

Fort Collins City Council Agenda

Regular Meeting

6:00 p.m., Tuesday, April 15, 2025

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

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

NOTICE:

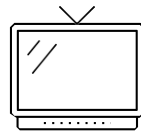
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

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

How to view this Meeting:



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



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



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



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

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

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

Comment in real time:

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



In person attendees can address the Council in the Chambers.
The public can join the Zoom webinar and comment from the remote meeting, joining online or via phone.



All speakers are required to sign up to speak using the online sign up system available at www.fcgov.com/agendas.
Staff is also available outside of Chambers prior to meetings to assist with the sign up process for in person attendees.

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

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

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

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

Call in number: 720 928 9299

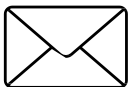
Meeting ID: 982 4141 6497

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

Submit written comments:



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



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

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

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



City Council Regular Meeting Agenda

April 15, 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

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

Carrie Daggett
City Attorney

Kelly DiMartino
City Manager

Delynn Coldiron
City Clerk

PROCLAMATIONS & PRESENTATIONS 5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

- [PP 1.](#) Declaring the Day of April 15, 2025 as Healing Warriors Day.
- [PP 2.](#) Declaring the Day of April 25, 2025 as Arbor Day.
- [PP 3.](#) Declaring the Week of April 21-27, 2025 as National Volunteer Week.
- [PP 4.](#) Declaring the Month of April, 2025 as National Donate Life Month.
- [PP 5.](#) Declaring the Month of April, 2025 as Child Abuse Awareness and Prevention Month.

REGULAR MEETING 6:00 PM

B) CALL MEETING TO ORDER

C) PLEDGE OF ALLEGIANCE

D) ROLL CALL

E) CITY MANAGER'S AGENDA REVIEW

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

F) COMMUNITY REPORTS

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

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

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

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

H) PUBLIC COMMENT FOLLOW-UP

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

CONSENT CALENDAR

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

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

1. Consideration and Approval of the Minutes of the April 1, 2025 Regular meeting.

The purpose of this item is to approve the minutes of the April 1, 2025 Regular meeting.

2. Second Reading of Ordinance No. 054, 2025, Making a Supplemental Appropriation of Funds Received from the Colorado Department of Local Affairs Gray and Black-Market Marijuana Enforcement Grant Program for the Fort Collins Police Services Marijuana Enforcement Program.

This Ordinance, unanimously adopted on First Reading on April 1, 2025, supports Fort Collins Police Services' Marijuana Enforcement Program in investigating gray and black-market marijuana cases by appropriating \$39,500 of unanticipated grant revenue from the Colorado Department of Local Affairs (DOLA), Gray and Black-Market Marijuana Enforcement.

3. Second Reading of Ordinance No. 055, 2025, Appropriating Prior Year Reserves Received Through City Give for the Payment Assistance Fund as Designated by the Donors.

This Ordinance, unanimously adopted on First Reading on April 1, 2025, requests an appropriation of \$443,600 in philanthropic revenue received through City Give. These gifts to the Utilities Payment Program account (the "Payment Assistance Fund") established in Section 26-722 of the Code, align with both the City's strategic priorities and the respective donors' designation.

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

4. Second Reading of Ordinance No. 056, 2025, Appropriating Philanthropic Revenue Received Through City Give for the Pottery Studio, Recreation, Community Services as Designated by the Donor.

This Ordinance, unanimously adopted on First Reading on April 1, 2025, requests an appropriation of \$550,924.99 in philanthropic revenue received through City Give. These estate gifts to the Pottery Studio align with both the City's strategic priorities and the respective donors' designation.

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

5. Second Reading of Ordinance No. 057, 2025, Making a Supplemental Appropriation of Grant Funds from the Colorado Department of Local Affairs for the Fort Collins Police Services' Office of Human Services.

This Ordinance, unanimously adopted on First Reading on April 1, 2025, appropriates \$100,000 in unanticipated revenue awarded to the City from the Colorado Department of Local Affairs (DOLA) FY2024-2025 Peace Officers Behavioral Health Support and Community Partnerships Grant Program in support of Police Services Office of Human Services.

The funds will be used to hire a contractual Police Mental Health Counselor to support police employees and their family members with addressing behavioral health issues that arise. A range of services will be provided, including counseling for officers and family members for job-related trauma, and training and education programs on preventing and treating job-related trauma.

There is no requirement that the City sign an agreement for the award. Rather upon the City submitting the first request for reimbursement, the City agrees to all terms and conditions of the award.

6. Second Reading of Ordinance No. 058, 2025, Authorizing Transfers of Appropriations from Broadband Operating Funds to Capital Project Accounts.

This Ordinance, unanimously adopted on First Reading on April 1, 2025, transfers monies that were previously appropriated by City Council as 2025 Broadband operating fund expenses to Broadband capital projects. The previously authorized operating expenditures are not expected to be spent in 2025 because:

- Connexion video product sales have slowed and related appropriated costs will not be fully expended in 2025.
- Marketing budget, after review, has sufficient underspend expected in 2025.
- Other operating efficiencies exist resulting in additional expected underspend in 2025.

Staff recommends transfer of the total unencumbered and unspent budget appropriations to Broadband capital projects for the purpose of funding additional installations resulting from increased customer sign-ups.

7. Second Reading of Ordinance No. 059, 2025, Making Supplemental Appropriations from Grant Revenue and Authorizing Transfers of Appropriations for the Willow Street Improvements – Linden Street to Lincoln Avenue Project and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading on April 1, 2025, enables the City to receive and expend Downtown Development Authority (DDA) grant funds for the Willow Street Improvements – Linden Street to Lincoln Avenue project (Project). The funds will be used for design and right-of-way acquisition for improvements along Willow Street between Linden Street and Lincoln Avenue. If approved, the item will: 1) transfer \$70,000 from existing funds for the Willow Street Improvements project west of Linden Street to the Project; 2) appropriate \$180,000 of DDA grant funds to the Project; 3) appropriate \$1,800 of Transportation Services Fund reserves to the Project; and 4) appropriate \$1,800 (1%) of the DDA grant funds to the Art in Public Places (APP) program.

8. Items Relating to Code Updates for Water Utility Fees.

A. Second Reading of Ordinance No. 060, 2025, Amending Chapter 26 of the Code of the City of Fort Collins Regarding Fees When a Single Water Service for a Duplex is Split Between the Two Dwelling Units.

B. Second Reading of Ordinance No. 061, 2025, Amending Chapter 26-148 of the Code of the City of Fort Collins to Revise the Water Supply Requirement for Residential Lots.

These Ordinances, unanimously adopted on First Reading on April 1, 2025, ensure that new or expanded water service connections contribute to system capacity costs.

9. Second Reading of Ordinance No. 062, 2025, Amending Sections 12-29 and 12-30 of the Code of the City of Fort Collins to Update the Residential Waste Collection Program.

This Ordinance, unanimously adopted on First Reading on April 1, 2025, updates the City Code to modify the Contracted Residential Waste Collection Program and include additional variance and exclusion options that were not originally anticipated.

10. **Items Relating to City Charter Amendments.**

A. Second Reading of Ordinance No. 063, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending Articles II, IX, and X of the City Charter to Correct Errors and Conform to Amendments Adopted in November 2024.

B. Second Reading of Ordinance No. 064, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending Articles II, IV and XIII of the City Charter Related to Alignment with Amended or Further Developed Laws and Removing Inconsistencies.

C. Second Reading of Ordinance No. 065, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins A Proposed Charter Amendment Amending Articles II and IV of the City Charter to Modernize Certain Provisions.

D. Second Reading of Ordinance No. 066, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending Article IV of the City Charter Related to Conflicts of Interest.

E. Second Reading of Ordinance No. 067, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending the City Charter to Modernize and Update It by Reformatting and Updating Language Usage for Ease of Reading and Clarity and Eliminating Inapplicable and Invalid Provisions.

F. **(No action needed - postponed indefinitely on First Reading)** First Reading of Ordinance No. 068, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending Sections 1 and 18 of Article II of the City Charter Related to Vacancies and Application of Term Limits to Partial Terms.

The purpose of these items is to set ballot language regarding proposed amendments resulting from the Charter Update Project and submit them to the voters at the November 4, 2025, election.

The ordinances do not include amendment numbers. The Council will establish the order of the amendments to be presented on the ballot by motion at a later Council meeting and the ordinances will be presented to the Larimer County Clerk and Recorder in the desired order.

In follow up to comments received on First Reading, the Charter was reviewed to look for any additional gender-related wording and none was found.

11. **Second Reading of Ordinance No. 069, 2025, Appropriating Prior Year Reserves in the General Fund to Cover the Anticipated Costs of the 2025 Regular Municipal Election and to Fund Additional Campaign Oversight.**

This Ordinance, unanimously adopted on First Reading on April 1, 2025, authorizes an additional appropriation to cover the anticipated costs of the election based on an estimate provided by Larimer County and will approve funding for campaign oversight based on a recommendation from the City's Election Code Committee.

12. **First Reading of Ordinance No. 070, 2025, Modifying Ordinance No. 023, 2025 with Regard to Fund Identification for College Avenue-Trilby Road Capital Improvements.**

The purpose of this item is to modify a previous appropriation to expense the Stormwater Utility's share of the capital project in the Storm Drainage Fund, as opposed to transferring stormwater funds to the Capital Project Fund as detailed in Ordinance No. 023, 2025.

13. First Reading of Ordinance No. 071, 2025, Appropriating Prior Year Reserves in the General Fund for Cultural Development and Programming Activities, Tourism Programming, and Convention and Visitor Program Services.

The purpose of this item is to appropriate \$424,224, of which \$296,957 is proposed for Convention and Visitors Bureau, \$106,056 is proposed for Cultural Development and Programming Activities (Fort Fund), and \$21,211 is proposed for Tourism Programming (Fort Fund) all from unanticipated 2024 Lodging Tax revenue collections.

Lodging taxes are annually collected by the City for Cultural Development and Tourism programming activities. Anticipated revenue is projected through each Budgeting for Outcomes (BFO) cycle and then adjusted annually as needed based on final actual collections. For 2024, total Lodging tax revenues collected came in \$424,224 above projected collections.

14. First Reading of Ordinance No. 072, 2025, Appropriating Prior Year Reserves in the Natural Areas Fund and the Sales and Use Tax Fund for the purpose of Land Conservation, Visitor Amenities, Restoration and Other Related Natural Areas Stewardship Activities not included in the 2025 Adopted City Budget.

The purpose of this item is to appropriate \$6,066,078 in prior year reserves in the Natural Areas Fund and \$112,957 in prior year reserves in the Sales and Use Tax fund to be transferred to the Natural Areas Fund. These appropriations are for land conservation, visitor amenities and restoration of wildlife habitat, as well as other Natural Areas Department stewardship activities to benefit the residents of Fort Collins.

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

K) CONSENT CALENDAR FOLLOW-UP *(This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.)*

L) STAFF REPORTS

M) COUNCILMEMBER REPORTS

N) CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR FOR INDIVIDUAL DISCUSSION

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

The method of debate for discussion items is as follows:

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

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

15. First Reading of Ordinance No. 073, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Oak Street Stormwater Project and Related Art in Public Places.

The Oak Street Stormwater Project is currently under construction and progressing as planned. Staff has identified the need for an additional \$1,515,000 appropriation from the Stormwater Utility Reserve Fund to supplement the existing appropriated budget, including \$15,000 for Art in Public Places. The additional appropriation will fund remaining project support services as well as a minor contingency for unanticipated costs to complete the project.

An Art in Public Places contribution, per Code, has been added to the total project supplemental appropriation amount.

P) RESUMED PUBLIC COMMENT (if applicable)

Q) OTHER BUSINESS

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

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

OB 2. Consideration of a Motion to go into an Executive Session to discuss potential acquisition of real property for recreation facilities:

"I move that Council go into executive session to discuss with appropriate City staff potential acquisition of real property for recreation facilities under consideration, as permitted under:

- City Charter Article Roman Numeral Two, Section 11(3),
- City Code Section 2-31(a)(3), and
- Colorado Revised Statutes Section 24-6-402(4)(a)."

R) ADJOURNMENT

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

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File Attachments for Item:

PP 1. Declaring the Day of April 15, 2025 as Healing Warriors Day.



PROCLAMATION

WHEREAS, Healing Warriors Day celebrates the recognition and appreciation of all United States Veterans and their families who support and participate in treatments for physical and psychosocial concerns through acupuncture, craniosacral therapy, and Healing Touch therapy. These therapies aim to alleviate pain, restore sleep, and improve overall health and well-being; and

WHEREAS, Healing Warriors has served the Fort Collins and greater community since July of 2013 and have provided over 41,000 sessions with successful treatment and outcomes that serviced over 3,700 individuals; and

WHEREAS, Healing Warriors provides many forms of treatment such as: anxiety and stress management, cancer support, detox assistance, depression management, grief management, post traumatic stress disorder (PTSD), sleep disturbance series, traumatic brain injury (TBI) series, wellness and prevention series; and

WHEREAS, The VA has awarded Healing Warriors Program with the Staff Sergeant Parker Gordon Fox Suicide Prevention Grant (SSG Fox SPGP) which helps Healing Warriors Program expand and enhance services to veterans and families.

NOW, THEREFORE, I, Emily Francis, Mayor Pro Tem of the City of Fort Collins, do hereby proclaim April 15, 2025, as

HEALING WARRIORS DAY

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 15th day of April, 2025.

Mayor Pro Tem

ATTEST:

City Clerk

File Attachments for Item:

PP 2. Declaring the Day of April 25, 2025 as Arbor Day.

PROCLAMATION

WHEREAS, in 1872 more than a million trees were planted in Nebraska to celebrate the first Arbor Day, which is now observed throughout the nation and the world; and

WHEREAS, trees in our City are important community infrastructure and increase property values, enhance the economic vitality of business areas, and beautify our community as well as help conserve energy use by shading and cooling buildings and pavement; and

WHEREAS, trees improve people's mental and physical health, cut heating and cooling costs, moderate the temperature, clean the air, provide habitat for wildlife and can help offset the greenhouse effect by turning carbon dioxide, the primary cause of global warming, into life-giving oxygen; and

WHEREAS, Fort Collins has been recognized as a Tree City U.S.A. by the National Arbor Day Foundation for 47 years; and

WHEREAS, the City wishes to recognize Traut Elementary, which has been selected as the Arbor Day School site for this year's tree planting ceremony to be held on April 25th, 2025; and

WHEREAS, the City also wishes to recognize the Platte River Power Authority for maintaining a strong commitment to the environment with the addition of non-carbon generation resources; and

WHEREAS, the Platte River Power Authority supports sustainability and community improvement and has given the City \$3,500 to purchase trees that will be planted in honor of Arbor Day.

NOW, THEREFORE, I, Emily Francis, Mayor Pro Tem of the City of Fort Collins, do hereby proclaim April 25, 2025, as

ARBOR DAY

in Fort Collins and urge all community members to support efforts to protect our trees and woodlands and to support our City's urban forest canopy by planting trees for present and future generations. We thank the Platte River Power Authority for its generous donation and Fort Collins Wholesale Nursery for its donation and contribution to the celebration of Arbor Day.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 15th day of April, 2025.

Mayor Pro Tem

ATTEST:

City Clerk

File Attachments for Item:

PP 3. Declaring the Week of April 21-27, 2025 as National Volunteer Week.



PROCLAMATION

WHEREAS, volunteers can connect with local community service opportunities through hundreds of community service organizations; and

WHEREAS, individuals and communities are at the center of social change, discovering their power to make a difference; and

WHEREAS, during National Volunteer Week, all over the nation, service projects will be performed and volunteers recognized for their community service; and

WHEREAS, April is a month for volunteers, with the occurrences of National Service Recognition Day, CSUnity, Earth Day and numerous City volunteer projects; and

WHEREAS, Fort Collins has the 6th largest volunteer rate of any mid-sized city in the country at 38%; and

WHEREAS, volunteers are vital to our future as a caring and productive nation.

NOW, THEREFORE, I, Emily Francis, Mayor Pro Tem of the City of Fort Collins, do hereby proclaim April 21-27, 2025 as

NATIONAL VOLUNTEER WEEK

in Fort Collins, and urge my fellow citizens to volunteer in their respective communities. By volunteering and recognizing those who serve, we can come together to make a difference.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 15th day of April, 2025.

Mayor Pro Tem

ATTEST:

City Clerk

File Attachments for Item:

PP 4. Declaring the Month of April, 2025 as National Donate Life Month.



PROCLAMATION

WHEREAS, this April is the twenty-second National Donate Life Month to raise awareness of organ, eye, and tissue donation, encourage Americans to register as donors and honor those who have saved and healed lives through the gift of donation; and

WHEREAS, Colorado has led the nation with more than two-thirds of Coloradans registering to be an organ, eye and tissue donors at the DMV—a decision that reflects deep commitment to one another and confirms that there is good inside all of us; and

WHEREAS, one donor can save up to 8 lives through organ donation and save and heal more than 75 lives through tissue donation, and can help restore sight in up to 2 people through cornea transplants; and

WHEREAS, in Colorado and most of Wyoming in 2024, a record 311 heroic organ donors provided 947 lifesaving transplants, and 1,860 heroic tissue donors saved and healed nearly 144,000 with tissue grafts; and

WHEREAS, registering gives hope back to the more than 1,300 people waiting for a lifesaving organ transplant in Colorado while compassionately celebrating donors and their families for the gift of life; and

WHEREAS, Fort Collins recognizes that organ, eye and tissue donation would not be possible without our community coming together, and by saying “Yes” to be an organ, eye and tissue donor, you're not just checking a box—you're saving and healing lives.

NOW, THEREFORE, I, Emily Francis, Mayor Pro Tem of the City of Fort Collins, do hereby proclaim the month of April 2025, as

NATIONAL DONATE LIFE MONTH

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 15th day of April, 2025.

Mayor Pro Tem

ATTEST:

City Clerk

File Attachments for Item:

PP 5. Declaring the Month of April, 2025 as Child Abuse Awareness and Prevention Month.



PROCLAMATION

WHEREAS, every child has the right to grow up in a safe, nurturing environment, free from harm and surrounded by care that fosters their healthy development; and

WHEREAS, child abuse and neglect impact individuals of all racial, cultural, and socioeconomic backgrounds, often resulting in long-term consequences to physical and mental health; and

WHEREAS, preventing child abuse and neglect is a shared responsibility that requires the collective efforts of individuals, families, and organizations across Fort Collins, including local agencies, schools, healthcare providers, law enforcement, businesses, and faith communities; and

WHEREAS, local organizations dedicated to child advocacy, counseling, and prevention services play a critical role in ensuring that children and families receive the support they need to heal, grow, and thrive; and

WHEREAS, ChildSafe Colorado has been serving Fort Collins since 1986, working to break the cycle of childhood trauma through specialized treatment, education, and community outreach, and continues to play a vital role in supporting survivors and strengthening families; and

WHEREAS, throughout April, the citizens of Fort Collins will have the opportunity to participate in awareness campaigns, prevention efforts, and community events designed to support survivors and promote a future free from abuse and neglect.

NOW, THEREFORE, I, Emily Francis, Mayor Pro Tem of the City of Fort Collins, do hereby proclaim April, 2025 as

CHILD ABUSE AWARENESS AND PREVENTION MONTH

in Fort Collins and urge all residents to recognize the importance of preventing child abuse and neglect, supporting affected individuals, and working together to build a safer, healthier community for all children and families.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 15th day of April, 2025.

Mayor Pro Tem

ATTEST:

City Clerk

File Attachments for Item:

1. Consideration and Approval of the Minutes of the April 1, 2025 Regular meeting.

The purpose of this item is to approve the minutes of the April 1, 2025 Regular meeting.

April 15, 2025



AGENDA ITEM SUMMARY

City Council

STAFF

Delynn Coldiron, City Clerk

SUBJECT

Consideration and Approval of the Minutes of the April 1, 2025 Regular meeting.

EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes of the April 1, 2025 Regular meeting.

STAFF RECOMMENDATION

Staff recommends approval of the minutes.

ATTACHMENTS

1. Draft Minutes, April 1, 2025

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

PROCLAMATIONS AND PRESENTATIONS

5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

PP 1. **Declaring the Week of April 13 - 19, 2025 as National Public Safety Telecommunicators Week.**

PP 2. **Declaring the week of April 6 - 12, 2025 as National Library Week.**

PP 3. **Declaring April 2025 as Distracted Driving Awareness Month.**

PP 4. **Declaring April 2025 as Sexual Assault Awareness Month.**

PP 5. **Declaring April 2025 as Fair Housing Month.**

Mayor Jeni Arndt presented the above proclamations at 5:00 p.m.

REGULAR MEETING

6:00 PM

B) CALL MEETING TO ORDER

Mayor Jeni Arndt called the regular meeting to order at 6:00 p.m. in the City Council Chambers at 300 Laporte Avenue, Fort Collins, Colorado, with hybrid participation available via the City's Zoom platform.

C) PLEDGE OF ALLEGIANCE

Mayor Jeni Arndt led the Pledge of Allegiance to the American Flag.

D) ROLL CALL

PRESENT

Mayor Jeni Arndt
Mayor Pro Tem Emily Francis
Councilmember Susan Gutowsky
Councilmember Julie Pignataro
Councilmember Tricia Canonico
Councilmember Melanie Potyondy
Councilmember Kelly Ohlson

STAFF PRESENT

City Manager Kelly DiMartino

City Attorney Carrie Daggett

City Clerk Delynn Coldiron

E) CITY MANAGER'S AGENDA REVIEW

City Manager Kelly DiMartino provided an overview of the agenda, including:

- Agenda was amended to include an updated presentation for Item No. 28, *Items Relating to City Charter Amendments*.
- Items 1-26 on the Consent Calendar are recommended for adoption.
- Council will be asked to postpone consideration of Item No. 27, *Second Reading of Ordinance No. 051, 2025, Amending Chapter 9 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Fire Code and Adopting the 2024 International Fire Code, with Amendments*, until May 20, due to issues that may need follow-up work.

F) COMMUNITY REPORTS

None.

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

Phoebe McWilliams discussed the harm caused by the contract with Republic Services and the opt-out fee. She stated she does not receive services from Republic and should not have to pay them. She stated she and others are angry about threats they are receiving related to non-payment. She commented on battery-powered trash trucks and stated the lithium for the batteries comes from child labor. She stated Council is focused on promoting globalism and not its constituents.

Alexandra Valenti spoke about the CCIP and stated housing she can afford is her highest priority. She urged Council to direct more resources toward affordable housing.

Joe Rowan encouraged Council to raise the priority of housing in the CCIP and argued that the only item that is consistently important to constituents is housing, which should be reflected in funding.

Michelle Haefele discussed a handout she provided related to a recent survey and the current Civic Assembly process. She provided information about her experience with surveys and expressed frustration about the way the results were presented. She commented on a facilities ranking and stated the three top results did not include a bike park. She asked why a bike park, which was not viewed by many as a priority, has been given so much time and resources.

Sue Ballou spoke in favor of the CCIP tax and housing. She stated this tax has done fabulous things for the City and acknowledged it is hard to pick what is important given the wide diversity of people and opinions. She stated housing rises to the highest priority for so many and should be elevated in the tax package.

Madison Smith proposed the adoption of a marijuana hospitality and sales license in Fort Collins. She stated such a license would include on-site consumption, sales of products, strict regulations, and social equity. She encouraged following the Denver license model and stated it would increase tax revenue, create jobs, and enhance tourism.

Deb James stated Beaver's Market was taken off the market and residents have been assured it will remain a grocery store. She commented on the importance of the market in the 15-minute city vision and stated it is important to protect existing infrastructure that supports that vision. She urged Council to keep pushing for ways to protect this type of infrastructure to ensure it is not lost.

Nick Haws discussed the importance of housing in the community and supported using a significant amount of the CCIP tax toward this use.

Elizabeth Mahon spoke about affordable housing and stated it is a high priority for her.

Yvonne Paez discussed the opt-out fee related to Republic Services and late notices received. She stated she was told she needed to submit a variance to the City to have it reviewed. As part of that process, she had to take time off work to meet two City employees at her home for a required site inspection, which she was told would take place annually. She stated the opt-out fee is akin to theft and stated she no longer wants to live in Fort Collins.

Dianna Murphy discussed the 2023 survey results and stated they did not identify bike parks as a high community priority and noted the ballot measure language that passed to protect the Hughes Stadium property did not include a bike park. She stated the presentation of a bike park feasibility study to the Civic Assembly prior to the City weighing in is problematic. She supported variance options for the trash opt-out fee.

Teri Clark noted she lives in one of the most desirable communities in Fort Collins in a Habitat for Humanity home. She discussed her three children who have recently graduated from college and stated the trajectory of her family was changed positively due to the opportunity for affordable housing. She urged Council to use CCIP taxes to support affordable housing.

Rich Stave discussed the waste fee that is creating an exclusion for dumpsters. He stated hardship or non-use was missing as a reason to grant a variance. He stated affordability is part of the housing issue and \$10 can be used to pay other bills versus having to pay an opt-out fee. He also noted the fee does not apply to businesses, townhomes, or condos, and is therefore not universal. Stave also suggested there is a conflict of interest regarding the appointment to the Air Quality Advisory Board and stated it is important to have lower-level people serve on Boards to weigh in on the kinds of things normal people worry about.

Evan Stafford discussed the Gateway diversion improvement project and commented on the goal to restore the connectivity of the Poudre River. He noted there is a new Poudre River Improvement Fund due to the NISP lawsuit settlement and encouraged Council to create a resolution or direct staff to create boat passage as well as fish passage at Gateway.

Rachael Ardanuy discussed the adoption by other jurisdictions of home cannabis delivery and hospitality and sales licenses. She stated Fort Collins should remain a model for how to regulate the businesses and noted these changes would generate revenue for the city. She urged Council to consider making these changes to help provide opportunities for new small businesses.

Paul Searles discussed the late notices residents have received regarding the opt-out trash fee. He supported variance and exclusion options and suggested it would have been better to have worked on those prior to the program being implemented. He proposed a retroactive exclusion for those who have received late notices.

Holli McElwee stated the City's Sustainability Department confirmed the Remington Street parking lot would be offered as a land contribution to Housing Catalyst and the parking would not be replaced. She stated this is contrary to what has been communicated to Council which is under the impression there is a parking replacement plan in place. She stated not replacing the parking conflicts with the

City's Downtown Master Parking Plan and stated this topic did not include any engagement with the downtown business community. She urged Council to consider the details regarding the Housing Catalyst project and stated there is currently a wait list of over 190 individuals seeking downtown parking spaces.

Collins Thomas-Buckner requested Council adopt a cannabis delivery permit fee and off-site storage premises licensing fee. He commented on the revenue that would be generated for the city and stated Boulder, Longmont, and Denver have similar programs. He stated cannabis delivery is safe given state regulations related to ID scanning and dash cam video requirements.

Adam Hirschhorn noted he is running for Mayor and discussed a variety of issues including the trash opt-out fee, President Trump, Gaza, and fentanyl.

Dalton Latham urged City planners to reconsider repurposing the Remington Street parking lot for affordable housing. He stated losing the parking lot would have severe consequences for the Aggie Theater and broader downtown economy. He stated the Theater generates more than \$3.6 million annually in revenue and supports more than 70 jobs. He stated losing the parking lot could result in businesses closing and people not going downtown. He urged Council to reconsider the location of the affordable housing project to a more suitable location that would not jeopardize local businesses and downtown.

Nicholas Sahwin spoke in favor of the Connexion Workers' Coalition and discussed the severe understaffing of the tech support team at Connexion. He commented on Connexion workers quitting, none of whom have been replaced. He stated some workers are feeling harassed by upper management's push for metrics despite the lack of staffing and stated Connexion workers should be treated better.

John Forrest stated he owns a small business and now has experience with hiring employees. He requested clarification regarding the relationship between unionizing organizations and Council. He requested why that relationship is not discussed more transparently and expressed support for workers being able to collectively advocate for better working conditions regardless of their industry.

Zora Beglarian spoke in support of the Connexion Workers' Coalition and requested transparency related to the issue.

Patricia Babbitt discussed the feasibility studies that have been mentioned and questioned the justification for the bike park feasibility study seemingly geared toward the Hughes Stadium site without allocating funds for other uses that the public open space designation includes. She stated bike parks were not ranked as a high priority for the community based on survey results and questioned why the Civic Assembly process seems to have much stronger representation from groups whose aim is to develop the Hughes site rather than keep it as open space. She encouraged people to attend tomorrow's candidate information session in Council Chambers and commented on the importance of having environmentally friendly Councilmembers.

Erik Lode stated the opt-out fee for trash is being charged for vacant lots and stated he has taken care of his own trash for decades. He stated Fort Collins residents do not have to pay opt-out fees to other companies for not using their services and questioned why the trash situation is different.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Pignataro stated she recently met with a local marijuana establishment owner and learned about the trouble they are having trying to relocate. She stated Council's work plan is already set for the remainder of this Council's term; however, she does hope to bring up making changes to the marijuana business regulations in the next two years. She thanked Deb James for bringing the

update on Beaver's Market and noted the update process for the Land Use Code related to commercial corridors is underway. Additionally, she noted many of the more scientifically-oriented Boards often receive applications from people already in the industry. She stated she would be bringing forth a topic under Other Business related to the Gateway fish and boat passage. She commented on the fact that Council has three direct reports, and trust is placed in them to run the city. She asked if there is an update related to the Remington Street parking lot redevelopment situation. Tyler Marr, Deputy City Manager, replied it is early in the process; however, the item is scheduled to go to the Council Finance Committee in May. He stated Council approved a memorandum of understanding (MOU) that explores the sale of the site for the development of an affordable housing project, and that the MOU does not hold Housing Catalyst responsible for the replacement of the public surface parking. However, the City is committed to exploring a parallel path, hopefully in partnership with the Downtown Development Authority, for replacement parking options.

Councilmember Potyondy requested follow-up information regarding parking structure utilization and employee parking. Deputy City Manager Marr stated the Downtown Parking Study is currently underway and will help inform the discussion.

Councilmember Potyondy stated she has requested information regarding pathways to unionization that have been explored by other municipalities. Additionally, she stated the timing of the Hughes Civic Assembly process, and the bike park feasibility study has made it difficult to separate them. Ginny Sawyer, Policy and Project Manager, stated the initial outreach done about the Hughes property in 2021-2022 resulted in a great deal of advocacy for a bike park, and the study resulted from the 'if not Hughes, then where' conversation.

Councilmember Gutowsky commented on the confusion around the bike park feasibility study and stated she opposed it given the relatively low priority ranking in the survey. She stated other higher-ranking items are more closely aligned with the initial intent of the Hughes ballot initiative. She thanked the community members for their discussion of the original priorities.

Mayor Arndt stated Fort Collins is not a member of the U.S. Conference of Mayors and she does not participate in any of those meetings. Additionally, she was invited to join the Global Parliament of Mayors, but she has not participated in any of those conferences either.

Councilmember Pignataro asked if tonight's item addresses the vacant lot trash opt-out fee issue. Josh Birks, Economic Health Director, replied part of what is being done with the most recent round of letters is to get an accurate understanding of the customers. He noted the letters are meant to be educational and stated vacant lots should not be charged the opt-out fee. He stated individuals in this situation should contact the City and the account will be removed.

Councilmember Pignataro noted two years of study went into the contracted hauler program and stated opt-out fees are the only way to meet the single-stream recycling goals and reduce the impact on roadways. She stated work will continue and adjustments will be made as needed based on best practices. Birks noted there are variance programs for individuals who generate extremely small amounts of trash.

Councilmember Pignataro asked if any hardship clauses are being considered. Birks replied a low-income offset fund was funded in the last budget cycle and details are being finalized.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

J) CONSENT CALENDAR**1. Consideration and Approval of the Minutes of the March 18, 2025 Regular meeting.**

The purpose of this item is to approve the minutes of the March 18, 2025 Regular meeting.

Approved.

2. Second Reading of Ordinance No. 041, 2025, Reappropriating Funds Previously Appropriated in 2024 But Not Expended and Not Encumbered in 2024.

This Ordinance, unanimously adopted on First Reading on March 18, 2025, reappropriates monies in 2025 that were previously authorized by City Council for expenditures in 2024 for various purposes. The authorized expenditures were not spent or could not be encumbered in 2024 because:

- There was not sufficient time to complete bidding in 2024 and therefore, there was no known vendor or binding contract as required to expend or encumber the monies; or*
- The project for which the dollars were originally appropriated by Council could not be completed during 2024 and reappropriation of those dollars is necessary for completion of the project in 2025.*

Additionally, there may have been sufficient unspent dollars previously appropriated in 2024 to carry on programs, services, and facility improvements in 2025 for those specific purposes.

In the above circumstances, the unexpended and/or unencumbered monies lapsed into individual fund balances at the end of 2024 and reflect no change in Council policies.

Adopted on Second Reading.

3. Second Reading of Ordinance No. 042, 2025, Appropriating Prior Year Reserves and Authorizing Transfers Related to 49 U.S.C. § 5339(b) Program Funding for Accessibility Enhancements to the Transit System.

This Ordinance, unanimously adopted on First Reading on March 18, 2025, supports Transfort in enhancing accessibility throughout the Transfort system by:

- Appropriating \$2,411,550 in unanticipated grant revenue awarded to Transfort by the Federal Transit Administration (FTA);*
- Transferring \$222,450 from the Community Capital Improvement Program (CCIP) Bus Stop Improvements to the Transit Service Fund where it will serve as local match for federal grant funding; and*
- Appropriating a development contribution to construction of \$193,000 from CSU's Alternative Transportation Fee Advisory Board (ATFAB) to serve as local match for federal grant funding.*

Transfort secured \$2,411,550 in competitive grant funding from the FTA to enhance accessibility and improve transit infrastructure, ensuring compliance with the Americans with Disabilities Act of 1990 (ADA) throughout the Transfort system. These improvements align with the City's commitment to providing equitable, accessible, and inclusive transit services for all community members.

Adopted on Second Reading.

4. **Second Reading of Ordinance No. 043, 2025, Appropriating Prior Year Reserves and Unanticipated Philanthropic Revenue Received Through City Give for Various Programs and Services as Designated by the Donors.**

This Ordinance, unanimously adopted on First Reading on March 18, 2025, requests an appropriation of \$26,632 in philanthropic revenue received by City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

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

Adopted on Second Reading.

5. **Second Reading of Ordinance No. 044, 2025, Appropriating Prior Year Reserves in the General Fund for Electric Vehicle Infrastructure Cost-sharing Fee Credits for Affordable Housing.**

This Ordinance, unanimously adopted on First Reading on March 18, 2025, continues funding for the pilot program providing Electrical Vehicle (EV) Infrastructure Offset Fee Credits for qualifying affordable housing projects. Originally, Council appropriated \$238,000 in 2022 and the balance of the funds were reappropriated in the 2023 and 2024 Reappropriation Ordinances. This item requests a supplemental appropriation for the remaining balance of \$200,000 to continue the pilot program.

Adopted on Second Reading.

6. **Second Reading of Ordinance No. 045, 2025, Making Supplemental Appropriation and Authorizing Transfer of Appropriation Related to FASTER Transit Program Funding for the FLEX Regional Route Operating Costs.**

This Ordinance, unanimously adopted on First Reading on March 18, 2025, supports operating expenses for Transfort's commuter FLEX Regional Routes by:

1) Appropriating \$300,000 in unanticipated grant revenue awarded to Transfort by the Colorado Department of Transportation (CDOT) through its Fiscal Year 2024 (FY24) Funding Advancements for Surface Transportation and Economic Recovery Act of 2009 (FASTER) Transit Grant Program; and

2) Transferring \$300,000 of previously appropriated Transfort operational funds to meet the local match requirement for the FY24 FASTER grant.

Adopted on Second Reading.

7. **Second Reading of Ordinance No. 046, 2025, Making a Supplemental Appropriation of Multimodal Transportation and Mitigations Options Fund Grant Revenue for the Foothills Transit Station Project.**

This Ordinance, unanimously adopted on First Reading on March 18, 2025, appropriates unanticipated grant revenue awarded to Transfort by the North Front Range Metropolitan Planning Organization (NFRMPO). Transfort secured \$317,669 in discretionary state grant funding to construct the Foothills Transit Station and Roundabout, including design, electrical, right-of-way (ROW) acquisition costs, and related expenses, at the intersection of Overland Trail

and West Elizabeth Street adjacent to Colorado State University's (CSU) Foothills Campus. The Foothills Transit Station will serve as the western terminus for multiple local and regional routes as well as the future West Elizabeth Bus Rapid Transit (BRT) line.

Adopted on Second Reading.

8. **Second Reading of Ordinance No. 047, 2025, Appropriating Prior Year Reserves in the Parking Fund for Hourly Expenses.**

This Ordinance, unanimously adopted on First Reading on March 18, 2025, appropriates prior year reserves from the Parking Fund to support 2025 hourly salaries.

Adopted on Second Reading.

9. **Second Reading of Ordinance No. 048, 2025, Making a Supplemental Appropriation for the Carpenter and Timberline Intersection Project.**

This Ordinance, unanimously adopted on First Reading on March 18, 2025, enables the City to receive and expend Federal funds for the Carpenter and Timberline Intersection project (Project). The funds will be used for design and construction of improvements at the intersection of Carpenter Road and Timberline Road. If adopted, the item will appropriate \$2,082,608 of Highway Safety Improvement Program (HSIP) grant funds to the Project. Resolution 2025-015 was adopted on March 18, 2025, authorizing the Mayor to execute an amendment to the Intergovernmental Agreement (IGA) for the Project with Colorado Department of Transportation (CDOT).

The Project will not appropriate any money to the Art in Public Places Program as the Project is 100% grant funded at this time.

Adopted on Second Reading.

10. **Second Reading of Ordinance No. 049, 2025, Appropriating Prior Year Reserves and Authorizing Transfers to be Used as Local Match for Carbon Reduction Program Funding for ADA Bus Stop Improvements Projects.**

This Ordinance, unanimously adopted on First Reading on March 18, 2025, supports Transfort in enhancing accessibility at bus stops in Transfort's service area.

The City was awarded \$538,447 in Carbon Reduction Program (CRP) grant funds from the Colorado Department of Transportation (CDOT) in support of Transfort performing bus stop improvements along Regionally Significant Corridors. The awarded funds and required local match of \$111,930 will support design, right-of-way (ROW) acquisition, the construction of concrete pads, and the installation of amenities such as shelters, benches, bike racks, and trash cans.

Approval of this item would support the City in enhancing accessibility at Transfort bus stops by transferring \$100,000 from the Community Capital Improvement Program Fund (CCIP) to the Transit Services Fund for ADA Bus Stop Improvements Projects where it will serve as local match for previously appropriated CRP Grant Funds. Resolution 2025-016 was adopted on March 18, 2025, authorizing the Mayor to execute an Intergovernmental Agreement (IGA) with CDOT which will result in the receipt by Transfort of \$538,447 in CRP grant funds for fiscal year (FY) 2025.

Adopted on Second Reading.

11. **Second Reading of Ordinance No. 050, 2025, Amending Section 9-4 of the Code of the City of Fort Collins for the Purpose of Clarifying Enforcement of Open Fire and Burning Restrictions.**

This Ordinance, unanimously adopted on First Reading on March 18, 2025, amends the enforcement and penalty provision under City Code Section 9-4 to clarify that it applies to all violations under Chapter 9, including violations of the Open Fire and Burning Restrictions.

Adopted on Second Reading.

12. **Second Reading of Ordinance No. 052, 2025, Amending the Boundary of the Willard and Gladys Eddy House and Shared Barn, 509 Remington Street, Fort Collins, Colorado, a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.**

This Ordinance, unanimously adopted on First Reading on March 18, 2025, seeks an amendment, as requested by the property owners of 509 Remington Street, to the Landmark boundary listed in the designation ordinance of the property to more accurately reflect its legal description. The lot line modification was recorded with Larimer County in 2024. After review and consideration of the proposal at their February 19, 2025 hearing, the Historic Preservation Commission (HPC) recommended through HPC Resolution 1, 2025, that Council approve the Ordinance amending the Landmark boundary.

Adopted on Second Reading.

13. **Second Reading of Ordinance No. 053, 2025, Amending the Boundary and Landmark Name of the Fred W. Stover House and Garage, 515 Remington Street, Fort Collins, Colorado, a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.**

This Ordinance, unanimously adopted on First Reading on March 18, 2025, seeks an amendment, as requested by the property owners of 515 Remington Street, a City Landmark designated in 1997, to the Landmark boundary and title listed in the designation ordinance of their property to more accurately reflect its legal description. The lot line modification was recorded with Larimer County in 2024, and the barn that was shared between 515 and 509 Remington Street was relocated entirely within the 509 Remington Street parcel. After review and consideration of the proposal at their February 19, 2025, hearing, the Historic Preservation Commission (HPC) recommended through HPC Resolution 1, 2025, that Council approve the Ordinance amending the boundary and the name of the Landmark.

Adopted on Second Reading.

14. **First Reading of Ordinance No. 054, 2025, Making a Supplemental Appropriation of Funds Received from the Colorado Department of Local Affairs Gray and Black-Market Marijuana Enforcement Grant Program for the Fort Collins Police Services Marijuana Enforcement Program.**

The purpose of this item is to support Fort Collins Police Services' Marijuana Enforcement Program in investigating gray and black-market marijuana cases by appropriating \$39,500 of unanticipated grant revenue from the Colorado Department of Local Affairs (DOLA), Gray and Black-Market Marijuana Enforcement.

Adopted on First Reading.

15. **First Reading of Ordinance No. 055, 2025, Appropriating Prior Year Reserves Received Through City Give for the Payment Assistance Fund as Designated by the Donors.**

The purpose of this item is to request an appropriation of \$443,600 in philanthropic revenue received through City Give. These gifts to the Utilities Payment Program account (the "Payment Assistance Fund") established in Section 26-722 of the Code, align with both the City's strategic priorities and the respective donors' designation.

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

Adopted on First Reading.

16. **First Reading of Ordinance No. 056, 2025, Appropriating Philanthropic Revenue Received Through City Give for the Pottery Studio, Recreation, Community Services as Designated by the Donor.**

The purpose of this item is to request an appropriation of \$550,924.99 in philanthropic revenue received through City Give. These estate gifts to the Pottery Studio align with both the City's strategic priorities and the respective donors' designation.

