

Fort Collins City Council Work Session Agenda

6:00 p.m., Tuesday, January 28, 2025
300 Laporte Avenue, Fort Collins, CO 80521

NOTICE:

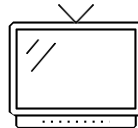
Work Sessions of the City Council are generally held on the 2nd and 4th Tuesdays of each month. Meetings are conducted in a hybrid format, however there is no public participation permitted in a work session.

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 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 48 hours' advance notice when possible.

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 48 horas de aviso previo cuando sea posible.



While work sessions do not include public comment, mail comments about any item on the agenda to cityleaders@fcgov.com





City Council Work Session Agenda

January 28, 2025 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

Council Information Center (CIC)
300 Laporte Avenue, Fort Collins

Cablecast on FCTV
Channel 14 on Connexion
Channel 14 and 881 on Comcast

Carrie Daggett
City Attorney

Kelly DiMartino
City Manager

Delynn Coldiron
City Clerk

CITY COUNCIL WORK SESSION 6:00 PM

A) CALL MEETING TO ORDER

B) ITEMS FOR DISCUSSION

1. Staff Report: Civic Assembly Update.

The purpose of this item is to provide an update to Council and the community on the Civic Assembly process and current and next steps.

2. Consideration of Creating an Airport Authority.

The purpose of this item is to provide an update on the work of the Airport Governance Committee and to get feedback on the Committee recommendation to create an Airport Authority.

3. Council Priorities Mid-Cycle Update.

The purpose of this item is to review work and progress to date on Council Priorities.

4. Council Priority to Update and Modernize the City Charter.

The purpose of this item is to update Council on the Charter Update Project and obtain feedback from Councilmembers on the proposed grouping and prioritization of amendments.

C) ANNOUNCEMENTS

D) ADJOURNMENT

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File Attachments for Item:

1. Staff Report: Civic Assembly Update.

The purpose of this item is to provide an update to Council and the community on the Civic Assembly process and current and next steps.

January 28, 2025

WORK SESSION AGENDA

ITEM SUMMARY

City Council



STAFF

Rupa Venkatesh, Assistant City Manager
 Ginny Sawyer, Project and Policy Manager

SUBJECT FOR DISCUSSION

Staff Report: Civic Assembly Update.

EXECUTIVE SUMMARY

The purpose of this item is to provide an update to Council and the community on the Civic Assembly process and current and next steps.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

1. What questions do Councilmembers have regarding the Civic Assembly process?

BACKGROUND / DISCUSSION

One of the identified 2024-2026 Council priorities is to develop a Hughes Site Master Plan by engaging in an inclusive process to determine desired future uses on the site. In addition, another priority is to make government more accessible, approachable and fun by providing opportunities to connect with local government and community in meaningful ways. Therefore, staff recommended the utilization of a civic assembly process as one engagement tool in developing the site plan.

As part of a ballot measure, the City acquired this 164 acre parcel in 2021. After an initial outreach effort conducted by staff and a consultant, Council in August 2024 supported piloting a Civic Assembly process in partnership with Healthy Democracy, a non-profit organization that works with local governments to design and coordinate civic assemblies through a lottery selected resident panel.

Staff has been working with Healthy Democracy and other partners in the design, promotion, and implementation of a process that will occur in April and May 2025. Upcoming work includes:

Awareness and Promotion

- A communications plan has been developed that includes standard outreach (newsletters, social media, etc.); a video introduction to the process by the Mayor; creation of a short explainer video; and a presence at the State of City.
- Two OurCity sites have been created: one specific to the civic assembly process and an update to the existing Hughes property page outlining the civic assembly process and how to engage.

Information Gathering

- Prior to the assembly meetings, this process works to ensure that there has been thorough and unbiased information gathering. An initial information gathering effort is done through Community Guide work. The Colorado State University's Center for Public deliberation (CPD) has developed a facilitation guide to be used by Guides selected through an application process. These Guides are paid for the conservations they facilitate and are utilized to reach interested groups who may not otherwise have an opportunity to present to the assembly or awareness that this process is occurring.
- Information from the Guides, as well as previously created materials or reports will be provided to an Information Committee made up of four Board and Commission members (one each from Natural Resources, Land Conservation and Stewardship, Parks and Recreation, and Youth Advisory boards), four Community Guides and four at large community members who will tasked with reviewing and finalizing an information packet that will be provided to the assembly. This information will also be publicly available on Our City page.

Recruitment and Selection

- Postcard invites to participate in the assembly will be mailed to 8000-8500 randomly selected addresses in February.
- Residents that opt in to the selection process will be asked to complete demographic information. The key criteria for a representative panel will be:
 - Age
 - Geographic location (even split between Council Districts)
 - Educational attainment
 - Housing status
 - Income
 - Other languages spoken at home
 - Interaction with government
- A randomized panel selection event will occur in March.

Assembly Logistics

- Once a panel has been selected, Healthy Democracy will run an intensive deliberation process that will be held in 222 LaPorte Avenue over two weekends, one in April and one in May.
- Ultimately the panel will make a recommendation which staff will then bring to Council (likely in June.)

NEXT STEPS

Community Guides will conclude their work by early March and the process for information gathering will begin in parallel.

ATTACHMENTS

1. Presentation



Civic Assembly for Hughes

Project Update



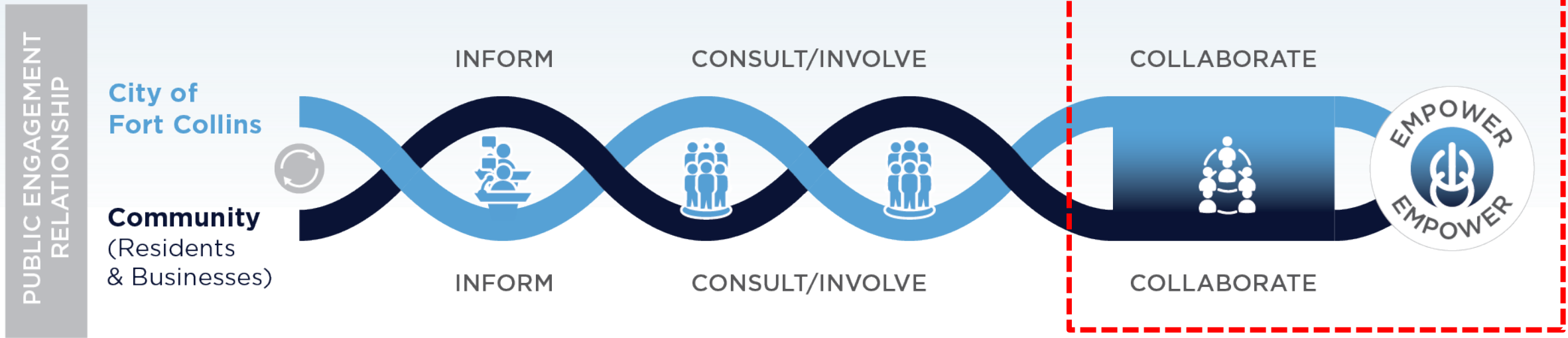
Rupa Venkatesh
Assistant City Manager

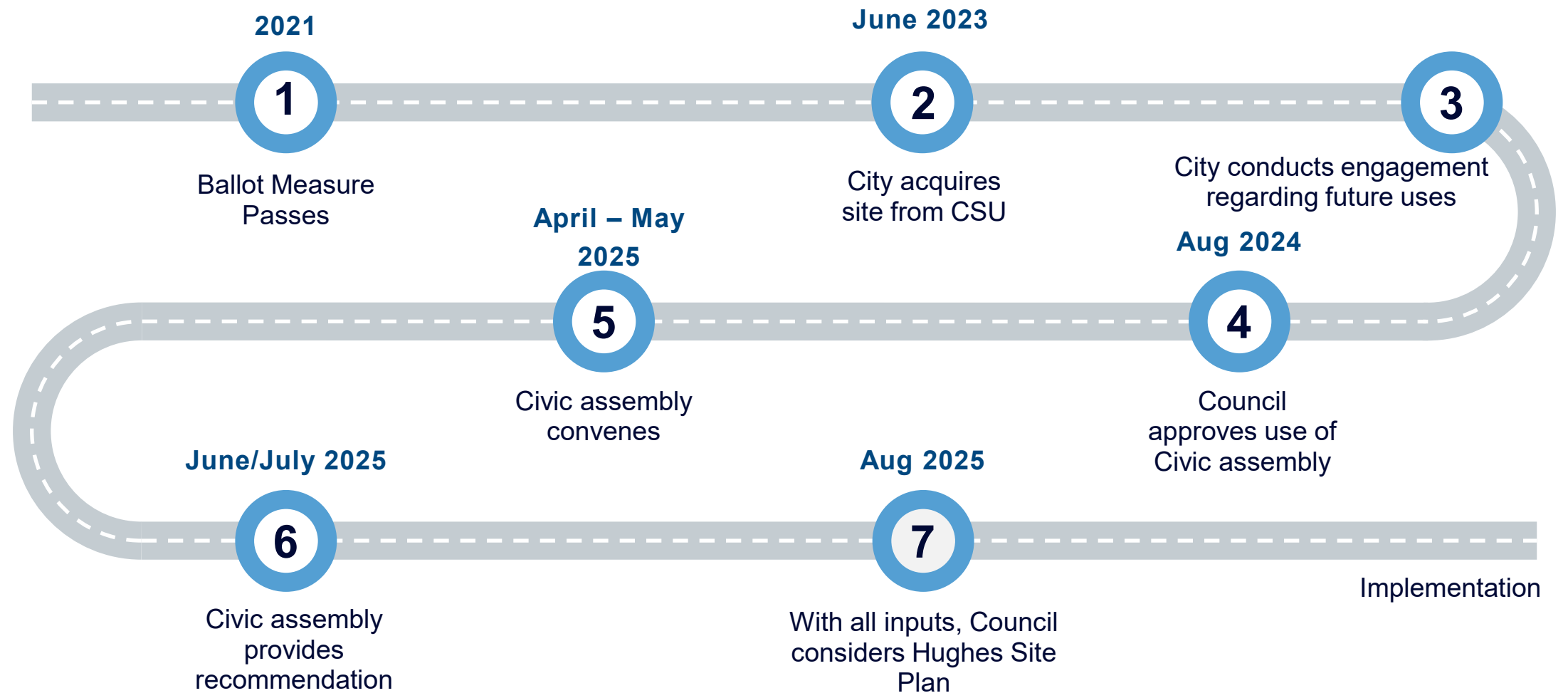
Ginny Sawyer
Senior Policy Manager

01-28-2025

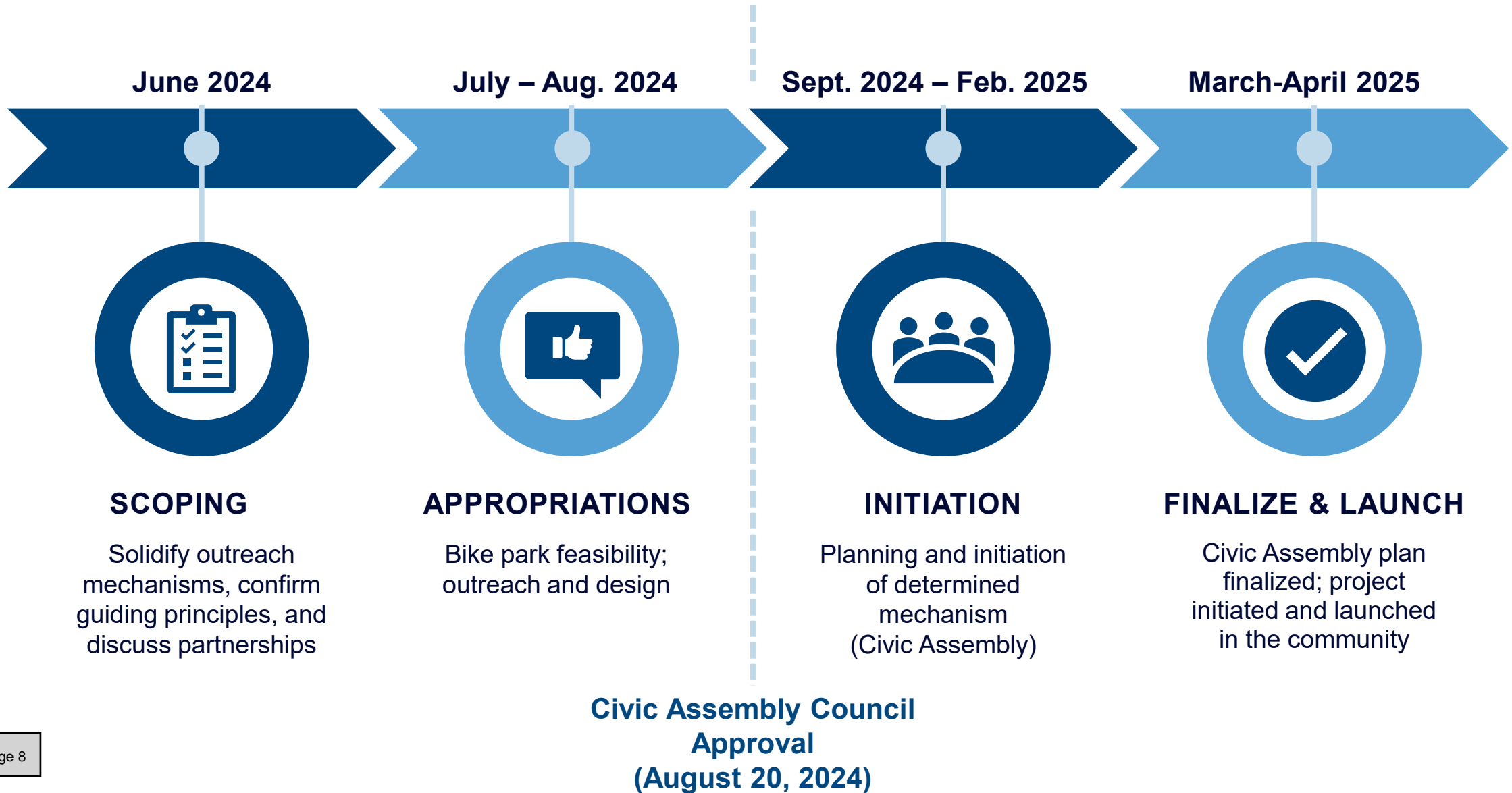
PUBLIC ENGAGEMENT SPECTRUM

INCREASING IMPACT OR PERCEPTION OF IMPACT ON PUBLIC





Priority #9: Develop a Use Plan for the Hughes Property



JANUARY

Planning/Launch

- › Finalize funding
- › Community awareness & outreach (website, communications)
- › **Dec. 16 – Jan. 22** Community Guides applications open
- › **January 17** Presentation to ELT
- › **January 28** Council Work Session Presentation

FEBRUARY

Implementation

- › General awareness and targeted outreach
- › Information gathering
- › Health Democracy Open Office hours
- › **February 5 & 12** Community Guide training with CPD
- › **February 7** Invitations mailed

MARCH

Selection

- › Tribal conversation
- › **March 5** Response deadline
- › TBD Selection event
- › TBD Information Committee meets

APRIL

Assembly Meets!

- › **April 12-13** First Civic Assembly Meeting

MAY

Assembly Meets!

- › **May 2-4** Second Civic Assembly Meeting
- › TBD Civic Assembly delivers recommendations to City Staff

JUNE

Conclusion

- › Staff deliver final recommendations to City Council along with other inputs received



- ✓ **Project updates to community** (ongoing)
- ✓ **Invitation to Community Guides** (Dec-Jan)
- ✓ **Invitation for Assembly** (February)



Communications & Outreach:

- Our City & Healthy Democracy websites
- Joint social media promotions
- Video announcement by the Mayor
- Explainer video

- Partner collaborations
- Promote at State of the City
- Engaging our Native American communities

- Healthy Democracy “Office Hours”





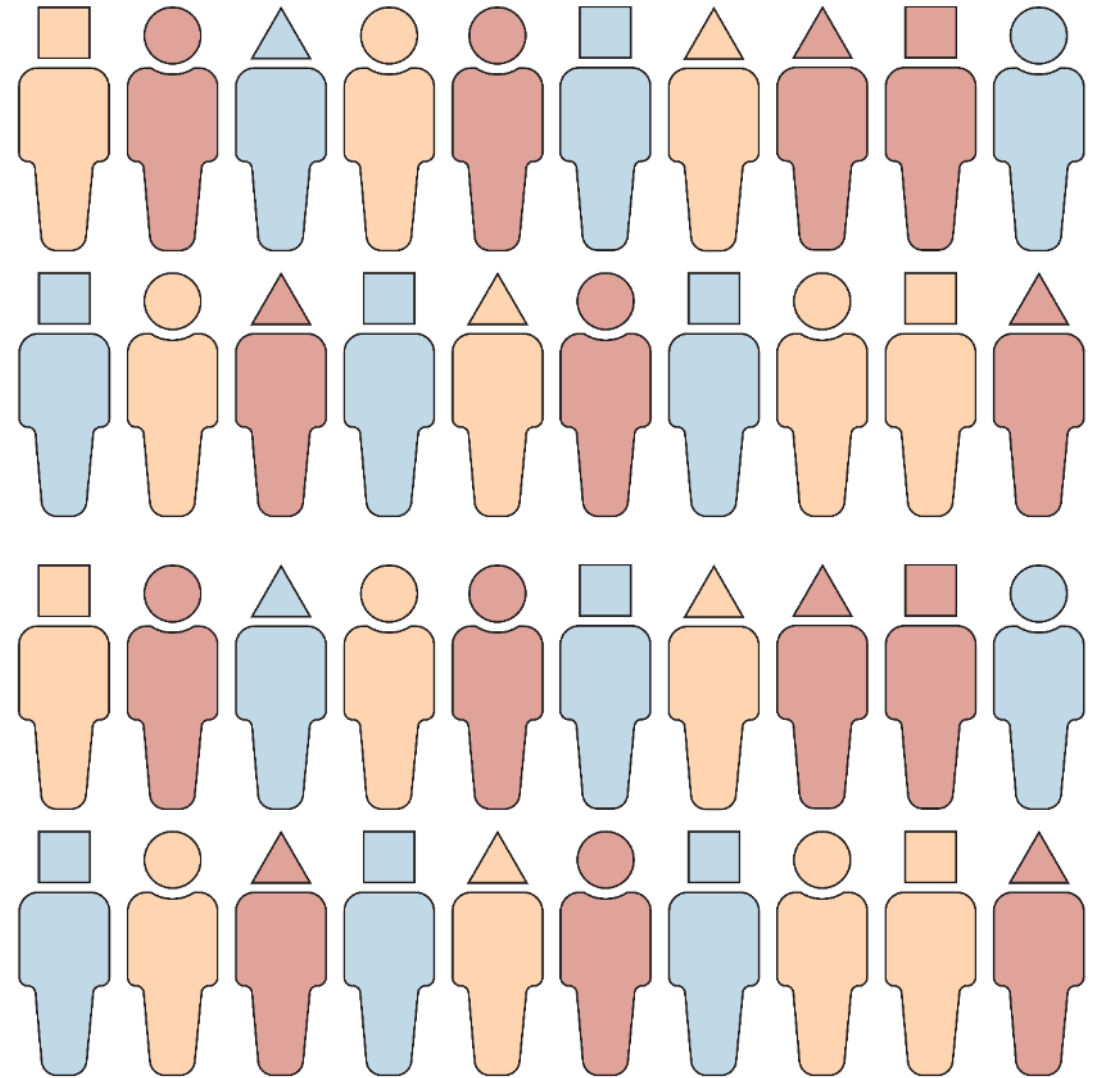
Item 1. Invitations to the Community

- Invitation postcards to 8-12K randomly selected residential addresses.
- Promotions via special interest groups, partners and the Native American Community/Tribal nations
- Applications received online



Demographic Representation:

- Location of Residence
- Income
- Age
- Other Languages
- Educational Attainment
- Housing Status
- Interaction with Government



Item 1. Community Guides

Community Guides organize and conduct conversations in their community. Data from these conversations will be used to build out the information that's provided to Assembly Delegates.

- Coordinated through CSU's CPD
- 16+ Community Guides
- Selected through an application process
- Guides are compensated for participation
- Applications open Dec. 16 – Jan. 22
- Training scheduled February 5 & 12

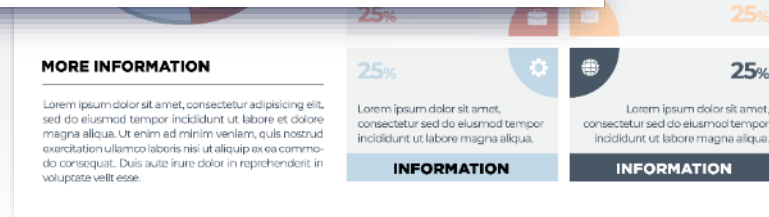
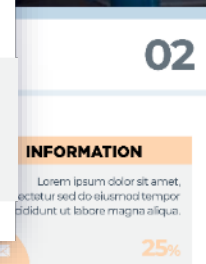
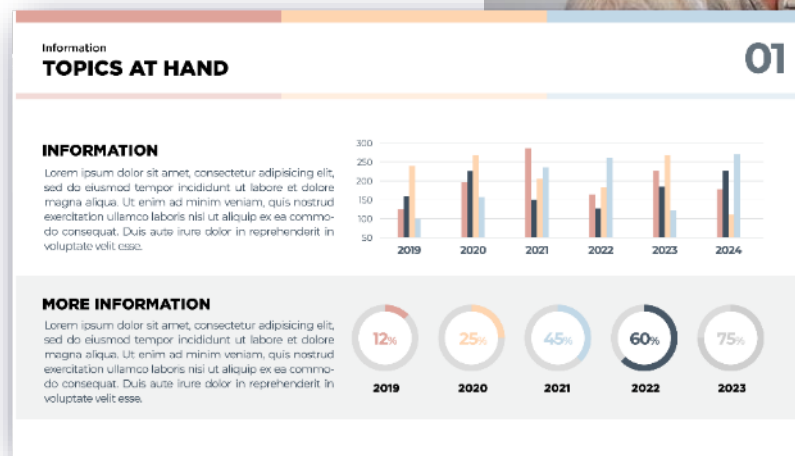


**CENTER FOR
PUBLIC DELIBERATION
COLORADO STATE UNIVERSITY**

Item 1. Information Committee

The Information Committee is tasked with reviewing and compiling information from all sources to be provided to the Assembly.

