Engineering, University of Akron, 2001	With AECOM: 13 With Other Firms: 10	Dams & Reservoirs Civil Infrastructure Utility Engineering	Professional Engineer: Colorado, New Mexico, Washington

Summary

Mr. Walker has 22 years of planning, design, construction, and management experience as the Engineer of Record involving the preparation of studies, construction drawings, cost estimates, and technical specifications associated with site civil and utility engineering including improvements associated with more than a dozen dams and water storage reservoirs.

Project Experience

Arapahoe County Water and Wastewater Authority, Chamber Reservoir Phase II Remediation Reservoir Liner, Centennial CO. Principal Engineer and Engineer of Record for design of reservoir liner including coordination of approval with the State Engineer's Office associated with remediation of a Jurisdictional Dam including development of liner material alternatives analysis and final construction drawings and specifications. Reservoir liner involves 1.7M SF of geosynthetic liner, geotextile, anchor trenches and mechanical connections to seven dam structures.

United States Air Force Academy, Kettle Creek Dry Dam Modifications, Colorado. Principal Engineer and Engineer of Record for design of dam modifications including coordination of approval with the State Engineer's Office associated with conversion of a High Hazard Dam to an Exempt Structure involving dam breach analysis, dam hazard classification, development and evaluation of alternatives, and development of final construction drawings and specifications. Dam modifications involve removal of earthen embankment dam, coordination with CDOT, protection of utilities, drainage improvements and modifications to detention features within the dam.

United States Air Force Academy, Non-Potable Reservoir 1 Dam Repairs, Colorado. Principal Engineer and Engineer of Record for design of dam repairs including coordination of approval with the State Engineer's Office and development of final construction drawings and specifications for repair of a Significant Hazard Dam. Repairs involve two (2) 18-inch diameter CMP inlet conduits, one 18-inch diameter steel outlet conduit, reinforced concrete outlet tower, emergency spillway, toe drain, earthen embankment, and including the demolition of existing work and structures. Conduit repairs involved cured-in-place pipe (CIPP) for the two (2) inlet conduits and grouted steel pipe slip-lining of the outlet conduit.

Colorado Springs Utilities, Woodland Park, Northfield Dam Modifications Project, Colorado. Project Manager during construction management services involving improvements of a small, Significant Hazard Dam in El Paso County including the rehabilitation of the dam outlet works, new concrete spillway chute, new toe drain system, and an 8-foot raise of the earthen dam embankment in coordination with State Engineer approval. Conduit rehabilitation involved grouted steel pipe slip-lining of the outlet conduit.

City of Aurora, Box Creek Reservoir Forebay and Diversion Structure Project, Kobe, CO. Project Manager for development and evaluation of alternatives analysis and identification of recommendations for water supply diversion options and forebay storage options including a zoned earthen embankment dam to provide reservoir storage for up to 15,000 acre-feet of capacity, geotechnical site investigation along with development of design documents for a replacement diversion structure.

City of Santa Fe, Nichols and McClure Dam Rehabilitation, Santa Fe, New Mexico. Lead Engineer, Non-Dam Safety. Led a team that completed design of the non-dam safety aspects of the Nichols Reservoir Rehabilitation project. Design elements included raw water pipeline improvements at the Nichols site and the Canyon Road WTP site along with a below grade flow control and future hydropower valve vault, a below grade Nichols reservoir outlet valve vault, and an above grade mechanical equipment building. The multi-discipline design team involved site civil, structural, process, mechanical, electrical, power distribution, instrumentation, and controls engineering coordinated closely with the City team.

Bradner Dam and Peterson Dam Alternatives Analyses, Las Vegas, New Mexico. Hydraulic Engineer. Developed and completed analysis of hydraulic transient pressures for raw water supply pipeline from Bradner reservoir to the City's water treatment plant.

Upper Yampa Water Conservancy District, Yamcolo Reservoir Outlet Control Valve Replacement, Yampa, Colorado.

Project Manager for replacement of the existing American Water Works Association (AWWA) C504, Class 150B, 36-inch cast iron butterfly valve addressing a fracture that developed on the valve leaf/disc suspected to have resulted from the effects of frazil ice buildup or other wear and tear, such as harmonics from vortex shedding. Included evaluation of valve replacement options including AWWA C529 high performance butterfly valves involving single, double, and triple offset along with salvage and reuse of the existing hydraulic valve operator.

Colorado Parks and Wildlife, Beaver Park Reservoir Flow Control Optimization, South Fork, Colorado. Technical Lead to conduct flow testing of the reservoir outlet works, evaluate hydraulic conditions and equipment performance, and develop improvements to maximize the operational capacity of the structure. AECOM determined the removal of the 42-inch butterfly valve (BFV) was necessary to provide full operating capacity at full reservoir levels. AECOM developed design drawings to allow for removal of the BFV in order to maximize the flow releases provided by the 42-inch cone valve and evaluated equipment options to replace the existing valve with a full port isolation valve including a bonneted knife gate, stainless steel ball valve, and plug valve suitable for these high velocity and low pressure conditions

United States Air Force Academy, Non-Potable Reservoir 2 Hazard Classification, Colorado. Principal Engineer for dam hazard classification of a High Hazard Dam in accordance with Colorado Division of Water Resources Rules and Regulations for Dam Safety and Dam Construction. Hazard classification included dam breach analysis, dam hazard classification, and development of an emergency response plan.

United States Air Force Academy, Non-Potable Reservoir 3 Hazard Classification, Colorado. Principal Engineer for dam hazard classification of a Significant Hazard Dam in accordance with Colorado Division of Water Resources Rules and Regulations for Dam Safety and Dam Construction. Hazard classification included dam breach analysis, dam hazard classification, and development of an emergency response plan.

Integrated Utility Master Plan, City of Thornton, Thornton, Colorado. Project Manager. Developed utility wide master plan for water supply, treatment, distribution and wastewater collection systems following an integrated planning approach and including evaluation of facilities performance, operations, water quality, redundancy, reliability, resiliency and development of a prioritized capital improvement program including rehabilitation and replacement costs for all pipelines based on prioritized evaluation of risk and consequence of failure associated with each asset. System modeling involves water balance and water quality mitigation alternatives and limnologic analysis for water supply reservoir water quality.

Private Client, Water Supply Projects, Weld County, CO: Design and construction of multiple water supply projects including development of water supply systems, water storage reservoirs, and water pumping, distribution and delivery systems.

Private Client, Water Supply and Utilities Planning, Western Slope, CO: Lead Utility Engineer for engineering, master planning and permitting services for new public water system, wastewater utility and utility systems including alternative development and analysis of multiple water supply diversions, water storage reservoirs, water treatment facilities, water distribution system components including pipelines, pump stations, and multiple pressure zones.

Pandora Water Supply Project, Town of Telluride, CO: Principal Engineer provided design and construction engineering services for completion of new water supply sources, raw water transmission system, water treatment facility, hydroelectric generation plant, treated water transmission system, booster pump station, support facility, and related infrastructure.

Topock Marsh Infrastructure Improvements, U.S. Fish and Wildlife Service, Needles, CA: Provided design of 60 CFS raw water pump station and associated piping, valving and electrical systems. Floating pump system was part of improvements to intake and canal structures.

Santa Ana National Wildlife Refuge, U.S. Fish and Wildlife Service, Hidalgo and Cameron Counties, TX: Provided design of 3,000 gpm raw water pump stations and associated piping, valving and electrical systems including floating barge-pump system at five (5) separate sites within the NWR.

City of Aurora, Aurora Rampart Raw Water Lines Relocation at US 85 and Titan Road, Aurora, Colorado. Design and relocation of two critical raw water transmission lines in Aurora to accommodate Highway 85 re-construction by CDOT. The work involved extensive coordination with Aurora's water department, CDOT, and adjacent utilities to ensure continuous water supply.

Xcel Shoshone Hydroelectric Penstock Repair, Glenwood Springs, Colorado. Provided design engineering services to rehabilitate the twin 108-inch diameter penstocks at the Shoshone Hydroelectric Plant due to a catastrophic rupture of one of the existing penstocks just above the turbine building. Evaluated hydraulic transient pressures of repair and replacement options and recommended installing new 100-inch diameter welded steel pipe lining inserts inside each of the existing penstocks.

Tammy Karst-Riddoch, Ph.D.

Senior Aquatic Scientist/Limnologist and Paleolimnologist

Education	Years of Experience	Professional History	Training and Certifications
BSc (honours), Biology, Laurentian University, 1994	With AECOM: 8 With Other Firms: 12	07/2017 - Present, AECOM Senior Aquatic Scientist/Limnologist	AECOM Certified Project Manager (2019)
MSc, Aquatic Ecology and Paleolimnology, Queen's University, 1997	Professional Affiliations	01/2010 - 06/2017, Hutchinson Environmental Sciences Ltd. Senior Aquatic Scientist, Manager, Director	Low Impact Development Treatment Train Tool Workshop (2017)
PhD, Aquatic Ecology and Paleolimnology, Queen's University, 2004	North American Lake Management Society (NALMS)	07/2006 - 01/2010, AECOM Senior Aquatic Scientist	Project Management Institute (PMI) Training (2015)
		06/2005 - 04/2006, Ontario Ministry of the Environment and University of Toronto Postdoctoral Research Fellow	Lake and Pond Phosphorus Inactivation and Interception Workshop (NALMS, 2013)
		06/2001 - 05/2005, University of Waterloo Postdoctoral Research Fellow	

Summary

Dr. Tammy Karst-Riddoch is an accomplished senior aquatic scientist, bringing more than 25 years of research and consulting experience to the AECOM team. She manages, leads and advises on complex surface water and watershed management projects for government, industry, and private stakeholders across North America.

Tammy specializes in the use of physical, biological, chemical and geochemical information to assess the responses of aquatic systems to natural (e.g., climate change and variability, hydrological changes, vegetation dynamics, fire, etc.) and human disturbances (e.g., effluent discharge, mining, land-clearance, agriculture, watershed development, river regulation, flooding, etc.). She has expert knowledge of approaches to improve the health of natural and built aquatic systems, including in-lake technologies, best management practices, and low impact development to control sources of nutrients and solids. She has used this knowledge to develop mitigation and management plans that address site-specific issues while considering social, political, and economic concerns. Tammy is a technical lead for the development and application of AECOM's innovative algae harvesting technology for nutrient reduction and the mitigation of harmful algal blooms.

Tammy is well respected in the scientific community; she has published 14 papers on limnology, hydrology, and ecology of lakes and wetlands, and has acted as a peer reviewer of original research (Journal of Lake and Reservoir Management, Journal of Paleolimnology).

Tammy's key skills and areas of expertise are: surface water and watershed management; limnology and paleolimnology; algal bloom dynamics, aquatic plant and nutrient management; scientific synthesis, peer review, and expert testimony; advanced statistical analysis; effluent receiving water and assimilative capacity assessment; and aquatic monitoring program design and implementation.

Project Experience

West Columbia, City of, Drinking Water Source Quality Assessment, West Columbia, South Carolina, US. Technical lead investigating sources of taste and odour events due to Geosmin and 2-methylisoborneol in Lake Murray to inform source water protection planning and treatment plant upgrade needs. [2019-ongoing]

West Kelowna, City of, Roseville Reservoir Water Quality Assessment and Management Recommendations, British Columbia. Technical Lead for the assessment of water quality and factors promoting cyanobacteria blooms in a large drinking water reservoir. Evaluating existing management strategies including dam operations, algaecide applications and aeration on water quality, with the goal to enhance management for improved water quality at the drinking water intake. [2019-ongoing]

Irvine Ranch Water District, Reservoir Water Quality Management System Design, Orange County, CA. Technical Lead for the assessment of source water quality and evaluation of oxygenation and aeration technologies in support of the Syphon Reservoir Improvement Project. [2021]

Peel, Region of, Lorne Park Water Treatment Plant Review of Algae and Water Quality Monitoring Technology, Ontario. Technical Lead for the assessment of source water quality and the evaluation of innovative technologies to monitor changes in raw water quality sourced from Lake Ontario related to algae blooms that have caused damages to the traveling screens and plant water production interruptions. Providing oversight of the installation of the monitoring equipment and data analysis. [2020-ongoing]

Northwest Florida Water Management District NFWFMD), Intact Cellular Algae Harvesting with Simultaneous Nutrient Export Demonstration Project, Lake Munson, FL. Technical lead on NFWFMD's demonstration research project that will use of a 1 MGD Hydronucleation Flotation Technology (HFT) as a sustainable and environmentally safe lake management solution to address eutrophication and HABs in Lake Munson, Leon County, FL. Responsible for senior technical input including for the preparation of the Quality Assurance Protection Plan, design of water quality monitoring and modeling programs, monitoring and evaluation of HFT, and development of a long-term HFS treatment plan to mitigate HABs in Lake Munson and alleviate nutrient enrichment concerns downstream of the lake in Munson Slough and the Floridan Aquifer. [2021-ongoing]

US Army Corps of Engineers (USACE), HABITATS Phase 2, Lake Chautauqua, NY and Saddle Creek, FL. Technical lead for the award winning Harmful Algal Bloom Interception, Treatment and Transformation System (HABITATS) research program, providing input to program design and responsible for performance data collection and analysis, AECOM project reporting, and technical review of the USACE ERDC report. The success of HABITATS was recognized by USACE, which received the 2020 USACE Innovation of the Year Award and the 2020 National Environmental Business Journal Award. [2019-2021]

Various clients, Drinking Water Source Protection (DWSP) Technical Studies. Completed surface water studies (intake characterization, vulnerability and threats assessments) in support of the provincial DWSP initiative for municipal intakes in North Bay, Callander and South River and peer reviewed studies for surface water intakes in Sydenham and the Trent Source Protection Area. Developed and completed pilot technical studies for the District of Muskoka and Town of Cobden.

City of Markham, Swan Lake Chemical Treatment to Reduce Nutrients and Control Cyanobacteria Blooms, Markham, ON. Developed a chemical treatment plan for the application of polyaluminum chloride in Swan Lake to strip phosphorus from the water column and inactivate sediment phosphorus. Provided field oversight during the application. Initial results of the treatment showed significant decreases in lake water total phosphorus concentration and improvements in water clarity, without evidence of harmful side effects of the product. [2021]

New York State Department of Environmental Conservation and Office of General Services, NY, Lake Agawam Cyanobacteria and Microcystin Removal Demonstration. Technical lead for overseeing monitoring activities, evaluating efficiencies and reporting on novel algae harvesting treatment technology (dissolved air flotation and ozonation) to remove cyanobacteria and associated toxins and nutrients from Lake Agawam. The treatment achieved greater than 95% removal of algae and reduced microcystin concentrations in effluent to below the US EPA drinking water standard. [2019-2021]

Town of Richmond Hill, Lake Wilcox Management Plan Update, Richmond Hill, Ontario. Technical Lead for a comprehensive management plan to address impacts of urbanization on water quality, cyanobacteria blooms and aquatic habitat in a large kettle lake on the Oak Ridges Moraine. Project work included detailed limnological assessment (water quality, aquatic biota, internal phosphorus loading), and modeling of phosphorus and chloride loading and lake response to those loads. Effective and feasible management options were recommended to address existing and emerging concerns identified from the study, and in consideration of socioeconomic and planning constraints. [2017-2019]

City of Hamilton, Bayfront Beach Water Quality Investigation and Implementation Strategy, Hamilton, Ontario. Senior Aquatic Scientist. Evaluated the effectiveness of measures implemented to reduce bacteria contamination (source controls) and elevated cyanobacteria toxins (ultrasound technology) that have caused an increasing number of closures of two beaches in Hamilton Harbour. Project work included assessment of bird population and scat counts, water quality, algal community composition and biomass, zooplankton vitality and fish presence at control and impact sites. [2017-2018]

Various Clients, Lake Water Quality Modeling Technical lead on Lakeshore Capacity phosphorus modeling projects for numerous lakes in central and northern Ontario including regional studies for the City of Elliot Lake, the Township of Seguin, City of Greater Sudbury and District of Muskoka. Studies included the determination of phosphorus and water loads to the lakes and modeling to predict phosphorus concentrations that consider in-lake dynamics of phosphorus settling and internal loading from lake sediments. Management recommendations were developed to include technical and planning approaches.