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

Adopted on First Reading.

17. **First Reading of Ordinance No. 057, 2025, Making a Supplemental Appropriation of Grant Funds from the Colorado Department of Local Affairs for the Fort Collins Police Services' Office of Human Services.**

The purpose of this item is to appropriate \$100,000 in unanticipated revenue awarded to the City from the Colorado Department of Local Affairs (DOLA) FY2024-2025 Peace Officers Behavioral Health Support and Community Partnerships Grant Program in support of Police Services Office of Human Services.

The funds will be used to hire a contractual Police Mental Health Counselor to support police employees and their family members with addressing behavioral health issues that arise. A range of services will be provided, including counseling for officers and family members for job-related trauma, and training and education programs on preventing and treating job-related trauma.

As presented per Attachment 3, there is no requirement that the City sign an agreement for the award. Rather upon the City submitting the first request for reimbursement, the City agrees to all terms and conditions of the award.

Adopted on First Reading.

18. **First Reading of Ordinance No. 058, 2025, Authorizing Transfers of Appropriations from Broadband Operating Funds to Capital Project Accounts.**

The purpose of this item is to transfer monies that were previously appropriated by City Council as 2025 Broadband operating fund expenses to Broadband capital projects. The previously authorized operating expenditures are not expected to be spent in 2025 because:

- Connexion video product sales have slowed and related appropriated costs will not be fully expended in 2025.

- Marketing budget, after review, has sufficient underspend expected in 2025.
- Other operating efficiencies exist resulting in additional expected underspend in 2025.

Staff recommends transfer of the total unencumbered and unspent budget appropriations to Broadband capital projects for the purpose of funding additional installations resulting from increased customer sign-ups.

Adopted on First Reading.

19. Items Relating to the Willow Street Improvements – Linden Street to Lincoln Avenue Project.

A. Resolution 2025-042 Authorizing the Execution of an Intergovernmental Agreement Regarding a Grant of Funds for the Second Phase of the Willow Street Improvements Project Between the City of Fort Collins and the Downtown Development Authority for the Willow Street Improvements – Linden Street to Lincoln Avenue Project.

B. First Reading of Ordinance No. 059, 2025, Making Supplemental Appropriations from Grant Revenue and Authorizing Transfers of Appropriations for the Willow Street Improvements – Linden Street to Lincoln Avenue Project and Related Art in Public Places.

The purpose of these items is to enable the City to receive and expend Downtown Development Authority (DDA) grant funds for the Willow Street Improvements – Linden Street to Lincoln Avenue project (Project). The funds will be used for design and right-of-way acquisition for improvements along Willow Street between Linden Street and Lincoln Avenue. If approved, the item will: 1) authorize the Mayor to execute an Intergovernmental Agreement (IGA) for the Project with the DDA; 2) transfer \$70,000 from existing funds for the Willow Street Improvements project west of Linden Street to the Project; 3) appropriate \$180,000 of DDA grant funds to the Project; 4) appropriate \$1,800 of Transportation Services Fund reserves to the Project; and 5) appropriate \$1,800 (1%) of the DDA grant funds to the Art in Public Places (APP) program.

Resolution Adopted and Ordinance Adopted on First Reading.

20. Items Relating to Code Updates for Water Utility Fees.

A. First Reading of Ordinance No. 060, 2025, Amending Chapter 26 of the Code of the City of Fort Collins Regarding Fees When a Single Water Service for a Duplex is Split Between the Two Dwelling Units.

B. First Reading of Ordinance No. 061, 2025, Amending Chapter 26-148 of the Code of the City of Fort Collins to Revise the Water Supply Requirement for Residential Lots.

The purpose of these items is to ensure that new or expanded water service connections contribute to system capacity costs.

Both Ordinances Adopted on First Reading.

21. **First Reading of Ordinance No. 062, 2025, Amending Sections 12-29 and 12-30 of the Code of the City of Fort Collins to Update the Residential Waste Collection Program.**

The purpose of this item is to update the City Code to modify the Contracted Residential Waste Collection Program and include additional variance and exclusion options that were not originally anticipated.

Adopted on First Reading.

22. **Resolution 2025-043 Approving the Design, Creation and Installation of Public Art at Schoolside Park.**

The purpose of this item is to approve expenditures from the Art in Public Places (APP) Reserve Account to commission an artist to create art for the Schoolside Park Project. The expenditure of \$45,000 will be for design, engineering, materials, signage, fabrication, delivery, installation, and contingency for Gregory Fields to create the artworks for the Schoolside Park Project.

Adopted.

23. **Resolution 2025-044, Authorizing the Amendment of an Intergovernmental Agreement Between the City of Fort Collins and the U.S. Department of Transportation for Implementation of a Smart Grid Electric Vehicle Charge Management Solution.**

*The purpose of this item is for Council to ratify the Mayor having signed an Amendment to the Intergovernmental Agreement (IGA) between the City and the Department of Transportation (DOT) to extend the expiration date of the IGA. Notwithstanding the City meeting all required milestones of the project also known as **Stage 1 SMART grid project**, the DOT and City agreed to extend the project to September 15, 2025, from an original end date of March 15, 2025. The basis of extending the term to September 15, 2025, is to support a smooth transition to the Stage 2 SMART grid project.*

The City received an award from DOT for \$11.7 million in support of the Stage 2 SMART grid project. The City and DOT are currently working on finalizing scope of work, budget and period of performance that will be incorporated into a proposed IGA between the City and DOT.

Adopted.

24. **Resolution 2025-045 Authorizing Respite Care Inc. to Retain Community Development Block Grant Funding to Apply Towards a New Public Facility.**

The purpose of this item is to obtain authorization from Council to allow Respite Care to sell their current building located at 6203 S. Lemay Ave, which was improved with \$72,700 in Community Development Block Grant funding, and to retain the funding provided by the City to re-invest in a new public facility. These funds were provided as a Due on Sale Loan, which triggers repayment upon the sale of the existing building. Approval by Council is required to allow Respite Care to transfer the funding to a new building.

Adopted.

25. Resolution 2025-046 Ratifying the Reappointment of Rick Rivera to the Poudre River Public Library District Board of Trustees.

The purpose of this item is to fill an existing vacancy on the Poudre River Public Library District Board of Trustees.

Adopted.

26. Resolution 2025-047 Making an Appointment to the Air Quality Advisory Board.

The purpose of this item is to fill a vacancy on the Air Quality Advisory Board.

Adopted.

END OF CONSENT CALENDAR

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to approve the recommended actions on items 1-26 on the Consent Calendar.

Councilmember Potyondy commended staff on their work related to the roll out of the contracted hauler system and supported the exemption options. She encouraged looking further at subdivided single-family homes.

Councilmember Pignataro asked about the pilot program component of Item No. 5, *Second Reading of Ordinance No. 044, 2025, Appropriating Prior Year Reserves in the General Fund for Electric Vehicle Infrastructure Cost-sharing Fee Credits for Affordable Housing*. Deputy City Manager Marr stated Council will see the effects of the pilot program as part of the upcoming energy code amendments. He stated there is a chance the pilot program will continue, but perhaps at a different scale or in a different form depending on the codes Council adopts for multi-family EV requirements. City Manager DiMartino noted the item will be discussed at a fall work session.

The motion carried 7-0.

K) CONSENT CALENDAR FOLLOW-UP *(This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.)*

Mayor Arndt commended Respite Care for being a great member of the community and providing an extremely valuable service to residents, per Item No. 24, *Resolution 2025-045 Authorizing Respite Care Inc. to Retain Community Development Block Grant Funding to Apply Towards a New Public Facility*.

L) STAFF REPORTS

None.

M) COUNCILMEMBER REPORTS

Councilmember Melanie Potyondy

- Kudos to CPIO Department for the April Fool's Day social media video.

Mayor Jeni Arndt

- Kudos to the president of the Associated Students of Colorado State University whose term ends today. She stated ASCSU has formed strong ties with the community and Council under his leadership.

Clerk's Note: Mayor Arndt called for a break at 7:23 p.m., noting the meeting would resume at 7:33 p.m.

N) CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR FOR INDIVIDUAL DISCUSSION

None.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

27. Second Reading of Ordinance No. 051, 2025, Amending Chapter 9 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Fire Code and Adopting the 2024 International Fire Code, with Amendments.

This Ordinance, unanimously adopted on First Reading on March 18, 2025, repeals the 2021 International Fire Code and adopts the 2024 International Fire Code (IFC) with local amendments. The International Code Council (ICC) publishes Code updates every three years. The Poudre Fire Authority (PFA) Board of Directors has reviewed and approved this Code package and is requesting the Code be adopted as amended.

Since this Ordinance was adopted on First Reading, staff has identified concerns with delegating the City's authority to hear appeals of decisions of the Fire Code Official to PFA. Additionally, staff has researched and confirmed that City Code Section 9-3 is no longer in use and is a carryover from the City's early fire codes, and it should be deleted. As a result, staff is requesting that Council move to amend the Ordinance on Second Reading to maintain the Building Review Commission as the Fire Board of Appeals and to repeal Section 9-3 in the manner described below.

Regardless of whether Council chooses to amend this Ordinance as requested, additional Code changes will be necessary to clean up Fire Code references in other parts of the Code, which staff will bring forward at a later date.

City Manager DiMartino noted staff is recommending this item be postponed to May 20th.

PUBLIC COMMENT

Joe Rowan encouraged Council to take this opportunity to run the Fire Code through some Boards and Commissions to ensure there are no conflicts. He stated Poudre Fire Authority is more of a contractor to the City and should not be entrusted to create the Code that applies to all of PFA's service areas.

Rich Stave stated this item needed a summary of what is trying to be achieved. He stated affordability is impacted by code changes.

COUNCIL DISCUSSION

Mayor Arndt encouraged staff to run this through relevant Boards and Commissions if there is time. She thanked staff for taking time to consider what is being suggested and thanked community members that have been involved in reviewing the changes. City Manager DiMartino stated she would check on the feasibility of going to Boards and Commissions based on the postponement date.

Mayor Pro Tem Francis moved, seconded by Councilmember Gutowsky, to postpone consideration of the Second Reading of Ordinance No. 051, 2025, Amending Chapter 9 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Fire Code and Adopting the 2024 International Fire Code, with Amendments, to May 20, 2025.

The motion carried 7-0.

28. Items Relating to City Charter Amendments.

This item has been amended to include an updated presentation to Council.

A. Possible Public Hearing and Motion(s) Regarding Protest(s) of Ballot Language.

B. First Reading of Ordinance No. 063, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending Articles II, IX, and X of the City Charter to Correct Errors and Conform to Amendments Adopted in November 2024.

C. First Reading of Ordinance No. 064, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending Articles II, IV and XIII of the City Charter Related to Alignment with Amended or Further Developed Laws and Removing Inconsistencies.

D. First Reading of Ordinance No. 065, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins A Proposed Charter Amendment Amending Articles II and IV of the City Charter to Modernize Certain Provisions.

E. First Reading of Ordinance No. 066, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending Article IV of the City Charter Related to Conflicts of Interest.

F. First Reading of Ordinance No. 067, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending the City Charter to Modernize and Update It by Reformatting and Updating Language Usage for Ease of Reading and Clarity and Eliminating Inapplicable and Invalid Provisions.

G. First Reading of Ordinance No. 068, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending Sections 1 and 18 of Article II of the City Charter Related to Vacancies and Application of Term Limits to Partial Terms.

The purpose of these items is to set ballot language regarding proposed amendments resulting from the Charter Update Project and submit them to the voters at the November 4, 2025, election.

The ordinances do not include amendment numbers. The Council will establish the order of the amendments to be presented on the ballot by motion during the April 15 Council meeting and the ordinance titles will be adjusted based on the order.

Any protest of the proposed ballot language must be received no later than Monday, March 31, 2025, at noon. Protest(s) shall be heard, considered, and resolved by the Council prior to adoption of the related Ordinance. If protests are received, copies will be included in Council's "Read Before the Meeting" packet.

City Attorney Daggett introduced the item and staff members who would be presenting. She noted the City Charter is the overall guiding document for the City and it was originally adopted in 1954 with several amendments having occurred since then. She suggested Council may want to postpone consideration of Ordinance No. 068, 2025 to April 15 based on Council's discussion.

Jenny Lopez-Filkins, Senior Deputy City Attorney, noted this is the first time a comprehensive review and update of the City Charter has been done in 25 years; therefore, there are several proposed amendments. She outlined the feedback provided by Council at work sessions and provided a summary of proposed amendments related to the correction of errors and conformation to amendments adopted in November of 2024, aligning with amended or further developed laws and removing inconsistencies, modernizing certain provisions, relating to conflicts of interest, and reformatting and updating language usage for ease of reading and clarity and eliminating inapplicable and invalid provisions.

City Attorney Daggett discussed the current Charter provisions related to vacancies and application of term limits to partial terms and outlined some of the basic components staff has proposed for the amendments. She stated Council may want to identify a work session to have a dialogue around the vacancy provisions.

GENERAL PUBLIC COMMENT

Joe Rowan encouraged the City to provide a voter information guide for Charter amendment items that are placed on the ballot. Additionally, he stated no public hearing items should be placed on the Consent Agenda.

Adam Hirschhorn commented on the provision related to reading Code aloud and questioned why it was being removed.

Diana Murphy commented on utilizing write-in candidates per the vacancy discussion.

ORDINANCE NO. 063, 2025

PUBLIC COMMENT

Rich Stave expressed concern about too many items being grouped together. He stated due process is being violated regarding the requirement to file a notice with the Council before a court decision.

COUNCIL DISCUSSION

Councilmember Pignataro requested staff input regarding Mr. Stave's comments. Lopez-Filkins replied there was a voter-approved change in November of 2024 and this change would bring the provision in line with that change. It would require a registered elector to file notice with the Clerk challenging the qualifications of any member of Council prior to seeking a court determination.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Ordinance No. 063, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending Articles II, IX, and X of the City Charter to Correct Errors and Conform to Amendments Adopted in November 2024, on First Reading.

The motion carried 7-0.

ORDINANCE NO. 064, 2025

PUBLIC COMMENT

Rich Stave stated this item seems to allow for Council to determine whether the Colorado Open Meetings law can be circumvented. He stated the state legislature has already been removing transparency from certain actions.

COUNCIL DISCUSSION

Councilmember Ohlson noted the City could be more liberal than the State with its disclosure of City records and asked if this change would diminish what is currently made available. Lopez-Filkins replied in the negative and stated the City already complies with Colorado Open Records law and there are no implications related to the Open Meetings law with this ordinance. She stated this ordinance would also clarify Council campaign contributions, specify which employees are prohibited from making campaign contributions in a Council election, and allow Council to hold Executive Sessions for the purposes that are already identified and allowed in state law.

Councilmember Potyondy noted many of the changes being made are to align with State law such that every time State law changes, the Charter does not have to be sent back to voters for associated changes.

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to adopt Ordinance No. 064, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending Articles II, IV and XIII of the City Charter Related to Alignment with Amended or Further Developed Laws and Removing Inconsistencies, on First Reading.

The motion carried 7-0.

ORDINANCE NO. 065, 2025

PUBLIC COMMENT

Rich Stave discussed issues with transparency regarding emergency ordinances. He also stated transparency is lost when Executive Sessions occur.

COUNCIL DISCUSSION

Councilmember Ohlson stated this language does not prevent a Councilmember or Mayor from reading an entire ordinance allowed. Lopez-Filkins concurred.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Ordinance No. 065, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins A Proposed Charter Amendment Amending Articles II and IV of the City Charter to Modernize Certain Provisions, on First Reading.

The motion carried 7-0.

ORDINANCE NO. 066, 2025

PUBLIC COMMENT

Rich Stave commented on real estate and eminent domain. He stated there seems to be a conflict of interest and questioned the use of the term 'fair market value.'

COUNCIL DISCUSSION

Councilmember Ohlson asked how this item emerged as an amendment. City Attorney Daggett replied there have been a few instances over many years in which a Councilmember had an ownership interest in a property the City was interested in acquiring. She stated the proposed language retains conflict of interest requirements but removes the absolute barrier.

Councilmember Canonico asked how fair market value is determined. City Attorney Daggett replied appraisers are typically used, though the City does have real estate staff that can do value estimates on properties with a fair amount of professional knowledge. She noted 'fair market value' is a very regularly used term.

Councilmember Pignataro stated she suspects this item will not be voter-approved given the language. She stated she would like the organization to consider creating a synopsis of the discussion around the ballot items.

City Attorney Daggett noted staff has been discussing State law pertaining to a voter guide, and there may be some authority for the City to create one. Geoff Wilson, outside legal counsel, stated the Fair Campaign Practices Act allows the City to put out a local blue book utilizing public funds to create and distribute the document, which would be required to include arguments for and against, but which could also include the description of the facts that gave rise to the necessity of the amendment.

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt Ordinance No. 066, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending Article IV of the City Charter Related to Conflicts of Interest, on First Reading.

The motion carried 7-0.

ORDINANCE NO. 067, 2025

PUBLIC COMMENT

Rich Stave stated he believes this Ordinance would eliminate the maximum mill levy of 15 mills and stated the item is aimed in the wrong direction.

COUNCIL DISCUSSION

Councilmember Potyondy noted the Women and Gender Equity Advisory Board sent a comprehensive list of how many incidents of gender specific language were found in the Charter and asked if those items are being updated as part of this ordinance. Lopez-Filkins replied no changes were incorporated related to manpower or mankind.

Councilmember Potyondy requested those items be considered for Second Reading.

Councilmembers and staff discussed proposed changes to the use of words 'shall' and 'may.'

Mayor Pro Tem Francis moved, seconded by Councilmember Gutowsky, to adopt Ordinance No. 067, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending the City Charter to Modernize and Update It by Reformatting and Updating Language Usage for Ease of Reading and Clarity and Eliminating Inapplicable and Invalid Provisions, on First Reading.

The motion carried 7-0.

ORDINANCE NO. 068, 2025

PUBLIC COMMENT

Rich Stave stated this item needs to be formatted in a way that makes it more easily understandable.

COUNCIL DISCUSSION

Councilmember Potyondy stated she would like to see an additional discussion around this item.

Councilmember Pignataro concurred and stated this type of discussion would better occur at a work session.

Mayor Arndt noted the State is currently revising its vacancy provisions and stated she would also like the work session to include a more in-depth discussion of the voter information guide.

Mayor Pro Tem Francis asked if there is ample time to put this item on a work session agenda given the timing of ballot items. City Attorney Daggett replied items need to be ready to be placed on the ballot by the end of summer, though it may be beneficial to get the language finalized earlier.

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to postpone indefinitely First Reading of Ordinance No. 068, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending Sections 1 and 18 of Article II of the City Charter Related to Vacancies and Application of Term Limits to Partial Terms.

The motion carried 7-0.

29. Items Relating to the 2025 Coordinated Election.

A. Resolution 2025-048 Approving an Intergovernmental Agreement with Larimer County and Directing Certification of Ballot Content for the 2025 Coordinated Election.

B. First Reading of Ordinance No. 069, 2025, Appropriating Prior Year Reserves in the General Fund to Cover the Anticipated Costs of the 2025 Regular Municipal Election and to Fund Additional Campaign Oversight.

The purpose of these items is to authorize the City Manager to enter into an Intergovernmental Agreement (IGA) with Larimer County for the conduct of the 2025 November coordinated election, and to direct the City Clerk to certify ballot content to the County no later than September 5, 2025. Both of these actions are required by State statute for the City to coordinate its regular municipal election with the County. Additionally, this Ordinance will authorize an additional appropriation to cover the anticipated costs of the election based on an estimate provided by Larimer County and will approve funding for campaign oversight based on a recommendation from the City's Election Code Committee.

Delynn Coldiron, City Clerk, discussed the voter approved change to coordinate local elections with the County and to approve ranked voting for Council races. She noted there is a requirement to enter into an intergovernmental agreement (IGA) with the County for each coordinated election, and this IGA is occurring earlier than normal due to the new ranked choice voting which is used for any race wherein there are three or more candidates. She also noted the cost of the election for Fort Collins is based on the number of registered voters in Fort Collins and the number of entities participating in the election and noted that Fort Collins will bear 100% of the costs associated with ranked choice voting as there are no other entities that are participating in this.

City Clerk Coldiron provided cost estimates for the election based on the number of participating entities and noted the entire estimated amount must be appropriated prior to entering into an IGA. She outlined the previously appropriated fund balance and discussed the ranked choice voting education and outreach expenses.

Cecelia Good, Senior Deputy City Clerk, commented on the Election Code Committee's discussion of campaign oversight, noting there is no proactive review of campaigns at this point. She stated two options were evaluated, one being an impartial outside service provider and one being an independent hearing board, though it was determined the single outside service provider would be the best initial step. Good outlined the duties of the potential outside service provider and discussed the associated costs of working with an outside contractor. She noted any unused funds for either of the proposed asks would be returned to the funding source.

PUBLIC COMMENT – RESOLUTION

Rich Stave commended the transparency of this item but questioned various components of the active eligible voters list requirement, including the number of individuals who are 18.

COUNCIL DISCUSSION – RESOLUTION

Councilmember Pignataro noted individuals can pre-register to vote prior to turning 18.

City Clerk Coldiron noted the language in the agreement with the County, including the eligible voters list, is boiler plate language and the County is responsible for the eligible registered voters list.

Mayor Arndt noted the rationale for supporting the IGA with the County stems from the Council opting to coordinate the election with the County.

Councilmember Potyondy stated she would support the appropriation, particularly given the funding for voter education. She asked if there are any implications of House Bill 21-1071 related to ranked choice voting in non-partisan elections and potential defraying of some of the costs by the State. City Clerk Coldiron replied that might apply and noted staff is looking into all options for potential State grant funding. She noted some of the cost reduction received by Boulder was in the form of licensing from the vendor that was doing the work. Additionally, she noted Fort Collins will not be charged the same high licensing costs Boulder was initially.

Councilmember Canonico asked about the typical spending on voter education in the past and asked if the education outreach efforts will continue moving forward as it will likely take several elections before voters are comfortable with ranked choice. City Clerk Coldiron stated efforts in the past were primarily focused on social media and newspaper advertising. She noted people have been requesting a blue book specific to Fort Collins for several years and stated she believes that can occur this year, at least in an electronic format. Additionally, staff will be attending events with practice ballots and the CPIO office has prepared an educational video.

Mayor Arndt also suggested hosting events prior to Council meetings.

Councilmember Canonico asked if a postcard with a QR code for the blue book could be sent out. City Clerk Coldiron replied there will be flyers and postcards with QR codes directing individuals to the elections page, which will have a link to a blue book.

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt Resolution 2025-048 Approving an Intergovernmental Agreement with Larimer County and Directing Certification of Ballot Content for the 2025 Coordinated Election.

The motion carried 7-0.

PUBLIC COMMENT – ORDINANCE

None.

COUNCIL DISCUSSION – ORDINANCE

Councilmember Pignataro noted there has been a group of dedicated individuals looking through finance reports over the past few election cycles and noted any individual in the community can still register a complaint, though the hope is that the outside consultant can help to take some of the burden off the public.

Mayor Pro Tem Francis thanked the Election Code Committee for its work.

Councilmember Canonico concurred and thanked staff for their work as well.

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to adopt Ordinance No. 069, 2025, Appropriating Prior Year Reserves in the General Fund to Cover the Anticipated Costs of the 2025 Regular Municipal Election and to Fund Additional Campaign Oversight, on First Reading.

The motion carried 7-0.

P) RESUMED PUBLIC COMMENT

None.

Q) OTHER BUSINESS

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

Councilmember Pignataro thanked the One Water Executive Director for work on a memo received by Council in March. She noted there have been conversations with rafting companies and other recreators about work being done at the Gateway dam to allow fish passage and the possibility of creating boat passage as well. She stated there may be additional opportunities for grant funding with the new Poudre River Improvement Fund. She suggested staff work with American White Water, the Mighty Arrow Foundation, and others to look at creating boat passage at the Gateway dam.

City Manager DiMartino stated this has been an evolving issue and new changes have opened additional financial viability.

Councilmember Pignataro asked how Council could receive updates. Deputy City Manager Marr replied there will be coordination with the groups that would likely be funding partners on the boat passage as well as with Northern Water, and staff will keep Council apprised of next steps.

R) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 9:20 p.m.

Mayor Pro Tem

ATTEST:

City Clerk

File Attachments for Item:

2. Second Reading of Ordinance No. 054, 2025, Making a Supplemental Appropriation of Funds Received from the Colorado Department of Local Affairs Gray and Black-Market Marijuana Enforcement Grant Program for the Fort Collins Police Services Marijuana Enforcement Program.

This Ordinance, unanimously adopted on First Reading on April 1, 2025, supports Fort Collins Police Services' Marijuana Enforcement Program in investigating gray and black-market marijuana cases by appropriating \$39,500 of unanticipated grant revenue from the Colorado Department of Local Affairs (DOLA), Gray and Black-Market Marijuana Enforcement.

April 15, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Jim Lenderts, Marijuana Enforcement Officer, Police Services
Kerri Ishmael, Senior Financial Analyst

SUBJECT

Second Reading of Ordinance No. 054, 2025, Making a Supplemental Appropriation of Funds Received from the Colorado Department of Local Affairs Gray and Black-Market Marijuana Enforcement Grant Program for the Fort Collins Police Services Marijuana Enforcement Program.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on April 1, 2025, supports Fort Collins Police Services' Marijuana Enforcement Program in investigating gray and black-market marijuana cases by appropriating \$39,500 of unanticipated grant revenue from the Colorado Department of Local Affairs (DOLA), Gray and Black-Market Marijuana Enforcement.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

"Gray Market" is a term that refers to marijuana grown legally and then sold in a way that would be illegal. An example would be where someone has a medical card with an "extended plant count" which may allow them to grow up to 99 plants, but instead of using the product for their own medical needs, they sell it on the black market either locally to minors or someone in another state.

For over five years, the State has made grant funding available to help address unlicensed and illegal marijuana activity in Colorado. Police Services utilizes this grant funding to investigate complaints of illegal residential cultivation operations and unlicensed smoke shops selling synthetic marijuana to minors.

In November 2024, the City was awarded \$39,500 through DOLA's Gray and Black-Market Marijuana Enforcement Grant Program for the purpose of investigating these cases of illegal marijuana cultivation and distribution outside the legal, licensing framework.

Use of grant funds for investigations allows Police Services to address criminal activity and to improve neighborhood livability. These DOLA funds support Police Services in addressing community priorities and emerging trends in a proactive manner.

CITY FINANCIAL IMPACTS

These grant funds provide additional resources to Police Service staff without having a direct impact on Police Services operating budget. Funds will be used for overtime pay, equipment and storage expenses in support of investigative work.

This item appropriates \$39,500 in unanticipated grant funds from DOLA's Gray and Black-Market Marijuana Enforcement program.

DOLA will advance the funds to the City for use in allowable purchases, including covering overtime pay and purchase of supplies and equipment. Any unused funds will be returned to DOLA by the end of the grant term, by May 31, 2026.

This grant award provides no cost share requirement by the City.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 054, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION OF FUNDS
RECEIVED FROM THE COLORADO DEPARTMENT OF LOCAL
AFFAIRS GRAY AND BLACK-MARKET MARIJUANA
ENFORCEMENT GRANT PROGRAM FOR THE FORT COLLINS
POLICE SERVICES MARIJUANA ENFORCEMENT PROGRAM

A. For over five years, the State has made grant funding available to help address unlicensed and illegal marijuana activity in Colorado.

B. In 2024, Fort Collins Police Services (FCPS) received \$39,641 from the Department of Local Affairs (“DOLA”) and continues to investigate complaints of illegal residential cultivation operations and unlicensed smoke shops selling synthetic marijuana to minors.

C. In November 2024, City of Fort Collins was awarded \$39,500 through the DOLA Gray and Black-Market Marijuana Enforcement Grant Program for the purpose of investigating cases of illegal marijuana cultivation and distribution outside the legal, licensing framework.

D. Use of this grant funding and investigations has not only addressed criminal activity but also improved neighborhood livability and provided insight into the level of unlicensed/illegal marijuana activity in the community. With additional insight and knowledge, Police Services can address community priorities and emerging trends in a proactive manner.

E. These grant funds help provide additional financial resources to supplement overtime costs, equipment, and storage expenses without having a direct impact on the City budget.

F. This item appropriates \$39,500 to FCPS Marijuana Enforcement Program from unanticipated grant revenue from DOLA by advancing the funds to the City of Fort Collins so overtime and equipment purchases may be authorized and any unused funds will be returned at the end of the grant period.

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

H. The City Manager has recommended the appropriation described herein and determined that the funds to be appropriated are available and previously

unappropriated from the General Fund and that this appropriation will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

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

J. The City Council wishes to designate the appropriation herein for the Colorado Department of Local Affairs Gray and Black-Market Enforcement Grant as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

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

Section 1. There is hereby appropriated from new revenue or other funds in the General Fund the sum of THIRTY-NINE THOUSAND FIVE HUNDRED DOLLARS (\$39,500) to be expended in the General Fund for the Fort Collins Police Services Marijuana Enforcement Program.

Section 2. The appropriation herein for the Colorado Department of Local Affairs Gray and Black-Market Enforcement Grant project is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Introduced, considered favorably on first reading on the April 1, 2025, and approved on second reading for final passage on the April 15, 2025.

Mayor Pro Tem

ATTEST:

City Clerk

Effective Date: April 25, 2025

Approving Attorney: Doug McDonald

File Attachments for Item:

3. Second Reading of Ordinance No. 055, 2025, Appropriating Prior Year Reserves Received Through City Give for the Payment Assistance Fund as Designated by the Donors.

This Ordinance, unanimously adopted on First Reading on April 1, 2025, requests an appropriation of \$443,600 in philanthropic revenue received through City Give. These gifts to the Utilities Payment Program account (the “Payment Assistance Fund”) established in Section 26-722 of the Code, align with both the City’s strategic priorities and the respective donors’ designation.

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

April 15, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Nina Bodenhamer, City Give Director

SUBJECT

Second Reading of Ordinance No. 055, 2025, Appropriating Prior Year Reserves Received Through City Give for the Payment Assistance Fund as Designated by the Donors.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on April 1, 2025, requests an appropriation of \$443,600 in philanthropic revenue received through City Give. These gifts to the Utilities Payment Program account (the "Payment Assistance Fund") established in Section 26-722 of the Code, align with both the City's strategic priorities and the respective donors' designation.

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

STAFF RECOMMENDATION

Staff recommends the adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The City has long been the beneficiary of local generosity and has a valuable role in our community's philanthropic landscape. Generosity is demonstrated in both large and modest gifts, each appreciated for its investment in the mission and the range of services the City strives to deliver.

Both Section 2.5 of the City's Financial Management Policy 2 – Revenue, as approved by Council, and the Administrative Philanthropic Governance Policy 6.04, adopted by the City Manager, (together the "City Give Policies"), provide the bases and processes for the responsible and efficient management of charitable donations to the City.

Over the past five years, donations to the Payment Assistance Fund have exceeded the distributions to community partners through the City's partnership with Energy Outreach Colorado. Financial assistance is currently funded through two sources: unclaimed payments or deposits and charitable contributions. To utilize the accumulated funds effectively, the Utilities Affordability team has launched an additional program within the Payment Assistance Fund for residents to receive utility support, the Utilities Emergency Fund (UEF) program. The UEF program opened on January 1, 2025, and as of February 13, approximately \$86,000 has been distributed to 292 applicants.

Utilities Affordability Fund program staff monitor amounts appropriated for the program and plan to engage City Give when additional donations are needed to request additional expenditure authority in order to maintain utility support for qualified residents.

This item requests an appropriation of \$443,600 designated for the Payment Assistance Fund received through City Give in prior fiscal years. The donors directed the City to use these generous donations for designated purposes within and to benefit City service areas and programs.

CITY FINANCIAL IMPACTS

Upon adoption, this Ordinance will appropriate in the current fiscal year into the Light and Power Fund philanthropic revenue received through City Give in the amount of \$443,600 and authorize expenditures against those revenues for the purposes of the Utilities Emergency Fund program within the Payment Assistance Fund. These revenues have been received and accepted per the City Give Policies.

The City Manager has also determined that these appropriations are available and previously unappropriated from their designated Light and Power Fund and will not cause the total amount appropriated in the Light and Power Fund to exceed the current estimate of actual and anticipated revenues during fiscal year 2025.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 055, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES RECEIVED
THROUGH CITY GIVE FOR THE PAYMENT ASSISTANCE FUND
AS DESIGNATED BY THE DONORS

A. In the last five years, the City has received generous donations to the Utilities Payment Program account (the "Payment Assistance Fund"), established in Section 26-722 of the City Code, both large and modest, as philanthropic gifts to City residents.

B. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of supporting the Utilities Emergency Fund program in the Payment Assistance Fund, which benefits qualified utility customers needing financial assistance for electrical and water utilities.

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

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

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that there is hereby appropriated from prior year reserves in the Light and Power Fund the sum of FOUR HUNDRED FORTY-THREE THOUSAND SIX HUNDRED DOLLARS (\$443,600) to be expended in the Light and Power Fund for the Payment Assistance Fund.

Introduced, considered favorably on first reading on April 1, 2025, and approved on second reading for final passage on April 15, 2025.

Mayor Pro Tem

ATTEST:

City Clerk

Effective Date: April 25, 2025

Approving Attorney: Dianne Criswell

File Attachments for Item:

4. Second Reading of Ordinance No. 056, 2025, Appropriating Philanthropic Revenue Received Through City Give for the Pottery Studio, Recreation, Community Services as Designated by the Donor.

This Ordinance, unanimously adopted on First Reading on April 1, 2025, requests an appropriation of \$550,924.99 in philanthropic revenue received through City Give. These estate gifts to the Pottery Studio align with both the City's strategic priorities and the respective donors' designation.

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

April 15, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Nina Bodenhamer, City Give Director

SUBJECT

Second Reading of Ordinance No. 056, 2025, Appropriating Philanthropic Revenue Received Through City Give for the Pottery Studio, Recreation, Community Services as Designated by the Donor.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on April 1, 2025, requests an appropriation of \$550,924.99 in philanthropic revenue received through City Give. These estate gifts to the Pottery Studio align with both the City's strategic priorities and the respective donors' designation.

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

STAFF RECOMMENDATION

Staff recommends the adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The City has long been the beneficiary of local generosity and has a valuable role in our community's philanthropic landscape. Generosity is demonstrated in both large and modest gifts, each appreciated for its investment in the mission and the range of services the City strives to deliver.

As acknowledged by Section 2.5 of the City's Fiscal Management Policy 2-revenue approved by City Council, the City Manager has adopted the Philanthropic Governance Policy to provide for the responsible and efficient management of charitable donations to the City.

This item requests an appropriation of \$550,924.99 from the estate of Patricia Berhost designated for the Pottery Studio received through City Give. The donor's estate directed the city to use these generous donations for designated purposes within and to benefit City service areas and programs.

CITY FINANCIAL IMPACTS

This Ordinance will appropriate \$550,924.99 in unanticipated philanthropic revenue received through City Give for the Pottery Studio, Recreation, and Community Services.

The donations shall be expended from the designated fund solely for the donors' directed intent. The funds have been received and accepted per City Give Administrative and Financial Policy.

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

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 056, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING UNANTICIPATED PHILANTHROPIC
REVENUE RECEIVED THROUGH CITY GIVE FOR THE
POTTERY STUDIO AS DESIGNATED BY THE DONOR

A. The City of Fort Collins has long been the beneficiary of local philanthropy. Generosity is demonstrated in both large and modest gifts, each appreciated for its investment in the mission and the range of services the City strives to deliver.

B. The City has received a philanthropic gift of \$550,925 that requires appropriation by City Council. This gift came from the estate of Patricia Berhost with the designation that it be for the Pottery Studio.

C. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of supporting the City's Pottery Studio in providing programs and services to the community.

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

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

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

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

Section 1. There is hereby appropriated from new philanthropic revenue in the Recreation Fund the sum of FIVE HUNDRED FIFTY THOUSAND NINE HUNDRED TWENTY-FIVE DOLLARS (\$550,925) to be expended in the Recreation Fund for the Pottery Studio.

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

Introduced, considered favorably on first reading on April 1, 2025, and approved on second reading for final passage on April 15, 2025.

Mayor Pro Tem

ATTEST:

City Clerk

Effective Date: April 25, 2025

Approving Attorney: Sara Arfmann

File Attachments for Item:

5. Second Reading of Ordinance No. 057, 2025, Making a Supplemental Appropriation of Grant Funds from the Colorado Department of Local Affairs for the Fort Collins Police Services' Office of Human Services.

This Ordinance, unanimously adopted on First Reading on April 1, 2025, appropriates \$100,000 in unanticipated revenue awarded to the City from the Colorado Department of Local Affairs (DOLA) FY2024-2025 Peace Officers Behavioral Health Support and Community Partnerships Grant Program in support of Police Services Office of Human Services.

The funds will be used to hire a contractual Police Mental Health Counselor to support police employees and their family members with addressing behavioral health issues that arise. A range of services will be provided, including counseling for officers and family members for job-related trauma, and training and education programs on preventing and treating job-related trauma.

There is no requirement that the City sign an agreement for the award. Rather upon the City submitting the first request for reimbursement, the City agrees to all terms and conditions of the award.

April 15, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Rob Seals, Police Psychologist, Police Services
Greg Yeager, Deputy Chief, Police Services
Joanne Cech, Recovery Manager, Grants Administration

SUBJECT

Second Reading of Ordinance No. 057, 2025, Making a Supplemental Appropriation of Grant Funds from the Colorado Department of Local Affairs for the Fort Collins Police Services' Office of Human Services.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on April 1, 2025, appropriates \$100,000 in unanticipated revenue awarded to the City from the Colorado Department of Local Affairs (DOLA) FY2024-2025 Peace Officers Behavioral Health Support and Community Partnerships Grant Program in support of Police Services Office of Human Services.

The funds will be used to hire a contractual Police Mental Health Counselor to support police employees and their family members with addressing behavioral health issues that arise. A range of services will be provided, including counseling for officers and family members for job-related trauma, and training and education programs on preventing and treating job-related trauma.

There is no requirement that the City sign an agreement for the award. Rather upon the City submitting the first request for reimbursement, the City agrees to all terms and conditions of the award.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

This grant provides funding for one contractual Police Mental Health Counselor in Police Services' Office of Human Services, which provides behavioral health support to police employees. This full-time position will work under the direction of the current Police Psychologist to provide counseling to police employees and their family members, crisis intervention services, supervision and support of the Police Services Peer Support Team, and mental health education and training for police employees.

The program will be managed as a pilot program. Police Services will have the option to apply to Colorado DOLA for additional funding to provide counseling services for the year July 1, 2026 - June 30, 2027.

Police Services is posting the contractual counseling services position and hopes to have that person hired by June 1, 2025, to fully utilize the grant funding.

CITY FINANCIAL IMPACTS

This item appropriates \$100,000 in unanticipated revenue from DOLA's Peace Officers Behavioral Health Support and Community Partnerships Grant Program in support of Police Services Office of Human Services. This DOLA award is a reimbursement-type award, meaning General Fund expenses will be reimbursed up to \$100,000.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 057, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION OF GRANT
FUNDS FROM THE COLORADO DEPARTMENT OF LOCAL
AFFAIRS FOR THE FORT COLLINS POLICE SERVICES' OFFICE
OF HUMAN SERVICES

A. Since 1990, the Fort Collins Police Services (FCPS) Office of Human Services has been staffed by one full-time Police Psychologist providing behavioral health support to police employees, including confidential psychological counseling, post critical incident support, supervision and coordination of the Police Services Peer Support Team, mental health education and training for employees, and consultation for police units. Increased demand for these services has led to shortfalls in the support of our officers and other employees.

B. The Colorado Department of Local Affairs (DOLA) awarded the City \$100,000 of unanticipated grant funding under the FY2024-2025 Peace Officers Behavioral Health Support and Community Partnerships Grant Program. The program will be managed as a pilot program. Police Services will have the option to apply to Colorado DOLA for additional funding to provide counseling services for the year July 1, 2026 - June 30, 2027.

C. The grant funds will be used to hire a contractual Police Mental Health Counselor. This full-time position will work under the direction of the current Police Psychologist to close gaps in demand for current services as described above and to extend/improve service offerings in accordance with best practices in supporting police employees' wellness and behavioral health.

D. The purpose of this item is to appropriate \$100,000 of unanticipated grant revenue from DOLA's Peace Officers Behavioral Health Support and Community Partnerships Grant Program in support of Police Services Office of Human Services.

E. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of supporting the health and wellbeing of FCPS employees.

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

G. The City Manager has recommended the appropriation described herein and determined that the funds to be appropriated are available and previously unappropriated from the General Fund and that this appropriation will not cause the total

amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

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

I. The City Council wishes to designate the appropriation herein for the Colorado Department of Local Affairs Peace Officers Behavioral Health Support and Community Partnerships Grant as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

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

Section 1. There is hereby appropriated from new revenue or other funds in the General Fund the sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000) to be expended in the General Fund for the Fort Collins Police Services Office of Human Services.

Section 2. The appropriation herein for the Colorado Department of Local Affairs Peace Officers Behavioral Health Support and Community Partnerships Grant is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Introduced, considered favorably on first reading on the April 1, 2025, and approved on second reading for final passage on the April 15, 2025.

Mayor Pro Tem

ATTEST:

City Clerk

Effective Date: April 25, 2025

Approving Attorney: Dawn Downs

File Attachments for Item:

6. Second Reading of Ordinance No. 058, 2025, Authorizing Transfers of Appropriations from Broadband Operating Funds to Capital Project Accounts.

This Ordinance, unanimously adopted on First Reading on April 1, 2025, transfers monies that were previously appropriated by City Council as 2025 Broadband operating fund expenses to Broadband capital projects. The previously authorized operating expenditures are not expected to be spent in 2025 because:

- Connexion video product sales have slowed and related appropriated costs will not be fully expended in 2025.
- Marketing budget, after review, has sufficient underspend expected in 2025.
- Other operating efficiencies exist resulting in additional expected underspend in 2025.

Staff recommends transfer of the total unencumbered and unspent budget appropriations to Broadband capital projects for the purpose of funding additional installations resulting from increased customer sign-ups.