- Helps to ensure neutral, unbiased and organized information
- Committee comprised of:
 - (4) Community Guides
 - (4) Community Members
 - (4) B&C Representatives
- Work to occur in mid-late March.



File Attachments for Item:

2. Consideration of Creating an Airport Authority.

The purpose of this item is to provide an update on the work of the Airport Governance Committee and to get feedback on the Committee recommendation to create an Airport Authority.

January 28, 2025

WORK SESSION AGENDA ITEM SUMMARY

City Council



STAFF

Ginny Sawyer, Project and Policy Manager
Dan Reimer, Special Counsel
John Kinney, Airport Director

SUBJECT FOR DISCUSSION

Consideration of Creating an Airport Authority.

EXECUTIVE SUMMARY

The purpose of this item is to provide an update on the work of the Airport Governance Committee and to get feedback on the Committee recommendation to create an Airport Authority.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

1. What questions do Councilmembers have regarding the Airport Governance Committee recommendation?
2. What questions or suggestions do Councilmembers have regarding the proposed Resolution?

BACKGROUND / DISCUSSION

Historical Context

The Cities of Fort Collins and Loveland agreed in 1963 to jointly build and operate a regional airport. It opened in 1964 under joint agreement and ownership and serves as an important niche in our transportation infrastructure. In addition to its many benefits the airport has faced challenges over the years, both financially and in the governance structure which has challenged the ability of the airport to function at its greatest potential.

The airport is jointly owned and operated by the cities of Loveland and Fort Collins; full control and decision-making authority is placed with the City Councils of both cities. Under the current governance structure, updated in 2015, the Northern Colorado regional Airport Commission is charged with facilitating communication between the cities and advising the Councils concerning Airport issues such as general policies, land use, budget, capital improvements and strategic planning. The Commission is comprised of two members each from Fort Collins and Loveland Council and staff and three resident members.

A historical search of airport related documents shows that the airport has tried a range of governance structures, including an Airport Board, Ad Hoc Committee, Airport Authority (see note*) and Joint Steering

Committee. Each governance model served its purpose at the time it was implemented and was changed for various reasons at the time.

Changes in the growing cities and the airport facility itself have necessitated reassessments and updates to the governance structure. However, one thing has remained constant: the joint ownership model is difficult to manage. It remains an ongoing challenge to find a workable governance structure that effectively balances the two cities' desired level of control and decision-making with the delegation of responsibilities needed to efficiently operate the Airport.

Note*: A 2007 memo states the following:

The Fort Collins-Loveland Airport was governed by an Airport Authority from 1983 – 1990, when it disbanded of its own volition. The Authority had six members, three appointed by City Councils of each City.

The 1991 Strategic Plan notes that the Authority "...suffered with a very serious and ultimately fatal flaw. It had the responsibility for operating the Airport but not the authority." The Fort Collins ordinance establishing the Authority seems to support this statement. It specifies "Nothing in this ordinance shall be construed to assign, convey or otherwise transfer to the Airport Authority any right, title or interest in the Airport or any improvements situated thereon, nor to grant to the Authority any of the rights, privileges, powers, duties or functions of an authority as they apply to said Airport, but, instead, all of such matters are hereby reserved unto the Cities, except as may hereafter be granted by separate agreement or instrument." The lease was intended to give the Airport Authority some operating authority but it appears that did not occur.

Airport Governance Report

In 2023, a new effort was initiated to identify and evaluate the full array of governance options available to the airport and the Cities. As part of this work staff worked with Dam Reimer, joint special legal counsel, who prepared a report (the Report) identifying and summarizing options. Following the release of the Report, an Airport Governance Committee was formed consisting of two Councilmembers from each city to review, discuss, and make recommendations.

The Airport Governance Committee (Committee) met four times in 2024 (notes attached.) The Committee reviewed and discussed numerous options in consideration of the following goals:

- Good steward for regional asset FNL infrastructure.
- Limit liability of airport sponsors to acceptable level.
- Consistency for staff and stakeholders (community) /Clarity to stakeholders on policy direction, day to day operations, etc.

Streamlining of operation decision making was also considered.

Necessary Approval	Status Quo	Amended IGA	Authority
Daily Operation	D	D	D
Budget	AC, CC	CC	AA
Leases	D, AC, CC	D, CM or CC	D, AA
Capital Procurement	D, P, CM, AC, CC	D, P, CM or CC	D, AA
Land Acquisition & Disposal (including utility Easements)	AC, CC	CC	CC
IGA and Grant Agreements	AC, CM, CC	CM, CC	AA
D = Airport Director AC = Airport Commission CM = City Mangers CC = City Council P = Purchasing Body AA = Airport Authority	5 entities	4 entities	3 entities

At the fourth meeting the Commission was in agreement to recommend to each Council moving forward with the creation of an Airport Authority (AA). The greatest benefits expressed were getting the needed skill sets in place to run an airport and de-politicizing the decision-making. The greatest risks and considerations expressed were avoiding financial burdens to the Cities; working to ensure AA success; and maintaining ability to decommission if necessary.

NEXT STEPS

In outlining a high-level roadmap to AA creation, the following steps have been identified:

- Work sessions with each Council to confirm support in moving towards AA creation.
- Regular meeting to formalize support (Resolution)
- 2025 dedicated work in creating an IGA which would define and determine responsibilities, obligations, financial support, bylaws, Conflict of interest standards, and Board member eligibility and selection process.
- Anticipate multiple touchpoints with Committee and Councils in 2025 while negotiating IGA.
- 2026 work would include Board recruitment and selection and all paperwork details for a 2027 start.

ATTACHMENTS

Item 2.

1. Committee Notes
2. Governance Report
3. Resolution Supporting Airport Authority (draft)
4. Presentation



AIRPORT GOVERNANCE NOTES

Monday, July 8, 2024
2:00-3:00PM

Mayors: Jeni Arndt and Jacki Marsh
 Councilmembers: Troy Krenning and Julie Pignataro
 City Managers: Kelly DiMartino and Rod Wensing
 Staff: Ryan Malarky, Francis Robbins, Ginny Sawyer, Brian Waldes, Laurie Wilson, Amanda Worrell, Kate Morgan, Sarah Kane, Francis Robbins, Katherine Morgan

Welcome and Introductions

Francis Robbins, Acting Airport Director, welcomed everyone and outlined some of the current governance challenges which include delays in decision making and invoice and contract logistics.

Discussion

- Confirm Purpose (*Reach a Recommendation to present to respective Councils regarding the Governance Structure for the FNL Airport.*)
- Review previous Airport Governance Report and identify any outstanding questions and/or needed information.

Discussion points included:

- The lack of authority of the Airport Commission to pay bills, tap into grant funding, state infrastructure improvements, etc. The Commission can be a roadblock for both City Councils to approve items.
- The Commission is comprised of elected officials who are not subject matter experts and who turnover frequently with elections.
- The goal is for the two cities to be working together to maximize funding potential (for example, the current IGA does not allow for debt financing).
- The City of Fort Collins' Charter does not allow the Airport to be an Enterprise, however, Loveland's Charter does. Suggestion was to have Loveland's Charter control in the interim, to get to an Enterprise situation down the road.

- Another model could be an Airport Authority with the cities establishing the levels of involvement they have (i.e. City and County of Pueblo). The Authority would have to craft bylaws, governance structure, etc. and the cities would transfer ownership to the Authority.
- Creating a District was also mentioned although this would potentially require a vote.

Attendees requested more information about having other jurisdictions at the table in this conversation, such as Larimer and Weld County, Windsor, Timnath, Firestone, CSU, and others. Want to ensure a solution that would function the best for the residents of Northern Colorado. Others mentioned it could be a large economic driver in terms of attracting high-tech aviation businesses.

Attendees asked for examples of other airport authorities across Colorado and how they function. They also discussed DIA's announcement of a "URA-like" aviation industry surrounding the airport. Questions came up as to all regional governments' involvement in that process.

In summary: the group would like to look at the best way to leverage assets and funding potential for the airport and understand the liability/risk, staffing, and regional engagement opportunities? What is the process and timeline? Want more information on authority vs. utility enterprise, in the short and long term.

Determine timelines and future meeting cadence to achieve outcome

The group would like a follow up meeting (and regular monthly cadence of meetings) to include Dan Reimer, Special Counsel to Cities on Airport Matters (from DSR, LLC). Other entities such as the County and other jurisdictions could be invited, even if just to listen. The group is in a work session stage and not at the point to accept public comment, however, stakeholders and others can reach out to the individual attendees at will. When the group is at a decision point, then the public could be invited to provide comments.

The consensus was that Loveland and Fort Collins enjoy partnership on the Airport and want it to be good for Northern Colorado.

Adjourn

AIRPORT GOVERNANCE MEETING

NOTES

Monday, August 12, 2024
1:30-3:00PM

In Attendance:

Mayors:	Jeni Arndt and Jacki Marsh
Councilmembers:	Troy Krenning and Julie Pignataro
City Managers:	Kelly DiMartino and Rod Wensing
Others:	Carrie Daggett, Brian Waldes, Laurie Wilson, Francis Robbins, Katherine Morgan, Dan Reimer, Max Valadez, Sylvia Tatman-Burruss, Sarah Kane

Welcome and Agenda Review

Purpose:

- Determine 1-3 governance models the Committee would like staff to further analyze and report back on at next meeting.
- Three goals to achieve as the options are evaluated: 1. Good steward for regional asset FNL infrastructure. 2. Limit liability of airport sponsors to acceptable level. 3. Consistency for staff and stakeholders (community) /Clarity to stakeholders on policy direction, day to day operations, etc.

Confirm next meeting dates:

Oct 10 at 3:30-5:00

Dec 16 at 4:00-5:30

Mayor Marsh nominated Mayor Arndt to be Chair. Committee Member Pignataro seconded. Mayor Arndt accepted. Confirmed Ginny Sawyer to facilitate future meetings.

Discussion

Reviewed Governance Report provided by Dan Reimer. See memo and report for detail.

Specific Question focus -

Airport Authorities:

- Colorado Airport Authorities Act (1960's) is the governing legislation.
- Jefferson and Adams County disbanded their Authorities; the communities didn't have the level of authority they wanted.
- Grand Junction was created in late 60's and is still in existence. City of Grand Junction and Mesa County, operating by IGA. Each has 3 appointments.
- Either a city or a county can create separately, or two political entities get together.

- In Colorado, the real estate is transferred to the Airport Authority.
- Airport Authorities are common throughout the US.
- Cities would never stop being co-sponsors. Every new grant has to get Cities to approve as co-sponsors and resolution of approval. Obligation to serve as co-sponsors never goes away. Grant agreements usually have 20-year life, tied to the useful life of the improvement (snow plow). City of Boulder now in this. Some grants never expire.
- The Airport Authority is an eligible sponsor to apply for grants from FAA, other transactions from TSA, Colorado Aeronautics, loan from State infrastructure bank, etc.
- the Airport Authority is a separate legal entity; can seek loans, has all financing tools available.

Airport Authority Board:

- Not consistent. Elected vs appointed, etc. vary. It can be apolitical. Pendulum can swing on this. Sponsoring members stand it up and retain the power of appointment; can remove those they appointed and appoint themselves. May want people with relevant experience.
- Professional staff don't usually sit on Board although some power is delegated to professional staff.
- If other municipalities joined they might have Board seats They would have to be co-sponsors on federal grants.
- Other political subdivisions may not like the liabilities with only one member on the Board.
- There is flexibility but you don't want too many seats.
- Airport Authority makes their own decisions, set policy, etc. In terms of appointments to the Board, look for local bankers, businesspeople, those who work in hospitality industry, tenants at airport (risky), retired pilots, people with a knowledge about finance, managing large assets, multi-year budgets, communications.

Liabilities:

- Landowners have certain liabilities. Co-sponsors/originators could still be named as parties in event of an accident. Sovereign immunity from torte – injury/slipped on ice – in Colorado, there is a very specific list of areas where sovereign immunity is waived. Accidents on the runway or in parking lot – immunity has not been waived. Cities are immune for a lot of accidents.
- In terms of fiscal responsibility – the cities don't backstop the debt, don't have obligation to subsidize the Airport Authority. Mesa County and Grand Junction don't give Airport any funding.

- If Airport Authority (AA) are out of money/bankrupt, they disband. The originators would be responsible for “figuring it out.” Someone has to pick up the pieces & steward the resources due to FAA requirements. That’s why cities are co-sponsors.
- Airport Authorities can contract/sue and be sued, as an entity. Party executing the contract is the AA distinct legal entity. Contracts are not signed by cities.

Miscellaneous Questions

- Tower and Future Operations: At the Airport Commission Subcommittee, Jared from DBL went through sequences to get federal financing for them to pay 100% of tower costs. Starts with 100’ runway. Jared to present to Airport Commission. Money would be there, hinging on commercial flights, even 1 or 2 a day.
- Who pays Dan’s fees? Finances come through City of Loveland Legal; grants.
- How many employees does the Airport Authority in Grand Junction have? 60 employees approx. in Grand Junction. Jackson has 120. Depends on what do you do in house, i.e., fire, janitorial staff. Various choices are made. Greeley/Weld has 8. They also are tied to fixed based fuel. Their janitorial are employed by Airport Authority. One person focuses on Payroll. They are general aviation only – no terminal to keep up.
- Considering that there is immunity on an accident on the property – what about getting sued for poor management? Does that overflow to cities? Poor management decisions are brought to FAA first. There are grant assurances. Anti-trust or constitutional deprivation. The Airport Authority is the sponsor – if a complaint is filed, the Airport Authority will be responsible for addressing. The Co-sponsors may have some liability or responsibility but in practicality, not much.
- What is the average size of Airport Authority Board? Typically 5-9 members on the Board.
- What about special districts. These are present in California. Examples in memo. The legislature could create an independent entity, but it has not been done here. The special district could levy taxes.
- What about tweaking the IGA? Next meeting to discuss IGA tweaking.
- Asked for Dan’s advice. Status quo or status quo + Commission. Could expand powers of Commission, or lessen them. The other option is to get rid of commission structure and amend to have advisory body. Or have intermediate step where contracts go to another entity, then they make recommendation to both Councils.. It’s a “Neither fish nor fowl” problem. Commission has some powers but not all. Some dissatisfaction from cities, staff and Commission. Doesn’t get to the root problem: entity is not truly independent nor dependent.

Committee Member general thoughts:

- 16 elected officials are tasked with making very minute decisions and with elected officials there are shifting perspectives based on elections.
- Commercial flights failed 2 times –belief that failure was due to lack of tower. FAA would pay for commercial tower if wider runways and commercial flights reached a certain threshold. Avelo went out when fuel prices rose and Allegiant went out with safety concerns.
- Thinking about attracting a larger airline with more financial stability. Constituents may not like commercial air.
- Can see the reasons to go to an Airport Authority, to run the general aviation airport, taxis, helicopters, new tech. Cities would maintain power.
- Request for detailed governance model based on Airport Authority, if possible.
- Airport Authority, continue, commission on steroids, buy FoCo out?
- Leaning toward taking what we have and improving it via IGA adjustments.
- Leaning toward not continuing to do what we're doing. Adjust IGA with staff input.
- Someday Airport Authority might be ideal, but more difficult hurdle to clear.
- Can we bring back 2 scenarios? FNL is at pivot point. Want to look at 20-year governance model, in addition to what we could agree on if we amend IGA? More expertise closer to the FNL is goal. Souped up Commission model doesn't seem to help.
- Politicians don't know/have enough time and expertise to really make these decisions. Grateful to appointees.
- Could tweak IGA to back out the elected officials from sitting on the Board? Look at subject-matter experts. Rely upon staff. Commission doesn't currently have expertise embedded.

Francis Robbins summarized – this group wants more info about 2 scenarios at next meeting:

1. Amend current IGA of how we could modify board make up and powers, (to achieve good stewardship, limit liability, provide consistency to stakeholders).
2. Forming true independent Airport Authority, makeup of Board, how to run financing, etc.



AIRPORT GOVERNANCE MEETING NOTES

Special Joint Committee to discuss, evaluate, and make a recommendation regarding alternative modes of governance at the Northern Colorado Regional Airport.

Thursday, October 10, 2024
3:30-5:00PM

PURPOSE:

Follow-up on previous meeting requests related to an amended IGA and creation of an Airport Authority. Determine next steps.

The options before the group were to expand the current Commission's power, amend the IGA, or look at developing an Airport Authority.

There was a question regarding any potential workload increase and which City Manager would these powers be delegated to, by essentially creating a new department. City Manager DiMartino responded that ideally it would be a partnership between the two City Managers (Loveland and Fort Collins).

Dan Reimer elaborated on the 4 major steps to creating an Authority: Create the Airport Authority, Transfer the assets and liabilities (the FAA has to be involved), Set up and start up, and Develop key documents. These steps are all doable and considerations include: Support services can be contracted (i.e. legal and HR) or provided by the Cities; existing documents could be cut over to the new Authority; some new policies would need to be adopted; and a 12-18 month minimum timeframe would be anticipated.

In response to a question, City Manager Wensing replied that the candidates for the Airport Director position are very aware of the process and prepared to support it.

Dan Reimer Clarified that the Authority would need start-up money to pay bills and money would be transferred to the Authority in the interim and that the co-sponsors of an Airport Authority would have the power to undo it but would have to make provisions to "pick up the pieces."

Mayor Arndt asked the committee their preference. Julie Pignataro, Mayor Marsh and Mayor Arndt said they'd prefer the Authority due to the expertise of staff to run it, etc.

If other entities/jurisdictions were invited to be partners, they would also absorb liability, in addition to having a vote. Telluride has three jurisdictions, and the City and County of Greeley are involved in their Airport, as examples. One challenge is an entity only getting one vote for the amount of liability they'd take on. No one entity would get a majority. Typically, Authorities appoint 5-9 members to the Board (i.e. 4 for each city plus 1 at-large, if 9) and 7-9 is ideal due to the amount of work, subcommittees, etc. Regarding Board terms, they are usually 4-year terms; some have term limits.

With mention of potential interest from Windsor or Larimer County there was discussion of the necessary future commitments. Regarding other entities being interested, City Manager DiMartino suggested this could be brought up at the Regional Elected Officials Meeting on October 16 as an update of the committee's work. If partners are interested, they can reach out. Julie Pignataro will mention this at the Oct. 16 meeting.

Airport staff stated the creation of an Authority would involve paperwork, much of which they're already doing and that they appreciate the policy clarity and streamlining of administrative tasks an Authority would offer. The Airport Commission is scheduled to talk about Airport Governance during their November meeting.

City Manager DiMartino thought it would be helpful to look at the timeline and for the City Councils to approve resolutions to support the process moving forward. Councilmember Pignataro suggested not having a Council Work Session until this committee finishes its work and then the Work Session could then be a package of timeline, schedule, work plan and state the conclusions of the committee.

Public input: A mention that the Authority model is well used in other areas and it works; would be a huge step forward. The Loveland Chamber representative noted they would be pleased with the forward movement.

For the December 16 meeting, City Manager DiMartino suggested more depth of recommendations, leading toward a Work Session in January. City Attorney Daggett noted this group was originally charged with a formal recommendation.

There were requests for both startup costs and information on options to deconstruct the Authority.

Mayor Marsh mentioned the November 7 Ribbon Cutting for the Airport Terminal.

Dan Reimer alerted the committee to the importance of eligibility of Authority Board members as conflicts of interest are very prevalent in this space and it's important to be up front because the governing board has fiduciary requirements. Dan will provide samples that work well in other places as well as bylaws of the existing 4 airport authorities in Colorado, and Jackson, WY and samples of who sits on the board.

In response to a question, it was clarified that an Authority is subject to Open Meetings laws, CORA requests, and the like, since it is considered a political division under the State statute. Members who serve on the board are unpaid, although they can be reimbursed for eligible expenses.

It was noted that sponsor entities have to agree on the governance up front and these details that would be addressed in an IGA.

It was also noted that the Airport Director would not be on the Board. They would be an employee of the Authority and have an employment contract with the Authority, etc. The Chair of the Board would run the meetings. There would be a ledger of actions brought to the Board each month, and some other items would be handled by the Director.

Ginny Sawyer summarized:

Use the Regional Elected Officials meeting on October 16 to update regional entities. At December 16 meeting of this committee bring a roadmap to recommend and use the same information for each Council to review details on what an Authority would mean for each City. Provide a timeline.

Meeting adjourned at 4:40 p.m.

Next Meeting:

December 16, 4-5:30pm



AIRPORT GOVERNANCE SUBCOMMITTEE NOTES

Special Joint Committee to discuss, evaluate, and make a recommendation regarding alternative modes of governance at the Northern Colorado Regional Airport.

Monday, December 16, 2024
4:00-5:30PM

Mayors: Jeni Arndt and Jacki Marsh
Councilmembers: Troy Krenning and Julie Pignataro
City Managers: Kelly DiMartino and Rod Wensing
Others: Carrie Daggett, Brian Waldes, Laurie Wilson, John Kinney, Francis Robbins, Katherine Morgan, Dan Reimer, Dalton Kelley, Ginny Sawyer

Meeting Notes:

Time: Meeting started at 4:03 pm and adjourned at 4:45 pm

Chair: Mayor Jeni Arndt

Key Attendees:

- Mayor Jeni Arndt
- Mayor Jackie Marsh
- Councilmember Julie Pignataro
- Councilmember Troy Krenning
- John Kinney, new Airport Director
- Francis Robbins, outgoing Interim Airport Director
- Other attendees included City staff from Fort Collins and Loveland, local stakeholders, and interested community members, including 11 online viewers.