Lake of Bays Water Quality Monitoring Program, Lake of Bays, Ontario. From 2006 to 2016, provided technical guidance and oversight for the Lake of Bays Association water quality monitoring program. Revised the program over the years to maximize resources and address emerging water quality concerns. Completed annual reports to document existing conditions, assess trends in phosphorus and *E.coli*, and evaluated mechanisms influencing those trends.

Seguin Township Water Quality Monitoring Program, Seguin, Ontario. Developed a comprehensive water quality monitoring program for spring overturn total phosphorus, and end-of-summer dissolved oxygen, temperature and total phosphorus in more than 60 area lakes. Conducted annual reviews and summaries of monitoring results and provided support to the Town's field staff from 2008 to 2017. [Prior to AECOM]

Peer Reviewed Publications

- Branaavan, S., A.M. Paterson, K.M. Rühland, D. Köster, **T.L. Karst-Riddoch** and J.P. Smol, 2018: Diatom responses to 20th century shoreline development and climate warming in three embayments of Georgian Bay, Lake Huron. *Journal of Great Lakes Research*, 44: 1339-1350.
- Faulkenham, S.E., R.I. Hall, P.J. Dillon and **T.L. Karst-Riddoch**, 2003: Effects of drought-induced acidification on diatom communities in Ontario lakes. *Limnology and Oceanography* 48:1662-1673.
- Karst, T.L.**, and J.P. Smol, 1998: Tracking the cultural eutrophication history of Collins Lake (southeastern Ontario, Canada) using paleolimnological techniques. *Journal of Lake and Reservoir Management* 14:456-465.
- Karst, T.L.**, and J.P. Smol, 2000: Paleolimnological evidence of limnetic nutrient concentration equilibrium in a shallow, macrophyte-dominated lake. *Aquatic Sciences*. 62:20-38.
- Karst-Riddoch, T.L.**, M.F.J. Pisaric and J.P. Smol, 2005: Diatom responses to 20th century climate-related environmental changes in high-elevation mountain lakes of the northern Canadian Cordillera. *Journal of Paleolimnology* 33: 265-282.
- Karst-Riddoch, T.L.**, M.F.J. Pisaric, D.K. Youngblut and J.P. Smol, 2005: Postglacial record of diatom assemblage changes related to climate in an alpine lake from the northern Rocky Mountains, Canada. *Canadian Journal of Botany* 83: 968-982.
- Karst-Riddoch, T.L.**, H.J. Malmquist and J.P. Smol, 2009: Relationships between freshwater sedimentary diatoms and environmental variables in Subarctic Icelandic lakes. *Fundamental and Applied Limnology* 175:1-28.
- McGowan, S., P.R. Leavitt, R.I. Hall, B.B. Wolfe, T.W.D. Edwards, **T.L. Karst-Riddoch** and S.R. Vardy, 2011: Interdecadal declines in flood frequency increase primary production in lakes of a northern river delta. *Global Change Biology* 17:1212-1224.
- Pisaric, M.F.J., J.M. Szeicz, **T.L. Karst** and J.P. Smol, 2000: Comparison of pollen and stomate spectra as indicators of treeline in montane and alpine lake sediments from northwestern Canada. *Canadian Journal of Botany*. 78:1180-1186
- Pisaric, M.F.J., C. Holt, J.M. Szeicz, **T.L. Karst** and J.P. Smol. 2003: Holocene treeline dynamics in the mountains of northeastern British Columbia, Canada, inferred from fossil pollen and stomates. *The Holocene*. 13(2): 161-173
- Sinnatamby, R.N., Y. Yi, M.A. Sokal, K.P. Clogg-Write, T. Asada, S.R. Vardy, **T.L. Karst-Riddoch**, W.M. Last, J.W. Johnston, R.I. Hall, B.B. Wolfe and T.W.D. Edwards, 2010. Historical and paleolimnological evidence for expansion of Lake Athabasca (Canada) during the Little Ice Age. *Journal of Paleolimnology* 43:705-717.
- Wolfe, B.B., **T.L. Karst-Riddoch**, S.R. Vardy, M. Falcone, R.I. Hall and T.W.D. Edwards, 2005: Impacts of climate and river flooding on the hydro-ecology of a floodplain basin, Peace-Athabasca Delta, Canada since A.D. 1700. *Quaternary Research* 64: 147-162.
- Wolfe, B.B., **T.L. Karst-Riddoch**, R.I. Hall, T.W.D. Edwards, B. English, R. Palmi, S. McGowan, P.R. Leavitt and S.R. Vardy, 2006: Classification of water balance and hydro-limnological relationships in northern floodplain basins (Peace-Athabasca Delta, Canada) from analysis of stable isotopes ($\delta^{18}\text{O}$, $\delta^2\text{H}$) and water chemistry. *Hydrological Processes*. 21 (2) 151-168.
- Wolfe, B.B., R.I. Hall, W.M. Last, T.W.D. Edwards, M.C. English, **T.L. Karst-Riddoch**, A. Paterson, R. Palmi, 2006: Reconstruction of multi-century flood histories from oxbow lake sediments, Peace-Athabasca Delta, Canada. *Hydrological Processes* 20:4131-4153.

White Papers

- Page, M. B. MacAllister, M. Campobasso, A. Urban, C. Thomas, C. Cender, C. Arnett, C. White, E. Martinez-Guerra, A. Boyd, E. Gao, A. Kennedy, T. Biber, K. Pokrzywinski, C. Grasso, B. Fernando, C. Veinotte, J. Riley, A. Gonzalez, J. Miller, K. Gunderson, L. Schideman, Y. Zhang, B.K. Sharma, D. Levy, W. Colona, D. Pinelli, **T. Karst-Riddoch**, and W. Lovins, 2021: Optimizing the Harmful Algal Bloom Interception, Treatment, and Transformation System (HABITATS). US Army Corps of Engineers, Engineer Research and Development Center (ERDC). Technical Report TR-21-18. 227 pp.
- Karst-Riddoch, T.L.**, D. Jackson, D. And S. Bhavsar, 2008: Changes in contaminant burdens in Niagara River sport fish following remedial actions to reduce toxic loadings since 1986/87. University of Toronto and Ontario Ministry of Environment. ISBN 978-1-4249-7674-4.
- Clark, B. and **T.L. Karst-Riddoch**, 2011: Ontario: Surface Water Intakes. *LakeLine*, North American Lake Management Society, 31:3 9-11.

Lorin Hatch, Ph.D.

Independent Technical Reviewer, Limnologist, Water Quality Specialist

Education	Years of Experience	Professional History	Training and Certifications
Doctor of Philosophy (PhD), Ecology, University of California - Davis, 1997	With AECOM: 1 With Other Firms: 30	07/2021 - Present, AECOM USACE Program/Project Manager	Technology of Participation Facilitation Training
Bachelor of Arts (BA), Biology, University of Iowa, 1989	Professional Affiliations	03/2019 - 06/2021, Widseth Smith Nolting water quality specialist	National Environmental Policy Act
Master of Science (MSc), Ecology, Iowa State University, 1992	Minnesota Water Resources Planning Committee	08/2017 - 08/2018, RMB Environmental Laboratories Director of Operations 06/2015 - 02/2017, WSB Senior Scientist 08/2006 - 06/2015, HDR Engineering Senior water quality specialist	

Summary

Dr. Hatch has over 30 years of experience in water resources and ecosystem management in the academic, public, and private sectors. He has worked on lakes, rivers, streams, watersheds, and estuaries on multiple spatial and temporal scales, ranging from pristine to highly impacted ecosystems across the country. He has extensive experience in project and team management. Dr. Hatch has served as an adjunct professor and student advisor at the University of Minnesota in both the Water Resources Science and the Conservation Biology graduate programs. He has over 20 peer-reviewed publications. Trained as a limnologist Lorin specializes in watershed management, monitoring program design, modeling, water chemistry, and algal response. Given his emphasis on water chemistry he has worked in many sectors including drinking water, wastewater, water resources, environmental, and hydropower.

Project Experience

Xcel Energy, Cabin Creek Hydro Relicensing Project, Clear Creek County, Colorado. Water Quality Expert. Assisted with the development of a water quality monitoring plan to support the relicensing of a 324 MW pump storage facility, as well as designed strategic sampling efforts to understand iron dynamics in the system. Task also involved assisting with a feasibility study to mitigate excess iron in the system.

City of Gillette Wyoming, Fishing Lake TMDL, Gillette, WY. Water Quality Expert. Gillette Fishing Lake has been placed on the WY DEQ 303 (d) List of Waterbodies with Water Quality Impairments (siltation and phosphorus). As part of the project team, Dr. Hatch assisted the City of Gillette, WY to complete the requirements to gain access to the grant money and provide baseline environmental data so that implementation can be effective. The project involved stakeholder coordination, project management, water quality sampling, modeling and data analysis, completing the TMDL report, and on-going public involvement.

City of Cheyenne, Board of Public Works Manganese, Iron and Biological Study, Wyoming. Water Quality Expert. Evaluated the sources of manganese and iron entering the Sherard Water Treatment Plant (WTP). A review of flow and water quality data for the Sherard WTP supply indicated that the problem arose in the reservoir system and in the raw water pipeline. Responsibilities involved developing multiple alternative solutions for avoiding colored water events and recommended corrective actions in a staged approach to prevent future manganese events. The recommended actions included hypolimnetic aeration of the terminal reservoir, additional oxidation of manganese, improvements to mixing and coagulation, and provision of a sequesterant feed system.

Minnehaha Creek Watershed District, MCWD, Stubbs Bay Improvement Project/Classen Wetland Restoration, Hennepin County, MN. Project Manager and Water Quality Expert. Dr. Hatch analyzed water quality issues in this eutrophic bay of Lake Minnetonka and proposed wetland restoration and headwater lake controls to restore hydrology in the Classen Creek subwatershed. Part of project utilized University of Minnesota students for their senior capstone project.

Minnehaha Creek Watershed District, Lake Water Quality Data Analysis, Hennepin County, MN. Water Quality Expert. Dr. Hatch performed long-term trend analysis on multiple lake sites for several parameters and made recommendations to streamline monitoring efforts on both a spatial and temporal basis. He also reviewed the client's long-term water quality monitoring program and provided feedback to improve the program.

PacifiCorps, Pilot Study of Algal Conditions Management within a Selected Reservoir Cove, CA. Water Quality Expert. Dr. Hatch reviewed multiple mechanical alternatives to reduce the intensity of blue- green algal blooms in Iron Gate Reservoir on the Klamath River, California. Alternatives included low- speed paddlewheels, impeller-aspirator systems, axial flow pumps, and cascade systems, air- powered mixers, and sonicators.

USACE Kansas City District, Lake Contrary Restoration Project, St. Joseph, MO. Water Quality Expert. A Planning Design and Analysis Report (PDA) for the Section 514 Missouri and Mississippi River Enhancement Project at St. Joseph, Missouri was prepared. The project was a continuation of activities to analyze six alternatives to restore Lake Contrary, an oxbow lake that became hypereutrophic due in part to sedimentation. Dr. Hatch used the SCS method to calculate water budgets, and the RUSLE method to calculate sediment loads.

Private Client, Swan Lake Pumped Storage Project, OR. Water Quality Expert. Researched and prepared a water quality feasibility report for a proposed pumped lake storage project in southern Oregon. Dr. Hatch examined the potential impacts of temperature and chemical constituents on future water quality conditions and possible algal issues.

Water Environment Federation, Management of Disruptive Aquatic Species in Pacific Northwest Drinking Water Supplies, WA. Senior Algal Ecologist and Water Quality Expert. Analyzed water quality and algal monitoring data to determine cause-and-effect relationships as well as invasive algal species niche analysis for the two largest water suppliers in Washington State. The study addressed drinking water quality and treatment issues related to alien or indigenous plankton species in source waters of the Coastal Pacific Northwest region, focused on understanding what drives the production of problem species, developed monitoring strategies and tools to help utilities predict occurrence in source waters, and provided practical guidelines for managing the impacts of problem species on drinking water supplies.

Vadnais Lake Area Water Management Org, Water Quality Modeling of the VLAWMO Watershed, St. Paul, MN. QA/QC Reviewer and Modeler. Developed a BATHTUB water quality model for lakes in the watershed. This model was used to set individual lake water quality goals and guide management activities in the watershed.

Stearns County Environmental Services, Pelican Lake of St. Anna Clean Water Partnership Phase I Diagnostic Study, Stearns County, MN. Project Manager and Water Quality Expert. Assisted with writing project reports, modeling, and providing technical advice to Pelican Lake Association for the CWP grant to monitor the lake and stream water quality for two years.

Riley Purgatory Bluff Creek Watershed District, Aquatic Invasive Species Management Plan, Chanhassen, MN. Project Manager and Water Quality Expert. Reviewed aquatic invasive species (AIS) concerns in the District, determined vectors and pathways for those organisms, developed an AIS prevention matrix, recommended implementation plan alternatives and associated costs, and wrote the final plan.

City of San Francisco, Lake Merced Harmful Algal Bloom Monitoring, San Francisco, CA. Limnologist and Water Quality Expert. Dr. Hatch conducted a field visit with City staff and is guiding analysis of available water quality data to provide the client with monitoring guidance for this backup non-potable water supply for the City.

City of Watertown, Phosphorus Removal Facility Project, Watertown, SD. Senior Algal Ecologist. Provided technical support for the modification of a functional, but recently decommissioned water treatment facility (1.5 MGD capacity), along the shores of highly-eutrophic Lake Kampeska to grow algae year-round to remove phosphorus from the lake water. The algae were harvested and the lower-phosphorus water returned to the lake to reduce the overall P content in the lake over time.

Water Environment Research Foundation, Nutrient Regulatory Issues: Nutrient Effluent Discharge Permitting Guidelines. Water Quality Expert. Assisted with the development of a report that reviewed how nutrients are addressed in NPDES discharger permits. Case studies were analyzed, and emphasis was placed on watershed permitting, water quality trading programs, and nutrient offsets.