April 15, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Tyler Marr, Deputy City Manager
 Chad Crager, Connexion Executive Director
 Jeff Rochford, Connexion FP&A Manager

SUBJECT

Second Reading of Ordinance No. 058, 2025, Authorizing Transfers of Appropriations from Broadband Operating Funds to Capital Project Accounts.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on April 1, 2025, transfers monies that were previously appropriated by City Council as 2025 Broadband operating fund expenses to Broadband capital projects. The previously authorized operating expenditures are not expected to be spent in 2025 because:

- Connexion video product sales have slowed and related appropriated costs will not be fully expended in 2025.
- Marketing budget, after review, has sufficient underspend expected in 2025.
- Other operating efficiencies exist resulting in additional expected underspend in 2025.

Staff recommends transfer of the total unencumbered and unspent budget appropriations to Broadband capital projects for the purpose of funding additional installations resulting from increased customer sign-ups.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

Purpose for fund transfer to capital accounts:

Transferred funds would be utilized for the purpose of funding projected installations for single-family homes and multi-dwelling units from the following Connexion sources:

Content (Cost of Goods Sold)	\$800,000
Marketing	\$400,000
Operational Efficiencies	\$200,000
Total:	\$1,400,000

Reason for operating funds availability:

Due to slowing video product sales, Connexion's costs of goods are projected to be significantly under budget in 2025. Therefore, \$800,000 is recommended to be transferred, leaving the remaining budget which will allow for any unexpected increase in sales. Additionally, when the 2025/2026 budget was approved, Connexion had consolidated two different Marketing budgets previously existing in two separate business units. Although the expected Marketing expenditures are anticipated to grow year over year, there exists \$400,000 of projected underspend and after thorough review, \$200,000 of additional operational efficiencies resulting in underspend were identified. This has resulted in a total of \$1,400,000 eligible to transfer to Broadband capital expenses.

CITY FINANCIAL IMPACTS

This item has no financial impact to the City as it only transfers existing 2025 appropriations from the Broadband fund to Broadband capital accounts.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 058, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING TRANSFERS OF APPROPRIATIONS FROM
BROADBAND OPERATING FUNDS TO CAPITAL PROJECT
ACCOUNTS

A. Connexion, the Broadband utility owned and operated by the City of Fort Collins is requesting that existing 2025 appropriations to the Broadband operating fund by City Council be transferred to Broadband capital accounts.

B. The previously authorized operating expenditures are not expected to be spent in 2025. Connexion video product sales, marketing and other operating efficiencies exist resulting in expected underspend in 2025.

C. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of funding additional installations for single-family homes and multi-dwelling units.

D. Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

E. The City Manager has recommended the transfer of \$1,400,000 from the Broadband Operating Budget in the Broadband Fund to the Broadband Capital Project Budget in the Broadband Fund and determined that the purpose for which the funds were initially appropriated no longer exists.

F. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a capital project, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made but continue until the completion of the capital project.

G. The City Council wishes to designate the appropriation herein for the Broadband installation project as an appropriation that shall not lapse until the completion of the project.

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

Section 1. The unexpended and unencumbered appropriated amount of ONE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$1,400,000) is authorized for transfer from the Broadband Operating Budget in the Broadband Fund to the Broadband Project Budget in the Broadband Fund and appropriated therein to be expended for the Broadband installation project.

Section 2. The appropriation herein for the Broadband installation project is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the completion of the project.

Introduced, considered favorably on first reading on April 1, 2025, and approved on second reading for final passage on April 15, 2025.

Mayor Pro Tem

ATTEST:

City Clerk

Effective Date: April 25, 2025

Approving Attorney: Yvette Lewis-Molock

File Attachments for Item:

7. Second Reading of Ordinance No. 059, 2025, Making Supplemental Appropriations from Grant Revenue and Authorizing Transfers of Appropriations for the Willow Street Improvements – Linden Street to Lincoln Avenue Project and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading on April 1, 2025, enables the City to receive and expend Downtown Development Authority (DDA) grant funds for the Willow Street Improvements – Linden Street to Lincoln Avenue project (Project). The funds will be used for design and right-of-way acquisition for improvements along Willow Street between Linden Street and Lincoln Avenue. If approved, the item will: 1) transfer \$70,000 from existing funds for the Willow Street Improvements project west of Linden Street to the Project; 2) appropriate \$180,000 of DDA grant funds to the Project; 3) appropriate \$1,800 of Transportation Services Fund reserves to the Project; and 4) appropriate \$1,800 (1%) of the DDA grant funds to the Art in Public Places (APP) program.

April 15, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

John Gerwel, Project Manager
Dana Hornkohl, Capital Projects Manager

SUBJECT

Second Reading of Ordinance No. 059, 2025, Making Supplemental Appropriations from Grant Revenue and Authorizing Transfers of Appropriations for the Willow Street Improvements – Linden Street to Lincoln Avenue Project and Related Art in Public Places.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on April 1, 2025, enables the City to receive and expend Downtown Development Authority (DDA) grant funds for the Willow Street Improvements – Linden Street to Lincoln Avenue project (Project). The funds will be used for design and right-of-way acquisition for improvements along Willow Street between Linden Street and Lincoln Avenue. If approved, the item will: 1) transfer \$70,000 from existing funds for the Willow Street Improvements project west of Linden Street to the Project; 2) appropriate \$180,000 of DDA grant funds to the Project; 3) appropriate \$1,800 of Transportation Services Fund reserves to the Project; and 4) appropriate \$1,800 (1%) of the DDA grant funds to the Art in Public Places (APP) program.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The River District Streetscape Improvements Project Plan (dated August 1, 2008) envisions a consistent and comprehensive streetscape approach within the River District, and the Project is within the identified plan area. As the River District has redeveloped, the City and the DDA have sought to prepare streetscape designs for sections of the River District ahead of, and in conjunction with proposed redevelopment. The City and the DDA have partnered to deliver the design and eventual construction of two streetscape improvement projects within the River District: 1) Linden Street Improvements – Jefferson Street to the Poudre River and 2) Willow Street Improvements – Linden Street to the BNSF railroad (Phase 1). Both projects saw significant financial participation from the DDA and development within the corridors.

The DDA and the City entered into an IGA in 2014 to complete the design and engineering for the initial phase of the Willow Street Improvements project (Phase 1) between the BNSF railroad and Linden Street. Later in 2014 the DDA and the City partnered to fund the construction of these improvements. That work was completed in 2020. Willow Street between Linden Street and Lincoln Avenue was contemplated as Phase 2 of the Willow Street Improvements project. As with Phase 1, the Project was contemplated to move forward once there was interest in development within the corridor (see Attachment 5 for Vicinity Map).

A proposed development at 360 Linden Street has submitted to the City for conceptual review. This property has significant frontage along Willow Street within the limits of the Project. Preparing a design for this section of Willow Street will provide necessary guidance to this and subsequent development. Operationally, redevelopment has driven many of the improvements within the River District and City. The design will identify the proposed streetscape improvements for this corridor and help determine what improvements will be the developer's responsibility for constructing or for providing financial participation.

The DDA has proposed an IGA with the City to cooperate in the preparation and design for the Project. The City can minimize the funding needed to prepare the streetscape design with a willing partner in the DDA, future development contributions, as well as an identified development contribution from the Bas Bleu Development recently appropriated by City Council (Attachment 4).

Willow Street, between Linden Street and Lincoln Avenue, is a unique corridor with an existing railroad spur, need for active modes improvements, and on-street parking needs to support redevelopment and existing development. Authorizing the resolution executes the IGA and appropriation of the DDA grant funds will also allow the City to begin critical negotiations with OmniTRAX (Great Western Railway of Colorado) concerning the existing railroad spur in this section of Willow Street.

CITY FINANCIAL IMPACTS

The following table is a summary of the proposed funding appropriation for the Willow Street Improvements – Linden Street to Lincoln Avenue project.

Prior Appropriated Funds	
Development Contributions to Construction	\$ 29,545
Total Prior Appropriation	\$ 29,545

Funds to be Appropriated per this Action	
Transfer of Willow Street Improvements - Phase 1 Capital Project Funds to Phase 2	\$ 70,000
Downtown Development Authority (DDA) Funds	\$ 180,000
Transportation Services Fund	\$ 1,800
Total Funds to be Appropriated per this Action	\$ 251,800

Transfer to Art in Public Places	\$ 1,800
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Total Project Funds	\$ 281,345
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The total fund amount projected for the Project is \$281,345 composed of funds appropriated with prior actions and with this action.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

A development contribution to the Project was authorized by City Council via Ordinance No. 22, 2025, on March 4, 2025 (Attachment 4). The Project and proposed IGA were brought before the DDA Board of Directors on February 13, 2025, where the IGA was approved (see Attachment 6 pages 5 and 6).

PUBLIC OUTREACH

Staff will work with the DDA and the Communications and Public Involvement Office to develop and implement a comprehensive public engagement plan for the Project.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 059, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS FROM GRANT
REVENUE AND AUTHORIZING TRANSFERS OF
APPROPRIATIONS FOR THE WILLOW STREET
IMPROVEMENTS – LINDEN STREET TO LINCOLN AVENUE
PROJECT AND RELATED ART IN PUBLIC PLACES

A. The purpose of this item is to appropriate grant monies received pursuant to an intergovernmental agreement (“IGA”) authorized by Resolution 2025-042 between the City and the Downtown Development Authority (“DDA”) for the Willow Street Improvements – Linden Street to Lincoln Avenue project (“Project”).

B. The Downtown zone district is divided into nine subdistricts, one of which is the River District. The River District Streetscape Improvements Project Plan (dated August 1, 2008) envisions a consistent and comprehensive streetscape approach within the River District, which the City and DDA have been working toward designing and redeveloping. The Project is within the identified plan area.

C. As the River District has redeveloped, the City and the DDA have sought to prepare streetscape designs for sections of the River District ahead of, and in conjunction with proposed redevelopment. The City and the DDA have partnered to deliver the design and eventual construction of two streetscape improvement projects within the River District: 1) Linden Street Improvements – Jefferson Street to the Poudre River and 2) Willow Street Improvements – Linden Street to the BNSF railroad (“Phase 1”). Both projects saw significant financial participation from the DDA and development within the corridors.

D. The DDA and the City entered into an IGA in 2014 authorized by Resolution 2014-051 to complete the design and engineering for Phase 1. Later in 2014 the DDA and the City partnered to fund the design and construction of these improvements (initial appropriation Ordinance No. 093, 2014, and other ordinances as listed in Recital Q below). That work was completed in 2020.

E. The Project that is the subject of this Ordinance is contemplated as Phase 2 of the overall Willow Street Improvements project. As with Phase 1, the Project was contemplated to move forward once there was interest in development within the corridor, and a proposed development on Linden Street has prompted the City and DDA to move forward. The Project design will identify the proposed streetscape improvements for this corridor and help determine what improvements will be the developer’s responsibility for constructing or for providing financial participation.

F. The City can minimize the funding needed to prepare the streetscape design with a willing partner in the DDA, future development contributions, as well as the development contribution from the Bas Bleu Development that Council appropriated via Ordinance No. 22, 2025.

G. The IGA funds will be used for design and right-of-way acquisition for the Project. This section of Willow Street between Linden Street and Lincoln Avenue also has an existing railroad spur, a need for active modes improvements, and a need for on-street parking to support redevelopment and existing development. The IGA and appropriation will also allow the City to begin critical negotiations with OmniTRAX (Great Western Railway of Colorado) concerning the existing railroad spur in this section of Willow Street.

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

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

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

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

L. Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

M. The City Manager has recommended the transfer of \$70,000 from the Willow Street Improvements Phase 1 project in the Capital Projects fund to the Willow Street Improvements – Linden Street to Lincoln Avenue Phase 2 Project in the Capital

Projects fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

N. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a capital project that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made but continue until the completion of the capital project.

O. The City Council wishes to designate the appropriations herein for the Willow Street Improvements – Linden Street to Lincoln Avenue Project as appropriations that shall not lapse until the completion of the Project.

P. This Project involves construction estimated to cost more than \$250,000 and, as such, City Code Section 23-304 requires one percent of these appropriations to be transferred to the Cultural Services and Facilities fund for a contribution to the Art in Public Places (“APP”) program.

Q. This Ordinance makes \$250,000 available to the Project. The project cost of \$180,000 has been used to calculate the contribution to the APP program because the amount of \$70,000 is being transferred from Willow Street Improvements Phase 1 project funds. The \$70,000 amount was excluded from this APP calculation because the APP contribution based on that and earlier phase funding was transferred in the earlier project phase in prior ordinances (Ordinance No. 154, 2017, Ordinance No. 133, 2018, and Ordinance No. 061, 2019).

R. The amount of \$70,000 was excluded from this calculation due being transferred from a different project phase that contributed to the APP program in a prior Ordinance.

S. The amount to be contributed in this Ordinance will be \$1,800.

T. The appropriations in this Ordinance benefit public health, safety and welfare of the residents of Fort Collins and serve the public purpose of improving transportation and streetscape infrastructure and safety within the City.

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

Section 1. There is hereby appropriated from new revenue or other funds in the Capital Projects fund the sum of ONE HUNDRED EIGHTY THOUSAND DOLLARS: (\$180,000) to be expended in the Capital Projects fund for the Willow Street Improvements – Linden Street to Lincoln Avenue Project.

Section 2. There is hereby appropriated from prior year reserves in the Transportations Services fund the sum of ONE THOUSAND EIGHT HUNDRED

DOLLARS (\$1,800) to be expended in the Transportation Services fund for transfer to the Capital Projects fund and appropriated and expended therein for the Willow Street Improvements – Linden Street to Lincoln Avenue Project.

Section 3. The unexpended and unencumbered appropriated amount of SEVENTY THOUSAND DOLLARS (\$70,000) is authorized for transfer from the Willow Street Improvements Phase 1 project in the Capital Projects fund to the Willow Street Improvements – Linden Street to Lincoln Avenue Phase 2 Project in the Capital Projects fund and appropriated and expended therein for the Project.

Section 4. The unexpended and unencumbered appropriated amount of ONE THOUSAND FOUR HUNDRED FOUR DOLLARS: (\$1,404) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated and expended therein to fund art projects under the APP program.

Section 5. The unexpended and unencumbered appropriated amount of THREE HUNDRED SIXTY DOLLARS: (\$360) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated and expended therein for the operation costs of the APP program.

Section 6. The unexpended and unencumbered appropriated amount of THIRTY-SIX DOLLARS: (\$36) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated and expended therein for the maintenance costs of the APP program.

Section 7. The appropriation herein for Willow Street Improvements – Linden Street to Lincoln Avenue Phase 2 Project is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the completion of the capital project.

Introduced, considered favorably on first reading on April 1, 2025, and approved on second reading for final passage on April 15, 2025.

Mayor Pro Tem

ATTEST:

City Clerk

Effective Date: April 25, 2025

Approving Attorney: Heather N. Jarvis

File Attachments for Item:

8. Items Relating to Code Updates for Water Utility Fees.

A. Second Reading of Ordinance No. 060, 2025, Amending Chapter 26 of the Code of the City of Fort Collins Regarding Fees When a Single Water Service for a Duplex is Split Between the Two Dwelling Units.

B. Second Reading of Ordinance No. 061, 2025, Amending Chapter 26-148 of the Code of the City of Fort Collins to Revise the Water Supply Requirement for Residential Lots.

These Ordinances, unanimously adopted on First Reading on April 1, 2025, ensure that new or expanded water service connections contribute to system capacity costs.

April 15, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Randy Reuscher, Lead Analyst, Utility Rates
Heidi Hansen, Water Utilities Development Review Manager

SUBJECT

Items Relating to Code Updates for Water Utility Fees.

EXECUTIVE SUMMARY

A. Second Reading of Ordinance No. 060, 2025, Amending Chapter 26 of the Code of the City of Fort Collins Regarding Fees When a Single Water Service for a Duplex is Split Between the Two Dwelling Units.

B. Second Reading of Ordinance No. 061, 2025, Amending Chapter 26-148 of the Code of the City of Fort Collins to Revise the Water Supply Requirement for Residential Lots.

These Ordinances, unanimously adopted on First Reading on April 1, 2025, ensure that new or expanded water service connections contribute to system capacity costs.

STAFF RECOMMENDATION

Staff recommends adoption of these Ordinances on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The Water Supply Requirement (WSR), Water Plant Investment Fee (WPIF), and Wastewater Plant Investment Fee (SPIF) are key components of the City's water utility fees, ensuring that new or expanded water service connections contribute to system capacity costs. These updates address specific concerns related to fee structures:

Duplex Service Splitting – There are roughly two dozen known duplexes in the Fort Collins Utilities service area served by one water meter, but with separate dwelling unit owners, many of which were constructed in the 1970's.

Currently, duplexes served by a single water line are required to pay the difference in WPIF, SPIF, and WSR fees when converting from a single meter to two separate meters. This ordinance allows the Utilities Executive Director to waive these fees when engineering and plumbing conditions support the split without additional system impact. It is assumed that water demand and wastewater flows would not increase or change by only adding a second meter.

Having separate meters in place will allow for the monthly billing for each dwelling unit to be billed separately to each customer. This will also provide separate winter quarter average (WQA) calculations for each dwelling and allow wastewater services to be billed separately for these customers.

Revised WSR Calculation for Large Lots – The current WSR calculation method for residential large lots assumes outdoor irrigation of the entire lot based on 10 gallons per sq. ft. (with exceptions for things such as building footprints, paved driveways, sidewalks, etc.) In cases where the property is currently served by well water, the current requirement makes it prohibitively expensive in most cases to connect large residential properties to City water.

Given the size of these lots, these customers generally do not irrigate the full outdoor parcel area. The proposed calculation will cap the 10 gallons per sq. ft. assumption at ½ acre and any area above 1/2 acre will require a hydrozone-based approach to calculate water use for the remaining area. This will more closely align WSR fees with their actual expected water use and likely allow more customers to convert from well water, where their well has either failed or they are challenged with contaminant issues, to connect to City water.

These changes support equitable fee structures while maintaining responsible water resource management.

CITY FINANCIAL IMPACTS

The waiver of development fees is expected to have minimal impact on the Water Fund, given the number of eligible duplexes within the Fort Collins Utilities service territory is estimated to be only a few dozen customers. It is estimated that each duplex conversion to two water meters would save a customer ~\$1,300 in the proposed fee waiver, depending on lot size, which equates to roughly \$32,500 less in total revenue for the Water Fund if all eligible duplexes applied to split, although the requests are expected to be minimal.

Revising the WSR calculation for residential large lots could potentially have a significant financial benefit for a particular parcel, but the number of large lots within the Fort Collins water service territory is estimated to be low. Additionally, the number of residential large lots that may want to connect to the Fort Collins Utilities water service because of an existing water well would be minimal, maybe only 1 or 2 customers every few years. The current requirement has been cost prohibitive for these customers to connect to City services; therefore, the proposed change could increase development fee revenue for the Water Fund as a whole. The amount would be highly dependent on the size of the lot.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

A memo of the proposed changes was provided to the Water Commission at the March 20, 2025, meeting.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance No. 60, 2025
2. Ordinance No. 61, 2025

ORDINANCE NO. 060, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT COLLINS
REGARDING FEES WHEN A SINGLE WATER SERVICE FOR A DUPLEX IS SPLIT
BETWEEN THE TWO DWELLING UNITS

A. The City owns and operates a water utility that provides water service to customers in its service area pursuant to the City Charter, City Code, and other applicable laws.

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

C. The City provides water service to various duplexes, defined in City Code Section 7.5-17 as dwellings containing two dwelling units.

D. Current practice is for duplexes to be constructed to be served by two water service lines, one for each dwelling unit. However, there are various duplexes in the City's water service area that were constructed years ago that are served by a single water service line. In these situations, the City bills one customer for water use by both dwelling units.

E. Duplexes being served by a single water service line can create various issues for the City and its water customers, including challenges with inequities in how water use is billed and allocated between the duplex's two dwelling units, a lack of incentives for water conservation by the owners of the two dwelling units, and potential disputes between the residents and owners of the two dwelling units. Many of these challenges can be magnified when the two dwelling units have separate owners.

F. It can thus be desirous to "split" the water service for such duplexes by replacing the single water service line with two separate water service lines, each one serving one of the duplex's dwelling units. The feasibility to "split" the water service for such duplexes can depend on the duplexes' internal plumbing and other factors.

G. Where "splitting" such water service is feasible, City staff has concluded that the duplex's water use will remain relatively constant after the splitting such that additional Water Plant Investment Fees, described in City Code Sections 26-120 and 26-128, and additional Water Supply Requirements, described in City Code Sections 26-147 and 26-148, are not required to offset impacts to the City's water utility and its ratepayers.

H. Where "splitting" such water service is feasible, City staff has also concluded that the duplex's generation of wastewater will remain relatively constant after the splitting such that additional Sewer Plant Investment Fees, described in City Code

Sections 26-283 and 26-284 are not required to offset impacts to the City's water utility and its ratepayers.

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

Section 1. Section 26-120 of the Code of the City of Fort Collins is hereby amended by the addition of a new Subsection (h) which reads in its entirety as follows:

Sec. 26-120. - Water plant investment fees.

. . .

(h) Notwithstanding the provisions of this Section, § 26-128, § 26-147, § 26-283, and § 26-284, the Utilities Executive Director is authorized to waive payment of the WPIF and the Water Supply Requirement (WSR) pursuant to this Subsection (h).

(1) A customer of the water utility with a duplex served by a single water service line that is seeking to split the duplex's water service by replacing the single service line with two (2) service lines, one (1) for each dwelling unit, may request that the Utilities Executive Director waive the WPIF and the WSR. The Utilities Executive Director may prepare a form of application and other documents for such requests identifying the necessary information.

(2) The Utilities Executive Director will, following any appropriate investigations including requests for information from the applicant, waive payment of the WPIF and the WSR if the Utilities Executive Director finds that the following conditions are met:

- a. The duplex's plumbing and other factors establish that water service to the duplex can be split between the two dwelling units; and
- b. No other engineering, plumbing, or other reasons preclude the splitting of water service for the duplex.

(3) If an application for such a waiver is denied, the Utilities Executive Director will notify the applicant in writing of the denial and state the reasons therefor.

Section 2. Section 26-147 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-147. - Grant of water rights; required.

All owners of premises requesting water service from the City as a new water service or replacing an existing meter or service with a larger size, shall, before being granted a water service permit, satisfy the assessed Water Supply

Requirements (WSR) as determined in this Division without cost to the City. The WSR may be waived pursuant to § 26-120(h). The WSR is as provided in this Division.

Section 3. Section 26-283 of the Code of the City of Fort Collins is hereby amended by the addition of a new Subsection (f) which reads in its entirety as follows and all subsequent Subsections to be re-lettered accordingly:

Sec. 26-283. - Sewer plant investment fees (SPIF); basis.

...

(f) Notwithstanding the provisions of Subsections (a) and (c) of this Section, the Utilities Executive Director is authorized to waive payment of the SPIF pursuant to this Subsection (f).

(1) A customer of the wastewater utility and the water utility with a duplex served by a single water service line that is seeking to split the duplex's water service by replacing the single service line with two (2) service lines, one (1) for each dwelling unit, may request that the Utilities Executive Director waive the SPIF. The Utilities Executive Director may prepare a form of application and other documents for such requests identifying the necessary information.

(2) The Utilities Executive Director will, following any appropriate investigations including requests for information from the applicant, waive payment of the SPIF if the Utilities Executive Director finds that the following conditions are met:

a. The duplex's plumbing and other factors establish that water service to the duplex can be split between the two (2) dwelling units; and

b. No other engineering, plumbing, or other reasons preclude the splitting of water service for the duplex.

(3) If an application for such a waiver is denied, the Utilities Executive Director will notify the applicant in writing of the denial and state the reasons therefor.

...

Introduced, considered favorably on first reading on April 1, 2025, and approved on second reading for final passage on April 15, 2025.

Mayor Pro Tem

ATTEST:

City Clerk

Effective Date: April 25, 2025

Approving Attorney: Eric Potyondy

ORDINANCE NO. 061, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 26-148 OF THE CODE OF THE CITY OF FORT COLLINS TO
REVISE THE WATER SUPPLY REQUIREMENT FOR RESIDENTIAL LOTS

A. The City owns and operates a water utility that provides water service to customers in its service area pursuant to the City Charter, City Code, and other applicable laws.

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

C. City water utility customers must meet the Water Supply Requirement ("WSR") to receive new water service or to replace an existing meter or service with a larger size. The WSR is set forth in City Code Sections 26-146 through 26-150. The WSR is calculated, in gallons, considering the annual volume of water a customer is anticipated to use. The WSR for residential water service is set forth in City Code Section 26-148.

D. City staff have reviewed the WSR for residential water service and recommend that it distinguish the WSR for large residential lots (with an outdoor area greater than ½ acre) versus more standard-sized residential lots (with an outdoor area of 1/2 acre or less). This will allow City Staff to more accurately assess the WSR for large residential lots without assessing a larger WSR than necessary.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 26-148(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-148. - Water supply requirement (WSR); residential service.

(a) Residential service for WSR shall include single-family, duplex, mobile/manufactured homes, and multi-family dwelling units (greater than 2 dwelling units), including fraternity and sorority multi-family housing.

(1) For residential service to single family and duplex, the formula to calculate the WSR shall be:

Indoor WSR	=	12,200 x Bedrooms
Outdoor WSR	=	<u>For parcels with an Outdoor Area ½ acre or less:</u> 10 x Outdoor Area
		<u>For parcels with an Outdoor Area over ½ acre:</u> <ul style="list-style-type: none"> • for first ½ acre of Outdoor Area, 10 x Outdoor Area; • for Outdoor Area over ½ acre, Outdoor Area x applicable hydrozone water consumption amount from Land Use Code § 5.10.1(D)(3)(b) as determined by the Utilities Executive Director
Where:		
WSR	=	Water Supply Requirement in gallons.
Outdoor Area	=	Area of the parcel for which water service is requested, in square feet, less: the area of any buildings (footprint), paved driveways, City sidewalks, public street rights-of-way, City-maintained tracts and rights-of-way, ditches, railways, and other areas typically maintained by persons other than the owner of the premises or an agent of the owner. The outdoor area shall be as determined by the Utilities Executive Director. If adequate information is not available, the area of the parcel shall be used for outdoor area.
Bedrooms	=	Number of bedrooms on the parcel for which water service is requested, as determined by the Utilities Executive Director.

...

Introduced, considered favorably on first reading on April 1, 2025, and approved on second reading for final passage on April 15, 2025.

Mayor Pro Tem

ATTEST:

City Clerk

Effective Date: April 25, 2025

Approving Attorney: Eric Potyondy

File Attachments for Item:

9. Second Reading of Ordinance No. 062, 2025, Amending Sections 12-29 and 12-30 of the Code of the City of Fort Collins to Update the Residential Waste Collection Program.

This Ordinance, unanimously adopted on First Reading on April 1, 2025, updates the City Code to modify the Contracted Residential Waste Collection Program and include additional variance and exclusion options that were not originally anticipated.

April 15, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Josh Birks, Deputy Director, Sustainability Services
Megan DeMasters, Manager, Environmental Sustainability
Emily Wenger, Lead Specialist, Environmental Sustainability

SUBJECT

Second Reading of Ordinance No. 062, 2025, Amending Sections 12-29 and 12-30 of the Code of the City of Fort Collins to Update the Residential Waste Collection Program.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on April 1, 2025, updates the City Code to modify the Contracted Residential Waste Collection Program and include additional variance and exclusion options that were not originally anticipated.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The Residential Trash Collection Program (Program) began on September 30, 2024. Staff has learned many lessons in the months leading up to program launch and through the first four and a half months of operation. These lessons come from feedback provided by residents and conversations with partners regarding areas where the original program can be refined or improved. Specifically, staff identified additional reasons to enable residents to opt-out of the Program without paying the opt-out fee through the variance process or through exclusion from the Program. The Code updates to address these include:

Exclusion for Property Served by a Dumpster

- **What:** Currently properties are excluded from the Program if they are “served by a dumpster”. Staff seek to clarify that this exclusion applies to properties with a dumpster located on the property or on a neighboring common area.
- **Why:** Current Code lacks clarity about when the dumpster exclusion applies. Clarifying that the exclusion applies when the dumpster is located on the property or on a nearby common area will provide certainty to program staff, the contracted hauler, and residents about the scope of the exclusion.
- **Impact to Program participation:** There is not expected to be an impact to program participation due to this update. Staff have currently been making determinations regarding program exclusion based on this interpretation of code. This code adjustment seeks to add clarity to code to reinforce programmatic decisions.

- **Impact to Program operations and goals:** This will positively impact program operations by providing clarity around the dumpster exclusion.

Safety Exclusion Rule

- **What:** This will create an avenue in the Code granting the City Manager the authority to exclude properties from the program where it is not possible for the Contractor to safely provide curbside or alley service as is required per City Code and the Contract.
- **Why:** The City's contracted hauler has identified a neighborhood it is unable to provide curbside service to due to an unsafe bridge that is privately owned and maintained.
- **Impact to program participation:** There are eight known residences this change would impact. Additional impacts to program participation are expected to be minimal.
- **Impact to program operations and goals:** This will positively impact program operations by creating a pathway for staff to address other unique situations where safety is a concern.

Remote Dumpster Variance

- **What:** This will allow community members who own a business within Fort Collins City limits, pay for commercial dumpster service, and haul their personal trash to that dumpster to receive a variance from the program.
- **Why:** This variance was developed in response to resident feedback that the opt-out fee creates hardship for small business owners who have previously taken residential trash to a dumpster at their small business.
- **Impact to program participation:** The variance only applies to business owners who are responsible for paying for dumpster service at their business and where the business (and dumpster) is in City limits. It is estimated that this variance would impact less than 100 residential units.
- **Impact to program operations and goals:** Residents who receive this variance would have access to single-stream recycling because of the Community Recycling Ordinance but would not have access to curbside yard trimmings service.

Habitability Variance

- **What:** This gives property owners the ability to request a temporary variance for properties that are vacant due to habitability restrictions for a minimum of 30 days.
- **Why:** The current Code treats vacant residential units the same regardless of habitability, both are subject to the opt-out fee. Based on feedback from residents, staff no longer views this as an appropriate approach. Uninhabitable vacant units cannot be used for their intended purpose – habitation. This can occur for reasons outside the property owner's control and charging the opt-out fee in these circumstances constitutes a hardship. While habitable vacant units largely occur due to market conditions (e.g., tenant turn-over or lack of demand). These conditions constitute part of the risk associated with property ownership; and therefore, should continue to pay the opt-out fee.
- **Impact to program participation:** Staff have confirmed one current case where this variance would apply. Impact will be limited by the temporary nature of this proposed variance.
- **Impact to program operations and goals:** This variance will create clarity in operations and offer flexibility within the program to meet the unique needs of residents in this situation.

CITY FINANCIAL IMPACTS

The anticipated impact is limited to a reduction in revenue from the program's administrative fee and is expected to be negligible.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

No formal outreach occurred. Feedback from residents that informed these recommendations was gathered through phone calls, emails, Access Fort Collins requests, and attending community meetings.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 062, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTIONS 12-29 AND 12-30 OF THE CODE OF THE
CITY OF FORT COLLINS TO UPDATE THE RESIDENTIAL
WASTE COLLECTION PROGRAM

A. Colorado Revised Statutes § 30-15-401(7.5) authorizes the City to establish a residential waste collection program (the “Program”), through which the City can require municipal residents in single-unit residences and multi-unit residences with seven or fewer dwelling units to use or pay user charges for residential waste services.

B. On July 19, 2022, in Resolution 2022-079, the City Council directed City staff to design and issue a request for proposals for residential waste collection services, including trash and recycling collection services for purposes of establishing a waste collection program as authorized by C.R.S. § 30-15-401(7.5).

C. On April 18, 2023, through Ordinance No. 054, 2023, the Council authorized the City to establish the Program, and through Ordinance No. 055, 2023, authorized the City to enter into a contract with a waste hauler (the “Contractor”) to provide residential waste collection services under the Program. The Council determined that adoption of the Program would improve waste collection in the City including by: increasing equity and lowering pricing; increasing composting of yard trimmings; reducing greenhouse gas emissions; saving on street maintenance; and ensuring a high level of waste collection customer service with enforcement capability.

D. Through Ordinance No. 054, 2023, the Council adopted Code changes that created the structure of the Program. City Code Section 12-29 excludes certain properties from the Program, including commercial buildings, larger multi-family buildings, certain group accounts, and properties “served by a dumpster”. Additionally, Section 12-30 authorizes the Director of the Environmental Services Department to issue two types of variances to the Program: the shared service variance and the excess waste variance.

E. Republic Services began providing residential waste collection services under this Program on September 30, 2024. Since initiation of the Program, City staff have received a significant amount of feedback on the Program’s design. After consideration of this feedback, City staff recommend that the Program design be amended to clarify and expand on the Program exceptions in Section 12-29 and create two new Program variances in Section 12-30.

F. For the Program exceptions, City staff has recommended two modifications: First, clarify the exclusion for properties served by a dumpster to apply to properties with a dumpster located on the property or on a neighboring common area; and second, allow the City Manager to exclude properties from the Program where it is not possible for the Contractor to safely provide curbside or alley service as is required per City Code and the Contract.

G. For the Program variances, City staff has recommended creating two new types of variances: a Remote Dumpster Variance and a Habitability Variance. The Remote Dumpster Variance allows a residence to be excluded from the Program for two years if the residence owner or occupant has a contract with a hauler to use a dumpster somewhere in the City. The Habitability Variance allows a residence to be excluded from the Program for up to ninety days if the residence is unsafe for human habitation for at least thirty days.

H. The Council desires to enact the Program exceptions and Program variances staff has recommended, as set forth in this Ordinance.

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

Section 1. Section 12-29 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 12-29. Program exclusions and opting-in to the program.

...

(b) Any residential units served by a dumpster located either on the residential unit property or a neighboring common area for the residential unit is excluded from the City residential waste collection program.

(c) Commercial customers, multi-family customers, and owners or occupants of a residential unit served by a dumpster as described in subsection (b) of this section may elect to participate in the City's dumpster program by requesting service from the City's contracted waste collector subject to the program requirements set forth in the City's waste collection contract and as contained in this Article.

...

(e) The City Manager may, in their reasonable discretion, designate a specified residential unit as excluded from the City's residential waste collection program if the provision of residential waste collection services to that residential unit would create a substantial likelihood of harm to persons or property. The City's residential waste collection program may make a petition with supporting evidence for such a designation to the City Manager. Any such designation or rescission of the designation must be made by rule.

Section 2. Section 12-30 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 12-30. Variances.

(a) Program customers may request a variance from the program to apply to a residential unit pursuant to this Section. Program customers may request a shared service variance under Subsection (d)(1) of this Section, an excess waste variance under Subsection (d)(2) of this Section, or a remote dumpster variance under Subsection (d)(3) of this Section. An owner of a residential unit may request a habitability variance for the residential unit under Subsection (d)(4) of this Section.

...

(c) A variance granted under Subsection (d)(1), (d)(2) or (d)(3) of this Section shall be valid for twenty-four (24) months. A variance granted under Subsection (d)(4) of this Section shall be valid for ninety (90) days. A granted variance shall exclude the grantee's residential unit from the City's residential waste collection program for the duration of the variance and accordingly, the grantee shall not be subject to any of the requirements of §12-32 for that period, including any requirement to pay the City's contracted waste collector any charge or fee under the City's residential waste collection program.

(d) Program customers may request a variance from the program for the following situations:

...

(2) An excess producer variance will only be granted if the program customer provides proof, to the reasonable satisfaction of the Director, that the program customer consistently produces solid waste in an amount greater than the volume of the largest cart service offered by the City's contracted waste collector.

(3) A remote dumpster variance will be granted by the Director if the program customer provides proof, to the reasonable satisfaction of the Director, that the program customer has contracted with a solid waste collector for the right to dispose of solid waste in a dumpster located within the City.

(4) A habitability variance will be granted by the Director for a residential unit if the owner of the residential unit provides proof, to the reasonable satisfaction of the Director, that the residential unit is and will continue to be unsafe for human habitation for a period of not less than thirty (30) days.

Introduced, considered favorably on first reading on April 1, 2025, and approved on second reading for final passage on April 15, 2025.

Mayor Pro Tem

ATTEST:

City Clerk

Effective Date: April 25, 2025
Approving Attorney: Ted Hewitt

File Attachments for Item:

10. Items Relating to City Charter Amendments.

A. Second Reading of Ordinance No. 063, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending Articles II, IX, and X of the City Charter to Correct Errors and Conform to Amendments Adopted in November 2024.

B. Second Reading of Ordinance No. 064, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending Articles II, IV and XIII of the City Charter Related to Alignment with Amended or Further Developed Laws and Removing Inconsistencies.

C. Second Reading of Ordinance No. 065, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins A Proposed Charter Amendment Amending Articles II and IV of the City Charter to Modernize Certain Provisions.

D. Second Reading of Ordinance No. 066, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending Article IV of the City Charter Related to Conflicts of Interest.

E. Second Reading of Ordinance No. 067, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending the City Charter to Modernize and Update It by Reformatting and Updating Language Usage for Ease of Reading and Clarity and Eliminating Inapplicable and Invalid Provisions.

F. **(No action needed - postponed indefinitely on First Reading)** First Reading of Ordinance No. 068, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending Sections 1 and 18 of Article II of the City Charter Related to Vacancies and Application of Term Limits to Partial Terms.

The purpose of these items is to set ballot language regarding proposed amendments resulting from the Charter Update Project and submit them to the voters at the November 4, 2025, election.

The ordinances do not include amendment numbers. The Council will establish the order of the amendments to be presented on the ballot by motion at a later Council meeting and the ordinances will be presented to the Larimer County Clerk and Recorder in the desired order.

In follow up to comments received on First Reading, the Charter was reviewed to look for any additional gender-related wording and none was found.

April 15, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Carrie Daggett, City Attorney
Jenny Lopez Filkins, Senior Deputy City Attorney

SUBJECT

Items Relating to City Charter Amendments.

EXECUTIVE SUMMARY

A. Second Reading of Ordinance No. 063, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending Articles II, IX, and X of the City Charter to Correct Errors and Conform to Amendments Adopted in November 2024.

B. Second Reading of Ordinance No. 064, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending Articles II, IV and XIII of the City Charter Related to Alignment with Amended or Further Developed Laws and Removing Inconsistencies.

C. Second Reading of Ordinance No. 065, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins A Proposed Charter Amendment Amending Articles II and IV of the City Charter to Modernize Certain Provisions.

D. Second Reading of Ordinance No. 066, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending Article IV of the City Charter Related to Conflicts of Interest.

E. Second Reading of Ordinance No. 067, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending the City Charter to Modernize and Update It by Reformatting and Updating Language Usage for Ease of Reading and Clarity and Eliminating Inapplicable and Invalid Provisions.

F. **(No action needed - postponed indefinitely on First Reading)** First Reading of Ordinance No. 068, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending Sections 1 and 18 of Article II of the City Charter Related to Vacancies and Application of Term Limits to Partial Terms.

The purpose of these items is to set ballot language regarding proposed amendments resulting from the Charter Update Project and submit them to the voters at the November 4, 2025, election.

The ordinances do not include amendment numbers. The Council will establish the order of the amendments to be presented on the ballot by motion at a later Council meeting and the ordinances will be presented to the Larimer County Clerk and Recorder in the desired order.

In follow up to comments received on First Reading, the Charter was reviewed to look for any additional gender-related wording and none was found.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The City of Fort Collins Charter is the governing document that defines the City organization and the powers and functions of the City. The Charter can only be amended by a vote of the people and was first created by a vote in 1954. Over time, Charter provisions may become obsolete, contradictory, or no longer practicable or appropriate in light of current needs or trends. From time to time, the City submits Charter revisions, both large and small, for voter approval. If Council votes to adopt the proposed Ordinances, the related charter amendments will be placed on the November 4, 2025, ballot.

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 Work Sessions on May 14 and December 10, 2024, 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.

City legal staff continues to monitor for legal developments that impact Charter language and identify changes that may be needed or beneficial. Staff from the City Attorney's Office and the City Clerk'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.

At the Council's January 28, 2025, Work Session, staff requested Council feedback about specific concepts and groupings of various Charter amendments as summarized below. Staff also sought feedback about the number of ballot items to take to the voters and how Council desired to prioritize the Charter amendments. During the Work Session, Council inquired about past proposed Charter amendments that did not receive voter approval. In follow-up to that question staff noted that of 45 Charter amendment ballot questions posed since 1997, only 7 have failed.

The following were among the points noted after the Council's January 28, 2025, Work Session:

- There is interest in considering a single ballot question ordinance that makes amendments throughout the Charter to reformat for ease of reading, replace outdated language, and eliminate unclear uses of the term "shall."
- There is interest in considering ballot question ordinances that include corrections; alignment with amended or further developed laws and removing inconsistencies; modernizing publication requirements; and modernizing aspects of the conflicts of interest provision.

- There is interest in considering revisions to remove language made unnecessary due to changes in law or circumstances to one of the other ballot question ordinances.
- After discussion about the various options related to Council meeting absences, a common theme emerged that this process should be managed by Council action rather than proposing a Charter amendment at this time. It may be a topic for future discussion.
- In general, there was support for considering a Charter amendment about campaign contributions that would narrow limits on employee campaign contributions to those who are confidential or policy-level employees, consistent with State law, and would acknowledge that some contributions are likely protected as political speech under the federal and State constitutions.
- In general, there was support for considering a Charter amendment that shifts publication of ordinances and legal notices to the City website and at City Hall, in place of formal legal notice publication in the local newspaper.