Meeting Highlights:

- 1. Introduction of New Airport Director:**
 - Mayor Arndt welcomed John Kinney as the new Airport Director and thanked Francis Robbins for his service and interim role. Francis Robbins' next role will take him to Bangor, Maine.
- 2. Review of Airport Authority Progress:**
 - Ginny Sawyer presented a review of prior meetings. The group expressed interest in pursuing the creation of an Airport Authority and using the same slide deck to seek support from both Fort Collins and Loveland Councils.

- A timeline was discussed, with the target start date for the Authority being January 1, 2027. This will require a new Intergovernmental Agreement (IGA), transfer of assets/liabilities, Airport Authority start-up, and adoption of key documents. Financial considerations are important.
- The Division of Local Government (under DOLA) will issue the certificate recognizing the Airport Authority as a political subdivision.

3. Council Support and Scheduling:

- Fort Collins Council will have a work session on January 28, 2025, and Loveland has a Study Session tentatively scheduled on February 11, 2025, to discuss support for the Airport Authority.

4. Resolution and Ordinance Discussion:

- It was clarified that Fort Collins would need to use an ordinance to formally create the Authority but a resolution would be initially needed to move forward with this committee's recommendations, etc. Loveland needs a resolution of support.
- Discussion on the timing of the creation and transition process:
 - 12 to 24-month timeline was discussed. Staff preferred a 24-month timeline to ensure a thorough process, while some members expressed concerns about prolonging operational issues.
 - It was determined that this process will be set on a 24-month timeline based on the number of tasks with various entities involved, budgetary considerations, steps to take regarding board member qualifications and selection, etc.
 - The Subcommittee thought it would be best to have each City Council give guidance on whether to keep this Airport Governance Subcommittee meeting as needed, or have staff come to the full Councils at various milestones in the process.

5. FAA and Governance Considerations:

- The FAA and other federal/local partners will need clear documentation on who will be in charge during this interim period. The transition must be carefully coordinated with federal regulations and agencies like TSA.
- The federal government operates on a different fiscal year than the Cities, and FNL is forecasting a grant at the end of 2025, so a longer timeline will be better in that regard.

6. Next Steps and Recommendations:

- There was consensus to draft a resolution for the creation of the Airport Authority, which would be included in the work session materials for both Councils.
- Members agreed that the staff should continue working on the IGA development and that its work should be reported back to the Councils as needed.
- Staff was tasked with preparing a draft of the resolution for review and with adding more details to the presentation slide deck.
- No additional meetings of this Airport Governance Subcommittee need to be scheduled at this time.

7. Final Comments:

- Mayor Arndt expressed gratitude for the collaborative effort and the initial survey, noting that the team is well-prepared for the next steps.
- The committee decided to proceed with drafting a resolution, with an understanding that the timing and details would continue to evolve based on Council support.

Meeting Adjourned: 4:45 pm

TO: Fort Collins City Council
 Loveland City Council
 Kelly DiMartino, Fort Collins City Manager
 Steve Adams, Loveland City Manager
 Carrie Daggett, Fort Collins City Attorney
 Moses Garcia, Loveland City Attorney

FROM: Dan Reimer, Special Counsel to Cities on Airport Matters
 DSR LLC

DATE: October 30, 2023

SUBJECT: Airport Governance

I. Introduction

The Northern Colorado Regional Airport (“Airport” or “FNL”) is owned jointly by the Cities of Loveland and Fort Collins (“Cities”), managed by the Northern Colorado Regional Airport Commission (“Commission”), and operated by a professional airport staff, led by an Airport Manager.

The current allocation of responsibility has been in place since 2015. In the sixty-year history of the Airport, multiple approaches to airport governance have been employed, adjusted and abandoned. In each of these approaches, the Cities have been supported by a separate entity, alternately referred to as a board, ad hoc committee, airport authority, steering committee and, most recently, a commission, to provide some level of responsibility to, for example, enter into agreements, promulgate rules, develop budgets and expend funds. Nevertheless, the Cities consistently have reserved for themselves the roles of owner, operator, proprietor and sponsor of the Airport.

The Cities wish to revisit Airport governance. A longstanding concern with joint ownership is that, regardless of the precise scope of day-to-day responsibilities delegated to a commission or staff, it remains cumbersome to seek and obtain approval from both Cities on policy-level and “big ticket” items. Also of concern is the fact that the current approach necessarily means that decision-making and information about the Airport is widely and unevenly dispersed among elected officials and staff of the two cities, members of the Commission, and the professional Airport staff. This has led to continuing debate about the appropriate allocation of responsibility and whether those asked to make decisions are up-to-speed and fully equipped to do so.

II. Short History

The Cities jointly acquired roughly 1,000 acres of private property in 1964 to construct the Airport, which opened in 1965. The property remains owned by the Cities jointly.¹

The chronology and sequence of Airport governance can be summarized as follows:

- 1965 – 1979** Airport managed with assistance of Airport Board, including representatives of Fort Collins, Loveland and Larimer County
- 1979 – 1983** Airport managed with assistance of Ad Hoc Committee, consisting of two council members and city managers of each city
- 1983 – 1990** Airport managed with assistance of Airport Authority; however, Cities reserved considerable decision-making responsibilities (unlike how other airport authorities operate in the State)
- 1990 – 2015** Airport managed with assistance of Steering Committee, with representation by both Cities
- 2015 – 2023** Airport managed with assistance of seven-member Commission, pursuant to the *Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Municipal Airport* (Jan. 2015), as amended

Although the Airport governance structure appears variable, governance of FNL has retained the same two essential elements: (1) policy-making and big-ticket decision-making reserved to the two City Councils, including decisions as to the disposition of Airport property jointly owned by the Cities; and (2) some delegation of responsibility and advisory services from a distinct body, with representation by the Cities and sometimes other stakeholders.

III. Short Survey of Trends in Airport Governance

Across the U.S., airports are owned and operated by a multiplicity of government types, at the state, regional and local level. There are two summary reports on this topic published by the Transportation Research Board of the National Academies of Sciences:

1. Airport Cooperative Research Program, Legal Research Digest 7, [Airport Governance and Ownership](#) (2009).
2. Airport Cooperative Research Program, Research Report 245, [Guide to Evaluating Airport Governance Structures](#) (2022).

¹ Real property acquired after 1979 is held in equal (50/50) proportion by the Cities; however, real property acquired prior to 1979 is held one-third by Loveland and two-thirds by Fort Collins.

These reports provide a breakdown on how airports across the country are governed. There is a companion [website](#) to Research Report 245 that provides governance information for more than 3,000 airports.

In very short summary, there is no particular pattern; airports are governed by a variety of public entities regardless of size, geography or other attributes. Colorado is a microcosm of this national phenomenon. Some airports in the state are owned by a municipality, including Denver International Airport and Colorado Springs Airport. Some airports are owned by a county, including Eagle County Regional Airport and Aspen/Pitkin County Airport. Some airports are owned by a special purpose airport authority, including Grand Junction Regional Airport and Centennial Airport. Two airports are owned jointly by a County and City (Durango-La Plata County and Salida Harriet Alexander Field), although in both instances the city operates the airport.

The principal debate on the subject of airport governance among academic researchers and airport professionals is whether airports governed by a special-purpose entity (airport authority, port authority or special district) are more efficient and otherwise superior to airports governed by a general-purpose entity (county or city).

The academic research, including studies cited in the two TRB publications, indicates that there is no “best” airport governance model. Nevertheless, there is a persistent belief that special-purpose entities like airport authorities can provide distinct advantages. Commonly cited advantages include a dedicated and focused governing body, reduced political influence, greater flexibility in hiring professional staff and setting compensation, and more flexibility in contracting and procurement to meet market demands.

There are three discernable trends in airport governance over the last twenty-five years.

1. *Most of the completed changes in governance involved transfer from a general-purpose government to a special-purpose airport authority.* Examples include the creation of the Syracuse Regional Airport Authority, Connecticut Airport Authority, Des Moines Airport Authority, Wayne County Airport Authority, and Allegheny County Airport Authority.
2. *There have been several contested efforts by state legislatures to forcibly regionalize the governance of airports located in large metropolitan areas.* Such efforts have occurred in Atlanta, Georgia; Charlotte, North Carolina; Jackson, Mississippi; and Nashville, Tennessee.
3. *Very few airports in the U.S. have been privatized, notwithstanding Congressional support for privatization.* The only airport to privatize in recent years is the Luis Muñoz Marin International Airport in San Juan, Puerto Rico. This issue is discussed below in the discussion of available options for FNL.

IV. Identification of Continuing Concerns

In order to identify the nature and extent of concerns with the current governance structure, I conducted interviews with each of the seven City Councilmembers from the City of Fort Collins (September 6-7, 2023) and nine City Councilmembers from the City of Loveland (September 13 and 15, 2023).

Notes from the sixteen Councilmember interviews are attached at **Attachment B**. While it is not surprising that there was not unanimity among sixteen elected officials, the following key points came across in the interviews:

1. *There appears to be consensus that the current governance structure is not working.* Both Cities agree that Loveland has greater influence over Airport-related matters and that Loveland derives greater benefit from the Airport. And, a common refrain during the interviews was that the Cities are very different, resulting in different views on the Airport and approach to Airport matters.
2. *The two cities do not (currently) have a shared vision for the future of the Airport.* This is manifest primarily in only modest belief by Fort Collins about the prospects for commercial passenger service and greater interest in use of the Airport as a multi-modal transit hub. Loveland representatives generally were more optimistic about the prospects for the Airport, including commercial passenger service.
3. *There is a desire to change the governance structure.* There was virtually no support for the status quo alternatives, summarized below. City Council members appear very open to a change, including through detailed examination of available options and further engagement in the process. Some Council members observed that this is not the highest priority item in the community, which may make it difficult to find the time and resources necessary to make a change.
4. *There was no immediate consensus on an alternative governance structure.* Admittedly, these interviews occurred before Council members had been presented with available options (including this memorandum). However, there was some interest in delegating responsibility to a dedicated board (the airport authority and special district options summarized below). There was some interest in transferring the Airport to Loveland, but no interest in transferring the Airport to Fort Collins.

V. Options, Transfer Process and End State

At various points, the Cities have received internal and external recommendations on the best or most efficient approach to governance, some of which have led to changes, as summarized above. The current effort avoids recommendations and instead focuses on the options, the mechanics of transfer, and a discussion of the conditions after transfer, to help the Cities reach their own conclusions on a path forward.

The attached matrix (**Attachment A**) organizes the options into five groups: (A) maintaining the current structure, (B) creating an airport authority, (C) transferring to one general-purpose government, (D) creating a special district, and (E) privatizing the Airport or aspects of it.

To supplement the matrix, the following information is offered on the five options:

A. Maintain Current Structure

The Cities can continue to operate the Airport in accordance with the 2015 Intergovernmental Agreement, as amended in 2016 and 2019. Alternatively, the Cities could revisit and amend the Intergovernmental Agreement to reallocate responsibility among the Cities, Commission and Airport staff, based on recent experiences and identified concerns with the current allocation of responsibility.

This option further would permit the Cities to make changes outside the IGA. For example, the noted concern with a lack of information and input could be addressed through more regular briefings, joint information meetings by the two City Councils, etc. And, concerns with Airport management could be addressed by increasing the Airport budget, increasing staff, etc.

B. Airport Authority

The Colorado Public Airport Authority Act, C.R.S. Section 41-3-103 – 41-3-108, authorizes municipalities, counties and combinations (such as two municipalities) to create a separate political subdivision to own, operate, manage and improve airports. Airport authorities have virtually all of the hallmarks of political subdivisions, including the power to contract, sue-and-be-sued, hold property, incur debt and issue bonds. Importantly, airport authorities have no power to impose taxes. The originating local governments have the power to appoint members to the governing body (comprised of 5 to 9 members) and also retain the power to dissolve an airport authority that they created.

In the last legislative session, the Colorado Legislature enacted and the Governor signed HB 23-1156, which included extensive updates to the Public Airport Authority Act that clarified and altered the powers of airport authorities. While not expressly intended to make airport authorities more attractive as an airport governance model, HB 23-1156 does enhance certain advantages of airport authorities.

Airport authorities largely are independent of their originating local governments. There is one important caveat: ***the FAA requires originating local governments to serve as co-sponsors for purposes of the terms, conditions and assurances of grant agreements for planning and improving airports.*** The essential reason is that the FAA must be assured, in the event the originators dissolve the airport authority, that there will be an entity responsible for continuing to operate the airport, complete unfinished work, and satisfy the other contractual obligations. The FAA's power to make such a demand was challenged and upheld in a case involving the Grand Junction Regional Airport Authority.² The legal and practical consequences of co-sponsorship are untested.

The process for transferring the Airport to an airport authority would include the following steps:

- i. The Cities would enter into an intergovernmental agreement to create an airport authority. That entity would establish Bylaws and other governing documents.

² *Walker Field, Colorado, Public Airport Authority v. Adams*, 606 F.2d 290 (10th Cir. 1979).

- ii. The Cities and the newly created airport authority would enter into an assignment and assumption agreement by which the airport authority would assume the real and personal property, assets and liabilities associated with the Airport, including the obligations under FAA grant agreements. Most likely, the Cities would enter into a separate real estate transaction to transfer their respective interests in Airport real property to the newly-created airport authority. Typically, there is no money paid by the newly created airport authority for the real and personal property and other assets of the Airport.
- iii. The airport authority would have to apply to the FAA for a new Airport Operating Certificate to accommodate commercial passenger service, consistent with the current Airport plans.
- iv. The airport authority would have to hire or contract for its own support services (e.g., human resources, legal, law enforcement, etc.).

As reflected in the matrix, there are three permutations of an airport authority:

- i. The Cities could establish a “true” airport authority created under the Colorado Public Airport Authority Act, similar to the other four airport authorities in the state, which would include transfer of ownership of the Airport and full decision-making authority.
- ii. The Cities could reestablish a municipal authority, consistent with the governance structure during the period 1983 to 1990. Under that approach, the Cities would not transfer ownership of the Airport to the airport authority and would retain decision-making authority for policy-level and big-ticket items.
- iii. The Cities could lobby the Colorado legislature for a further amendment to the Colorado Public Airport Authority Act that would make it possible for the Cities to avoid serving as co-sponsors, and create an airport authority under the amended law. This might be possible if, for example, the originating local governments were prohibited from dissolving an airport authority that they created. The precise details of such a statutory amendment have not been fully explored; however, preliminary discussions with FAA officials suggest that there may not be any way to amend the Act that will satisfy FAA.

C. Transfer to One General Purpose Government

In some ways, the most straightforward option is for one city to transfer its ownership interest in the Airport to the other city. The City of Loveland would be a good candidate since (i) it currently provides most of the central support services for the Airport, and (ii) the Airport is located in the City of Loveland and surrounded by Loveland neighbors. The City of Fort Collins would be a good candidate since (i) it is the larger of the two cities, (ii) it has a larger staff and budget, and (iii) its residents may be users of the Airport and/or affected by Airport operations. As a third choice, the Cities could divest of the Airport altogether and transfer the Airport to Larimer County, which represents the broader constituency of Airport users and those impacted by the Airport.

In any of these approaches, the Cities would transfer ownership of the Airport, which currently is held jointly by the Cities. Typically, no money is paid when transferring airports from one public entity to another, in part because sale proceeds are considered airport revenue under federal law and FAA policy and thus must be used exclusively for airport purposes. The Cities would enter into an assignment and assumption agreement, as necessary to transfer the Airport to an airport authority. Unlike an airport authority, the city divesting its share of the Airport would be able to relinquish its obligations to the FAA. The single entity made responsible for holding the Airport would have to provide for staffing (likely through the creation of a Department of Aviation) and administrative support (human resources, finance, legal, etc.).

The obvious downside with this option is that it would leave either or both cities with less representation in the governance and management of the Airport. There may be ways to mitigate this risk, such as creating an advisory committee, with regional representation.

D. Special District

In some states, the state legislature both provides for local governments to establish special-purpose airport authorities and also creates special-purpose entities to govern specific airports. This has not been the experience in Colorado; however, I am not aware of any legal impediment that would prohibit the Colorado Legislature from doing so.

Establishing a special district through Airport-specific legislation would (i) allow the legislature to compose the governing body in a way that best reflects the longstanding interests of the Cities; (ii) delegate specific powers to the district, such as the power to impose taxes, not available to airport authorities; and (iii) possibly constitute the district in such a way that FAA would not require the Cities to remain co-sponsors.

E. Privatization

It is possible to privatize portions or all of an airport. There are two summary reports on this topic published by the Transportation Research Board.

1. Airport Cooperative Research Program, Report 66, [Considering and Evaluating Airport Privatization](#) (2012).
2. Airport Cooperative Research Program, Research Report 227, [Evaluating and Implementing Airport Privatization and Public-Private Partnerships](#) (2021).

As reflected in the matrix, there are three permutations of this option:

- i. *Private airport manager.* The Cities could contract with a private company to manage the Airport. The Cities would remain co-sponsors, and both the Cities and Commission would retain oversight. However, this option might allow the Cities to delegate further responsibility to the private airport manager than currently provided to Airport staff.

- ii. *Management agreement and lease.* This option is similar in that it entails contracting with a private company to manage the Airport. However, the Cities further would lease portions of the Airport to the private company to allow that entity to also be responsible for developing and operating specific facilities. This might be a way, for example, for a private company to assume responsibility to construct and operate a new passenger terminal.
- iii. *Full privatization.* Federal law provides a mechanism for local governments to sell or lease airports to private entities, known as the Airport Investment Partnership Program. The advantage of privatizing under the Program, as compared to other approaches to privatization, is that it allows the airport owner to transfer sponsorship to the private entity and to extract revenue from the sale or lease of the airport. Interest in the Program has been low, in part because full privatization strips the airport owner and community of control over a vital transportation and economic asset. Most communities to consider changes in governance have opted for a less dramatic approach, including creation of airport authorities and contracting with private entities for less than full control.

VI. Conclusions and Recommendations

Based upon the work and analysis performed to date, the conclusions and recommendations of the project team, comprised of the consultant and Cities Staff, are as follows:

1. The analysis yielded twelve (12) viable options for go-forward governance of the Airport.
2. Based on the history of the Airport and perspectives shared to date, the options recommended for continued evaluation are: (i) Airport Authority, (ii) Special District, and (iii) Fort Collins divestiture.
3. The Cities should refine alternatives and identify an option for consideration and adoption by the City Councils.
4. Further coordination between the Cities could include joint meetings of both City Councils or meetings among Council-appointed representatives. These discussions could be supported by Cities Staff, a facilitator or mediator, and myself.
5. The Cities should develop a public participation plan to solicit input from key stakeholders, including the Airport Commission, Airport tenants and community members.