Chisago Lakes Lake Improvement District, Basin-Wide SWAT Model, Chisago County, Minnesota. Ecologist. Developed a preliminary SWAT model targeted to the Chisago Chain of Lakes. The SWAT models used to simulate the movement of sediment and phosphorus through the Chisago Chain of Lakes system. The model builds upon the body of knowledge developed in previous studies such as the Storm Water Management Model and the BATHTUB modeling projects

California Department of Water Resources, Bay Delta Conservation Plan, Sacramento, California. Water Quality Expert. Assessed current water quality conditions for the EIR/EIS and the impacts of selected management strategies to support the Bay Delta Conservation Plan which examines strategies to deliver high-quality water to central and southern California, while at the same time addressing environmental issues pertaining to fisheries in the Sacramento-San Joaquin Delta. Parameters assessed included sediments, nutrients, heavy metals, pesticides, PAHs, and emerging contaminants.

Texas Water Development Board, Nueces Watershed Pre- and Post-Development Nutrient Budgets, Texas. Water Quality Expert. Evaluated pre-development and current conditions nutrient budgets, quantified differences between these budgets, assessed potential causes of these differences (e.g., reservoir operations, frequent and extended drought periods, etc.), and facilitated consideration of metrics for identification of the desired future condition for estuarine productivity. Once any potential nutrient imbalances were identified through the nutrient budgeting process, cost-effective strategies to address such imbalances were developed. Responsibilities also involved assisting with data management and analysis.

EXHIBIT A TO RESOLUTION 2024-011

HWSP Water Quality Mitigation Plan, Milton Seaman Reservoir
City of Greeley

Prepared: JC / TKR
Reviewed: CK
Approved: KS

Date: 11-Oct-23
Date: 12-Oct-23
Date: 13-Oct-23

10/13/2023

Fee Estimate

Task/Scope	LABOR HOURS BY CLASSIFICATION																				TOTAL HOURS	LABOR COST	EXPENSE COST	TOTAL COST
	Project Manager	Project Engineer	Project Controller / Tech Editing	Senior Limnologist	Mid-level Limnologist	Independent Technical Review (Limnology)	Independent Technical Review (Engineering)	Aeration System SME Reviewer	Senior Electrical Engineer	Electrical Engineer	Structural Engineer	Structural Drafting	Process Mechanical Design (Aeration)	CAD Designer	Cost Estimator	Senior Engineering Geologist	Tower Structural	Project Engineer	Independent Technical Reviewer	Gates Expert				
	N. Walker	J. Crouch	Project Controller	T. Karst- Riddoch	B. Winston	L. Hatch	V. Adams, R. Hawthorne, B. Skolozdra	Aeration System SME	C. Adams	Q. Harlen	S. Pauls	G. Hesseltine	S. Weber	R. Carpio	R. Watts	Sr. Geologist	M. Simon	S. Warren	ITR	L. Gerbig				
	\$279	\$161	\$186	\$173	\$134	\$232	\$264	\$311	\$279	\$122	\$186	\$130	\$216	\$216	\$216	\$279	\$279	\$147	\$338	\$413				
PHASE 1																								
Task 1: Project Management	62	48	32	28	0	0	0	0	0	0	0	0	0	0	0	2	14	6	0	0	192	\$41,168	\$2,136	\$43,304
Site Visits	12	24		24													12				72	\$14,712	\$2,136	\$16,848
H&S Plan			6																		6	\$1,116	-	\$1,116
Kick-Off Meeting (Phase 1 and 2)	20	4																			24	\$6,224	-	\$6,224
Progress Meetings	20	20		4												2	2	6			54	\$11,490	-	\$11,490
Project Set-Up			6																		6	\$1,116	-	\$1,116
Prepare Invoices	10		20																		30	\$6,510	-	\$6,510
Task 2: Water Quality Review and Analysis	8	12	4	44	60	10		6													144	\$24,746	\$0	\$24,746
Task 3: Feasibility Design for Oxygenation and Aeration Systems	24	78	6	18	0	2	14	12	44	40	38	30	28	52	0	0	0	0	0	0	386	\$76,780	\$0	\$76,780
Oxygenation and Aeration System Options Analysis	20	72		16		2		12													122	\$24,136	-	\$24,136
Prepare 15% BODR	4	4	6	2			4		40		8		16								84	\$20,382	-	\$20,382
Prepare 15% Design Drawings (Includes: Draft, comment responses, and Final)		2							4	40	30	30	12	52							170	\$29,622	-	\$29,622
QAQC							10														10	\$2,640	-	\$2,640
Task 4: Feasibility Design and Engineering of Multi-Level Outlet Tower	39	76	45	8	0	0	0	4	36	54	0	0	75	80	30	64	151	158	22	55	897	\$204,069	\$0	\$204,069
Task 4A Data Review and Development of Study Approach	2	72							4	8			12	0	0	10	16	16	4	8	152	\$31,096	-	\$31,096
Task 4B Civil and Structural Analysis for Alternatives	32	2	30	8				4	0	0			4	80	30	24	100	100	18	17	449	\$104,483	-	\$104,483
Task 4C Mechanical and Electrical Analysis for Alternatives	5	2	15						32	46			59	0	0	30	35	42	0	30	296	\$68,490	-	\$68,490
Task 5: Evaluation and Cost Estimating of Water Quality Mitigation Options	9	58	12	2	8	2	0	0	2	6	4	2	4	0	16	0	6	18	2	1	152	\$27,986	\$0	\$27,986
Evaluation of options	8	56	12	2	8																86	\$14,898	-	\$14,898
Prepare Cost Estimate (Task 5)	1	2				2			2	6	4	2	4		16	0	6	18	2	1	66	\$13,088	-	\$13,088
Task 6: Water Quality Mitigation Plan Recommendations and Reporting	4	12	10	2	4	4			4		4		4			4	4	4	2	2	64	\$13,764	\$0	\$13,764
PHASE 1 Subtotal	146	284	109	102	72	18	14	22	86	100	46	32	111	132	46	70	175	186	26	58	1835	\$ 388,513	\$ 2,136	\$ 390,649
PHASE 2																								
Task 7: Outlet Gates 60% Design	28	104	32	10	0	0	0	0	24	40	0	0	0	164	24	31	80	274	9	10	830	\$162,841	\$0	\$162,841
60% Design Drawings	24	100							8	40				164		18	48	124	4	6	536	\$105,804	-	\$105,804
Draft Technical Specifications			16						8							2	8	30	2	4	70	\$14,736	-	\$14,736
Basis of Design Report									8							10	6	45	2		71	\$13,987	-	\$13,987
Cost Estimate															24	1	4	34	1		64	\$11,915	-	\$11,915
Draft Submittal			10	6													2	7			25	\$4,485	-	\$4,485
Final Submittal	4	4	6	4													12	34			64	\$11,914	-	\$11,914
PROJECT Total	174	388	141	112	72	18	14	22	110	140	46	32	111	296	70	101	255	460	35	68	2665	\$551,354	\$2,136	\$553,490

FEE SCHEDULE

PERSONNEL CHARGES

The charge for all time required in performing the Scope of Services, including office, field, and travel time, will be at the Unit Price Hourly Rates set forth below for the labor classifications indicated.

Labor Classification	HourlyRate
Assistant/Support Staff 1	51
Assistant/Support Staff 2	65
Assistant/Support Staff 3	78
Assistant/Support Staff 4	90
Assistant/Support Staff 5	103
Assistant/Support Staff 6	118
Assistant/Support Staff 7	130
Assistant/Support Staff 8	143
Assistant/Support Staff 9	156
Assistant/Support Staff 10	169
Staff 1	95
Staff 2	109
Staff 3	122
Staff 4	134
Staff 5	147
Project 1	161
Project 2	173
Project 3	186
Project 4	200
Project 5	216
Consultant 1	232
Consultant 2	248
Consultant 3	264
Consultant 4	279
Consultant 5	295
Principal 1	311
Principal 2	338
Principal 3	364
Principal 4	389
Principal 5	413

Charges for temporary personnel under Company supervision and using Company facilities will be invoiced according to the hourly rate corresponding to their classification.

OTHER PROJECT CHARGES

Subcontracts

The cost of services subcontracted by the Company to others will be charged at cost plus 5%.

Travel and Other Direct Costs

The cost of travel (airfares, lodging, meals, rental vehicles, parking fees, baggage handling cost, etc.) or other direct costs (field supplies, report binding supplies, leased or rented field equipment, etc.) will be charged at cost. A per diem may be used for lodging and meals.

Document Reproduction

In-house labor for document reproduction will be charged directly to projects.

Vehicles and Mileage

Company owned or leased field vehicles (cars, pickups, vans, trucks, etc.) used on project assignments will be charged at the current mileage rate established by the Internal Revenue Service. The mileage charge for personal autos will be the current mileage rate established by the Internal Revenue Service.

This fee schedule contains AECOM confidential business information. Do not disclose, copy, or distribute without written permission from AECOM.

February 20, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Paul Sizemore, Director, Community Development & Neighborhood Services

SUBJECT

Resolution 2024-012 Adopting Findings of Fact in Support of the City Council's Decision on Appeal to Uphold the Planning and Zoning Commission Approval of the Polestar Village Project Development Plan PDP220010.

EXECUTIVE SUMMARY

The purpose of this item is to make Findings of Fact and Conclusions regarding Council's decision at the February 6, 2024, appeal hearing upholding the Planning and Zoning Commission's decision to approve the Polestar Village Project Development Plan.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

On November 16, 2023, the Planning and Zoning Commission ("Commission") approved the Polestar Village Project Development Plan PDP220010. On December 1, 2023, Charles Thompson and other parties-in-interest ("Appellants") filed a Notice of Appeal alleging that:

The Commission failed to conduct a fair hearing because the Commission 1) considered evidence relevant to its findings, which was substantially false or grossly misleading; and 2) was biased against the Appellants by reasons of a conflict of interest or other close business, personal or social relationship that interfered with a member's independence of judgement; and

The Commission improperly failed to properly interpret and apply Land Use Code Sections 3.6.2(A), 3.6.2(I), 4.4(B), 4.4(C), and 4.5(A).

On February 6, 2024, Council considered the appeal allegations and testimony from the Appellants, parties-in-interest opposed to the appeal including the applicant for the Polestar Village PDP, and City staff. City Council unanimously voted to dismiss the failure to interpret and apply because the Notice of Appeal did not comply with City Code Section 2-49(b)(4) and did not provide sufficient notice to any party opposed to the appeal to allow such party to sufficiently understand and prepare to address such allegations. City Council further determined that the Commission conducted a fair hearing because the Appellants did not establish with competent evidence from the record that any of the fair hearing issues had merit, dismissed the Appellants' fair hearing allegations, and upheld the Planning and Zoning Commission's approval of the Project Development Plan on a 5-1 vote.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Resolution for Consideration

RESOLUTION 2024-012
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING FINDINGS OF FACT IN SUPPORT OF THE CITY
COUNCIL'S DECISION ON APPEAL TO UPHOLD THE PLANNING AND
ZONING COMMISSION APPROVAL OF THE POLESTAR VILLAGE
PROJECT DEVELOPMENT PLAN PDP220010

A. On November 17, 2023, the Planning and Zoning Commission ("P&Z") approved the Polestar Village Project Development Plan PDP220010.

B. On December 1, 2023, Charles Thompson and other parties-in-interest (the "Appellants") filed a notice of appeal ("Appeal") with the City alleging that P&Z failed to conduct a fair hearing because:

(1) P&Z considered evidence relevant to its findings that was substantially false or grossly misleading; P&Z improperly failed to receive all relevant evidence offered by the appellant; and

(2) P&Z was biased against the appellant by reason of a conflict of interest or other close business, personal or social relationship that interfered with the decision maker's independence of judgment.

C. The Appeal also alleged that P&Z failed to properly interpret and apply the following Land Use Code Sections: 3.6.2(A), 3.6.2(I), 4.4(B), 4.4(C), and 4.5(A).

D. On December 8, 2023, the Appellants filed with the City a document containing new evidence related to the fair hearing allegations raised in the Notice.

E. On January 29, 2024, the Polestar Village applicant, a party-in-interest opposed to the appeal, (parties-in-interest opposed to the Appeal are collectively referred to as the "Appellees") filed with the City a written response to the allegations raised in the Appeal.

F. On February 6, 2024, the City Council, after giving notice in accordance with City Code Section 2-52, held a public hearing ("Hearing") pursuant to City Code Section 2-54 to consider the allegations raised in the Notice.

G. At the Hearing, and prior to receiving testimony from the Appellants and Appellees regarding the merits of the Appeal allegations, City Council decided the following preliminary matters:

(1) Council denied the Appellees' objection to the emails contained in the Appellants' December 8, 2023, filing.

(2) Council sustained the Appellees' objection to the failure to interpret and apply the Land Use Code Appeal allegations and dismissed all of the

failure to properly interpret and apply allegations contained in the Appeal. In dismissing those allegations, Council found that:

- a. City Code Section 2-49(b)(4) requires that every notice of appeal shall include the grounds for the appeal including specific allegations of error and a summary of the facts contained in the record on appeal which support such allegations.
- b. The allegations that the Planning and Zoning Commission failed to properly interpret and apply the Land Use Code set forth in the Appellant's Notice of Appeal listed only the numbers of certain Land Use Code sections without providing any specific allegations of error or a summary of facts contained in the record supporting such allegations.
- c. The information provided did not comply with City Code Section 2-49(b)(4) and did not provide sufficient notice to any party opposed to the appeal to allow such party to sufficiently prepare to address such allegations at this February 6, 2024, appeal hearing.
- d. Dismissal of the failure to properly interpret and apply allegations is required as a matter of fairness to any party opposed to the appeal and to comply with the City's adopted appeal procedure.

(3) Council admitted into the Hearing record for Council consideration the December 8, 2023, Appellants' filing and the January 29, 2024, Appellees' filing.

H. In determining the Appeal fair hearing allegations at the Hearing, the City Council considered the record on appeal; testimony from City staff; statements and arguments by the Appellants in support of the appeal; and statements made by the Appellees in opposition to the notices of appeal.

I. City Council determined that P&Z conducted a fair hearing when it approved the Polestar Village PDP finding that the Appellants did not establish with competent evidence in the record that any of the fair hearing issues have merit and, therefore, Council dismissed the Appeal fair hearing allegations.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The allegations set forth in the Appeal that P&Z failed to properly interpret and apply the Land Use Code are dismissed because the Appeal did not comply with City Code Section 2-49(b)(4), did not provide sufficient notice to any party opposed

to the appeal to allow such party to sufficiently prepare to address such allegations at the Hearing, and dismissal is required as a matter of fairness to the Appellees.

Section 2. The allegations set forth in the Appeal that P&Z failed to conduct a fair hearing are dismissed because the Appellants did not establish with competent evidence in the record that any of the fair hearing issues have merit.