Summary of Presented Amendments

The following are summaries of the amendments presented to Council with this agenda item:

Ordinance No. 063 (Correction of Errors):

- Proposed revisions to Section 2(d) of Article II include requiring a registered elector who would like to challenge the qualifications of a City Councilmember to notify the City Clerk prior to seeking a court determination. This change removes inconsistency with a voter-approved change made in 2024.
- Revisions to Section 2(e)(1) of Article IX update language about counting votes in elections to match the new ranked voting rules that were approved in November 2024.
- Proposed revisions to Section 2(e)(1) of Article X increase the number of days for a signature gatherer to circulate a petition with a citizen proposal from **63 days to 77 days. This would correct the circulation period to the amount intended when the Initiative petition process was updated in November 2024 and adds back time inadvertently eliminated.**

Ordinance No. 064 (Alignment with Laws and Removing Inconsistencies):

- Proposed revisions to Article II Section 8 regarding limits on Council campaign contributions continue to prohibit a political party, public service corporations, and persons or entities with city contracts from contributing to any City Council election, while recognizing that some free speech is protected by the U.S. or Colorado constitution.
- Proposed revisions to the definitions article of the Charter (Article XIII) specify which City employees are prohibited from contributing to Council elections for consistency with State law and correspond to changes in Article II.
- Proposed revisions to Section 11 of Article II incorporate State law provisions regarding City Council executive sessions.
- Proposed revisions to Section 5 of Article IV clarify that City records are available for public inspection and disclosure consistent with State open records laws.

Ordinance No. 065 (Modernize Certain Provisions):

- Proposed revisions to Article IV, Section 7 update the City's publication requirements to more efficiently provide notice to the public on the City's website, at City Hall and at other locations as decided by City Council. This replaces the current requirement of publication in a local newspaper.
- Proposed revisions to Article II, Section 6 remove language entitling any Councilmember to request that an entire ordinance be read in full at a Council meeting and make Section 6 easier to read and understand by adding subsections, subsection titles and better organizing them.

- Another proposed amendment adds a new section to Article VI that establishes a computation of time provision that would apply to the entirety of the Charter. In 2024, the voters approved essentially identical computation of time provisions in Articles VIII, IX, and X. There is an advantage to having the language readily available in those articles because questions regarding computation of time are likely to arise related to topics covered in those articles.

Ordinance No. 066 (Conflicts of Interest):

- Article IV, Section 9 is proposed to be amended to modernize both the language regarding the sale of real property by a Councilmember or Mayor and prohibitions on staff renting or leasing City property.
- The amendments clarify that a Councilmember or the Mayor may sell their real property to the City at fair market value if the City needs a particular property to carry out City purposes or projects. The requirements that a conflict be declared, and that the City official abstain from the decision about buying the property remain in place. Because real property is unique, the absolute prohibition currently in the Charter can interfere with City projects that need to move forward.
- The amendment also allows a City employee to lease a property from the City with City Manager approval for the City's benefit and for purposes related to the employee's job duties.

Ordinance No. 067 (Modernize and Update Charter by Reformatting and Updating Language for Ease of Reading and Clarity and Eliminating Inapplicable and Invalid Provisions):

- Staff received Council feedback suggesting that making revisions and updates to Charter language that promote ease of reading and clarity is needed.
- The full Charter has been reformatted for readability, replacing outdated language for gender neutrality and eliminating unclear uses of the term "shall," and making the language more inclusive by taking out words "he" and "she" and related word forms.
- Proposed revisions also divide lengthy sections into subsections and add titles to subsections making them easier to read and understand.
- Other proposed changes include eliminating transitional provisions that address residency requirements for City department heads appointed prior to March 6, 1985 (Section 3 of Article IV); set a mill levy cap on Council's adoption of taxes (Section 6 of Article IV), which Council must now adopt only with voter approval; and provide for transition from the prior Charter when the Charter was adopted (Article XIV).

Ordinance No. 068 (Procedures and Timelines for Filling a District Councilmember or Mayor Vacancy and Related Term Limits):

- Council provided feedback in support of Charter amendments to clarify procedure and timeline related to filling a vacant City Council or Mayoral office. The Charter currently states that a vacant seat must be on the ballot to elect a replacement if it's not filled within 45 days before the election. However, the current timeframe for getting candidates on the ballot is 91 to 70 days before the election and the County must have all ballot material shortly after that period. Staff had also identified process issues created by the provisions related to the ripple effect of a vacancy in the office of Mayor, and the setting of a definite swearing in date in January, nine weeks after the election.
- These changes update the process for filling a vacant Council or Mayoral office and to clarify how existing term limits apply to partial terms to fill a vacancy.
- The new provision requires the Council to appoint a replacement to fill a District Councilmember vacancy within 40 business days (currently 45 calendar days), unless there are fewer than 98 days (14 weeks) left in the term that was vacated, or unless the

vacancy comes up so close to an election that it's too late for the voters to elect a replacement (in which case the newly seated Council will fill the vacancy after it takes office); and

- It continues the requirement that if the Mayor office is vacated, the Mayor Pro Tem becomes the Acting Mayor; and
- It requires that if the Acting Mayor will be in that role for 98 days (14 weeks) or more, the Council will appoint a replacement District Councilmember to serve in the Acting Mayor's District seat while the Acting Mayor is Acting Mayor; and
- It establishes that when a member of Council is elected or appointed to fill a vacancy and serves in that office for at least half of the term of office, that service will count as a full term when applying the applicable term limits (which are currently the term limits provided in the Colorado constitution).

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

This item has not been presented to any boards, commissions or Council committees.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance No. 63 for Consideration
2. Ordinance No. 64 for Consideration
3. Ordinance No. 65 for Consideration
4. Ordinance No. 66 for Consideration
5. Ordinance No. 67 for Consideration
6. Exhibit A to Ordinance No. 67

ORDINANCE NO. 063, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF
THE CITY OF FORT COLLINS A PROPOSED CHARTER
AMENDMENT AMENDING ARTICLES II, IX, AND X OF THE CITY
CHARTER TO CORRECT ERRORS AND CONFORM TO
AMENDMENTS ADOPTED IN NOVEMBER 2024

A. The City of Fort Collins Charter is the governing document that defines the City organization and the powers and functions of the City. The Charter was first created by a vote of the people of Fort Collins in 1954 and can only be amended by a vote of the people.

B. Over time, Charter provisions may become obsolete, contradictory, or warrant change to address current needs or trends.

C. Article IV, Section 8 of the Charter provides the Charter may be amended as provided by the laws of the State of Colorado. Colorado Revised Statutes Section 31-2-210 provides that charter amendments may be initiated by the adoption of an ordinance by the City Council submitting a proposed amendment to a vote of the registered electors of the City.

D. On February 27, 2024, the City Council adopted Resolution 2024-024, which adopted a Council priority to modernize and update the City Charter. Resolution 2024-24 noted that although small parts of the Charter are reviewed and updated on a regular basis, there is a need to modernize and update the City Charter, which has not been done in over 25 years.

E. City staff has worked to identify and develop options for specific Charter language to be updated and modernized.

F. At its May 14, 2024, work session, the Council provided positive feedback to staff in support of conducting a comprehensive review of the City Charter to align with state law and legal developments; update language in the Charter to be inclusive; focus on cleanup and modernization rather than policy changes and to make changes for ease of reading and clarity.

G. City staff presented various options, including the possible groupings of amendments, to City Council at work sessions held on December 10, 2024, and January 28, 2025.

H. At its January 28, 2025, work session, the Council provided positive feedback to staff in support of considering an ordinance that will pose a ballot question that will correct and align Charter with the November 2024 Charter revisions.

I. Proposed revisions to Section 2(d) of Article II include requiring a registered elector who would like to challenge the qualifications of a City Councilmember to notify the City Clerk prior to seeking a court determination.

J. Proposed revisions to Section 2(e)(1) of Article IX update language about counting votes in elections to match the new ranked voting rules that were approved in November 2024.

K. Proposed revisions to Section 2(e)(1) of Article X increase the number of days for a signature gatherer to circulate a petition with a citizen proposal from 63 days to 77 days.

L. If there are multiple Charter amendments approved for the November 2025 ballot, the City Council will determine the order of the amendments on the ballot by motion at the April 15 meeting.

M. The Council finds that these proposed revisions to Articles II, IX, and X of the City Charter, regarding correcting errors created by, or correcting language to be in conformance with, the November 2024 Charter amendments are for the benefit of the people of Fort Collins, and the Council desires to present the amendments to Articles II, IX, and X set forth below to the voters for approval at the November 4, 2025, municipal election.

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

Section 1. That the following proposed changes to Articles II, IX, and X, of the Charter of the City of Fort Collins shall be submitted to the registered electors of the City as a Proposed Charter Amendment at the municipal election to be held on Tuesday, November 4, 2025:

ARTICLE II. CITY COUNCIL

. . .

Section 2. Qualifications of candidates and members; challenges.

. . .

- (d) Any registered elector ~~may~~**must** file **notice** with the City Clerk ~~a written protest~~ challenging the qualifications of any member of the Council **prior to seeking a court determination.** ~~Any such protest shall be resolved by the City Clerk as expeditiously as possible but no more than forty five (45) days from the date of filing of the protest, pursuant to a procedure established by the Council by ordinance. In order to resolve such protests, the City Clerk shall have the power to subpoena witnesses, administer oaths, and require the production of evidence. No protest shall be filed prior to the date of appointment or the date of issuance of the certificate of election of a Councilmember, whichever is applicable, nor shall any such protest, other than a~~

~~protest based upon the fact of a felony conviction, be filed more than fifteen (15) days after said date.~~

...

ARTICLE IX. RECALL

...

Section 2. Petitions.

...

(e) Number of signatures required.

- (1) First recall attempt. The petition must be signed by registered electors equal in number to at least twenty-five (25) 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.
- (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.

...

ARTICLE X. INITIATIVE AND REFERENDUM

...

Section 2. Petitions.

...

(e) Petition deadlines and submittal.

- (1) To be valid, the initiative petition must be filed no more than ~~sixty-three (63)~~ seventy-seven (77) days after the City Clerk's approval of the form for circulation.

...

Section 2. That the following ballot title and submission clause are hereby adopted for submitting a Proposed Charter Amendment to the voters at said election:

**CITY-INITIATED
PROPOSED CHARTER AMENDMENT NO. __**

Shall Articles II, IX, and X of the Charter of the City of Fort Collins, be amended to correct errors and eliminate outdated or unnecessary language in light of the Charter amendments adopted in November 2024, by:

- Clarifying in Section 2(d) of Article II that a registered elector must notify the City Clerk before seeking a court determination to challenge the qualifications of any member of the Council; and
- Updating language in Section 2(e)(1) of Article IX about determining the number of votes cast in a specific race to work with the new ranked voting rules that were approved in November 2024; and
- Changing language in Section 2(e)(1) of Article X to restore the number of days for a signature gatherer to circulate an initiative petition by increasing it from 63 days to 77 days?

_____ Yes/For
_____ No/Against

Introduced, considered favorably on first reading on April 1, 2025, and approved on second reading for final passage on April 15, 2025.

Mayor Pro Tem

ATTEST:

City Clerk

Effective Date: April 25, 2025
Approving Attorney: Carrie Daggett

ORDINANCE NO. 064, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF
THE CITY OF FORT COLLINS A PROPOSED CHARTER
AMENDMENT AMENDING ARTICLES II, IV AND XIII OF THE
CITY CHARTER RELATED TO ALIGNMENT WITH AMENDED OR
FURTHER DEVELOPED LAWS AND REMOVING
INCONSISTENCIES

A. The City of Fort Collins Charter is the governing document that defines the City organization and the powers and functions of the City. The Charter was first created by a vote of the people of Fort Collins in 1954 and can only be amended by a vote of the people.

B. Over time, Charter provisions may become obsolete, contradictory, or warrant change to address current needs or trends.

C. Article IV, Section 8 of the Charter provides the Charter may be amended as provided by the laws of the State of Colorado. Colorado Revised Statutes Section 31-2-210 provides that charter amendments may be initiated by the adoption of an ordinance by the City Council submitting a proposed amendment to a vote of the registered electors of the City.

D. On February 27, 2024, the City Council adopted Resolution 2024-024, which adopted a Council priority to modernize and update the City Charter. Resolution 2024-24 noted that although small parts of the Charter are reviewed and updated on a regular basis, there is a need to modernize and update the City Charter, which has not been done in over 25 years.

E. City staff has worked to identify and develop options for specific Charter language to be updated and modernized.

F. At its May 14, 2024, work session, the Council provided positive feedback to staff in support of conducting a comprehensive review of the City Charter to align with state law and legal developments; update language in the Charter to be inclusive; focus on cleanup and modernization rather than policy changes and to make changes for ease of reading and clarity.

G. City staff presented various options, including the possible groupings of amendments, to City Council at work sessions held on December 10, 2024, and January 28, 2025.

H. At its January 28, 2025, work session, the Council provided positive feedback to staff in support of considering an ordinance that poses a ballot question that will align the Charter language with amended or further developed laws, helping to

minimize the need to update the Charter with future legal developments, and remove inconsistencies to avoid confusing the public.

I. Proposed revisions to Article II Section 8 regarding limits on Council campaign contributions continue to prohibit a political party, public service corporations, and persons or entities with city contracts from contributing to any City Council election, while recognizing that some political speech is protected by the U.S. or Colorado constitution.

J. Proposed revisions to the definitions article of the Charter (Article XIII) specify which City employees are prohibited from contributing to Council elections for consistency with state law and correspond to changes in Article II.

K. Proposed revisions to Section 11 of Article II incorporate state law provisions regarding City Council executive sessions.

L. Proposed revisions to Section 5 of Article IV clarify that City records are available for public inspection and disclosure consistent with state open records laws.

M. If there are multiple Charter amendments approved for the November 2025 ballot, the City Council will determine the order of the amendments on the ballot by motion at the April 15 meeting.

N. The Council finds that these proposed revisions to Articles II, IV, and XIII of the City Charter, regarding changes to the Charter that will align it with amended or further developed laws, removing inconsistencies and minimizing the need for future Charter updates, are for the benefit of the people of Fort Collins, and the Council desires to present the amendments to Articles II, IV, and XIII, set forth below to the voters for approval at the November 4, 2025, municipal election.

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

Section 1. That the following proposed changes to Articles II, IV and XIII of the Charter of the City of Fort Collins shall be submitted to the registered electors of the City as a Proposed Charter Amendment at the municipal election to be held on Tuesday, November 4, 2025:

ARTICLE II. CITY COUNCIL

. . .

Section 8. Campaign contributions.

- (a) **Council to set limits.** 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.

- (b) *Employee contributions.* It is unlawful for any confidential or policy-level employees of the city to contribute or expend any money or other valuable thing, directly or indirectly, to assist in the election or defeat of any Council candidate.
- (c) *Other contributions.* ~~No~~ It is unlawful for any 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 a~~ contract with the city ~~to~~ may contribute or expend any money or other valuable thing, directly or indirectly, to assist in the election or defeat of any Council candidate, except to the extent protected as free speech under the Constitution of the United States or the Constitution of the state of Colorado.

...

Section 11. Meetings, quorum, executive session.

...

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; ~~or~~
- (5) discuss and consider any other matter authorized by the Colorado Open Meetings Law, Section 24-6-401, Colorado Revised Statutes, as amended.

...

ARTICLE IV. GENERAL PROVISIONS

...

Section 5. Records to be public.

~~All~~ City records shall be available for public inspection, **as required and permitted by Colorado law**, ~~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.~~

...

ARTICLE XIII. DEFINITIONS.

Certain words and phrases used in this Charter are hereby declared to have the following meanings:

...

"Confidential employee" means a public employee required to develop or present management positions with respect to employer-employee relations, or whose duties normally require access to confidential information, or to contribute significantly to decision-making on management positions.

...

"Policy level employee" means a public employee with significant decision-making responsibilities to formulate policies or programs, or administer a service area or department.

...

Section 2. That the following ballot title and submission clause are hereby adopted for submitting a Proposed Charter Amendment to the voters at said election:

**CITY-INITIATED
PROPOSED CHARTER AMENDMENT NO.____**

Shall Articles II, IV, XIII of the Charter of the City of Fort Collins be amended to improve consistency with amended or further developed laws and removing inconsistencies, in order to minimize conflicts between the Charter legal developments, by:

- Changing Section 8 of Article II about contributions to City Council elections to:
 - Specify which city employees are prohibited from contributing to Council elections for consistency with state law;
 - Continue to prohibit a political party, public service corporations, and persons or entities with city contracts from contributing to any City Council election, while recognizing that some speech is protected by the U.S. or Colorado constitution;
- Adding definitions to Article XIII to correspond to the changes to Article II; and
- Adding language to Section 11 of Article II incorporating state law provisions regarding City Council executive sessions; and
- Clarifying language in Section 5 of Article IV that City records are available for public inspection and disclosure consistent with state open records laws?

_____ Yes/For
_____ No/Against

Introduced, considered favorably on first reading on April 1, 2025, and approved on second reading for final passage on April 15, 2025.

Mayor Pro Tem

ATTEST:

City Clerk

Effective Date: April 25, 2025

Approving Attorney: Carrie Daggett

ORDINANCE NO. 065, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF
THE CITY OF FORT COLLINS A PROPOSED CHARTER
AMENDMENT AMENDING ARTICLES II AND IV OF THE CITY
CHARTER TO MODERNIZE CERTAIN PROVISIONS

A. The City of Fort Collins Charter is the governing document that defines the City organization and the powers and functions of the City. The Charter was first created by a vote of the people of Fort Collins in 1954 and can only be amended by a vote of the people.

B. Over time, Charter provisions may become obsolete, contradictory, or warrant change to address current needs or trends.

C. Article IV, Section 8 of the Charter provides the Charter may be amended as provided by the laws of the State of Colorado. Colorado Revised Statutes Section 31-2-210 provides that charter amendments may be initiated by the adoption of an ordinance by the City Council submitting a proposed amendment to a vote of the registered electors of the City.

D. On February 27, 2024, the City Council adopted Resolution 2024-024, which adopted a Council priority to modernize and update the City Charter. Resolution 2024-024 noted that although small parts of the Charter are reviewed and updated on a regular basis, there is a need to modernize and update the City Charter, which has not been done in over 25 years.

E. City staff has worked to identify and develop options for specific Charter language to be updated and modernized.

F. At its May 14, 2024, work session, the Council provided positive feedback to staff in support of conducting a comprehensive review of the City Charter to align with state law and legal developments; update language in the Charter to be inclusive; focus on cleanup and modernization rather than policy changes and to make changes for ease of reading and clarity.

G. City staff presented various options, including the possible groupings of amendments, to City Council at work sessions held on December 10, 2024, and January 28, 2025.

H. At its January 28, 2025, work session, the Council provided positive feedback to staff in support of considering an ordinance that updates the publication requirements in the Code and eliminates language in the Charter that gives a Councilmember the option to request that an ordinance be read in full during a Council meeting. Council also gave positive feedback to staff about updating formatting of the

Charter language about adopting ordinances, resolutions and motions to improve ease of reading.

I. The proposed amendments to Section 6 of Article II remove the option for a City Councilmember to request that an entire ordinance be read aloud at a City Council meeting and make requirements for adopting ordinances, resolutions and motions easier to read by adding subsections, subsection titles and better organizing them.

J. The proposed amendments to Section 7 of Article II add a way to correct the effect of late publication of an ordinance if publication is completed within a reasonable time. Late publication delays the effective date of the ordinance and tolls the deadline to file a notice of referendum protest. Currently, publication errors or delays result in a complete restart of the adopted ordinance, which is wasteful and unnecessary.

K. The proposed amendments to Section 7 of Article IV modernize the publication requirements to eliminate formal legal publication in a local newspaper and instead require publication of information on the City's website and posted at City Hall and other locations decided by City Council.

L. On November 4, 2024, City voters approved amendments to the City Charter that added a section about computation of time to Articles VIII, IX and X of the Charter, regarding Elections, Recall and Initiative and Referendum, respectively. This amendment adds provisions about computation of time to the General Provisions of the Charter and, if approved, would apply to computation of time throughout the Charter.

M. Proposed revisions add a new Section 17 to Article IV about computation of time to clarify how deadlines are interpreted throughout the Charter.

N. If there are multiple Charter amendments approved for the November 2025 ballot, the City Council will determine the order of the amendments on the ballot by motion at the April 15 meeting.

O. The Council finds that these proposed revisions to Articles II and IV of the City Charter, removing language that allows a Councilmember to request that an ordinance be read in full at a Council meeting and reformatting language about adopting ordinances for ease of reading, about modernizing the publication requirements to ensure more efficient notice to the public and clarifying the rules for computation of time in applying deadlines in the Charter, are for the benefit of the people of Fort Collins, and the Council desires to present the amendments to Articles II and IV, set forth below to the voters for approval at the November 4, 2025, municipal election.

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

Section 1. That the following proposed changes to Articles II and IV of the Charter of the City of Fort Collins shall be submitted to the registered electors of the City as a Proposed Charter Amendment at the municipal election to be held on Tuesday, November 4, 2025:

ARTICLE II. CITY COUNCIL

. . .

Section 6. Ordinances, resolutions and motions.

(a) **Council action.** 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.

(b) **Ordinance required.** 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.

(c) **Single subject.** 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.

(d) **Introduction and passage of ordinances** 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 **for inspection and copying by the general public** in the office of the City Clerk **and posted on the city website** at least forty-eight (48) hours prior to the time such ordinance is introduced ~~for each member of~~ **considered by** the City Council, ~~and for inspection and copying by the general public.~~ Final passage of all ordinances except emergency ordinances shall be at a regular Council meeting. ~~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.~~

(e) **Emergency ordinances.** An emergency ordinance may be formally introduced at a special Council meeting and action taken thereon, including final passage at such special meeting. ~~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.

(f) *Ordinance enacting clause.* 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."

. . .

Section 7. Ordinances, publication and effective date.

(a) *Publication.* Every proposed ordinance, except an emergency ordinance, shall will be published in full at least seven (7) days before its final passage on the city's official internet web site. In addition, each such ordinance shall will be published in a newspaper of general circulation in the city by number and title only, together with a statement that the full text is available for public inspection and acquisition in the office of the City Clerk and on the city's internet web site.

(b) *Notices.* Both publications shall will contain a notice of the date when said proposed ordinance will be presented for final passage. The City Clerk shall will, within seven (7) days after final passage of any such ordinance, publish such ordinance in the same method as is required for the first publication.

(c) *Effective Date.* All ordinances, except emergency ordinances, shall will take effect on the tenth day following their passage. An emergency ordinance shall will take effect upon passage and shall will be published as provided above within seven (7) days thereof.

(d) *Effect of Late Publication.* Failure to timely publish an ordinance before final passage may be cured by publication after final passage, so long as other notice requirements for consideration of the ordinance have been met. A late publication after final passage may be cured if publication is completed within a reasonable time. An ordinance published after final passage will not go into effect until publication requirements are met. Late publication will toll the deadline to file a notice of referendum protest to the amount of time after publication consistent with a timely published ordinance.

(e) *Form.* Standard codes and codifications of ordinances of the city may be published by title and reference in whole or in part. Ordinances shall must be signed by the Mayor, attested by the City Clerk and published without further certification.

(f) *Public Hearings.* The Council may enact any ordinance which adopts any code by reference in whole or in part provided that before adoption of such ordinance the Council shall will hold a public hearing thereon and notice of the hearing shall must be published twice in the newspaper of general circulation, published in the city, one (1) of such publications to be at least eight (8) days preceding the hearing and the other at least fifteen (15) days preceding the hearing. Such notice shall must state the time and place of the hearing and shall must also state that copies of the code to be adopted are on file with the City Clerk and open to public inspection. The notice shall must also contain a description which the Council deems sufficient to give notice to persons interested as to the subject matter of such code and the name and address of the agency by which it has been promulgated. The ordinance adopting any such code shall must set forth in full any penalty clause in connection with such code.

. . .

ARTICLE IV. GENERAL PROVISIONS

. . .

Section 7. Publication.

Whenever legal notice or other publication is required by this Charter, or by ordinance, rule, or regulation, such notice shall be published on the city's website and posted at City Hall, and at other locations as decided by City Council, 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.

. . .

Section 17. Computation of time.

(a) *Calendar days unless specified.* Except when business days are specified, all computations of time made under the provisions of this Charter will be based on calendar days.

(b) *Included days.* Except when computing business days, Saturdays, Sundays, City holidays and days City Hall is closed for business for a full or partial day due to inclement weather or other emergency circumstances will be included, but, if the time for any act to be done or the last day of any period is a Saturday, Sunday, City holiday or day City Hall is closed for business for a full or partial day due to inclement weather or other emergency circumstances, the period is extended to include the next day that is not a Saturday, Sunday, or City holiday.

(c) *Business days.* If the time for an act to be done under this Charter is referred to in business days, the time will be computed by excluding Saturdays, Sundays, City holidays, and any day City Hall is closed for business for a full or partial day due to inclement weather or other emergency circumstances.

(e) *Specific considerations.* In relation to election requirements only, if a provision requires doing an act in "not less than" or "no later than" or "at least" a certain number of days or "prior to" a certain number of days or a certain number of months "before" the date of an election, or any phrase that suggests a similar meaning, if that period would end on a Saturday, Sunday or City holiday, it will instead shift to end on the prior business day that is not a Saturday, Sunday, or City holiday. If that period ends on a day City Hall is closed for business for a full or partial day due to inclement weather or other emergency circumstances, the period will end on the next business day on which City Hall is open for business.

(f) *Time of day.* Except when otherwise specified, an act must be completed by 5:00 p.m. Mountain time on the last day for that action.

Section 2. That the following ballot title and submission clause are hereby adopted for submitting a Proposed Charter Amendment to the voters at said election:

**CITY-INITIATED
PROPOSED CHARTER AMENDMENT NO.____**

Shall Articles II and IV of the Charter of the City of Fort Collins, be amended to modernize publication requirements and requirements for adopting ordinances, by:

- Revising Section 6 of Article II about adopting ordinances, resolutions, and motions to:
 - Make the provision easier to read and understand by adding subsections, subsection titles and better organizing them;
 - Remove language entitling any Councilmember to request that an entire ordinance be read aloud at a Council meeting; and
- Revising Section 7 of Article II about publication and effective date of ordinances to:
 - Allow an ordinance to proceed to adoption if publication of the ordinance before adoption was not timely, so long as all other notice requirements have been met; and.
 - Cure late publication of ordinance after final passage if publication completed within a reasonable period of time; and
 - Delay the effective date of the ordinance until publication requirements are met; and
 - Toll the deadline to file a notice of referendum protest; and
- Revising Section 7 of Article IV to require notice be published on the City's website and posted at City Hall, instead of publishing formal legal notices in a local newspaper; and
- Adding a new Section 17 to Article IV of the Charter of the City of Fort Collins about how to apply deadlines throughout the Charter in the manner already enacted for Articles VIII, IX and X?

_____ Yes/For
_____ No/Against

Introduced, considered favorably on first reading on April 1, 2025, and approved on second reading for final passage on April 15, 2025.

Mayor Pro Tem

ATTEST:

City Clerk
Effective Date: April 25, 2025
Approving Attorney: Carrie Daggett

ORDINANCE NO. 066, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF
THE CITY OF FORT COLLINS A PROPOSED CHARTER
AMENDMENT AMENDING ARTICLE IV OF THE CITY CHARTER
RELATED TO CONFLICTS OF INTEREST

A. The City of Fort Collins Charter is the governing document that defines the City organization and the powers and functions of the City. The Charter was first created by a vote of the people of Fort Collins in 1954 and can only be amended by a vote of the people.

B. Over time, Charter provisions may become obsolete, contradictory, or warrant change to address current needs or trends.

C. Article IV, Section 8 of the Charter provides the Charter may be amended as provided by the laws of the State of Colorado. Colorado Revised Statutes Section 31-2-210 provides that charter amendments may be initiated by the adoption of an ordinance by the City Council submitting a proposed amendment to a vote of the registered electors of the City.

D. On February 27, 2024, the City Council adopted Resolution 2024-024, which adopted a Council priority to modernize and update the City Charter. Resolution 2024-24 noted that although small parts of the Charter are reviewed and updated on a regular basis, there is a need to modernize and update the City Charter, which has not been done in over 25 years.

E. City staff has worked to identify and develop options for specific Charter language to be updated and modernized.

F. At its May 14, 2024, work session, the Council provided positive feedback to staff in support of conducting a comprehensive review of the City Charter to align with state law and legal developments; update language in the Charter to be inclusive; focus on cleanup and modernization rather than policy changes and to make changes for ease of reading and clarity.

G. City staff presented various options, including the possible groupings of amendments, to City Council at work sessions held on December 10, 2024, and January 28, 2025.

H. At its January 28, 2025, work session, the Council provided positive feedback to staff in support of considering an ordinance that modernizes conflicts of interest language to allow a Councilmember to sell real property to the City for reasons beneficial to the City, if certain limitations about declaring a conflict and refraining from involvement in the City decision remain in place.

I. At its January 28, 2025, work session, the Council provided positive feedback to staff in support of considering an ordinance that modernizes conflicts of interest language to allow an employee to lease real property with City Manager approval for reasons beneficial to the City and related to the employee's job duties.

J. The proposed amendments to Section 9(b)(1) of Article IV allow a Councilmember or Mayor to sell real property at real market value to the City if it's needed for a City project or public purpose and provided certain limitations about declaring a conflict and refraining from involvement in the City decision remain in place. The City may need to buy specific real property for important public purposes and the Charter currently prohibits any Councilmember from selling property or services to the City with no exceptions.

K. The proposed amendments to Section 9(b)(2) of Article IV allow a City employee to rent property from the City if it is leased to the employee with the City Manager's approval and related to the employee's job duties.

L. If there are multiple Charter amendments approved for the November 2025 ballot, the City Council will determine the order of the amendments on the ballot by motion at the April 15 meeting.

M. The Council finds that these proposed revisions to Articles IV of the City Charter, regarding modernizing the conflicts of interest language to allow City officers to sell real property to the City in certain circumstances and allow employees to lease property from the City with City Manager approval, are for the benefit of the people of Fort Collins, and the Council desires to present the amendments to Article IV, set forth below to the voters for approval at the November 4, 2025, municipal election.

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

Section 1. That the following proposed changes to Article IV of the Charter of the City of Fort Collins shall be submitted to the registered electors of the City as a Proposed Charter Amendment at the municipal election to be held on Tuesday, November 4, 2025:

ARTICLE IV. GENERAL PROVISIONS

...

Section 9. Conflicts of interest.

...

(b) *Rules of conduct concerning conflicts of interest.*

(1) *Sales to the city.*

a. **Except as provided in subsection b,** ~~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:

- ai. such officer or employee is a member of the Council;
- bi. such officer or employee exercises, directly or indirectly, any decision-making authority on behalf of the city concerning such sale; or
- ciii. in the case of services, such officer or employee exercises any supervisory authority in his or her role as a city officer or employee over the services to be rendered to the city.

b. Exceptions to this prohibition include:

(i) **personal services provided to the city as an officer or employee; and**

(ii) **the sale of real property at fair market value by a Councilmember or Mayor to the city in the event the city needs a particular real property to carry out city purposes or projects.**

(2) *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 as is leased to an employee with City Manager approval for the city's benefit and for purposes related to the employee's job duties.**

...

Section 2. That the following ballot title and submission clause are hereby adopted for submitting a Proposed Charter Amendment to the voters at said election:

**CITY-INITIATED
PROPOSED CHARTER AMENDMENT NO.____**

Shall Section 9 of Article IV of the Charter of the City of Fort Collins, regarding conflicts of interest, be amended to:

- Allow City Councilmembers or the Mayor to sell real property to the city if the property is needed for a city project or public use, while retaining all requirements for disclosure and refraining from involvement that otherwise apply in the case of a conflict of interest; and
- Allow City employees to rent property from the city with City Manager approval, if it is for the city's benefit and related to the employee's performance of their job?

_____ Yes/For
_____ No/Against

Introduced, considered favorably on first reading on April 1, 2025, and approved on second reading for final passage on April 15, 2025.

Mayor Pro Tem

ATTEST:

City Clerk

Effective Date: April 25, 2025

Approving Attorney: Carrie Daggett

ORDINANCE NO. 067, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF
THE CITY OF FORT COLLINS A PROPOSED CHARTER
AMENDMENT AMENDING THE CITY CHARTER TO
MODERNIZE AND UPDATE IT BY REFORMATTING AND
UPDATING LANGUAGE USAGE FOR EASE OF READING AND
CLARITY AND ELIMINATING INAPPLICABLE AND INVALID
PROVISIONS

A. The City of Fort Collins Charter is the governing document that defines the City organization and the powers and functions of the City. The Charter was first created by a vote of the people of Fort Collins in 1954 and can only be amended by a vote of the people.

B. Over time, Charter provisions may become obsolete, contradictory, or warrant change to address current needs or trends.

C. Article IV, Section 8 of the Charter provides the Charter may be amended as provided by the laws of the State of Colorado. Colorado Revised Statutes Section 31-2-210 provides that charter amendments may be initiated by the adoption of an ordinance by the City Council submitting a proposed amendment to a vote of the registered electors of the City.

D. On February 27, 2024, the City Council adopted Resolution 2024-024, which adopted a Council priority to modernize and update the City Charter. Resolution 2024-24 noted that although small parts of the Charter are reviewed and updated on a regular basis, there is a need to modernize and update the City Charter, which has not been done in over 25 years.

E. City staff has worked to identify and develop options for specific Charter language to be updated and modernized.

F. City staff presented various options, including the possible groupings of amendments, to City Council at work sessions held on May 14 and December 10, 2024, and January 28, 2025.

G. At its May 14, 2024, work session, the Council provided positive feedback to staff in support of conducting a comprehensive review of the City Charter to align with state law and legal developments; update language in the Charter to be inclusive; focus on cleanup and modernization rather than policy changes and to make changes for ease of reading and clarity.

H. At its January 28, 2025, work session, the Council provided positive feedback to staff in support of considering an ordinance that forwards a Charter

amendment to modernize and update the formatting and non-substantive wording in entire Charter.

I. At its January 28, 2025, work session, the Council provided positive feedback to staff in support of considering a Charter amendment to eliminate Charter language that is made unnecessary due to changes in law or circumstances.

J. Numerous other Charter amendments will be presented to City voters in the municipal election to take place on November 4, 2025. These modernizing changes are not intended to undo any substantive Charter amendments approved by the voters at the Tuesday, November 4, 2025, municipal election.

K. The proposed amendments to Section 3 of Article IV of the City Charter delete the reference to a City department head appointed prior to March 6, 1985, because there is no City employee this residence requirement applies to.

L. The proposed amendments to Section 6 of Article V of the City Charter remove unnecessary language about the highest allowable tax rate because the highest rate is now set by state law.

M. The proposed deletion of Article XIV regarding transitional provisions eliminates Charter language that applied only on an interim basis after prior Charter revisions.

N. If there are multiple Charter amendments approved for the November 2025 ballot, the City Council will determine the order of the amendments on the ballot by motion at the April 15 meeting.

O. The Council finds that these proposed revisions to the City Charter, modernizing and updating the City Charter form and language, for ease of reading and clarity, and deleting outdated or invalid provisions in Articles VI, V and XIV, are for the benefit of the people of Fort Collins, and the Council desires to present the amendments to the City Charter, set forth below to the voters for approval at the November 4, 2025, municipal election.

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

Section 1. That the proposed changes to modernize and update the formatting and language of the Charter of the City of Fort Collins shall be submitted to the registered electors of the City as a Proposed Charter Amendment at the municipal election to be held on Tuesday, November 5, 2025. The changes are included in the version of the Charter attached as Exhibit A to this ordinance and incorporated herein by reference, which include (but are not limited to) the following changes to Articles IV, V, and XIV:

ARTICLE IV. GENERAL PROVISIONS

...

Section 3. Residency requirement.

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.~~

...

ARTICLE V. FINANCE ADMINISTRATION

...

Section 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.~~

...

ARTICLE 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.~~

Section 2. That the following ballot title and submission clause are hereby adopted for submitting a Proposed Charter Amendment to the voters at said election:

CITY-INITIATED PROPOSED CHARTER AMENDMENT NO. __

Shall the Charter of the City of Fort Collins be amended to modernize and update it by reformatting and updating language usage for ease of reading and clarity, and eliminating inapplicable and invalid provisions, without undoing any substantive Charter amendments approved by the voters at the Tuesday, November 4, 2025, municipal election, by:

- Changing the words "shall" to "will," "must" or "may," or other words to improve clarity; and
- Making the language more inclusive by taking out words "he" and "she" and related word forms; and
- Dividing sections into subsections and adding titles to subsections to make them easier to read and understand; and
- Eliminating transitional provisions that
 - Address residency requirements for City department heads appointed prior to March 6, 1985 (Section 3 of Article IV); and
 - Set a mill levy cap on Council's adoption of taxes (Section 6 of Article IV), which Council must now adopt only with voter approval; and
 - Provide for transition from the prior Charter when the Charter was adopted (Article XIV); and
- Renumbering and updating section cross-references throughout the Charter?

_____ Yes/For
_____ No/Against

Introduced, considered favorably on first reading on April 1, 2025, and approved on second reading for final passage on April 15, 2025.

Mayor Pro Tem

ATTEST:

City Clerk

Effective Date: April 25, 2025
Approving Attorney: Carrie Daggett

FORT COLLINS CHARTER

PREAMBLE

We, the people of Fort Collins, Colorado, under the authority of the Constitution of the State of Colorado, do ordain, establish and adopt this Charter for our municipal government.

ARTICLE I. FORM OF GOVERNMENT, POWERS, SEAL

Section 1. Name, boundaries.

The citizens of Fort Collins, in the County of Larimer, State of Colorado, within the boundaries of the municipal corporation as now established and heretofore existing under the name of Fort Collins, or as hereafter established in the manner provided by law, ~~shall~~ **will** continue to constitute a body corporate and politic in perpetual succession, under the name of the City of Fort Collins, as a home-rule municipal corporation under Article XX of the Constitution of the State of Colorado. The official seal for the city ~~shall~~ **will** consist of the word "SEAL" surrounded by the words "City of Fort Collins, Colorado."

Section 2. Form of government.

(a) Form. The municipal government provided by this Charter ~~shall be known as~~ **is** the "Council Manager government."

(b) Powers. Pursuant to its provisions and subject only to the limitations and exceptions imposed by the state Constitution and by this Charter, all powers of the city ~~shall~~ **will** be vested in an elective Council, hereinafter referred to as "the Council." All powers of the City of Fort Collins ~~shall~~ **will** be exercised in the manner prescribed by this Charter or, if the manner be not therein prescribed, then in such manner as may be prescribed by ordinance.

Section 3. Succession to rights and liabilities.

The municipal corporation, the City of Fort Collins, ~~shall~~ **will** continue to own, possess and hold all the real and personal property heretofore owned, possessed, or held by the city, and ~~shall~~ **will** continue to manage and dispose of all trusts in connection therewith and succeed to all the rights, benefits, and liabilities of the city.

Section 4. Powers of city.

The city ~~shall have~~ **has** all the powers granted to municipal corporations and to cities by the Constitution and general laws of this state, together with all the implied powers necessary to carry into execution all the powers granted. The enumeration of particular powers by this Charter ~~shall~~ **will** not be deemed to be exclusive, and in addition to the powers enumerated or implied, or appropriate to the exercise of such powers, it is intended that the city ~~shall~~ **will** have and may exercise all powers of local self-government which, under the Constitution of this state, it would be competent for this Charter specifically to enumerate.

ARTICLE II. CITY COUNCIL

Section 1. Membership; terms.

- (a) *Composition of Council.* The Council ~~shall~~ **will** consist of seven (7) members, including a Mayor and Mayor Pro Tem, elected as provided in this Article.
- (b) *Method of election.* The Mayor ~~shall~~ **will** be nominated and elected from the city at large. The remaining six (6) members ~~shall~~ **will** be nominated and elected by Districts. The election of District Councilmembers ~~shall~~ **will** alternate between the election of representatives for Council Districts 1, 3 and 5 and the election of representatives for Council Districts 2, 4 and 6.
- (c) *Council district boundaries.* The city ~~shall~~ **will** be divided into six (6) contiguous, reasonably compact districts, each of which ~~shall~~ **will** consist of contiguous, undivided general election precincts and, to the extent reasonably possible, an equal number of inhabitants. The districts ~~shall~~ **will** be numbered consecutively in a clockwise fashion beginning with the northeast district, which ~~shall~~ **will** be District 1. The Council ~~shall~~ **will** establish by ordinance the process for adjusting district boundaries and giving notice of any proposed boundary changes, and the manner of protesting such proposed changes.
- (d) *Terms.* Except as otherwise provided in Section 18 of this Article and Article IX, the term of office of the Mayor ~~shall~~ **will** be two (2) years, and the term of office of all other members of the Council ~~shall~~ **will** be four (4) years each; provided, however, that all such officers ~~shall~~ **will** serve until their successors have been elected and have taken office. The terms of the Mayor and other members of the Council ~~shall~~ **will** begin when they take the oath of office, which ~~shall~~ **will** occur as the first order of business at a special Council meeting on the second Tuesday of January next after the election, or, if appointed, the first regular or special Council meeting following their appointment.

Section 2. Qualifications of candidates and members; challenges.

- (a) An individual ~~shall be~~ **is** eligible to be a candidate for the office of Councilmember if at the time of the election ~~he or she is~~ **they are** a citizen of the United States; is at least twenty-one (21) years of age; ~~has~~ **have** been for one (1) year immediately preceding such election an elector of the city; and, in the case of a District Councilmember, ~~has~~ **have** continuously resided in the District from which ~~he or she is~~ **they are** to be elected since the date of accepting any nomination for election under Article VIII, Section 3, of this Charter.
- (b) No person prohibited by the Colorado constitution from serving in public office in Colorado ~~shall be~~ **is** eligible to be a candidate for, or hold, the office of Councilmember.
- (c) No person ~~shall be~~ **is** eligible to stand for election to more than one (1) elective office at any single municipal election. During a term of office, no member of the Council ~~shall~~ **may** be an employee of the city or hold any other elective public office. No person ~~shall~~ **may** be elected or appointed to any city office, position or employment for which the compensation was increased or fixed by the Council while such person was a member thereof until after expiration of one (1) year from the date when such person ceased to be a member of the Council.
- (d) Any registered elector may file with the City Clerk a written protest challenging the qualifications of any member of the Council. Any such protest ~~shall~~ **will** be resolved by the City Clerk as expeditiously as possible but no more than forty-five (45) days from the date of filing of the protest, pursuant to a procedure established by the Council by ordinance. In order to resolve such protests, the City Clerk ~~shall have~~ **has** the power to subpoena witnesses, administer oaths, and require the production of evidence. No protest ~~may~~ **shall** be filed prior to the date of appointment or the date of issuance of the certificate of election of a Councilmember, whichever is applicable, nor ~~shall~~ **may** any such protest, other than a protest based upon the fact of a felony conviction, be filed more than fifteen (15) days after said date.