* * * *

Attachment A
Menu of FNL Governance Options

No.	Option	Description	Examples	Pros	Cons
Maintain Current Structure					
1.A	Status Quo	Maintain current governance structure, meaning Cities continue to own FNL and set policy, with certain powers delegated to the Commission and Airport staff, pursuant to the 2015 Intergovernmental Agreement, as amended	FNL Today	<ul style="list-style-type: none"> Stability and consistency Recognizes that some perceived problems can be addressed outside IGA (e.g., transparency and communication) 	<ul style="list-style-type: none"> Not likely to address core concerns with efficiency and political accountability
1.B	Amend 2015 IGA	<p>Execute third amendment to IGA to adjust powers of Cities and Commission.</p> <p>Potential amendments include (1) withdrawing powers delegated to Commission, (2) expanding powers delegated to Commission, or (3) abolishing Commission and re-establishing advisory committee (as used historically).</p>	FNL (1979 – 1983 and 1994 – 2015)	<ul style="list-style-type: none"> Allows rebalancing of obligations while maintaining stability Flexible; allows variety of adjustments to expand or contract Commission’s powers 	<ul style="list-style-type: none"> Not likely to address core concerns with efficiency and political accountability

No.	Option	Description	Examples	Pros	Cons
Airport Authority					
2.A	“True” Airport Authority	Cities form Airport Authority pursuant to C.R.S. § 41-3-102 as a separate political subdivision and abolish Commission; Cities remain co-sponsors for purposes of federal grant agreements	GJT, APA, TEX, GXY	<ul style="list-style-type: none"> • Increased efficiency • Definitive solution to joint ownership • Retains influence by Cities, through board member appointments 	<ul style="list-style-type: none"> • Loss of direct control • Cities would remain co-sponsors • Loss of financial back-stop for Airport
2.B	Municipal authority	Cities retain ownership but delegate responsibility to Commission or newly-created entity to serve as the Cities’ agent for operating and improving the Airport	<p>FNL (June 1983 – May 1990)</p> <p>Many states expressly permit municipal commissions (<i>see e.g.</i>, Iowa Code § 330.17 – 330.24)</p>	<ul style="list-style-type: none"> • Increased efficiency through additional delegation • Cities retain some measure of control 	<ul style="list-style-type: none"> • Tried in the past and rejected
2.C	Authority pursuant to proposed revised Act	Cities lobby for change in Colorado Public Airport Authority Act that would allow Cities to transfer ownership and control to an Airport Authority without Cities also having to serve as co-sponsors	N/A	<ul style="list-style-type: none"> • Theoretical means of allowing Cities to avoid obligations of co-sponsors 	<ul style="list-style-type: none"> • Many uncertainties (political support, FAA support)

No.	Option	Description	Examples	Pros	Cons
Transfer to One General Purpose Government					
3.A	Transfer to City of Loveland	Options for transfer: (1) Fort Collins transfers all interest in Airport to Loveland and parties terminate IGA, or (2) Cities amend IGA to delegate full responsibility to Loveland to operate and improve Airport. Loveland could govern and manage Airport directly or with support of advisory committee, as reflected in other options.	DEN, COS, LMO, BDU, SBS, PUB	<ul style="list-style-type: none"> • Resolves joint ownership • Increased efficiency • Reflects that Loveland currently provides more administrative support • Reflects that Airport is located in Loveland • Airport neighbors also are located in Loveland 	<ul style="list-style-type: none"> • Eliminates Fort Collins’ control and influence • No likely financial gain for Fort Collins
3.B	Transfer to City of Fort Collins	Same options for transfer as above, only directed to Fort Collins rather than Loveland	DEN, COS, LMO, BDU, SBS, PUB	<ul style="list-style-type: none"> • Resolves joint ownership • Increased efficiency • Fort Collins is larger of two cities • Fort Collins has larger administration to support the Airport 	<ul style="list-style-type: none"> • Does not recognize Loveland’s historical and currently active role in managing and supporting Airport • Loveland would retain taxing and land use jurisdiction • Neighbors in Loveland might feel loss of representation

No.	Option	Description	Examples	Pros	Cons
3.C	Transfer to Larimer County	Cities transfer property ownership and control to Larimer County	EGE, ASE, MTJ, BJC, CFO, RIL	<ul style="list-style-type: none"> • Reflects regional interest in Airport • County has had representation historically • Avoids fight over which city would assume control 	<ul style="list-style-type: none"> • County is not presently part of airport governance • County has no experience managing airport • Suffers from some of same problems as transfer to Fort Collins
Special District					
4	Creation of Special District by Colorado Legislature	Colorado Legislature creates special district, with particular powers (rather than create airport authority under Public Airport Authority Act)	Truckee Tahoe Airport (CA), Monterey Regional Airport (CA)	<ul style="list-style-type: none"> • Might allow for novel structure to address some or all perceived problems with status quo and other options • Might be means to convey taxing power to airport district 	<ul style="list-style-type: none"> • Untested in Colorado • Uncertain advantages over airport authority created under current law
Privatization					
5.A	Private Airport Manager	Cities amend or terminate IGA and contract with a private airport manager to operate the Airport; Cities would remain co-sponsors and remain responsible for improving the Airport	Los Angeles County (CA) airports, Teterboro Airport (NY), Bob Hope Airport (CA)	<ul style="list-style-type: none"> • Delegates control to professional airport management firm • Might enhance tenant and community confidence • Might limit Cities' financial risk 	<ul style="list-style-type: none"> • Significant loss of control

No.	Option	Description	Examples	Pros	Cons
5.B	Management Agreement and Lease	Cities amend or terminate IGA and enter into (1) a management agreement with a private entity to manage the Airport, and (2) a lease with the same private entity to improve and operate portions of the Airport (e.g., a new passenger terminal); Cities would remain co-sponsors	Tweed-New Haven Airport (CT) U.S. Virgin Islands (planned)	<ul style="list-style-type: none"> • Means to address both governance and new terminal 	<ul style="list-style-type: none"> • Limited experience with model in the U.S. • Significant loss of control
5.C	Full Privatization	Cities transfer (by sale or lease) Airport to private entity to manage and improve the Airport under Airport Investment Partnership Program; private entity becomes co-sponsor	Luis Muñoz Marín International Airport, San Juan, Puerto Rico	<ul style="list-style-type: none"> • Cities can extract revenue from Airport • Limits future contributions • Improves performance and efficiency by relying on professional airport operator • Transfer sponsorship 	<ul style="list-style-type: none"> • Limited interest and support in U.S. • Significant loss of control

**Attachment B
City Council Interview Notes**

City of Loveland	City of Fort Collins
<p><u>Key Themes:</u></p> <ol style="list-style-type: none"> 1. The current governance structure is not working 2. Airport is an asset to the community, but governance structure makes it difficult to realize potential 3. Support for commercial passenger service and planned new terminal 4. Loveland derives greater benefits from Airport than Fort Collins 5. Cities (and City Councils) are very different 	<p><u>Key Themes:</u></p> <ol style="list-style-type: none"> 1. Current governance structure is not working 2. City of Loveland has greater control/influence 3. Cities (and city councils) are very different 4. Uncertain vision for Airport (perhaps lack of vision)
<p><u>Other Comments:</u></p> <ol style="list-style-type: none"> 1. Differing views about prospects for air service development (e.g., likely destinations, intra-state service, ability to market Northern Colorado as destination) 2. Disappointment in the lack of coordination and consensus on the Cities' financial contributions to the new terminal 3. Some disappointment in virtual tower and Landline 4. Uncertain vision (or lack of vision) about Airport's future 5. Airport currently serves largely private interests but efforts should be made to enhance public benefit 6. Need for more marketing and messaging about services and benefits of the Airport 7. Fort Collins has less incentive to invest in Airport 8. Some concern that Loveland City Council members, who do not also serve on the Airport Commission, are not fully up-to-speed on Airport matters 	<p><u>Other comments:</u></p> <ol style="list-style-type: none"> 1. Lack of confidence that commercial passenger service is a realistic goal 2. Interest in transit hub (intercity bus, rail, etc.) 3. Disappointment in Landline (to date), including lack of approval to bypass security screening at DEN 4. Disappointment in virtual tower (to date), including disappointment in the lack of a contingency plan if virtual tower is not approved 5. Disappointment in process for new hangar development, including lack of competitive solicitation 6. Concern that City Council is not provided regular and adequate information 7. Concern that differences in how Cities operate (coupled with the structure of the IGA) give Loveland greater control over management of Airport 8. Concern that Airport currently is serving largely private interests (who may not be paying their fair share) and belief that public benefits of Airport should be maintained and enhanced

City of Loveland	City of Fort Collins
	<ol style="list-style-type: none"> 9. Only bring in City Council when required under 2015 IGA or need money 10. Loveland derives financial benefit from tax revenue (the extent of which is unclear), but Fort Collins does not 11. Loveland has disproportionate control through land use, zoning and building jurisdiction 12. Airport does not provide direct benefit to Fort Collins 13. Might benefit from broader community participation (e.g., Windsor) 14. Airport, like the region, is growing and would benefit from more professional management 15. Cities are not aligned in positions on and support for growth (commercial and residential)
<p><u>Comments on Governance:</u></p> <ol style="list-style-type: none"> 1. Support for transfer to Loveland 2. Support for airport authority 3. Some support for special district, including ability to give entity taxing power and make governing body an elected position 4. Some support for private airport manager 5. Some support for multi-step process (e.g., transfer to Loveland, followed by creation of authority, advisory board or private manager) 6. No support for transfer to Fort Collins 7. Some concern with Fort Collins continuing to play a role in Airport governance 8. Need to study options <ol style="list-style-type: none"> a. Need better understanding of composition of new governing body (authority or district) b. Need better understanding of financial issues, including whether Fort Collins would/could be compensated in some way if Airport is transferred to Loveland 	<p><u>Comments on Governance:</u></p> <ol style="list-style-type: none"> 1. No consensus 2. Some support for airport authority (but not uniform) <ol style="list-style-type: none"> a. NOTE: There was considerable interest in understanding the composition of an airport authority's governing body, including whether elected officials, city staff and/or Airport staff could serve as airport commissioners 3. Some support for transfer to Loveland, but also some opposition 4. No support for transfer to Fort Collins 5. No interest in privatization 6. No support for "Do Nothing" 7. Need to study options

Item 2.

RESOLUTION 2023-101
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPOINTING TWO COUNCILMEMBERS TO A JOINT COMMITTEE
WITH LOVELAND REGARDING AIRPORT GOVERNANCE FOR THE
NORTHERN COLORADO REGIONAL AIRPORT AND AUTHORIZING
RELEASE OF A RELATED CONFIDENTIAL LEGAL MEMORANDUM

WHEREAS, in 1963, the City of Fort Collins and the City of Loveland (the "Cities") agreed to establish a regional general aviation facility and became owners and operators of the Fort Collins-Loveland Municipal Airport, now known as the Northern Colorado Regional Airport (the "Airport"); and

WHEREAS, the Airport is operated as a joint venture between the Cities, with each city retaining a 50% ownership interest, sharing equally in policy-making and management, and each assuming responsibility for 50% of the Airport's capital and operating costs; and

WHEREAS, pursuant to the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Municipal Airport dated January 22, 2015, and the First Amendment to the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Municipal Airport, now known as the Northern Colorado Regional Airport dated June 7, 2016, (collectively, the "IGA"), the Airport Manager is responsible for directing the operation of the Airport, including preparing the Airport's annual operating budget and submitting it to the Cities for their approval; and

WHEREAS, in recent years questions have arisen as to whether the current structure and governance of the Airport is optimal to achieve the goals of the Cities for the Airport; and

WHEREAS, in light of this, during 2023 staff has been working to identify the full array of possible options for possible changes to governance at the Airport in order to facilitate and support further discussion by the Cities and particularly by the City Councils of the Cities; and

WHEREAS, as part of the review process, staff worked with joint special legal counsel Dan Reimer, an expert in airport matters, who prepared a confidential and privileged legal memorandum in early October identifying and summarizing the alternatives for Airport governance (the "Reimer Memo"); and

WHEREAS, based on the initial review of the most likely alternatives for updated governance for the Airport, staff has recommended that the two Cities form a joint committee comprised of two representatives from each City Council, to meet to discuss and refine alternatives and, if practicable, provide recommendations about Airport governance; and

WHEREAS, in light of this the Council wishes to designate two Councilmembers to represent the City on said Joint Committee, as set for the below; and

WHEREAS, in order to facilitate a fuller discussion of the options and considerations for Airport governance, the Council wishes to waive the attorney-client privilege and release the Reimer Memo to the public.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That the Council hereby approves the formation of a Joint Committee With Loveland Regarding Airport Governance for the Northern Colorado Regional Airport.

Section 3. That the Council hereby designates _____ and _____ to said Joint Committee, with such appointments to begin immediately and continue until such time as the Council terminates or modifies such appointments.

Section 4. That, subject to the completion of a similar waiver and release by the City Council of the City of Loveland, the Council hereby waives the attorney-client privilege and confidentiality to which the Reimer Memo is subject, and authorizes and directs the City Attorney and City Manager to release and make available to the public the Reimer Memo.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 21st day of November, 2023.

Mayor

ATTEST:

City Clerk



NORTHERN COLORADO
REGIONAL AIRPORT



Airport Governance Committee



Follow-up and Recommendation

- Ginny Sawyer, Project and Policy Manager
- Dan Reimer, Special Counsel
- John Kinney, Airport Director

January 28, 2025

1

What questions do Councilmembers have regarding the Governance Committee recommendation?

2

What questions or suggestions do Councilmembers have regarding the proposed Resolution?



Cities co-owners since 1963. Joint venture with 50/50 ownership and responsibility.

- 13 Intergovernmental Agreements (IGAs) enacted between 1981 and 2016.

Major Governance related actions:

- 1986 – City of Loveland annexes the Airport and conducts feasibility study into acquiring Fort Collins' interest in the Airport. Concludes Loveland should not assume full responsibility for the Airport.
- 1990 –Work session for the purpose of discussing governance of the Airport.
- 1990 – IGA adopted for the Joint Operation of the Fort Collins-Loveland Municipal Airport.
- 1994 – IGA affirming original agreement. Also adds Airport Steering Committee.
- 2015 – IGA establishing the Northern Colorado Regional Airport Commission.
- 2023 – Each City appoints 2 members to participate on a Governance Committee.

- 2023 effort to identify and evaluate alternatives to Airport Governance.
- Worked with special legal counsel, Dan Reimer, an expert in airport matters.
- Following release of summary memo on alternatives and trade-offs Cities created Joint Governance Committee.
- Committee charged with meeting to discuss and refine alternatives and, if practicable, provide recommendations about Airport governance.

July

- Grounding in task
- Review of memo and options
- Talk of including other jurisdictions
- Request for information from other regional airports

August

- Focus on 3 goals:
 - Good steward for regional asset FNL infrastructure
 - Limit liability of airport sponsors to acceptable level
 - Consistency for staff and stakeholders (community) /Clarity to stakeholders on policy direction, day to day operations, etc.
- Discussion on formation of Airport Authority and further amending the IGA

IGA: Current - Amended and Restated in 2015

- Cities agreed to continue to jointly own and operate the Northern Colorado Regional Airport
- Created the Northern Colorado Regional Airport Commission (“Commission”)
- Delegated certain authority to the Commission with the goal of easing administration
- Amended in 2016 to further expand Commission authority
- Amended in 2019 to stagger citizen Commissioner terms

Current Commission Authority *(cannot legally give Commission more authority than it currently has)*

- Enter into Airport agreements (leases, service/construction contracts)
- Adopt/revise Airport rules and regulations, including Minimum Standards
- Develop budgets, reserve policies, propose capital projects
- Establish Airport service levels, rates, charges and fees
- Develop Airport operating plan, including security and emergency plans
- Sign grant agreements, with certain limitations
- Provide recommendations to the Cities regarding Airport policy issues

Amending IGA:

Reduce/Remove Commission Power

- Allow the City Councils to delegate more authority to the City Managers
- Revise the Commission to be advisory only; results in:
 - Direct reporting relationship between City Managers and their respective City Councils
 - Fewer steps and greater clarity to gain approval of items
 - Leaves the question of what role the advisory Commission plays

Cities Could Further Evaluate and Adjust City Duties

- Division of responsibilities between the Cities past, present and future
- Are we using each organization most effectively?
- What does delegation to the City Managers include?

Necessary Approval	Status Quo	Amended IGA	Authority
Daily Operation	D	D	D
Budget	AC, CC	CC	AA
Leases	D, AC, CC	D, CM or CC	D, AA
Capital Procurement	D, P, CM, AC, CC	D, P, CM or CC	D, AA
Land Acquisition & Disposal (including utility Easements)	AC, CC	CC	CC
IGA and Grant Agreements	AC, CM, CC	CM, CC	AA
D = Airport Director AC = Airport Commission CM = City Mangers CC = City Council P = Purchasing Body AA = Airport Authority	5 entities	4 entities	3 entities

Creating an Authority

Create Airport Authority

- Resolution/Ordinance, IGA, Certificate, Bylaws

Transfer Airport assets and liabilities

- Assignment and Assumption Agreement
- AOC and ASP
- Transfer contracts, real property, and personal property

Airport Authority start-up

- Financial systems and controls
- Employees
- Required services

Adopt Key Documents

- Recycle existing policies and adopt new policies
- New contracts



Creating an Authority - *Recommended*

2025

Creation & Negotiations

- Resolution/Ordinance by both Councils expressing support to pursue an Authority.
- Continued financial analysis to determine Authority needs short to midterm.
- Begin creation of an IGA that would outline responsibilities, obligations, timelines for financial support, and Board member eligibility and selection process.
- Creation of draft bylaws, including conflict of interest standards.

2026

Approvals, Transfers, Board Selection

- Review and approval of key documents including IGA.
- Applications for Authority Board appointments made available.
- Appointment of Authority Board.
- Transfer of real estate, leases, etc. January 1, 2027 (designed to align with calendar budgets).



Forming an Airport Authority

- Resolution: **(Q1 2025)** Adopted by both Councils expressing support to pursue an Authority
- IGA Development: Address operational logistics, such as
 - Level of cooperation and ongoing financial responsibility
 - Assignment of Airport assets and liabilities
 - Co-sponsorship for FAA grants
 - Board eligibility and selection process
- Approval by both Councils of formation of the Authority and the IGA
- Certificate: Issued by Colorado Division of Local Government
- Appointing Board members and adoption of bylaws

This work would occur after an IGA is created and approved.
Transfers are paper transactions/no payments are involved.

Includes addressing:

- New Airport Operating Certificate: Approved by FAA
- New Airport Security Program: TSA requirement
- Assign Contracts and Agreements: This can also be addressed in the IGA
- Transfer Real Property: transfer by warranty deed to the Authority
- Transfer Vehicles, Equipment, and Personal Property
- Assignment and Assumption Agreement: Required by FAA

Establish Financial Systems and Controls – likely completed in partnership with Cities

- Obtain federal employer identification number, Unique Entity ID (formerly DUNS)
- Set up new bank accounts and transfer funds from existing airport accounts
- Adopt a budget and submit to DOLA
- Adopt a Statement of Investment Policy and establish investment account (e.g., COLOTRUST)
- Adopt a signature policy
- Hire insurance broker and purchase insurance

Hire Employees – existing employees transfer to the Authority

- Negotiate employment agreement with Executive Director
- Hire Airport employees
- Adopt Employee Handbook
- Issue credentials, keys, purchasing cards, etc.

Provide For All Required Services – Cities may continue to provide until not needed/desired

- Law enforcement and first responders (police, fire, medical)\
- Finance, admin, legal, HR
- Other outsourced services (landscaping, janitorial, maintenance, etc.)

Recycle Pre-Existing Airport Policies – Immediate action

- Schedule of Rates and Fees
- Rules and Regulations
- Minimum Standards
- Airport Land Use and Design Standards
- Airport Development Guide

Adopt New Policies – Future action

- Strategic Action Plan
- Delegation of Authority
- Purchasing and Procurement Policy
- Code of Conduct
- Airport Business Plan

New Contracts for Services – Future action

- Negotiate and draft any new contracts and agreements for professional and other services

Current

- City of Loveland providing bulk of support services at greatly reduced cost (full cost ~\$300-400k)
- City of Fort Collins providing property insurance coverage (\$60k)
- Cities (both) 10-year capital contributions (\$4M 2014-2023)
- Airport currently operates with balanced operating budget, limited ability to increase reimbursement of city services in near term

Future (*will be outlined in the IGA*)

Need to evaluate options with goal of setting Authority up for success.

Considerations include:

- Continue subsidizing support services until Authority chooses to outsource
- Airport's financial capacity to fund capital improvement plan
- Airport's timeline for revenue increases
- Increasing cost reimbursement to cities over time
- Considering support services as loan to be paid back

1

What questions do Councilmembers have regarding the Governance Committee recommendation?

2

What questions do Councilmembers have regarding the proposed Resolution?



File Attachments for Item:

3. Council Priorities Mid-Cycle Update.

The purpose of this item is to review work and progress to date on Council Priorities.

WORK SESSION AGENDA ITEM SUMMARY

City Council



STAFF

Ginny Sawyer, Project and Policy Manager

SUBJECT FOR DISCUSSION

Council Priorities Mid-Cycle Update.

EXECUTIVE SUMMARY

The purpose of this item is to review work and progress to date on Council Priorities.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

1. What questions or feedback do Councilmembers have on Priority work to date?

BACKGROUND / DISCUSSION

Every two years, following a Council election, the newly seated Council participates in a planning retreat to identify priorities and confirm strategic direction. City Council adopted 11 priorities for the 2024-2026 term. These priorities were intentionally developed by Council to encompass both on-going work, previously identified strategic initiatives, and opportunities to accelerate workstreams.

Work streams and timelines were further discussed at work sessions in February and May 2024. Council also resourced Priority work through the budgeting process. Priority updates are provided quarterly, and the 2024 updates are included as attachments.

Updates and Touchpoints

Priority 1: Operationalize City resources to build and preserve affordable housing

Major on-going efforts under this priority include implementing land use code changes, most notably the allowance of ADUs, work to streamline permitting for affordable housing, analyze and articulate fee impacts and trade-offs, and utilize means across the City to address affordability.

Touchpoints:

- Council Finance and full Council meetings through mid-year to consider capital tax renewal and the inclusion of an Affordable Housing Fund.
- Fee methodology update discussion February 11, 2025.

- March 2025 work session focused on ADUs, fees, and the impact of fees, and broader housing production strategies.

Progress and Actions to date:

- 2025/26 funding for housing and fee credit programs.
- Basic Development Review for affordable projects in place. Expedited review process work underway.

Priority 2: Improve Human and Social Health for Vulnerable Populations

Ongoing work under this priority is broad and includes environmental services air quality work, including monitoring and advancing the closure and reclamation of the Prospect Energy wells, as well as direct support programs and continued Citywide equity work through all departments and services.

Touchpoints:

- Priority 2 work session February 25, 2025.

Progress and Actions to date:

- 2025/26 funding for Immigration Legal fund, eviction Legal fund, and Mobile Home Park programs.
- Healthy Homes enhancement program funded.
- Engagement staff for equity and Inclusion Office funded.
- Prospect Energy wells are shut-in and awaiting permanent plugging and reclamation. The City is working towards a purchase agreement for contaminated property.

Priority 3: Pursue an Integrated, Intentional Approach to Economic Health

The recent adoption of the Economic Health Strategic plan addresses and outlines much of the on-going work in this space including partnerships within the City and the community.

Touchpoints:

- 2025 work session TBD – Economic Health update.

Progress and Actions to date:

- Multicultural Business and Entrepreneur Center (MBEC) funded.
- Barriers to Business study underway.
- \$25K grant to support semiconductor and advanced industry ecosystem.

Priority 4: Advancing a 15-minute City by Igniting our Neighborhood Centers

The land use work is a major part of this priority. Staff has conducted on-site outreach which will inform place-based assessment. Other work includes City-initiated efforts to draw the community to neighborhood centers such as Open Streets and Bike to Wherever events.

Touchpoints:

- April 22, 2025 work session on land use work and workplan.
- There will be Council items scheduled throughout the year with an intentional goal of having this Council adopt any changes.

Progress and Actions to date:

- Small Business Technical Assistance Program funded.
- Permitting improvements funded and implementation underway.
- Continued steps towards acquiring the former Albertson's property and possible expansion of URA work.

Priority 5: Accelerate Zero Waste Infrastructure and Policies

The bulk of work in this area involves other partners including Larimer County and republic Services. Staff is also utilizing grant funding and consultants to complete research and baseline assessments.