Passed and adopted on February 20, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: February 20, 2024
Approving Attorney: Brad Yatabe

February 20, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Nina Bodenhamer, City Give Director

SUBJECT

Second Reading of Ordinance No. 015, 2024, Appropriating Philanthropic Revenue Received Through City Give for Park Planning and Development to Fund Pickleball Site Feasibility and Community Engagement.

EXECUTIVE SUMMARY

This Ordinance, adopted on First Reading on February 6, 2024, by a vote of 5-1 (Nays: Councilmember Francis; Absent: Councilmember Pignataro) is to request an appropriation of \$40,000 in philanthropic revenue received by City Give for Park Planning & Development, for site feasibility and community engagement toward a future City-owned pickleball complex.

In 2019, the City launched City Give, a formalized enterprise-wide initiative to create a transparent, non-partisan governance structure for accepting and appropriating charitable gifts.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

The Fort Collins Pickleball Club awarded \$40,000 to the Park Planning & Development department (PPD) for the designated purpose to fund an initial public engagement process to determine site feasibility for a future City-owned pickleball complex.

The City recognizes the long and valuable tradition of community-led collaboration. Successful community partnerships are vehicles for delivering practical solutions to community issues and have played a critical role in the success of community livability. Philanthropic partnerships facilitated by City Give include The Hand That Feeds, Veterans Plaza of NoCo, a refresh of Eastside Park, 9-11 Memorial at Spring Park, and more, all a diverse range of community-driven amenities.

A Gift Agreement, per the City Manager's Administrative policy for gifts of \$25,000 or more, governs this charitable award which outlines the City's commitment, including:

- The development and distribution of engagement mailers and a pickleball survey; the hosting of up to three (3) community meetings and up to three (3) focus group meetings; and the development of conceptual designs for up to two pickleball locations with support of an engineering consultant.

Recreate, the 2021 Parks and Recreation masterplan, identified the need for additional pickleball courts. Community Parks provide ideal accessibility and offer central locations for residents of all ages and abilities. They cater to active recreation, foster social connections, and serve as hubs for social interaction. These parks are often equipped with the necessary infrastructure, making them prime locations to support and house a complex efficiently.

Previous pickleball feasibility conducted by PPD explored the viability of the City's Community Parks and assessed neighborhood setback for noise reduction, parking capacity, existing restroom facilities, floodway impacts, service gaps, separation from tennis, public transportation, and trail connectivity.

The investment of the Fort Collins Pickleball Club will build on PPD's feasibility assessment of pickleball facilities within Community Parks and meaningfully inform the development of future park amenities.

CITY FINANCIAL IMPACTS

Upon adoption, this Ordinance will appropriate \$40,000 in philanthropic revenue for expenditure in the General Fund by Park Planning & Development. The funds have been received and accepted per City Give Administrative and Financial Policy.

The City Manager has also determined that these appropriations are available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in the General Fund during fiscal year 2024.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 015, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PHILANTHROPIC REVENUE RECEIVED
THROUGH CITY GIVE FOR PARK PLANNING AND
DEVELOPMENT TO FUND PICKLEBALL SITE FEASIBILITY
AND COMMUNITY ENGAGEMENT

A. The City recognizes the long and valuable tradition of community-led collaboration as a way to deliver practical solutions to community issues and to improve community livability, including Parks facilities.

B. The City received a charitable gift of \$40,000 from the Fort Collins Pickleball Club to study the feasibility of a site for a future City-owned pickleball complex and undertake related community engagement, as further detailed in a Gift Agreement between the City and the Fort Collins Pickleball Club.

C. This appropriation benefits public health, safety and welfare of the residents of Fort Collins and serves the public purpose of allowing the City's Park Planning and Development department to conduct community engagement and study site feasibility for the potential pickleball complex.

D. Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

E. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that there is hereby appropriated from new philanthropic revenue in the General Fund the sum of FORTY THOUSAND DOLLARS (\$40,000) to be expended in the General Fund for Pickleball Feasibility and Community Engagement.

Introduced, considered favorably on first reading on February 6, 2024, and approved on second reading for final passage on February 20, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 1, 2024

Approving Attorney: Ryan Malarky

February 20, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Jonathan Piefer, Senior Real Estate Specialist
Ralph Campano, Real Estate Services Manager
Jason Graham, Water Utilities Director
Ken Sampley, Stormwater Engineer/Development Review Director

SUBJECT

First Reading of Ordinance No. 037, 2024, Authorizing the Conveyance to N College 1311, LLC, of a Portion of the City Property Designated as the Future Hickory Detention Pond in Exchange for Adjoining Property and Other Valuable Consideration.

EXECUTIVE SUMMARY

The purpose of this item is to approve an Ordinance that would permit the conveyance of approximately 1.31 acres (57,064 sf) of City property (the "Conveyed Parcel") to N College 1311, LLC, ("Owner"), as well as a possible temporary construction easement or license to enter, and acceptance of Natural Habitat Buffer Zone on City property, in exchange for approximately 2.43 acres (105,723 sf) of Owner's adjoining property (the "Received Parcel") and other valuable consideration.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading

BACKGROUND / DISCUSSION

Hickory Detention Pond

The Conveyed Parcel was purchased by the City on July 30, 2010, from Amada, LLC, as part of a 7.53 acre tract of land (the "City Property") on Hickory Street intended to be used as a future regional stormwater detention pond (the "Hickory Detention Pond"). The Hickory Detention Pond will provide stormwater runoff detention, water quality treatment, and a stormwater outfall for new and existing developments in the North College Area of the Dry Creek Basin. The future construction of Hickory Detention Pond will also provide flood protection to southern portions of the Dry Creek Basin. The North College Urban Renewal Authority identified the Hickory Detention Pond project as a top priority for investment in the area.

As a result of this proposed transaction (the "Subject Exchange"), the City will gain an additional net 1.12 acres (48,659 sf) (the "Additional Acreage") to be used for the future construction and operation of Hickory Detention Pond (the "Larger Pond Site"). The City will also obtain the additional benefits discussed below.

the Shelter Project

The Received Parcel was purchased by the Owner on May 6, 2019, as part of a 5.21 acre tract of land (the "Owner Property") intended to be used by the Fort Collins Rescue Mission ("FCRM") for future development of a supportive shelter project for those experiencing homelessness (the "Shelter Project"). FCRM has submitted plans to the City for the Shelter Project, which is currently in the development review process. The Owner has proposed the Subject Exchange as a mutually beneficial transaction: while site analysis shows the Shelter Project can be built on the Owner Property without use of the City Property, the Subject Exchange would benefit both the Shelter Project and the development of the Hickory Detention Pond by optimizing the configuration of both Properties for their proposed uses. The Hickory Detention Pond would benefit from more efficient capture of stormwater draining from the north, and the new alignment of the City Property would allow for an existing tree grove to be incorporated into the Pond. If the Subject Exchange does not happen, the City will need to acquire and maintain an easement across the Owner Property to get stormwater from the north to the Hickory Detention Pond.

Land Valuation

The main issue to determine regarding the Subject Exchange is whether the City Stormwater Utility ratepayers would be adequately compensated for the exchange of the Conveyed Parcel. To make this determination, the City has relied primarily on an appraisal prepared by Jon Vaughan, MAI, SR/WA of CBRE of Hickory Detention Pond using the Before and After methodology as it applies to the Subject Exchange (the "Appraisal").

Although the Additional Acreage will expand Hickory Detention Pond, the overall effect of the Subject Exchange on the Larger Pond Site is a reduction in value. Primarily, the Subject Exchange includes the transfer of approximately 86,734 square feet of additional Natural Habitat Buffer Zone ("NHBZ") onto the Larger Pond Site, which restricts many types of development on approximately 44% of the Larger Pond Site.

Additionally, the Larger Pond Site will have an irregular shape and reduced frontage on Mason Street, which further limit its value based on future development potential. The Appraisal concluded that the Subject Exchange results in a loss of \$250,000 in Fair Market Value to the City because the value of the Larger Pond Site after the Subject Exchange is less than the value of the City Property before the Subject Exchange.

Additional Consideration

The Subject Exchange includes related benefits that the City and Owner agree are in their respective best interests and will compensate the Stormwater Utility for the reduction in value of the Larger Pond Site. This additional consideration will be included in a Land Exchange Agreement for the Subject Exchange (the "LEA"). The LEA will be finalized and executed prior to completing the exchange. Specifically, the parties intend the LEA to include provisions for the Owner's performance of excavation, clearing, grading, and design of a portion of Hickory Detention Pond and NHBZ restoration on City Property in exchange for the Owner's use of fill materials from the City Property (the "Excavation Provisions").

The Excavation Provisions will require the Owner to clear and grub approximately 8 acres of woody debris and surface materials and then excavate approximately 29,000 cubic yards of soil on the Larger Pond Site. This is a benefit to the City of approximately \$620,000 towards the future construction of the final Hickory Detention Pond. The Owner will also be responsible for the estimated cost of restoration on City Property of approximately 2 Acres of NHBZ. The Owner will likely need a temporary construction easement or license to enter from the City to complete the proposed work on the City Property.

Additionally, the Owner has completed engineering design of the preliminary grading of the Hickory Detention Pond, the value of which has not been included in these numbers.

It is important to note that while the irregular shape, loss of Mason Street Frontage and transfer NHBZ areas to the City property have an adverse impact on fair market value, the changes do not significantly impact the utility of the site as a stormwater detention pond.

Conclusion

City staff has concluded that the Subject Exchange is in the best interest of the Stormwater Utility ratepayers because there will be Additional Acreage to be used for Hickory Detention Pond, and that plus the financial benefits to the City as a result of the Excavation Provisions, and the other City benefits will outweigh any loss in value to the Hickory Detention Pond property as a result of the Subject Exchange.

CITY FINANCIAL IMPACTS

Other than staff time and related expenses, the only additional cost to the City associated with the Subject Exchange is a loss in land value of approximately \$250,000, which is offset by four beneficial impacts:

1. The \$620,000 cost savings to the City as a result of the Excavation Provisions, which is a net benefit of \$370,000;
2. The addition of 1.12 acres of land available for development as a stormwater pond;
3. NHBZ restoration of approximately 2 acres of land on the City Larger Pond Site; and
4. Detention Pond Design cost savings.

City staff recommends that the Subject Exchange not include any additional monetary consideration because the City Utilities ratepayers will be adequately compensated as summarized above.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Water Commission will consider the Subject Exchange at its February 15, 2024, meeting and staff anticipates the Commission will recommend its approval by Council.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration
2. Exhibit A to Ordinance
3. Exhibit B to Ordinance
4. Exhibit C to Ordinance
5. Exhibit D to Ordinance
6. Exhibit E to Ordinance
7. Presentation

ORDINANCE NO. 037, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE TO N COLLEGE 1311, LLC, OF A
PORTION OF THE CITY PROPERTY DESIGNATED AS THE FUTURE
HICKORY DETENTION POND IN EXCHANGE FOR ADJOINING
PROPERTY AND OTHER VALUABLE CONSIDERATION

A. The City owns a 7.53 acre tract of land on Hickory Street (the “City Property”) purchased in 2010 as the site for a future regional stormwater detention pond (the “Hickory Detention Pond”). The Hickory Detention Pond will collect stormwater draining from existing properties to the north and west that do not currently have adequate stormwater infrastructure and release it into 2,350 feet of new storm sewer along the future North Mason Street right-of-way. N College 1311, LLC, (“Owner”) owns a tract of land adjacent to the City Property (the “1311 Property”). The City Property and 1311 Property are shown on Exhibit “A”, attached and incorporated herein by reference.

B. The 1311 Property is the proposed site for the Fort Collins Rescue Mission’s new 24/7 shelter for persons experiencing homelessness (the “Shelter Project.”).

C. The Owner has proposed exchanging a 2.43 acre portion of the 1311 Property for a 1.31 acre portion of the City Property. While this exchange is not essential for either project, it would facilitate development of both the Shelter Project and the Hickory Detention Pond by optimizing the configuration of both Properties for their proposed uses.

D. The property that the City would convey to the Owner (the “Conveyed Parcel”) and the property the Owner would convey to the City (the “Received Parcel”) are both shown on Exhibit “B”, attached and incorporated herein by reference. The configuration of the City Property and the 1311 Property after the proposed exchange are shown on Exhibit “C”, attached and incorporated herein by reference. Surveyed legal descriptions of both the Conveyed Parcel and the Received Parcel would be created before the parties close on the exchange of the Parcels.

E. Portions of both the City Property and the 1311 Property are within 500 feet of an area or feature identified as a natural habitat or feature pursuant to Division 3.4 of the City’s Land Use Code (a “Natural Habitat Buffer Zone” or “NHBZ”). A NHBZ limits development but can be reduced in one area and expanded in another. Therefore, the Owner is asking the City to agree to accept more of the NHBZ on the City Property to increase the developable area on the 1311 Property. City staff does not object to this proposal, as the NHBZ should not limit the City’s ability to construct the Hickory Detention Pond.

F. The current locations of the NHBZ on both Properties is shown on Exhibit “D”, and the location of the NHBZ on the City Property after the proposed property exchange and relocation of the NHBZ is shown on Exhibit “E”, both attached and incorporated herein by reference.

G. Section 23-111(a) of the City Code authorizes the City Council to sell, convey or otherwise dispose of any interest in real property owned by the City, provided that the City Council first finds, by ordinance, that such sale or other disposition is in the best interests of the City; and, with respect to real property which is a part of the City's water or utility systems, the City Council must also find that the disposition will not materially impair the viability of the particular utility system as a whole and that it will be for the benefit of the citizens of the City.

H. In addition, Section 23-114 of the City Code requires that any sale or other conveyance of property interests approved under section 23-111(a) be for an amount equal to or greater than the fair market value of such interest.

I. City staff has determined through an outside appraisal prepared using the "before and after" methodology that the City Property is currently worth approximately \$1.57 million. But even though the Received Parcel is larger than the Conveyed Parcel, after the proposed exchange the fair market value of the City Property would be approximately \$250,000 less than it is now, primarily because the exchange would include the transfer of additional Natural Habitat Buffer Zone onto the City Property, limiting its potential for development and therefore reducing its value.

J. The Owner has agreed, however, as additional consideration for the land exchange, to be responsible for the design, excavation, clearing, and grading of a portion of the Hickory Detention Pond and restoration of the NHBZ on the City Property as part of the work on the Shelter Project. The Owner will be able to use dirt removed from such excavation as fill on the 1311 Property.

K. The Owner or its contractor may require a license to enter or temporary construction easement over the City Property shown on Exhibit C for work on the Hickory Detention Pond.

L. The value to the City of the Received Parcel plus the work the Owner has agreed to do on the City Property, less the value of the Conveyed Parcel, results in a net gain to the City of approximately \$370,000. The Owner's design work for the Hickory Detention Pond is not included in this amount but provides additional value to the City; staff therefore recommends that the City not charge the Owner any additional monetary consideration for the proposed exchange.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City's conveyance of the Conveyed Parcel and a temporary construction easement or license to enter to the Owner, plus the City's acceptance of additional Natural Habitat Buffer Zone on the City Property, in exchange for the Received Parcel plus additional services to be provided to the City by the Owner on the City Property is in the best interests of the City, will not materially impair the viability of the

City's stormwater utility system as a whole, and will be for the benefit of the citizens of the City.