- (e) The fact that a Councilmember may be determined to have lacked any qualification for the office of Councilmember during all or any portion of ~~his or her~~ **their** term of office ~~shall~~ **does** not affect the validity of any action taken by the Council during such Councilmember's term of office.

Section 3. Compensation of members.

- (a) **Applicable income statistical area.** For the purpose of this Section, *Area Median Income* ~~shall~~ **will** mean Area Median Income for a single-person household for the Fort Collins/Loveland Metropolitan Statistical Area, as determined and adjusted annually by the U.S. Department of Housing and Urban Development.
- (b) **Compensation.** Commencing in 2023, compensation for members of the City Council ~~shall~~ **will** be paid biweekly and adjusted annually as follows:
- (1) For the Mayor: seventy-five percent (75%) of Area Median Income.
 - (2) For the Mayor Pro Tem: sixty percent (60%) of Area Median Income.
 - (3) For all other Councilmembers: fifty percent (50%) of Area Median Income.
- (c) **Benefits.** Although members of City Council are generally not considered City employees, compensation for service on City Council ~~shall~~ **will** include the option to participate in the City organization's healthcare-related benefits, on the same terms those benefits are available to City employees.

Section 4. Organization.

(a) **Mayoral duties.** The Mayor ~~shall~~ **will** preside at meetings of the Council and ~~shall~~ **will** be recognized as head of the city government for all ceremonial purposes and by the Governor of the state for purposes of military law. The Mayor ~~shall~~ **must** execute and authenticate legal instruments requiring the signature of the Mayor. The Mayor ~~shall~~ **will** also perform such other duties as may be provided by ordinance which are not inconsistent with the provisions of this Charter.

(b) **Mayor Pro Tem.** At the special meeting at which newly-elected officers take their oath of office as described in Section 1(d) of this Article, the Council ~~shall~~ **will** elect a Mayor Pro Tem for a two (2) year term from among the members of the Council to act as Mayor during the absence or disability of the Mayor. If a vacancy occurs in the position of Mayor, the Mayor Pro Tem ~~shall~~ **will** become Mayor as provided in Section 18(b) below.

(c) **Mayor Pro Tem vacancy.** If a vacancy occurs in the position of Mayor Pro Tem, whether through resignation or otherwise, the Council ~~shall~~ **will** at the first regular or special meeting after the occurrence of such vacancy elect a new Mayor Pro Tem to serve for the remainder of the vacated term.

Section 5. Powers.

All powers of the city and the determination of all matters of policy ~~shall~~ **will** be vested in the Council except as otherwise provided by this Charter. Without limitation of the foregoing, the Council ~~shall~~ **will** have power to:

- (a) appoint and remove the City Manager;
- (b) establish, change, consolidate or abolish administrative offices, service areas or agencies by ordinance, upon report and recommendation of the City Manager, so long as the administrative functions and public services established by this Charter are not abolished in any such reorganization. The city ~~shall~~ **must** provide for all essential administrative functions and public services, including, but not limited to the following:
 - (1) fire suppression and prevention;
 - (2) police services;
 - (3) finance and recordkeeping;

- (4) electric utility services;
 - (5) water supply and wastewater services;
 - (6) street maintenance;
 - (7) storm drainage;
 - (8) planning and zoning.
- (c) adopt the budget of the city;
 - (d) authorize the issuance of bonds by ordinance as provided by this Charter;
 - (e) inquire into and investigate any office, service area, or agency of the city and the official acts of any officer or employee thereof, and to compel by subpoena attendance and testimony of witnesses and production of books and documents;
 - (f) adopt plats;
 - (g) adopt and modify the official map of the city;
 - (h) provide for independent audits of all funds and accounts of the city.

Section 6. Ordinances, resolutions, motions.

(a) Council action. The Council ~~shall~~ **must** act by ordinance, resolution, or motion. The ayes and nays ~~shall~~ **will** be recorded on the passage of all ordinances, resolutions, and motions. Every Councilmember present ~~shall~~ **must** vote; if a member fails to vote when present, he or she ~~shall~~ **will** be recorded as voting in the affirmative.

(b) Ordinance required. 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~~ **must** be by ordinance, which ~~shall~~ **must** not be so altered or amended on the final passage as to change the original purpose.

(c) Single subject. All ordinances, except the annual appropriation ordinance and any ordinance making a general codification of ordinances, ~~shall~~ **must** be confined to one (1) subject which ~~shall~~ **must** be clearly expressed in the title.

(d) Introduction and passage of ordinances All ordinances ~~shall~~ **must** 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~~ **may** 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~~ **must** 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. Final passage of all ordinances except emergency ordinances ~~shall~~ **must** be at a regular Council meeting 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~~ **must** be read in full at such reading.

(e) Emergency ordinances. An emergency ordinance may be formally introduced at a special Council meeting and action taken thereon, including final passage at such special meeting. Emergency ordinances ~~shall~~ require for passage the affirmative vote of at least five (5) members of the Council and ~~shall~~ **must** 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~~ **may** ever be passed as an emergency ordinance.

(f) Ordinance enacting clause. The enacting clause of all ordinances passed by the Council ~~shall~~ **must** be as follows: "Be it ordained by the Council of the City of Fort Collins."

Section 7. Ordinances, publication and effective date.

(a) **Publication.** Every proposed ordinance, except an emergency ordinance, ~~shall~~ **must** be published in full at least seven (7) days before its final passage on the city's official internet web site. In addition, each such ordinance ~~shall~~ **must** be published in a newspaper of general circulation in the city by number and title only, together with a statement that the full text is available for public inspection and acquisition in the office of the City Clerk and on the city's internet web site.

(b) **Notices.** Both publications ~~shall~~ **must** contain a notice of the date when said proposed ordinance will be presented for final passage. The City Clerk ~~shall~~ **must**, within seven (7) days after final passage of any such ordinance, publish such ordinance in the same method as is required for the first publication.

(c) **Effective date.** All ordinances, except emergency ordinances, ~~shall~~ **will** take effect on the tenth day following their passage. An emergency ordinance ~~shall~~ **will** take effect upon passage and ~~shall~~ **will** be published as provided above within seven (7) days thereof.

(d) **Form.** Standard codes and codifications of ordinances of the city may be published by title and reference in whole or in part. Ordinances ~~shall~~ **must** be signed by the Mayor, attested by the City Clerk and published without further certification.

(e) **Public hearings.** The Council may enact any ordinance which adopts any code by reference in whole or in part provided that before adoption of such ordinance the Council ~~shall~~ **must** hold a public hearing thereon and notice of the hearing ~~shall~~ **must** be published twice in the newspaper of general circulation, published in the city, one (1) of such publications to be at least eight (8) days preceding the hearing and the other at least fifteen (15) days preceding the hearing. Such notice ~~shall~~ **must** state the time and place of the hearing and ~~shall~~ **must** also state that copies of the code to be adopted are on file with the City Clerk and open to public inspection. The notice ~~shall~~ **must** also contain a description which the Council deems sufficient to give notice to persons interested as to the subject matter of such code and the name and address of the agency by which it has been promulgated. The ordinance adopting any such code ~~shall~~ **must** set forth in full any penalty clause in connection with such code.

Section 8. Disposition of ordinances.

A true copy of every ordinance, when adopted, ~~shall~~ **will** be numbered and recorded in a book marked "Ordinance Record," and adoption and publication ~~shall~~ **must** be authenticated by the signatures of the Mayor and the City Clerk, and by the certificate of the publisher, respectively. The ordinances as adopted by the vote of the qualified electors of the city ~~shall~~ **will** be separately numbered and recorded.

Section 9. Ordinance codification.

The Council ~~shall~~ **must** cause the permanent ordinances to be codified. Such codification may be of the entire body of permanent ordinances or of the ordinances on some particular subject and may be re-enacted by the Council or authenticated in such other manner as may be designated by ordinance. No codification ordinance ~~shall~~ **will** be invalid on the grounds that it deals with more than one (1) subject. The first codification ~~shall~~ **will** be completed within five (5) years of the effective date of this Charter and subsequent codifications ~~shall~~ **must** be made thereafter as deemed necessary by the Council, and all permanent ordinances adopted thereafter ~~shall~~ **must** be codified at least once a year.

Section 10. Proof of charter and ordinances.

This Charter and any ordinance passed by the Council may be proved by a copy thereof certified to by the City Clerk under the seal of the city and, when printed in a book or pamphlet form purporting to be authorized by the city, the same ~~shall~~ **may** be received as prima facie evidence by courts without further proof.

Section 11. Meetings, quorum, executive session.

The Council ~~shall~~ **will** hold regular meetings at such time and place as it may prescribe by ordinance and ~~shall~~ **will** prescribe the manner in which special meetings may be called. Notice of any special meeting ~~shall~~ **must** be given to all Councilmembers no less than one (1) day prior to such meeting. All meetings ~~shall~~ **will** be open to the public. A majority of the members of Council ~~shall~~ **will** 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~~ **will** 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~~ **will** 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.

Section 12. City Clerk.

With the approval of the Council, the City Manager ~~shall~~ **will** appoint a City Clerk who ~~shall~~ **will** act as Clerk of the Council and who while so employed ~~shall~~ **must** be a resident of the Fort Collins Urban Growth Area. The City Clerk ~~shall~~ **will**:

- (1) give notice of Council meetings;
- (2) keep a journal of Council proceedings;
- (3) authenticate by ~~his or her~~ **their** signature and permanently record in full all ordinances and resolutions; and
- (4) perform other duties required by this Charter or by the City Manager.

Section 13. Council not to interfere with administrative service.

Except for purposes of inquiry, the Council and its members ~~shall~~ **may** deal with the administrative service of the city solely through the City Manager, and neither the Council nor any member ~~shall~~ **may** give orders to any subordinates of the City Manager either publicly or privately.

Section 14. Licenses, permits.

The Council may provide for licenses and permits, and fees therefor, for regulatory purposes. The Council ~~shall~~ **will** provide an administrative procedure for the hearing and determination of appeals relating to issuance, suspension or revocation of such licenses and permits. The Council itself may hear and decide appeals.

Section 15. Surety bonds.

The Council ~~shall~~ **must** require the City Manager, the Financial Officer, and other employees transacting financial business of the city to furnish bonds with such surety and in such amounts as the Council may determine.

Section 16. Contracts with other governmental bodies.

The Council may, by ordinance or resolution, enter into contracts with other governmental bodies to furnish governmental services and make charges for such services, or enter into cooperative or joint activities with other governmental bodies.

(Ord. No. 18, 1973, 2-15-73, approved, election 4-3-73)

Section 17. Independent annual audit.

The Council ~~shall~~ **must** provide for an independent audit at least annually by a certified public accountant of all books and accounts of the city, and ~~shall~~ **must** publish a summary thereof once in the manner provided for publication of legal notices within seven (7) months after the end of each fiscal year.

Section 18. Vacancies.

(a) **Vacancies.** 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.

(b) Filling Councilmember district office vacancy.

(1) Except for the office of Mayor, any vacancy on the Council ~~shall~~ **must** be filled within forty-five (45) days by appointment of the Council. The person so appointed ~~shall~~ **will** 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.

(2) This selection process ~~shall be~~ **is** 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~~ **must** 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~~ **will** run for the remainder of the replaced Councilmember's term. Any person appointed to fill a Councilmember's vacated position ~~shall~~ **must** 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~~ **must** be from the same District, as such District is constituted at the time of the appointment or election.

(b) **Filling an office of the Mayor vacancy.**

The following ~~shall~~ **will** 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~~ **will** become Acting Mayor, and the Council ~~shall~~ **must** elect a new Mayor Pro Tem. Both the Acting Mayor and Mayor Pro Tem ~~shall~~ **will** serve until the next regular election, at which time the office of Mayor ~~shall~~ **will** be filled by the electors for a new term, and the Acting Mayor and Mayor Pro Tem ~~shall~~ **will** 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~~ **must** 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~~ **must** be immediately assumed by the Mayor Pro Tem, who ~~shall~~ **will** serve as Acting Mayor until said regular election, at which time the office of Mayor ~~shall~~ **must** 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~~ **will** consist of six (6) members, and the Council ~~shall~~ **must** elect an interim Mayor Pro Tem. After the election, the Acting Mayor and Interim Mayor Pro Tem ~~shall~~ **will** resume their duties as Councilmembers for the remainder of their unexpired terms of office, if any.
- (3) Nothing herein ~~shall~~ precludes the Mayor Pro Tem or any Councilmember from standing for election to the office of Mayor.

ARTICLE III. CITY MANAGER

Section 1. Appointment, qualifications.

(a) **Appointment of City Manager.** The Council ~~shall~~ **will** appoint and fix the compensation of a City Manager, who ~~shall~~ **will** be the chief executive officer and head of the administrative branch of the city government.

(b) **Qualifications.** The City Manager ~~shall~~ **will** be appointed on the basis of ~~his or her~~ **their** executive and administrative qualifications, with special reference to actual experience in and knowledge of accepted practice in respect to the duties of the office.

(c) **Residency.** Prior to appointment, the City Manager need not be a resident of the city, but during ~~his or her~~ **their** tenure in office the City Manager ~~shall~~ **must** reside within the city.

(d) **Limitation on appointment.** No member of Council ~~shall~~ **may** be appointed City Manager during the term for which ~~he or she has~~ **they have** been elected nor within one (1) year after the expiration of such term.

Section 2. Powers, duties.

The City Manager ~~shall~~ **will** be responsible to the Council for the proper administration of all affairs of the city and to that end ~~shall~~ **will** have power and be required to:

- (a) appoint and, when necessary for the good of the service, remove all heads of service areas and employees of the city except as otherwise provided by this Charter;
- (b) prepare the budget annually and submit it to the Council and be responsible for its administration after adoption;
- (c) participate in discussions of the Council in an advisory capacity;
- (d) prepare and submit to the Council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year, and make written or oral reports to the Council

when required by it as to any particular matter relating to the affairs of the city within ~~his or her~~ **their** supervision;

- (e) keep the Council advised of the financial condition and the future needs of the city, and make recommendations to the Council;
- (f) enforce the laws and ordinances of the city;
- (g) perform such other duties as may be prescribed by this Charter or required of the City Manager by the Council not inconsistent with this Charter.

Section 3. Absence of City Manager.

To perform ~~his or her~~ **their** duties during temporary absence or disability, the City Manager may designate a qualified employee of the city by letter filed with the City Clerk. If the City Manager fails to make such designation, the Council may by resolution appoint a qualified employee of the city to perform the duties of the City Manager until ~~he or she~~ **they return** ~~returns~~ or ~~his or her~~ **their** disability ceases.

Section 4. Removal of City Manager.

The Council ~~shall~~ **will** appoint the City Manager for an indefinite term and may remove a City Manager by majority vote of the Councilmembers. If a City Manager is removed by this method, at least thirty (30) days before such removal takes effect, the Council ~~shall~~ **must** by majority vote of its members adopt a resolution stating the reasons for the removal, which resolution may also provide for interim suspension. Upon such removal or suspension by this method the Council ~~shall~~ **must** cause to be paid to the City Manager any unpaid balance of ~~his or her~~ **their** salary for the current month and the salary for the next calendar month.

ARTICLE IV. GENERAL PROVISIONS

Section 1. Appointive boards.

- (a) **Establishing boards.** The Council may, by ordinance, establish appointive boards and commissions. The ordinance establishing such boards and commissions ~~shall~~ **must**:
 - (1) prescribe the powers, duties, and operating procedures of the board and commission;
 - (2) establish the terms of office of the board or commission members, including initial overlapping terms;
 - (3) establish the amount of compensation, if any, to be paid to the board or commission members; and
 - (4) state whether the board or commission ~~shall~~ **may** have alternate members authorized to vote when serving in the absence of regular members.
- (b) **Vacancies.** All board and commission members ~~shall~~ **will** be subject to removal by the Council with or without cause. Any vacancy during the unexpired term of any member ~~shall~~ **may** be filled by the Council for the remainder of the term.
- (c) **Organization.** Each board and commission ~~shall~~ **will** choose its own officers from among its members. The Council may change any or all of the powers, duties and procedures of any board or commission and may abolish any board or commission which is not required by this Charter or law.

Section 2. Administrative branch.

The administrative branch of the city government ~~shall~~ **will** be composed of the offices, service areas and agencies established by ordinance upon report and recommendation of the City Manager. Administrative functions and

duties may be assigned and distributed among offices, service areas or departments thereof, or agencies of the administrative branch by regulations issued by the City Manager. The City Manager ~~shall~~ **will** have power, whenever the interest of the city requires, to assign any employee of one (1) service area to perform duties in another service area.

Section 3. Residency requirement.

Directors of a city service area or a group of city service areas, deputy city managers, and assistant city managers ~~shall~~ **must** 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~~ **are** not be subject to this residency requirement.

Section 4. Oath of office.

Before entering upon the duties of the office, each member of Council, the City Manager, the City Attorney, the City Clerk, the Judge of the Municipal Court, and each director of a service area ~~shall~~ **must** take, subscribe before, and file with the City Clerk an oath or affirmation that ~~he or she~~ **they** will support the Constitution of the United States, the Constitution of the State of Colorado, this Charter, and the ordinances of the City of Fort Collins, and that ~~he or she~~ **they** will faithfully perform the duties of the office or position. The City Clerk ~~shall~~ **must** take and subscribe the oath before a notary public.

Section 5. Records to be public.

All city records ~~shall~~ **will** 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~~ **will** be furnished by the custodian thereof. A certified copy of any city record ~~shall~~ **will** be prima facie evidence of its contents.

Section 6. Ordinances remain in force.

All ordinances, resolutions, rules, or regulations in force in Fort Collins, a municipal corporation, at the time this Charter takes effect ~~shall~~ **will** continue in full force and effect until superseded, amended, or repealed, except that those inconsistent with this Charter are hereby repealed.

Section 7. Publication.

Whenever legal notice or other publication is required by this Charter, or by ordinance, rule, or regulation, such notice ~~shall~~ **must** 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.

Section 8. Charter amendments.

This Charter may be amended at any time in the manner provided by the laws of the State of Colorado. The Council may prescribe by ordinance, upon recommendation of the City Clerk, a general form of petition for citizen-initiated Charter amendments which ~~shall~~ **will** contain warnings and notices to signers as necessary.

Section 9. Conflicts of interest.

(a) *Definitions.* For purposes of construction of this Section 9, the following words and phrases ~~shall~~ have the following meanings:

Business means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, activity or entity.

Financial interest means any interest equated with money or its equivalent. *Financial interest* ~~shall~~ **does** not include:

- (1) the interest that an officer, employee or relative has as an employee of a business, or as a holder of an ownership interest in such business, in a decision of any public body, when the decision financially benefits or otherwise affects such business but entails no foreseeable, measurable financial benefit to the officer, employee or relative;
- (2) the interest that an officer, employee or relative has as a nonsalaried officer or member of a nonprofit corporation or association or of an educational, religious, charitable, fraternal or civic organization in the holdings of such corporation, association or organization;
- (3) the interest that an officer, employee or relative has as a recipient of public services when such services are generally provided by the city on the same terms and conditions to all similarly situated citizens, regardless of whether such recipient is an officer, employee or relative;
- (4) the interest that an officer, employee or relative has as a recipient of a commercially reasonable loan made in the ordinary course of business by a lending institution, in such lending institution;
- (5) the interest that an officer, employee or relative has as a shareholder in a mutual or common investment fund in the holdings of such fund unless the shareholder actively participates in the management of such fund;
- (6) the interest that an officer, employee or relative has as a policyholder in an insurance company, a depositor in a duly established savings association or bank, or a similar interest-holder, unless the discretionary act of such person, as an officer or employee, could immediately, definitely and measurably affect the value of such policy, deposit or similar interest;
- (7) the interest that an officer, employee or relative has as an owner of government-issued securities unless the discretionary act of such owner, as an officer or employee, could immediately, definitely and measurably affect the value of such securities; or
- (8) the interest that an officer or employee has in the compensation received from the city for personal services provided to the city as an officer or employee.

Officer or employee means any person holding a position by election, appointment or employment in the service of the city, whether part-time or full-time, including a member of any authority, board, committee or commission of the city, other than an authority that is:

- (1) established under the provisions of the Colorado Revised Statutes;
- (2) governed by state statutory rules of ethical conduct; and
- (3) expressly exempted from the provisions of this Article by ordinance of the Council.

Personal interest means any interest (other than a financial interest) by reason of which an officer or employee, or a relative of such officer or employee, would, in the judgment of a reasonably prudent person, realize or experience some direct and substantial benefit or detriment different in kind from that experienced by the general public. *Personal interest* ~~shall~~ **does** not include:.

- (1) the interest that an officer, employee or relative has as a member of a board, commission, committee, or authority of another governmental entity or of a nonprofit corporation or association or of an educational, religious, charitable, fraternal, or civic organization;
- (2) the interest that an officer, employee or relative has in the receipt of public services when such services are generally provided by the city on the same terms and conditions to all similarly situated citizens; or
- (3) the interest that an officer or employee has in the compensation, benefits, or terms and conditions of ~~his or her~~ **their** employment with the city.

Public body means the Council or any authority, board, committee, commission, service area, department or office of the city.

Relative means the spouse or minor child of the officer or employee, any person claimed by the officer or employee as a dependent for income tax purposes, or any person residing in and sharing with the officer or employee the expenses of the household.

(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~~ **may** 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;
 - b. such officer or employee exercises, directly or indirectly, any decision-making authority on behalf of the city concerning such sale; or
 - c. in the case of services, such officer or employee exercises any supervisory authority in ~~his or her~~ **their** role as a city officer or employee over the services to be rendered to the city.
- (2) *Purchases from the city.* No officer, employee or relative ~~shall~~ **may**, 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.
- (3) *Interests in other decisions.* Any officer or employee who has, or whose relative has, a financial or personal interest in any decision of any public body of which ~~he or she is~~ **they are** a member or to which ~~he or she~~ **they** makes recommendations, ~~shall~~ **must**, upon discovery thereof, disclose such interest in the official records of the city in the manner prescribed in subsection (4) hereof, and ~~shall~~ **must** refrain from voting on, attempting to influence, or otherwise participating in such decision in any manner as an officer or employee.
- (4) *Disclosure procedure.* If any officer or employee has any financial or personal interest requiring disclosure under subsection (3) of this section, such person ~~shall~~ **must** immediately upon discovery thereof declare such interest by delivering a written statement to the City Clerk, with copies to the City Manager and, if applicable, to the chairperson of the public body of which such person is a member, which statement ~~shall~~ **must** contain the name of the officer or employee, the office or position held with the city by such person, and the nature of the interest. If said officer or employee ~~shall~~ **must** discover such financial or personal interest during the course of a meeting or in such other circumstance as to render it practically impossible to deliver such written statement prior to action upon the matter in question, said officer or employee ~~shall~~ **must** immediately declare such interest by giving oral notice to all present, including a description of the nature of the interest.
- (5) *Violations.* Any contract made in violation of this Section ~~shall be~~ **is** voidable by the city. If voided within one (1) year of the date of execution thereof, the party obtaining payment by reason of such contract ~~shall~~ **must**, if required by the city, forthwith return to the city all or any designated portion of

the monies received by such individual from the city by reason of said contract, together with interest at the lawful maximum rate for interest on judgments.

Section 10. Penalties for violation of Charter.

Any violation of a provision of this Charter ~~shall~~ **will** be deemed a misdemeanor. Any person convicted of such violation may be punished by a fine or imprisonment, or by both such fine and imprisonment, the maximum amount and term of which ~~shall~~ **must** be no less than that established by ordinance for misdemeanor violations of the city Code. Said maximum penalty ~~shall~~ **will** be set by the Council by ordinance. Any officer or employee of the city convicted of such a violation ~~shall~~ **will** be deprived of ~~his or her~~ **their office** or employment and ~~shall~~ **will** be ineligible to any city office or employment for two (2) years thereafter.

Section 11. Construction of words.

Whenever such construction is applicable, words used in this Charter importing singular or plural number may be construed so that one (1) number includes both ~~;~~ ~~words importing masculine gender may be construed to apply to the feminine gender as well;~~ and the word "person" may extend to and include firm and corporation; provided that these rules of construction ~~shall~~ **will** not apply to any part of this Charter containing express provisions excluding such construction or where the subject matter or context is contrary thereto.

Section 12. Construction of Charter.

In the event any section or part of a section of this Charter ~~shall be~~ **is** declared unconstitutional or invalid by a court of competent jurisdiction, the validity of the remaining sections and parts of sections ~~shall~~ **will** not be affected thereby.

Section 13. Outgoing officers.

All officers of the city whose terms of office terminate ~~shall~~ **must** deliver to their successors all papers, records, and property of every kind in their possession or custody by virtue of their office, and ~~shall~~ **must** account to them or to any authority designated by the council, for all funds, credits, or property of any kind with which they are properly chargeable as such officials.

Section 14. Eminent domain.

In carrying out the powers and duties imposed upon it by this Charter or by the general statutes, the city ~~shall~~ **will** have power to acquire within or without its corporate limits lands, buildings, and other properties, and any interest in land and air rights over land, and may take the same upon paying just compensation to the owner as provided by law.

Section 15. Improvement districts.

A public work or improvement, the costs of which in whole or in part are to be assessed by the city, may be initiated by the Council on recommendation of the City Manager, or on petition of property owners in such number and in such form as may be prescribed by ordinance. The Council ~~shall~~ **will** by ordinance prescribe the method of making such improvements and the assessments for their cost.

Section 16. Limitation of actions.

No person ~~shall~~ **may** be prosecuted, tried, or punished in the city's Municipal Court for any violation of this Charter unless a summons and complaint or penalty assessment notice for the violation is served on such person within one (1) year of the commission of the violation.

ARTICLE V. FINANCE ADMINISTRATION

Part I Budget and Financial Management

Section 1. Fiscal and accounting year.

The fiscal and accounting year ~~shall~~ **will** be the same as the calendar year. "Budget term" ~~shall~~ **will** mean the fiscal year(s) for which any budget is adopted and in which it is to be administered. Council ~~shall~~ **will** set by ordinance the term for which it ~~shall~~ **will** adopt budgets in accordance with this Article.

Section 2. Budget estimates.

On or before the first Monday in September preceding each budget term, the City Manager ~~shall~~ **must** file with the City Clerk a proposed budget for the ensuing budget term with an explanatory message. The proposed budget ~~shall~~ **must** provide a complete financial plan for each fund of the city and ~~shall~~ **must** include appropriate financial statements for each type of fund showing comparative figures for the last completed fiscal year, comparative figures for the current year, and the City Manager's recommendations for the ensuing budget term.

Section 3. Public record, hearing.

(a) **Public record.** The City Manager's proposed budget ~~shall~~ **must** be a public record and open to the public for inspection and copy.

(b) **Budget hearing.** The Council ~~shall~~ **must**, within ten (10) days after the filing of said proposed budget with the City Clerk, set a time certain for public hearing thereon and cause notice of such public hearing to be given by publication. At the hearing, all persons may appear and comment on any or all items and estimates in the proposed budget. Upon completion of the public hearing the Council may revise the budget estimates.

Section 4. Adoption of budget and appropriation of funds.

(a) **Adoption of budget.** After said public hearing and before the last day of November preceding the budget term, the Council ~~shall~~ **must** adopt the budget for the ensuing term. The adoption of the budget ~~shall~~ **must** be by ordinance.

(b) **Appropriation.** Before the last day of November of each fiscal year, the Council ~~shall~~ **must** appropriate such sums of money as it deems necessary to defray all expenditures of the city during the ensuing fiscal year. The appropriation of funds ~~shall~~ **must** be accomplished by passage of the annual appropriation ordinance.

(c) **Itemization.** Such appropriation of funds ~~shall~~ **must** be based upon the budget as approved by the Council but need not be itemized further than by fund with the exception of capital projects and federal or state grants which ~~shall~~ **must** be summarized by individual project or grant.

Section 5. Levy.

The annual appropriation ordinance ~~shall~~ **must** also include the levy in mills, as fixed by the Council, upon each dollar of the assessed valuation of all taxable property within the city, such levy representing the amount of taxes for city purposes necessary to provide, during the ensuing fiscal year, for all properly authorized expenditures to be incurred by the city, including interest and principal of general obligation bonds. The Council ~~shall~~ **must** thereupon cause the total levy to be certified by the City Clerk to the county consistent with applicable state statutes, which ~~shall~~ **will** extend the same upon the tax list of the current year in a separate column entitled "City of Fort Collins Taxes," and ~~shall~~ **must** include said city taxes in ~~his or her~~ **their** general warrant to the County

Treasurer for collection. If the Council fails in any year to make said tax levy as above provided, then the rate last fixed ~~shall~~ **must** be the levy fixed for the ensuing fiscal year and the Financial Officer ~~shall~~ **must** so certify.

Section 6. Maximum mill levy.

The mill levy ~~shall~~ **must** 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~~ **must** be absolutely void as to the excess and it ~~shall~~ **will** be unlawful for the Assessor to extend and for the Treasurer to collect any such excess.

Section 7. Effect of appropriation and levy.

After the commencement of the fiscal year, the annual appropriation ordinance and levy ~~shall~~ **will** be irrevocable and the several amounts stated in the adopted budget and annual appropriation ordinance as proposed expenditures for such fiscal year ~~shall be deemed~~ **will be** appropriated for the **specified** purposes ~~therein specified~~.

Section 8. Appropriations not to exceed revenue; appropriation required for expenditures and obligations.

- (a) **Revenues.** No appropriation ~~shall~~ **may** be made by the Council which exceeds the revenues, reserves or other funds anticipated or available at the time of the appropriation, except for emergency expenses incurred by reason of a casualty, accident or unforeseen contingency arising after the passage of the annual appropriation ordinance.
- (b) **Appropriation requirements.** It ~~shall be~~ **is** unlawful for any service area, officer or agent of the city to incur or contract any expense or liability or make any expenditure for or on behalf of the city unless an appropriation therefor ~~shall have~~ been made by the Council. Any authorization of an expenditure or incurring of an obligation by any officer or employee of the city in violation of this provision ~~shall~~ **will** be null and void from its inception.
- (c) **Powers.** Nothing herein ~~shall~~ **will** apply or limit the authority conferred by this Article in relation to bonded indebtedness, or to the collection of moneys by special assessments for local improvements; nor ~~shall~~ **will** it be construed to prevent the making of any contract or lease providing for expenditures beyond the end of the fiscal year in which it is made, so long as such contract or lease is made subject to an appropriation of funds sufficient to meet the requirements of Section 8(b) above.

Section 9. Supplemental appropriations.

The Council, upon recommendation of the City Manager, may make supplemental appropriations by ordinance at any time during the fiscal year; provided, however, that the total amount of such supplemental appropriations, in combination with all previous appropriations for that fiscal year, ~~shall~~ **must** not exceed the then current estimate of actual and anticipated revenues and all other funds to be received by the city during the fiscal year. This provision ~~shall~~ **does** not prevent the Council from appropriating by ordinance at any time during the fiscal year such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

Section 10. Transfer of appropriations.

- (a) **Transfers.** During the fiscal year, the City Manager may transfer any unexpended and unencumbered appropriated amount within the same fund.
- (b) **Capital project accounts.** During the fiscal year, the Council may, by ordinance, upon the recommendation of the City Manager, transfer any unexpended and unencumbered appropriated amount or portion thereof from one (1) fund or capital project account to another fund or capital project account, provided that:

- (1) the purpose for which the transferred funds are to be expended remains unchanged;
- (2) the purpose for which the funds were initially appropriated no longer exists; or
- (3) the proposed transfer is from a fund or capital project account in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

Section 11. Lapsed appropriations.

All appropriations unexpended or unencumbered at the end of the fiscal year ~~shall~~ **will** lapse to the applicable general or special fund, except the Council may designate in an ordinance appropriating funds for capital projects and for federal, state and private grants and donations that such funds ~~shall~~ **will** not lapse until the completion of the capital project or until the earlier of the expiration of the federal, state or private grant or donation or the city's expenditure of all funds received from such grant or donation.

Nothing herein ~~shall~~ **will** ~~limits~~ the ability of the Council to terminate a capital project or a federal, state or private grant or donation at any time prior to completion of the project or prior to expiration of or the city's expenditure of all funds from the grant or donation.

Section 12. Deposit of public funds.

The cash balance of the city ~~shall~~ **must** be deposited or invested in a manner approved by the Council by ordinance or resolution.

Section 13. Collection of taxes.

(a) Manner of collection. Unless the Council otherwise provides by ordinance or resolution, the County Treasurer ~~shall~~ **will** collect city taxes in the same manner and at the same time as general taxes are collected under the laws of the State of Colorado. In like manner, the Council may provide for collection of special improvement assessments by said Treasurer.

(b) Applicable law. All laws of this state for the assessment of property and the levy and collection of general taxes, sale of property for taxes and the redemption of the same ~~shall~~ **will** apply and have the same effect with respect to all taxes for the city as general taxes, except as modified by this Charter.

(c) Reporting. On or before the tenth day of each month or as frequently as the Council may prescribe by ordinance, the County Treasurer ~~shall~~ **will** report and pay to the Financial Officer the amount of tax collections of the city for the preceding month. The estimated costs of tax collections and losses ~~shall~~ **must** be included in the budget.

Section 14. Audit and payments.

No demand for money against the city ~~shall~~ **may** be approved, allowed, audited, or paid unless it is in writing, dated and sufficiently itemized to identify the expenditure, and payment thereof approved by the Financial Officer and the person or service area creating the obligation.

Section 15. **Prohibited Appropriations** ~~forbidden.~~

~~No~~ **are** Appropriations ~~shall be made~~ for any charitable, industrial, educational, or benevolent purposes to any person, corporation, or organization not under the absolute control of the city, ~~nor~~ to any denominational or sectarian institution or association **are prohibited.**

Section 16. City not to pledge credit.

The city ~~shall~~ **must** not lend or pledge its credit or faith, directly or indirectly, or in any manner to or in aid of any private person or entity for any amount or any purpose whatever, or become responsible for any debt, contract, or liability thereof.

Part II Municipal Borrowing

Section 18. Forms of borrowing.

The city may borrow money and issue the following securities to evidence such indebtedness:

- (1) short-term notes.
- (2) general obligation securities.
- (3) revenue securities.
- (4) refunding securities.
- (5) special assessment securities.
- (6) tax increment securities.
- (7) any other securities not in contravention of this Charter.

Section 19.1. Short-term notes.

The city is hereby authorized to borrow money, by Council action and without an election, in anticipation of the collection of taxes or other revenues and to issue short-term notes to evidence the amount so borrowed. Any such short-term notes payable in whole or part from ad valorem taxes ~~shall~~ **may** be issued after the annual levy of taxes and **must** be payable in full within twelve (12) months from their date, except as otherwise specifically provided in this Charter.

Section 19.2. General obligation securities.

Except as otherwise provided in this Part II of Article V of this Charter, no securities payable in whole or in part from the proceeds of ad valorem taxes of the city ~~shall~~ **may** be issued until the question of their issuance has, at a special or regular election, been submitted to a vote of the electors of the city and approved by a majority of those voting on the question. The aggregate amount of such securities as are described in this Section, excluding securities which have been refunded and defeased, ~~shall~~ **must** not exceed ten (10) percent of the assessed valuation of the taxable property within the city as shown by the last assessment for city purposes. Securities issued for water purposes may be issued by Council action without an election and ~~shall~~ **will** not be included in the determination of such debt limitation.

Section 19.3. Revenue securities.

(a) **Securities.** 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) **Council powers.** 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~~ **will** 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~~ **must** 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.

(c) **Members.** The Council ~~shall~~ **may** 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~~ **may** 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).

Section 19.4. Refunding securities.

The Council may authorize without an election issuance of refunding securities for the purpose of refunding and providing for the payment of outstanding securities or other obligations of the city as the same mature, or in advance of maturity by means of an escrow or otherwise. The ordinance authorizing the issuance of such refunding securities may provide that the interest rate or principal amount of the refunding securities be higher or lower than that of the securities being refunded, provided that in the case of general obligation securities the total principal and interest payable on the refunding securities does not exceed that of the securities being refunded. No refunding securities (other than water refunding securities and tax increment refunding securities) issued for the purpose of refunding revenue securities ~~shall~~ **may** be issued without an election if such refunding securities are made payable in whole or part from ad valorem taxes of the city.

Section 19.5. Special assessment securities.

- (a) Securities for any special or local improvement district, secured as provided in this Section, ~~shall~~ **will** not be subject to any debt limitation nor affect the city's debt incurring power, nor ~~shall~~ **will** such securities be required to be authorized at any election.
- (b) The city may include property owned by it within any special or local improvement district and provide for the assessment of such property as it would any other property located within the special or local improvement district. The city may without an election elect to pay any such assessment in installments, and any such assessment, regardless of the source of payment thereof, ~~shall~~ **will** not be included within the limitation contained in Section 19.2 of Article V of this Charter.
- (c) When all outstanding securities for a special or local improvement district have been fully paid and money remains to the credit of the district, it may be transferred to a surplus and deficiency fund. Whenever there is a deficiency in any special or local improvement district fund to meet the payment of outstanding securities and interest due thereon, the deficiency may be paid out of the surplus and deficiency fund.
- (d) Whenever three-fourths ($\frac{3}{4}$) of the securities issued for a special or local improvement district have been paid and cancelled and for any reason the remaining assessments are not paid in time to redeem the final securities for the district, the city ~~shall~~ **must** pay if so provided in the ordinance authorizing issuance of the bonds, the securities when due and levy additional ad valorem taxes necessary therefor and reimburse itself by collecting the unpaid assessments due the district.

Section 19.6. Terms and disposal of securities.

The terms and maximum interest rate of all securities ~~shall~~ **must** be fixed by the ordinance authorizing the borrowing and providing for its payment and all securities ~~shall~~ **must** be sold or exchanged as determined by the Council. If bonds are publicly sold, Council action awarding the sale of securities, and thereby establishing the interest rates and price paid for the securities, may be by resolution.

Section 19.7. Limitation of actions.

No action or proceeding, at law or in equity, to review any elections, acts or proceedings, or to question the validity of or enjoin the issuance or payment of any securities issued in accordance with their terms, or the levy or collection of any assessments, or for any other relief against any acts or proceedings of the city done or had under this Part II of Article V of this Charter, ~~shall~~ **may** be maintained against the city, unless commenced within thirty (30) days after the election or performance of the act or the effective date of the resolution or ordinance complained of, or else be thereafter perpetually barred.

Section 19.8. Tax increment securities.

The city, by Council action and without an election, may issue tax increment securities payable from ad valorem tax revenues derived from the increased valuation for assessment of taxable property within a plan of development or other similar area as defined by applicable state statutes. Such securities ~~shall~~ **must** be issued in accordance with such statutes or any ordinance adopted by the Council not inconsistent with this Charter. Any securities issued pursuant to this Section ~~shall~~ **will** not be included in the determination of the debt limitation contained in Section 19.2 of Article V of this Charter.

Section 20. No additional limitations.

Section 6 of Part I of Article V of this Charter ~~shall~~ **will** have no application to the payment of securities issued hereunder. Except as provided by this Part II of Article V of this Charter, there ~~shall~~ **will** be no limitations on the authority of the city to incur indebtedness or to issue securities.

Part III. Financial Administration Unit

Section 21. Financial officer.

The City Manager ~~shall~~ **must** appoint a Financial Officer who ~~shall have~~ **has** special knowledge of municipal accounting, taxation, budget making, and finance. Such Officer ~~shall~~ **will** be the ex-officio City Treasurer and head the administrative unit assigned the financial affairs of the city.

Section 22. Powers and duties.

The Financial Officer ~~shall~~ **will** have charge of the financial records and general and special funds of the city, and ~~shall~~ **must** collect, receive, and disburse all money belonging to the city, and ~~shall~~ **will** have all other duties required to administer properly the financial affairs of the city; to that end the Financial Officer ~~shall~~ **will** have authority and ~~shall be~~ **is** required to:

- (a) maintain a general accounting system for the city government and each of its offices, service areas, and agencies; exercise budgetary control over the same in accordance with the budget and annual appropriation ordinance; prescribe the form of receipts, requisitions, warrants, and other evidence of income and disbursements; audit before payment all bills, invoices, payrolls, and other claims and charges against the

- city government; and with the advice of the City Attorney, determine the regularity, legality, and correctness of such claims, demands, or charges;
- (b) advise the City Manager of the budget requirements of the Financial Administration Unit and furnish estimates and information concerning other service areas, agencies, and boards as requested by the City Manager;
 - (c) advise service areas of remaining allotments;
 - (d) disburse funds in a manner which will assure that budget appropriations are not exceeded and that payments are not illegally made;
 - (e) collect and hold all city funds; invest funds as directed by the Council by resolution or ordinance; be responsible for all trust funds;
 - (f) serve as custodian of all bonds, documents, and other evidences of indebtedness owned by the city or under its control;
 - (g) issue all licenses and collect the fees therefor; collect or receive funds of every description belonging to, due to, or accruing to the city, including fines, forfeitures, penalties, taxes, water rentals, sewer fees, and electric revenues;
 - (h) submit to the Council through the City Manager periodic statements of all accounts and funds, sufficiently itemized in detail to show the exact financial condition of the city at a frequency established by the Council;
 - (i) examine and approve all purchase contracts, orders, and other documents by which the city incurs financial obligations, having previously ascertained that moneys have been appropriated and allotted and will be available when the obligations become due and payable;
 - (j) advise the City Manager of any financial irregularity in any service area.

Section 23. Separate utilities accounts.

(a) Utility accounts. The accounts of each utility owned and operated by the city ~~shall~~ **must** be maintained in a separate fund and kept separate and distinct from all other accounts of the city. Each utility fund ~~shall~~ **must** be accounted for utilizing the basis of accounting appropriate for an enterprise fund, and ~~shall~~ **must** contain a reasonable allowance for depreciation and obsolescence.

(b) Full payment required. All expenses incurred by service areas in rendering services to any utility owned and operated by the city ~~shall~~ **must** be fully paid by such utility on a "cost of service" basis as determined by the City Manager. Each utility ~~shall~~ **must** be fully paid for all services rendered by such utility to other city service areas.