Touchpoints:

- April 8, 2025 work session on zero waste priority.

Progress and Actions to date:

- Trash contract initiated and implemented. This is first step towards increased yard trimming collections.
- Ongoing discussion with the County on a construction and demolition facility.

Priority 6: Electrification of Buildings, Fleet, and City Small Engine Equipment

Staff continues to make strides in City operations towards electrification. In broader efforts that will impact the community work continues through development of the Zero Carbon New Construction Code and finding/offering community facing resources.

Touchpoints:

- April 8, 2025 staff report on EV Roadmap and Readiness.

Progress and Actions to date:

- Budget funding to advance the Virtual power plant.
- Budget funding to work towards electrify municipal buildings.
- \$11M grant to build out charging infrastructure.
- Budget funding for small engine replacement. Seven replacement electric utility carts in operation in Parks through 2050 funding.

Priority 7: Protect Community Water Systems in an Integrated way to ensure Resilient Water Resources and Healthy Watersheds

This body of work is broad and includes both policy and ordinance development and adoption. The City is working regionally on water issues including Northern projects and on a state funded Wildfire Ready Watersheds Action Plan.

Touchpoints:

- February 25, 2025 work session on Water Efficiency Plan.

Progress and Actions to date:

- Updated water supply requirements and allotment assignments in place.
- Halligan 1041 permit application has been submitted.
- Phase 1 of the One Water Strategic Plan completed at the end of January 2025.
- Stream restoration funded through budget.

Priority 8: Advancing a 15-minute City by Accelerating our Shift to Active Modes

Touchpoints:

- May 13, 2025 work session on Which Wheels go Where: Micromobility.

Progress and Actions to date:

- Well attended Asphalt Art and Open Street events.
- Hosted the National Safe Routes to School Conference.
- Awarded approximately \$1.7 million in funding from the Federal Safe Streets for All program which will advance a Codes and Standards Audit focused on Active Modes, a Harmony Road Study to design active modes facilities for Harmony, and the Lake Street Demonstration Project to enhance active modes through CSU.
- 23 lane miles of buffered/improved bike lanes; 4 lane miles of protected bike lanes ;6 improved intersections for bike and ped safety; 8+ schools served by safer routes.

Priority 9: Develop a Use Plan for the Hughes Property

Touchpoints:

- January 28, 2025 staff report.
- Council will be included on event dates and invites.
- Outcome report and recommendation anticipated in June 2025.

Progress and Actions to date:

- Project team underway and contract in place with Healthy Democracy.

Priority 10: Make Government More Accessible, Approachable and Fun

Work streams supporting this priority include both very tactical work to ensure web accessibility and website revamp as well as Citywide project team considerations when engaging the public.

Touchpoints:

- Staff will continue to work with Councilmembers regarding community events, listening sessions, and addressing website development and community feedback.

Progress and Actions to date:

- City Manager report revamp completed.
- Digital Platform upgrades are underway including website navigation, eNewsletters, legislative management, and 311 services.

Priority 11: Modernize and Update the City Charter

Staff hired outside Counsel to help advance this work.

Touchpoints:

- There was a work session in December 2025 to review 5 main areas of charter updates.
- Staff will work to bring back items in a time frame that let's Council take action by spring 2025.

Progress and Actions to date:

- Potential changes identified and initial Council discussion complete.

NEXT STEPS

Upcoming Council work sessions:

January 28: Hughes

- Civic Assembly Update
- All Priorities Update

February 25: Water Resources and Vulnerable Populations

- Staff Report: One Water
- Water Efficiency Plan

March 25: Housing

- ADU Discussion
- Impact of Fees on Affordable Housing
- Operationalize City Resources to Build & Preserve Affordable Housing

April 8: Electrification, Zero Waste & Vulnerable Populations

- Staff Report: EV Readiness Roadmap
- Zero Waste
- MHP Local Enforcement Options

Staff will continue to provide quarterly updates and bring forward progress and Priority related decisions throughout 2025.

ATTACHMENTS

1. 2024 Updates
2. Presentation

Item 3.



City Manager's Office
City Hall
300 LaPorte Ave.
PO Box 580
Fort Collins, CO 80522
970.221.6505
970.224.6107 - fax
fcgov.com

DATE: September 10, 2024
TO: Mayor and Councilmembers
THROUGH: Kelly DiMartino, City Manager [DS], Tyler Marr, Deputy City Manager [DS]
FROM: Ginny Sawyer, Lead Project Manager [Initial]
RE: Council Priorities – Q2-2024 Update

Every two years, following a Council election, the newly seated Council participates in a planning retreat to identify priorities and confirm strategic direction. City Council adopted 11 priorities for the 2024-2026 term. These priorities were intentionally developed by Council to encompass both on-going work, previously identified strategic initiatives, and opportunities to accelerate workstreams.

Updates are provided quarterly through memo and website updates.
(https://www.fcgov.com/council/)

Priority Updates

1. Operationalize City Resources to Build and Preserve Affordable Housing

- Work is underway to develop an expedited review process for affordable housing projects. First step will be utilizing grant funds to get a consultant on board.
• The development of a regional Homelessness Response Plan is underway. This work is also grant funded.
• Staff has initiated the development review process for the winter Seasonal Overflow Shelter at 117 N. Mason. Anticipated opening day is November 1.
• As Citywide impact fees are being evaluated (and increased) a parallel effort is underway to identify fee relief opportunities. This effort includes staff from Social Sustainability, Finance, and Utilities.
• Staff is researching innovative ways to leverage potential housing funding within a Community Capital Tax renewal.

Council touchpoints:

Community Capital Tax discussions at October 3 Council Finance Committee and November 12 Council work session.

2. Improve Human and Social Health for Vulnerable Populations

- Mobile Home Park focused work continues with 14 mobile home repair projects being completed. Projects totaled \$85,210 with funding provided through the 2050 tax, Innovate Fort Collins Challenge monies, and ARPA funding. Work included roof

Item 3.



replacements, new air conditioners, electrical projects, furnace and stair/handrail replacement. Four projects were for seniors and 2 projects were for homeowners who primarily speak Spanish. recipients have an income below 50% AMI.

- The most recent round of Neighborhood Mini-Grants awarded \$14,000 to 17 neighborhoods. 42% went to Designated Opportunity Neighborhoods through CARE Housing and Neighbor to Neighbor.
- The settlement with Prospect Energy will result in the ending of oil and gas operations in Fort Collins. Staff will be shifting focus from monitoring and partner enforcement efforts to remediation and reclamation efforts.
- Appropriation of CDPHE grant funds in August 2024; Received 2050 Tax funds in May 2024 resulting in:
 - 28 in-home assessments (6 in Spanish, 22 in English)
 - 52 DIY assessments completed
 - 9 events focused on Healthy Homes and radon
- By the numbers:
 - \$1.1M distributed through 43 human service grant awards
 - 9 focus groups completed as part of the Human Services Priorities Platform effort
 - Monthly conversations with Community Spanish Language Group continue
 - 1893 new/renewed Get FOCO applications
 - 842 Digital Equity participants
 - 200 individuals assisted through the Immigration Legal Fund
 - 57 clients represented through the Eviction Legal Fund
 - 4 Community Consultants on-boarded for mobile home park work
 - 8 Equity Readiness Assessments completed (City Departments)

Council touchpoints:
Equity Indicator Council work session October 22

3. Pursue an Integrated, Intentional Approach to Economic Health

- The Economic Health Office (EHO) was awarded a \$25,000 marketing grant as part of the Colorado Chips Community Support Program (CCCSP) offered by the Colorado Office of Economic Development and International Trade (OEDIT) with the purpose of supporting the growth of the semiconductor and advanced industry ecosystem in Colorado. This will be done through a Marketing Attraction Plan, advertising in Site Selection magazine, and other targeted work.
- EHO has made it through the accreditation process of Earning Accredited Economic Development Organization (AEDO) which ensures that the EHO meets the universal quality standard for economic development organizations. A follow-up report will give insight on how to better communicate goals and related actions to the community along with the final accreditation decision.
- Work continues on a partnership with the Institute for Justice to conduct a barriers to business study in Fort Collins.

Council touchpoints:

4. Advancing a 15-minute City by Igniting our Neighborhood Centers

Item 3.



- The continued work on the Land Use Code is scoped and underway. Immediate next steps include selection of a consultant team and developing community engagement strategy.
- Plan, Permit, and Inspection process improvements are underway. Do date these have included website updates and implementation of standard and consistent business hours. Negotiations for acquiring and implementing an improved digital system for licensing, permitting, and code enforcement continue.
- The Place-Based Assessment scope has been completed and will focus on the context, opportunities and challenges of specific neighborhood centers throughout the city.
- In an effort to do more neighborhood scale engagement such as Shift Your Ride neighborhood with University Park and more engagement with groups such as las Chicas en Bicicletas resources have been shifted and from two Open Streets events to one.

Council touchpoints:
 November 12 Council work session on LUC community engagement and prioritization
 Place Based Assessment memo update Q4 2024

5. Accelerate Zero Waste Infrastructure and Policies

- Staff continue to work on three specific fronts to accelerate zero waste infrastructure and policies:
 - Support the launch and community rollout of the single hauler contract with Republic, which includes:
 - Weekly check-in meetings with Republic’s implementation leadership team.
 - Weekly updates to the City Manager’s office regarding progress.
 - Community engagement and customer support during the transition period.
 - Collaborate with the County on development of Memorandum of Understanding (MOU). Items under consideration for the MOU are:
 - Interim commitments to work together as a new Intergovernmental Agreement is developed, which includes considerations for flow control.
 - Development of cost and pricing frameworks to give parties necessary information for decision making on policies and infrastructure investments.
 - Identifying financially feasible diversion strategies that assist Fort Collins in achieving its waste reduction goals.
 - Launch the technical assistance grant through the C3 Program (formerly called the Front Range Waste Diversion (FRWD) Enterprise.) The focus of the grant is to help identify pathways to greater construction and demolition materials diversion and the feasibility of diverting food scraps. Estimated completion date is June of 2025. Periodic updates to Council will be scheduled at appropriate intervals.

Council touchpoints:
 Update memo sent August 14, 2024
 Future memo updates planned

6. Reduce Climate Pollution and Air Pollution Through Best Practices, Emphasizing Electrification

Staff continue to refine existing initiatives and accelerate new efforts for this Council Priority:

- **Electrification of Buildings:**



- The Building Performance Standard (BPS) project to adopt and enhance regulatory policies for existing building energy use is on track and focusing on developing resources in coordination with community building owners.
- The team is on course with the work toward adopting and supporting the 2030 Zero Carbon Construction Code for building codes. Staff has accepted DOE grant funding, are working to execute sub-recipient agreements, and the data exchange has been completed.
- Utilities will continue to evaluate infrastructure (physical and software) and optimize economic levers (Incentives and rates) needed to support community electrification.
- **Electrification of Transportation/Fleet Vehicles:**
 - The process to update the previous Electric Vehicle Readiness Roadmap (EVRR) is on track.
 - Operation Services, Utilities and Finance departments have partnered to implement phase 1 of the awarded SMART Grant and has submitted the phase 2 proposal seeking \$11M for fleet vehicle and electric vehicle charging infrastructure.
- **Conversion of Small Engine Equipment:**
 - Staff is focused on compliance with CDPHE Air Pollution and Control Division (APCD) Regulation 29 (restricting summer use of certain gas-powered landscaping equipment, beginning 2025).
 - Environmental Regulatory Affairs (ERA) is leading compliance planning efforts.
 - Staff are leveraging funding from the 2050 Tax to convert utility task vehicles (UTVs) to electric (2024 Mini-BFO), and all orders are complete.
 - Parks and NAD have completed working inventories of City-owned "small engine" equipment.

Council touchpoints:

Staff to provide Council an Our Climate Future update memo in Q4 2024

Building Performance Standards Council work session late 2024

7. Protect Community Water Systems in an Integrated Way to Ensure Resilient Water Resources and Healthy Watersheds

- Staff provided a Halligan project status update at the 7/9 Council Work Session. Current work includes modeling to support 401 Water Quality Certification application, construction cost refinement, and engineering design. City staff are evaluating the project's eligibility for federal and state loan programs as well as grant opportunities.
- Council also provided direction on Water Supply Requirements (WSR), Allotments & Excess Water Use Surcharges provided direction at the 7/9 Work Session which included proceeding with revised hybrid methodology for calculating WSR and the schedule for issuing allotments to commercial accounts established prior to 1984.
- Water Efficiency Plan Update (WEP) update is anticipated to be complete in Q1 2025. Most of the engagement efforts are complete. Recent milestones include completion of new service area-wide and municipal water conservation goals and ongoing development of a water demand model, which will help evaluate climate impacts and water conservation strategies on water demand.
- Wildfire Ready Watersheds Action Plan (WRWAP): The City has been awarded State grant funds to complete a collaborative WRWAP for critical water supply infrastructure in the Upper Poudre Basin in partnership with Water Supply and Storage Company and

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City of Greeley. This plan will identify post-wildfire hazards and mitigation strategies to protect these assets, which include the City’s Joe Wright Reservoir.

Council touchpoints:
 Water Supply Requirement ordinance scheduled for October 15 regular meeting
 Water Efficiency Plan update scheduled for November 12 work session

8. Advancing a 15-minute City by Accelerating our Shift to Active Modes

- There is significant support and opportunity to advance this Priority through The Strategic Trails Plan and the upcoming 10-Year Transportation Capital Improvement Plan (TCIP). Both efforts are foundational in guiding policy and millions of dollars in investment.
- Staff completed the 23/24 school year safety assessments and identified several improvements such as crosswalks, signage, pavement markings, education and enforcement. We are now working with PSD to determine the schools for the 24/25 school year.
- By the numbers:
 - 23 lane miles of buffered/improved bike lanes
 - 4 lane miles of protected bike lanes
 - 6 improved intersections for bike and ped safety
 - 8+ schools served by safer routes

Council touchpoints:
 Draft TCIP at Council work session in Q4 2024

9. Develop a Use Plan for the Hughes Property

Council has supported partnering with American Public Trust, Healthy Democracy and others to host a Civic Assembly process for the development of a site use plan for the Hughes property. Staff will be working with these partners to develop a project plan and timeline. Work includes ensuring any and all interested residents will be able and prepared to participate.

Council touchpoints:
 Staff will provide updates through memos.

10. Make Government more Accessible, Approachable & Fun

- The digital accessibility team worked with consultants, Nelnet, to assist with developing a Digital Accessibility Plan and helped ensure all required elements for the extended compliance period were in place by July 1, 2024.
- The development of the new digital experience platform (website, legislative mgmt, etc.) kicked off in early 2024. Discovery was completed, including analysis of the current website and a feedback questionnaire to staff and community to inform the design and development of the new website. Design and information architecture are underway.
- Customer Experience (CX) work continued with the BlastX consulting team to analyze the various metrics the City uses to measure customer satisfaction and help build a more consistent approach and framework to measurement using department and Citywide dashboards. Additionally, eight common customer journeys including small business onboarding, outdoor permitting and contesting a parking citation were mapped

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to explore the community's experience and identify pain points and opportunities for improvement.

- Q2 is the season of FUN around the City with numerous community events and engagement opportunities like Kids in the Park, 4th of July celebration, Lagoon Concert Series, Bike to Work or Wherever Day and so much more. Check out the fun on the City's Flickr page: <https://www.flickr.com/photos/fortcollinsgov/albums>

Council touchpoints:

Council listening sessions at various community events

11. Modernize the City Charter

- The City Attorney has retained Geoff Wilson of the firm Wilson Williams Fellman Dittman to provide special expertise and assistance with the review of the Charter and preparation of proposed updates and modernizing amendments. There have been several coordination meetings to discuss and initiate the work, and to plan the process. The work will consist of a full review of the City Charter for inconsistencies internal to the Charter and with modern practices, for outdated language and unclear and cumbersome provisions.

Council touchpoints:

December 10 Council work session

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MEMORANDUM

Date: November 21, 2024
To: Mayor and Councilmembers
Through: Kelly DiMartino, City Manager
Tyler Marr, Deputy City Manager
From: Ginny Sawyer, Project Manager
RE: Council Priorities – Q3-2024 Update

Every two years, following a Council election, the newly seated Council participates in a planning retreat to identify priorities and confirm strategic direction. City Council adopted 11 priorities for the 2024-2026 term. These priorities were intentionally developed by Council to encompass both ongoing work, previously identified strategic initiatives, and opportunities to accelerate workstreams.

Updates are provided quarterly through memo and website updates.
(https://www.fcgov.com/council/)

Priority Updates

1. Operationalize City Resources to Build and Preserve Affordable Housing

A consultant team has been selected for a grant funded local planning capacity "fast track processing" project. The project kicked off in November and initial work will include conducting a process mapping exercise to find efficiencies.

Larimer County's Landlord engagement program is underway, and the County will pay a portion of the City rental registration fees for participating Landlords.

\$400,000 in Utility Fee Offset grants were awarded to 3 sustainable Affordable Housing Projects with 2050 Tax funding. Staff is exploring ways to support on-going Utility fee relief and an affordable housing impact fee.

Land Bank Program

- Currently considering if a redeploy of ARPA dollars could allow the Land Bank Program to exercise an option to purchase 2-acres at 1900 Laporte from the Natural Areas Department. Any action would ensure Natural Areas remains whole.
The ARPA funding spend deadline has been extended for the Montava Land Bank 5-acre purchase via a Memorandum of Understanding between the City Manager's Office and the Social Sustainability Department.



- Tilden Land Bank analysis underway to determine whether it is ready to develop.

Council touchpoints:

- February 2025 Council Finance meeting will discuss community capital package and potential of a revolving loan fund for housing.
- March 2025 work session focused on Priority 1.

2. Improve Human and Social Health for Vulnerable Populations

Staff has completed drafting and seeking public review on the Human Services & Homelessness Priority Platforms and anticipates finalizing the documents in December. These new guiding documents will influence Social Sustainability Department (SSD) staff work plans and FY25 competitive grant funding.

The Equity Office continues work with City departments and external partners both in the Equity Readiness space through assessments and through the maturing of the Equity Indicator work. This is ongoing work and will continue well into the new year.

Staff is engaging underserved communities through events and relationship building. The Community Connectors Spanish Language Group meets monthly and has been focused on Strategic Outcome Areas and Council Priorities. In October, the Gardens hosted a community celebration of Latiné & Hispanic Heritage Month with a day full of free events highlighting this culture that enriches our community. The installation of the rainbow Crosswalk was unveiled on October 11 to celebrate National Coming Out Day.

Year 1, of 3, monitoring of air toxics through EPA grant is complete. Sites have been prioritized based on community interest, such as oil and gas operations and sites with odor complaints. Prospect Energy wells are shut-in and awaiting permanent plugging and reclamation. The City is working towards a purchase agreement for contaminated property and working with the Energy & Carbon Management Commission orphan well program on appropriate winterization for well sites and subsequent prioritization for reclamation.

The Mobile Home Park Program continues to be impactful through both physical home improvements and educational workshops and mini-grant offerings. These programs touch seniors, Spanish speakers, and low-income populations. Home repairs and funding are allocated based on the life/health/safety risk of repairs needed and the eligibility requirements of each funding source. Projects were completed in 4 mobile home parks.

Buy the numbers:

- 2,364 Grocery Tax Rebate applications processed in Q1+Q2 +Q3 with \$445k in rebates provided YTD.
- Healthy Homes: Recruited and trained 5 new Healthy Homes Educators, conducted 27 in-home assessments (11 in Spanish, 16 in English), with 14 HVAC inspections and 20 weatherization projects, repaired and/or replaced multiple furnaces in homes where there were safety and health risks.
- Get FoCo: 947 FC households currently receiving discounted Connexion Internet services. 2,981 FC households enrolled in one or more Get FoCo programs in 2024. Gardens on Spring Creek income-qualified program added to Get FoCo bring total to 5 programs available.

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- Immigration Legal Fund: 8 new work authorizations, 50 people reached through educational/self-advocacy sessions, supported 4 asylum cases, 8 Temporary Protected Status applications, and 4 Special Immigrant Juvenile Status cases. In Q3, two removal proceedings were dismissed for clients arriving as unaccompanied minors. ILF is actively managing 35 cases.
- Eviction Legal Fund: Attorneys represented 42 clients in non-court appearances, reached 171 renters through Know Your Rights trainings, distributed educational materials to 193 people, trained 14 eviction mediation and housing hotline volunteers, and served 190 renters and 16 landlords.

Council touchpoints:
 Council work session focusing on Priority 2 February 11, 2025. Work session will include mobile home park local and state enforcement discussion.
 Council will receive a memo in Q1-2025 when the Priority Platforms are complete.
 Council will be updated when a Purchase and Sale Agreement with the former oil & gas operator is available for consideration.

3. Pursue an Integrated, Intentional Approach to Economic Health

The Economic Health Office (EHO) is working in multiple areas to ensure effective programing and to bolster the success of local business.

Some current efforts include working to stand-up the Barriers to Business study which will help EHO better understand and address business challenges in the community. Similarly, Economic Impact Studies are being developed to understand the economic impact of Housing Catalyst and the sports economy locally. This data will help prioritize future funding and strategic investments to ensure that resources are being devoted where they are needed the most, as well as where the return on investment yields higher results.

The Multicultural Business and Entrepreneur Center (MBEC) recently received the gold award from the International Economic Development Council for Entrepreneurship Programs and following the 2025-26 budget adoption future planning and strategy development is underway to continue the good work.

EHO is collaborating with the Land Use Code team to engage the business community in the discussions and working to better understand our community’s usage of neighborhood centers.

Of note, the Larimer County labor force study conducted by TIP Strategies is in discussion for being updated to see the changes in today’s workforce and trends moving forward.

Council touchpoints: No items currently scheduled.