Section 2. The City Council hereby authorizes the Mayor to execute such documents as are necessary to convey the Conveyed Parcel to the Owner on terms and conditions consistent with this Ordinance, together with such terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City, including, but not limited to, any necessary changes to the legal description of the Conveyed Parcel, as long as such changes do not materially increase the size or change the character of the interest to be conveyed.

Section 3. The City Council also authorizes the Mayor or City Manager, as appropriate, to execute such additional documents as may be necessary to (i) convey a temporary construction easement or license to enter to the Owner for the purpose of doing work on the Hickory Detention Pond, and (ii) accept or allow transfer of additional Natural Habitat Buffer Zone onto the City Property as shown on Exhibit E, on terms and conditions consistent with this Ordinance, together with such terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City, including, but not limited to, any necessary changes to the legal description of the property interests involved, as long as such changes do not materially increase the size or change the character of the interests to be conveyed.

Section 4. The City Council's approval of the property exchange described herein does not signify the Council's approval of the Shelter Project, which must comply with all applicable standards and requirements of the City's development review process.

Introduced, considered favorably on first reading on February 20, 2024, and approved on second reading for final passage on March 5, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 15, 2024
Approving Attorney: Ingrid Decker

Exhibit A - Properties Before Exchange

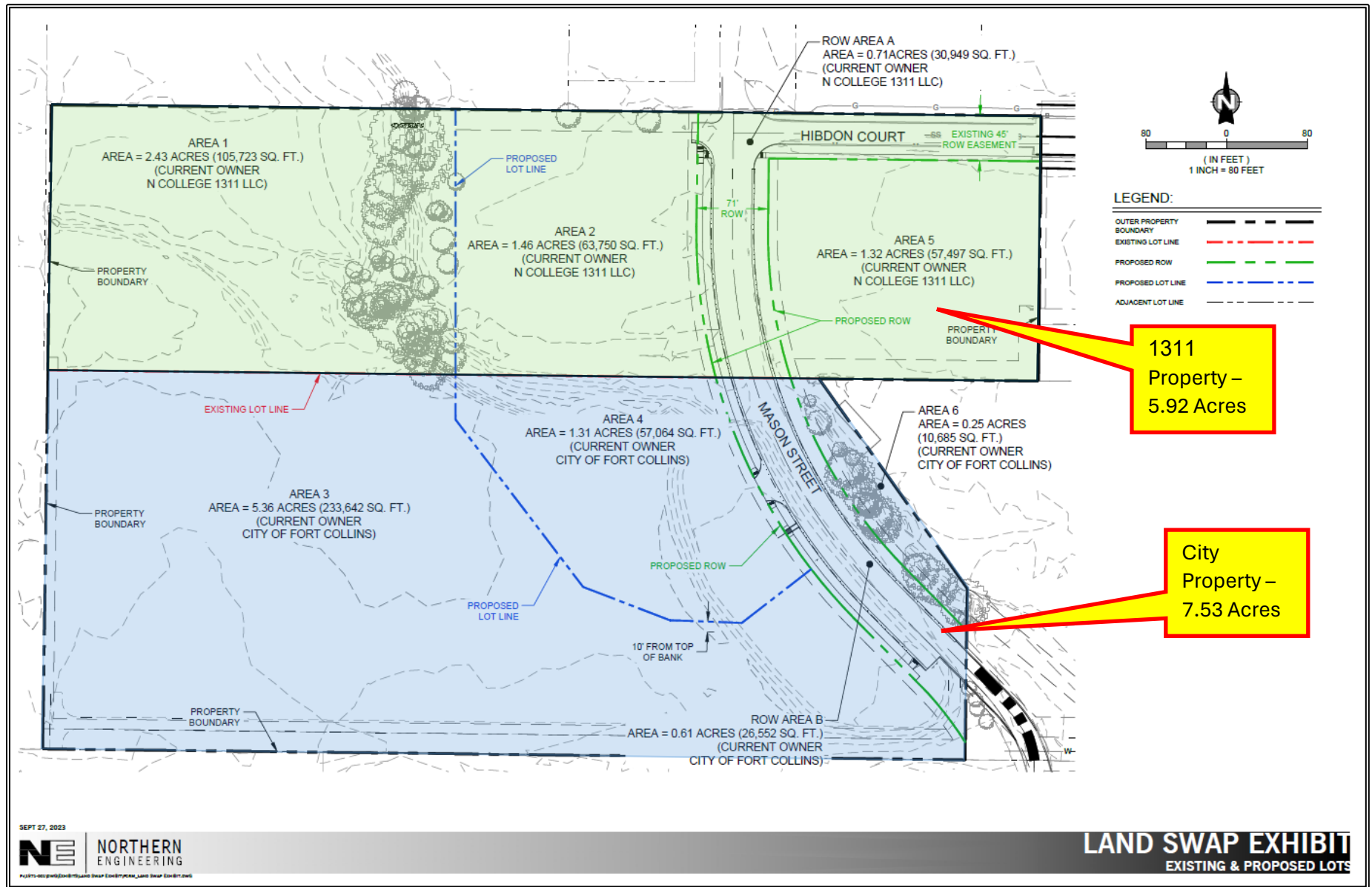


Exhibit B - Exchange Parcels

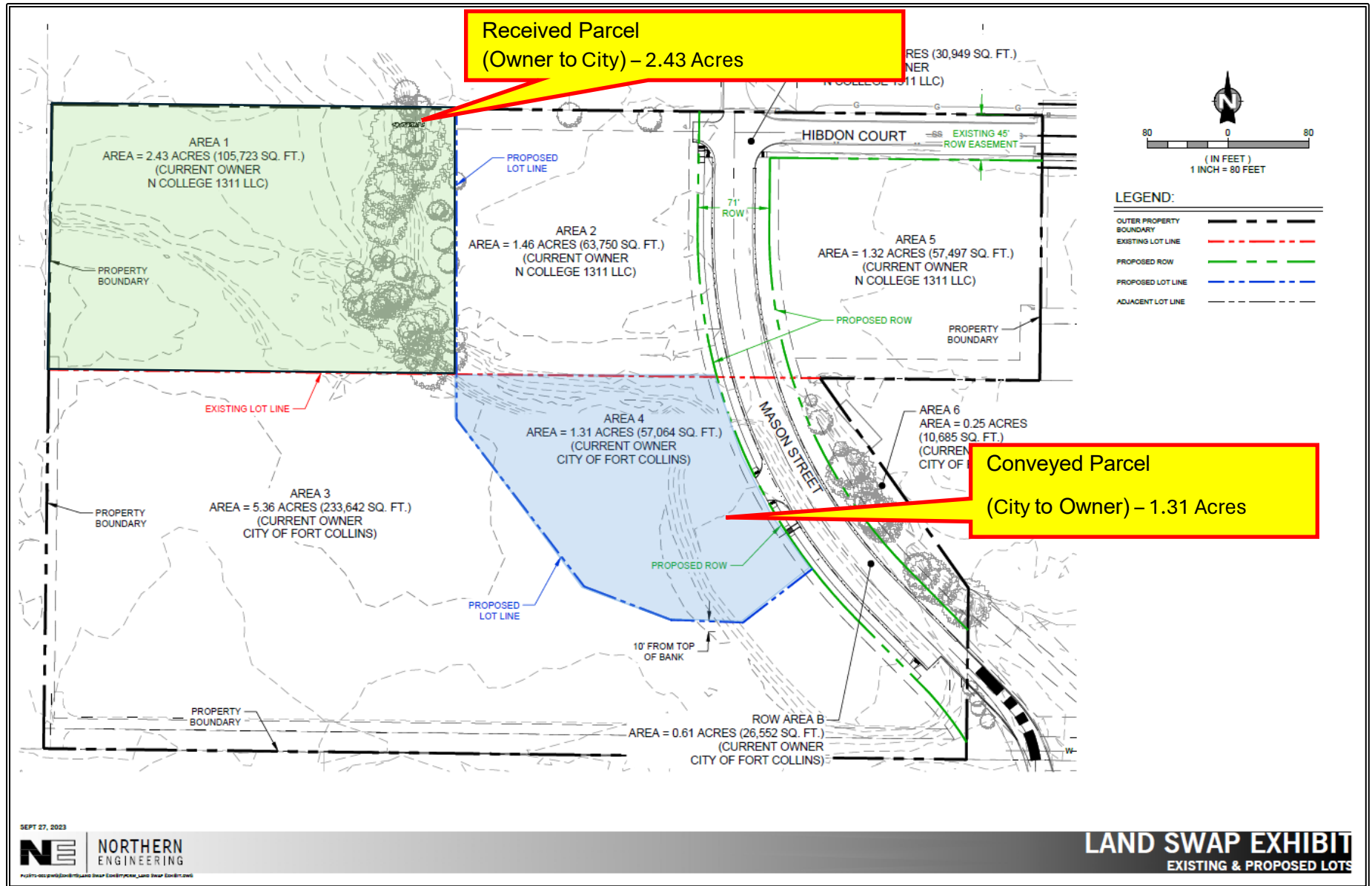
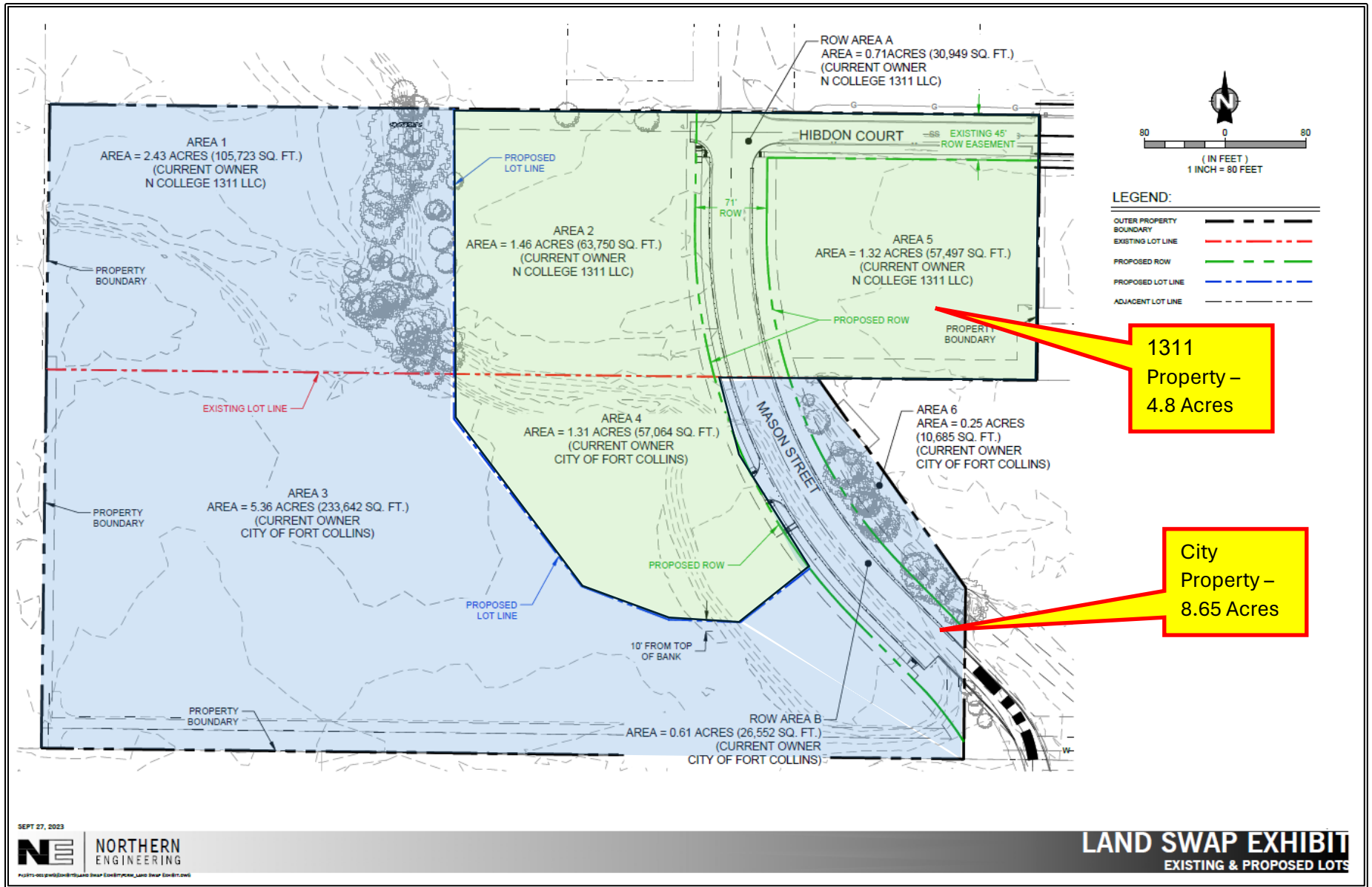