(c) Estimates. If the utility is subject to a payment to the general fund in lieu of taxes and franchise fees, an estimate ~~shall~~ **must** be made of the amount of taxes and franchise fees that would be chargeable against such utility if privately owned, and the amount of such payment, as determined by the Council under Article XII, Section 6 of this Charter, ~~shall~~ **must** be charged against the utility fund.

Section 24. Responsibility for funds.

All money belonging to the city and in the custody of city employees ~~shall~~ **must** be paid daily to the Financial Officer.

Section 25. Creation of funds.

The Financial Officer may create such funds as ~~he or she~~ they deems appropriate to carry out the provisions of this Part III. The funds of the city ~~shall~~ **must** include a general fund which ~~shall~~ **will** be used to account for all financial resources of the city except those required to be accounted for in another fund.

Part IV Purchasing

Section 26. Powers and duties.

The City Manager or designee ~~shall~~ **must** appoint a Purchasing Agent who ~~shall~~ **will** contract for all supplies, materials, and equipment required or used by all service areas and agencies of the city, including businesses and enterprises operated by the city.

Section 27. Competitive bidding.

Before the Purchasing Agent makes any purchase of or contract for supplies, materials, or equipment, ~~he or she shall~~ **they must** give ample opportunity for competitive bidding under such rules and regulations, and with such exceptions as the Council may prescribe by ordinance.

Section 28. Emergency purchases.

In case of emergency affecting the public peace, health, or safety, the Council may waive all provisions for competitive bidding and direct the Purchasing Agent to purchase necessary supplies in the open market at not more than commercial prices.

Section 29. Contracts for improvements.

All city improvements constructed by an independent contractor ~~shall~~ **must** be executed pursuant to a written contract. Any such improvement, the cost of which exceeds an amount to be determined by ordinance of the Council, ~~shall~~ **must** be insured by a performance bond or other equivalent security and submitted to a competitive bidding process resulting in award to the lowest responsible bidder or a competitive proposal process; provided, however, that the Council may, by ordinance, authorize the Purchasing Agent to exempt improvements from the competitive bidding and competitive proposal processes.

~~In the event that~~ **If** Council authorizes the city, rather than an independent contractor, to proceed with the construction of an improvement, the services of the city ~~shall~~ **must** be charged as a part of the cost of the improvement.

Section 30. Contracts for service.

The Council ~~shall~~ **will** establish by ordinance a maximum term for contracts for service which may be executed by the city without Council approval. No contract for service for a longer term ~~shall~~ **may** be made by the city, unless authorized by ordinance, which ordinance ~~shall~~ **may** not be passed as an emergency ordinance.

Section 31. Contracts effective only when bond funds available.

No contract for the acquisition of property or the construction of improvements or other expenditures which is to be financed by bonds or other obligations ~~shall~~ **may** be effective until the proceeds of the bonds or obligations have been received by the city.

Improvements to be paid for by special assessments ~~shall~~ **will** be excepted from the provisions of this Section.

ARTICLE VI. CITY ATTORNEY

Section 1. Appointment.

The Council ~~shall~~ **must** appoint and fix the compensation of a City Attorney. The City Attorney ~~shall~~ **must** be licensed to practice law in the State of Colorado during ~~his or her~~ **their** tenure in office, but need not be so licensed prior to appointment. The City Attorney ~~shall~~ **will** serve at the pleasure of the Council.

Assistant and/or Deputy City Attorneys may be appointed as determined by the Council and they ~~shall~~ **will** perform duties as assigned by the City Attorney, including attending Council meetings in the place of the City Attorney.

Section 2. Functions.

The City Attorney ~~shall~~ **will** be the legal adviser of the Council and all employees of the city in matters relating to their official powers and duties. ~~He or she shall~~ **They will** represent the city in all legal proceedings, draw all ordinances, and prepare all other legal documents, attend all Council meetings and perform all services incident to the position as may be required by this Charter, ordinances, or the Council.

Section 3. Special counsel.

The Council may, upon the request of the City Attorney in special cases, employ special counsel if deemed necessary and advisable under the circumstances.

ARTICLE VII. MUNICIPAL COURT

Section 1. Municipal court.

(a) Appointment of judges. There ~~shall~~ **will** be a Municipal Court vested with original jurisdiction of all causes arising under the City's Charter and ordinances. The Council ~~shall~~ **must** appoint the judge or judges of Municipal Court for two (2) year terms. Council ~~shall~~ **will** designate a Chief Judge to carry out related duties as adopted by the Council by ordinance, and ~~shall~~ **will** fix the compensation of the Municipal Judges.

(b) Compensation. Such compensation ~~shall~~ **may** in no manner be contingent upon the amount of fees, fines or costs imposed or collected.

(c) Licensure. Each Municipal Judge ~~shall~~ **must** be licensed to practice law in the State of Colorado during ~~his or her~~ **their** tenure in office, but need not be so licensed prior to appointment.

(d) Temporary judges. As Council determines necessary, the Council may designate one (1) or more reputable and qualified attorneys to serve as temporary judge.

(e) Removal. The Council may remove a Municipal Judge for cause.

(f) Rules, costs and fees. Rules of procedure, costs and fees ~~shall~~ **will** be enacted by the Council upon recommendation of the Chief Municipal Judge.

Section 2. Penalty for violation.

The Council ~~shall~~ **will** provide for enforcement of its ordinances. The maximum penalty for a violation of the ordinances of the city ~~shall~~ **will** be set by the Council by ordinance.

ARTICLE VIII. ELECTIONS

Section 1. Applicability of state constitution.

The Council will provide by ordinance for the manner of holding city elections. All ordinances regarding elections must be consistent with the provisions of this Charter and the state Constitution. For any matter regarding elections not covered by the state Constitution, this Charter or ordinance of the Council will be governed by the laws of the State of Colorado relating to municipal elections, or coordinated municipal elections, as applicable.

Section 2. City elections.

(a) General provisions. A regular city election will be held on the first Tuesday in November of every odd-numbered year. All other municipal elections will be known as special city elections and will be called by ordinance and must be held in accordance with the provisions of this Charter and any ordinances adopted pursuant thereto. All municipal elections must be nonpartisan.

(b) Transitional terms. In order to implement a change of regular city elections from April of each odd-numbered year to November of each odd-numbered year, the term of the Mayor and each Councilmember will be extended to such time as a successor elected in November of the appropriate odd-numbered year (consistent with Article II, Section 1(b)) takes office, unless otherwise ended due to an event of vacancy or recall. Such change in term length will have no effect on the number of terms any such officer may be elected under the applicable term limits.

Section 3. Nomination; withdrawal from nomination.

(a) Nomination. Any person who is qualified at the time of nomination for the office to be filled may be nominated for the elective office by petition. A nominating petition for the office of Mayor must be signed by not less than twenty-five (25) registered electors. A nominating petition for District Council office must be signed by not less than twenty-five (25) registered electors residing in that District. A registered elector may sign one (1) petition for each office for which the elector is entitled to vote at the election. If an elector should sign more petitions than entitled, said elector's signature will be void as to all petitions which the elector signed.

(b) Petition requirements. Nominating petitions must be filed with the City Clerk. The Council will enact an ordinance specifying the time frame for circulation and submittal of nominating petitions and the deadline for withdrawal from candidacy for municipal office. Such time frame must not be changed within one hundred eighty (180) days immediately prior to the election. No nominating petition may be accepted unless the candidate completes a verified acceptance of the nomination certifying that they are not a candidate, directly or indirectly, of any political party, and that they meet the qualifications for office and will serve if elected.

(c) Withdrawal. A person who has been nominated may withdraw from candidacy by filing a written request to do so with the City Clerk before the deadline established by Council ordinance for such withdrawal, and no name so withdrawn may be placed upon the ballot.

Section 4. Petitions.

(a) Form; circulation. The Council will prescribe by ordinance, upon recommendation of the City Clerk, the form for a nominating petition which must include such warnings and notices to signers as may be deemed appropriate by the Council, as well as the candidate's verified acceptance of nomination. The signatures on a nominating petition need not all be subscribed on one (1) page, but to each separate section of the petition there will be attached a signed statement of the circulator thereof, stating the number of signers on that section of the petition, and that each signature thereon was made in the circulator's presence and is the genuine signature of the person whose name it purports to be. When executed, such statement must be accepted as true until it may be proved false. If any portion is proved false, that portion of any petition must be disregarded. Following each signature on the petition of nomination must be written the printed name

and the residence address of the signer, and the date of signing. All nominating papers comprising a petition must be filed as one (1) instrument.

- (b) **Sufficiency of petition.** Upon receipt of a nominating petition, the City Clerk will forthwith examine the petition, and within five (5) business days after the filing of the petition, notify the candidate in writing of the results of the examination, specifying the particulars of insufficiency, if any. Within the regular time for filing petitions, an insufficient petition may be amended and filed again as a new petition, in which case the time of the first filing will be disregarded in determining the validity of signatures thereon, or a different petition may be filed for the same candidate. The petition for each candidate elected to office must be preserved by the City Clerk until the expiration of the terms of office for such person.
- (c) **Compensation prohibited.** No person may receive any compensation whatever for signing a nominating petition.
- (d) **Objections.** The City adopts the applicable requirements and procedures outlined in the Colorado Municipal Election Code of 1965, as amended, for objections to officer nominations.

Section 5. Board of Elections for City-administered elections.

There is hereby created a Board of Elections consisting of the City Clerk, the lead election expert in the City Clerk's Office, as determined by the City Clerk, and Chief Judge. The Board will be responsible for any election duties specified in this Charter and for such additional duties related to the conduct of elections by the City as may be established by the Council by ordinance.

(Ord. No. 201, 1986, § 1, Part H, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 022, 2007, §1, 2-20-07, approved, election 4-3-07; Ord. No. 015, 2021, § 2, 1-19-21, approved, election 4-6-21; Ord. No. 081, 2022, § 2, 7-5-22, approved, election 11-8-22; Ord. No. 094, 2024, § 1, 7-16-24, approved, election 11-5-24)

Section 6. Appearance of names on ballot.

Every ballot must contain the names of all duly nominated candidates for offices to be voted for at that election, except those who have died or withdrawn. The names will be arranged in alphabetical order of surname for each office, and may not contain any title or degree designating the business or profession of the candidate. The candidate's name may be a nickname, but may not include any punctuation marks setting out the nickname.

Section 7. Certification of election results.

- (a) **Certification of election.** 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.
- (b) **Contests.** 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.
- (c) **Disqualification.** 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~~ **must** be rerun with the disqualified candidate being eliminated prior to any tabulation and the candidate with the resulting highest vote ~~shall~~ **must** 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.

- (bd) **Coordinated elections.** For coordinated city elections (which are not administered by the City), the election will be determined and certified, and any tie vote or recount will be administered, as provided in the applicable state law. The candidate receiving the highest number of votes for a particular office, as determined pursuant to Section 7(c), will be declared elected to that office.
- (ee) **Ranked voting methods.** Beginning in 2025, the candidate receiving the highest number of votes for a particular office will be determined using a ranked voting method.
 - (1) For a City-administered election, the ranked voting method will be in accordance with specifications adopted by the City Council by ordinance.
 - (2) For a coordinated election, the ranked voting method will be in accordance with, and as provided by, applicable state law.

Section 8. Campaign contributions.

(a) **Contributions limits.** 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.

(b) **Prohibited contributions.** 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.

Section 9. Corrupt practices.

Any person who violates at a city election any state law, provision of this Charter or ordinance of the city will, upon conviction thereof, be disqualified from holding any city position or employment for two (2) years, or any elective city office for four (4) years.

Section 10. Validity of City-administered elections.

No City-administered election may be invalidated if it has been conducted fairly and in substantial conformity with the requirements of this Charter.

Section 11. Computation of time.

- (a) **Calendar days unless specified.** Except when business days are specified, all computations of time made under the provisions of this article will be based on calendar days.
- (b) **Included days.** Except when computing business days, Saturdays, Sundays, City holidays and days City Hall is closed for business for a full or partial day due to inclement weather or other emergency circumstances will be included, but, if the time for any act to be done or the last day of any period is a Saturday, Sunday, City holiday or day City Hall is closed for business for a full or partial day due to inclement weather or other emergency circumstances, the period is extended to include the next day that is not a Saturday, Sunday, or City holiday.
- (c) **Days counted.** In computing time for any act to be done before any regular or special election, the first day will be included, and the last or election day will be excluded.
- (d) **Business days.** If the time for an act to be done under this article is referred to in business days, the time will be computed by excluding Saturdays, Sundays, City holidays, and any day City Hall is closed for business for a full or partial day due to inclement weather or other emergency circumstances.

- (e) **Specific considerations.** If a provision requires doing an act in "not less than" or "no later than" or "at least" a certain number of days or "prior to" a certain number of days or a certain number of months "before" the date of an election, or any phrase that suggests a similar meaning, if that period would end on a Saturday, Sunday or City holiday, it will instead shift to end on the prior business day that is not a Saturday, Sunday, or City holiday. If the period ends on a day City Hall is closed for business for a full or partial day due to inclement weather or other emergency circumstances, the period will end on the next business day on which City Hall is open for business.
- (f) **Time of day.** Except when otherwise specified, an act must be completed by 5:00 p.m. Mountain time on the last day for that action.

Section 12. Further regulations.

The Council may, by ordinance, make such further rules and regulations as are consistent with this Charter and the Colorado Constitution in order to carry out the provisions of this Article.

ARTICLE IX. RECALL

Section 1. The recall.

- (a) **Power of recall.** Any elective officer of the city may be recalled from office, through the procedure and in the manner provided herein, by the registered electors entitled to vote for a successor of such incumbent officer. The procedure to affect a recall will be as provided in this Article.
 - (1) For purposes of this Article, in the case of recall of the Mayor, the words "registered elector" will be construed to mean persons residing within the city who are registered to vote as of the date they signed the petition for recall.
 - (2) For purposes of this Article, in the case of a proposed recall of District Council representatives, the words "registered elector" will be construed to mean persons who are registered to vote within the particular affected Council District of the city as of the date they signed the petition for recall of the District Council representative.
 - (3) No recall petition may be circulated or filed against any officer until the officer has actually held office for at least one (1) year in the officer's current term, nor within six (6) months of the end of such term.
- (b) **Commencement of proceedings; affidavit.** One (1) or more registered electors may commence recall proceedings by filing with the City Clerk an affidavit of not more than two hundred (200) words stating the reasons for the recall of the officer sought to be removed. A separate affidavit must be filed for each officer sought to be recalled.
 - (1) Within two (2) business days after the filing of the affidavit, the City Clerk will mail a copy by certified mail to the affected officer. The City Clerk will also promptly provide the affidavit to the City Council by electronic mail.
 - (2) No later than seven (7) days after the date of the City Clerk's mailing, the affected officer may file with the City Clerk a sworn statement of not more than three hundred (300) words in defense of the charges.
 - (3) The affidavit and the response are intended for the information of the registered electors, who will be the sole and exclusive judges of the sufficiency of the ground or grounds assigned for the recall, and said ground or grounds will not be open to judicial review.
 - (4) Within seven (7) days after the date by which any statement in defense must be filed, the petitioner must submit to the City Clerk a petition for recall of the officer for City Clerk review in accordance with

Section 2(b) of this Article. The petition must be circulated, signed, verified and filed in the manner provided in Section 2 of this Article.

- (5) If no petition for recall has been submitted to the City Clerk for approval of its form within the time period specified above, the recall proceedings will be terminated.

Section 2. Petitions.

- (a) **Separate petitions required.** A separate petition must be circulated and filed for each officer sought to be recalled.
- (b) **Form and content.**
- (1) Adoption of form. The Council must prescribe by ordinance, upon recommendation of the City Clerk, a general form of petition which will contain warnings and notices to signers as necessary and meet the requirements of this Article.
 - (2) Approval of form. No petition may be circulated until the City Clerk has approved the form for circulation. The City Clerk must determine whether to approve the form of petition no later than five (5) business days after submittal. The City Clerk must first determine that the petition form contains all matters required under this Article and only the matters required by this Article.
 - (3) Scope of approval. The City Clerk's approval under this Section does not constitute an approval of the content of the petition or its legality, but rather, starts the running of the time periods provided for circulation and filing of petitions for recall.
 - (4) Statement of purpose. The petition must contain or have attached to each section throughout its circulation a copy of the charges set forth in the affidavit on file with the City Clerk, and if requested by the person sought to be recalled, a copy of the statement in defense.
 - (5) Petition representatives. Each petition must designate by name and address three (3) registered electors who will represent the signers of the petition in all matters affecting the petition.
 - (6) Signatures. Only registered electors may sign the petitions authorized under this Article. Each signer must sign their own signature and each signature must be followed by the printed name of the signer, the street and number address of their residence, and the date of signing.
 - (7) Petition sections. Each section of the petition must be individually numbered and must contain no less than thirty (30), and no more than one hundred (100) signature lines.
- (c) **Circulation of petition.**
- (1) To be valid, the petition must be circulated and signed in sections with each section consisting of one (1) or more sheets securely fastened at the top, and each section must contain a full and accurate copy of the text of the petition and the names and addresses of the designated representatives for the petition.
 - (2) All sections must be filed with the City Clerk as one (1) instrument.
 - (3) Only persons eighteen (18) years of age or older may circulate the petition for signatures.
 - (4) The circulation of any petition by any medium other than personally by a circulator is prohibited.
 - (5) No person may receive any compensation whatever for signing a recall petition.
 - (6) No person may knowingly sign an initiative petition more than once.
 - (7) In the event that the signature of any person appears more than once on a petition authorized under this Article, the first signature verified will be counted and all other signatures of that person will be rejected.

- (d) **Affidavit of circulator.** For each petition section, the circulator of the petition section must sign under oath before a notary public the affidavit of circulator attached at the end of the petition section. The affidavit must state the following:
- (1) the circulator's address of residence;
 - (2) that the circulator is eighteen (18) years of age or older;
 - (3) that they personally circulated the section;
 - (4) that each signature was affixed in the circulator's presence on the date stated with such signature;
 - (5) that to the best of the circulator's knowledge and belief each signer was at the time of signing a registered elector of the city;
 - (6) that to the best of the circulator's knowledge and belief each signature is the genuine signature of the person whose name it purports to be;
 - (7) that each signer had an opportunity before signing to read the full text of the petition; and
 - (8) that the circulator has not paid or offered to pay any money or other thing of value to any signer for the purpose of inducing or causing the signer to affix their signature to the petition.

A petition verified by the valid affidavits of its circulators in each of its sections will be prima facie evidence that the signatures thereon are genuine and true.

- (e) **Number of signatures required.**
- (1) First recall attempt. The petition must be signed by registered electors equal in number to at least twenty-five (25) percent of the total of votes cast at the last preceding regular city election for the office to which the incumbent sought to be recalled was elected.
 - (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.
- (f) **Petition deadlines; submittal.**
- (1) For the recall process to proceed, petitions for recall must be filed with the City Clerk as follows:
 - a. For a District Council representative, no later than thirty-five (35) days after the City Clerk's approval of the form for circulation;
 - b. For a Mayor, no later than forty-nine (49) days after the City Clerk's approval of the form for circulation.
 - (2) All petition sections must be filed with the City Clerk together at the same time and will collectively constitute the petition.
 - (3) A recall petition must be filed with the City Clerk within the requisite time or it will be deemed null and void.
- (g) **Examination of petition.**
- (1) Within fifteen (15) business days of the filing of a petition the City Clerk will ascertain by examination of the petition and the registration books whether the petition is signed by the requisite number of registered electors and contains the required particulars and affidavits.
 - (2) Any petition section the City Clerk reasonably determines has been disassembled, whether or not it has been reassembled, will be deemed invalid.
 - (3) Upon submittal of a petition, the Clerk ~~shall~~ **may** not remove the signature of an elector from the petition.

- (4) The Clerk will issue publicly and provide to the petition representatives the Clerk's initial determination of petition sufficiency. If the petition is insufficient, the City Clerk will so certify and forthwith notify all of the designated petition representatives in writing, specifying the particulars of insufficiency.
- (h) **Protests.**
- (1) Registered electors desiring to protest a determination by the City Clerk that a petition is either sufficient or insufficient may file a written protest, under oath, in the office of the City Clerk within seven (7) days of the City Clerk's initial determination as to sufficiency of the petition. The protest must set forth with particularity the grounds of protest and any signatures and related defects in form protested.
 - (2) Upon the filing of a protest, the City Clerk will send a copy of the protest to the designated petition representatives, the City Council and the City Manager. The City Manager will appoint a hearing officer, who, in conjunction with the City Clerk, will set a time for hearing such protest, which must be no more than ten (10) business days after the filing of a protest.
 - (3) At least five (5) business days prior to the hearing, the City Clerk will send a notice of the date, time and location for the hearing and a copy of the protest to all of the designated petition representatives, the person(s) who filed the protest, and the City Council.
 - (4) All protest hearings will be before a hearing officer appointed by the City Manager. The hearing officer will have the power to issue subpoenas to compel the attendance of witnesses and the production of documents.
 - (5) All records and hearings will be public, and all testimony must be under oath.
 - (6) The hearing will be summary in nature and concluded no later than twenty (20) business days after the protest was filed.
 - (7) The hearing officer must decide and certify the results of the hearing no later than five (5) business days after the hearing is concluded, and no further protest regarding the petition may be filed.
 - (8) The City Clerk will make any final determination regarding the sufficiency or insufficiency of a petition and must base such determination on the protest hearing results issued by the hearing officer.
 - (9) A petition for recall that has been deemed insufficient after protest may not be amended or circulated further and no further protest regarding the petition may be filed.
- (i) **Certification and presentation to Council.** When and if a petition is deemed sufficient, whether following the initial sufficiency determination by the City Clerk in the absence of a protest, or following protest proceedings, the City Clerk will so certify and present the certified petition to the Council at the next regularly scheduled meeting or special meeting called for this purpose. The City Clerk's certificate constitutes the final determination as to the sufficiency of the petition.

Section 3. Action by Council.

- (a) **Purpose.** A recall election will be for the dual purposes of voting on the recall of the officer sought to be removed and the election of a successor.
- (b) **Timing.** Upon the City Clerk's presentation of a petition certified as sufficient for recall, the Council must set a date for the election to be held on a Tuesday at the earliest possible election date that allows the City Clerk sufficient time to meet all legal, logistical and technical requirements applicable to the conduct of an election. The City Clerk will advise the Council of said election date in connection with Council's call of the recall election.
- (c) **Consolidation.** If the earliest possible election date determined by the City Clerk is less than seventy-seven (77) days prior to an upcoming November regular municipal election or November General Election

conducted by the Larimer County Clerk and Recorder, the recall election must be consolidated with such other election date.

- (d) **Termination of election.** If a recall election must be consolidated with a November regular municipal election pursuant to subsection (c) or cannot be set until a date after a November regular election, and if the Council office held by the officer for whom a recall is sought will be on such November ballot, the recall process must be deemed terminated and the regular election for that Council office will proceed as part of the November regular municipal election.
- (e) **Resignation.** If the officer subject to a recall petition resigns before ballots for the recall election are mailed to the voters, the recall process must be deemed terminated and the vacancy must be filled by appointment. If a vacancy occurs after the ballots for the recall election have been mailed to the voters, the election to fill the vacancy under Section 4, below, must nevertheless proceed.

Section 4. Recall elections.

- (a) **Generally.** Recall elections must be conducted in the same manner as provided generally for regular or special city elections in this Charter. All Charter provisions related to nomination and qualification of candidates apply to recall elections.
- (b) **Nominations on recall.** Anyone desiring to become a candidate at the recall election must do so by nominating petition as required in Article VIII of this Charter. The deadline for filing a nominating petition for a recall election will be as established by ordinance of the Council. If more than one (1) officer is sought to be recalled, then the nominating petition must specify which incumbent the candidate seeks to succeed. The name of the person against whom the recall petition is filed is barred from appearing on the ballot as a candidate for the office.
- (c) **Ballots.** The official ballot must include, as to every officer whose recall is to be voted on, the statement of grounds and, if requested by the affected officer, the officer's statement in defense followed by the words, "Shall (name of person against whom the recall petition is filed) be recalled from the office of (_____)?" Following such question must appear the words, "Yes" indicating a vote in favor of the recall and "No" indicating a vote against such recall. On such ballots, under each question, there must also be printed the names of those persons who have been nominated as candidates to succeed the person sought to be recalled.
- (d) **Election results.** If a majority of those voting on the question of the recall of any incumbent from office votes "No," the incumbent continues in office. If a majority votes "Yes" for the incumbent's removal, the incumbent will thereupon be deemed removed from their office upon the taking of the oath of office by their successor. If the officer is recalled, the candidate for succession receiving the highest number of votes at the election determined in accordance with Article VIII, will be declared elected for the remainder of the incumbent's term.
- (e) **Elected replacement.** The candidate elected will take office upon taking the oath of office, which must occur as the first order of business at the next regular or special Council meeting after certification of the election results.
- (f) **Disqualification from office.** No person who has been recalled or has resigned after the City Clerk's presentation to Council of a certified, sufficient petition for recall of such person may serve the city in any elected or Council-appointed capacity within two (2) years after such removal or resignation.

Section 5. Computation of time.

- (a) **Calendar days.** Except when business days are specified, all computations of time made under the provisions of this article will be based on calendar days.

- (b) **Included days.** Except when computing business days, Saturdays, Sundays, City holidays and days City Hall is closed for business for a full or partial day due to inclement weather or other emergency circumstances will be included, but, if the time for any act to be done or the last day of any period is a Saturday, Sunday, City holiday or day City Hall is closed for business for a full or partial day due to inclement weather or other emergency circumstances, the period is extended to include the next day that is not a Saturday, Sunday, or City holiday.
- (c) **Days counted.** In computing time for any act to be done before any regular or special election, the first day will be included, and the last or election day will be excluded.
- (d) **Business days.** If the time for an act to be done under this article is referred to in business days, the time will be computed by excluding Saturdays, Sundays, City holidays, and any day City Hall is closed for business for a full or partial day due to inclement weather or other emergency circumstances.
- (e) **Specific considerations.** If a provision requires doing an act in "not less than" or "no later than" or "at least" a certain number of days or "prior to" a certain number of days or a certain number of months "before" the date of an election, or any phrase that suggests a similar meaning, if that period would end on a Saturday, Sunday or City holiday, it will instead shift to end on the prior business day that is not a Saturday, Sunday, or City holiday. If the period ends on a day City Hall is closed for business for a full or partial day due to inclement weather or other emergency circumstances, the period will end on the next business day on which City Hall is open for business.
- (f) **Time of day.** Except when otherwise specified, an act must be completed by 5:00 p.m. Mountain time on the last day for that action.

Section 6. Further regulations.

The Council may, by ordinance, make such further rules and regulations as are consistent with this Charter and the Colorado Constitution in order to carry out the provisions of this Article.

ARTICLE X. INITIATIVE AND REFERENDUM

Part I Initiative

Section 1. The initiative.

- (a) **Power of initiative.** The registered electors of the city have the power at their option to propose ordinances or resolutions to the Council, and, if the Council fails to adopt a measure so proposed, to adopt or reject such ordinance or resolution at the polls. The procedure for initiative must be as provided in this Article.
- (b) **Commencement of proceedings; notice.** One (1) or more registered electors may commence initiative proceedings by filing with the City Clerk a written notice of intent to circulate an initiative petition. The notice commencing proceedings must contain the full text of the proposed ordinance or resolution and state whether a special election is requested.

Section 2. Petitions.

- (a) **Separate petitions required.** A separate petition must be circulated and filed for each measure sought to be initiated.
- (b) **Form and content.**
 - (1) **Adoption of form.** The Council will prescribe by ordinance, upon recommendation of the City Clerk, a general form of petition which will contain warnings and notices to signers as necessary.

(2) Petition content.

- a. The petition must be addressed to Council.
- b. An initiative petition must contain a general statement of purpose prepared by the City Clerk in consultation with the City Attorney to fairly and accurately summarize the proposed ordinance or resolution, without argument or prejudice, and indicating that the petition is to be circulated in support of the initiated ordinance or resolution and specifying whether a special election is requested.
- c. The petition must designate by name and address three (3) registered electors who will represent the signers of the petition in all matters affecting the petition.
- d. The petition must contain a full and accurate copy of the text of the initiative.
- e. Each section of the petition must be individually numbered and contain no less than thirty (30), and no more than one hundred (100) signature lines.
- f. For each petition section, the circulator of the petition section must sign under oath before a notary public the affidavit of circulator attached at the end of the petition section. The affidavit must state the following:
 - (i) the circulator's address of residence;
 - (ii) that the circulator is eighteen (18) years of age or older;
 - (iii) that they personally circulated the section;
 - (iv) that each signature was affixed in the circulator's presence on the date stated with such signature;
 - (v) that to the best of the circulator's knowledge and belief each signer was at the time of signing a registered elector of the city;
 - (vi) that to the best of the circulator's knowledge and belief each signature is the genuine signature of the person whose name it purports to be;
 - (vii) that each signer had an opportunity before signing to read the full text of the petition; and
 - (viii) that the circulator has not paid or offered to pay any money or other thing of value to any signer for the purpose of inducing or causing the signer to affix their signature to the petition.

(3) Approval of form for circulation.

- a. No petition may be circulated until the City Clerk has approved the form for circulation.
- b. In considering whether to approve the form of a petition, the City Clerk will evaluate whether the petition form contains all matters required under this Article and only the matters required by this Article.
- c. The City Clerk's approval under this Section does not constitute an approval of the content of the petition or its legality, but rather, starts the running of the time periods provided for circulation and filing of petitions.

(c) **Circulation of petition.**

- (1) To be valid, the petition must be circulated and signed in sections with each section consisting of one (1) or more sheets securely fastened at the top, and containing all required elements as described in Section 2(b)(2) of this Article.
- (2) Only persons eighteen (18) years of age or older may circulate the petition for signatures.

- (3) The circulation of any petition by any medium other than personally by a circulator is prohibited. No person may receive any compensation whatever for signing an initiative petition.
 - (4) Only registered electors may sign the petitions authorized under this Article.
 - (5) Each signer must sign their own signature and each signature must be followed by the printed name of the signer, the street and number address of their residence, and the date of signing.
 - (6) No person may knowingly sign an initiative petition more than once.
 - (7) In the event that the signature of any person appears more than once on a petition authorized under this Article, the first signature verified will be counted and all other signatures of that person will be rejected.
- (d) **Number of signatures required.**
- (1) The petition must be signed by registered electors of the city equal in number to at least ten (10) percent of the total ballots cast in the last regular city election.
 - (2) If a special election is requested by the petitioners, the petition must be signed by registered electors equal in number to at least fifteen (15) percent of the total ballots cast in the last regular city election.
- (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.
 - (2) To be valid, all petition sections must be filed with the City Clerk together at the same time and those sections submitted together will collectively constitute the petition.
 - (3) Any petition section the City Clerk reasonably determines has been disassembled, whether or not it has been reassembled, will be deemed invalid.
 - (4) Upon submittal of a petition, the Clerk must not remove the signature of an elector from the petition.
 - (5) An initiative petition must be filed with the City Clerk within the requisite time or it will be deemed null and void.
- (f) **Examination of petition; protest; presentation.**
- (1) Within fifteen (15) business days of the filing of a petition the City Clerk will ascertain by examination of the petition and the registration books whether the petition is signed by the requisite number of registered electors and contains the required particulars and affidavits.
 - (2) Any petition section the City Clerk reasonably determines has been disassembled, whether or not it has been reassembled, will be deemed invalid.
 - (3) Upon submittal of a petition, the Clerk must not remove the signature of an elector from the petition.
 - (4) The Clerk will issue publicly and provide to the petition representatives the Clerk's initial determination of petition sufficiency. If the petition is insufficient, the City Clerk will so certify and forthwith notify all of the designated petition representatives in writing, specifying the particulars of insufficiency.
 - (5) Protests.
 - a. Registered electors desiring to protest a determination by the City Clerk that a petition is either sufficient or insufficient may file a written protest, under oath, in the office of the City Clerk within seven (7) days of the City Clerk's initial determination as to petition sufficiency. The protest must set forth with particularity the grounds of protest and any signatures and related defects in form protested.
 - b. Upon the filing of a protest, the City Clerk will send a copy of the protest to the designated petition representatives, the City Council and the City Manager. The City Manager will appoint a

hearing officer, who, in conjunction with the City Clerk, will set a time for hearing such protest, which must be no more than ten (10) business days after the filing of a protest.

- c. At least five (5) business days prior to the hearing, the City Clerk will send a notice of the date, time and location for the hearing and a copy of the protest to all of the designated petition representatives, the person(s) who filed the protest, and the City Council.
 - d. All protest hearings will be before a hearing officer appointed by the City Manager. The hearing officer will have the power to issue subpoenas to compel the attendance of witnesses and the production of documents.
 - e. All records and hearings will be public, and all testimony must be under oath.
 - f. The hearing will be summary in nature and concluded no later than twenty (20) business days after the protest was filed.
 - g. The hearing officer must decide and certify the results of the hearing no later than ten (10) business days after the hearing is concluded, and no further protest regarding the petition may be filed.
 - h. The City Clerk will make any final determination regarding the sufficiency or insufficiency of a petition and must base such determination on the protest hearing results issued by the hearing officer.
- (6) Certification and presentation to Council. When and if a petition is deemed sufficient, whether following the sufficiency determination by the City Clerk in the absence of a protest, or following protest proceedings, the City Clerk must so certify and then present the certified petition to the Council at the next regularly scheduled meeting or special meeting called for this purpose. The City Clerk's certificate will be the final determination as to the sufficiency of the petition.

Section 3. Action by Council.

- (a) **Action on sufficient initiative.** Upon presentation of an initiative petition certified as sufficient by the City Clerk, the Council must within twenty-five (25) business days either (1) adopt the proposed ordinance or resolution without alteration, or (2) submit such proposed measure, in the form petitioned for, to the registered electors of the city as provided in this subsection.
- (1) For a proposed measure that requires voter approval in advance under Article X, Section 20 of the Colorado Constitution, the Council must submit the measure to a vote of the registered electors. If the initiative petition proposing such a measure requests a special election, the proposed measure must be submitted to a vote of the registered electors on the first possible date permitted by Article X, Section 20 of the Colorado Constitution. If a special election is not requested, the proposed measure must be submitted to a vote of the registered electors at the next regular city election or at the Council's option, may be submitted to a vote at an earlier special election that meets the constitutional requirements.
 - (2) For a proposed measure that does not require voter approval in advance under Article X, Section 20 of the Colorado Constitution, if not adopted by the Council under alternative (1) above, the Council must submit the measure to a vote of the registered electors at no later than the next regular or special city election scheduled for any other purpose for which election process requirements can be met. Alternatively, the Council may opt to call an earlier special election for the specific purpose of submitting the initiated measure to the voters.
 - (3) If the initiative petition proposing such measure requests a special election, the Council must submit the proposed measure to a vote of the registered electors at the next November election for which the City is able to coordinate an election with the Larimer County Clerk and Recorder, whether a special election or regular City election.

- (b) **Referral of initiated ordinances.** All ordinances submitted to the Council by initiative petition and adopted by Council without the vote of the electors are subject to the referendum in the same manner as other ordinances.

Section 4. Council use of initiative.

The Council may submit any question or proposed ordinance or resolution to the vote of the people at a regular or special election to be conducted in accordance with the provisions of Article VIII, Section 2 of the Charter.

Section 5. Repeal or amendment of initiated measure.

An initiated measure submitted to the registered electors of the city by the Council, with or without a petition therefore, and adopted by electoral vote cannot be repealed or amended except by a subsequent electoral vote. This provision does not apply to ordinances or resolutions adopted by the City Council and referred to the voters.

Part II Referendum

Section 6. The referendum.

- (a) **Power of referendum.** The registered electors of the city have the power at their option to approve or reject at the polls, any ordinance, or portion of ordinance, adopted by the Council, except ordinances making the annual property tax levy, making the annual appropriation, calling a special election, or ordering improvements initiated by petition and to be paid for by special assessments.
- (b) **Commencement of proceedings.**
- (1) One (1) or more registered electors may commence referendum proceedings by filing with the City Clerk no later than ten (10) days after final passage of the ordinance in question, a notice of protest against the going into effect of the ordinance. The notice must be brief and need not state any reasons, but must identify the ordinance or part thereof, or code section it proposes to have repealed.
 - (2) Within ten (10) days after the filing of the notice, the proponents must present to the City Clerk the final form for the referendum petition conforming to the requirements of the Article.

Section 7. Petitions.

- (a) **Separate petitions required.** A separate petition will be circulated and filed for each measure sought to be initiated.
- (b) **Form and content.**
- (1) Adoption of form. The Council will prescribe by ordinance, upon recommendation of the City Clerk, a general form of petition which must contain warnings and notices to signers as necessary.
 - (2) Petition content.
 - a. The petition must be addressed to Council.
 - b. A referendum petition must contain a general statement of purpose prepared by the City Clerk in consultation with the City Attorney to fairly and accurately summarize the ordinance or part thereof sought to be referred, without argument or prejudice, and indicating that the petition is to be circulated in support of the referendum.
 - c. The petition must designate by name and address three (3) registered electors who will represent the signers of the petition in all matters affecting the petition.

- d. The petition must contain a full and accurate copy of the of the ordinance sought to referred, without any exhibits that may be a part of said ordinance, clearly identifying the protested portions if only a partial repeal is sought. In the case of an ordinance exceeding two (2) pages in length, a fair and accurate summary of the ordinance, prepared by the City Clerk in consultation with the City Attorney will replace said ordinance.
 - e. Each section of the petition must be individually numbered and must contain no less than thirty (30), and no more than one hundred (100), signature lines.
 - f. For each petition section, the circulator of the petition section must sign under oath before a notary public the affidavit of circulator attached at the end of the petition section. The affidavit must state the following:
 - (i) the circulator's address of residence;
 - (ii) that the circulator is eighteen (18) years of age or older;
 - (iii) that they personally circulated the section;
 - (iv) that each signature was affixed in the circulator's presence on the date stated with such signature;
 - (v) that to the best of the circulator's knowledge and belief each signer was at the time of signing a registered elector of the city;
 - (vi) that to the best of the circulator's knowledge and belief each signature is the genuine signature of the person whose name it purports to be;
 - (vii) that each signer had an opportunity before signing to read the full text of the petition; and
 - (viii) that the circulator has not paid or offered to pay any money or other thing of value to any signer for the purpose of inducing or causing the signer to affix their signature to the petition.
- (3) Approval of form for circulation.
- a. A petition must not be circulated until the City Clerk has approved the form for circulation.
 - b. The City Clerk will first determine that the petition form contains all matters required by this Article and only the matters required by this Article.
 - c. The City Clerk's approval under this Section does not constitute an approval of the content of the petition or its legality, but rather, will start the running of the time periods provided for circulation and filing of a referendum petition.
- (c) **Circulation of petition.**
- (1) The petition may be circulated and signed in sections with each section consisting of one (1) or more sheets securely fastened at the top, and containing all required elements as described in Section 2(b)(2) of this Article.
 - (2) Only persons eighteen (18) years of age or older may circulate the petition for signatures.
 - (3) The circulation of any petition by any medium other than personally by a circulator is prohibited. No person may receive any compensation whatever for signing a referendum petition.
 - (4) Only registered electors may sign the petitions authorized under this Article.
 - (5) Each signer must sign their own signature and each signature must be followed by the printed name of the signer, the street and number address of their residence, and the date of signing.
 - (6) No person may knowingly sign a referendum petition more than once.

- (7) In the event that the signature of any person appears more than once on a petition authorized under this Article, the first signature verified will be counted and all other signatures of that person will be rejected.
- (d) **Number of signatures required.** The petition must be signed by registered electors of the city equal in number to at least ten (10) percent of the total ballots cast in the last regular city election.
- (e) **Petition deadlines and submittal.**
- (1) The petition must be filed no more than twenty-one (21) days after the City Clerk's approval of the form for circulation.
 - (2) All petition sections must be filed with the City Clerk together at the same time and will collectively constitute the petition.
 - (3) Any petition section the City Clerk reasonably determines has been disassembled, whether or not it has been reassembled, will be deemed invalid.
 - (4) Upon submittal of a petition, the Clerk must not remove the signature of an elector from the petition.
 - (5) A referendum petition must be filed with the City Clerk within the requisite time or it will be deemed null and void.
- (f) **Examination of petition; protest; presentation.**
- (1) Within fifteen (15) business days of the filing of a petition the City Clerk will ascertain by examination of the petition and the registration books whether the petition is signed by the requisite number of registered electors and contains the required particulars and affidavits.
 - (2) Any petition section the City Clerk reasonably determines has been disassembled, whether or not it has been reassembled, will be deemed invalid.
 - (3) Upon submittal of a petition, the Clerk must not remove the signature of an elector from the petition.
 - (4) The Clerk will issue publicly and provide to the petition representatives the Clerk's initial determination of petition sufficiency. If the petition is insufficient, the City Clerk will so certify and forthwith notify all of the designated petition representatives in writing, specifying the particulars of insufficiency.
 - (5) Protests.
 - a. Registered electors desiring to protest a determination by the City Clerk that a petition is either sufficient or insufficient may file a written protest, under oath, in the office of the City Clerk within seven (7) days of the City Clerk's initial determination as to sufficiency of the petition. The protest must set forth with particularity the grounds of protest and any signatures and related defects in form protested.
 - b. Upon the filing of a protest, the City Clerk will send a copy of the protest to the designated petition representatives, the City Council and the City Manager. The City Manager will appoint a hearing officer, who, in conjunction with the City Clerk, will set a time for hearing such protest, which must be no more than ten (10) business days after the filing of a protest.
 - c. At least five (5) business days prior to the hearing, the City Clerk will send a notice of the date, time and location for the hearing and a copy of the protest to all of the designated petition representatives, the person(s) who filed the protest, and the City Council.
 - d. All protest hearings will be before a hearing officer appointed by the City Manager. The hearing officer will have the power to issue subpoenas to compel the attendance of witnesses and the production of documents.
 - e. All records and hearings will be public, and all testimony must be under oath.