4. Advancing a 15-minute City by Igniting our Neighborhood Centers

Assessing Commercial Corridors and Centers

Land Use Code (LUC) and Place Based Assessment:
 City selected a vendor to integrate a diagnostic of the LUC and the more general needs and opportunities for our centers and corridors. This will yield a Place Based Assessment by Q1



2025 and inform the LUC updates to be finalized in Q4 of 2025. The Economic Health Office (EHO) has been comparing Permitted Uses in the LUC against the retail landscape of Fort Collins to better understand how our community utilizes our neighborhood centers and what gaps need filling to better support our 15-Minute City goals. EHO has been looking at data for visitation to Neighborhood Centers overlaid with traffic patterns to see which Neighborhood Centers are currently being utilized at a higher rate by multi-modal transportation. This can help us understand if specific Commercial Uses drive higher visitation by alternative modes. This effort also promotes opportunities to collaborate with Planning, Development, and Transportation (PDT) to better understand how small changes in permitted uses, access, and Right of Way infrastructure could increase alternative modes visitation.

Simplifying the Permitting Experience:

A vendor has been selected for enterprise software implementation and change management. Process improvement workshops across the different business units, focused on simplifying process, are the next step.

Budget Note: The liaison for businesses navigating the permitting process was not funded in the 25/26 budget, however PDT and EHO are collaborating on potential solutions.

Council touchpoints:

November 19 regular meeting, 1st Reading consideration of software appropriation
Q1 2025: Provide Council Place Based Assessment Report

5. Accelerate Zero Waste Infrastructure and Policies

Staff continues to work on the following elements to accelerate zero waste infrastructure and policies:

Increasing yard trimmings collection is a major component of City zero waste goals. The launch of the residential hauling contract with Republic, which includes weekly seasonal yard trimmings collection, is a major part of this effort. Staff will continue to collaborate with Republic, as well as supporting community education and customer support.

The identification of pathways for food scraps and construction & demolition (C&D) materials infrastructure is continuing through conversations with Larimer County to determine partnership opportunities and the potential for recycling or composting infrastructure. Grant-funded consultants are also engaged to take a fresh look at potential pathways to infrastructure for these materials. Consultants will provide a high-level comparative analysis of potential paths for at the end of January. The City will then select one path for a deeper dive into costs and implementation needs. That work is anticipated to be completed in June. Staff will discuss these elements with City Council during a work session in April 2025.

Council touchpoints:

Work session April 8, 2025

6. Reduce Climate Pollution and Air Pollution Through Best Practices, Emphasizing Electrification

Buildings:



- Staff continues to develop a local Building Performance Standards (BPS) Policy framework and will be at a Council work session in January. Recent focus has been on community facing resources to help with awareness and understanding of the policy framework and what it will mean when implemented.
- The Zero Carbon New Construction Code project team is on track with the development and planned adoption of the building energy code. Staff have finalized two of the three sub-recipient agreements, are nearing completion of baseline building performance analysis, and are starting work on development of building energy use and emissions reduction code targets. In addition, the project team is formalizing the establishment of the stakeholder/community advisory group, planning a kick-off meeting first quarter of 2025, and has bolstered building efficiency and zero energy industry workforce training through industry scholarships and partnerships with Front Range Community College and Northern Colorado Construction Sector Partnership.
- Incentive programs continue to have success, although at a declining rate due to decreased "low hanging fruit" options left for buildings. Incentives for natural gas appliances and other equipment have been phased out. Staff continue to evaluate infrastructure (distribution grid and operational technology) necessary to support energy transition and grid of the future.

Transportation/Fleet Vehicles:

- Updating the previous Electric Vehicle Readiness Roadmap (EVRR) is on track to deliver a final report with recommendations by end of year. Staff will begin moving into implementation of the EVRR recommendations/strategies in Q1 of 2025.
- Phase 1 of Panasonic SMART grant pilot project is underway and continues until March 2025. Operation Services, Utilities and Finance departments are awaiting notification of an \$11M award for Phase 2 fleet vehicle and electric vehicle charging infrastructure.

Small Engine Equipment:

- Environmental Regulatory Affairs (ERA) and Environmental Services staff are leading efforts for compliance with CDPHE Air Pollution and Control Division (APCD) Regulation 29 (restricting City and City contractor use of specified gas-powered landscaping equipment under 10 horsepower from June 1 through August 31 annually, beginning 2025.)
- Parks Staff received 7 electric utility carts replacing 7 gas-powered carts utilizing \$200K awarded from the 2050 tax. The gas-powered carts are being removed from service.
- Parks and Natural Areas landscaping equipment fleets are approximately 85% and 80% electric, respectively.

Council touchpoints:

Council work session on Building Performance Standards January 14, 2025

Council work session on this Priority scheduled for April 8, 2025

7. Protect Community Water Systems in an Integrated Way to Ensure Resilient Water Resources and Healthy Watersheds

Halligan Water Supply Project

- Funding Strategy: An updated budget model has been completed and presented to the City Finance team. Currently, the master schedule is being updated along with needed cash flow projections. Two State-administered programs have been identified as potential primary funding sources (Water Project Loan Program and Water Revenue Bond Program), in



addition to the issuance of municipal bonds. Federal grant opportunities continue to be investigated but are expected to be limited in scope and opportunity.

- Permitting: Larimer County 1041 Permit application has been submitted, approval hearings with County Planning Commission and the County Commissioners scheduled for Spring of 2025. 401 Water Quality Certification Application to the State expected in early 2025.

Water Supply Requirements (WSR) & Non-Residential Water Allotments

- WSR – In November, Council adopted an updated Water Supply Requirement Fee and Excess Water Use Surcharge which will change the Water Supply Requirement fee to \$63,800 per acre-foot and the excess water use surcharge to \$15.59 per 1,000 gallons for 2025
- Allotments: Council also approved Annual Water Allotments for Nonresidential Water Services which will assign water allotments to nonresidential customers that do not have one.

These ordinances will go into effect January 1, 2025.

Water Efficiency Plan Update

- Engagement is 90% complete. Municipal and service-area wide goals and strategies are being developed with input from engagement and with support from City Staff. The water demand model is 75% complete.

One Water Strategic Plan Development, Phase I

- Information gathering has occurred through plan review, staff interviews, focus groups and workshops. Work on Phase I is 75% complete, with the development of summary status report (final deliverable) to be completed by January 31, 2025. Phase 2 planning will commence February 2025.

Council touchpoints:

Council work session for Water Efficiency Plan February 25, 2025

8. Advancing a 15-minute City by Accelerating our Shift to Active Modes

Fun/Engaging Methods for Neighborhood Safety:

- The asphalt art project at Canyon, Sherwood, and Magnolia accomplished the narrowing of vehicular travel lanes, shortened pedestrian crossing distances and improved sightlines. 16,000 square feet in curb-extensions were defined by traffic striping, plastic delineator posts, asphalt art and ADA compliant infrastructure. Using these applications together created a large expanse of asphalt for pedestrian refuge and encourages reduced traffic speeds. Converting this five-point intersection into a four-way intersection and a separate T intersection improved sightlines for road users and addressed long-standing concerns of right-of-way confusion.
- The City hosted one of the biggest Open Streets events to date on September 15th along Shields street. This was the first event hosted on an arterial roadway since 2015, and an estimated 14,000 participants attended nearly doubling previous attendance records.
- Fort Collins hosted the National Safe Routes to School Conference in October. The event brought professionals from around the country to share best practices in the world of safe routes to school, and to see first-hand the amazing work being done here in Fort Collins. This included numerous mobile workshops around Fort Collins and at CSU.



Funding Obtained:

- Fort Collins was awarded approximately \$1.7 million in funding from the Federal Safe Streets for All program this past September. This funding includes a Codes and Standards Audit focused on Active Modes, a Harmony Road Study to design active modes facilities for Harmony, and the Lake Street Demonstration Project to enhance active modes through CSU.

Budget Note: Active modes were well resourced in the 2025/2026 Budget. In the next two years we will advance significant improvements such as increasing maintenance of our active mode infrastructure, implementing quick build solutions for neighborhood and school safety, continuing the asphalt art program, and advancing larger scale safety improvements of our high injury network such as Prospect and Shields.

Council touchpoints:

Council work session January 14, 2025 to discuss 10-year Transportation Capital Improvement Plan framework and evaluation.

Council work session January 14, 2025 to discuss Strategic Trails Plan community feedback and initial draft of goals and strategies for feedback.

9. Develop a Use Plan for the Hughes Property

Staff is working in concert with Healthy Democracies, American Public Trust, and the Center for Public Deliberation to plan and execute a Civic Assembly to develop a use plan for the Hughes property. Current focus is on developing a communications plan, creation of an informational packet to be used for discussion guides, and development of representative lottery process. Assembly is anticipated to occur in May 2025.

A related effort is also underway to determine bike park feasibility across the community. This study will evaluate potential bike park locations (including Hughes), associated capital and on-going costs, identification of park amenities and features, and a community engagement process.

The goal is to complete the bike park feasibility study and have it available for the Civic Assembly.

Council touchpoints:

Council work session January 28, 2025 to provide an update on civic Assembly

Council work session March/April 2025 timeframe for feasibility update.

10. Make Government more Accessible, Approachable & Fun

The City's Digital Accessibility Team and partner Nelnet helped each department prioritize their top digital communications platforms/tools to assist with an audit plan to assess accessibility concerns or gaps. The team is finalizing specific guidance for PDFs to ensure accessibility across City documents. Nelnet is also building a training plan for City staff to ensure everyone understands the digital accessibility requirements and how they can ensure compliance.

Digital Experience Platform (DXP) implementation continued with website navigation testing to inform the final navigation structure, sitemap and design. Additional DXP modules have also



kicked off design/development, including legislative management, 311 services and eNewsletters.

The City Manager's Quarterly report was revamped in 2024 and continues to be optimized for easy storytelling on City achievements and cross-promotion in other City channels. Beginning with the Q2 report, a link to Council Priority updates was added to the report.

The BlastX team worked with the City to create a Customer Journey Mapping playbook to be used as a guide for the City to create and maintain customer journey maps and are working to gather current data sourcing information from each City department. Several City staff from each department participated in the journey mapping training.

Late summer and early fall brought another round of fun opportunities for the community to connect with the City and each other, including the Poudre River Fest, Neighborhood Night Out, the Volunteer Engagement Summit, Open Streets and many more.

Council touchpoints:
Council listening sessions at various community events
Council feedback on website navigation

11. Modernize the City Charter

Staff from the City Attorney's Office, City Clerk's Office and City Manager's Office have been working with special legal counsel retained for this project, Geoff Wilson of the law firm Wilson Williams Fellman Dittman LLP, to identify aspects of the City Charter to be modernized, reconciled with statutory and other legal changes, simplified and revised for readability.

One or more corrections to the election-related articles of the Charter will also be part of this discussion. In particular there is a correction needed to the increase the total number of days allowed for circulation of initiative petitions to match the 77 days intended by Council in its Charter work last summer.

Preparations for the December 10 work session are underway.

Council touchpoints:
December 10 Council work session

2024-25 Council Priorities Update





Neighborhood & Community Vitality

- Operationalize City Resources to Build and Preserve Affordable Housing
- Improve Human and Social Health for Vulnerable Populations



Economic Health

- Pursue an Integrated, Intentional Approach to Economic Health
- Advance a 15-minute City by Igniting Neighborhood Centers



Environmental Health

- Accelerate Zero Waste Infrastructure and Policies
- Reduce Climate Pollution and Air Pollution Through Best Practices, Emphasizing Electrification
- Protect Community Water Systems in an Integrated Way to Ensure Resilient Water Resources and Healthy Watersheds



Transportation & Mobility

- Advance a 15-minute City by Accelerating Our Shift to Active Modes



High Performing Government

- Develop a Hughes Site Master Plan
- Make Government More Accessible, Approachable and Fun
- Modernize and Update the City Charter

Tonight

- Staff Report: Civic Assembly Update (Hughes Master Plan)
- Charter Amendments & Modernization

February 11

- Solid Waste Partnership

February 25

- Staff Report: One Water
- Water Efficiency Plan
- Mobile Home Park – Local Oversight

March 25

- Operationalize Housing (including impact fees)
- ADU Supportive Community

April 8

- Staff Report: EV Readiness & Electrification Roadmap
- Zero Waste
- Improve Human & Social Health for Vulnerable Populations update

April 22

- Future of Commercial Corridors and Centers (15 Minute City)

Identified Objectives

Expedite review of affordable housing projects to **achieve decisions within 90 days or less**; and to encourage development of more affordable housing

Expand programs for healthy and stable housing – particularly for unhoused or precariously housed residents, renters, and lower-income homeowners

Reduce fees for affordable housing projects and evaluate all newly proposed City regulations and fees for anticipated impact on cost to build housing

Create sustainable, long-term source(s) of **dedicated local funding** for housing

Identify City resources that could be dedicated to affordable housing; work with housing authority and partners to **leverage resources into new/preserved units**

Highlights

Progress and Action to date:

- 2025/26 funding for housing and fee credit programs.
- Basic Development Review for affordable projects in place.
- Expedited review process work underway.

Identified Objectives	Highlights
<p>Expand human services funding; align with top community needs</p>	<p>Progress and Action to date:</p> <ul style="list-style-type: none"> • 2025/26 funding for Immigration Legal fund, eviction Legal fund, and Mobile Home Park programs. • Healthy Homes enhancement program funded. • Engagement staff for equity and Inclusion Office funded. • Prospect Energy wells are shut-in and awaiting permanent plugging and reclamation. The City is working towards a purchase agreement for contaminated property.
<p>Embed equity throughout City programming and operations; monitor progress</p>	
<p>Address environmental concerns including air quality and oil & gas policies</p>	
<p>Continue and expand programs that provide direct support to vulnerable populations</p>	

Identified Objectives

Expand Business Retention and Expansion Program to Include Attraction (BREA) – establish foundational groundwork for effective BREA within targeted industries

Understand **barriers to businesses** to support small businesses (policy, MBEC, navigation of City processes)

Develop a high-performing business research team to support the region with **access to quality economic and market data** for decision-making

Support and accelerate workforce training programs focused on reskilling and upskilling, including underserved and underrepresented communities, to unlock new opportunities

Coordinate and **leverage economic opportunities in innovation** with institutional partners to leverage historic federal funding to address workforce and economic upward mobility within targeted industries

Highlights

Progress and Action to date:

- Multicultural Business and Entrepreneur Center (MBEC) funded.
- Barriers to Business study underway.
- \$25K grant to support semiconductor and advanced industry ecosystem.

Identified Objectives	Highlights
Develop scope, process and timeline for Land Use Code Update: Commercial Corridors and Centers	Progress and Action to date: <ul style="list-style-type: none"> • Small Business Technical Assistance Program funded. • Permitting improvements funded and implementation underway. • Continued steps towards acquiring the former Albertson’s property and possible expansion of URA work. • Completed first draft of Place-Based Assessment • Initiating conversations with PSD
Improve business processes and tools to simplify the permitting experience for our customers	
Assess emerging opportunities and current conditions for neighborhood centers in our community	
Explore and determine optimal private/public partnerships and identify effective implementation actions	
Continue to test fun and engaging methods with Council to raise community awareness and support for using active modes to access nearby goods and services	

Identified Objectives

Identify **pathways** to local or regional construction & demolition (C&D) materials sorting facility and **food scrap composting facility**

Leverage existing infrastructure to **increase yard trimmings composted**

Develop **additional waste and recycling measurement approaches**

Increase **municipal industrial materials** reuse and recycling

- Progress and Action to date:
- Trash contract initiated and implemented. This is first step towards increased yard trimming collections.
 - Ongoing discussion with the County on a construction and demolition facility.

**Priority 6: Reduce Climate and Air Pollution Through Best Practices,
Emphasizing Electrification**

Item 3.



Identified Objectives	Highlights
Electrification of Buildings	<p>Progress and Action to date:</p> <ul style="list-style-type: none">• Budget funding to advance the Virtual power plant.• Budget funding to work towards electrify municipal buildings.• \$11M grant to build out charging infrastructure.• Budget funding for small engine replacement. Seven replacement electric utility carts in operation in Parks through 2050 funding.
Electrification of Transportation/Fleet Vehicles	
Electrification of Small Engine Equipment	

Item 3. **Priority 7: Protect Community Water Systems in an Integrated way to ensure Resilient Water Resources and Healthy Watersheds**



Identified Objectives	Highlights
<p>Development of a One Water Framework for the Water Utility and community. Continue to build internal & external alignment and awareness around One Water.</p>	<p>Progress and Actions to date:</p> <ul style="list-style-type: none"> • Updated water supply requirements and allotment assignments in place. • Halligan 1041 permit application has been submitted. • Phase 1 of the One Water Strategic Plan completed at the end of January 2025. • Stream restoration funded through budget.
<p>Identify and prioritize initiatives and projects that support a One Water Utility and community</p>	
<p>Maintain existing and develop new partnerships with entities with potential to impact Fort Collins water resources and watersheds.</p>	
<p>Through the application of One Water principles, be able to leverage partnerships to find beneficial solutions to address needed community wide water system challenges.</p>	
<p>Poudre Flows</p>	

Identified Objectives	Highlights
Highlight the connections and prioritization of Safe Routes to School (SRTS) in Active Mode Investments and Programs	Progress and Action to date: <ul style="list-style-type: none"> • Well attended Asphalt Art and Open Street events. • Hosted the National Safe Routes to School Conference. • Awarded approximately \$1.7 million in funding from the Federal Safe Streets for All program which will advance a Codes and Standards Audit focused on Active Modes, a Harmony Road Study to design active modes facilities for Harmony, and the Lake Street Demonstration Project to enhance active modes through CSU. • Strategic Trails Plan completed draft goals and guiding principles
Continue and complete school safety assessments focused on specific traffic operations at school campuses	
Leverage funding opportunities to accelerate investment in active mode infrastructure and Safe Routes to School improvements	
Assess and update policies, standards and guidelines to remove barriers to active mode and safe routes projects	
Update Strategic Trails Plan to integrate our paved trail system into our citywide active mode vision	
Continue testing fun and engaging methods with Council to raise awareness and support	

Identified Objectives	Highlights
Determine Engagement Process and Find Funding	Progress and Action to date: <ul style="list-style-type: none">• Project team underway and contract in place with Healthy Democracy.
Contract with Healthy Democracy and engage other partners	
Pilot the Civic Assembly Process and bring recommendation	

Identified Objectives	Highlights
Ensure compliance with State digital accessibility rules (HB 21-1110)	Progress and Action to date: <ul style="list-style-type: none"> • Digital Accessibility Transition Plan created and training in development • City Manager report revamp completed • Digital Experience Platform upgrades are underway including website, eNewsletters, legislative management, and 311 services • "City in :60" social media video series launch
Simplify, streamline and enhance the digital experience by implementing an updated website and legislative management application	
Simplify and improve opportunities for the community to engage with the City by investing in a citywide customer experience program	
Invest in alternative communications/engagement tools and platforms to more effectively reach all members of the Fort Collins community	
Identify and promote meaningful opportunities for Council and community members to connect and have fun	

Identified Objectives	Highlights
Comprehensive review of City Charter to align with state law and legal developments	<p>Progress and Action to date:</p> <ul style="list-style-type: none">• Potential changes identified and initial Council discussion complete.
Update language in Charter to be inclusive	
Focus on cleanup and modernization rather than policy changes	
Evaluate form and timing options for presenting updates to voters	
Fresh look at how Charter language is presented for ease of reading and clarity	

Report Focus:

- Updates
- Council touchpoints

Updates found here:

<https://www.fcgov.com/council/>

Q3 2024 Update

Current Status	Council Touchpoints
<p>A consultant team has been selected for a grant funded local planning capacity "fast track processing" project. The project kicked off in November and initial work will include conducting a process mapping exercise to find efficiencies.</p> <p>Larimer County's Landlord engagement program is underway, and the County will pay a portion of the City rental registration fees for participating Landlords.</p>	<ul style="list-style-type: none"> • February 2025 Council Finance meeting will discuss community capital package and potential of a revolving loan fund for housing. • March 2025 work session focused on Priority 1.

Item 3. Items of Importance and Actions

Council requests from Retreat:

Staff recommendations on strategies to address active modes

- Follow-up work session on May 14, 2024

Staff recommendations on strategies to lower food waste with community partnerships and diversion

Ex: composting

- Work session scheduled April 8, 2025

Information about current City efforts around DEI

- Equity and Inclusion work session on October 22, 2024

Information about current cross-departmental efforts

- Staff has approached all priorities with a focus on cross departmental work and tradeoffs

Information about current City regulation and the definition of a “puppy mill”

- Memo provided and ultimate ordinance banning sales brought forward and passed.

What questions or feedback do Councilmembers have on Priority work to date?



File Attachments for Item:

4. Council Priority to Update and Modernize the City Charter.

The purpose of this item is to update Council on the Charter Update Project and obtain feedback from Councilmembers on the proposed grouping and prioritization of amendments.

January 28, 2025

WORK SESSION AGENDA ITEM SUMMARY

City Council



STAFF

Sara Arfmann, Assistant City Attorney
Delynn Coldiron, City Clerk
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With Geoff Wilson, Special Legal Counsel

SUBJECT FOR DISCUSSION

Council Priority to Update and Modernize the City Charter.

EXECUTIVE SUMMARY

The purpose of this item is to update Council on the Charter Update Project and obtain feedback from Councilmembers on the proposed grouping and prioritization of amendments.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

1. What feedback do Councilmembers have about the proposed grouping and prioritizing of amendments?
2. What feedback do Councilmembers have about specific provisions?
3. What feedback do Councilmembers have about the number of ordinances or groupings of ballot questions to be presented at the Council's April 1, 2025, meeting?