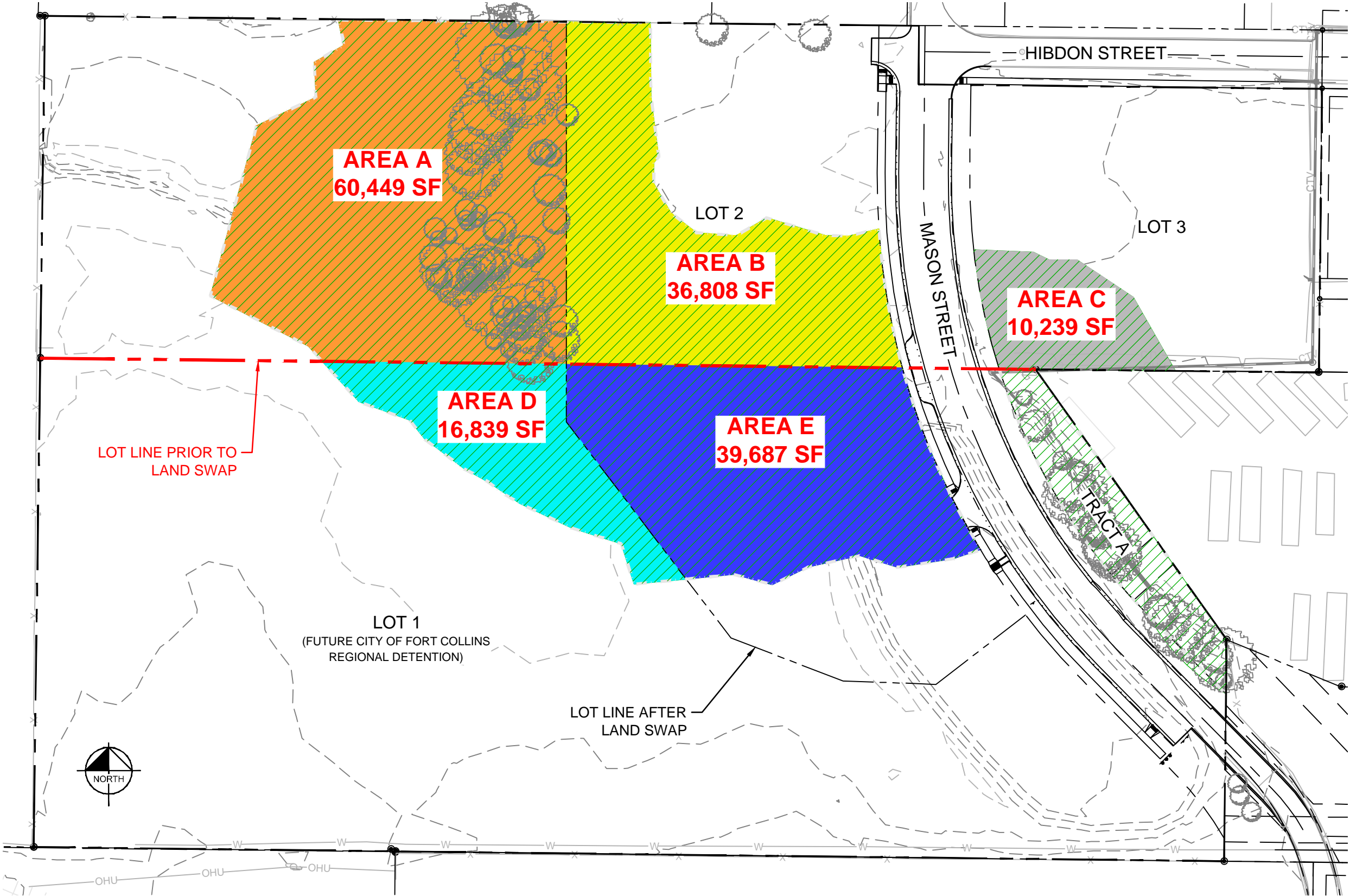
EXHIBIT C TO ORDINANCE NO. 037, 2024

Exhibit C - Properties After Exchange



bit D - Natural Habitat Buffer Zone (NHBZ) Before Proposed Transfer

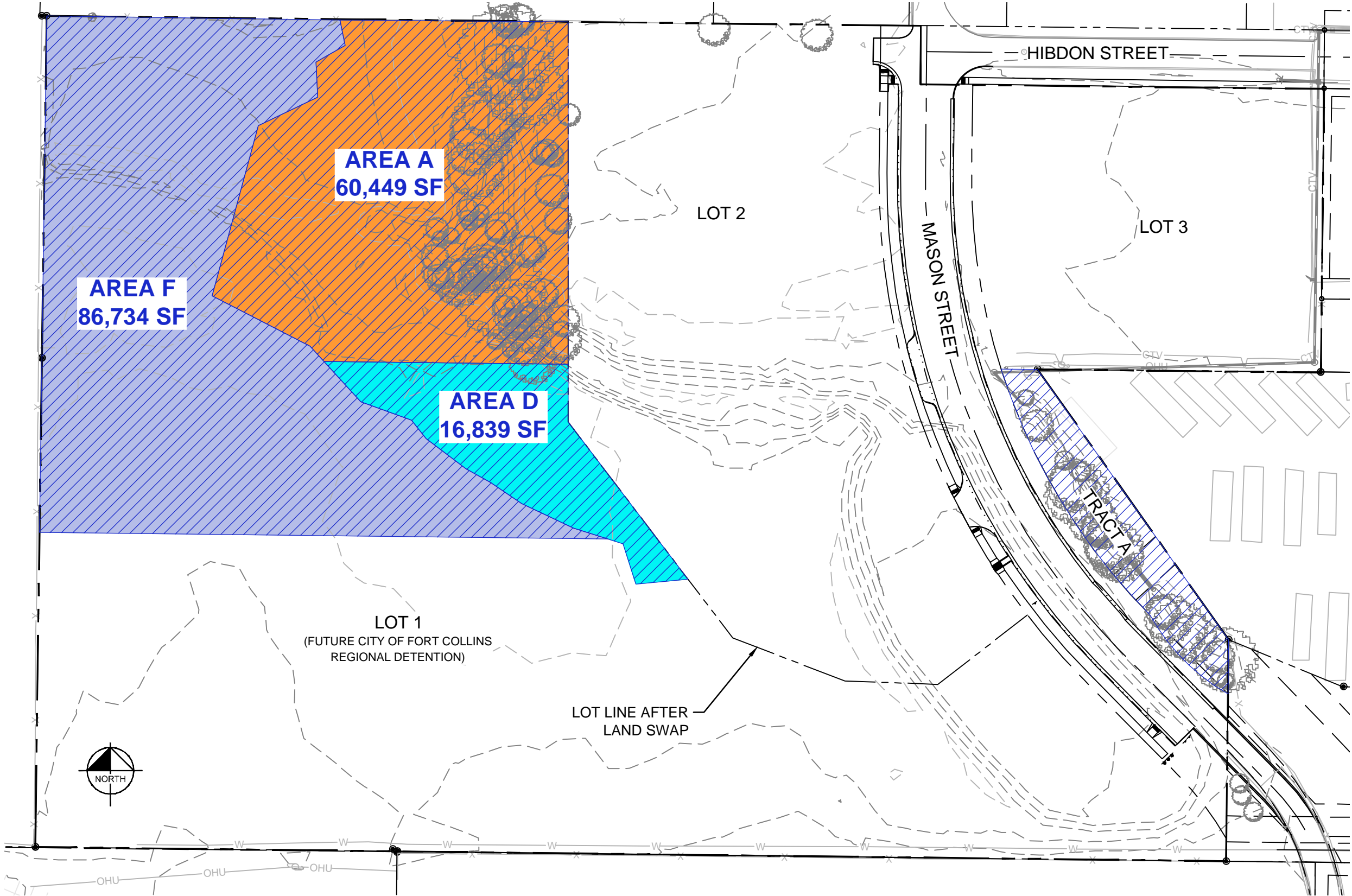
AREA ID	AREA ON CITY PROPERTY PRIOR TO LAND SWAP	AREA ON N COLLEGE 1311 LLC PROPERTY PRIOR TO LAND SWAP
A		60,449
B		36,808
C		10,239
D	16,839	
E	39,687	
TOTAL	56,526	107,496



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Exhibit E - Natural Habitat Buffer Zone (NHBZ) After Proposed Transfer

AREA ID	AREA ON CITY PROPERTY AFTER LAND SWAP	AREA ON N COLLEGE 1311 LLC PROPERTY AFTER LAND SWAP
A	60,449	
B		
C		
D	16,839	
E		
F	86,734	
TOTAL	164,022	



City Council Hickory Street Detention Pond Land Exchange with 1311 N. College

Jason Graham, City of Fort
Collins Water Utilities Director

Ralph Campano, City of Fort
Collins Real Estate Manager



Staff recommends adoption of Ordinance No. 037, 2024 that would permit the conveyance of approximately 1.31 acres (57,064 sf) of City property (the “Conveyed Parcel”) to N College 1311, LLC, (“Owner”) in exchange for approximately 2.43 acres (105,723 sf) of Owner’s adjoining property (the “Received Parcel”) and other valuable consideration.

- **On August 23, 2022, staff presented Council with a potential land partnership between the Stormwater Utility and 1311 North College, LLC.**
- **The presentation included background on the North Mason Stormwater Project and the Hickory Street Detention Pond as well as opportunities associated with a land partnership.**
- **Council feedback was supportive of a land partnership and the land exchange.**

Strategic Objective Safe 5.5

Provide and maintain reliable utility services and infrastructure that directly preserve and improve public health and community safety.

- **Land Partnership would facilitate improved Stormwater Infrastructure in the North Mason area west of College Ave.**
- **Specifically,**
 - **Addressing flood hazards & drainage nuisances to existing properties;**
 - **Provides sufficient stormwater service to support redevelopment; and,**
 - **Provides sufficient stormwater service to support new development.**

The North Mason Stormwater Master Plan includes:

- a water quality treatment pond near the Poudre River;
- approx. 2,350 feet of new storm sewer along the future North Mason right of way; and;
- the Hickory Regional Stormwater Detention Pond (Hickory Pond).

The North College Urban Renewal Authority (URA) identified the project as a top priority for investment in the area:

- Project costs are planned to be shared between the URA, the stormwater capital fund and future development.
- The project is at a preliminary design level and is pending right of way acquisition and coordination near the Poudre River.

Location Map

West side of N. Mason St
North of Hickory Street
of Hibdon Ct



Figure 1 – City Property Before Exchange – Blue Shade

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7.53 Acres Valued at \$1,570,000