- f. The hearing will be summary in nature and concluded no later than twenty (20) business days after the protest was filed.
 - g. The hearing officer must decide and certify the results of the hearing no later than ten (10) business days after the hearing is concluded, and no further protest regarding the petition may be filed.
 - h. The City Clerk will make any final determination regarding the sufficiency or insufficiency of a petition and must base such determination on the protest hearing results issued by the hearing officer.
- (6) Certification and presentation to Council. When and if a petition is deemed sufficient, whether following the sufficiency determination by the City Clerk in the absence of a protest, or following protest proceedings, the City Clerk must so certify and then present the certified petition to the Council at the next regularly scheduled meeting or special meeting called for this purpose. The City Clerk's certificate will be the final determination as to the sufficiency of the petition.

Section 8. Action by Council.

- (a) **Suspension of ordinance.** The City Clerk's certification of a petition as sufficient for referendum automatically suspends the operation of the ordinance in question, or portion sought to be repealed, pending repeal by Council or final determination by the electors.
- (b) **Referral of ordinance.** Following receipt of the City Clerk's certification of a petition as sufficient for referendum, the Council must either refer the ordinance or portion thereof that is the subject of the petition to the voters, as set forth below, or reconsider the ordinance at the next regular meeting of the Council, or at an earlier special meeting of the Council called for this purpose, and adopt an ordinance to repeal the ordinance in question, or part sought to be repealed, on first reading, with second reading at the next regular meeting.
- (c) **Timing of election.** If the ordinance, or that part sought to be repealed, is not repealed, the Council must refer the same to a vote of the registered electors at no later than the next regular or special city election scheduled for any other purpose for which election process requirements can be met. Alternatively, the Council may opt to call an earlier special election for the specific purpose of submitting the referred measure to the voters.

Section 9. Council use of referendum.

The Council may refer any adopted ordinance or resolution, to the vote of the people at a regular or special election to be conducted in accordance with the provisions of Article VIII of the Charter.

Part III In General

Section 10. Elections.

- (a) **Generally.** Elections on initiative and referendum measures must be conducted in the same manner as provided generally for regular or special city elections in this Charter.
- (b) **Ballot text.** Upon ordering an election on any initiative or referendum measure, the Council must, after public hearing, adopt by resolution a ballot title and submission clause for each measure. The ballot title must contain information identifying the measure as a city initiated or referred measure or a citizen initiated or referred measure. The submission clause must be brief, must not conflict with those selected for any petition previously filed for the same election, and must unambiguously state the principle of the provision sought to be considered. The official ballot used when voting upon each proposed or referred measure must

have printed on it the ballot title and submission clause and contain the words, "Yes/For" and "No/Against" in response to each measure.

- (c) **Publication; notice of election.**
 - (1) Initiative. An initiated measure being considered for adoption by Council must be published as part of the appropriate Council meeting agenda in like manner as other proposed ordinances and resolutions. If the initiated measure is submitted to a vote of the people, the City Clerk must publish a notice of election in conformity with the laws of the State of Colorado relating to municipal elections, together with the ballot title, submission clause and full text of the proposed ordinance or resolution. The text of a successful initiative measure need not be published in full after the election.
 - (2) Referendum. If the referred measure is to be submitted to a vote of the people, the City Clerk must publish a notice of election in conformity with the laws of the State of Colorado relating to municipal elections, together with the ballot title, submission clause and full text of the referred ordinance, specifying the portion to be referred if only a portion of the ordinance has been referred. If the ordinance in question exceeds two (2) pages in length, the summary from the petition may be published in place of the full text. The City Clerk will make the full text of a referred ordinance, together with all exhibits, generally available to the public. The full text of an ordinance passed on referendum need not be published after the election.
- (d) **Election results.** If a majority of the registered electors voting on the initiated measure vote in favor, the measure is adopted as an ordinance or resolution of the city upon certification of the election results. If a majority of the registered electors voting on a referred ordinance, vote in favor of the referred ordinance, or referred portion of the ordinance, such referred ordinance or portion thereof will go into effect without further publication upon certification of the election results, or at such later date as may be set forth in the ordinance itself. If the provisions of two (2) or more proposed or referred measures adopted or approved at the same election conflict, the measure receiving the highest affirmative vote will become effective.
- (e) **Frequency of elections.** Any number of proposed ordinances or resolutions or referred ordinances may be submitted at the same election.

Section 11. Computation of time.

- (a) **Calendar days unless specified.** Except when business days are specified, all computations of time made under the provisions of this article will be based on calendar days.
- (b) **Included days.** Except when computing business days, Saturdays, Sundays, City holidays and days City Hall is closed for business for a full or partial day due to inclement weather or other emergency circumstances will be included, but, if the time for any act to be done or the last day of any period is a Saturday, Sunday, City holiday or day City Hall is closed for business for a full or partial day due to inclement weather or other emergency circumstances, the period is extended to include the next day that is not a Saturday, Sunday, or City holiday.
- (c) **Days counted.** In computing time for any act to be done before any regular or special election, the first day will be included, and the last or election day will be excluded.
- (d) **Business days.** If the time for an act to be done under this article is referred to in business days, the time will be computed by excluding Saturdays, Sundays, City holidays, and any day City Hall is closed for business for a full or partial day due to inclement weather or other emergency circumstances.
- (e) **Specific considerations.** If a provision requires doing an act in "not less than" or "no later than" or "at least" a certain number of days or "prior to" a certain number of days or a certain number of months "before" the date of an election, or any phrase that suggests a similar meaning, if that period would end on a Saturday, Sunday or City holiday, it will instead shift to end on the prior business day that is not a Saturday, Sunday, or City holiday. If the period ends on a day City Hall is closed for business for a full or partial day due to

inclement weather or other emergency circumstances, the period will end on the next business day on which City Hall is open for business.

- (f) **Time of day.** Except when otherwise specified, an act must be completed by 5:00 p.m. Mountain time on the last day for that action.

Section 12. Further regulations.

The Council may, by ordinance, make such further rules and regulations as are consistent with this Charter and the Colorado Constitution in order to carry out the provisions of this Article.

ARTICLE XI. FRANCHISES AND PUBLIC UTILITIES

Section 1. Franchise granted by ordinance.

(a) **Franchise requirements.** The Council may grant a franchise relating to any street, alley, or other public place within the city by ordinance, subject to the initiative and referendum powers reserved to the electors of the city. No exclusive franchise ~~shall~~ **may** ever be granted. Every franchise ordinance ~~shall~~ **will** require for its adoption the concurrence of a majority of all the members of the Council.

(b) **Public notice and hearing.** A franchise may be awarded only after a public hearing on the application or proposal. The applicant for the franchise ~~shall~~ **must** publish a notice of the hearing in a local newspaper of general circulation once a week for three (3) successive weeks immediately prior to the date of the hearing. Such notice ~~shall~~ **must** specify the meeting of the Council at which it is intended to apply for the franchise, the name of the applicant, a general description of the rights and privileges to be applied for, and the time for and terms upon which the franchise is desired. The hearing on the franchise application ~~shall~~ **must** not be held unless a publisher's affidavit of publication proving the applicant's compliance with the notice requirements has been presented to the Council. Publication of the franchise ordinance by the City Clerk ~~shall~~ **must** be in the same manner as for other proposed ordinances.

(c) **Initiative and referendum.** The procedure for initiative and referendum of an ordinance granting a franchise ~~shall~~ **must** be as otherwise provided in this Charter, except that the signatures required for referendum ~~shall~~ **will** be equal in number to five (5) percent of the registered electors, or ten (10) percent of the total ballots cast in the last regular city election, whichever is less. If the franchise ordinance is referred to the vote of the electors, the grantee of the franchise ~~shall~~ **must** deposit with the city's Financial Officer an amount determined by said Officer to be sufficient to pay for the cost of the election. No franchise election ~~shall~~ **may** be ordered until the grantee deposits such costs.

Section 2. Franchises to specify streets.

All franchises or privileges hereafter granted to railroads or other transportation systems ~~shall~~ **must** plainly specify the particular streets, alleys, avenues, and other public property, or parts thereof, to which they ~~shall~~ **will** apply. All other franchises may be in general terms and may apply to the city generally.

Section 3. Regulation of public utilities.

(a) **Rights reserved.** The right to regulate the rates, fares, and rentals of public utilities and carriers serving the residents of the city ~~shall~~ **will** always be reserved to the city to be exercised by ordinance.

(b) **Annual reports.** Every person or corporation operating under a franchise or grant from the city ~~shall~~ **must** annually submit to the Council a report verified by the oath of the president, the treasurer, or the general manager

thereof. Such reports ~~shall~~ **must** be in the form, contain such detailed information, and cover the period prescribed by the Council.

(c) **Council powers**. The Council ~~shall have~~ **has** the power, either through its members or by authorized experts or employees, to examine the books and affairs of any such person, persons, or corporations, and to compel the production of books and other records pertaining to such reports or other matters.

Section 4. Books of record.

The Council ~~shall~~ **must** provide and cause to be kept in the office of the City Clerk an indexed franchise record in which ~~shall~~ **must** be transcribed copies of all franchises granted by the city. Said record ~~shall~~ **will** be a complete history of all franchises granted by the city and ~~shall~~ **will** include a comprehensive and convenient reference to actions, contests, or proceedings at law affecting the same, and copies of all annual and inspection reports and such other information as the Council may require.

Section 5. Term, compensation.

No franchise ~~shall~~ **may** be granted for longer than twenty (20) years. Every grant of a franchise ~~shall~~ **must** fix the amount and manner of payment of the compensation to be paid by the grantee for the use of the same, and no other compensation of any kind ~~shall~~ **may** be exacted for such use during the life of the franchise. This provision ~~shall~~ **must** not exempt the grantee from any lawful taxation upon ~~his or her~~ **their** property, nor from any license, charges, or other impositions levied by the Council, not levied on account of the use granted by the franchise.

Section 6. Option to purchase.

Every grant, extension, or renewal of a public utility franchise or right ~~shall~~ **must** provide that the city may, upon the vote of the electors and the payment therefor of its fair valuation, purchase and take over the property and plant of the grantee in whole or in part. Such valuation ~~shall~~ **will** be made as provided in the grant, but ~~shall~~ **must** not include any value of the franchise or right-of-way through the streets or any earning power of such property.

Section 7. Railroad tracks.

The Council, upon some fair apportionment of the cost thereof between the railroad and the city and/or other public authority in interest, may by ordinance require any railroad company to elevate or lower any of its tracks running over, along, or across any street or alley of the city, or to take such other measures for the protection of the public, as in the opinion of the Council the public safety or convenience may require.

Section 8. Street cleaning and paving.

Every grant of any franchise or privilege in, over, under, or along any of the streets or public places in the city for railway purposes, ~~shall~~ **will** be subject to the conditions that the person, firm, or corporation exercising or enjoying the same ~~shall~~ **must**, unless otherwise provided by ordinance, clean, keep in repair, and pave and repave so much of a street or other public place occupied by a railway track as lies between its rails, and between the lines of double track, and for such space outside of said track as may have been acquired by franchise.

Section 9. Right of regulation.

The grant of every franchise or privilege ~~shall~~ **will** be subject to the right of the city, whether in terms reserved or not, to make any regulations for the safety, welfare, and accommodation of the public, including among other things the right to require proper and adequate extensions of the service of such grant, the right to require any or all wires, cables, conduits, and other like appliances to be placed underground, and the right to protect the public from danger or inconvenience in the operation of any work or business authorized by the franchise.

Section 10. Revocable permits.

The Council may grant a permit at any time for the use or occupation of any street, alley, or public place. Such permit ~~shall~~ **will** be revocable by the Council at its pleasure, whether or not such right to revoke is expressly reserved in such permit.

Section 11. Franchise renewal.

No franchise ~~shall~~ **may** be renewed before one (1) year prior to its expiration, which renewal ~~shall~~ **will** be subject to all provisions relating to the original grant of a franchise.

Section 12. Leasing of franchises.

No franchise granted by the city ~~shall~~ **may** ever be leased, assigned, or otherwise alienated without the express consent of the city, and no dealing with the lessee or assignee on the part of the city to require the performance of any act or the payment of any compensation by the lessee or assignee ~~shall~~ **may** be deemed to operate as such consent. Any assignment or sale of such franchise without the consent of the city ~~shall~~ **will**, at the option of the Council, operate as a forfeiture to the city of such franchise.

Section 13. Issuance of stock.

Every ordinance granting any franchise ~~shall~~ **will** prohibit the issuing of any stock on account thereof by any corporation holding or doing business thereunder.

Section 14. Amendment, renewal, extension or enlargement of franchise.

No amendment, renewal, extension, or enlargement of any franchise, or grant of rights or powers heretofore granted to any corporation, person, or association of persons ~~shall~~ **will** be made except in the manner and subject to all the conditions provided in this Article for the making of original grants and franchises.

Section 15. Common use of facilities.

The City may by ordinance require any person or corporation holding a franchise from the city for any public utility to allow the use of any of its poles, tracks, wires, conduits, and other related facilities by any other person or corporation to which the city grants a franchise upon the payment of a reasonable rental to the owner therefor. If the person or corporation desiring to use the same cannot agree with the owner regarding said rental and the terms and conditions for such use, within sixty (60) days from offering in writing to do so, the Council after a fair hearing, ~~shall~~ **may** by resolution fix the terms and conditions of such use and compensation to be paid therefor, which award of the Council ~~shall~~ **will** be final and binding on the parties concerned.

ARTICLE XII. MUNICIPAL PUBLIC UTILITIES

Section 1. City may acquire utilities.

(a) Council powers. The Council upon vote of the electors ~~shall~~ **will** have the power within or without the territorial limits of the city to construct, condemn and purchase, acquire, and lease waterworks, gasworks, light plants, power plants, transportation systems, telephone systems, heating plants, and other public utilities local in use and extent, in whole or in part, and everything required therefor, for the use of the city and its inhabitants, and any such systems, plants, works, or ways, or any contracts in relation or in connection therewith which may exist and which the city may desire to acquire or purchase, in whole or in part, the same or any part thereof may be purchased by the city.

(b) Establishment. An election is not required for the purchase of a portion of a utility system which is included in an area being annexed to the city and which is not the subject of an existing city franchise.

(c) Revenue. Such public utilities acquired by the city, except waterworks and transportation systems, ~~shall~~ **may** not be paid for out of general taxes or general obligation bonds, but ~~shall~~ **must** be paid for from revenue derived from the public utility. Equipment necessary for transportation system may be acquired from the funds of the equipment fund of the city.

Section 2. Right of entry.

The directors and employees of city-owned utilities ~~shall~~ **will** have authority in the necessary discharge of their duties to enter upon any lands, properties or premises, within or without the city limits, for the examination or survey thereof, or for the purpose of repairing, inspecting, removing, or connecting the service, reading meters, or any other purpose whatever in connection with the water, wastewater, electric, and other utilities.

Section 3. Restriction on sale of water and electric property.

The City ~~shall~~ **may** not sell, lease, or in any manner dispose of the city's water or electric utility system as a whole unless and except the proposition for such purpose has first been approved by a vote of the electors. The provisions of this Section ~~shall~~ **will** not apply to the sale, lease or exchange of any part of the water or electric utility systems, which the Council, by ordinance, determines does not materially impair the viability of the particular utility system as a whole and further determines is for the benefit of the citizens of Fort Collins. The provisions of this Section ~~shall~~ **will** also not apply to the sale of water rights no longer useful to the city nor to the exchange of certain water rights for other water rights which would be more useful to the city.

Section 4. Control of water.

(a) Surplus water. If at any time the water supply is greater than the immediate needs of the city and its inhabitants, the Council may authorize the City Manager to permit the use of such surplus water by consumers outside the city at such rates as the Council may prescribe; provided that no vested right ~~shall~~ **will** accrue under such permits.

(b) Use. The use of water belonging to the city, or the use of its water system, whether for domestic or industrial use, or for use in connection with a franchise or other privilege granted by the city, ~~shall~~ **will** always be subject to the most comprehensive scrutiny, management, and control by the city, and nothing ~~shall~~ **will** ever be done by a user ~~which~~ **that** ~~shall~~ **will** interfere with the successful operation of the waterworks or tend to interfere with the complete performance of the trust for the people under which such waterworks are held by the city; neither ~~shall~~ **will** such use confer upon any user a right to water superior to the right of any other user.

Section 5. Utility budgeting.

Budgets for all city-owned public utilities ~~shall~~ **must** be prepared and adopted at the same time and to the same extent as budgets for all other city functions, as specified in Article V of this Charter.

Section 6. Municipal utility rates and finances.

(a) Rates. The Council ~~shall~~ **must** by ordinance from time to time fix, establish, maintain, and provide for the collection of such rates, fees, or charges for water and electricity, and for other utility services furnished by the city as will produce revenues sufficient to pay the cost of operation and maintenance of the city's utilities in good repair and working order; to pay into the general fund in lieu of taxes on account of the city-owned utilities such amount as may be established by the Council by ordinance; to pay the principal of and interest on all bonds of the city payable from the revenues of the city's utilities; to provide and maintain an adequate working capital fund for the day-to-day business operations of said utilities; to provide and maintain an adequate fund for the replacement

of depreciated and obsolete property and for the extension, improvement, enlargement and betterment of said utilities; to pay the interest on and principal of any general obligation bonds issued by the city to extend or improve said utilities.

(b) Bond revenue. The provisions hereof ~~shall~~ **will** be subject at all times to the performance by the city of all covenants and agreements made by it in connection with the issuance, sale, or delivery of any bonds of the city payable out of the revenues derived from the operation of its utilities, whether such revenue bonds be heretofore or hereafter issued.

(c) Utility fund. All net operating revenues of the city's utilities ~~shall~~ **must** be held within the respective utility's fund and may be expended only for renewals, replacements, extraordinary repairs, extensions, improvements, enlargements and betterments to such utility, or other specific utility purpose determined by the Council to be beneficial to the ratepayers of said utilities.

Section 7. Telecommunication facilities and services.

- (a) Council powers.** In addition to all the powers granted by this Charter to the Council to acquire, condemn, establish, construct, own, lease, operate and maintain an electric utility to provide light, power and other electrical facilities and services, the Council may, by ordinance and without a vote of the electors, authorize the electric utility to acquire, construct, provide, fund and contract for telecommunication facilities and services within and outside the City's territorial limits, whether directly or in whole or part through one or more third-party providers. Alternatively, the Council may create by ordinance, and without a vote of the electors, a telecommunications utility to exercise these same powers to furnish telecommunication facilities and services within and outside the City's territorial limits. If the Council creates a telecommunications utility, it may also establish that utility as an enterprise of the City in the same manner, with the same powers and subject to the same requirements and limitations established under Section 19.3(b) of Article V of this Charter for the City's other enterprises. The Council may also exercise with respect to the telecommunications utility the same general authority and powers granted to Council in this Charter with respect to the City's other utilities.
- (b) Issuance of debt obligations.** The Council, acting as itself, the board of the electric utility enterprise or as the board of the telecommunications utility enterprise, ~~shall~~ **will** have the power to issue revenue and refunding securities and other debt obligations as authorized in Sections 19.3 and 19.4 of Article V of this Charter to fund the provision of the telecommunication facilities and services authorized in this Section. The cumulative total principal amount of any such securities and other debt obligations issued ~~shall~~ **must** not exceed one hundred fifty million dollars (\$150,000,000), except that any refunding of such securities or other debt obligations ~~shall~~ **will** not be included in that cumulative total. The City's payment of and performance of covenants under the securities and other debt obligations issued under this subsection (b) and any other contract obligations of the City relating to the provision of telecommunication facilities and services under this Section, ~~shall~~ **will** not be subject to annual appropriation so long as annual appropriation is not required under Article X, Section 20 of the Colorado Constitution.
- (c) Rates.** The Council ~~shall~~ **must** set by ordinance the rates, fees and charges for furnishing the telecommunication facilities and services authorized in this Section subject to the same limitations in Section 6 of Article XII of this Charter for setting the rates, fees and charges for other City utilities, except to the extent this authority is delegated by Council pursuant to subsection (e) below. In setting such rates, fees and charges, the Council may also include amounts payable to the City's general fund for a franchise fee, a reasonable rate of return on any contributions from the general fund to acquire or construct telecommunication facilities, and the repayment of any loans from the general fund used to support the provision of telecommunication facilities and services under this Section, to include the payment of a reasonable rate of interest on any such loans.
- (d) Executive sessions.** In addition to the authority to go into executive session as provided in Section 11 of Article II of this Charter, the Council, and any board or commission established under subsection (e) below, may go into executive session to consider matters pertaining to issues of competition in providing the

telecommunication facilities and services authorized in this Section, which ~~shall~~ **will** include, without limitation, matters subject to negotiation, strategic planning, pricing, sales and marketing, development phasing and any other matter allowed under Colorado law.

- (e) **Delegation powers.** As authorized in Section 1 of Article IV of this Charter, the Council may, by ordinance, establish a Council-appointed board or commission and delegate to it, in whole or part, the Council's governing authority and powers granted under this Section concerning the furnishing of telecommunication facilities and services by the City's electric utility or telecommunications utility, but not the power to issue securities as provided in subsection (b), above which ~~shall~~ **may** only be exercised by the Council acting as itself or as the board of the electric utility enterprise or as the board of the telecommunications utility enterprise. The Council may also delegate by ordinance to the City Manager, in whole or part, its authority in subsection (c) above to set the rates, fees and charges for furnishing telecommunication facilities and services. Any Council ordinance delegating this authority ~~shall~~ **must** set forth the process to be used by the delegate for the setting of these rates, fees and charges. In addition, the amount of the rates, fees and charges so set by the delegate ~~shall~~ **must** be determined under the same criteria the Council is authorized and required to follow in subsection (c) above.
- (f) **Definitions.** For purposes of this Section, *telecommunication facilities and services* ~~shall~~ **means** those facilities used and services provided for the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received, to include, without limitation, any broadband Internet facilities and services using any technology having the capacity to transmit data to enable a subscriber to the service to originate and receive high-quality voice, data, graphics and video. *Telecommunication facilities and services* and "broadband Internet facilities and services" are to be interpreted under this Section in the broadest possible way to cover the widest range of technologies and technology infrastructure, regardless of how these terms may be defined by federal or state law.

ARTICLE XIII. DEFINITIONS

Certain words and phrases used in this Charter are hereby declared to have the following meanings:

"Agency" means any organizational unit of the city.

"Allotment" means a portion of an appropriation made available for expenditure during a specified period of less than one (1) year.

"Appropriation" means the authorized amount of funds set aside for expenditure during a specified time for a specific purpose.

"City" means the City of Fort Collins, Colorado, a municipal corporation.

"Day" means a calendar day unless otherwise specified.

"Department" means a primary subdivision of a service area headed by a person who, regardless of title, is directly responsible to the director of the service area.

"Elector or taxpayer for a period of time" means that, if a person is required to be an elector or taxpayer for a period of time as a qualification to vote, to be a candidate, or to hold an office, then ~~he or she shall~~ **they must** be such during the entire and consecutive number of years next preceding the specified time.

"Emergency" means an existing condition actually arising from unforeseen contingencies which immediately endangers public property, health, peace, or safety.

"Emergency ordinance" means an ordinance immediately necessary, on account of an emergency, to preserve the public property, health, peace, or safety.

"Employees" means all persons in the compensated service of the city except Councilmembers.

"Fort Collins Urban Growth Area" means that geographical area within and adjacent to the City of Fort Collins identified by Intergovernmental Agreement between the City of Fort Collins and Larimer County as that area identified for annexation and urbanization by the City of Fort Collins including the Urban Growth Area as it exists on March 5, 1985, together with any amendments or changes thereto.

"Misdemeanor" means a violation of this Charter or of any city ordinance so designated, and it ~~shall~~ **does** not have the meaning attached to it in the criminal statutes of the State of Colorado.

"Office" means an administrative, legislative, or judicial position in the service of the city.

"Officer" means a member of the City Council.

"Registered elector" or "elector" means a person residing in the city who has registered to vote in city elections in the manner required by law.

"Service area" means a major city administrative unit designated as a service area by the City Council by ordinance.

"Vote of the electors" means a favorable vote by a majority of the electors voting in an election.

ARTICLE 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~~ **will** 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~~ **will** be known as the transitional period. During the transitional period the former Charter of the City ~~shall~~ **will** 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~~ **will** be immediately operative. This Charter ~~shall~~ **will** be fully operative at the close of the transitional period.

Section 3. Retirement plans.

This Charter ~~shall~~ **will** 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~~ **do** 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~~ **will** 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~~ **will** be the lawful and binding obligations of the city in accordance with their import.

Section 5. Saving clause.

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

File Attachments for Item:

11. Second Reading of Ordinance No. 069, 2025, Appropriating Prior Year Reserves in the General Fund to Cover the Anticipated Costs of the 2025 Regular Municipal Election and to Fund Additional Campaign Oversight.

This Ordinance, unanimously adopted on First Reading on April 1, 2025, authorizes an additional appropriation to cover the anticipated costs of the election based on an estimate provided by Larimer County and will approve funding for campaign oversight based on a recommendation from the City's Election Code Committee.

April 15, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Delynn Coldiron, City Clerk
Cecilia Good, Senior Deputy City Clerk
Sara Arfmann, Assistant City Attorney II
Carrie Daggett, City Attorney

SUBJECT

Second Reading of Ordinance No. 069, 2025, Appropriating Prior Year Reserves in the General Fund to Cover the Anticipated Costs of the 2025 Regular Municipal Election and to Fund Additional Campaign Oversight.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on April 1, 2025, authorizes an additional appropriation to cover the anticipated costs of the election based on an estimate provided by Larimer County and will approve funding for campaign oversight based on a recommendation from the City's Election Code Committee.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

At the November 2022 General Election, voters approved a change to the timing of the City's regular election to November in odd-numbered years. The first regular election held in November was done in 2023.

State statute requires that the City enter into an Intergovernmental Agreement (IGA) with the County regarding the conduct of the coordinated election. In addition, the City must certify ballot content by the statutory deadline of September 5, 2025.

The City portion of the ballot will contain contests for the offices of Mayor, and Councilmembers in Districts 1, 3, and 5, in addition to various Charter amendments being considered this same date or before the statutory deadline. At least one TABOR item is expected, and staff is in conversation with local residents regarding potential ballot questions.

As this is a coordinated election with the County, the Secretary of State's Election Rules dictate the order that matters will appear on the ballot. Pursuant to state statute City issues and questions will appear after state and county measures on the ballot. The Secretary of State requires that City matters appear in the following order:

- (1) Referred measure to increase taxes;
- (2) Referred measures to retain excess revenues;
- (3) Referred measure to increase debt;
- (4) Other referred measures;
- (5) Initiatives to increase taxes;
- (6) Initiatives to retain excess revenue;
- (7) Initiatives to increase debt; and
- (8) Other citizen petitions.

Candidates will be placed on the ballot in alphabetical order under each particular race. All ballot measures in each category will appear in the order that they are certified to the ballot after the protest period has ended, or if a protest was filed after the protest has been completed.

Costs of the election remain difficult to project since this is the first year that ranked voting will be used for Fort Collins races and the City will solely bear the associated costs since no other jurisdictions involved in the coordinated election will be doing the same and sharing in the costs. Due to this uncertainty, during the Budgeting for Outcomes process it was decided that additional costs could be requested during the end of the year cleanup process once all costs were readily known. However, the City Manager is unable to legally execute an Intergovernmental Agreement (IGA) that is not fully funded, resulting in the expedited ask. The IGA is attached as Exhibit A to the Resolution. The amount requested (\$317K) is the highest amount estimated by the County which assumes no participation from the State or County (\$431K) and takes into account the amount previously appropriated (\$164K), less \$50K for election outreach related to ranked voting; (\$431K - \$114K). Staff will continue to work with the County to identify any State grants that might be available to help offset the cost. Should the cost of the election result in a lower amount than anticipated, all additional funds will roll back into the account from where they were taken and not utilized for any other reason.

The second appropriation ask is for \$40,500 to cover anticipated costs associated with additional election oversight as recommended by the Election Code Committee (ECC).

The appropriation request included in Ordinance No. 041, 2025 for the Ranked Choice Voting preparation, in the amount of \$67,978, is separate from this request and will be used for education and outreach for ranked choice voting.

During the January 2025 ECC meeting, staff presented on research done related to election oversight. Although there was some interest from the League of Women Voters and others to form an election oversight board with quasi-judicial powers, the ECC suggested that a good first step might be contracting with an outside impartial service provider for the purpose of providing campaign oversight. This service provider would work under the guidance of the City Clerk and City Attorney helping to perform proactive reviews of campaign finance reports and work with candidates and committee representatives to fix errors. This provider might also be instrumental in assisting with review of any election complaints that come in, related investigations, and to again work with candidates and committees to find resolution where possible. A proposed scope of duties is attached as Exhibit A to the Ordinance.

The proposed cost of \$40,500 primarily covers campaign finance report reviews. There will be 9 reports due per committee. If there are an estimated 12 candidates and 3 issue committees, there would be 135 reports to be reviewed. If that work took approximately 3 hours for each report, this would take 405 hours. A service provider that charges \$100/hour would receive \$40,500. Staff understands that there is variability in many items, including the number of committees, and the complexity of each report filed. Some reports may take an hour or less to review but others may take more. If there are additional monies available, more time might be available to assist with complaints and/or other election oversight items (checking for paid-for by statements on materials is an example of additional proactive oversight that could be provided).

The goal of this effort is to promote accountability, reduce the number of complaints received, and increase trust in the local election. Having an outside service provider helps eliminate any conflicts of interest with

City Clerk and City Attorney staff with potential and/or elected Council candidates.

If approved by Council, it is staff's intent to work through the appropriate City purchasing requirements and get a service provider identified and trained by May 1st so they are ready to review the first campaign reports that are due.

CITY FINANCIAL IMPACTS

This item requires additional appropriations of \$357,500 from the General Fund reserves. \$317,000 is needed to cover the remainder of the anticipated election costs and \$40,500 to cover the proposed election oversight services.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

These changes reflect the recommendations of the Election Code Committee.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 069, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES IN THE GENERAL
FUND TO COVER THE ANTICIPATED COSTS OF THE 2025
REGULAR MUNICIPAL ELECTION AND TO FUND ADDITIONAL
CAMPAIGN OVERSIGHT

A. At the November 2022 General Election, voters approved a change to the timing of the City's regular election to November in odd-numbered years and adopted the ranked voting method for regular city elections after January 1, 2025.

B. The County has provided the estimated cost for the upcoming coordinated November 2025 election with Larimer County, which will vary depending on whether the state and county also participate in the election. The City is the only jurisdiction using the ranked voting method in Larimer County, and this will also increase the City's costs as the City will solely be responsible for those costs.

C. Staff anticipates the election costs to be \$431,000, assuming the County and State of Colorado do not have ballot questions on the ballot for the 2025 election.

D. City Council previously appropriated \$164,000 for this election, \$50,000 of which has been allocated to election outreach related to the ranked voting method.

E. Staff has recommended that Council appropriate an additional \$317,000 to cover the remainder of the anticipated election costs.

F. During its January 2025 meeting, the Election Code Committee (ECC) received information related to election oversight options. The ECC recommended contracting with an outside, impartial service provider for the purpose of providing review and oversight of campaign filings and reports and other related services.

G. Staff has estimated the cost of the additional campaign oversight services to be \$40,500.

H. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of facilitating a coordinate election with the County and providing additional campaign oversight to promote fair campaign practices.

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

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

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that there is hereby appropriated from prior year reserves in the General Fund the sum of THREE HUNDRED FIFTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$357,500) to be expended in the General Fund for the anticipated costs and additional campaign oversight for the 2025 coordinated election as described in this Ordinance.

Introduced, considered favorably on first reading on April 1, 2025, and approved on second reading for final passage on April 15, 2025.

Mayor Pro Tem

ATTEST:

City Clerk

Effective Date: April 25, 2025

Approving Attorney: Sara Arfmann

File Attachments for Item:

12. First Reading of Ordinance No. 070, 2025, Modifying Ordinance No. 023, 2025 with Regard to Fund Identification for College Avenue-Trilby Road Capital Improvements.

The purpose of this item is to modify a previous appropriation to expense the Stormwater Utility's share of the capital project in the Storm Drainage Fund, as opposed to transferring stormwater funds to the Capital Project Fund as detailed in Ordinance No. 023, 2025.

April 15, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Monica Martinez, FP&A Sr. Manager, PDT
Joe Wimmer, Director, Utilities Finance

SUBJECT

First Reading of Ordinance No. 070, 2025, Modifying Ordinance No. 023, 2025 with Regard to Fund Identification for College Avenue-Trilby Road Capital Improvements.

EXECUTIVE SUMMARY

The purpose of this item is to modify a previous appropriation to expense the Stormwater Utility's share of the capital project in the Storm Drainage Fund, as opposed to transferring stormwater funds to the Capital Project Fund as detailed in Ordinance No. 023, 2025.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Ordinance No. 023, 2025, appropriated \$1,294,934 of Stormwater Fund reserves to be transferred to the Capital Projects Fund for expenditure on stormwater infrastructure as part of the College-Trilby Intersection Improvement Project.

Consistent with past and best practice, the Stormwater Utility improvements should be expended from the Stormwater Fund to account for capital assets owned and maintained by the enterprise. This modification of the appropriation will change the recognition of the asset's cost to the proper fund for financial purposes.

This Ordinance does not appropriate additional funds to the capital project.

CITY FINANCIAL IMPACTS

There are no financial impacts to the project through this appropriation modification.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration
2. Ordinance No. 23, 2025

ORDINANCE NO. 070, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MODIFYING ORDINANCE NO. 023, 2025, WITH REGARD
TO FUND IDENTIFICATION FOR COLLEGE AVENUE-
TRILBY ROAD CAPITAL IMPROVEMENTS

A. Ordinance No. 023, 2025, appropriated \$1,294,934 of Stormwater Fund reserves transferred to the Capital Projects Fund for expenditure on stormwater infrastructure as a part of the College Avenue-Trilby Road Intersection Improvements Project. This Ordinance modifies this previous appropriation to expense the Stormwater Utility's share of the capital project in the Storm Drainage Fund.

B. Consistent with past and best practice, Stormwater Utility improvements should be expended from the Stormwater Fund to account for capital assets owned and maintained by the enterprise. A modification of the appropriation will change the recognition of the asset's cost to the proper fund for financial purposes. This Ordinance does not appropriate additional funds to the capital project.

C. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of contributing to resolving urban flooding and stormwater quality issues in downtown Fort Collins.

D. Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

E. The City Manager has recommended the transfer of \$1,294,934 from the Capital Projects Fund to the Stormwater Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

F. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a capital project, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made but continue until the completion of the capital project.

G. The City Council wishes to designate the appropriation herein College and Trilby Intersection Improvement Project as an appropriation that shall not lapse until the completion of the project.

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

Section 1. The unexpended and unencumbered appropriated amount of ONE MILLION TWO HUNDRED NINETY-FOUR THOUSAND NINE HUNDRED THIRTY-FOUR DOLLARS (\$1,294,934) is authorized for transfer from the Capital Projects Fund to the Stormwater Fund and appropriated therein to be expended for College and Trilby Intersection Improvement Project.

Section 2. The appropriation herein for College and Trilby Intersection Improvement Project is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the completion of the project.

Introduced, considered favorably on first reading on April 15, 2025, and approved on second reading for final passage on May 6, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: May 16, 2025

Approving Attorney: Stefanie Boster

ORDINANCE NO. 023, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATION AND
APPROPRIATING PRIOR YEAR RESERVES AND AUTHORIZING
TRANSFERS FOR THE COLLEGE AVENUE–TRILBY ROAD
INTERSECTION IMPROVEMENTS PROJECT AND RELATED
ART IN PUBLIC PLACES

A. The Ordinance appropriates supplemental funding for the College Avenue–Trilby Road Intersection Improvements Project (the “Project”).

B. In 2020, the City’s Arterial Intersection Prioritization Study identified improvement of the intersection of Trilby Road and South College Avenue (also known as State Highway 287) as a high priority due to traffic safety and congestion issues, and due to a lack of active modes infrastructure. The Colorado Department of Transportation has also identified improvement of this intersection as a high priority to address serious injury crashes.

C. Engineering, Traffic Operations and FC Moves staff further identified safety and operational concerns with the current intersection, including high frequencies of approach turn crashes and rear-end crashes; a lack of bicycle and pedestrian accessibility and infrastructure; high volumes of motorists on the north-south legs of South College Avenue; and increasing volumes of traffic on the east-west approach legs of Trilby Road.

D. In 2020, design of the Project began, aimed at addressing the issues identified, reconstructing the intersection, improving safety for current and future traffic levels as growth continues in the region, and creating a safer intersection for all users. The new intersection will feature dual left turn lanes from South College Avenue to Trilby Road, right turn lanes for each direction of travel, and a widened Trilby Road approach to South College Avenue. Pedestrians and bicycles will benefit from shared use paths on South College Avenue (ten-foot wide detached) and Trilby Road (eight-foot wide attached). Transit users will benefit from new bus stops on the south side of the intersection on South College Avenue.

E. Funds that were appropriated to the Project before this action were used primarily for design, acquisition, and construction. Most recently, City Council adopted Ordinance No. 113, 2024, appropriating supplemental funding to cover right-of-way and easement acquisition costs over and above the estimated cost for that phase of the Project. Since that appropriation ordinance, right-of-way acquisition has been completed.

F. The Project team divided construction into packages based on the estimated acquisition dates for specific parcel locations. This allowed construction to begin in areas where acquisition was complete. Project earthwork and wall building on some parcels has been completed, and the remaining construction includes new

stormwater infrastructure, utility relocation, and installing new paving, sidewalks, signals, signing, striping, landscaping, irrigation, and urban design elements.

G. The Project team has undertaken value engineering efforts to help bring the remaining construction cost within the City's budget and has brought the estimated remaining construction cost to within approximately \$1.3 million of the City's available funding. Staff has identified traditional transportation capital project funding sources that can be used to cover the shortfall.

H. The Project includes significant water line replacement work for the Fort Collins-Loveland Water District and limited sewer work for the South Fort Collins Sanitation District. Including this work in the Project will minimize disruption to the traveling public. The City has entered into intergovernmental agreements with the districts and will be reimbursed for this work as it is constructed and accepted by district staff. This is a routine partnership practice on transportation capital projects.

I. The Project also includes significant new stormwater infrastructure. This includes normal surface water collection inlets and pipes associated with intersection improvement projects. It also includes significant stormwater outfall infrastructure that is not typically included in this type of transportation work. The cost of establishing adequate stormwater outfalls was seen as above and beyond the typical costs associated with transportation capital improvement projects, and Fort Collins Utilities has agreed and is prepared to contribute Stormwater Reserves funding to the Project to cover the construction costs associated with establishing these outfalls. This work will allow for future development and redevelopment in and around the intersection of South College Avenue and Trilby Road.

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

K. The City Manager has recommended the appropriation described herein and determined that the funds to be appropriated are available and previously unappropriated from the Storm Water Fund and Transportation Capital Expansion Fee fund, and that this appropriation will not cause the total amount appropriated in Stormwater fund and Transportation Capital Expansion Fee fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in these funds during this fiscal year.

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

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

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

N. Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

O. The City Manager has recommended the transfer of \$352,854 from the Transportation Services fund and \$1,294,934 from the Stormwater fund and \$293,212 from the Transportation Capital Expansion Fee fund and \$400,000 from the Community Capital Intersection Improvements budget in the Capital Projects fund and \$246,503 from the Suniga Improvements Project budget in the Capital Projects fund to the College Avenue–Trilby Road Intersection Improvements Project budget in the Capital Projects fund and determined that the purpose for which the transferred funds are to be expended remains unchanged the proposed transfer is from a capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

P. This Project involves construction estimated to cost more than \$250,000 and, as such, City Code Section 23-304 requires one percent of these appropriations to be transferred to the Cultural Services and Facilities fund for a contribution to the Art in Public Places (“APP”) program.

Q. The Project cost of \$3,078,900 has been used to calculate the contribution to the APP program.

R. The amount to be contributed by this Ordinance will be \$30,789.

S. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a capital project that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but shall continue until the completion of the capital project.

T. The City Council wishes to designate the appropriation herein for the Project as an appropriation that shall not lapse until the completion of the Project.

U. The appropriations in this Ordinance benefit public health, safety, and welfare of the residents of Fort Collins and the traveling public and serve the public purpose of improving multimodal transportation infrastructure, safety, and accessibility within the city.

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

Section 1. There is hereby appropriated from prior year reserves in the Stormwater fund the sum of ONE MILLION TWO HUNDRED NINETY-FOUR THOUSAND NINE HUNDRED THIRTY-FOUR DOLLARS (\$1,294,934) to be expended in the Stormwater fund for transfer to and expended therein the Capital Projects fund for the College Avenue–Trilby Road Intersection Improvements Project.

Section 2. There is hereby appropriated from new revenue or other funds in the Capital Projects Fund the sum of ONE MILLION ONE HUNDRED THIRTY-NINE THOUSAND EIGHT HUNDRED TWENTY-FOUR DOLLARS (\$1,139,824) to be expended in the Capital Projects fund for College Avenue–Trilby Road Intersection Improvements Project.

Section 3. There is hereby appropriated from new revenue or other funds in the Capital Projects Fund the sum of TWENTY-EIGHT THOUSAND EIGHT HUNDRED THIRTY-EIGHT DOLLARS (\$28,838) to be expended in the Capital Projects fund for College Avenue–Trilby Road Intersection Improvements Project.

Section 4. There is hereby appropriated from new revenue or other funds in the Transportation Services Fund the sum of THREE HUNDRED FIFTY-TWO THOUSAND EIGHT HUNDRED FIFTY-FOUR DOLLARS (\$352,854) to be expended in the Transportation Services fund for transfer to and expended therein the Capital Projects fund for the College Avenue–Trilby Road Intersection Improvements Project.

Section 5. The unexpended and unencumbered appropriated amount FOUR HUNDRED THOUSAND DOLLARS (\$400,000) is authorized for transfer from the Community Capital Improvement Program Arterial Intersection Improvements capital project account in the Capital Projects fund to the College Avenue–Trilby Road Intersection Improvements Project capital project account in the Capital Projects fund and appropriated therein to be expended for the College Avenue–Trilby Road Intersection Improvements Project.

Section 6. The unexpended and unencumbered appropriated amount TWO HUNDRED FORTY-SIX THOUSAND FIVE HUNDRED THREE DOLLARS (\$246,503) is authorized for transfer from the Suniga Improvements Projects capital project account in

the Capital Projects fund to the College Avenue–Trilby Road Intersection Improvements Project capital project account in the Capital Projects fund and appropriated therein to be expended for the College Avenue–Trilby Road Intersection Improvements Project.