BACKGROUND / DISCUSSION

On February 27, 2024, Council adopted eleven resolutions establishing 2024-2026 Council Priorities. Among the adopted resolutions is Resolution 2024-024, Adopting a 2024-2026 Council Priority to Modernize and Update the City Charter. The Resolution describes the Priority as follows:

Modernize and Update the City Charter

Although small parts of the Charter get reviewed and updated on a regular basis, due to changes in state laws and election procedures, there is a need to modernize and update the City Charter, which has not been done in a comprehensive way in over 25 years.

The Council further discussed this Priority at the May 14 and December 10 Work Sessions, identifying as the objectives for this work:

1. Comprehensive review of City Charter to align with state law and legal developments;
2. Update language in Charter to be inclusive;
3. Focus on cleanup and modernization rather than policy changes;
4. Evaluate form and timing options for presenting updates to voters; and
5. Fresh look at how Charter language is presented for ease of reading and clarity.
6. Further discussion is needed about the following provisions:
 - a. Ideas for how to approach Council meeting vacancies;
 - b. Alternative ways to publish;
 - c. Ideas for conflict of interest, sales to the City and real estate dealings in sales from Councilmembers;
7. Establish groupings and priorities for presenting amendments.

Staff from the City Attorney's Office, City Clerk's Office and City Manager's Office have been working with special legal counsel retained for this project, Geoff Wilson of the law firm Wilson Williams Fellman Dittman LLP, to identify aspects of the City Charter to be modernized, reconciled with statutory and other legal changes, simplified and revised for readability.

The Election Code Committee is also working on one or more corrections to the election-related articles of the Charter.

A. Reformatting for Ease of Reading and Replacing Outdated or Unclear Language

Staff recommends and has received Council feedback suggesting that making revisions and updates to Charter language that promote ease of reading and clarity is needed. Staff seeks feedback about moving forward with reformatting for readability, replacing outdated language for gender neutrality and eliminating unclear uses of the term "shall" in any ballot language presented in ordinances under Council consideration.

B. Suggested Topical Grouping and Prioritizing for Presentation to the Voters

Staff is interested in feedback from Council about the suggested topical grouping and prioritizing of various Charter changes noted below. The items are topically grouped as single subjects. Please note that staff is interested in Council feedback that includes discussion about removing specific items mentioned in a grouping from that group or from consideration altogether.

1. Group and Priority 1—**Corrections**: These provisions require corrections following the changes made in the November 2024 election to ensure that they properly represent Council's intent, reflect how rank choice voting will impact the process, and ensure uniformity across the Charter.
 - a. **Art. X, Sec. 2 (e)(1) Initiative**: change the deadline to file an initiative petition from 63 days to 77 days
 - b. **Art. IX, Sec. 2(e)(2) Recall**: correct for rank choice voting, "percentage of *first choice* votes cast" to reflect how rank choice voting will impact the voting process
 - c. **Art. VIII, Sec. 7(a)** –the newly revised Article VIII adopts the Municipal Election Code for contests of officers duly elected, we will need to conform the timelines set in Art. II Sec 2 (d) for protest of qualifications

2. Group and Priority 2—**Alignment with amended or further developed laws and removing inconsistencies:** These Charter provisions relate to areas law that continue to evolve. To avoid the likely recurring need to update our Charter with those developments, and to avoid confusion for the public, it will be more efficient to align these sections now.
 - a. **Art II, Sec.11 Meetings, quorum, executive session:** this will allow City Council to hold executive sessions for a list of purposes identified in state law
 - b. **Art. II, Sec. 18 Vacancies:** align with state law re timeline for filling an open spot and clarify that Council appoints the replacement officeholder unless the appointment is too late to allow for candidates to seek nomination for the office at the next regular election, in which case the appointment would wait until after the new Council is sworn in after the regular election
 - c. **Art. IV, Sec. 5: Records to be public:** align language about availability of city records with the Colorado Open Records Act
 - d. **Art. VIII, Sec. 8: Campaign contributions:** align restrictions on Council campaign contributions with federal & state constitutions and statutes

3. Group and Priority 3 –**Modernizing publication requirements**
 - a. **Art. IV, Sec. 7: Publication:** as discussed below, modernizing publication requirements will ensure more efficient notice to the public.
 - b. **Art. II, Sec. 6 Ordinances, publication, effective date:** the goal is to update this provision with formatting to improve ease of reading and to remove a single Councilmember’s option to request that an ordinance be read in full. Council permits the City administration to impose administrative penalties, without Council’s approval, in emergency situations.

4. Group and Priority 4: **Modernizing conflicts of interest:** modernizing both the language regarding council financial conflicts of interest and potential prohibitions on staff renting or leasing City property is recommended. This is a lower priority as it is a limited experience. Also, this grouping is a lower priority because the Council adopted Code language that defines the term “purchases from the city” to exclude payments by an employee to the city pursuant to an agreement for housing in which the employee is required to live as a condition of employment with the city. A copy of the ordinance adopting this language is attached.
 - a. **Art. IV, Sec. 9 (b)(1)(a): Conflicts of interest, sales to the City:** modernize exceptions regarding financial conflicts for councilmembers and their family
 - b. **Art IV, Sec. 9 (b)(2): Conflicts of interest, purchases from the City:** modernize language to clearly state that staff can rent or lease City property

5. Priority 5 – **Art. II, Sec. 18 Vacancies:** as discussed below, clarifications can be made to add clear exceptions or clarify when the clock starts, stops, and when it is paused.

6. Group and Priority 6: **Repeal provisions made unnecessary due to changes in law or circumstances--** these provisions either no longer apply because of TABOR or there are no members of staff they could apply to. Staff do not see these as a high priority as they have no effect while they remain in the Charter.
 - a. **Art IV, Sec 3 Residency requirements:** only affects department heads hired prior to March 6, 1986, no such department heads exist.
 - b. **Art V, Sec. 6 Maximum mill levy:** dead-letter following TABOR
 - c. **Art V, Sec.19.3 Revenue securities:** dead-letter following TABOR

- d. **Art. XIV Transitional provisions:** unnecessary

C. Discussion and Ideas about Specific Provisions

At the December 10 work session, the several items were noted for additional discussion with Council. Councilmembers requested the opportunity, at an upcoming work session, to review options, discuss draft language, and revisit the topics noted in section A. below.

1. Campaign contributions. Charter currently limits direct and indirect campaign contributions by City employees, among others, from having interests in City contracts or franchises. The following are options that staff recommends to Council and seeks Council feedback:

- a. Align with federal and state constitutions and statutes:

[Draft: The Council shall act by ordinance to establish a limit on the amount that any person or entity may contribute in support of a candidate for Council on the ballot at any city election.

City confidential or policy-level employees are prohibited from contributing any money or other valuable thing to assist in the election or defeat of any candidate.

It is unlawful for any political party, public service corporation, or any other person, firm or corporation, owning, interested in, to contribute any money or other valuable thing, directly or indirectly, to assist in the election or defeat of any candidate, except as required under the Constitution of the United States or the Constitution of the State of Colorado.]

- b. Another option: include restrictions on confidential and policy-level employees plus separate out language about prohibition on political party contributions, and prohibit contributions by any corporation or other person or other entity except as required by law, removing the language “interested in.”
- c. Another option: include restrictions on confidential and policy-level employees plus remove prohibitions on political parties completely from the Charter and address those restrictions via Council approved ordinance while prohibiting direct contributions from the remainder of the entities, as allowable by law.

2. Absences from Council meetings create a Council seat vacancy: Charter currently states that a vacancy exists when a Councilmember “fails to attend all regular and special meetings of the council for sixty (60) consecutive days unless excused by Council resolution.” Staff seeks Council feedback options:

- a. Add an exception to the vacancy rule for canceled meetings;

[Draft: “A vacancy exists when a Councilmember fails to attend all regular and special meetings of the council for sixty (60) consecutive days unless excused by Council resolution or a meeting is canceled by the City Council by resolution.”]

- b. City Council may pass a resolution excusing a Councilmember or all Councilmembers from their attendance at an upcoming Council meeting at the time they pass a resolution to cancel a meeting; or

- c. Change the requirement to a specific number of missed Council meetings in a 12-month period.

[Draft: “A vacancy exists when a Councilmember fails to attend five or more regular and special meetings of the council in a twelve-month period unless excused by Council resolution or a meeting is canceled by the City Council by resolution.”]

- d. Start the 60-day period the day of the first missed meeting and run for 60 days, regardless of any canceled meetings outside of their control.

[Draft: “A vacancy exists when a Councilmember fails to attend all regular and special meetings of the council for sixty (60) consecutive days, beginning on the date of the first missed meeting, unless excused by Council resolution.”]

3. Publication provisions in Charter (ordinances and legal notices): Provisions about publication of both ordinances and legal notices currently require publication both on the City website and the local newspaper.

Staff looked at other municipal charters to present ideas to Council. A few have pulled the publication requirement out of their charters and state that publication will be in accordance with the applicable procedures adopted by council via ordinance. A few others provide multiple methods for publication including the local newspaper, the city library, the city website or other technologies adopted by the city. One municipality’s charter requires, when an emergency exists or newspapers are unavailable, posting at city hall, the city library, recreation center, and one additional location that meets specific accessibility requirements.

The following are options that staff recommends to Council and seeks Council feedback:

- a. Require publication only on City website;
- b. Require publication on City website and posted at City Hall or Poudre River Library or both;
- c. Maintain publication on City website and in local newspaper; or
- d. Remove both types of publication from the Charter and address in City Code, using one of the listed options. This option allows more flexibility.

4. Conflicts of interest, sales to the City (Article IV, Sec. 9(b)(1)(a)): This provision prohibits any councilmember or employee, or their relative, from having a financial interest in the sale to the City of any real or personal property, etc. Staff recommends providing some exceptions to this prohibition. An absolute prohibition may not be necessary considering the general requirements for conflicts disclosure and recusal from the decision-making process.

Circumstances may arise where the City needs a particular real property to carry out City purposes or projects (subject to the conflicts disclosure requirements).

[Draft: Sales to the city. *Except where the City needs a particular real property to carry out City purposes or projects or elects to exercise its power of eminent domain, no officer or employee, or relative of such officer or employee, shall have a financial interest in the sale to the city of any real or personal property, equipment, material, supplies or services, except personal services provided to the city as an officer or employee.*]

5. Conflicts of interest, purchases from the City (Article IV, Sec. 9 (b)(2)): This provision prohibits employees or their relatives from directly or indirectly purchasing any real property from the city, except such property as is offered for sale at an established price, on the same terms and conditions as to all members of the public. The City allows a few employees to lease residences on City natural areas properties at a reduced price when the employees must live on site to carry out their job duties. This Charter language arguably prohibits an employee from renting or leasing City provided housing.

Staff requests Council feedback about an exception for rentals or leases to employees so long as the renting/leasing employee is not involved in the decision making.

[Draft: Purchases from the city. *No officer, employee or relative shall, directly or indirectly, purchase any real or personal property from the city, except:*

- a. *such property as is offered for sale at an established price, and not by bid or auction, on the same terms and conditions as to all members of the general public; or*
- b. *such property is leased to an employee by an objective decision maker for reasons beneficial to the city and related to their employment.]*

D. Number of Ordinances or Groupings of Ordinances to be Presented

Staff plans to present ordinances with ballot language for the November 2025 ballot to City Council on April 1, 2025. Council feedback about the number of ordinances or groupings of ordinances to be presented to the Council would be helpful.

NEXT STEPS

Based on the work session discussion, staff will prepare ordinances for Council to consider that will refer Charter changes to the voters on the November 2025 ballot.

ATTACHMENTS

1. Relevant Fort Collins Charter language
2. Ordinance No. 057, 2020
3. Presentation

Art. X, Sec. 2 (e) Petition deadlines and submittal.

(1) To be valid, the initiative petition must be filed no more than sixty-three (63) days after the City Clerk's approval of the form for circulation.

Art. IX, Sec. 2(e) Number of signatures required.

(2) Subsequent recall attempts. After one (1) recall petition and election, a recall petition filed against the same officer during the same term for which elected must be signed by registered electors equal in number to at least fifty (50) percent of the total of first choice votes cast at the last preceding regular city election for the office to which the incumbent sought to be recalled was elected.

Art. VIII, Sec. 7 Certification of election results.

(a) No later than the date specified by Council by ordinance and, after verifying the total number of legal votes cast for each candidate and measure voted upon, the Board of Elections must complete a certificate declaring the results of the election. The candidate receiving the highest number of votes for a particular office, as determined pursuant to this Section 7, will be declared elected to that office. In event of a tie, the selection will be made by the Board of Elections by lot after notice to the candidates affected. The City adopts the applicable requirements and procedures outlined in the Colorado Municipal Election Code of 1965, as amended, for contests to officers declared duly elected. In case the candidate elected is disqualified by court order after the date of issuance of the certificate of election, tabulation of results in that contest shall be rerun with the disqualified candidate being eliminated prior to any tabulation and the candidate with the resulting highest vote shall be elected. If there is no other elected successor who qualifies or if the vote tabulation can no longer be rerun, the office will be deemed vacant, and will be filled by appointment by the remaining members of the council, as provided in Article II, Section 18. In the event of a mandatory recount or recount by request in a City-administered election, the Board of Elections must complete an amended certificate declaring the results of the election by no later than five (5) business days after the completion of the recount.

Art II, Sec.11 Meetings, quorum, executive session.

The Council shall hold regular meetings at such time and place as it may prescribe by ordinance and shall prescribe the manner in which special meetings may be called. Notice of any special meeting shall be given to all Councilmembers no less than one (1) day prior to such meeting. All meetings shall be open to the public. A majority of the members of Council shall constitute a quorum sufficient to transact business. A smaller number can adjourn a meeting to a later date and time, and in the absence of all members, the City Clerk may adjourn any meeting for not longer than one (1) week. In the event of an emergency, natural disaster, or unforeseen circumstance that renders the holding of a meeting undesirable or impracticable, the City Manager may, with agreement of the Mayor, cancel a City Council meeting and shall make a reasonable attempt to notify the public and the other members of Council of such cancellation before the scheduled time of the meeting. No other action, except to adjourn, may be taken by the Council in the absence of a quorum, unless the absence of a quorum is due to the filing of conflict of interest disclosure statements by all absent members, in which event at least three (3) remaining members may transact business. By majority vote of those present and voting, the Council may approve any action of the Council except the passage of emergency ordinances and the approval of executive sessions. By two-thirds (2/3) vote of those present and voting, the Council may go into executive session, which shall be closed to the public. Executive sessions may only be held to:

- (1) discuss personnel matters; or

- (2) consult with attorneys representing the city regarding specific legal questions involving litigation or potential litigation and/or the manner in which particular policies, practices or regulations of the city may be affected by existing or proposed provisions of federal, state or local law; or
- (3) consider water and real property acquisitions and sales by the city; or
- (4) consider electric utility matters if such matters pertain to issues of competition in the electric utility industry.

Art. II, Sec. 18 Vacancies.

- (a) A vacancy exists when a Councilmember:
 - (1) dies, resigns, or moves from the city or the District from which elected or appointed;
 - (2) assumes another elective office;
 - (3) fails to attend all regular and special meetings of the Council for sixty (60) consecutive days unless excused by Council resolution;
 - (4) is judicially declared mentally incompetent;
 - (5) is convicted of a felony that disqualifies the Councilmember from serving in public office in Colorado under the Colorado Constitution, or is declared by the City Clerk, more than sixty (60) days after the date of issuance of the certificate of election of such Councilmember, to have previously been convicted of a disqualifying felony pursuant to a written protest filed under Section 2 of this article; or
 - (6) in the case of an appointed member of the Council, is declared by the City Clerk to lack any qualification for the office of Councilmember.

Except for the office of Mayor, any vacancy on the Council shall be filled within forty-five (45) days by appointment of the Council. The person so appointed shall serve until the next regular election, when the electors will select a person to fill the vacancy for the remainder of the term, if any. This selection process shall be subject to the following exception: If the time for filling the vacancy by appointment would fall within forty-five (45) days prior to any regular election, and the remaining unexpired term of the Councilmember to be replaced is more than two (2) years, then the vacancy shall be filled by the newly constituted Council following their election, within forty-five (45) days after their terms of office begin.

Under this exception, the term of office of the Councilmember appointed shall run for the remainder of the replaced Councilmember's term. Any person appointed to fill a Councilmember's vacated position shall have all the qualifications required of regularly elected Councilmembers. In the case of a vacancy representing a member elected from a District, any person appointed or elected to fill such vacancy shall be from the same District, as such District is constituted at the time of the appointment or election.

- (b) The following shall apply to filling vacancies in the office of Mayor:
 - (1) If the position of Mayor becomes vacant more than forty-five (45) days prior to the next regular election, the Mayor Pro Tem shall become Acting Mayor, and the Council shall elect a new Mayor Pro Tem. Both the Acting Mayor and Mayor Pro Tem shall serve until the next regular election, at which time the office of Mayor shall be filled by the electors for a new term, and the Acting Mayor and Mayor Pro Tem shall resume their duties as Councilmembers for the remainder of their unexpired terms of office, if any. The vacancy on the Council created by the Mayor Pro Tem assuming the office of Mayor shall be filled in accordance with the provisions of Section 18(a) above.
 - (2) If the position of Mayor becomes vacant within the forty-five (45) days prior to any regular election, the duties of the Mayor shall be immediately assumed by the Mayor Pro Tem, who shall serve as Acting Mayor until said regular election, at which time the office of

Mayor shall be filled by the electors for a new term. Pending the election and the commencement of the term of the newly elected Mayor, the Council shall consist of six (6) members, and the Council shall elect an interim Mayor Pro Tem. After the election, the Acting Mayor and Interim Mayor Pro Tem shall resume their duties as Councilmembers for the remainder of their unexpired terms of office, if any.

- (3) Nothing herein shall preclude the Mayor Pro Tem or any Councilmember from standing for election to the office of Mayor.

Art. IV, Sec. 5: Records to be public.

All city records shall be available for public inspection, subject only to reasonable restrictions. Upon payment of a reasonable fee, a copy or a certified copy of any city record shall be furnished by the custodian thereof. A certified copy of any city record shall be prima facie evidence of its contents.

Art. VIII, Sec. 8: Campaign contributions.

The Council will act by ordinance to establish a limit on the amount that any person or entity may contribute in support of a candidate for Council on the ballot at any city election.

No political party or city employee, directly or indirectly, and no public service corporation, nor any other person, firm or corporation, owning, interested in, or intending to apply for any franchise or contract with the city may contribute or expend any money or other valuable thing, directly or indirectly, to assist in the election or defeat of any candidate.

Art. IV, Sec. 7: Publication.

Whenever legal notice or other publication is required by this Charter, or by ordinance, rule, or regulation, such notice shall be published at least once in a local newspaper of general circulation in the city, which is devoted to dissemination of news of a general character, unless a different form of notice is specified in this Charter or in the ordinance, rule, or regulation requiring the notice.

Art. II, Sec. 6 Ordinances, publication, effective date.

The Council shall act by ordinance, resolution, or motion. The ayes and nays shall be recorded on the passage of all ordinances, resolutions, and motions. Every Councilmember present shall vote; if a member fails to vote when present, he or she shall be recorded as voting in the affirmative. All legislative enactments and every act creating, altering, or abolishing any agency or office, fixing compensation, making an appropriation, authorizing the borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ordinance, which shall not be so altered or amended on the final passage as to change the original purpose.

All ordinances, except the annual appropriation ordinance and any ordinance making a general codification of ordinances, shall be confined to one (1) subject which shall be clearly expressed in the title. All ordinances shall be formally introduced at a regular or special Council meeting in written or printed form by any member of the Council and considered on first reading and action taken thereon. No ordinance, except an emergency ordinance, shall be finally passed on the first reading or at the meeting at which it is first introduced. An emergency ordinance may be formally introduced at a special Council meeting and action taken thereon, including final passage at such special meeting. Reading of an ordinance shall consist only of reading the title thereof, provided that copies of the full ordinance proposed shall have been available in the office of the City Clerk at least forty-eight (48) hours prior to the time such ordinance is introduced for each member of the City Council, and for inspection and copying by the general public, and provided further that

any member of the City Council may request that an ordinance be read in full at any reading of the same, in which case such ordinance shall be read in full at such reading. Final passage of all ordinances except emergency ordinances shall be at a regular Council meeting. Emergency ordinances shall require for passage the affirmative vote of at least five (5) members of the Council and shall contain a specific statement of the nature of the emergency. No ordinance granting any franchise or special privilege which involves a benefit to any private person or entity shall ever be passed as an emergency ordinance.

The enacting clause of all ordinances passed by the Council shall be as follows: "Be it ordained by the Council of the City of Fort Collins."

Art IV, Sec 3 Residency requirements.

Directors of a city service area or a group of city service areas, deputy city managers, and assistant city managers shall reside within the Fort Collins Urban Growth Area during their tenure in office, but need not reside within the Fort Collins Urban Growth Area prior to their appointment. City department heads may live outside the Urban Growth Area during their tenure in office, but only if their places of residence are within five miles of the city limits, as measured by a straight line connecting the parcel of property upon which the residence is situated to the nearest boundary line of the city. City department heads appointed prior to March 6, 1985, shall not be subject to this residency requirement.

Art V, Sec. 6 Maximum mill levy.

The mill levy shall not exceed fifteen (15) mills on each dollar of assessed valuation of taxable property within the city for all purposes. Any mill levy in excess of the fifteen (15) mills aforesaid shall be absolutely void as to the excess and it shall be unlawful for the Assessor to extend and for the Treasurer to collect any such excess.

Art V, Sec.19.3 Revenue securities.

(a) The city, by Council action and without an election, may issue securities made payable solely from revenues derived from the operation of the project or capital improvement acquired with the securities' proceeds, or from other projects or improvements, or from the proceeds of any sales tax, use tax or other excise tax, or solely from any source or sources or any combination thereof other than ad valorem taxes of the city.