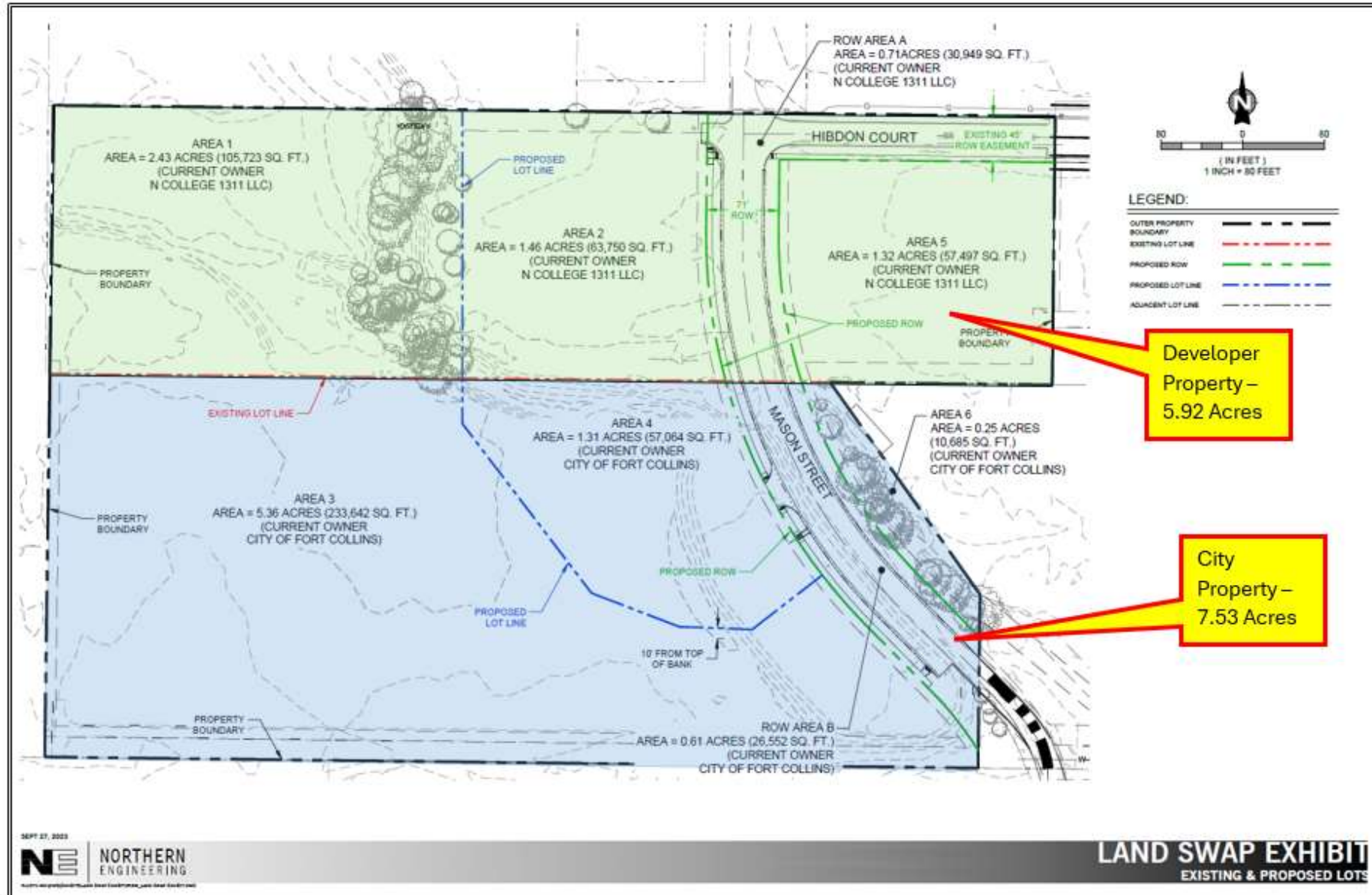


Figure 2 – Exchange Parcels – City Net Gain of 1.12 Acres

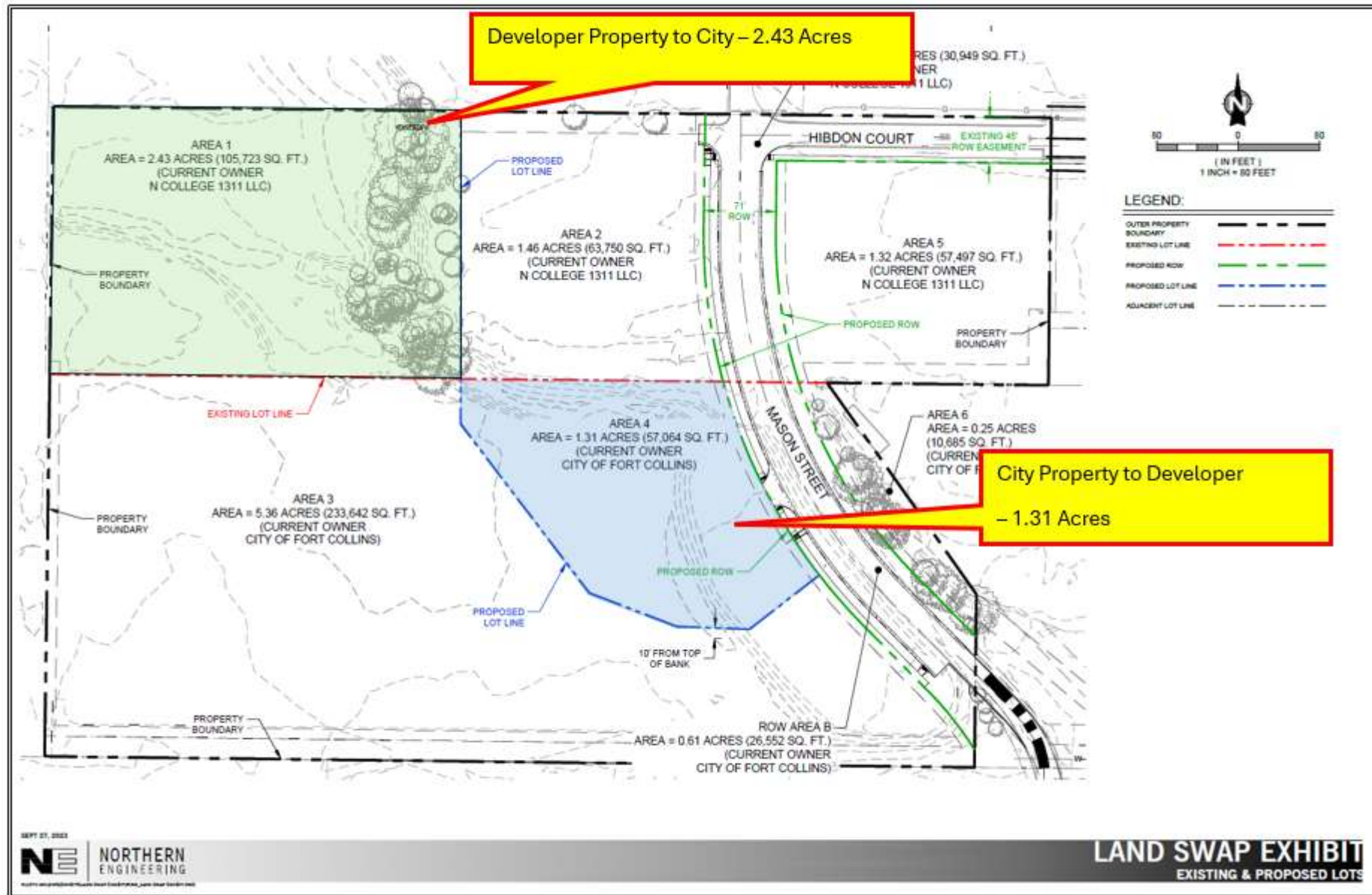
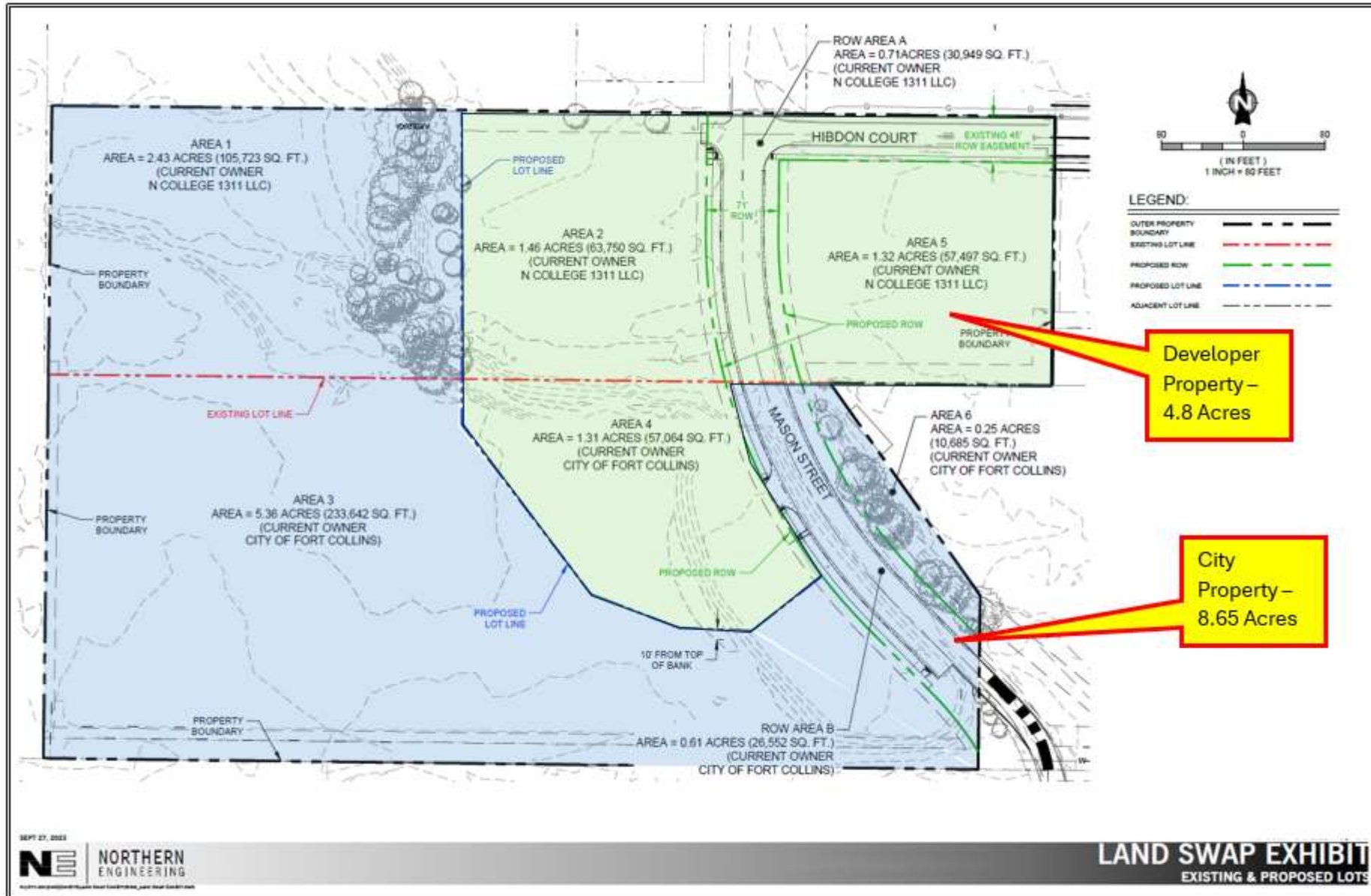


Figure 3 – City Property After Exchange – 7.53 Acres

\$1,320,000 = \$250,000 Loss of Value

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Other than staff time and related expenses, the only additional cost to the City associated with the Subject Exchange is a loss in land value of approximately \$250,000, which is offset by four beneficial impacts:

1. As a Condition of the exchange, the Owner will be required to clear and grade approximately 8 acres of woody debris and surface materials and then excavate approximately 29,000 cubic yards of soil on the Larger Pond Site. This work results in a \$620,000 cost savings to the City, which is a net benefit of \$370,000:

\$620,000 Cost Savings
-\$250,000 Loss of Value
=\$370,000 Net Benefit

2. The addition of 1.12 acres of land available for development as a stormwater pond;
3. Natural Habitat Buffer Zone restoration of approximately 2 acres of land on the City Larger Pond Site, and
4. Detention Pond Design cost savings.

City staff recommends that the Subject Exchange not include any additional monetary consideration because the City Utilities ratepayers will be adequately compensated as summarized above.

Questions

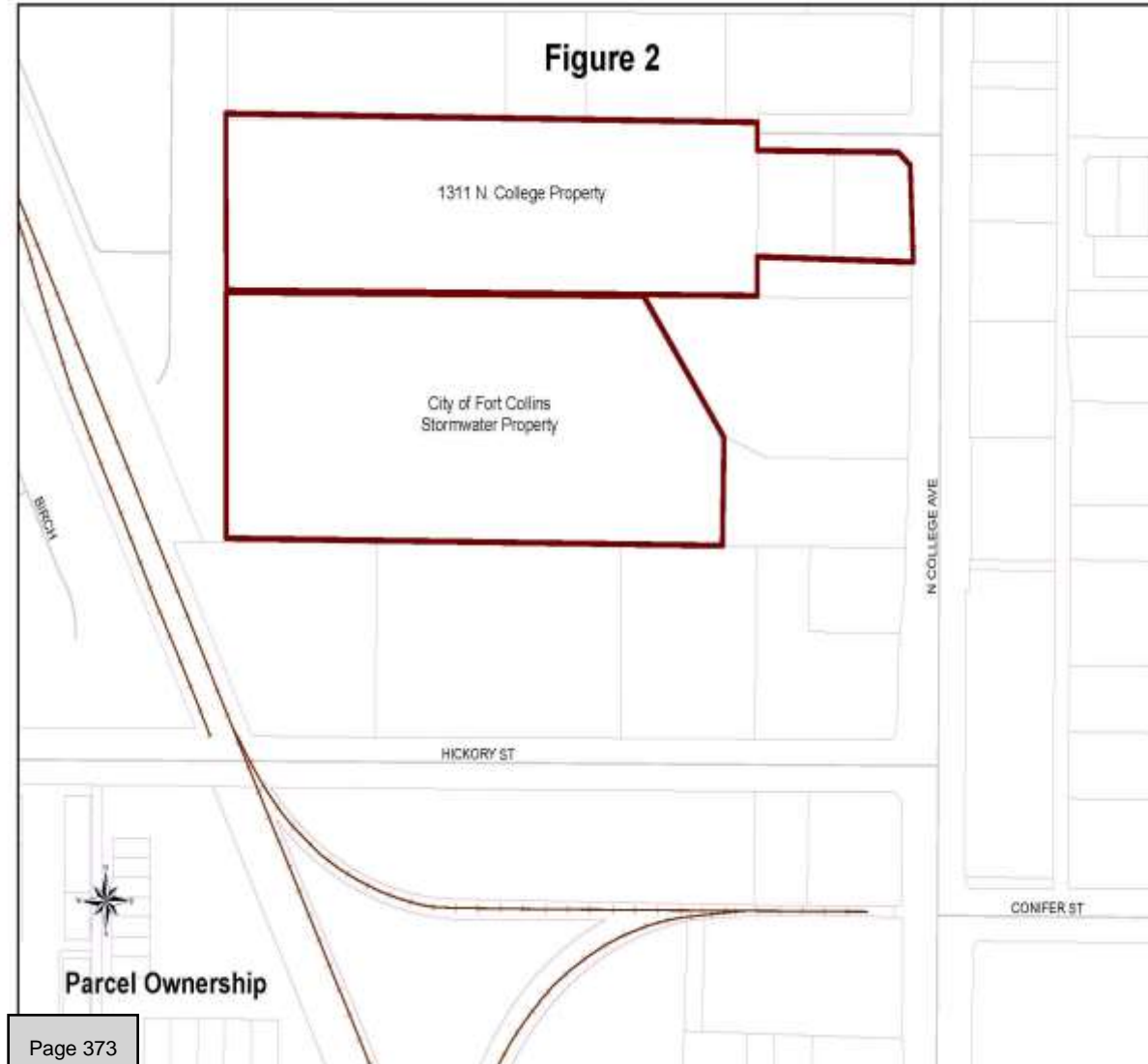
**Jason Graham, City of Fort
Collins Water Utilities Director**

Page 372 **Campano, City of Fort
Collins Real Estate Manager**



Figure 2 – Parcel Ownership

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- **Figure 2 shows the 7.5 Acre parcel stormwater purchased in 2010**
- **The site will be designed to create an amenity for the neighborhood and will include trails, wildlife habitat and non-programmed recreation.**
- **Surrounding neighborhoods will be engaged during the design process.**
- **The pond will be beneficial to and compatible with the area.**

Figure 1 – N Mason Stormwater Project (Phase I)

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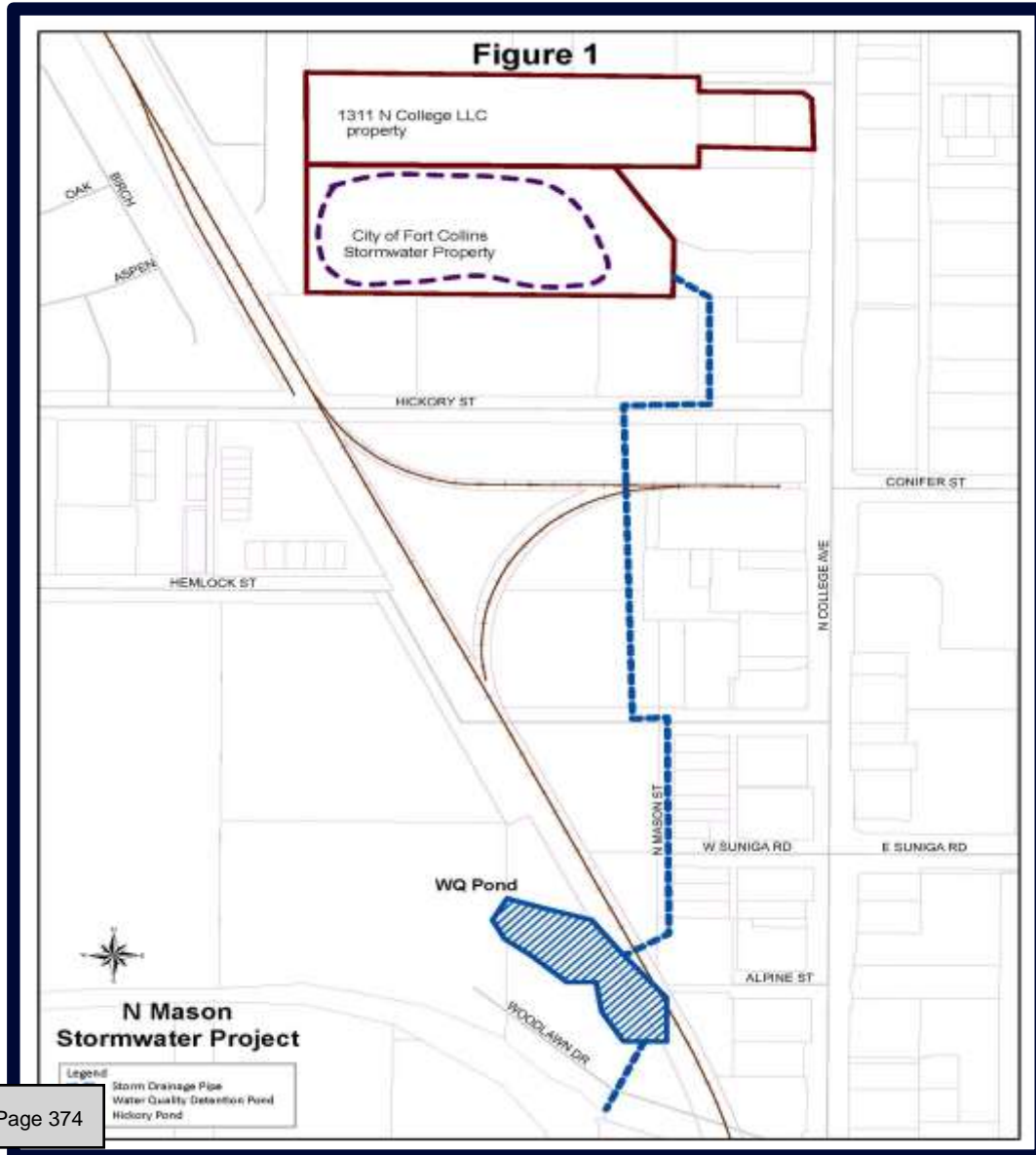


Figure 1 Shows a Schematic Drawing of the North Mason Stormwater Project (Phase I)

- Hickory Pond is the northernmost component of the project.
- Stormwater draining from existing properties to the north and west will be stored in the detention pond and released to the proposed storm sewer in future North Mason Street.