Section 7. There is hereby appropriated from prior year reserves in the Transportation Capital Expansion Fee Fund the sum of TWO HUNDRED NINETY-THREE TWO HUNDRED TWELVE DOLLARS (\$293,212) to be expended in the Transportation Capital Expansion Fee fund for transfer to and expended therein the Capital Projects fund for the College Avenue–Trilby Road Intersection Improvements Project.

Section 8. The unexpended and unencumbered appropriated amount of TWENTY-FOUR THOUSAND FIFTEEN DOLLARS (\$24,015) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated and expended therein to fund art projects under the APP program.

Section 9. The unexpended and unencumbered appropriated amount of SIX THOUSAND ONE HUNDRED FIFTY-EIGHT DOLLARS (\$6,158) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated and expended therein for the operation costs of the APP program.

Section 10. The unexpended and unencumbered appropriated amount of SIX HUNDRED SIXTEEN DOLLARS (\$616) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated and expended therein for the maintenance costs of the APP program.

Section 11. The appropriations herein for the College Avenue–Trilby Road Intersection Improvements Project are hereby designated, as authorized in Article V, Section 11 of the City Charter, as appropriations that shall not lapse at the end of this fiscal year but shall continue until the completion of the Project.

Introduced, considered favorably on first reading on February 18, 2025, and approved on second reading for final passage on March 4, 2025.



Mayor

ATTEST:



City Clerk

Effective Date: March 14, 2025
Approving Attorney: Heather N. Jarvis



File Attachments for Item:

13. First Reading of Ordinance No. 071, 2025, Appropriating Prior Year Reserves in the General Fund for Cultural Development and Programming Activities, Tourism Programming, and Convention and Visitor Program Services.

The purpose of this item is to appropriate \$424,224, of which \$296,957 is proposed for Convention and Visitors Bureau, \$106,056 is proposed for Cultural Development and Programming Activities (Fort Fund), and \$21,211 is proposed for Tourism Programming (Fort Fund) all from unanticipated 2024 Lodging Tax revenue collections.

Lodging taxes are annually collected by the City for Cultural Development and Tourism programming activities. Anticipated revenue is projected through each Budgeting for Outcomes (BFO) cycle and then adjusted annually as needed based on final actual collections. For 2024, total Lodging tax revenues collected came in \$424,224 above projected collections.

April 15, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Amanda King, Communications/Public Involvement Director
Eileen May, Community Services Director
Chris Martinez, IES Financial Planning and Analysis Manager

SUBJECT

First Reading of Ordinance No. 071, 2025, Appropriating Prior Year Reserves in the General Fund for Cultural Development and Programming Activities, Tourism Programming, and Convention and Visitor Program Services.

EXECUTIVE SUMMARY

The purpose of this item is to appropriate \$424,224, of which \$296,957 is proposed for Convention and Visitors Bureau, \$106,056 is proposed for Cultural Development and Programming Activities (Fort Fund), and \$21,211 is proposed for Tourism Programming (Fort Fund) all from unanticipated 2024 Lodging Tax revenue collections.

Lodging taxes are annually collected by the City for Cultural Development and Tourism programming activities. Anticipated revenue is projected through each Budgeting for Outcomes (BFO) cycle and then adjusted annually as needed based on final actual collections. For 2024, total Lodging tax revenues collected came in \$424,224 above projected collections.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Section 25-244 of the City Code requires that 75% of the total lodging tax receipts be used for the promotion of convention and visitor activities in the City and 25% of receipts be used for cultural development and programming activities in the City. Actual revenue collected is appropriated based on this allocation formula and any excess revenue and budget savings are reserved for these activities in the General Fund.

Pursuant to a contract with the Fort Collins Convention and Visitors Bureau (FCCVB), the City has paid a portion of lodging tax receipts to the FCCVB since 2011 for delivery of convention and visitors programming services in furtherance of the Code requirement. The amount due for convention and visitors programming is appropriated based on prior year receipts and paid annually to FCCVB after the close of the prior tax year.

When actual lodging tax receipts exceed the anticipated amount appropriated for cultural development and programming activities, the City also appropriates additional funds and adjusts the amount allocated for

those activities in the year following the year in which the tax is collected. Appropriated lodging tax revenues remaining unspent at the end of the tax year lapse into the General Fund and may be appropriated the following year for the same purposes as they were originally appropriated.

The actual tax revenue collected during the 2024 tax year, as determined March 2025, was \$424,224 more than the Lodging tax revenue anticipated and appropriated for expenditure in 2025. Accordingly, upward adjustments to the 2025 appropriations under Section 25-244 of the Code are required. These appropriation adjustments are described below.

CITY FINANCIAL IMPACTS

2025 LODGING TAX CLARIFICATION

Section 25-44 of the City Code:

Lodging Tax

Unanticipated Lodging Tax

Total of Unanticipated Lodging Tax
Appropriations Available for 2025

75%		25%	
Promote Convention & Visitor Activities		Promote Cultural Development & Programming	
503200	503202	503201	
Convention & Visitors Bureau 70%	Fort Fund (Tourism Programming) 5%	Fort Fund (Cultural Development & Programming) 25%	Total
\$ 296,957	\$ 21,211	\$ 106,056	\$ 424,224
\$ 296,957	\$ 21,211	\$ 106,056	\$ 424,224

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration

ORDINANCE NO. 071, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES IN THE GENERAL
FUND FOR CULTURAL DEVELOPMENT AND PROGRAMMING
ACTIVITIES, TOURISM PROGRAMMING, AND CONVENTION
AND VISITOR PROGRAM SERVICES

A. Section 25-244 of the City Code requires Lodging Tax revenue to be allocated as follows: 75% for the promotion of convention and visitor activities and 25% for cultural development and programming activities.

B. Lodging Tax revenue was estimated at \$2,000,000 for 2024 and appropriated; however, actual Lodging Tax receipts were greater than projected.

C. At the end of 2024, a total of \$2,424,224 in Lodging Tax revenues had been collected and the unspent portions lapsed into the General Fund Reserves for Lodging Tax programs and activities.

D. Unanticipated Lodging Tax revenue in the amount of \$424,224 held in the General Fund Reserves is to be appropriated for each of the Lodging Tax programs and activities as follows:

Cultural Development and Programming	\$106,056
Tourism Programming	\$21,211
Fort Collins Convention and Visitors Bureau	\$296,957

E. These additional funds will help support a future Fort Fund grant process, subject to Council approval of those expenditures.

F. This appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves the public purpose of promoting visitor activity and cultural development and programming activities.

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

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

I. The City wishes to appropriate funds allocated for Cultural Development and Programming and Tourism Programming.

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

Section 1. There is hereby appropriated from prior year reserves in the General Fund the sum of ONE HUNDRED SIX THOUSAND FIFTY-SIX DOLLARS (\$106,056) to be expended in the General Fund for Cultural Development and Programming activities.

Section 2. There is hereby appropriated from prior year reserves in the General Fund the sum of TWENTY-ONE THOUSAND TWO HUNDRED ELEVEN DOLLARS (\$21,211) to be expended in the General Fund for Tourism Programming.

Section 3. There is hereby appropriated from prior year reserves in the General Fund the sum of TWO HUNDRED NINETY-SIX THOUSAND NINE HUNDRED FIFTY-SEVEN DOLLARS (\$296,957) to be expended in the General Fund for the Convention and Visitors Bureau.

Introduced, considered favorably on first reading on the April 15, 2025, and approved on second reading for final passage on the May 6, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: May 16, 2025
 Approving Attorney: Ted Hewitt

File Attachments for Item:

14. First Reading of Ordinance No. 072, 2025, Appropriating Prior Year Reserves in the Natural Areas Fund and the Sales and Use Tax Fund for the purpose of Land Conservation, Visitor Amenities, Restoration and Other Related Natural Areas Stewardship Activities not included in the 2025 Adopted City Budget.

The purpose of this item is to appropriate \$6,066,078 in prior year reserves in the Natural Areas Fund and \$112,957 in prior year reserves in the Sales and Use Tax fund to be transferred to the Natural Areas Fund. These appropriations are for land conservation, visitor amenities and restoration of wildlife habitat, as well as other Natural Areas Department stewardship activities to benefit the residents of Fort Collins.

April 15, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Katie Donahue, Director, Natural Areas Department
Barb Brock, Financial Analyst II, Natural Areas Department

SUBJECT

First Reading of Ordinance No. 072, 2025, Appropriating Prior Year Reserves in the Natural Areas Fund and the Sales and Use Tax Fund for the purpose of Land Conservation, Visitor Amenities, Restoration and Other Related Natural Areas Stewardship Activities not included in the 2025 Adopted City Budget.

EXECUTIVE SUMMARY

The purpose of this item is to appropriate \$6,066,078 in prior year reserves in the Natural Areas Fund and \$112,957 in prior year reserves in the Sales and Use Tax fund to be transferred to the Natural Areas Fund. These appropriations are for land conservation, visitor amenities and restoration of wildlife habitat, as well as other Natural Areas Department stewardship activities to benefit the residents of Fort Collins.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Funding for the Natural Areas Department (NAD) for purposes other than capital projects lapses each year if not spent. Unspent prior year funds and unanticipated revenues need to be appropriated into the following year's budget before they can be used. The purpose of this item is to appropriate \$6,066,078 in unspent funds and unanticipated revenues in the Natural Areas Fund to fund land conservation, restoration of wildlife habitat, trails and visitor amenities, special projects and other NAD needs to benefit the residents of Fort Collins.

In addition, the sales and use tax revenue received in 2024 was higher than projected and existing appropriations were not adequate to make the full transfer from the Sales and Use Tax Fund to the Natural Areas Fund for the one quarter cent Natural Areas tax in the amount of \$112,957.

Of the total appropriation, \$5,100,000 will be used for land conservation. Staff anticipates up to \$8,000,000 in conservation opportunities could move forward in 2025, and an additional \$20,000,000 in properties identified as high priorities for conservation. With several land conservation opportunities in negotiation or under contract there is a reasonable likelihood that most of the \$5,100,000 in reappropriation plus the \$4,300,000 allocated through the Budgeting For Outcomes process will be spent in 2025.

The funds for NAD come from the following designated sources of revenue: the City - Open Space Yes: 74 Cent sales tax; the Larimer County - Help Preserve Open Space ¼ cent sales tax; and miscellaneous anticipated and unanticipated revenues. All these funds are restricted to the purposes of the NAD, including unanticipated revenues, which consist generally of income from sales tax revenues, sale of easements and leases, and grants. The prior year reserve funds being appropriated in this Ordinance are more specifically described as:

\$5,736,035	Unspent 2024 Budgeted Funds – appropriated for same purpose.
\$ 330,043	Unanticipated Revenues & Unspent Funds – appropriated for new purposes.
<u>\$ 112,957</u>	Transfer from Sales and Use Tax Fund
\$6,179,035	Total Appropriation from 2024 Prior Year Reserves

The anticipated use of these funds is as follows:

- **Land Conservation (LC)** - \$5,100,000, in unspent land conservation funds for land conservation efforts per the Natural Areas Master Plan.
- **Ecological Stewardship (ES)** - \$439,636: \$39,636 to carryover the unspent donation from the West Vine Neighborhood for the restoration of Kestrel Fields, \$50,000 to carryover for deconstruction of structures on recent acquisitions, \$350,000 for grassland health initiatives including monitoring, wildlife management, and habitat improvement related infrastructure development needs.
- **Planning and Special Projects (PSP)** - \$136,399: \$50,000 in carryover for the Strategic Framework wrap up. \$80,000 for Arapaho Bend restoration planning, \$6,399 in undistributed Enhancement Grant funds from 2024 will be distributed as part of support for Nature in the City community-led habitat projects.
- **Trails and Visitor Amenities (TVA)** - \$240,000: \$60,000 for new cameras and 3 years of data at key natural areas for use in parking lot management and crime abatement, \$170,000 for replacement of the 2009 small dump truck and the 2003 skid steer and \$10,000 for a trailer to haul existing heavy equipment.
- **Facility Operations (FO)** - \$63,000: An addition of a 2025 F-150 Lightning (EV) for use in the Natural Areas fleet, to increase the department's 4-wheel drive capacity in response to overall growth in staffing and pool vehicle utilization.
- **Department Management (DM)**- \$200,000: Asset Management Software, we are working with other departments across Community Services and the City to get a new asset management software to track lifecycle and plan for capital replacement of key assets.

CITY FINANCIAL IMPACTS

The Appropriation Ordinance increases 2025 appropriations in the City's Natural Areas Fund by \$6,179,035. The requested total appropriation of \$6,179,035 in the Natural Areas Fund represents 2024 appropriations that were unspent and unencumbered at year-end in addition to 2024 unanticipated revenues and new appropriations from the Natural Areas Fund Balance. This ordinance also increases the total appropriations in the Sales and Use Tax Fund by \$112,957 to be transferred to the Natural Areas Fund. All these funds are restricted to the purposes of the Natural Areas Department.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Land Conservation and Stewardship Board (LCSB) met on March 12, 2025. Member Sears made a motion that the LCSB recommends approval of the proposed 2025 appropriation of prior year Natural Areas reserves. Member Gooden seconded the motion, the motion was approved unanimously.

PUBLIC OUTREACH

Natural Areas Funds will be spent in alignment with the Natural Areas Master Plan, which was extensively reviewed by the public prior to its adoption in October 2014.

ATTACHMENTS

1. Ordinance for Consideration
2. Land Conservation and Stewardship Board Minutes, March 12, 2025

ORDINANCE NO. 072, 2025
 OF THE COUNCIL OF THE CITY OF FORT COLLINS
 APPROPRIATING PRIOR YEAR RESERVES IN THE NATURAL
 AREAS FUND AND THE SALES AND USE TAX FUND FOR THE
 PURPOSE OF LAND CONSERVATION, VISITOR AMENITIES,
 RESTORATION AND OTHER RELATED NATURAL AREAS
 STEWARDSHIP ACTIVITIES NOT INCLUDED IN THE 2025
 ADOPTED CITY BUDGET

A. The City is committed to preserving natural areas and providing educational, interpretive and appropriate recreational opportunities to the public.

B. Natural Areas programming implements open land conservation priorities identified in the City's Comprehensive Plan by purchasing conservation easement interests in key natural areas, community separators, or other open lands; providing stewardship for lands purchased; public engagement and educational programs; and developing trails and interpretive features and other amenities for public use.

C. The Natural Areas Department is funded primarily through the collection of City Open Space – Yes! sales and use tax revenue, as well as revenues from the Larimer County Help Preserve Open Space sales and use tax, investment earnings, and other miscellaneous revenues deposited in the Natural Areas Fund.

D. This appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves the public purpose to conserve land, restore and enhance wildlife habitat, improve visitor infrastructure, support community-led habitat projects, and advance ecological monitoring and stewardship in a manner that serves current and future generations of Fort Collins residents.

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

F. Article V, Section 11 of the City Charter requires all appropriations unexpended or unencumbered at the end of the fiscal year lapse to the applicable general or special revenue fund, except appropriations for capital projects and federal or state grants do not lapse until completion of the capital project or expiration of the respective grant.

G. The City Manager has recommended the appropriations described herein and determined that these appropriations are available and previously unappropriated from the Natural Areas Fund and the Sales and Use Tax Fund, as applicable, and that these appropriations will not cause the total amount appropriated in the Natural Areas Fund and the Sales and Use Tax Fund, as applicable, to exceed the current estimate of

actual and anticipated revenues and all other funds to be received in these funds during this fiscal year.

H. The City Manager has recommended the appropriation from prior year reserves in the Natural Areas Fund of a total of \$6,179,035, comprised of unspent and unencumbered appropriations from 2024 to be used for acquisition, construction, enhancement and maintenance of trail systems, wildlife habitat and other natural areas to benefit the residents of the City.

I. Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

J. The City Manager has recommended the transfer of \$112,957 from the Sales and Use Tax Fund to the Natural Areas Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

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

Section 1. There is hereby appropriated from prior year reserves in the Natural Areas Fund the sum of SIX MILLION SIXTY-SIX THOUSAND SEVENTY-EIGHT DOLLARS (\$6,066,078) to be expended in the Natural Areas Fund for acquisition, construction, enhancement and maintenance of trail systems, wildlife habitat and other natural areas to benefit the residents of the City.

Section 2. There is hereby appropriated from prior year reserves in the Sales and Use Tax Fund for transfer to the Natural Areas Fund the sum of ONE HUNDRED TWELVE THOUSAND NINE HUNDRED FIFTY-SEVEN DOLLARS (\$112,957) and appropriated therein to be expended in the Natural Areas Fund for acquisition, construction, enhancement and maintenance of trail systems, wildlife habitat and other natural areas to benefit the residents of the City.

Introduced, considered favorably on first reading on April 15, 2025, and approved on second reading for final passage on May 6, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: May 16, 2025
Approving Attorney: April Silva

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Land Conservation & Stewardship Board

March 12, 2025

Regular Meeting – Excerpt

Members:

Ross Cuniff, Chair

Scott Mason, Vice Chair

Denise Culver, Member

Andrea Elson, Member

Jennifer Gooden, Member

Holger Kley, Member

Elena Lopez, Member

River Mizell, Member

Mark Sears, Member

1. CALL TO ORDER: Meeting was called to order at 5:30 pm.

2. ROLL CALL:

LCSB: Scott Mason, Elena Lopez, Mark Sears, Andrea Elson, Jennifer Gooden, Ross Cuniff, Holger Kley, Denise Culver

Excused: River Mizell

City Staff: Dave Kemp, Jill Wuertz

NAD Staff: Katie Donahue, Rachel Steeves, Barb Brock, Matt Parker, Elaine Calaba, Emily Shingler, Mary Boyts

Guests: Councilmember Ohlson

Excerpt related to this Council Meeting Agenda Item: Natural Areas Department Annual Appropriation of Prior Year Reserves

7. ACTION ITEMS

Annual Reappropriation

Katie Donahue, Natural Areas Director, reviewed the 2025 appropriation of \$6,179,035 in unspent funds and unanticipated revenue in the Natural Areas Fund to fund land conservation, restoration of wildlife habitat, trails and visitor amenities, special projects and other NAD needs to benefit the residents of Fort Collins. Katie led the board through a brief description of the anticipated use of the funds.

Discussion

A brief discussion followed the presentation about reappropriations:

Q: What is included in the category “land conservation” for the reappropriation proposal?

A: The cost of purchasing land, as well as the administrative costs around those transactions, such as appraisals, closing costs, etc.

Q: Is the cost of necessary vehicles factored into the cost estimates for staffing?

A: Yes. Some employees have assigned vehicles, while others share vehicles. Those shared/pool vehicles are added only as the utilization of current vehicles exceeds the available pool. A selection of vehicles with different capabilities are available for different

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Land Conservation & Stewardship Board

Regular Meeting

needs, such as off-road driving or long-distance trips.

Q: How do you account for vehicle maintenance costs?

A: Each vehicle has an estimate for maintenance provided by the City's fleet management team and vehicles are primarily serviced by them. Trying to standardize vehicles (like the Ford F-150 Lightnings) helps make support from fleet more efficient because they have experience working a known set of vehicles.

Member Sears made a motion that The Land Conservation and Stewardship Board recommends that City Council approve the proposed 2025 appropriation of prior year Natural Areas reserves. Member Gooden seconded the motion, the motion was unanimously approved 8-0.

File Attachments for Item:

15. First Reading of Ordinance No. 073, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Oak Street Stormwater Project and Related Art in Public Places.

The Oak Street Stormwater Project is currently under construction and progressing as planned. Staff has identified the need for an additional \$1,515,000 appropriation from the Stormwater Utility Reserve Fund to supplement the existing appropriated budget, including \$15,000 for Art in Public Places. The additional appropriation will fund remaining project support services as well as a minor contingency for unanticipated costs to complete the project.

An Art in Public Places contribution, per Code, has been added to the total project supplemental appropriation amount.

April 15, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Matt Fater, Director, Civil Engineering
Heather McDowell, Special Projects Manager
Joe Wimmer, Director, Utilities Finance

SUBJECT

First Reading of Ordinance No. 073, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Oak Street Stormwater Project and Related Art in Public Places.

EXECUTIVE SUMMARY

The Oak Street Stormwater Project is currently under construction and progressing as planned. Staff has identified the need for an additional \$1,515,000 appropriation from the Stormwater Utility Reserve Fund to supplement the existing appropriated budget, including \$15,000 for Art in Public Places. The additional appropriation will fund remaining project support services as well as a minor contingency for unanticipated costs to complete the project.

An Art in Public Places contribution, per Code, has been added to the total project supplemental appropriation amount.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The Oak Street Stormwater Improvement Project is a priority stormwater project for the City because it will contribute to resolving urban flooding and stormwater quality issues in downtown Fort Collins. The project will provide stormwater infrastructure including a combination of grey and green infrastructure to reduce flooding impacts along the Oak Street corridor and adjacent blocks. Large diameter storm pipes ranging in size from 48" to 78" will extend from the previously constructed Oak Street Outfall, starting at Mason Street and extending to Jackson Street near City Park. There will be approximately 8,500 linear feet of new stormwater mains along Oak Street and cross streets that extend north to Mountain Avenue and/or south to Olive Street. Green infrastructure includes water quality ponds, or "rain gardens" in three locations along the Oak Street corridor to filter street runoff. Additional information on the project and associated public outreach can be found here: [Oak Street Stormwater Improvements Project](#).

The project started construction in July of 2024 with an anticipated completion of August 2026. To date, approximately 40% of the work is completed which includes 772 linear feet of tunnelling and 2,050 linear feet of mainline storm sewer.

To date, the total appropriated budget, , for this project is \$42,882,815. Previous city annual budgets appropriated \$2,920,000 and there was an off-cycle appropriation in 2023 for \$39,962,815. The off-cycle appropriation was for the municipal bond proceeds issued by the Stormwater Utility enterprise in the Fall of 2023. The total project budget includes engineering, project and construction management, permitting, and construction services with construction contract accounting for the most significant portion. In addition to these elements of the project budget, typically a contingency of 5-10% would be included in the final budget. However, this level of contingency was not included in the 2023 appropriation due to the timing of the bidding and bonding processes. Instead, the project started construction with a contingency of less than 1%.

The construction contract portion of the project has been progressing as planned with minimal unanticipated expenses. However, the project expenses related to professional services, project management, and other support services have exceeded original estimates. These are future expenses for the project as the project moves into the second year of construction. There are also some minor potential expenses associated with pending issues related to construction such as concrete and asphalt replacement and utility relocations that will likely be realized before the end of the project. In addition to these known and pending expenses, a minor contingency (1.5%) is requested to cover unanticipated expenses for the remaining portion of the project. The Budget Summary (below) summarizes the existing appropriations and anticipated expenses as well as the requested appropriation to complete the project.

Staff requests a \$1,515,000 supplemental appropriation from Stormwater Fund reserves based on the budget analysis summarized in the Budget Summary, with \$1.5M for the capital project and \$15,000 for Art in Public Places, per code. This level of contingency is relatively small for a project of this magnitude. A typical construction contingency would be 5-10%. However, staff believes this is sufficient to complete the project based on the progress to date and a risk assessment of the remaining work.

Budget Summary

	Appropriations	Encum. & Expend.	Balance
Current Appropriation Status	\$ 42,882,815	\$ 41,548,387	\$ 1,317,666
Future Expenses (Known)		\$ 2,132,077	\$ (814,411)
Pending Issues (Potential)		\$ 119,994	\$ (934,404)
Appropriation Request w/ 1.5% Contingency	\$ 1,500,000		\$ 565,596
Total Project Appropriation	\$ 44,382,815		

CITY FINANCIAL IMPACTS

This ordinance will appropriate \$1,500,000 for Stormwater Fund non-lapsing expenses, plus \$15,000 for Art in Public Places, for a total appropriation of \$1,515,000. Storm Drainage Fund reserves are available for this capital project appropriation and are projected to end the year above the City's fund reserve target.

Art in Public Places: Stormwater has a total cap for an Art in Public Places contribution of \$100,350 based off 0.5% of total budgeted revenue for 2025. \$24,000 was appropriated during 2025-2026 Budgeting for Outcomes (BFO) process. This project will allocate an additional \$15,000 for fiscal year 2025. The contribution will be as follows: \$11,700 will remain in the Stormwater fund for Art in Public Places artwork

and \$3,300 will be transferred to the Cultural Services and Facilities fund for operations and maintenance respectively.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Council Finance Committee supported the additional appropriation at the March 6, 2025, meeting.

Also, the Water Commission unanimously recommended approval of the appropriation at the March 20, 2025, meeting.

PUBLIC OUTREACH

The public outreach for the project has been extensive including a bi-weekly newsletter and website updates.

ATTACHMENTS

1. Ordinance for Consideration
2. Water Commission Minutes, March 20, 2025
3. Presentation

ORDINANCE NO. 073, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES AND AUTHORIZING
TRANSFERS OF APPROPRIATIONS FOR THE OAK STREET STORMWATER
PROJECT AND RELATED ART IN PUBLIC PLACES

A. The City owns and operates a Stormwater Utility for the purposes set forth in City Code Section 26-492, including for economic, social, and environmental benefits identified in that section.

B. The Stormwater Utility is constructing the Oak Street Stormwater Project to contribute to the resolution of urban flooding and stormwater quality issues in downtown Fort Collins. The project started construction in July of 2024 with an anticipated completion of August 2026.

C. The total appropriated budget, to date, for this project is \$42,882,815. \$2,920,000 was previously appropriated, and there was an off-cycle appropriation in 2023 for \$39,962,815. These previous appropriations did not include any contingencies. Stormwater Utility have identified a need to appropriate an additional \$1,500,000 to complete the project, which includes a 1.5% contingency.

D. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purposes of contributing to resolving urban flooding and stormwater quality issues in downtown Fort Collins.

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

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

G. Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

H. The City Manager has recommended the transfer of \$3,300 from the Stormwater Fund to the Cultural Services and Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

I. This Project involves construction estimated to cost more than \$250,000 and, as such, City Code Section 23-304 requires one percent of these appropriations to be transferred to the Cultural Services and Facilities Fund for a contribution to the Art in Public Places program ("APP Program").

J. The total project cost of \$1,500,000 has been used to calculate the contribution to the APP program.

K. The amount to be contributed in this Ordinance will be \$15,000. The contribution will be: \$11,700 will remain in the Stormwater fund for APP and \$3,300 will be transferred to the Cultural Services and Facilities fund for operations and maintenance.

L. Contributions to the APP Program by each City utility for art projects is kept and spent in such utility's own fund, the utility contributes its share of the APP Program's costs for maintenance, administration, repair and display to the Cultural Services and Facilities Fund as provide in City Code Section 23-303(c).

M. In accordance with Article V, Section 10 of the City Charter, the appropriation for the Project from the Stormwater Fund and the transfer of a portion of those unexpended and unencumbered appropriated funds to the APP Program as provided in City Code Section 23-304(c) will be used for Stormwater purposes and improvements in connection with the Project that provide a betterment to the Utility provide a specific utility purpose that is beneficial to the Utility's ratepayers.

N. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a capital project, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made but continue until the completion of the capital project.

O. The City Council wishes to designate the appropriation herein for Oak Street Stormwater Project as an appropriation that shall not lapse until the completion of the project.

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

Section 1. There is hereby appropriated from prior year reserves in the Stormwater Fund the sum of ONE MILLION FIVE HUNDRED FIFTEEN THOUSAND DOLLARS (\$1,515,000) for the Oak Street Stormwater Project and appropriated as follows:

• Oak Street Stormwater Project	\$1,500,000
• Art in Public Places (Artwork)	\$11,700
• Art in Public Places (transfer to Cultural Services Fund for APP Operations)	\$3,000
• Art in Public Places (transfer to Cultural Services Fund for APP Maintenance)	\$300
TOTAL	\$1,515,000

Section 2. The unexpended and unencumbered appropriated amount of THREE THOUSAND DOLLARS (\$3,000) in the Stormwater Fund is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the operation costs of the APP Program.

Section 3. The unexpended and unencumbered appropriated amount of THREE HUNDRED DOLLARS (\$300) in the Stormwater Fund is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the maintenance costs of the APP Program.

Section 4. The appropriation herein for Oak Street Stormwater Project is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the completion of the project.

Introduced, considered favorably on first reading on April 15, 2025, and approved on second reading for final passage on May 6, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: May 16, 2025

Approving Attorney: Eric Potyondy

Water Commission REGULAR MEETING

DRAFT UNAPPROVED MINUTES EXCERPT

March 20, 2025 – 5:30 PM

222 Laporte Ave., 1st Floor, Colorado River Room

The Water Commission advises the City Council regarding water, wastewater and stormwater policy issues such as water rights, planning, acquisition and management, conservation and public education, floodplain regulations, storm drainage and development design criteria. Read more:

<https://www.fcgov.com/cityclerk/boards/water>

1. CALL TO ORDER

- a. 5:30 PM

2. ROLL CALL

- a. *Commissioners Present (in person):* Chairperson Jordan Radin, Vice Chair Tyler Eldridge, Commissioners Kahn, Martin, Bishop
- b. *Commissioners Absent:* Commissioners Herman, Ng, Primsky, Steed
- c. *Staff Members Present (in person):* Jill Oropeza, Katherine Martinez, Matt Fater, Honora Thompson, Alice Conovitz, Joe Wimmer. *Online:* Randy Reuscher, Wes Lamarque
- d. *Guests (in person):* Carson Madryga. *Online:* Neil Princic

8. New BUSINESS

a. REGULAR ITEMS

i. Oak Street Stormwater Project: Additional Appropriation

Director of Civil Engineering Matt Fater provided an overview of the project, currently under construction since July 2024 and progressing as planned.

Staff has identified need for an additional \$1.5 million appropriation from Stormwater reserve funds for remaining project support services (such as added soil and backfill needs, added concrete and asphalt replacements, Art in Public Places, and Utility tie-in and inspections) as well as a minor contingency for unanticipated costs to complete the project; completion is scheduled for June 2026. Total appropriated budget to date is \$42.8 million.

To date, about 35% of the work has been completed, including 772 linear feet (LF) of tunneling and 1,555 LF of mainline storm sewer.

Staff requested a recommendation for approval from Water Commission for the April 15 City Council meeting.

[The Oak Street Stormwater Improvements Project](#) is a priority stormwater project for the City because it will significantly contribute to resolving the urban flooding and stormwater quality issues in downtown Fort Collins. The project includes street enhancements such as a rain garden installation in progress at Oak and Howes streets.

Total project appropriations is \$44,382,815. Appropriations request, balance provides 1.6% contingency: \$1.5 million. Mr. Fater complimented the great work of Special Projects Manager Heather McDowell, the project team, and contractors.

Discussion Highlights: Commissioners commented on and inquired about various related topics including the 1.6% contingency; impacts on insurance rates for residents and businesses upon project completion (Mr. Fater responded downtown floodplain is not a federally recognized floodplain but the City maintains a good rating -- one of the highest in the U.S. -- with the national flood insurance program.)

Vice Chair Eldridge moved for Water Commission to recommend approval to City Council for a supplemental appropriation of \$1,500,000 from Stormwater reserves to complete the Oak Street Stormwater Project.

Commissioner Bishop seconded the motion.

Vote on the motion: **it passed unanimously, 5-0**

Minutes will be approved by the Chair and a vote of the Water Commission on 04/17/2025.

Oak Street Stormwater Project

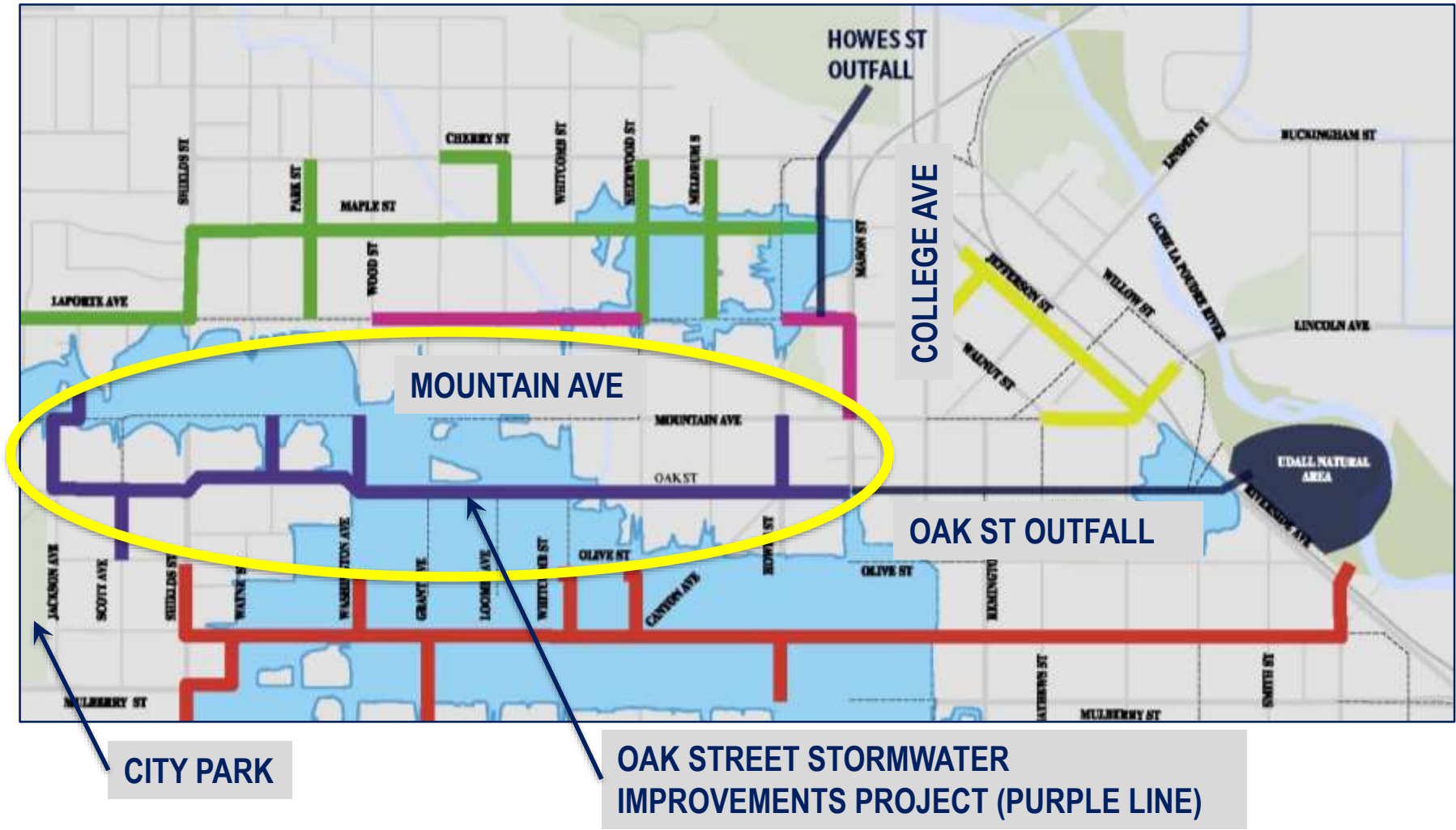
Matt Fater

Director, Civil Engineering

Heather McDowell

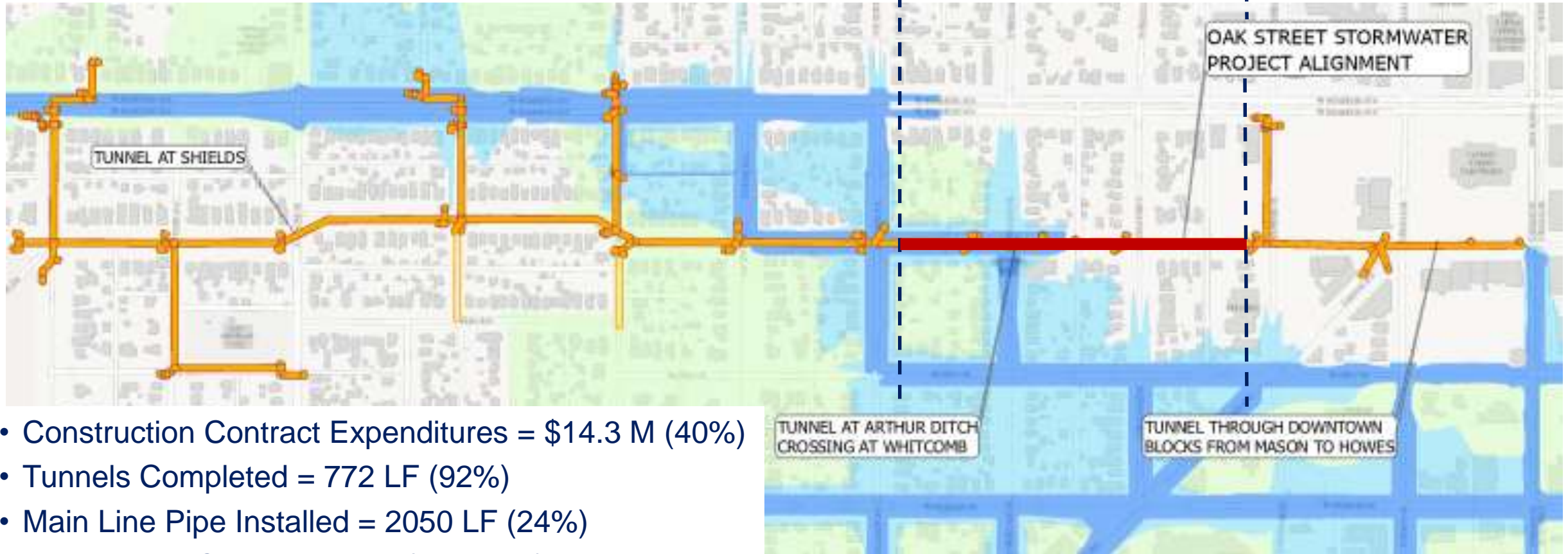
Special Projects Manager





The **Oak Street Stormwater Improvements Project** has been identified as a top priority stormwater project for the City because it will significantly contribute to resolving the urban flooding issues for downtown Fort Collins neighborhoods and businesses.

Progress to Date



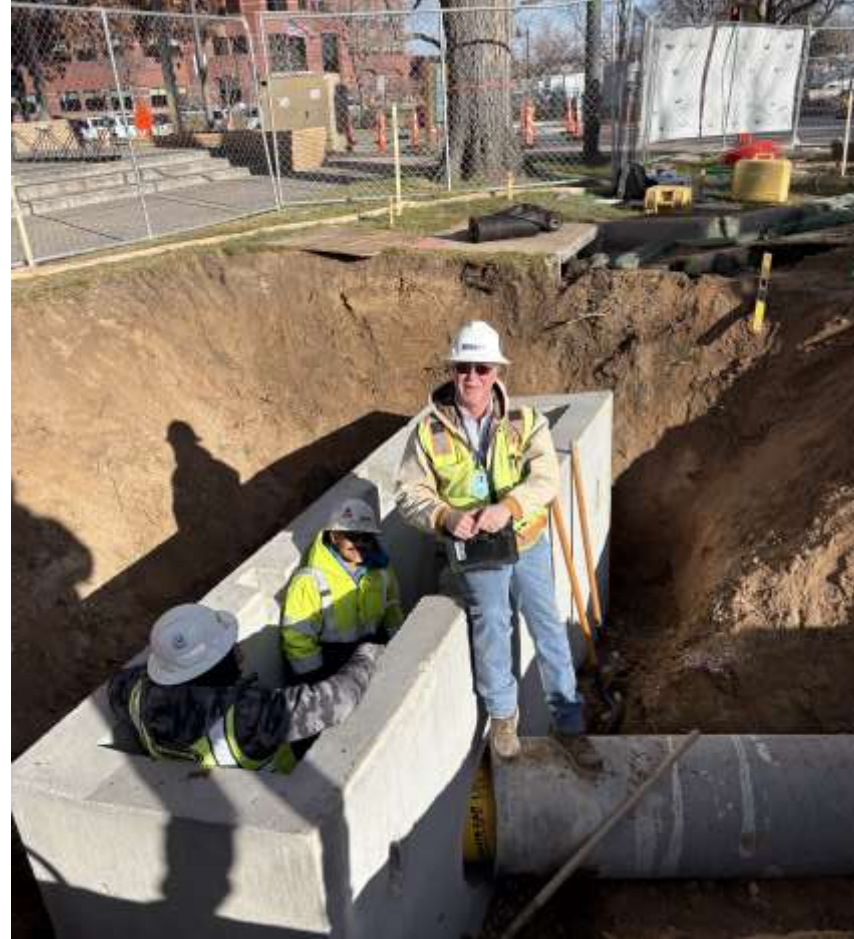
- Construction Contract Expenditures = \$14.3 M (40%)
- Tunnels Completed = 772 LF (92%)
- Main Line Pipe Installed = 2050 LF (24%)
- Blocks Fully Completed = 3 (out of 15)

Work to Date



Tunneling Activities July through November





“Open Cut” Pipe and Inlet Installations



Pipe Inspections



Street Enhancements



Rain Garden at Oak & Howes
Installation in Progress

Additional Funding Request

	Appropriations	Expenditures	Balance
Appropriations Status (as of 3/31/25)	\$ 42,882,815	\$ 41,565,149	\$ 1,317,666
Future Expenses (Known)		\$ 2,132,077	\$ (814,411)
Pending Issues (Foreseeable)		\$ 119,994	\$ (934,404)
Appropriations Request, Balance Provides ~1.5% Contingency	\$ 1,500,000		\$ 565,596
Total Project Appropriations	\$ 44,382,815		

Future Expenses: known future encumbrances

- Professional Services for Phase 2 (RE, CM)
- PM Time
- City Department Support from Real Estate, Forestry, Streets, Parking, Light & Power, Customer Connections

Pending Issues: potential future encumbrances

- Added soil and backfill needs
- Added concrete and asphalt replacements
- Art in Public Places
- Utility tie-ins and Inspections

Contingency: For the unknowns that may happen on a project

- Typical contingency assigned to this type of project is 5-10%.
- Estimated contingency needed for this project is low relative to other projects because many high-risk items have already been built



Thank you!



Item 15.

fcgov.com/utilities/oak-street-stormwater-improvements-project