(b) The Council may, by ordinance, establish any one or more of the city's water, wastewater, storm drainage or electrical utilities as an enterprise of the city. The Council may also, by ordinance, authorize any such city-owned enterprise, acting by and through the Council, sitting as the board of the enterprise, to issue its own revenue bonds or other obligations (including refunding securities) on behalf of the city, which revenue bonds or other obligations shall be payable solely from the net revenues (including special assessments) derived from the operation of the enterprise. Such revenue bonds or other obligations may be additionally secured by mortgages on or security interests in any real or personal property of the city used in the operation of the enterprise. Such revenue bonds or other obligations shall be issued by ordinance of the board of the enterprise, adopted in the same manner and subject to referendum to the same extent as ordinances of the Council.

The Council shall not appoint any persons other than its own members to serve on the board of the enterprise or delegate to any other person or entity the powers reserved to the board of the enterprise hereunder. Neither shall the Council authorize the board of the enterprise to acquire, construct or install or hold title to or dispose of any city-owned property used in the operation of the enterprise, to impose or adjust rates, fees, tolls or charges for the use of any such property or

for any service or commodity furnished by the enterprise, to levy special assessments or to exercise any power reserved to the Council or other city officials by this Charter or otherwise (other than the power to issue revenue bonds and other obligations).

Art. XIV Transitional provisions.

Section 1. - Purpose and status of this article.

The purpose of this Article is to provide an orderly transition from the Commission form of government of the city to the Council-Manager form of government under provisions of this Charter and to prevent the impairment of any contractual relationships between the city and the beneficiaries of any retirement plans of the city in effect on the effective date of this Charter or the owners of any municipal bonds of the city then outstanding. This Article shall constitute a part of the Charter only to the extent and for the time required to accomplish that purpose.

Section 2. - Transitional period.

The period from the effective date of this Charter to April 12, 1955, shall be known as the transitional period. During the transitional period the former Charter of the City shall remain in effect, except that for the purpose of nominating and electing members of the Council, or filling vacancies thereon, Article VIII of this Charter shall be immediately operative. This Charter shall be fully operative at the close of the transitional period.

Section 3. - Retirement plans.

This Charter shall not affect any contractual relationships existing on the effective date of this Charter between the city and any officers or employees by reason of any retirement plans then in effect.

Section 4. - Outstanding and authorized bonds.

The provisions of this Charter shall not affect municipal bonds outstanding on the effective date of this Charter. Failure to observe requirements of the former Charter, as amended, governing city elections shall not invalidate any bonds authorized at any election held prior to the effective date of this Charter. Bonds authorized at an election held prior to the effective date of this Charter may be issued in accordance with the provisions of this Charter and when so issued shall be the lawful and binding obligations of the city in accordance with their import.

Section 5. - Saving clause.

This Charter shall not affect any suit pending in any court on the effective date of its adoption. Nothing in this Charter shall invalidate any existing contracts between the city and individuals, corporations, or public agencies.

Art. IV, Sec. 9 (b)(1)(a): Conflicts of interest, sales to the City.

(b) Rules of conduct concerning conflicts of interest.

(1) Sales to the city. No officer or employee, or relative of such officer or employee, shall have a financial interest in the sale to the city of any real or personal property, equipment, material, supplies or services, except personal services provided to the city as an officer or employee, if:

- a. such officer or employee is a member of the Council;

Art IV, Sec. 9 (b)(2): Conflicts of interest, sales to the City.

(b) Rules of conduct concerning conflicts of interest.

(2) Purchases from the city. No officer, employee or relative shall, directly or indirectly, purchase any real or personal property from the city, except such property as is offered

for sale at an established price, and not by bid or auction, on the same terms and conditions as to all members of the general public.

ORDINANCE NO. 057, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 2-568 OF THE CODE OF THE CITY OF FORT COLLINS
TO CLARIFY ETHICAL RULES OF CONDUCT TO ADDRESS EMPLOYEE
HOUSING AND PURCHASES FROM THE CITY

WHEREAS, City departments have on occasion found that arranging for an on-site employee at a City property serves important purposes and helps to preserve the property, provide more readily available service to the public or improves the employee's access to a work site; and

WHEREAS, for many years the City's Natural Areas Department has required three employees to live in City-provided houses on Natural Areas' properties as a condition of their employment, to help safeguard and maintain these properties; and

WHEREAS, although such arrangements did not require the employee to pay rent to the City for this housing, over time these arrangements have evolved to include a charge to the employees of approximately 50% of the fair market rental rate for the houses they live in; and

WHEREAS, in evaluating whether requiring employees to pay rent for housing they live in as a requirement of their jobs could be seen as a conflict with Article IV, Section 9(b)(2) of the City Charter, which prohibits employees from purchasing real or personal property from the City except property that is offered for sale on the same terms and conditions to all members of the general public, staff has concluded that such arrangements don't fall within the intended scope of the Charter prohibition; and

WHEREAS, because the City does not intend to offer these houses for rent by the public, and paying for housing would not necessarily be considered a purchase of real property from the City, to confirm Council's expectations related to this issue and to clarify how these kinds of housing arrangements relate to the Charter requirement, staff is proposing this Ordinance to amend Section 2-568 of the City Code regarding ethical rules of conduct to clarify that the Charter prohibition on employees' purchases from the City should not be interpreted and was not intended to apply to employees paying for employee housing provided by the City; and

WHEREAS, the Council has determined that the proposed Code amendment it is in the best interest of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 2-568 of the Code of the City of Fort Collins is hereby amended by the addition of a new subsection (a)(14) to read as follows, and the remaining subsections renumbered accordingly:

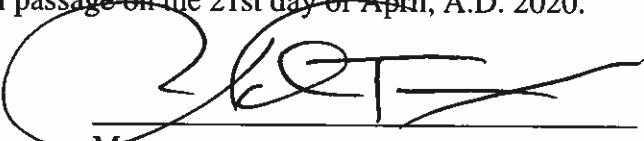
Sec. 2-568. - Ethical rules of conduct.

(a) Definitions. The following words, terms and phrases, when used in this Section, Section 2-569 and in Section 9 of the Charter Article IV, shall have the following meanings:

...

14) *Purchases from the city*, as described in Section 9(b)(2) of Charter Article IV, shall not include payments by an employee to the city pursuant to an agreement for housing in which such employee is required to live as a condition of employment with the city.

Introduced, considered favorably on first reading, and ordered published this 7th day of April, A.D. 2020 and to be presented for final passage on the 21st day of April, A.D. 2020.



Mayor

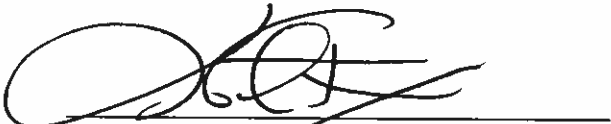
ATTEST:



City Clerk



Passed and adopted on final reading on this 21st day of April, A.D. 2020.



Mayor

ATTEST:



City Clerk



FORT COLLINS COLORADOAN

Invoice Text

NOTICE IS HEREBY GIVEN that the Fort Collins City Council, on 1

STATE OF COLORADO)
) ss: AFFIDAVIT OF PUBLICATION
COUNTY OF LARIMER)

CITY OF FC-CLERK-LEGALS
300 LAPORTE AVE

FORT COLLINS CO 80521

I, being duly sworn, deposes and says that said is the legal clerk of the Fort Collins Coloradoan; that the same is a daily newspaper of general circulation and printed and published in the City of Fort Collins, in said county and state; that the notice or advertisement, of which the annexed is a true copy, has been published in said daily newspaper and that the notice was published in the regular and entire issue of every number of said newspaper during the period and time of publication of said notice, and in the newspaper proper and not in a supplement thereof; that the publication of said notice was contained in the issue of said newspaper on

04/12/20

that said Fort Collins Coloradoan has been published continuously and uninterrupted during the period of at least six months next prior to the first publication of said notice or advertisement above referred to; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any amendments thereof; and that said newspaper is a daily newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.



Legal Clerk

Subscribed and sworn to before me, within the County of Brown, State of Wisconsin this 13th of April 2020.



Notary Public

8-25-23

Notary Expires

Legal No.0004146119

Ad#:0004146119
P O : FR Ordinances
This is not an invoice
of Affidavits: 1

SHELLY HORA
Notary Public
State of Wisconsin

Affidavit Prepared
Monday, April 13, 2020 9:21 am

NOTICE IS HEREBY GIVEN that the Fort Collins City Council, on Tuesday, April 7, 2020, passed and adopted the following ordinances on first reading. These ordinances will be presented for final passage on April 21, 2020:

ORDINANCE NO. 045, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS APPROPRIATING UNANTICIPATED PHILANTHROPIC REVENUE FROM NEW BELGIUM BREWING IN THE GENERAL FUND AND TRANSFERRING IT TO THE CAPITAL PROJECTS FUND FOR THE Poudre RIVER REACH 4 FEASIBILITY STUDY

ORDINANCE NO. 046, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS APPROPRIATING UNANTICIPATED PHILANTHROPIC REVENUE FROM VETERANS PLAZA OF NORTHERN COLORADO IN THE GENERAL FUND AND TRANSFERRING IT TO THE CAPITAL PROJECTS FUND FOR THE VETERANS PLAZA IMPROVEMENT PROJECT

ORDINANCE NO. 051, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS AUTHORIZING THE SALE OF REAL PROPERTY LOCATED ADJACENT TO THE UTILITIES SERVICE CENTER AT 700 WOOD STREET

ORDINANCE NO. 052, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS AUTHORIZING THE CONVEYANCE OF A PERMANENT SANITARY SEWER LINE EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT ON SOARING VISTA NATURAL AREA TO SOUTH FORT COLLINS SANITATION DISTRICT

ORDINANCE NO. 053, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT COLLINS TO ADOPT A WATER SHORTAGE ACTION PLAN (PREVIOUSLY KNOWN AS THE WATER SUPPLY SHORTAGE RESPONSE PLAN) AND MAKING VARIOUS RELATED CHANGES

ORDINANCE NO. 055, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS APPROPRIATING PRIOR YEAR RESERVES AND UNANTICIPATED REVENUE IN THE GENERAL FUND FOR CULTURAL DEVELOPMENT AND PROGRAMMING ACTIVITIES, TOURISM PROGRAMMING, AND CONVENTION AND VISITOR PROGRAM SERVICES

ORDINANCE NO. 056, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS MAKING SUPPLEMENTAL APPROPRIATIONS AND A TRANSFER FROM THE LIGHT & POWER FUND TO BE EXPENDED IN SUPPORT OF THE EPIC HOMES PROGRAM

ORDINANCE NO. 057, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS AMENDING SECTION 2-568 OF THE CODE OF THE CITY OF FORT COLLINS TO CLARIFY ETHICAL RULES OF CONDUCT TO ADDRESS EMPLOYEE HOUSING AND PURCHASES FROM THE CITY

ORDINANCE NO. 058, 2020

OF THE COUNCIL OF THE CITY OF FORT COLLINS AMENDING CHAPTER 23 OF THE CODE OF THE CITY OF FORT COLLINS TO ALLOW AND REGULATE THE USE OF ELECTRICAL ASSISTED BICYCLES ON THE CITY'S PAVED TRAILS

ORDINANCE NO. 059, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS AMENDING THE FORT COLLINS TRAFFIC CODE TO ALLOW AND REGULATE THE USE OF ELECTRICAL ASSISTED BICYCLES ON THE CITY'S PAVED TRAILS

The full text of these ordinances can be found at <http://fcgov.com/publicnotices> or by calling the City Clerk's Office at (970) 221-6515.

0004146119
Coloradoan
April 12, 2020

FORT COLLINS COLORADOAN

Invoice Text

NOTICE IS HEREBY GIVEN that the Fort Collins City Council, on 7

STATE OF COLORADO)
) ss: AFFIDAVIT OF PUBLICATION
COUNTY OF LARIMER)

CITY OF FC-CLERK-LEGALS
300 LAPORTE AVE

FORT COLLINS CO 80521

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04/25/20

that said Fort Collins Coloradoan has been published continuously and uninterruptedly during the period of at least six months next prior to the first publication of said notice or advertisement above referred to; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any amendments thereof; and that said newspaper is a daily newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

Kathleen Allen

Legal Clerk

Subscribed and sworn to before me, within the County of Brown, State of Wisconsin this 15th of May 2020.

Shelly Hora

Notary Public

8-25-23

Notary Expires

SHELLY HORA
Notary Public
State of Wisconsin

Legal No.0004164096

Affidavit Prepared
Friday, May 15, 2020 1:06 pm

Ad#:0004164096
P O : Ord No 042, 2020
This is not an invoice
of Affidavits: 1

NOTICE IS HEREBY GIVEN that the Fort Collins City Council, on Tuesday, April 21, 2020, passed and adopted the following ordinances on second reading:

ORDINANCE NO. 042, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
REAPPROPRIATING FUNDS PREVIOUSLY APPROPRIATED IN 2019 BUT NOT EXPENDED OR NOT ENCUMBERED IN 2019

ORDINANCE NO. 045, 020
OF THE COUNCIL OF THE CITY OF FORT COLLINS APPROPRIATING UNANTICIPATED PHILANTHROPIC REVENUE FROM NEW BELGIUM BREWING IN THE GENERAL FUND AND TRANSFERRING IT TO THE CAPITAL PROJECTS FUND FOR THE POUFRE RIVER REACH 4 FEASIBILITY STUDY

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OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT COLLINS TO ADOPT A WATER SHORTAGE ACTION PLAN (PREVIOUSLY KNOWN AS THE WATER SUPPLY SHORTAGE RESPONSE PLAN) AND MAKING VARIOUS RELATED CHANGES

ORDINANCE NO. 055, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS APPROPRIATING PRIOR YEAR RESERVES AND UNANTICIPATED REVENUE IN THE GENERAL FUND FOR CULTURAL DEVELOPMENT AND PROGRAMMING ACTIVITIES, TOURISM PROGRAMMING, AND CONVENTION AND VISITOR PROGRAM SERVICES

ORDINANCE NO. 056, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS AND A TRANSFER FROM THE LIGHT & POWER FUND TO BE EXPENDED IN SUPPORT OF THE EPIC HOMES PROGRAM

ORDINANCE NO. 057, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 2-568 OF THE CODE OF THE CITY OF FORT COLLINS TO CLARIFY ETHICAL RULES OF CONDUCT TO ADDRESS EMPLOYEE HOUSING AND PURCHASES FROM THE CITY

ORDINANCE NO. 058, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 23 OF THE CODE OF THE CITY OF FORT COLLINS TO ALLOW AND

REGULATE THE USE OF ELECTRICAL ASSISTED BICYCLES ON THE CITY'S PAVED TRAILS

ORDINANCE NO. 059, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE FORT COLLINS TRAFFIC CODE TO ALLOW AND REGULATE THE USE OF ELECTRICAL ASSISTED BICYCLES ON THE CITY'S PAVED TRAILS

ORDINANCE NO. 061, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING AND SUPERSEDING EMERGENCY ORDINANCE NO. 054, 2020 ENACTING TEMPORARY PROCEDURES FOR REMOTE PARTICIPATION IN CERTAIN MEETINGS

The full text of these ordinances can be found at <http://fcgov.com/publicnotices> or by calling the City Clerk's Office at (970) 221-6515.

0004164096
Coloradoan
April 25, 2020

City Charter Update and Modernization Project

Sara Arfmann and Jenny Lopez Filkins
City Attorney's Office

Delynn Coldiron
City Clerk

Geoff Wilson
Special Legal Counsel

Resolution 2024-024, Adopted a 2024-2026 Council Priority to Modernize and Update the City Charter:

Modernize and Update the City Charter

Although small parts of the Charter get reviewed and updated on a regular basis, due to changes in state laws and election procedures, there is a need to modernize and update the City Charter, which has not been done in a comprehensive way in over 25 years.

- What feedback do Councilmembers have about proposed grouping and prioritizing of amendments?
- What feedback do Councilmembers have about specific provisions?
- What feedback do Councilmembers have about the number of ordinances or groupings of ballot questions to be presented at the Council's April 1, 2025, meeting?

- A. Reformatting for Ease of Reading and Replacing Outdated or Unclear Language
- B. Suggested Topical Grouping and Prioritizing for Presentation to Voters
- C. Specific Provisions Identified for More Discussion at December 10, 2024 Work Session
- D. Number of Ordinances or Groupings of Ordinances to be Presented to Voters for November 2025 Election

- Staff recommends reformatting and replacing language in any portion of the Charter presented for consideration for amendment.
- What is Council's feedback to staff's recommendation to:
 - 1) Reformat for ease of reading and clarity?
 - 2) Replacing outdated language for gender neutrality and eliminating unclear uses of the term "shall"?
- Alternatively, a ballot question seeking authorization to make these changes throughout the Charter would be needed.

GROUP/PRIORITY ONE: corrections that reflect Council's intent and ensure uniformity throughout Charter.

- Article X, Sec. 2 (e)(1) Initiative – 63 days to 77 days
- Article IX, Sec. 2 (e)(2) Recall - % of **first choice** votes cast
- Article VIII, Sec. 7 (a) Qualifications protest – align timelines with newly revised Article VIII

GROUP/PRIORITY TWO: align with amended law and remove inconsistencies.

- Art. II, Sec. 11 – allow Council to hold executive sessions for list of purposes identified in state law
- Art. II, Sec. 18 – align with state law re timeline with filling an open Council seat and clarify Council appoints replacement officeholder unless appointment is too late to allow for candidates to seek nomination for the office at next regular election. If too late, appointment delayed to time new Council sworn in (continued)

GROUP/PRIORITY TWO (cont'd): align with amended law and remove inconsistencies.

- Art. IV, Sec. 5 – align language about availability of City records with state law
- Art. VIII, Sec. 8 – align restrictions on Council campaign contributions with federal and state constitutions and statutes (**note:** Council may want to discuss whether to combine or separate this amendment from others)

Suggested Topical Grouping and Prioritizing for Presentation to Voters

GROUP/PRIORITY THREE: modernize publication requirements to ensure more efficient notice to the public.

- Art. IV, Sec. 7 – whenever legal notice or other publication is required
- Art. II, Sec. 6 – publication of ordinances, remove Councilmember’s option to request that ordinance be read in full during Council meeting

GROUP/PRIORITY FOUR: modernizing conflicts of interest.

- Art IV, Sec. 9 (b)(1)a. – modernize exceptions regarding financial conflict for councilmembers and their family when selling property to the City in specific circumstances
- Art IV, Sec. 9 (2) – modernize language to clarify that staff can rent or lease City property in specific circumstances (not critical due to ordinance approved by City Council to exclude housing agreements where an employee is required to live as a condition of City employment)

GROUP/PRIORITY FIVE: vacancies created by meeting absences.

- Art II, Sec. 18 – clarification or exceptions added to rule that a Council seat is vacated when a member fails to attend meetings for sixty consecutive days

Suggested Topical Grouping and Prioritizing for Presentation to Voters

GROUP/PRIORITY SIX: repeal provisions made unnecessary due to changes in law or circumstances.

- Art. IV, Sec. 3 – residency requirements refer to department heads hired prior to March 6, 1986 and no such department heads exist
- Art. V, Sec. 6 – maximum mill levy – dead-letter after TABOR
- Art. V, Sec. 19.3 – revenue securities – dead-letter after TABOR
- Art. XIV transitional provisions – gave effect to prior Charter until April 12, 1955

Additional Council discussion requested at last work session:

- **Campaign contributions**
- **Council seat vacancy due to meetings absences**
- **Publication provisions for legal notice, other forms of publication and publication of ordinances**
- **Conflicts of interest, sales to the City by both Councilmembers and employees**

Campaign contributions:

- **Option 1: Confidential and policy-level employees are prohibited from contributing to Council campaigns, and continue to prohibit contributions from parties, corporations, and persons except as required under federal and state constitutions and state statutes**
- **Option 2: Confidential and policy-level employees are prohibited from contributing to Council campaigns, and separately prohibit contributions by any political party, plus prohibit contributions by any other party, except as required by law**
- **Option 3: Same for employees plus remove prohibitions on political parties completely from Charter and address restrictions via Council ordinance, plus maintain limits on contributions from all other parties except as required by law**

Council **seat vacancy** due to meetings absences:

- Add clarification that canceled meetings are excluded from the 60-day period
- Council cancels meetings by resolution rather than motion and excuses a Councilmember from attendance with the resolution
- Change to specific number of missed meetings in 12-month period
- Clarify that 60-day period begins on the date of the first missed meeting

Publication provisions – legal notices, other publications and ordinances:

- Only on City website
- On City website, posted at City Hall or Library or both
- Maintain requirement as is, no Charter change (website and local newspaper)
- Remove both types of publication from Charter and address in City Code, using one of the listed options

Conflicts of interest, sales to City:

- **Provision currently prohibits any Councilmember or employee from having a financial interest in the sale to the City of any real property**
- **City may need property owned by Councilmember or employee**
- **Add exception “except where City needs a particular real property to carry out City purposes or projects or elects to exercise its power of eminent domain”**
- **General requirements for conflicts disclosure and recusal from decision-making remain in place**

Conflicts of interest, purchases from the City:

- **Provision currently prohibits any employee from purchasing any real property from the City except where such property is offered to public on similar terms**
- **The City requires some employees to reside on site for their work. They have housing agreements allowing them to pay rent at less than market value where their job duties require them to live on site (rangers, caretakers)**
- **To clarify the limit, add exception “property is leased to an employee for reasons beneficial to the City and related to their employment”**

Number of Ordinances or Groupings of Ordinances to be Presented



Staff seeks Council feedback about the number of ordinances or topical groupings of ordinances to be presented to City Council.

- What feedback do Councilmembers have about proposed grouping and prioritizing of amendments?
- What feedback do Councilmembers have about specific provisions?
- What feedback do Councilmembers have about the number of ordinances or groupings of ballot questions to be presented at the Council's April 1, 2025, meeting?