Figure 6 – City Property Before Exchange – West of Mason

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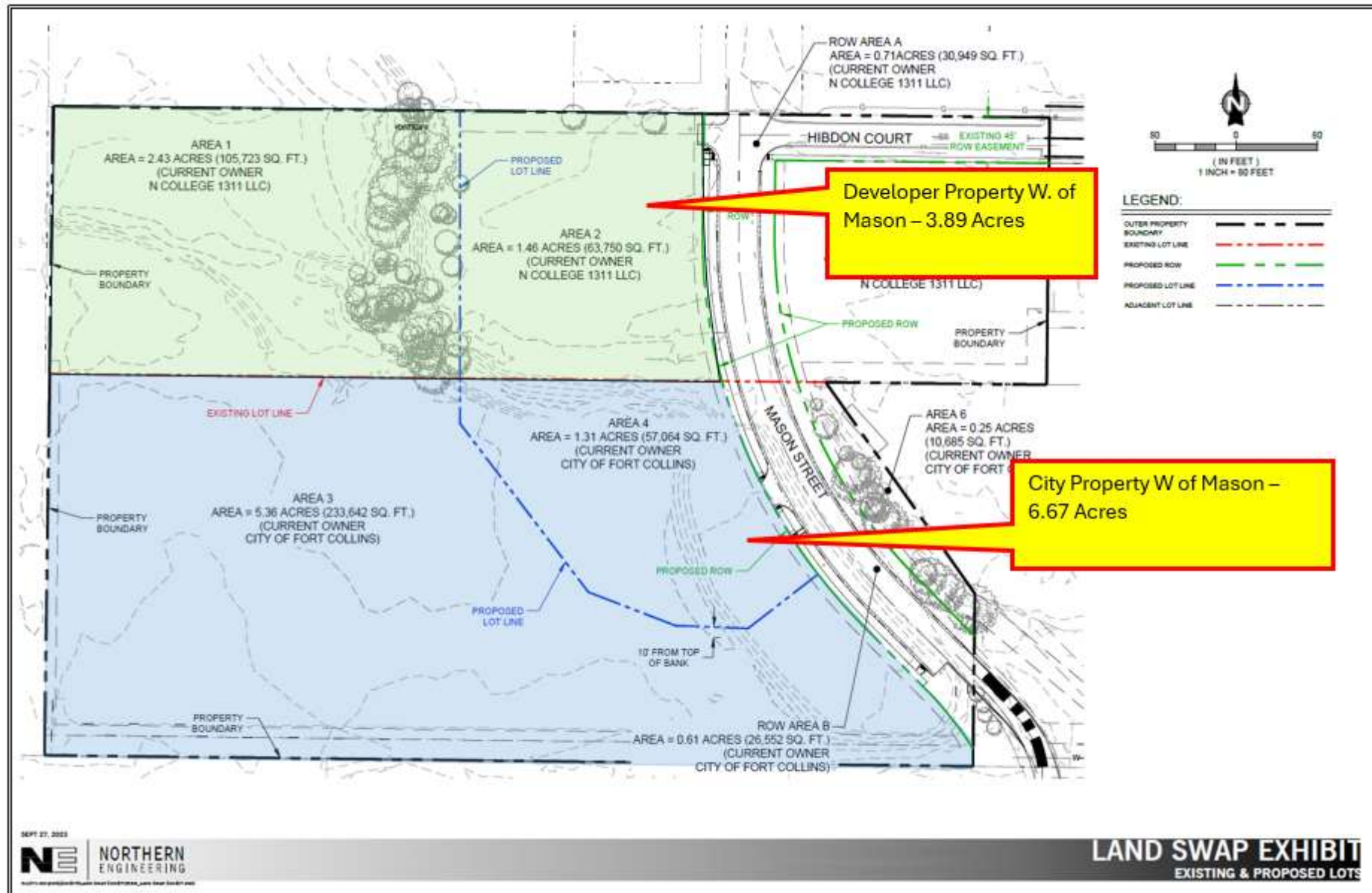


Figure 7 – City Property After Exchange – West of Mason

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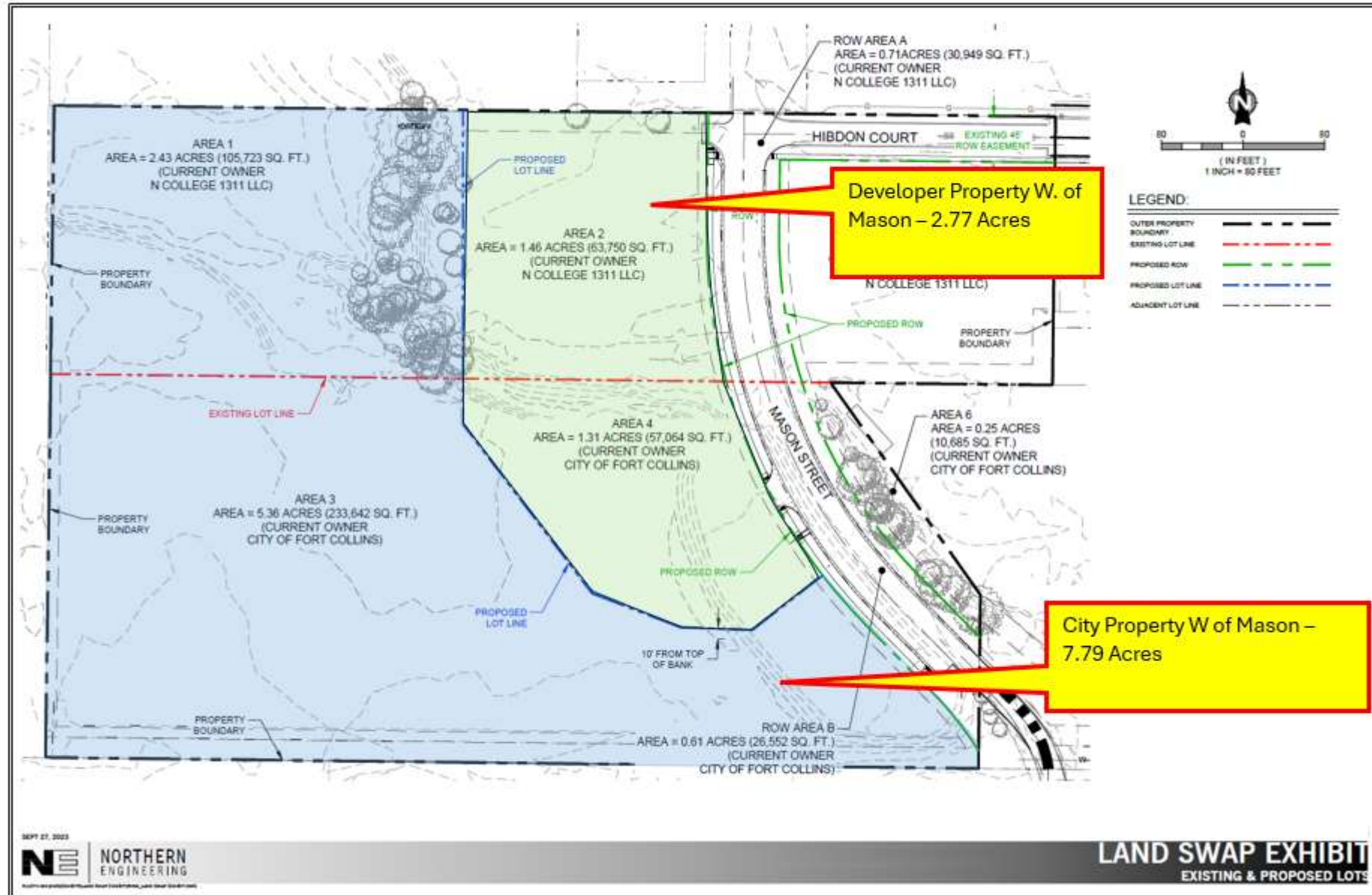


Figure 8 – Natural Habitat Buffer Zones – NHBZ's Before the Exchange

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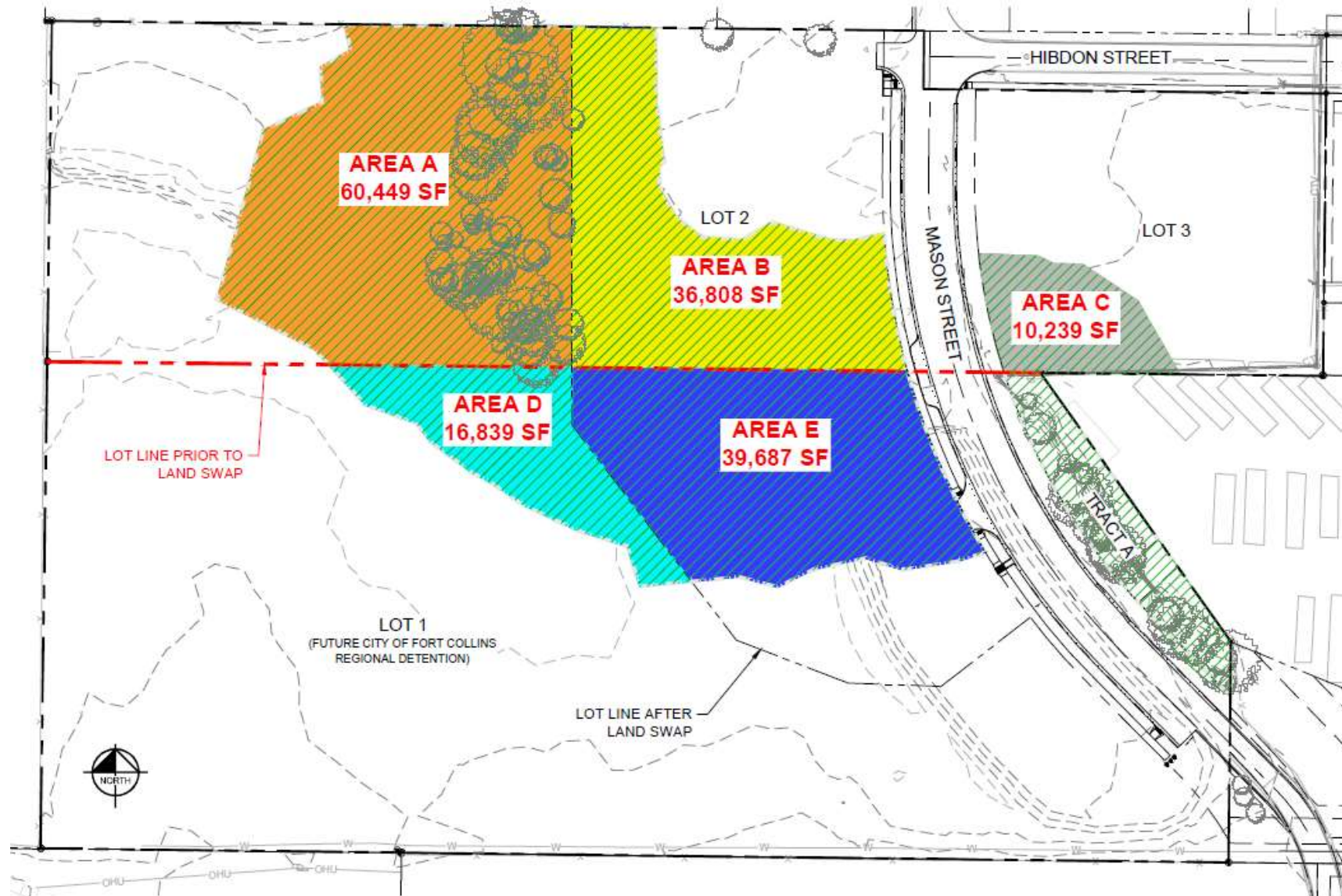


Figure 9 – Natural Habitat Buffer Zones – NHBZ's After the Exchange

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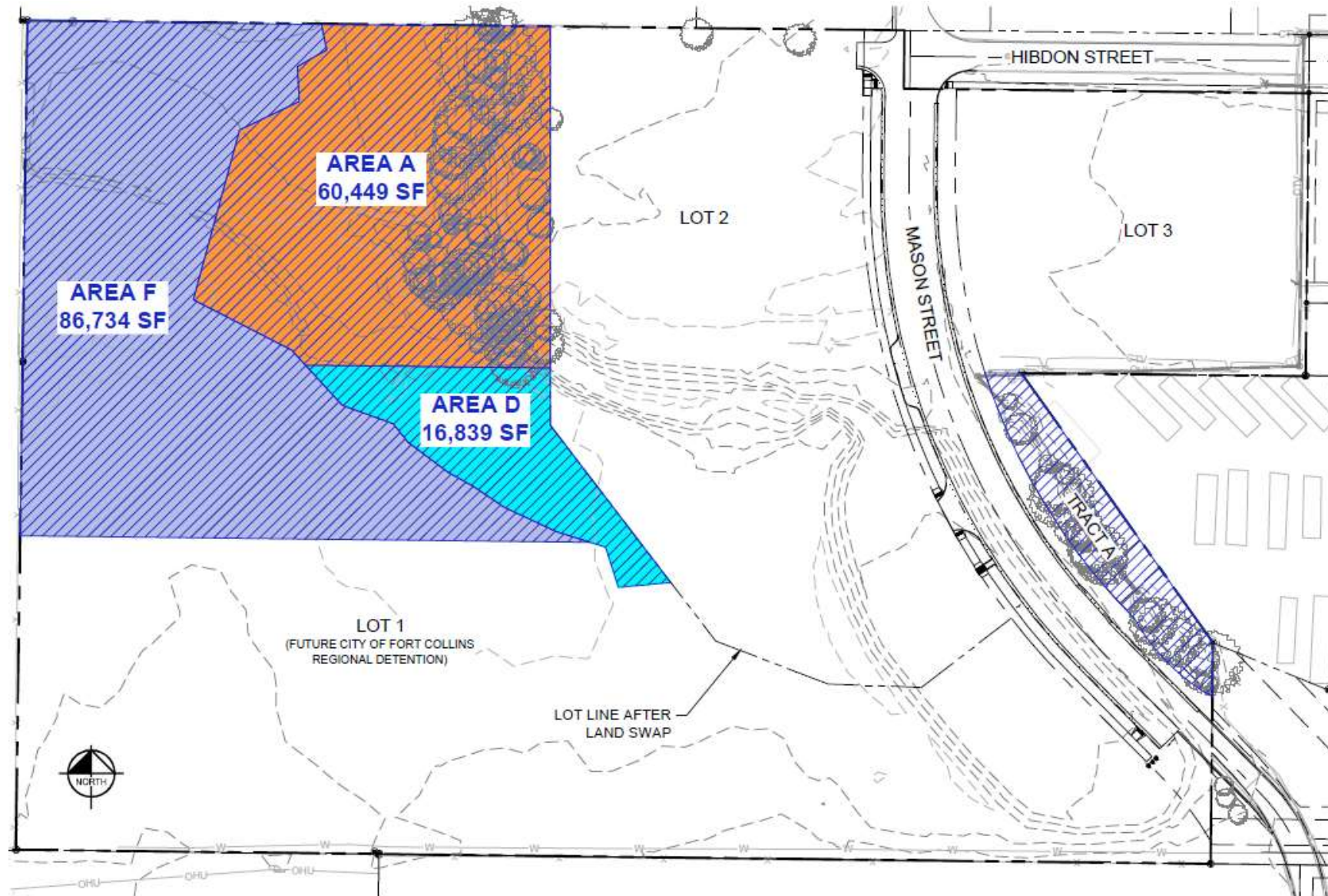


Figure 10 – Natural Habitat Buffer Zones – NHBZ's After the Exchange – West of Mason

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